



Notice of a public meeting of

Planning Committee B

- To:** Councillors B Burton (Chair), Hollyer (Vice-Chair), Baxter, Clarke, Fenton, Melly, Orrell, Vassie and Warters
- Date:** Wednesday, 15 November 2023
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

- 1. Declarations of Interest** (Pages 1 - 2)
At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see the attached sheet for further guidance for Members.]
- 2. Minutes** (Pages 3 - 6)
To approve and sign the minutes of the last Planning Committee B meeting held on 10 October 2023.
- 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 are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is **5:00pm on Monday, 13 November 2023.**

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

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

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Plans List

This item invites Members to determine the following planning applications:

**a) St Georges Field Car Park, Tower Street, York (Pages 7 - 40)
[22/02613/FUL]**

Flood mitigation measures within St Georges Field Car Park and Tower Street to include a new flood defence wall from car park to tie into abutment wall of Skeldergate Bridge, the strengthening of the abutment walls of the bridge, the raising and strengthening of existing walls attached to the pumping station, the raising of the access ramp into the car park and the installation of support post to bridge masonry wall to enable deployment of temporary flood barrier across Tower Street. [Fishergate Ward]

- b) St Georges Field Car Park, Tower Street, York** (Pages 41 - 50)
[22/02491/LBC]
Flood mitigation measures within St Georges Field Car Park and Tower Street to include a new flood defence wall from car park to tie into abutment wall of Skeldergate Bridge, the strengthening of the abutment walls of the bridge and the attachment of support post to bridge masonry wall. [Fishergate Ward]
- c) St Pauls Nursery School, 12 St Pauls Square,** (Pages 51 - 80)
York, YO24 4BD [23/01114/GRG3]
Erection of annex following demolition of existing building, access alterations to front and internal alterations to nursery building. [Holgate Ward]
- d) St Pauls Nursery School, 12 St Pauls Square,** (Pages 81 - 92)
York, YO24 4BD [23/01129/LBC]
Internal and external alterations including erection of annex following demolition of existing building, access alterations to front and internal alterations to nursery building. [Holgate Ward]
- e) 69 Kirkcroft, Wigginton, York, YO32 2GH** (Pages 93 - 106)
[23/01501/FUL]
Conversion of double garage to habitable space, garage to side elevation and gate to front (resubmission). [Haxby and Wigginton Ward]
- f) 47 Heslington Lane, York, YO10 4HN** (Pages 107 - 144)
[22/02108/FUL]
Erection of two storey detached dwelling after demolition of existing bungalow and outbuildings. [Fulford and Heslington Ward]
- g) OS Field 0040 Stamford Bridge Road** (Pages 145 - 160)
Dunnington York [22/01683/FUL]
Erection of a general purpose agricultural building. [Osbalwick and Derwent Ward]
- 5. Urgent Business**
Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:
Jane Meller

Contact details:

- Telephone: (01904) 555209
- Email: jane.meller@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
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- For receiving reports in other formats

Contact details are set out above.

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我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Committee Minutes

Meeting	Planning Committee B
Date	10 October 2023
Present	Councillors B Burton (Chair), Clarke, Fenton, Melly, Orrell, Vassie, Warters, Steels-Walshaw (Substitute for Cllr Baxter) and Cuthbertson (Substitute for Cllr Hollyer)
Apologies	Councillors Baxter and Hollyer
Officers Present	Gareth Arnold, Development Manager Erik Matthews, Development Management Officer Sandra Branigan, Senior Solicitor

31. Declarations of Interest (4.33 pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registrable interests that they might have in the business on the agenda, if they had not already done so in advance on the Register of Interests.

The Chair noted, in relation to item 4b (36 Dane Avenue, York) that he had previously worked for the council development team.

32. Minutes (4.34 pm)

Resolved: That the minutes of the last meeting held on 13 September 2023 were approved and then signed as a correct record.

33. Public Participation (4.34 pm)

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

34. Plans List (4.35 pm)

Members considered a schedule of reports of the Development Manager, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

**35. 100 Main Street, Fulford, York, YO10 4PS [23/01234/FUL]
(4.35 pm)**

The Development Manager recommended that Item 4a be deferred so that officers could obtain an updated bat survey.

Members voted unanimously to defer the item.

Resolved: That the application be deferred.

Reason: To allow officers to seek an updated bat survey or statement from the applicant's ecologist.

36. 36 Dane Avenue, York [23/01349/OUT] (4.39 pm)

Members considered an outline application from City of York Council (CYC), for 2no. dwellings including details of access, layout and scale (site of former 36 and 38 Dane Avenue).

The Development Manager gave a presentation on the plans and provided an update that included the consultation response from the Ecology Officer and amendments to conditions 12, 13 and 15 to reflect the ecology response.

In response to questions from Members on the plans, it was reported that the benchmark for building regulations in the local plan was the 2013 regulations.

There were no public speakers for the item, however, the CYC Community and Self-build Officer was available to answer questions. He responded as follows:

- The houses were demolished in 2020. It was not considered cost-effective for CYC to rebuild and the plot was therefore identified as a self-build site and would contribute to the self-build targets.
- The contract of sale and the deed of transfer would build in dates for completion of the build. CYC would have step in rights if the dates were missed. It has not been necessary to use these rights previously.

The Development Manager then responded to Members questions and explained that:

- Reserved matters for design and appearance would be submitted at a later date, and amendments could be sought at that point if necessary.

- The application had to be considered in terms of planning, and not what the site could also have been used for.
- The informative gave advice to developers on biodiversity and condition 15, as amended, specified nest boxes for birds. The condition could be amended to specify swift bricks, if required.

In addition, officers noted that a condition should be added to provide one covered cycle space per bedroom.

Following debate, Cllr Fenton proposed the officer recommendation to approve the application. This was seconded by Cllr Melly. On being put to a vote, with eight in favour and 1 against, it was;

Resolved: That the application be approved, subject to the amendments to conditions 12, 13 and 15 and the inclusion of a cycle parking condition as outlined above.

Reason: The outline proposals to create 2no. replacement dwellings is considered to be appropriate in terms of siting, height and access in line with the requirements of the NPPF and the aforementioned City of York Draft Local Plan (2018) policies.

[5.04 pm to 5.08 pm, there was a brief adjournment]

37. York Racecourse, Racecourse Road, Knavesmire, York YO23 1EJ [23/01421/FULM] (5.08 pm)

Members considered a major full application by York Racecourse Knavesmire LLP for the erection of a Pavilion, canopy with covered seating area, single storey extensions to Bustardthorpe stand with associated landscaping and infrastructure following demolition of existing buildings and structures.

The Development Manager gave a presentation of the plans and the Development Management Officer provided an update which included details of the updated consultation responses and recommendations for additional conditions and amendments to conditions 2, 4 and 12. It was confirmed that the officer recommendation to approve the application had not changed.

It was reported that the applicant had requested the solar panels to be sited on the slate roof.

Public Speaker

William Derby, the Chief Executive of York Racecourse, spoke in support of the application. He outlined the reasons for the application and explained that the plans were designed to improve the overall quality of the customer experience as well as the working conditions for staff.

In response to questions from Members, he stated that the areas of slate roof provided sufficient space for the solar energy system and that solar roof slates had been discounted as they were less efficient. He advised that the business employed around 300 full time staff, with up to 1500 employed on race days. He also advised that the racecourse had a borehole which was a sustainable water source. Finally he confirmed that the plan for cycle parking was feasible and in addition to the existing provision.

Following debate, Cllr Fenton moved the officer recommendation to approve the application subject to the amended conditions and additional conditions contained within the update. This was seconded by Cllr Warters.

Members voted unanimously in favour and it was;

Resolved: That the application be approved, as outlined above.

Reason: The proposal seeks planning permission to remove the present ad hoc arrangement of brick sheds and kiosks at the southern end of the Enclosure. At the same time the facilities provided by the Bustardthorpe Stand would be upgraded to standard matching that of the facilities at the northern end of the site. The site is not considered to be within the Green Belt. The proposal is considered to be acceptable in terms of its impact upon the Terry's /Racecourse Conservation Area and the setting of neighbouring Listed Buildings. It would secure the requirements of Sections 66 and 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act by securing the preservation and enhancement of the Conservation Area and securing the setting of the Listed racecourse clock tower and County Stand further to the north. whilst securing the long-term future of an important investor in the wider City economy.

Cllr B Burton, Chair

[The meeting started at 4.32 pm and finished at 5.34 pm].

COMMITTEE REPORT

Date: 15 November 2023 **Ward:** Fishergate
Team: East Area **Parish:** Fishergate Planning Panel

Reference: 22/02613/FUL
Application at: St Georges Field Car Park Tower Street York
For: Flood mitigation measures within St Georges Field Car Park and Tower Street to include a new flood defence wall from car park to tie into abutment wall of Skeldergate Bridge, the strengthening of the abutment walls of the bridge, the raising and strengthening of existing walls attached to the pumping station, the raising of the access ramp into the car park and the installation of support post to bridge masonry wall to enable deployment of temporary flood barrier across Tower Street
By: Environment Agency
Application Type: Full Application
Target Date: 17 November 2023
Recommendation: Approve

1.0 PROPOSAL

1.1 Following flooding in 2015 the Environment Agency has developed the York Flood Alleviation Scheme (FAS) which is intended to defend areas against anticipated increased flood risk up to 2039. The scheme is being implemented in phases and the flood risk areas have been divided into 19No. Flood Cells.

1.2 This application is for the scheme for works within Flood Cell F1 which covers the area of St George's Field car park and Tower Street. These proposals in St George's Field and Tower Street will complete the improved flood defence line from the Foss Barrier and will benefit 627 properties.

APPLICATION SITE

1.3 The proposals are located on land around the confluence of the River Foss and the River Ouse. The first of the areas is within the St George's Field car park, adjacent to Skeldergate Bridge. The site comprises a hard surfaced car park with a utility compound comprising a sewage pumping station and toilet block. To the south of the site is the Foss Barrier flood defence. This site is within the New Walk

Terrace / Terry Avenue Conservation Area and the Area of Archaeological Importance with the archaeology preserved below the surface including a Knights Templar Chapel and Mill complex. The site is within Character Area 66 (Fishergate-River Ouse) as defined by the York Central Historic Core Conservation Area Appraisal (YCHCCA).

1.4 The second area is located approximately 50 metres to the north within the Central Historic Core Conservation Area and the Area of Archaeological Importance. It spans the width of Tower Street which runs along the western boundary of York Castle (Scheduled Monument) and falls within Character Area 13 (The Castle area) as defined by the YCHCCA, which includes, in addition to Clifford's Tower and the castle remains, the following designated heritage assets: The Crown Court and railings, Grade I, Castle Museum and Debtors Prison, Grade I, and Castle Museum and Female Prison, Grade I.

PROPOSALS

1.5 Permission is sought for the following works –

St George's Field Car Park

- Raising and strengthening part of the existing flood defence wall between Skeldergate Bridge and the Foss Barrier pumping station.
- Construction of a new section of wall, approximately 20 metres in length with a height of 11.08m AOD, to connect the edge of Tower Street to the corner of the existing flood wall and tying into Skeldergate Bridge.
- Strengthening of Skeldergate Bridge abutment walls.
- Increasing the height of the existing access ramp by a maximum of 0.65m (at its highest point) as the current ramp height is short of the target flood defence height of 10.85m AOD.
- The scheme would involve the loss of 9 parking spaces from within the car park.

Tower Street

- Installation of framework for a demountable flood system across Tower Street to be erected when the forecasted flood level deems it necessary. Involves the strengthening of the existing abutment walls of Skeldergate Bridge.

- Construction of retaining wall in front of the embankment leading up to the Crown Court, within the scheduled area of York Castle to provide a structure to which the support post of the demountable barrier can be attached.
- Installation of a stop log involving the addition of two steel posts into the abutment walls of Skeldergate Bridge.

2.0 LEGISLATIVE / POLICY CONTEXT

2.1 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining planning applications. Section 66(1) of the same Act requires the local planning authority to have regard to preserving the setting of listed buildings or any features of special architectural or historic interest it possesses.

2.2 The National Planning Policy Framework ('NPPF') key sections are as follows –

Achieving sustainable development (chapter 2)

Decision-making (chapter 4)

Meeting the challenge of climate change, flooding and coastal change (chapter 14)

Conserving and enhancing the historic environment (chapter 16)

DRAFT LOCAL PLAN (DLP 2018)

2.3 The Draft City of York Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in early 2024. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.4 Key relevant 2018 Draft Local Plan policies are as follows;

SS1 Delivering Sustainable Growth for York

D1 Placemaking

D2 Landscape and Setting

D4 Conservation Areas

D5 Listed Buildings

D6 Archaeology
ENV4 Flood Risk
T1 Sustainable Access
GI2 Biodiversity and Access to Nature
GI4 Trees and Hedgerows

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

St George's Field

3.1 The ramp providing access to the car park and the riverside paths does not comply with accessibility requirements. The proposed ramp is designed with a gradient of 1 in 10 over distances of 12m (southern section of the ramp) and 15.5m (northern section). Inclusive Mobility (page 29) states: "Generally, pedestrian environments should be level, which means that there should be no gradient in excess of 1 in 60. (...) If a level route is not feasible, then gradients should not exceed 1 in 20. (...) Gradients steeper than 1 in 20 can be managed by some wheelchair users, but only over very short distances (1000mm or less), for example on a ramp between a bus entrance and the pavement. Even over these short distances the maximum gradient used should be no more than 1 in 10. As a general rule, however, 1 in 12 should be the absolute maximum."

Tower Street

3.2 Additional information has been provided which satisfactorily responds to questions as to whether dropped kerbs would enable pedestrians and wheelchair users to cross Tower Street immediately south of the flood barriers when they are in place. The detail of these works can be conditioned.

3.3 Also to be conditioned, revised method statements / traffic management plans for both sites to include information on contractor parking, construction vehicle routes, revised diversion routes.

Design, Conservation and Sustainable Development (Conservation Architect)

Wall strengthening

3.4 Support the proposed strengthening of the wall and although there would be some minor loss of original fabric and aesthetic interest the benefits outweigh the harm.

Stone clad retaining wall

3.5 The revised drawings reflect pre-application advice and is considered to have a less harmful impact on the setting of the listed Crown Court. This option still results in considerable change to the setting of the historic structures and the character of the area but is significantly less harmful than the option originally presented. The “Rubberwall” connection for fixing the temporary barriers to the bridge abutment walls will also result in a degree of harm but again this is outweighed by public benefits.

3.6 Whilst the scheme overall results in harm to the historic environment, the degree of harm is low and would be regarded as at the lower level of “less than substantial”. Attempts have been made to reduce the harm and there is clear public benefit.

Design, Conservation and Sustainable Development (Archaeologist)

3.7 An archaeological watching brief is required on works within the York Castle area relating to the installation of retaining wall and seepage trench. A watching brief is also required on works related to the construction of the new wall in St George’s Field car park. Condition recommended.

Design, Conservation and Sustainable Development (Landscape Architect)

3.8 No objection to the proposed development. The applicant intends to provide five replacement trees for every one removed. The Sorbus T70, at the back of the Crown Court, has been in decline for several years. There is ample space here that would benefit from new tree planting. T52 is a nicely established young fastigate Hornbeam within the car park at the base of the wall. There would be no scope to replace a tree in the same or immediate place, so different locations for tree planting in the wider vicinity would have to be sought and agreed with the Council.

3.9 Provided great care is taken during demolition and construction in accordance with the recommendations of the Arboricultural Impact Assessment, the risk of harm to the remaining trees is acceptable.

Design, Conservation and Sustainable Development (Ecologist)

3.10 Construction Management: - Whilst most of the identified risks regarding ecology have been addressed in the Method Statement (MS), it is recommended that the MS be up-dated to provide the following additional information. If further details cannot be provided within the existing MS, it is suggested that a CEMP is conditioned.

- Pollution prevention measures to reduce impacts on Fulford Ings SSSI, the River Ouse and retained trees – pollution events via surface and ground water
- Reduction/directional temporary lighting for construction works to reduce impacts on bats
- Precautionary working methods for nesting birds – for both buildings and trees
- Pre-works checks of trees for bats.

3.11 Biodiversity Enhancements: The plans show an area of new turf / grass to the west of the site. In the interest of providing biodiversity net gain post construction, it is recommended that this area along with the existing verges to the west of the access road are improved for biodiversity. Enhancements could include a more diverse seed mix, such as a flower lawn mix, planting native bulbs and/or pollinator friendly shrubs.

Public Protection

3.12 The proposed works have the potential to cause disturbance to nearby residential dwellings on Terry Avenue and Fewster Way / Browney Court. As a result, recommend a condition requiring submission of a Construction Environmental Management Plan (CEMP).

Flood Risk Management Team

3.13 The modelling outcomes and conclusions are accepted in terms of fluvial impacts alone and the direct influence of river levels including exceedance flows overtopping the Peckitt Street wall. However, it is noted that the adjacent B15 flood cell which benefits from the Peckitt Street flood resilience measures is further

impacted by a complex interaction of surface and groundwater flooding and the Environment Agency should work closely with the community and City of York Council to ensure the operation of the demountable defence is considered alongside any future mitigation measures that are developed in B15.

3.14 It is essential that the Environment Agency provide detailed information for all flood plans – including those of the North Yorkshire Local Resilience Forum – before the scheme is in operation and all partners fully understand the triggers and decision processes that will initiate closure. A formal review process should also be put in place to ensure the operations remain effective and do not place undue pressure on access and amenity needs in Tower Street and the wider city centre.

3.15 In considering the Impact on Flood Storage (section 5.3 of the FRA) it is noted that the construction of a new 20m section of flood wall and the raising of the access ramp will lead to a total loss of 1.54% of the 1% AED flood storage area. The potential options to mitigate this loss are noted and the conclusions that the preferred scheme, notably to protect 'Strategically Important Assets', satisfies NPPF para 164 and should be approved.

3.16 In conclusion, no objections subject to conditions.

EXTERNAL

Environment Agency

3.17 On the basis that the FRA has taken a hierarchical approach to possible mitigation measures and whether or not they are feasible, and, on the basis that the proposed works will not result in an increase risk to others, but will provide a flood risk benefit to those properties protected by the proposals, we have no objections to the proposals.

4.0 REPRESENTATIONS

4.1 Eleven representations have been received raising objections relating to this proposal increasing the flood risk to the community of Tower Street, Tower Place, South Esplanade, Friars Terrace, Peckitt Street and Tower Gardens. The objections are summarised as follows;

- This community is at risk of flooding at various river levels, starting at below 4.0m river level and is currently defended by temporary barriers and pumps at Tower Gardens and Peckitt Street which keep the river and ground water level under control up to 4.7m. We should be defended above 4.7m river levels. Previously, this area was defended to river levels up to 5.1 m by a combination of a permanent flood wall, temporary barriers and sewer pumping.
- This proposal puts our community on the unprotected (River Ouse) side of the flood barrier and therefore abandons our community at levels above 4.7m. The barrier across Tower Street will hold water within our community increasing flood risk to our properties and making existing flood worse, and of longer duration, for others. This is water that otherwise would escape from our community.
- The EA has declared no flood transfer risk by stating that our properties have always flooded. This is incorrect for several properties and ignores that the severity and duration of flooding is an important factor in the damage done.
- It may protect 627 properties but this is at the cost of sacrificing over 40 historic (many listed) properties in the City Centre. The new proposed flood defence should incorporate matching flood defences to our properties which is technically feasible.
- It is understood that properties identified as being at increased risk of flooding post FAS be provided where feasible with property flood resilience measures. The EA originally said that flood resilience would be offered to owners of properties within this area but have since refused this. Flood protection measures however (e.g. the use of pumps and barriers to help keep water out) are being offered. Use of these measures can lead to structural damage from hydrostatic pressure. Resilience should be included in the application to mitigate the risk.
- Flood resilience measures offered by the EA are basic and mostly useless.
- The consequences to those living on the River Ouse side of the barrier is unclear and described by the EA in unquantified terms such as "minimal" and formalising a sandbagging procedure within the existing flood plan. No one has seen sandbags used in this position before nor have we seen a flood plan. This procedure is entirely new to us and untested. There should be a full analysis of the potential negative impact on the properties in this catchment area which should include full consultation with residents.

- The FRA contains no assessment of ground water flooding and finds that the new flood defence will reduce available flood water storage in our locality.
- Ground floor level flooding to properties in Tower Place will restrict access to properties in Tower Place and South Esplanade via the Tower Place walkway.
- The proposed scheme would involve periodic closures of Tower Street which would cause disruption to residents in accessing car parking spaces.
- The submitted Method statement states that the barrier across Tower Street would be deployed at 9.1m AOD and that traffic diversion would have normally commenced and the lower level sections of Tower Street would be unpassable. This is incorrect as the pumping of Tower Place, which prevents Tower Street from being flooded, is not started until much higher than 4.1m.
- Public Protection considers the potential disturbance from noise and dust during the proposed works to the properties on Terry Avenue and Fewster Way / Browney Croft but Tower Place and adjacent properties have not been identified as at risk of disturbance. These locations should be included in the Construction Environmental Management Plan (CEMP).

5.0 APPRAISAL

5.1 KEY ISSUES

- Principle of the proposed development
- Flood Risk
- Impact on Heritage Assets
- Accessibility
- Impact on Trees / Ecology

PRINCIPLE OF DEVELOPMENT

5.2 The proposed works are for flood defences, as part of an Environment Agency scheme (FAS), which is intended to defend areas against anticipated increased flood risk up to 2039. The York FAS focuses on 19 flood cells and the Flood Risk Assessment (FRA) associated with each flood cell will consider if there is a transfer

of flood risk elsewhere as a result of the new or improved defences. As works cannot be delivered simultaneously across all cells, there will be a phased approach to construction of flood defences.

5.3 In principle the FAS has Council support, given that it is intended to enhance flood resilience in the city. The works are in accordance with the NPPF overarching principle to reduce flood risk, and its environmental objectives which include to mitigate and adapt to climate change. They are also in accordance with 2018 Draft Local Plan (DLP) Policy SS1 which seeks to ensure flood risk is appropriately managed.

FLOOD RISK

5.4 The site is within Flood Zone 3, where flood risk is high. The NPPF advice on flood risk, relevant to this application is as follows -

- Paragraph 159 - Where development is necessary in flood risk areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- The sequential test is applicable because of the flood risk classification of the site. The Exception Test is not applicable due to the type of development proposed.

5.5 The submitted FRA explains the extent of the proposed flood defence works and the city-wide project to reduce risk, taking into account anticipated climate change (and associated rise in water levels) up to 2039 and draws the following conclusions;

- 627 properties will benefit from the proposed improvements to the proposed flood defences
- no properties have been identified as being affected by a transfer of flood risk due to the raising in height of the flood defences in St George's Field car park, or by installing demountable flood defence framework across Tower Street
- The minor reprofiling of the access ramp into St George's Field and the realignment of an existing wall adjacent to the Pumping Station, will result in a minor loss of flood storage which is considered to have little or no impact on the existing flood risk.

5.6 In relation to the issue of the risk of increasing flood risk elsewhere and to specifically address the objections raised by the residents of Tower Street, Tower

Place, South Esplanade, Friars Terrace and Peckitt Street, the Environment Agency have provided an assessment of the cumulative impact of York FAS as follows;

Following the floods of 2015, the York Detailed Model was developed to provide the basis for the design of the improved defences. In order to assess the accumulative effect of such an extensive programme of work in such a relatively small geographical location, a series of 8 transfer of risk scenarios (TORS) were run through the model. In each scenario representations of the proposed new or upgraded defences were added to the model.

In the first scenario, TORS0, existing defences plus proposed works at Memorial Gardens and North Street (cell B4) were represented in the model. The outputs were then compared to the baseline, i.e. model outputs with only the existing defences represented. Hence the potential impact of the B4 works were quantified.

The scenarios relevant to this planning application are TORS6, which contains all the existing defences including those built as part of York FAS, and TORS7 which adds in the proposals at St Georges Field and the demountable defences at Tower Street. This analysis shows no impact on flood levels in the B15 (King's Staith) cell as a result of the F1 proposals in the 1%AEP plus climate change to 2039 and 1%AEP plus climate change to 2117 flood events.

The lowest point on Tower Street will be 9.87m AOD and it is only above this level that the demountable defence, once deployed, will start to retain water. In comparison, the Peckitt Street defence and the measures at Tower Gardens entrance are overtopped at 9.7m AOD. It is therefore inconceivable that it would be the Tower Street demountable defence that would be the determining factor in either the onset of flooding or the speed of flood water receding in the B15 cell.

The proposed works at St George's Field Car Park and Tower Street will extend the improved flood defence level at the Foss Flood barrier and provide the city with a means of preventing connectivity between the Rivers Ouse and Foss that has caused such devastation in the past.

5.7 The proposals include demountable defences in the same position and to be deployed in the same conditions as existing emergency response plans. Current flood defences arrangement at Peckitt Street and the entrance to Tower Gardens are deployed when flood levels are predicted to reach 9.6m AOD and 9.7m AOD respectively. The new Tower Street demountables will be deployed when a more

extreme flood of 10m AOD is predicted. Therefore the EA contend that the new demountables at Tower Street will have no impact on the operation and effectiveness of the existing Peckitt Street and Tower Gardens defences.

5.8 The Council's Flood Risk Management team (FRMT) accept the modelling outcomes and conclusions in terms of fluvial impacts alone and the direct influence of river levels including exceedance flows overtopping the Peckitt Street wall. It is recognised however that the adjacent B15 flood cell which benefits from the Peckitt Street flood resilience measures is further impacted by a complex interaction of surface and groundwater flooding and therefore Officers recommend that the EA work closely with the community and the Council to ensure the operation of the demountable defence is considered alongside any future mitigation measures that are developed in B15.

5.9 The FRA concludes that the EA will be responsible for the storage and for arranging deployment of the Tower Street demountables when levels on the River Ouse are forecast to reach 10m AOD. It also states that Emergency Flood Plans of both the EA and City of York Council will be reviewed and updated as necessary to reflect the new defences, and to ensure coordination with existing activities for lower order events. FRMT advise that it is essential that the EA provide detailed information for all flood plans before the scheme is in operation and all partners fully understand the triggers and decision processes that will initiate closure. It is also advised that a formal review process be put in place to ensure the operations remain effective and do not place undue pressure on access and amenity needs in Tower Street and the wider city centre.

5.10 In terms of flood storage, the construction of the new 20m section of flood wall and the raising of the access ramp will lead to a total loss of 1.54% of the 1% AED flood storage area. The conclusions drawn that the preferred scheme, notably to protect 'Strategically Important Assets', satisfies NPPF para 164, are accepted.

5.11 The Sequential Test is passed for each aspect of the scheme. The defence works are location specific due to their intended purpose and therefore must take place in areas at risk of flooding. The construction compound would be a temporary structure only and practically needs to be in close proximity to the planned works and in an area where it would have the least environmental effect. The car park area is appropriate in this respect. The entire car park is in flood zone 3, therefore the exact location within the car park would not materially affect flood risk.

Mitigation measures would be put into place to ensure the compound is not in use during times of flood.

IMPACT ON HERITAGE ASSETS

5.12 As set out in paragraph's 1.3 and 1.4, the proposals are located on land around the confluence of the River Foss and the River Ouse in close proximity to a number of heritage assets and located within two Conservation Areas.

5.13 In accordance with Section 72 of the Planning (Listed Building and Conservation Area) Act 1990, the Local Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in exercising its planning duties. Section 66 of the same Act requires the Local Planning Authority to have special regard to preserving the setting of listed buildings or any features of special architectural or historic interest it possesses. Where there is found to be harm to the character or appearance of the Conservation Area or the setting of a listed building, the statutory duties mean that such harm should be afforded considerable importance and weight when carrying out the balancing exercise.

5.14 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater weight should be. Where a development proposal would lead to less than substantial harm to the significance of the asset, this harm should be weighed against public benefits of the proposal.

5.15 Both areas (St George's Field car park and Tower Street) are highly sensitive and significant given their location within Conservation Areas and proximity to such heritage assets as Cliffords Tower, the Crown Court and the Castle Museum which together form part of an ensemble of buildings, spaces and sub-surface deposits which represent one of the most important heritage sites in the country. The archaeology preserved below the surface of St George's car park includes a Knights Templar Chapel and Mill complex. This significance contributes to the characteristic of the conservation area, the historic setting of the city as an area and the individual assets within it.

5.16 The NPPF continues by advising that local Planning Authorities should look for opportunities within Conservation Areas and within the setting of heritage assets to

sustain and enhance their significance. 2018 Draft Local Plan Policy D4 reflects legislation and national planning guidance and advises that harm to buildings, open spaces, trees, views or other elements which make a positive contribution to a conservation area will be permitted only where this is outweighed by the public benefits of the proposal.

New wall to tie in to the Skeldergate Bridge abutment wall and strengthening of the abutment wall

5.17 It is proposed to build a new section of wall, approximately 20 metres in length with a height of 11.08mAOD, to connect the edge of Tower Street to the corner of the existing flood wall to tie into the Grade II listed Skeldergate Bridge abutment walls. The wall would be constructed of a concrete core clad with brickwork and coping to match that of the pumping station. The wall would attach to the abutment wall via three dowels that would be drilled into the masonry joints.

5.18 The scheme also involves the strengthening of a section of the abutment walls that runs along the north edge of the car park. The proposed works involve coring the wall vertically and inserting steel helibars, before covering the holes with a stone plug.

5.19 Officers are supportive of the proposals to tie the new wall in to the abutment wall and the wall strengthening works by the method proposed. It is acknowledged that there would be some minor loss of original fabric and the potential of a low degree of loss of aesthetic value. However, this would diminish over time with the development of patina and natural soiling of the stone and alternative methods such as external augmentation would result in considerably more harm. The potential benefits to result from the new section of wall and the wall strengthening are considered to outweigh the less than substantial harm which would result from this work.

Raising and strengthening of existing walls attached to the pumping station

5.20 The works to raise and strengthen existing walls attached to the pumping station comprise the removal of the existing brickwork, the buttressing of the walls and an increase in their height by approximately 400mm. The walls would be clad in brick to match existing. The walls would be seen in the context of the existing building and walls within the car park and would be considered to have a minimal

visual impact causing no harm to the character and appearance of the Conservation Area.

Alterations to access ramp to the car park

5.21 The access ramp to the car park from Tower Street would be increased in height by a maximum of 0.65m (at its highest point) as the current ramp height falls short of the target flood defence height of 10.85m AOD. The height would be raised over a length of 50m so the ramp gradient would not steepen with the increase in height. The increased height of the ramp would be mostly screened from nearby heritage assets by the pumping station and would match the existing in terms of materials. These works therefore would be considered to have a neutral impact on the character and appearance of the Conservation Area.

Tower Street demountable temporary flood barrier

5.22 It is proposed to install framework on each side of Tower Street and to strengthen the existing abutment walls of Skeldergate Bridge to allow the deployment of a demountable flood relief barrier across Tower Street. This is to prevent water from the Ouse flowing across Tower Street and entering the Foss Basin. The demountable flood defence would extend across Tower Street from the Skeldergate Bridge abutment walls to the embankment leading up to the Grade 1 listed Crown Court for a length of 30 metres.

5.23 The demountable defences would attach to the abutment walls via a support post that would be sealed to the wall via a rubber-wall connection during a flood event. The rubber seal would not permanently impact the abutment wall and would be removed once the demountable defence is not required. The east-most support post would be permanently attached to a new purpose-built retaining wall. This wall would be set to the rear of the pavement in front of the embankment leading up to the Crown Court, within the scheduled area of York Castle. A small amount of excavation of the embankment would be required to enable the construction of the retaining wall which would measure 6m in length and be clad in stone.

5.24 The method of wall strengthening associated with the proposal for the demountable flood barrier would be the same as detailed in relation to the strengthening of the walls that run along the north edge of St George's Field car park (see paragraph 5.16)

5.25 A stoplog would also be required at the entrance to Tower Park from Tower Street. This would result in a permanent change to the listed Skeldergate Bridge through the addition of two steel posts into the abutment at the top of the stairs that lead down to Tower Park into which the flood defence beams would be slotted.

5.26 The construction of the proposed stone clad retaining wall to the embankment and infilling behind to raise the level of the land would result in considerable change to the setting of the historic structures and the character of the area and would result in harm to the historic environment. The rubber-wall connection for fixing the temporary barriers to the bridge abutment walls and the wall strengthening works through some minor loss of original fabric and the potential of a low degree of loss of aesthetic value, would also result in a degree of harm. The stoplog would result in a permanent change to the Skeldergate Bridge, impacting on the evidential and aesthetic value of the abutment walls and therefore would also cause harm to heritage assets. The impact would be lessened by drilling into mortar joints and sympathetic positioning.

5.27 The degree of harm to result from the proposed works is considered low and would be regarded as “less than substantial”. Attempts have been made to reduce the harm where possible and measures to minimise the harm for instance through a selection of high-quality materials and workmanship, would be secured by condition. There is a clear public benefit deriving from the scheme which is considered to outweigh the harm identified. The proposals therefore are in accordance with local and national planning policies including paragraph 205 of the NPPF and 2018 Draft Local Plan Policy D4.

ARCHAEOLOGY

5.28 Paragraph 197 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining an application. 2018 Draft Plan Policies D6 and D7 reflect national planning guidance and require an understanding of the archaeology affected to avoid substantial harm (preserve 95% of deposits) or where there would be harm, undertake adequate mitigation.

5.29 The archaeological features and deposits on the application site are undesignated heritage assets that lie within the designated Area of Archaeological Importance. Archaeological impacts for work on Tower St relate to the installation of support posts, the lowering of the footpath, construction of retaining wall and a

seepage trench (within the York Castle scheduled area). This trench would be filled with a clay material to prevent seepage around the demountable flood defence during a flood event and would be 7 m in length by 0.8 m wide. At St George's Field Car Park, impacts relate to the strengthening of the existing and the creation of new flood walls.

5.30 Most of the intrusive works required for this scheme are shallow and are not expected to disturb significant archaeological features or deposits. The deeper works relate to the creation of the seepage trench to depths of 9m aOD (2m bgl) and for the construction of the new wall within St George's Field car park. Scheduled monument consent (SMC) will be required for elements of this scheme within York Castle area. To mitigate against the impact on remaining archaeology, there will be a requirement for an archaeological watching brief.

5.31 The evaluation carried out to date and the watching brief are in accordance with Paragraph 205 of the NPPF which requires developers to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and the impact. The proposal will cause harm to locally significant archaeological resources. This harm is considered to be less than substantial, outweighed by the clear public benefit deriving from the scheme and would be mitigated by the programme of post determination archaeological mitigation. The proposals therefore are in accordance with local and national planning policies including paragraph 205 of the NPPF and 2018 Draft Local Plan Policies D6 and D7.

ACCESSIBILITY / HIGHWAY IMPACTS

5.32 Paragraph 92 and paragraph 130 (f) of the NPPF seeks to ensure planning decisions achieve healthy and inclusive places which are safe and accessible by all. This is supported by Policy DP3 of the Draft Local Plan (2018) which seeks to ensure new development provides accessible facilities and services in a planned manner which complements and integrates with existing facilities.

5.33 The current gradient of the access into the car park from Tower Street is an average of 1 in 10. The proposed works would increase the height of the access ramp by a maximum of 0.65m with the height raised over a length of 50m in order for the gradient to not steepen with the increase in height. Despite this, the proposed ramp, designed with a gradient of 1 in 10 over distances of 12m (southern section of the ramp) and 15.5m (northern section), is not in accordance with the

gradients recommended by Inclusive Mobility for people using a wheelchair or mobility aid.

5.34 S.149 of the Equality Act 2010 contains the Public Sector Equality Duty (PSED) which requires public authorities, when exercising their functions, to have due regard to the need to: (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Protected characteristics included disability, sex, age and pregnancy and maternity. The PSED does not specify a particular substantive outcome but ensures that the decision made has been taken with “due regard” to its equality implications.

5.35 In the context of the Equality Act, the applicant has been asked to address this issue and provide justification for not providing a ramp with a gradient suitable for people using a wheelchair or mobility aid. The Executive summary of this statement is as follows;

As part of the St George’s Field and Tower Street Flood Defence improvement works, we will be able to even up the gradient at 1 in 10 but not provide betterment beyond this. As part of project development we considered options for slackening the gradient of the access ramp, including discussions with the Local Authority regarding the provision of additional funding to support the accessibility betterment as this subsequent betterment would fall outside of the remit for the current funding allocation.

All options resulted in a requirement to reprofile the carpark, a loss of carparking space and of flood storage capacity, in addition to significant increase in construction time and cost. Public funding for the Foss Basin Project is allocated for the provision of improved flood protection. While York FAS is open to providing additional benefits within our schemes where possible, this cannot be at the detriment of flood protection or the economic viability of the flood scheme itself.

The existing access ramp into SGFCP has an average gradient of 1:10, but this does vary due to the unevenness of its vertical geometry. There are sections which increase to a gradient of 1 in 7. Through our planned work, we intend on smoothing out the undulations within the access ramp to ensure that the maximum gradient at

any point will be 1:10. This will result in a small betterment to what is currently in place.

There is an existing access under Skeldergate Bridge, via New Walk, which is fully compliant with the Inclusive Mobility requirements. This is the preferred access from SGFCP into Central York, as highlighted by the signage within SGFCP.

5.36 In making its recommendation, Officers have given due regard to the aims of the Act. The issues with regard thereto are noted above in relation to this application but do not raise any matters that would outweigh the material planning considerations.

Tower Street

5.37 To create an even surface for the installation of the barrier, the pedestrian footway would be lowered and road resurfaced. Removable guardrails would be installed along the edge of the footway to prevent pedestrians crossing and would only be removed during the installation of the barrier. Additional information has been submitted demonstrating that the dropped kerbs are of a sufficient width to enable pedestrians and wheelchair users to cross Tower Street immediately south of the flood barriers when they are in place. The detail of these works would be conditioned. Others matters to be conditioned would be the requirement to submit revised method statements / traffic management plans for both sites to include information on contractor parking, construction vehicle routes and revised diversion routes.

ECOLOGY / IMPACT ON TREES

5.38 The NPPF states decisions should contribute to and enhance the natural and local environment by minimising the impacts on and providing net gains for biodiversity. Part (iv) of Policy GI2 (Biodiversity and Access to Nature) of the 2018 Draft Plan states that where appropriate, any development should result in net gain to, and help to improve, biodiversity.

Policy D2 (Landscape and Setting) of the 2018 Draft Plan states that proposals will be encouraged and supported where they conserve and enhance landscape quality and character.

5.39 To enable the flood defence works, two individual trees would be removed together with pruning works to 11No. trees. Subject to the adherence to the

arboricultural method statement, the risk of harm to the remaining trees is deemed acceptable. The applicant advises that 5no. replacement trees would be planted for each one removed. The Sorbus at the back of the Crown Court, has been in decline for several years and there is ample space in this location that would benefit from new tree planting. Different locations for tree planting to replace the young fastigate Hornbeam, would be agreed via a condition. Providing biodiversity enhancements post construction through the provision of a more diverse seed mix, planting native bulbs and/or pollinator friendly shrubs in the existing verges and on the area of new turf, would also be agreed via a condition.

6.0 CONCLUSION

6.1 In principle the proposals are consistent with the environmental objective within the NPPF of adapting to climate change and given that the proposed flood defences will increase protection for an urban area, there are consequential economic and social benefits. The scheme is in accordance with flood risk policy in the NPPF, in section 14.

6.2 The proposals are located in close proximity to a number of heritage assets and located within two Conservation Areas and the Area of Archaeological Importance (AAI). Only a low level of harm to heritage assets has been identified as a consequence of the works to tie the new wall to the bridge abutment walls, the strengthening of the abutment walls the rubber-wall connection for fixing the temporary barriers to the bridge abutment walls, the stoplog at the entrance to Tower Park and through the new purpose-built retaining wall and associated infilling within the scheduled area of York Castle. Attempts have been made to reduce the harm where possible and measures to minimise the harm for instance through a selection of high-quality materials and workmanship and the requirement for an archaeological watching brief, would be secured by condition. The public benefit in improving the flood resilience of this area out-weights the harm even when giving considerable importance and weight to the harm to heritage assets, in accordance with the statutory duties.

6.3 Other matters, such as replacement tree planting and the provision of biodiversity enhancements post construction, would be agreed via a condition.

6.4 In making this recommendation, Officers have had due regard to the aims of the Equality Act 2010 and whilst noting that the proposed works provide no betterment

to the gradient of the access ramp, it is not considered that this outweighs the material planning considerations.

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 and other submitted details:-

ENV0002071C_JBAB-00-3_FBT-DR-C-01001 Rev P03 (Site Location Plan)

ENV0002071C_JBAB-00-3_FBT-DR-C-01002 Rev P03 (Foss Basin Wall Raising General Arrangement)

ENV0002071C_JBAB-00-3_FBT-DR-C-01003 Rev P02 (Foss Basin Tower Street Cross Sections North West Facing)

ENV0002071C_JBAB-00-3_FBT-DR-C-01004 Rev P02 (Foss Basin Tower Street Cross Sections South East Facing)

ENV0002071C_JBAB-00-3_FBT-DR-C-01005 Rev P02 (Foss Basin Tower Street Cross Sections SouthWest & NorthEast Facing)

ENV0002071C_JBAB-00-3_FBT-DR-C-01006 Rev P02 (Foss Basin Tower Street Stop Log Details)

ENV0002071C_JBAB-00-3_FBT-DR-C-01007 Rev P02 (Foss Basin Tower Street Wall Strengthening Details)

ENV0002071C_JBAB-00-3_FBT-DR-C-01107 Rev P02 (Foss Basin Wall Raising - Existing & Proposed Wall Elevations)

ENV0002071C_JBAB-00-4_B08_DR-C-01601 Rev P03 (Highway Access Design Options)

Method Statement JBA Project Number 2019s0876 Project Clementhorpe B8: Foss Basin Works P01.02 dated 08/09/2022

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

3 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief is required on this site.

A) No ground disturbing work within the Scheduled area or for the construction of the wall within St George's Field Car Park shall take place until a written scheme of investigation (WSI) for a watching brief 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 LPA and the Chartered Institute for Archaeologists.

B) The site investigation and post-investigation assessment shall be completed in
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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 and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report 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 NPPF.

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

4 A detailed method statement for the works to strengthen the Skeldergate Bridge abutment walls shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of these works and shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the fabric and appearance of the listed bridge.

5 Large scale drawings of the proposed retaining wall, to include the coping and "Rubberwall" connection, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of this element of the scheme and the works shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the character and appearance of the Conservation Area.

6 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, to include the mortar and stone, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices sample materials should 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: In the interests of safeguarding the character and appearance of the

Conservation Area and the listed Skeldergate Bridge.

7 Sample panels of the brickwork to be used for the new flood wall within St Georges Field Car Park and for the new retaining wall (Tower Street) shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. The panels shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

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

8 Before the commencement of development (including demolition, excavations, and building operations et al), a finalised Arboricultural Method Statement (AMS) in accordance with the content of the Arboricultural Impact Assessment submitted with the application, and a scheme of arboricultural supervision regarding protection measures for existing trees shown to be retained on the approved drawings, shall be submitted to and approved in writing by the Local Planning Authority. The content of the approved document shall be strictly adhered to throughout development operations. A copy of the document shall be available for reference and inspection on site at all times. A qualified arboriculturalist shall carry out regular inspections during the development, especially during site preparation and excavations. Before works start on site, the name and address of the appointed arboricultural consultant shall be supplied to the local authority.

Reason: To ensure every effort and reasonable duty of care is exercised during the development process to protect existing trees that are considered to have a significant public amenity value.

9 Within three months of commencement of development a scheme of tree planting shall be submitted to and approved in writing by the Local Planning Authority. Any trees that are felled as part of the approved development shall be replaced on a ratio of five new trees for every one felled. The landscape scheme shall include the species, stock size, and locations of trees. The scheme shall be implemented within a period of six months of the substantial completion of the development. Any trees which within a period of five years from the completion of the planting 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 positioning of species to mitigate the loss of trees resulting from the development.

10 No development shall take place (including ground works, demolition works and vegetation removal) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved CEMP: Biodiversity.

The CEMP: Biodiversity shall include (but not be limited to) the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) Details of pollution prevention measures to avoid harm and potential mortality to fish species from pollution
- e) Details of biosecurity measures to stop the spread of waterborne diseases and Invasive Non-Native Species,
- f) Use of directional lighting during construction and operation, which will not shine upon bat roosts, and forage and commuting routes.
- g) The location and timing of sensitive works to avoid harm to biodiversity features.
- h) Programme of pre-commencement checking surveys, such as Otters and nesting birds.
- i) Responsible persons and lines of communication.
- j) The roles and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- k) Use of protective fences, exclusion barriers and warning signs.

Reason: To facilitate the protection of notable/sensitive ecological features and habitats on the application site and within the local area.

11 The development shall be carried out in accordance with the submitted flood risk assessment (Environment Agency & JBA Consulting, Cell F1 - Clifford's Tower St George's Field flood defence improvements and Tower Street demountable flood defences Flood Risk Assessment, Version P03 dated June 2023), and the following mitigation measures detailed:

- (i) Raise the height of part of the existing flood defence wall between Skeldergate Bridge and the Foss Barrier pumping station building by a maximum of 0.65m at wall section A, between the existing building and the access ramp. The location of the wall will remain as existing,
- (ii) Construct a new section of flood wall, approximately 20m in length with a defence height of 10.85m AOD which will connect the abutment wall of Skeldergate Bridge to the corner of the existing flood wall which surrounds the YWS pumping station. (Figure 6),
- (iii) Strengthening work on the stonework of the Skeldergate bridge abutment wall

and on a section of wall around Tower Gardens in order for them to be able to accommodate the increased forces that the additional height will exert on them. (Figures 6 & 7)

(iv) Increasing height of the existing access ramp by a maximum of 0.65m (at its highest point) as the current ramp height falls short of the target flood defence height of 10.85m AOD.

(v) Install the framework for a demountable flood system across Tower Street that will be manually erected when the forecasted flood level on the River Ouse reaches 10m. (Figure 7).

These mitigation measures shall be fully implemented prior to deployment and operation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk and impact of flooding to the proposed development and future occupants and to reduce the risk of flooding elsewhere.

12 No construction works on the site shall commence until measures to protect the public sewer/s infrastructure that is laid within the site boundary have been implemented in full accordance with details that shall have been first 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 the public sewer/s will be protected from backflow of water from the river and access to the system for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

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

13 No development shall take place until details of the means of deployment, operation, management, repair and maintenance of the flood defence works, and associated apparatus have been submitted to and approved in writing by the Local Planning Authority. Details to include; plans and schedules showing the flood defence works and associated apparatus to be vested with the relevant Statutory Undertaker/s, land owner and highway authority with a clear understanding of who will deploy, operate, manage, repair and maintain at their expense, and any other arrangements (to include deployment trigger points) to secure the deployment, operation, management, repair and maintenance of the approved scheme. The development shall be carried out in accordance with the approved details.

Reason: To ensure the effective deployment, operation and maintenance of the strategically important assets and to prevent the increased risk of flooding to the proposed development and future occupants throughout the lifetime of the development.

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:

- the use of conditions

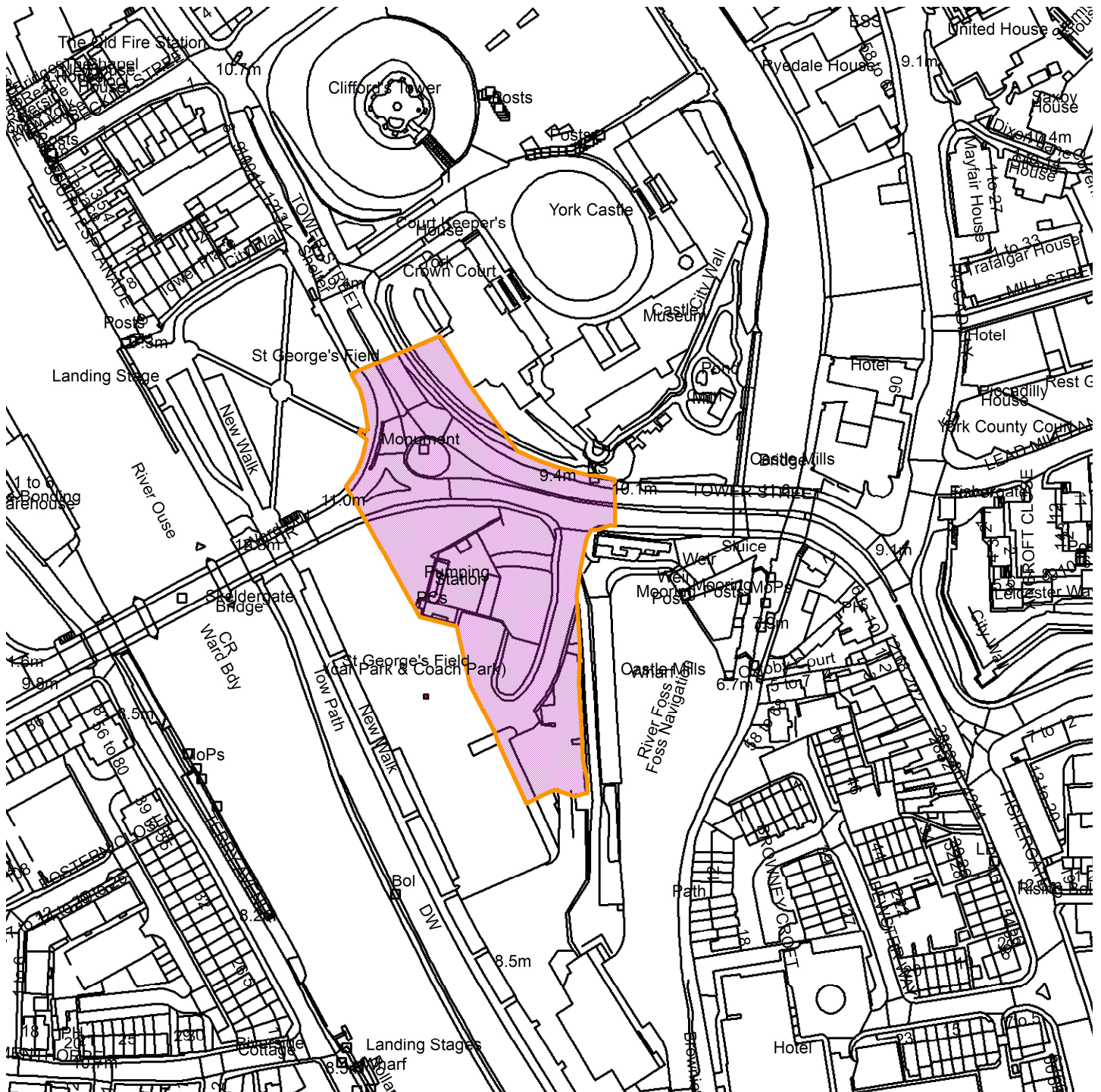
Contact details:

Case Officer: Rachel Tyas

Tel No: 01904 551610

St Georges Field Car Park, Tower Street, York

22/02613/FUL



Scale : 1:2215

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	02 November 2023
SLA Number	Not Set

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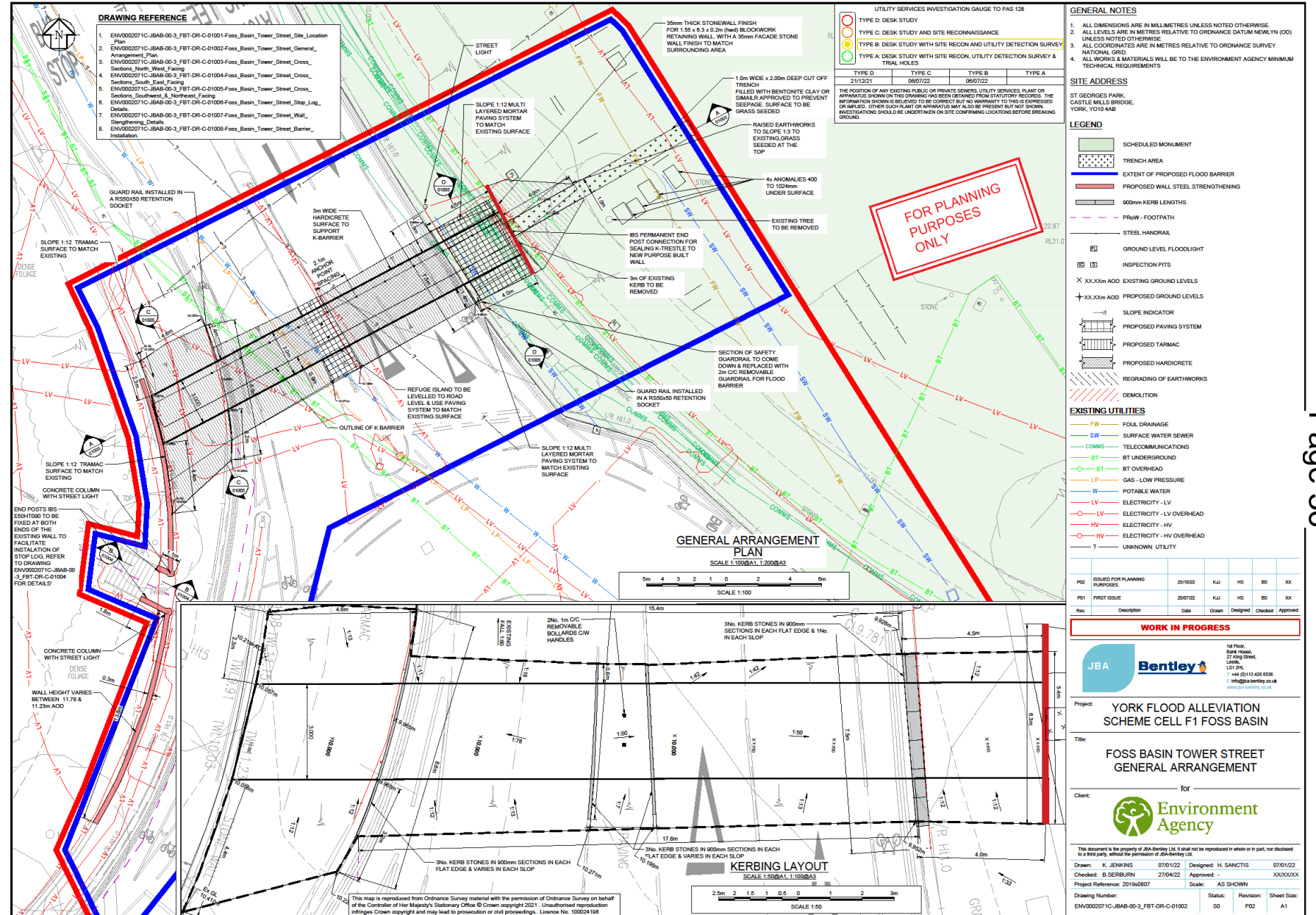


Planning Committee B

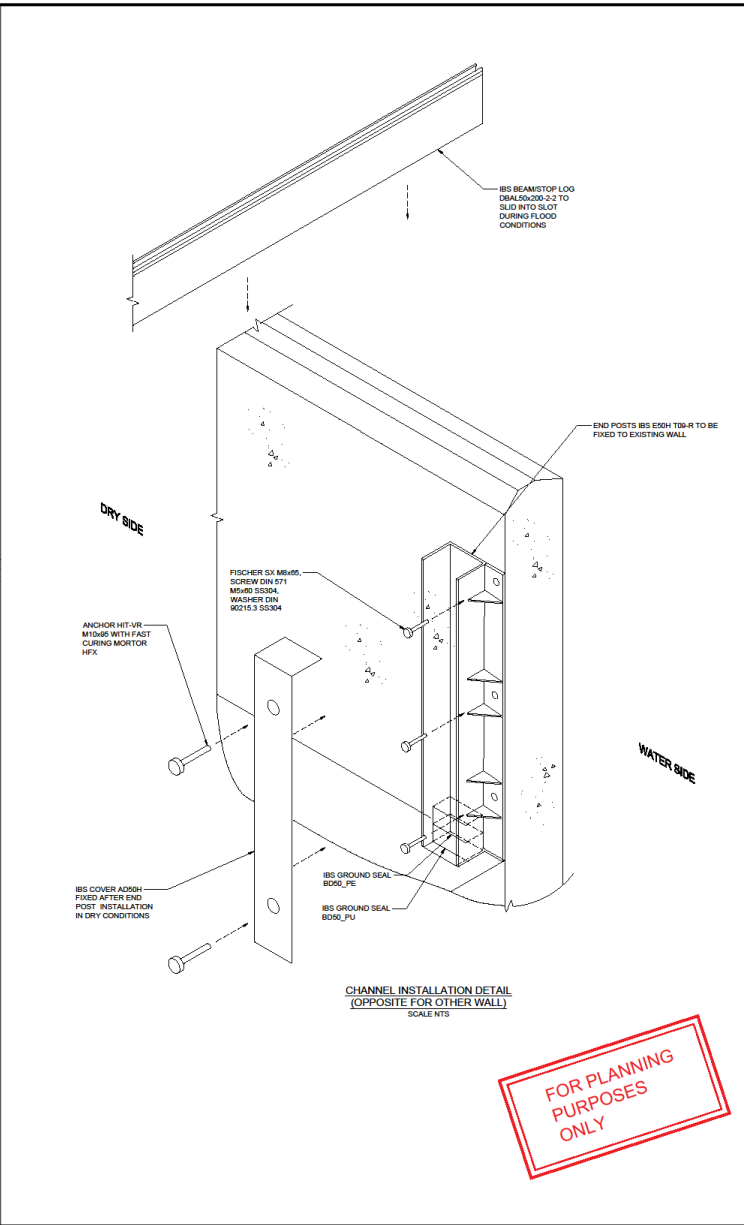
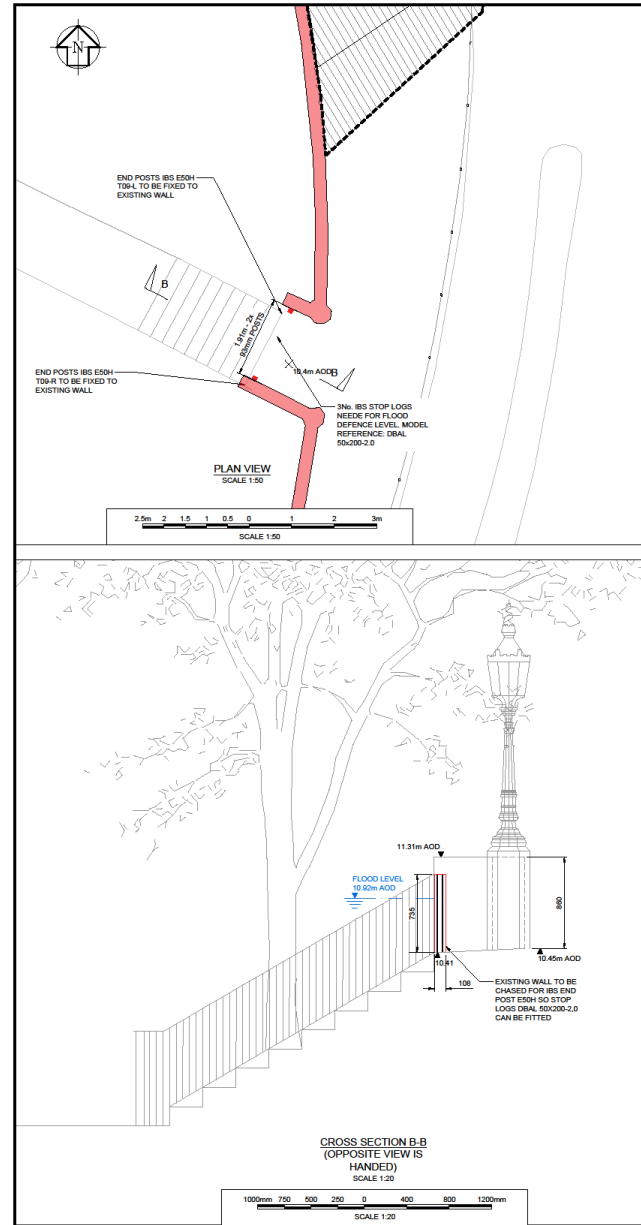
22/02613/FUL & 22/02491/LBC

St Georges Field Car Park Tower Street

Tower Street works – general arrangements



Tower Street stop log detail



GENERAL NOTES

1. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.
2. ALL LEVELS ARE IN METRES RELATIVE TO ORDNANCE DATUM NEWLYN (OD) UNLESS NOTED OTHERWISE.
3. ALL COORDINATES ARE IN METRES RELATIVE TO ORDNANCE SURVEY NATIONAL GRID.
4. ALL WORKS & MATERIALS WILL BE TO THE ENVIRONMENT AGENCY MINIMUM TECHNICAL REQUIREMENTS.
5. SECTION B-B IS THE SAME INFORMATION BUT HANDED.

SITE ADDRESS

ST GEORGES PARK,
CASTLE MILLS BRIDGE,
YORK, YO10 4AB

DRAWING REFERENCE

1. ENV0002071C-BAB-00-3_FBT-DR-C-01001-Foss_Basin_Tower_Street_Site_Location_Plan
2. ENV0002071C-BAB-00-3_FBT-DR-C-01002-Foss_Basin_Tower_Street_General_Arrangement_Plan
3. ENV0002071C-BAB-00-3_FBT-DR-C-01003-Foss_Basin_Tower_Street_Cross_Section_North_West_Facing
4. ENV0002071C-BAB-00-3_FBT-DR-C-01004-Foss_Basin_Tower_Street_Cross_Section_South_East_Facing
5. ENV0002071C-BAB-00-3_FBT-DR-C-01005-Foss_Basin_Tower_Street_Cross_Section_Southwest_Northwest_Facing
6. ENV0002071C-BAB-00-3_FBT-DR-C-01006-Foss_Basin_Tower_Street_Stop_Log_Details
7. ENV0002071C-BAB-00-3_FBT-DR-C-01007-Foss_Basin_Tower_Street_Barrier_Strengthening_Details
8. ENV0002071C-BAB-00-3_FBT-DR-C-01008-Foss_Basin_Tower_Street_Barrier_Installation

Rev	Description	Date	Drawn	Designed	Checked	Approved
P02	ISSUED FOR PLANNING PURPOSES	25/10/22	KJJ	AG	BS	XX
P01	FIRST ISSUE	29/04/22	KJJ	AG	BS	XX

WORK IN PROGRESS

JBA Bentley

Project: YORK FLOOD ALLEVIATION SCHEME CELL F1 FOSS BASIN

Title: FOSS BASIN TOWER STREET STOP LOG DETAILS

Client: Environment Agency

FOR PLANNING PURPOSES ONLY

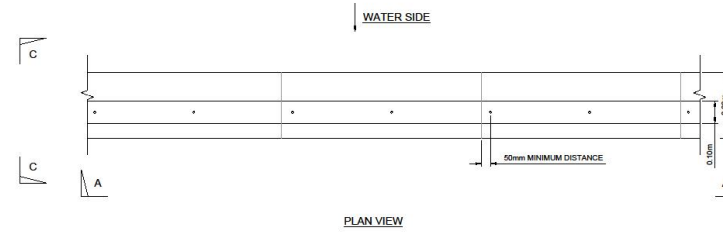
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Drawn:	K. JENKINS	07/01/22	Designed:	A. GOLD	07/01/22
Checked:	B. SHERBURNE	27/04/22	Approved:		00/00/00
Project Reference:	201648027		Scale:	1:200	
Drawing Number:	ENV0002071C-BAB-00-3_FBT-DR-C-01006		Status:	P02	Revision:
					Sheet Size:
					A1

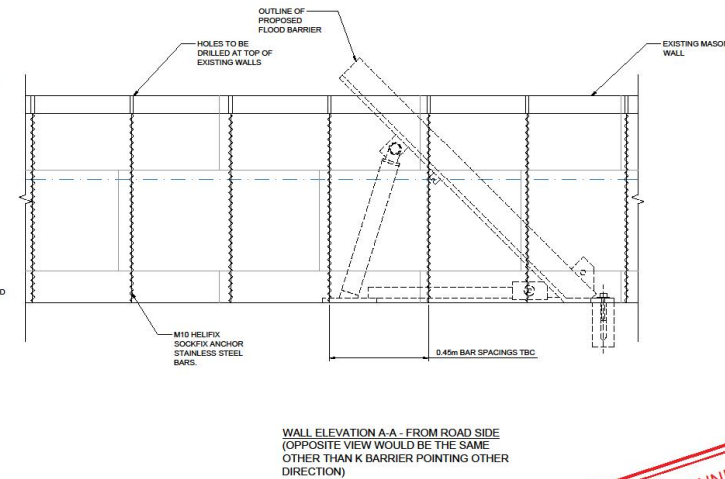
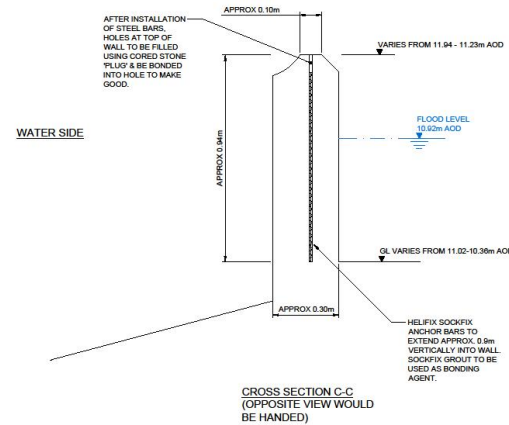
Tower Street Wall strengthening details



PHOTOGRAPH OF PROPOSED FINISH TO WALL STRENGTHENING



PLAN VIEW



FOR PLANNING PURPOSES ONLY

GENERAL NOTES

1. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.
2. ALL LEVELS ARE IN METRES RELATIVE TO ORDNANCE DATUM NEWLYN (OD) UNLESS NOTED OTHERWISE.
3. ALL COORDINATES ARE IN METRES RELATIVE TO ORDNANCE SURVEY NATIONAL GRID.
4. ALL WORKS & MATERIALS WILL BE TO THE ENVIRONMENT AGENCY MINIMUM TECHNICAL REQUIREMENTS.

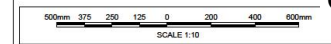
SITE ADDRESS

ST GEORGES PARK,
CASTLE MILLS BRIDGE,
YORK, YO10 4AB

LEGEND

DRAWING REFERENCE

1. ENV0002071C-JBAB-00-3_FBT-DR-C-01001-Foss_Basin_Tower_Street_Site_Location_Plan
2. ENV0002071C-JBAB-00-3_FBT-DR-C-01002-Foss_Basin_Tower_Street_General_Arrangement_Plan
3. ENV0002071C-JBAB-00-3_FBT-DR-C-01003-Foss_Basin_Tower_Street_Cross_Sections_North_West_Facing
4. ENV0002071C-JBAB-00-3_FBT-DR-C-01004-Foss_Basin_Tower_Street_Cross_Sections_South_East_Facing
5. ENV0002071C-JBAB-00-3_FBT-DR-C-01005-Foss_Basin_Tower_Street_Cross_Sections_Southeast_Northeast_Facing
6. ENV0002071C-JBAB-00-3_FBT-DR-C-01006-Foss_Basin_Tower_Street_Stop_Lo_Details
7. ENV0002071C-JBAB-00-3_FBT-DR-C-01007-Foss_Basin_Tower_Street_Wall_Strengthening_Details
8. ENV0002071C-JBAB-00-3_FBT-DR-C-01008-Foss_Basin_Tower_Street_Barrier_Installation



Rev	Description	Date	Drawn	Designed	Checked	Approved
P02	ISSUED FOR PLANNING PURPOSES	25/10/22	KJJ	HS	BS	XX
P01	FIRST ISSUE	28/04/22	KJJ	AG	BS	XX

WORK IN PROGRESS

1st Floor,
Sera House,
27 King Street,
Leeds,
LS1 2PL,
+44 (0)113 426 6326
info@jba-bentley.co.uk
www.jba-bentley.co.uk

Project: **YORK FLOOD ALLEVIATION SCHEME CELL F1 FOSS BASIN**

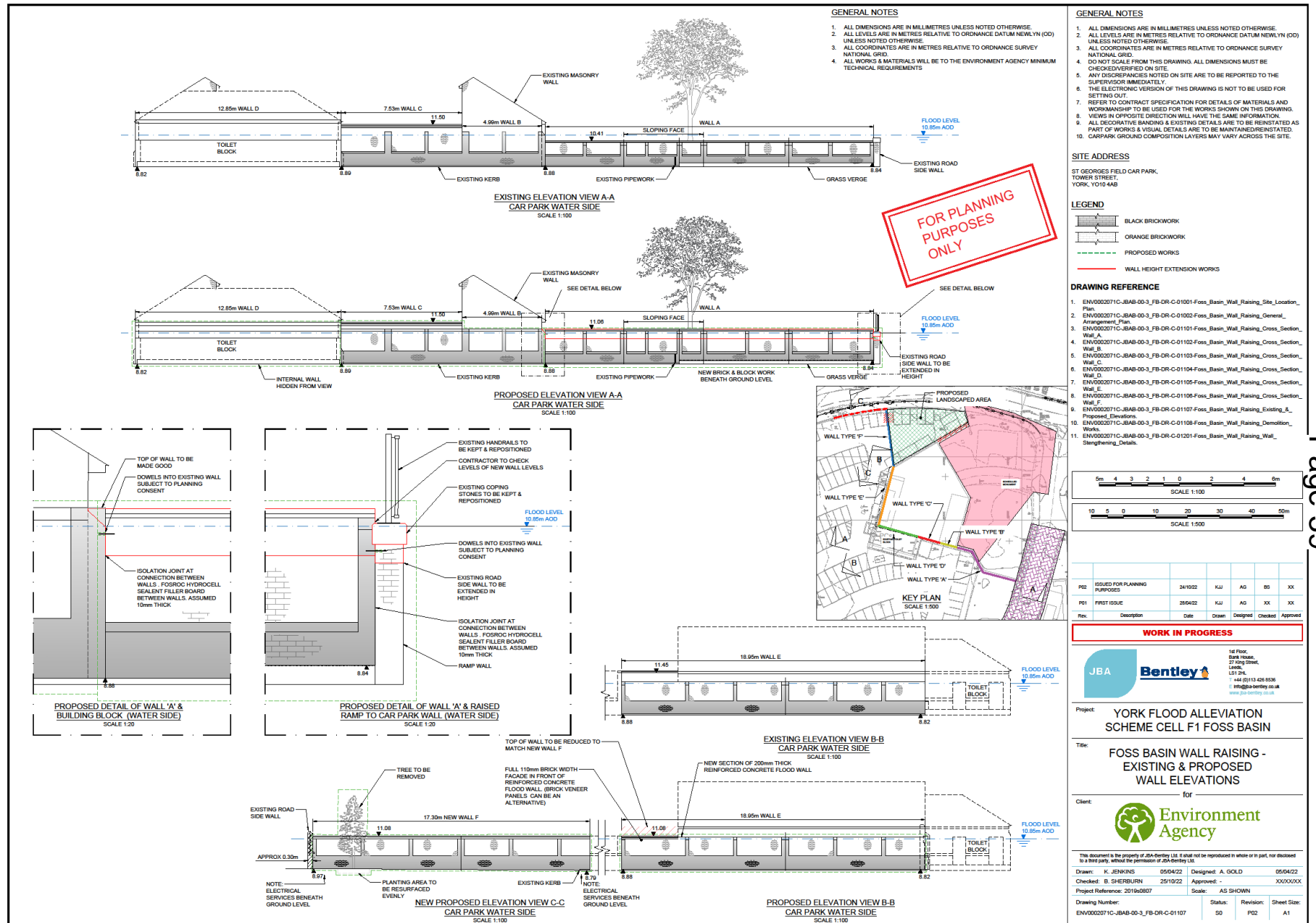
Title: **FOSS BASIN TOWER STREET WALL STRENGTHENING DETAILS**

Client: **Environment Agency**

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Drawn: K. JENKINS	20/11/22	Designed: A. GOLD	20/11/22
Checked: B. SHERBURN	27/04/22	Approved: -	XX/XX/XX
Project Reference: 2019s0807	Scale: 1:10	Status: SO	Revision: P02
Sheet Number: ENV0002071C-JBAB-00-3_FBT-DR-C-01007	Sheet Size: A1		

Foss Basin wall raising Existing and proposed elevations



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COMMITTEE REPORT

Date: 15 November 2023 **Ward:** Fishergate
Team: East Area **Parish:** Fishergate Planning
Panel

Reference: 22/02491/LBC
Application at: St Georges Field Car Park Tower Street York
For: Flood mitigation measures within St Georges Field Car Park and Tower Street to include a new flood defence wall from car park to tie into abutment wall of Skeldergate Bridge, the strengthening of the abutment walls of the bridge and the attachment of support post to bridge masonry wall
By: Environment Agency
Application Type: Listed Building Consent
Target Date: 17 November 2023
Recommendation: Approve

1.0 PROPOSAL

1.1 Listed building consent is sought for flood mitigation measures to include a new section of wall to connect the edge of Tower Street to the corner of the existing flood wall (tying into Skeldergate Bridge), the strengthening of the abutment walls of Skeldergate Bridge and the installation of framework to allow for a demountable flood system across Tower Street. This latter proposal involves the construction of a retaining wall in front of the embankment leading up to the Crown Court to provide a structure to which the support post of the demountable barrier can be attached and the installation of a stoplog involving the addition of two steel posts into the abutment walls of Skeldergate Bridge.

1.2 The application site comprises land around the confluence of the River Foss and the River Ouse. The first of the areas is within the St George's Field car park, adjacent to Skeldergate Bridge. This site is a sensitive location within the New Walk Terrace / Terry Avenue Conservation Area and the Area of Archaeological Importance with the archaeology preserved below the surface including a Knights Templar Chapel and Mill complex. The site is within Character Area 66 (Fishergate-River Ouse) as defined by the York Central Historic Core Conservation Area Appraisal (YCHCCA).

1.3 The second area is located approximately fifty metres to the north within the Central Historic Core Conservation Area and the Area of Archaeological Importance. It spans the width of Tower Street which runs along the western boundary of York Castle (Scheduled Monument) and falls within Character Area 13 (The Castle area) as defined by the YCHCCA, which includes, in addition to Clifford's Tower and the castle remains, the following designated heritage assets: The Crown Court and railings, Grade I, Castle Museum and Debtors Prison, Grade I, and Castle Museum and Female Prison, Grade I.

1.4 The associated planning application is referenced 22/02613/FUL.

2.0 POLICY CONTEXT

2.1 The National Planning Policy Framework ('NPPF') key sections are as follows –

Conserving and enhancing the historic environment (chapter 16)

2.2 The Draft City of York Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in early 2024. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.3 The key 2018 Draft Local Plan policy is as follows;

D5 Listed Buildings

3.0 CONSULTATIONS

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT
(CONSERVATION ARCHITECT)

Wall strengthening

3.1 Support the proposed strengthening of the wall and although there would be some minor loss of original fabric and aesthetic interest the benefits outweigh the harm.

Stone clad retaining wall

3.2 The revised drawings reflect pre-application advice and is considered to have a less harmful impact on the setting of the listed Crown Court. This option still results in considerable change to the setting of the historic structures and the character of the area but is significantly less harmful than the option originally presented. The “Rubberwall” connection for fixing the temporary barriers to the bridge abutment walls will also result in a degree of harm but again this is outweighed by public benefits.

3.3 Whilst the scheme overall results in harm to the historic environment, the degree of harm is low and would be regarded as at the lower level of “less than substantial.” Attempts have been made to reduce the harm and there is clear public benefit.

4.0 REPRESENTATIONS

4.1 No representations received.

5.0 APPRAISAL

5.1 Key Issues

- Impact on heritage assets

5.2 In accordance with Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for any works, 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. This statutory duty must be given considerable importance and weight when carrying out the balancing exercise.

5.3 The legislative requirements of Section 16 are in addition to government policy contained in Section 16 of the NPPF, paragraph 189 of which states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 195 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and should take this into account when

considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

5.4 Both areas (St George's Field car park and Tower Street) are highly sensitive and significant given their location within Conservation Areas and proximity to such heritage assets as Cliffords Tower, the Crown Court and the Castle Museum which together form part of an ensemble of buildings, spaces and sub-surface deposits which represent one of the most important heritage sites in the country. The archaeology preserved below the surface of St George's car park includes a Knights Templar Chapel and Mill complex. This significance contributes to the characteristic of the conservation area, the historic setting of the city as an area and the individual assets within it.

5.5 Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset the greater the weight should be) irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.6 Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.7 Draft Local Plan Policy D4 reflects legislation and national planning guidance and advises that harm to buildings, open spaces, trees, views, or other elements which make a positive contribution to a conservation area will be permitted only where this is outweighed by the public benefits of the proposal.

New wall to tie in to the Skeldergate Bridge abutment wall and strengthening of the abutment wall

5.8 It is proposed to build a new section of wall, approximately 20 metres in length with a height of 11.08mAOD, to connect the edge of Tower Street to the corner of the existing flood wall to tie into the Grade II listed Skeldergate Bridge abutment walls. The wall would be constructed of a concrete core clad with brickwork and coping to match that of the pumping station. The wall would attach to the abutment wall via three dowels that would be drilled into the masonry joints.

5.9 The scheme also involves the strengthening of a section of the abutment walls that runs along the north edge of the car park. The proposed works involve coring the wall vertically and inserting steel helibars, before covering the holes with a stone plug.

5.10 Officers are supportive of the proposals to tie the new wall in to the abutment wall and the wall strengthening works by the method proposed. It is acknowledged that there would be some minor loss of original fabric and the potential of a low degree of loss of aesthetic value. However, this would diminish over time with the development of patina and natural soiling of the stone and alternative methods such as external augmentation would result in considerably more harm. The potential benefits to result from the new section of wall and the wall strengthening are considered to outweigh the less than substantial harm which would result from this work.

Tower Street demountable temporary flood barrier

5.11 It is proposed to install framework on each side of Tower Street and to strengthen the existing abutment walls of Skeldergate Bridge to allow the deployment of a demountable flood relief barrier across Tower Street. The demountable flood defence would extend across Tower Street from the Skeldergate Bridge abutment walls to the embankment leading up to the Grade 1 listed Crown Court.

5.12 The demountable defences would attach to the abutment walls via a support post that would be sealed to the wall via a rubber-wall connection during a flood event. The rubber seal would not permanently impact the abutment wall and would be removed once the demountable defence is not required. The east-most support post would be permanently attached to a new purpose-built retaining wall. This wall would be set to the rear of the pavement in front of the embankment leading up to the Crown Court, within the scheduled area of York Castle. A small amount of excavation of the embankment would be required to enable the construction of the retaining wall which would measure 6m in length and be clad in stone.

5.13 The method of wall strengthening associated with the proposal for the demountable flood barrier would be the same as detailed in relation to the strengthening of the walls that run along the north edge of St George's Field car park (see para 5.8).

5.14 A stoplog would also be required at the entrance to Tower Park from Tower Street. This would result in a permanent change to the listed Skeldergate Bridge through the addition of two steel posts into the abutment at the top of the stairs that lead down to Tower Park into which the flood defence beams would be slotted.

5.15 The rubber-wall connection for fixing the temporary barriers to the bridge abutment walls and the wall strengthening works through some minor loss of original fabric and the potential of a low degree of loss of aesthetic value, would result in a degree of harm. The stoplog would result in a permanent change to the Skeldergate Bridge, impacting on the evidential and aesthetic value of the abutment walls and therefore would also cause harm to heritage assets. The impact would be lessened by drilling into mortar joints and sympathetic positioning.

5.16 The degree of harm to result from the proposed works is considered low and would be regarded as "less than substantial". Attempts have been made to reduce the harm where possible and measures to minimise the harm for instance through a selection of high-quality materials and workmanship, would be secured by condition. There is a clear public benefit deriving from the scheme which is considered to outweigh the harm identified. The proposals therefore are in accordance with local and national planning policies including paragraph 205 of the NPPF and 2018 Draft Local Plan Policy D4.

5.17 Based on the above, it is considered that if the application is approved the Local Planning Authority will have properly exercised its duty under Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.0 CONCLUSION

6.1 The proposal would have a minor negative impact on the special interest of the abutment walls of Skeldergate Bridge however the degree of harm is considered to be "less than substantial". Attempts have been made to reduce the harm where possible and measures to minimise the harm for instance through a selection of high-quality materials and workmanship, would be secured by condition. There is a clear public benefit deriving from the scheme which is considered to outweigh the harm identified when giving considerable importance and weight to the identified harm. The proposal is therefore considered to accord with guidance contained within the National Planning Policy Framework, the provisions of emerging Local Plan policy D5 and Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

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

ENV0002071C_JBAB-00-3_FBT-DR-C-01001 Rev P03 (Site Location Plan)

ENV0002071C_JBAB-00-3_FBT-DR-C-01002 Rev P02 (Foss Basin Tower Street General Arrangement)

ENV0002071C_JBAB-00-3_FBT-DR-C-01107 Rev P02 (Foss Basin Wall Raising - Existing & Proposed Wall Elevations)

ENV0002071C_JBAB-00-3_FBT-DR-C-01003 Rev P02 (Foss Basin Tower Street Cross Sections North West Facing)

ENV0002071C_JBAB-00-3_FBT-DR-C-01004 Rev P02 (Foss Basin Tower Street Cross Sections South East Facing)

ENV0002071C_JBAB-00-3_FBT-DR-C-01005 Rev P02 (Foss Basin Tower Street Cross Sections SouthWest & NorthEast Facing)

ENV0002071C_JBAB-00-3_FBT-DR-C-01006 Rev P02 (Foss Basin Tower Street Stop Log Details)

ENV0002071C_JBAB-00-3_FBT-DR-C-01007 Rev P02 (Foss Basin Tower Street Wall Strengthening Details)

ENV0002071C_JBAB-00-4_B08_DR-C-01601 Rev P03 (Highway Access Design Options)

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

3 A detailed method statement for the works to strengthen the Skeldergate Bridge abutment walls shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of these works and shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the fabric and appearance of the listed bridge.

4 Large scale drawings of the proposed retaining wall, to include the coping and "Rubberwall" connection, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of this element of the scheme and the works shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the character and appearance of the Conservation Area.

5 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, to include the mortar and stone, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices sample materials should 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: In the interests of safeguarding the character and appearance of the Conservation Area and the listed Skeldergate Bridge.

6 Sample panels of the brickwork to be used for the new flood wall within St Georges Field Car Park and for the new retaining wall (Tower Street) shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. The panels shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

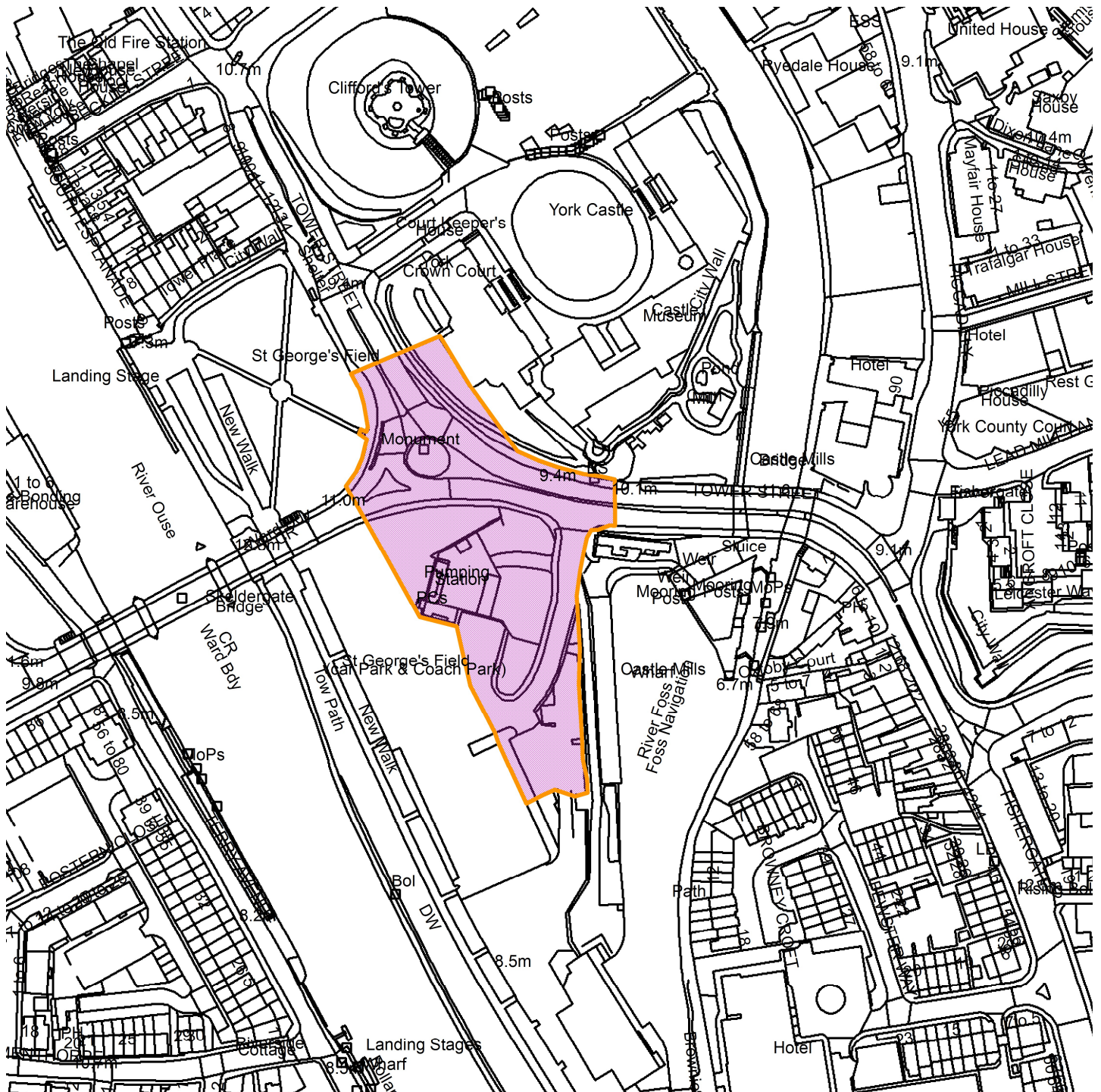
Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

Contact details:

Case Officer: Rachel Tyas
Tel No: 01904 551610

St Georges Field Car Park, Tower Street, York

22/02491/LBC



Scale : 1:2215

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	02 November 2023
SLA Number	Not Set

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COMMITTEE REPORT

Date: 15 November 2023 **Ward:** Holgate
Team: West Area **Parish:** Holgate Planning Panel
Reference: 23/01114/GRG3
Application at: St Pauls Nursery School 12 St Pauls Square York YO24 4BD
For: Erection of annex following demolition of existing building, access alterations to front and internal alterations to nursery building.
By: City Of York Council
Application Type: General Regulations (Reg3)
Target Date: 17 November 2023
Recommendation: Approve

1.0 PROPOSAL

1.1 St Paul's Nursery, St Paul's Square comprises a Grade II Listed brick built terraced property dating to the early 19th Century set around a tree lined square to the west of the City Centre. The application site is within the St Paul's Square/Holgate Road Conservation Area. Planning permission and a parallel Listed Building Consent (ref: 23/01129/LBC) are sought for the demolition of an existing single storey block work extension and the erection of a replacement single storey annex with a series of internal alterations, a reconfigured access and the provision of a rear fire escape stair serving the kitchen and dining area. The new provision is designed to provide specialist accommodation for children with autism.

1.2 The proposal has been amended since submission to address Conservation concerns.

1.3 The application is reported to the Planning Committee under Art.13 5.1 f. of the Constitution because it is made by CYC, and an objection has been received.

2.0 POLICY CONTEXT

2.1 Draft City of York Local Plan (2018) Policies:

- ED6 Pre School, Primary and Secondary Education
- D4 Conservation Areas
- D5 Listed Buildings
- ENV2 Managing Environmental Quality
- GI4 Trees and Hedgerows

- CC2 Sustainable Design and Construction of New Development

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development (Conservation)

3.1 Any comments will be reported verbally.

Design, Conservation and Sustainable Development (Landscape Architect)

3.2 Raise no objection to the proposal in principle with two of the three trees to be lost seen to be of poor health and poor townscape value within the arboricultural survey. The third tree to be lost which is a flowering cherry should be replaced by an alternative elsewhere in the site. Any permission should be conditioned to require an arboricultural method statement with a tree protection plan and working method statement.

Design, Conservation and Sustainable Development (Ecology)

3.3 Raise no objection to the proposal on the basis that the proposed green roof would enhance the biodiversity value of the site. Suggestions in respect of further biodiversity enhancements are offered by way of informative to any permission in addition to an in respect of breeding birds.

EXTERNAL

Holgate Planning Panel

3.4 No representations received.

4.0 REPRESENTATIONS

4.1 Six letters of representation have been received, two of which are from the same individuals raising the following issues:

- Objection to building on unregistered land which is claimed by an adjoining property who made the objection
- Support for the proposed extension in principle
- Concern about the routing of construction traffic and the potential harm to residential amenity arising from it

- Concern that the proposed green roof for the annex and fire escape stair could be a target of anti-social behaviour
- Concern at the loss of availability to park in front of the site for the duration of the build
- Concern that the rear back lane access could instead be used for deliveries which could improve its treatment and reduce instances of fly tipping
- Concern about the loss of external play space for children
- Concern that all construction related traffic should park at the nearby site of "Holgate Dock".
- Concern at the impact of the proposed design upon the character and appearance of the St Paul's Square/Holgate Road Conservation Area in terms of the scheme as originally submitted
- Concern in respect of the impact of the proposed extension design upon the setting of the existing Listed Building in terms of the scheme as originally submitted
- Objection to the over-complicated palette of materials in respect of the scheme as originally submitted
- Concern that any asbestos within the existing extension will be safely disposed of.
- Concern at the potential for impact upon the amenity of neighbouring properties from construction related ground works.

5.0 APPRAISAL

5.1 KEY CONSIDERATIONS INCLUDE

- Principle of the Development
- Character and Appearance of the Conservation Area
- Setting of the Host Listed Building
- Residential Amenity of Neighbouring Properties
- Trees of Townscape Importance
- Sustainable Construction

NATIONAL PLANNING POLICY FRAMEWORK

5.2 The NPPF sets out the government's planning policies for England and how these are expected to be applied. Its planning policies are material to the determination of planning applications. The NPPF sets out that the purpose of the planning system is to 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, which are interdependent and need to be pursued in mutually supportive ways (paragraph 8).

LOCAL PLAN

5.3 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in the first quarter of 2024. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

PRINCIPLE OF THE DEVELOPMENT

5.4 Central Government Planning Policy as outlined in paragraph 95 of the NPPF indicates that Local Planning Authorities should take a proactive, positive and collaborative approach to meeting the requirement for additional school places. Great weight should be afforded the need to expand, alter or create schools through planning decisions. At the same time Policy ED6 of the 2018 Draft Local Plan indicates that new or enhanced educational facilities will be supported providing they are accessible by sustainable means from the communities they are intended to serve, and they do not have an unacceptable impact upon the amenities of neighbouring properties.

5.5 St Paul's Nursery is the only non-privately operated nursery school facility within the City having been gifted by the Joseph Rowntree Trust to a predecessor authority in the 1940s as a nursery subject to a restrictive covenant. The Nursery has a capacity of 60 children and has 77 on role, 16 of the children have special requirements in terms of autism and the nursery provides a specialist facility designed to address their needs. This is currently housed in the existing extension which was erected in the late 1940s as a temporary building and is in poor structural repair. At the same time the school dining and food preparation area is on the upper floor of the main building without an adequate means of escape in the event of fire.

5.6 The proposal seeks permission to provide a separate reception area for the facility together with a sensory room, a speech development room and two teaching areas. A self-contained outdoor play area would also be provided. In terms of the fire escape provision an existing window in the kitchen area would be widened to provide access to a new fire escape stair down the rear wall of the building with a separate fire escape from the dining area leading on to the rear of the roof of the new extension leading to a separate escape stair to the hard play area.

5.7 The proposal is intended to remedy an identified deficiency in existing capacity rather than to provide additional by providing modern purpose-built accommodation. As such the proposal is felt to comply with the requirements of Policy ED6 of the 2018 Draft Local Plan and paragraph 95 of the NPPF.

THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

5.8 Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. This statutory duty must be given considerable importance and weight when carrying out the balancing exercise.

5.9 In addition to the statutory duty, Central Government Planning Policy as outlined in section 16 of the National Planning Policy Framework is also to be applied, notably paragraphs 199 to 202. The NPPF classifies listed buildings and Conservation Areas as "designated heritage assets". The NPPF advises on heritage assets as follows:

- Paragraph 199 advises that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be" ... "As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."
- Paragraph 202 advises that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use."

5.10 ASSET SIGNIFICANCE: St Paul's Square/Holgate Road Conservation Area comprises a ribbon of villas and other smaller properties set within modest grounds lining one of the principal approaches to the City Centre dating to the early 19th Century. To the rear lies St Paul's Square comprising a formal terraced square development centred on a green space dating to the early 19th Century. Properties are a mix of simple Neo-Classical designs in a mid-red brick with Welsh slate roofs set below a low parapet.

5.11 THE PROPOSAL: The proposal envisages the demolition of the existing temporary block work extension dating to the late 1940s with a later extension and its replacement with a single storey brick and timber clad extension with a glazed link to the existing building with a standing seam profiled metal roof to the street elevation and a flat "green" roof allowing for an emergency escape area from the dining area in the main building to the rear. Within the main building two cupboard spaces would be converted into resource areas, an additional partition wall would be provided in the reception area and fire escapes would separately be provided to the kitchen and dining area to the rear. The existing porch would be demolished and a platform lift, a disabled access ramp and a pram and push chair store would be

provided on the site. The new extension would be provided with a separate reception area.

5.12 ASSESSMENT OF IMPACT: The proposal seeks to replace an existing block work and asbestos roofed structure set within a former side garden area associated with the building. It also seeks the removal of a crude brick mono pitch roofed porch from the frontage and the replacement with a low-level disabled access ramp of simple design with a low-level pram and push chair store with a platform lift to access the reception area to the main building. To the rear an existing window at the upper-level kitchen would be replaced by a door giving on to a fire escape which would be of a wrought iron utilitarian design.

5.13 The existing block work and asbestos roofed extension was erected as a temporary structure in the late 1940s with a further flat roof extension in the late 1960s. It is in poor structural condition with problems of ventilation and damp which leads to a sub-standard teaching environment. The building is a detractor to both the Conservation Area and the setting of the Listed Building appearing jarringly out of character with the remainder of the site and the wider surroundings of the Square. Its demolition would enhance the character and appearance of the Conservation Area as well as safeguarding the setting of the host Listed Building.

5.14 The proposed building would be set back from the existing building frontage and further set back from the line of the previous extension by approximately 1 metre. The use of a further recessed glazed link extension connecting with the host building would identify the building as being clearly separate from and subservient to the original structure. Objection was expressed to the scheme as originally submitted due to its sharply contemporary design with the use of curtain wall cladding and a clerestory roof. The revised design makes a greater use of brick work to match the existing building with some timber feature cladding and a dark coloured standing seam metal roof. To the rear there would be a timber framed roofed outdoor play area, a full height glazed clad central section with the remainder clad in brick apart from a central section surrounded by timber with the fire escape stair cantilevered into the rear play area. A flat roof is adopted to the rear to provide an emergency escape area from the upper floor dining area.

5.15 The design principle has been chosen to establish the extension as something clearly in institutional use in an otherwise residential area. It also clearly sets out to be different to the character and texture of the host building whilst at the same time respecting it. The roof form if not the material reflects that characteristic of the wider area whilst the brick chosen pays reference to the host building. The use of a cedar type timber cladding and structural glazing set points of difference. The character of the rear of the site is rather different with the building overlooking the rear play area of St Paul's Primary School and more formal and institutional in character. The use of a flat roof form and glazed and timber cladding would appear less alien with the site largely enclosed in short and middle-distance views.

5.16 In terms of paragraph 202 of the NPPF it is felt that the proposal would give rise to less than substantial harm, towards the lower end of the scale, to the character and appearance of the Conservation Area particularly in terms of the introduction of non-standard materials and forms to the site frontage only partially offset by the degree to which it is set back from that frontage. The removal of the existing porch would provide a positive benefit to the wider significance of the Conservation Area as would the removal of the existing temporary building. That sets up a need to weigh this harm against the public benefits of the proposal. In this case the provision of a modern facility catering for the needs of autistic pupils together with appropriate fire escape provision in respect of the existing building is felt to amount to an appropriate public benefit which would outweigh the harms in the planning balance.

SETTING OF THE HOST LISTED BUILDING

5.17 Section 66 of the 1990 Planning (Listed Buildings and Conservation Areas) Act creates a statutory presumption for the Local Planning Authority to have special regard to the desirability of preserving the Listed Building or its setting and any special historic or architectural features it possesses. This statutory duty must be given considerable importance and weight in determining the planning application.

5.18 ASSET SIGNIFICANCE: The host property is a former double fronted villa constructed in the 1840s along with the remainder of the St Paul's Square development in a simple Neo-Classical style. The building along with its neighbours is Listed Grade II for group value.

5.19 ASSESSMENT OF IMPACT: The site of the proposed extension lies in what was the former substantial side garden of the property illustrated on early maps of the area. The existing late 1940s extension with its utilitarian pattern of fenestration and monotonous block work walls detracts from the setting of the host building and its opposite neighbour. Its removal would serve to enhance the setting of the host building. The proposed replacement extension is set back further into the site and uses forms and some of the materials present in the wider area. This is at the same time as creating something distinct from the host building.

5.20 In terms of assessing impact upon the setting of the Listed Building it is felt that the proposal as amended would again give rise to less than substantial harm towards the lower end of the scale. The new extension would be undeniably in institutional use with a flat roof form to the rear with timber cladding and structural glazing creating a pattern of fenestration alien to the wider area. The fire escape works whilst contained within the rear of the site would also be institutional in character. The removal of the existing crude 1970s porch and the proposed access works would create a positive benefit in terms of the appearance of the site frontage.

5.21 Some significant public benefits may be identified for the proposal as amended. These include the removal of the existing detracting 1940s temporary building and the provision of a purpose-built teaching facility for young children which is not available elsewhere. The wider works including the provision of fire escapes from both pupil dining and kitchen areas would also help secure the long-term future of the building as a nursery for which it was gifted to the City in the 1940s. It is felt that the provision of the purpose-built teaching accommodation for autistic children should be afforded substantial weight in the planning balance. The removal of the existing temporary building and porch in view of the degree to which the site would be enhanced should similarly be afforded substantial weight. The effect of the other wider site works including the provision of fire escapes should be afforded moderate weight. In conclusion it is felt that the public benefits outweigh the harms identified.

RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

5.22 Central Government Planning Policy as outlined in paragraph 130f) of the NPPF indicates that planning decisions should create communities with a high standard of amenity for all existing and future users. At the same time Policy ENV2 of the 2018 Draft Local Plan indicates that development proposals for uses likely to have an environmental impact upon the amenity of the surrounding area including residential amenity, local character and distinctiveness should be accompanied by evidence that the impacts have been evaluated and that the proposal would not result in any loss of character or amenity.

5.23 The application site largely comprises a former side and rear garden which is partially walled to the back lane to the east. The surrounding area comprises a series of Late Georgian villas with small open front gardens and long narrow rear gardens partially sheltered by substantial brick boundary walls. The closest property to the northeast lies approximately 20 metres distant across a substantial partially walled side garden. The site is open to the southeast towards St Paul's Primary School. The property directly adjacent to the southwest would be largely sheltered by the boundary wall and the bulk of the existing building. The operational management of the site post development would remain largely unchanged, and it is felt that the degree of disturbance from construction activities given the layout of the site would be modest.

5.24 Concern has been expressed by neighbours in respect of the arrangements for demolition of the existing extension and construction of the replacement, specifically in respect of associated deliveries and parking of associated traffic. A suggestion has been made in respect of the potential for usage of the rear back lane accessed from Enfield Crescent from where there is a side access into the school rather than the main St Paul's Square frontage. Reference is also made to the existing usage of the back lane by refuse vehicles. The back lane however narrows significantly on approach to the school, there is no meaningful turning area and visibility for vehicles is poor. There is no turning space and the access into the site is a small pedestrian

gate at the head of a steep sharply angled path. It would therefore be physically extremely difficult to deliver materials safely through that location and would be more harmful to the amenity of neighbouring properties than the proposed location.

5.25 Concern has also been expressed by neighbours that the rear flat roofed element of the extension could be used as a focus for anti-social behaviour during periods when the school is closed to the detriment of the amenity of neighbouring properties. The rear flat roofed element of the extension is however designed to provide a safe means of escape from the site for users in the event of fire or other emergency to an extent that doesn't exist now. The design as amended with a false pitched roof in a standing seam metal would make access to the rear difficult in any case.

5.26 Neighbours have expressed concern in terms of the safe disposal of asbestos within the existing extension to be demolished given its age and structural condition. The disposal of asbestos is subject to a separate formal system of control and is not a material consideration in respect of the current proposal.

5.27 It is felt that the proposal would not result in any material harm to the residential amenity of neighbouring properties and that the requirements of paragraph 130f) of the NPPF and Policy ENV2 of the 2018 Draft Local Plan would be complied with.

ROUTING OF CONSTRUCTION TRAFFIC

5.28 Central Government Planning Policy as outlined in paragraph 111 of the NPPF indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impacts upon the road network would be severe. At the same time Policy T1 of the 2018 Draft Local Plan indicates that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it.

5.29 The application site sits in a densely developed area within a residential square with on street parking by means of residents' permit but without reserved spaces. This leads to some neighbouring residents and associated visitors parking outside of the school site particularly when the school is closed. It is envisaged that for the duration of the construction process parking outside of the school site would be restricted to allow for free access to construction traffic and associated deliveries. That would result in the temporary suspension of three spaces. This would last for the duration of the construction process which would last approximately 9 months. In view of the restricted area involved the level of displaced parking would be relatively modest and it is felt that for the duration of the work any harm caused would be acceptable.

TREES OF TOWNSCAPE IMPORTANCE

5.30 The application site, which comprises a former garden retains a number of semi mature and mature trees surviving from that use which contribute towards the wider significance of the Conservation Area as well as enhancing the character of the site itself. The application has been accompanied by a detailed arboricultural survey and tree constraints plan. Two trees of particular significance are identified a sycamore within the main play area to the rear which would be retained along with a cotoneaster and a flowering cherry to the rear of the existing extension which would be lost through the proposed works. Each of the trees is identified by the survey as being in fair to good condition and as being of some townscape significance.

5.31 In view of the nature of what is proposed and a degree of previous harm to the defined root protection area of the sycamore it is recommended that any planning permission be conditioned to require the submission and prior approval of arboricultural method statement to ensure that the tree can be retained during construction work and remain part of the external teaching environment. The flowering cherry is due to be lost with the proposed works but in view of its health and wider townscape importance it is recommended that appropriate replacement planting be undertaken and that any planning permission be conditioned accordingly.

SUSTAINABLE CONSTRUCTION

5.32 Policy CC2 (as revised) of the 2018 Draft Local Plan indicates that for new non-residential buildings in excess of 100 square metres there is a requirement for a 28% reduction in carbon emissions over and above the requirements of the 2013 Building Regulations. In terms of sustainability, it is proposed to use a “green roof” system for those areas of flat roof to the rear of the site not to be used as part of the fire escape route. At the same time, it is proposed to minimise energy usage by designing the new extension to conserve energy on a “fabric first” basis. The proposed palette of materials has also in part been selected as being sustainable. In line with other institutional buildings, it would be required to demonstrate a BREEAM standard of Excellent and that could be secured by condition as part of any planning permission. The requirement for a 28% carbon reduction which applies may also be secured by condition as part of any planning permission.

5.33 In view of the nature of the site and its surroundings a preliminary ecological survey has been submitted with the proposal. This identifies that a survey has been undertaken to locate evidence of bat presence within the structure to be demolished and its immediate surroundings. None was however identified. The design of the temporary building is also not suitable for bat roosting with a shallow pitch and flat roof giving directly on to the underlying ceiling with no intermediate roof space.

OTHER ISSUES

5.34 Concern has been raised by objectors that the proposed works would lead to a reduction in outdoor play space for school pupils. The proposal creates an opportunity to reconfigure and modernise the outdoor play area for pupils and it is felt that no material harm would result.

5.35 Objection has been made by the occupier of adjoining property to construction work on unregistered land which they themselves lay claim to. Land ownership disputes are not generally material planning considerations. In this case a narrow strip of between 1 and 1.5 metres wide runs along the outside of the existing extension to be demolished which has not been formally registered. It forms a residual section of what was before World War II a roadway the majority of which was subsequently absorbed into a neighbouring garden. It is not proposed to erect any of the proposed extension or to undertake any works on the land.

6.0 CONCLUSION

6.1 The proposal seeks permission for the erection of a replacement extension to provide a specialist teaching facility for younger children with autism when there is a significant lack of such specialist provision within the City as a whole. Considerable importance and weight are given to the identified harms to the designated heritage assets. However, there are significant public benefits arising from the proposal including the demolition of the existing building which is a notable detractor to the visual appearance of the wider area and more notably the provision of up-to-date provision for pupils with autism not available elsewhere. It is considered that the less than substantial harm to the character and appearance of the Conservation Area and to the setting of the host Listed Building caused by the proposal are outweighed by the public benefits. At the same time, it is felt that the short-term harms caused by the construction process may be effectively managed. In the planning balance the proposal is felt to be acceptable, and approval is recommended.

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: -

Drawing Refs: 1805.1 TREE CONSTRAINTS PLAN
230003.02A SITE BLOCK PLAN
230003.04A PROPOSED SITE PLAN
230003.07A PROPOSED GROUND FLOOR PLAN
230003.08A PROPOSED FIRST FLOOR PLAN

Application Reference Number: 23/01114/GRG3 Item No: 4c

- 230003.10A PROPOSED ELEVATIONS
- 230003.12A PROPOSED ROOF PLAN
- 230003.13 SITE LOCATION AND CONTRACTORS COMPOUND

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

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

Note: Because of limited storage space at our offices sample materials should 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 and to safeguard the character and appearance of the St Paul's Square/Holgate Road Conservation Area.

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

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

5 Before the commencement of development (including any excavations e.g., for related utilities), a complete and detailed Arboricultural Method Statement (AMS) and a corresponding Tree Protection Plan (TPP) regarding protection measures for existing trees within and adjacent to the application site shown to be retained on the approved drawings, shall be submitted to and approved in writing by the Local Planning Authority. Amongst other information, this statement shall include details and locations of protective fencing, phasing of protection measures, ground protection, a schedule of tree works if applicable, site rules and prohibitions,

specialist installation and construction techniques, parking arrangements for site vehicles, locations for stored materials, and means of moving materials around the site, locations and means of installing utilities, location of site compound. The document shall also include methodology and construction details where a change in surface material and edging is proposed within the root protection area of existing trees.

The document shall include a scheme of arboricultural supervision to ensure that a suitably qualified arboriculture consultant shall supervise site investigations, and specialist excavations, installation and construction techniques where these are located within the recommended root protection areas of the existing trees shown to be retained on the approved plans. Before works start on site, the contact details of the appointed arboriculture consultant shall be submitted in writing to the local planning authority.

The content of the approved document shall be strictly adhered to throughout development operations. A copy of the document will be available for reference and inspection on site at all times.

Reason: To ensure every effort and reasonable duty of care is exercised during the development process to protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development.

6 Prior to the commencement of development beyond foundation level details of replacement tree planting for the cherry tree to be lost through the proposed works shall be submitted to and approved in writing by the Local Planning Authority. The planting thereby authorised shall thenceforth be undertaken in the first planting season following on from substantive completion of the development. In the event that the tree thus planted shall die, become diseased or in any other way within 15 years following on from completion of planting then it shall be replaced with a suitable similar specimen to the satisfaction of the Local Planning Authority.

Reason: To safeguard the character and appearance of the St Paul's Square/Holgate Road Conservation Area.

7 The nursery school development hereby permitted shall achieve a BREEAM rating of at least excellent.

A Post Construction Assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate submitted to the Local Planning Authority within 12 months of first use (unless otherwise agreed). Should the development fail to

achieve an 'Excellent' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'Excellent' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.'

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

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

i) Sections at 1:20 of the connection of the glazed link to the host Listed Building.

ii) Details of the mode of fixing of the fire escape stair and associated iron railing to the rear wall of the host building

iii) Sections at 1:20 through the window panels with associated cladding on the St Paul's Square Street Elevation

iv) Sections at 1:20 through the open sided timber canopy to the rear of the site

v) Sections at 1:20 through the full height structural glazing to the rear of the site

vi) Sections at 1:20 through the roof level balustrade to the flat roof section to the rear of the site

Reason: So that the Local Planning Authority may be satisfied with these details.

9 Unless otherwise approved in writing by the Local Planning Authority the development hereby approved shall achieve a 28% carbon emissions reduction when compared to the Target Energy Rating (TER) in the 2013 Building Regulations Prior to above ground construction, details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

10 The external staircases hereby authorised shall be used solely for the purposes of emergency access and egress from the building and the flat roof areas of the extension shall not be used as a roof terrace.

Reason: To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy ENV2 of the 2018 Draft City of York Local Plan

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:

- i) Sought to amend the design of the scheme to simplify its form and to reduce harm to the setting of the host Listed Building and the character and appearance of the St Paul's Square/Holgate Road Conservation Area
- ii) Sought clarification of the proposed arrangements in respect of the Construction Site compound for the development.

2. DEMOLITION AND CONSTRUCTION:

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions. Some basic information on control noise from construction site can be found using the following link.

https://www.york.gov.uk/downloads/download/304/developers_guide_for_controlling_pollution_and_noise_from_construction_sites

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 manufacturer's instructions.

There shall be no bonfires on the site.

3. NESTING 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. Buildings, trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Suitable habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess nesting bird activity.

4. HABITAT ENHANCEMENTS

Although the application site is relatively small in scale, a few additional enhancements would be of great benefit to local wildlife, for example:

Bat boxes suitable for crevice dwelling species – on buildings:

https://www.schwegler-natur.de/portfolio_1395072079/fledermaus-wandschale-2fe/?lang=en

Bat boxes – on trees: https://www.schwegler-natur.de/portfolio_1395072079/fledermaushoehle-2f/?lang=en

Sparrow terraces (boxes) – on buildings/integrated: https://www.schwegler-natur.de/portfolio_1408366639/sperlingskoloniehaus-1sp/?lang=en

General bird nesting box – on trees: https://www.schwegler-natur.de/portfolio_1408366639/nisthoehle-1b/?lang=en

General bird nesting box (predator protection) – on trees: https://www.schwegler-natur.de/portfolio_1408366639/nisthoehle-2gr-oval/?lang=en

As a general rule, bird boxes should be installed on northern elevations to avoid over-heating in summer, and bat boxes should be installed on southern, south-western and south-eastern elevations to be warmed by the sun. Bird and bat boxes

should not be installed over windows and doors, to reduce problems caused by droppings, and should not be exposed to artificial external lighting.

Small areas of planting and 'build-your-own' features can also be of great benefit to wildlife, further information is available from sources such as the Wildlife Trust:

Planting for butterflies: <https://www.wildlifetrusts.org/actions/how-attract-butterflies-your-garden>

Planting for night-flying wildlife: <https://www.wildlifetrusts.org/actions/how-attract-moths-and-bats-your-garden>

Container planting: <https://www.wildlifetrusts.org/actions/how-create-container-garden-wildlife>

Bird feeders: <https://www.wildlifetrusts.org/actions/how-feed-birds-your-garden>

Build your own bird box: <https://www.wildlifetrusts.org/actions/how-build-bird-box>

Build your own Hedgehog house: <https://www.wildlifetrusts.org/actions/how-build-hedgehog-home>

Build your own insect hotel: <https://www.wildlifetrusts.org/actions/how-build-bug-mansion>

Contact details:

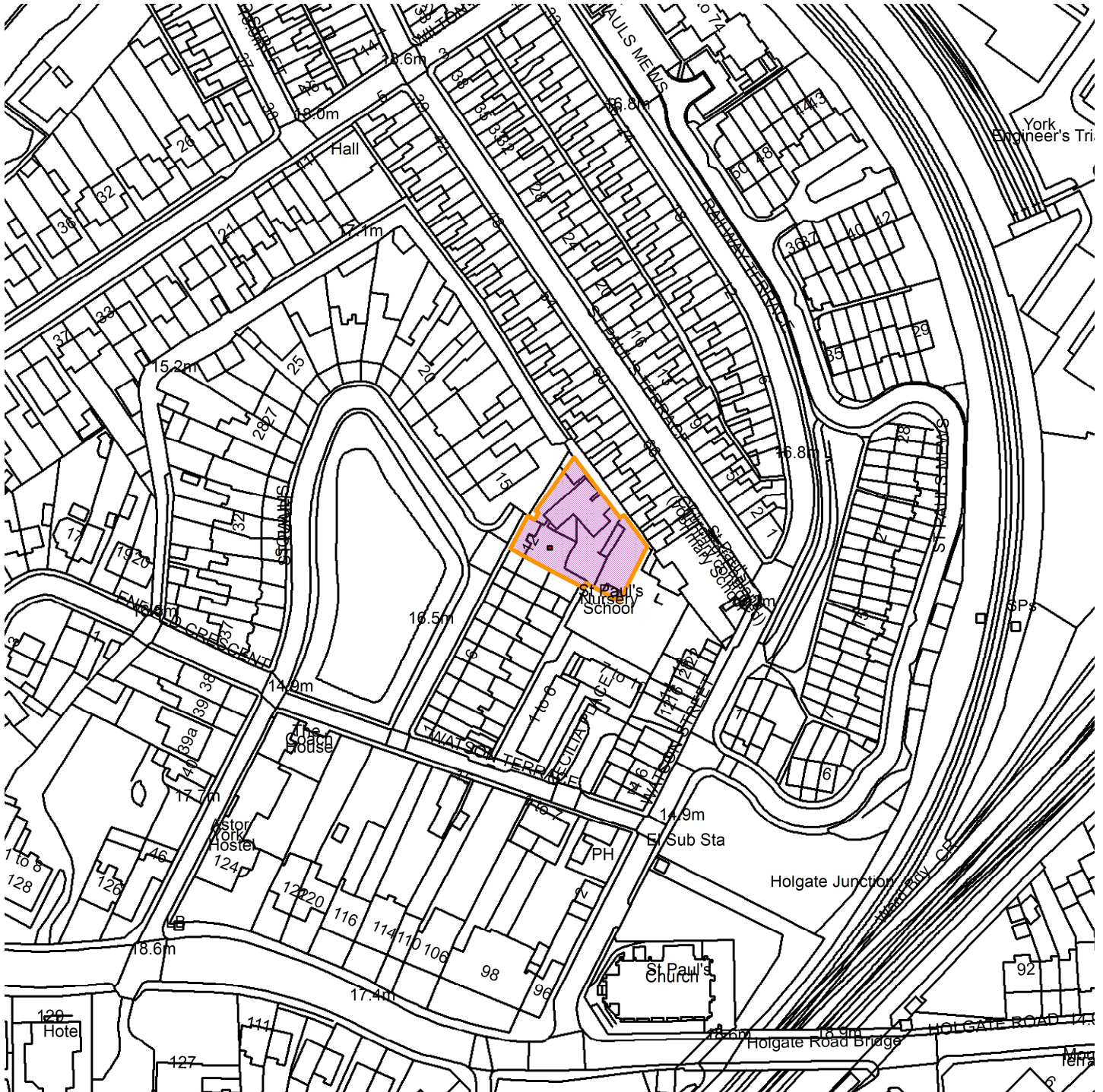
Case Officer: Erik Matthews

Tel No: 01904 551416

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St Pauls Nursery School, 12 St Pauls Square YO24

ADD
23/01114/GRG3



Scale : 1:1696

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	06 November 2023
SLA Number	Not Set

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Planning Committee B

23/01114/GRG3

St Pauls Nursery School 12 St Pauls Square

Existing site plan

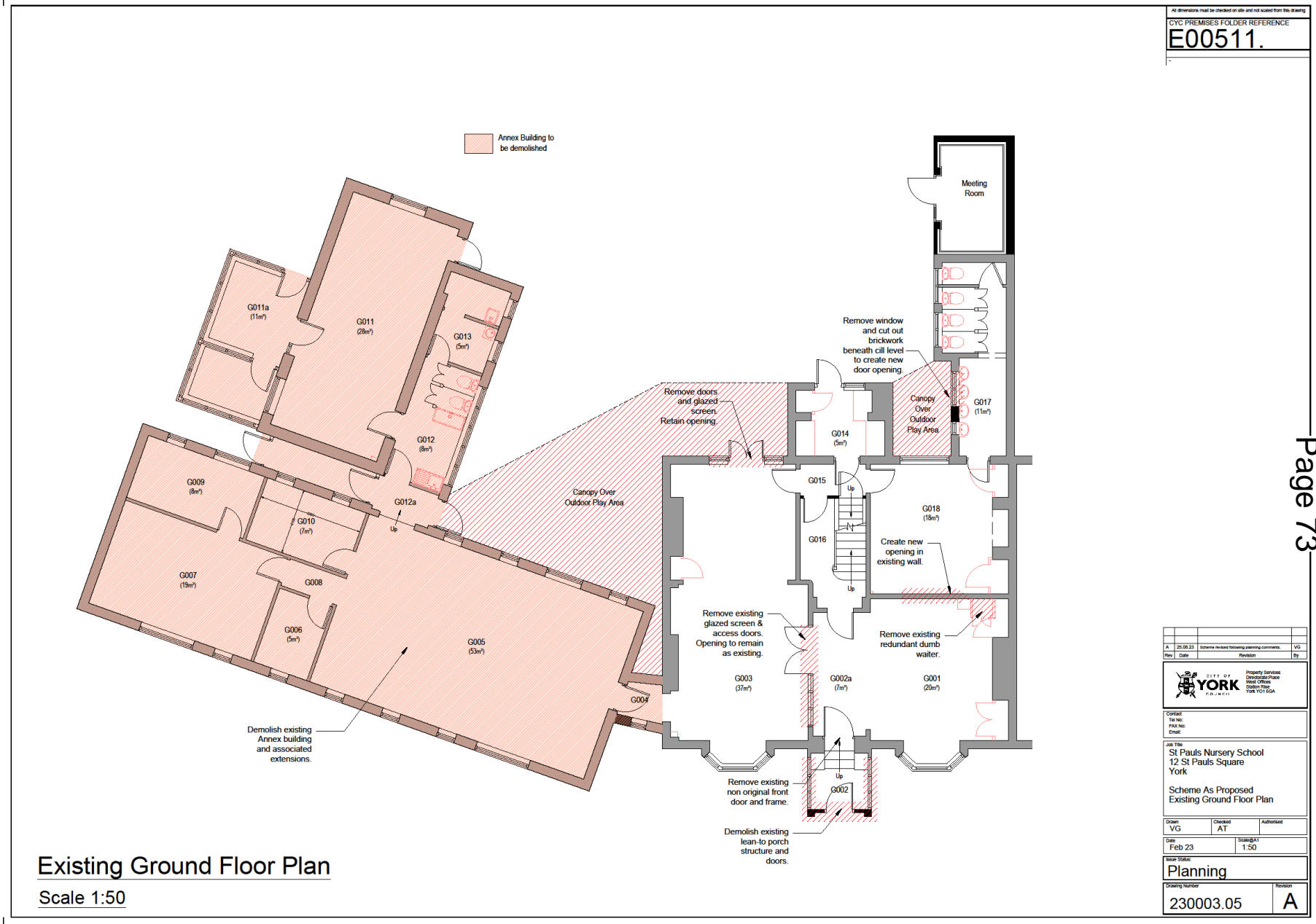


All dimensions must be checked on site and not scaled from this drawing
 CYC PREMISES FOLDER REFERENCE
E00511.

YORK <small>PROPERTY SERVICES</small>			
<small>Property Services Directorate/Place West Office Council House YORK YO1 1GA</small>			
<small>Contract No: 145 PAK No: 100001</small>			
Job Title: St Pauls Nursery School 12 St Pauls Square York			
Scheme As Proposed Site Plan As Existing			
<small>Drawn: VG</small>	<small>Checked: AT</small>	<small>Authorised</small>	
<small>Date: Feb 23</small>		<small>Scale: 1:100</small>	
Planning			
<small>Drawing Number</small>			<small>Revision</small>
230003.03			/

Existing Site Plan
 Scale 1:100

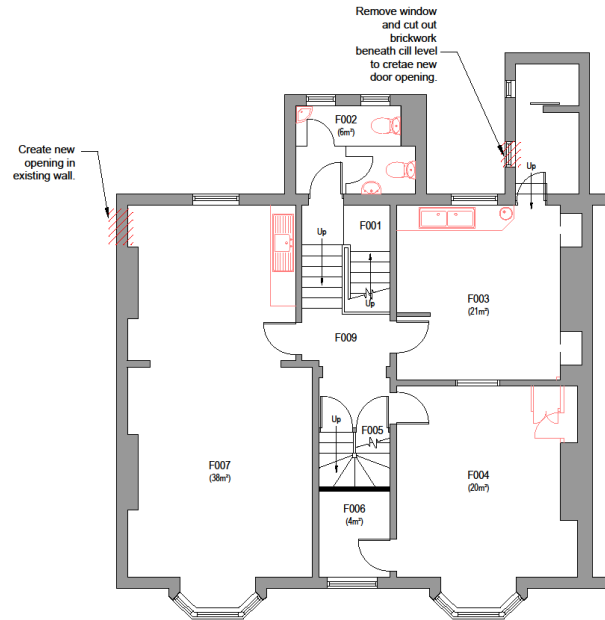
Existing ground floor plan



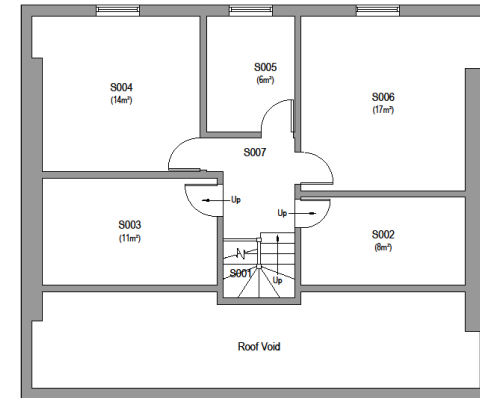
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A	25.05.23	Scheme revised following planning comments.	VG
Rev	Date	Description	By
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Contact: Tel No: Fax No: Email:			
Job Title: St Pauls Nursery School 12 St Pauls Square York			
Scheme As Proposed Existing Ground Floor Plan			
Drawn	Checked	Authorised	
VG	AT		
Date	Scale		
Feb 23	1:50		
Name Status: Planning			
Drawing Number	Revision		
230003.05	A		

Existing first floor plan



First Floor Plan



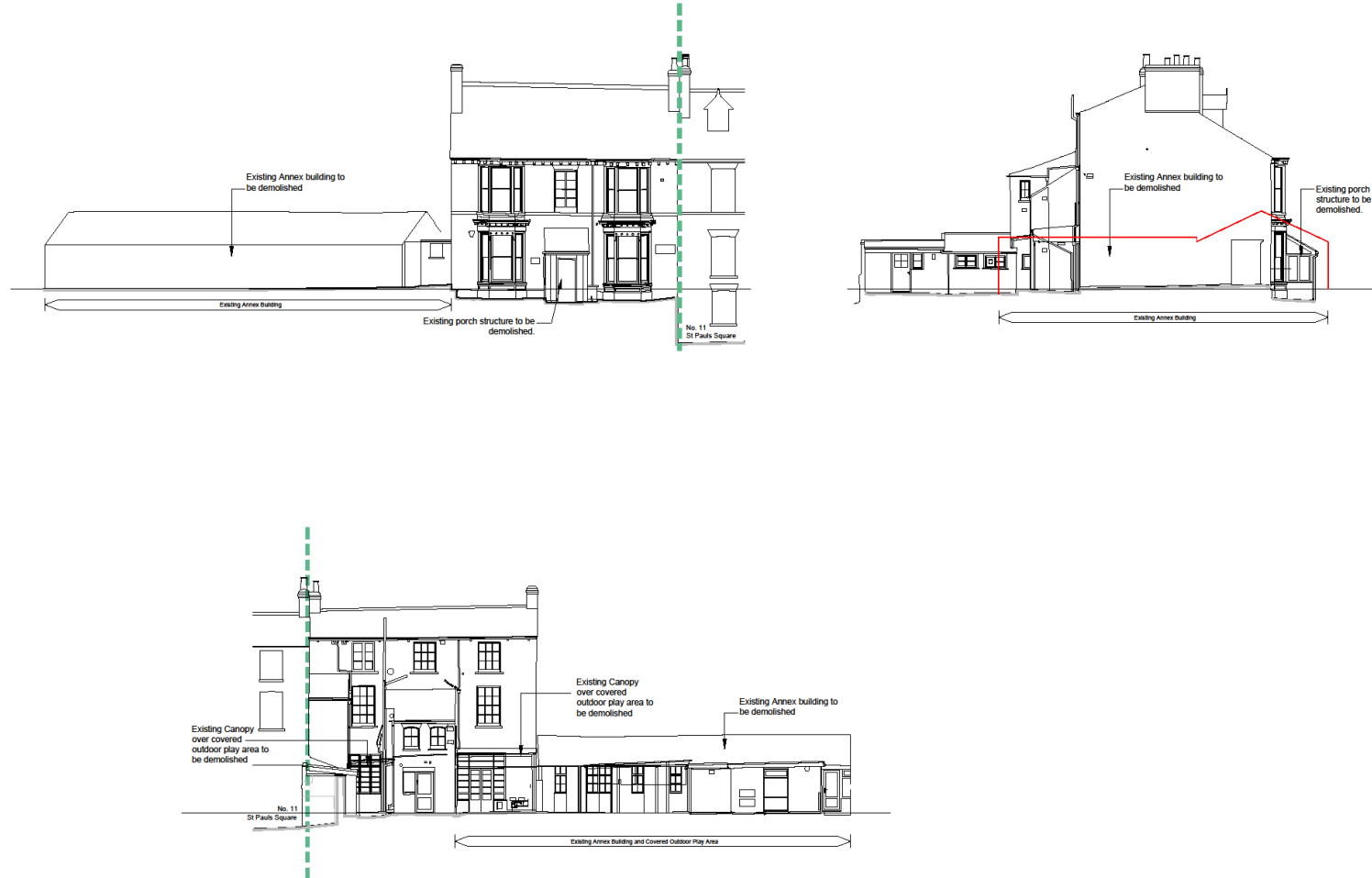
Second Floor Plan

Existing First & Second Floor Plan

Scale 1:50

Contact: Tel: 01904 567000 Fax: 01904 567001 Email: enquiries@cityofyork.gov.uk	
Job Title: St Pauls Nursery School 12 St Pauls Square York	
Scheme As Proposed Existing Upper Floor Plans	
Drawn: VG	Checked: AT
Date: Feb 23	Scale: A1 1:50
Title: Planning	
Drawing Number: 230003.06	Revision: /

Existing elevations



Existing Elevations

Scale 1:100



Consult:
To: No.
PA: No.
Email:

Job Title
**St Pauls Nursery School
12 St Pauls Square
York**

Scheme As Proposed
Elevations As Existing

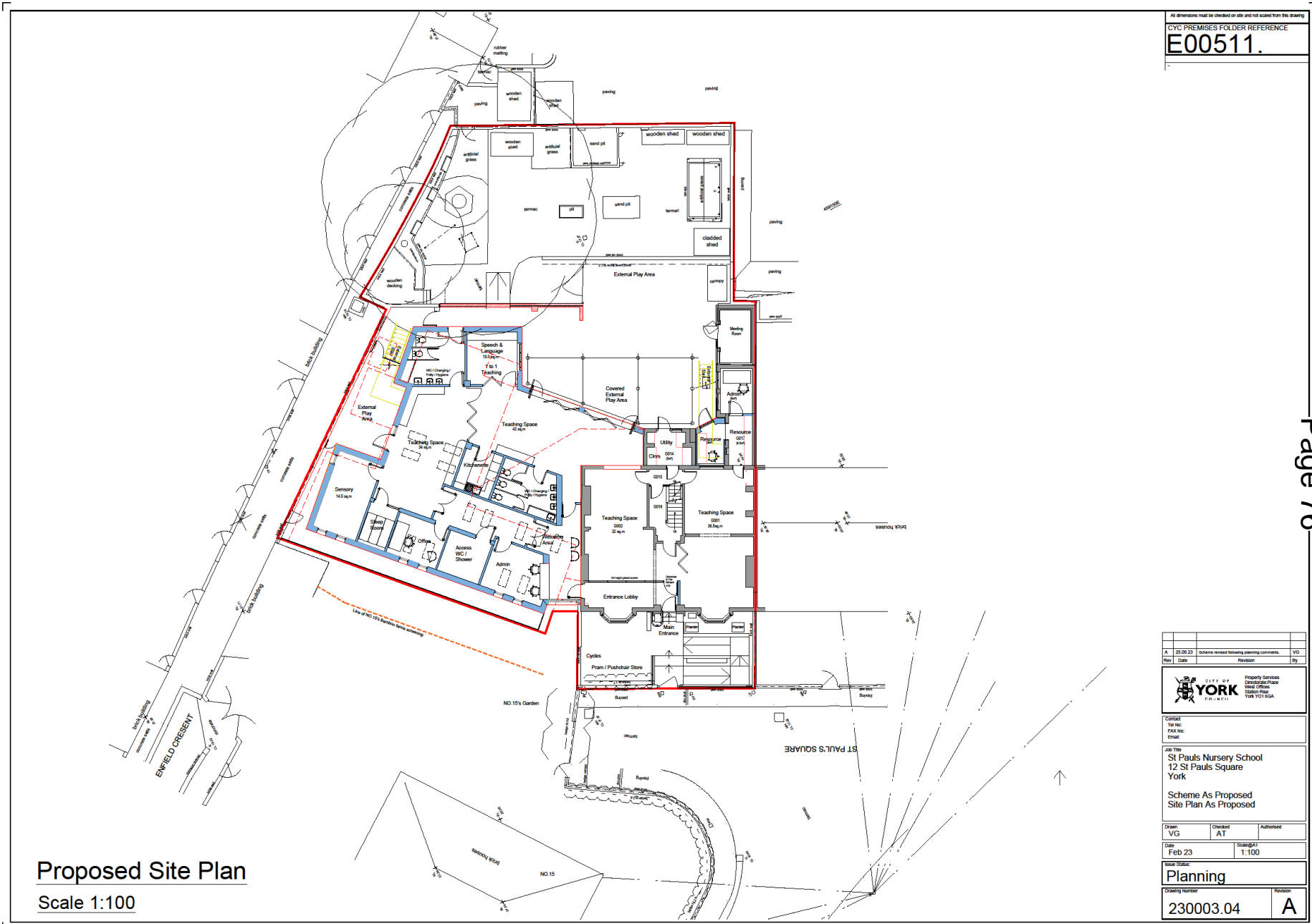
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Date Feb 23	Scale A1 1:100
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Item Status:
Planning

Drawing Number 230003.09	Revision /
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Proposed site plan



Proposed Site Plan
Scale 1:100

All dimensions must be checked on site and not scaled from this drawing

CYC PREMISES FOLDER REFERENCE
E00511.

A	23.08.23	Scheme revised following planning comments	VG
Rev	Date	Revision	By

Property Services
Development/Change
Use/Class
Planning Dept
108 YO1 1EA

Contact:
Tel No:
Fax No:
Email:

Job Title:
St Pauls Nursery School
12 St Pauls Square
York

Scheme As Proposed
Site Plan As Proposed

Drawn VG	Checked AT	Authorised
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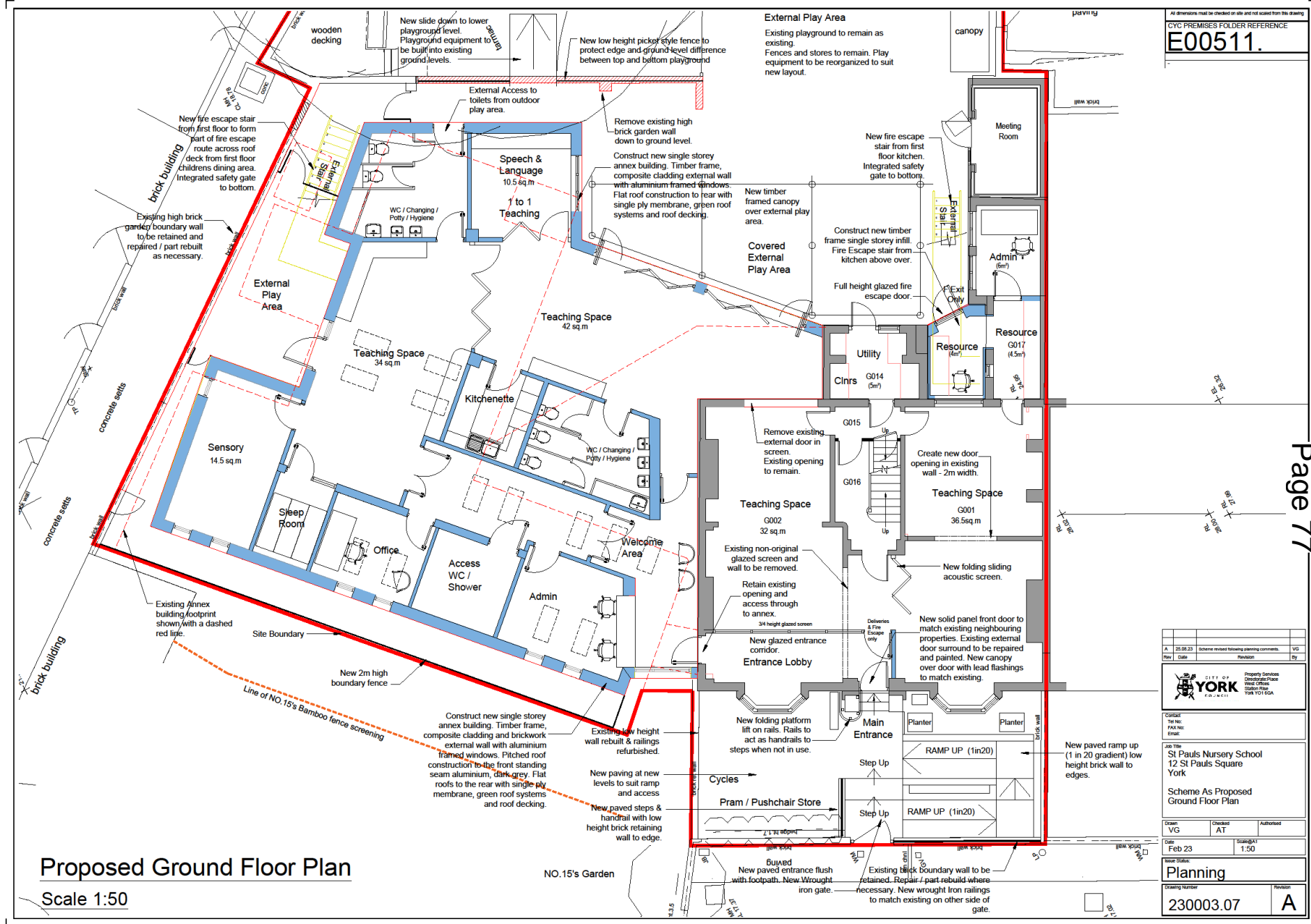
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Feb 23

Scale:
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Issue Status:
Planning

Drawing Number 230003.04	Revision A
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Proposed ground floor plan

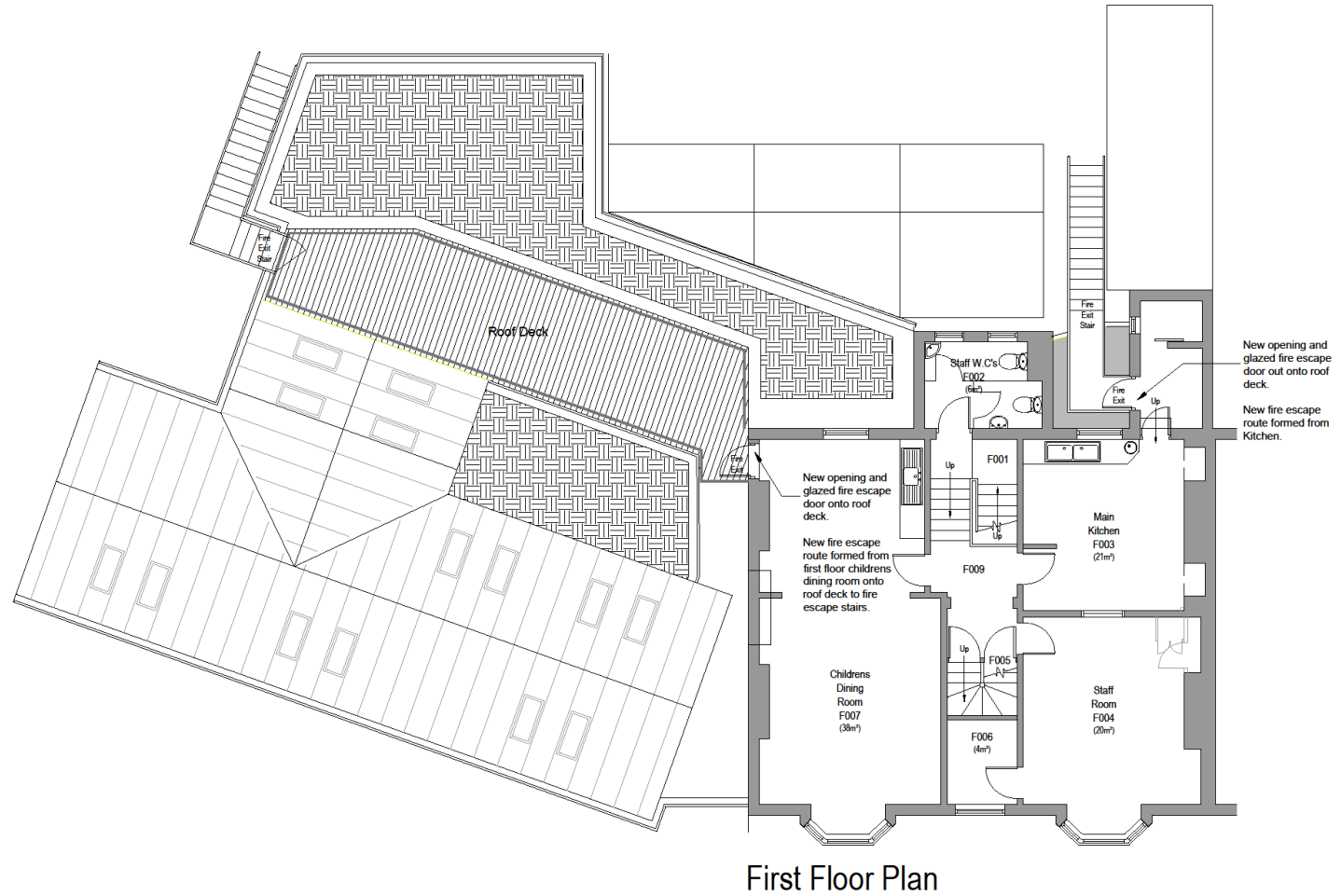


All dimensions must be checked on site and not scaled from this drawing.
CYC PREMISES FOLDER REFERENCE
E00511.

Proposed Ground Floor Plan
Scale 1:50


A 25.08.23		Scheme evolved following planning comments.		VG
Rev	Date	Revision	By	
Contact: Tel: No. Fax: No. Email:		Property Services Development/Change Control Customer Help YORK Y01 2034		
Job Title: St Pauls Nursery School 12 St Pauls Square York				
Scheme As Proposed Ground Floor Plan				
Drawn	VG	Checked	AT	Authorised
Date:	1 Feb 23	Scale:	A1	
New Version: Planning				
Drawing Number	230003.07			Revision
				A

Proposed first floor plan



First Floor Plan As Proposed
Scale 1:50

Rev	Date	Revision	By
A	25.09.23	Scheme revised following planning comments.	VG


 Property Condition Certificate Place
 12 St Pauls Square
 York YO1 1GA

Contract
 Title: St Pauls Nursery School
 Ref No:
 Email:

Job Title: St Pauls Nursery School
 12 St Pauls Square
 York
 Scheme As Proposed
 Proposed First Floor Plan

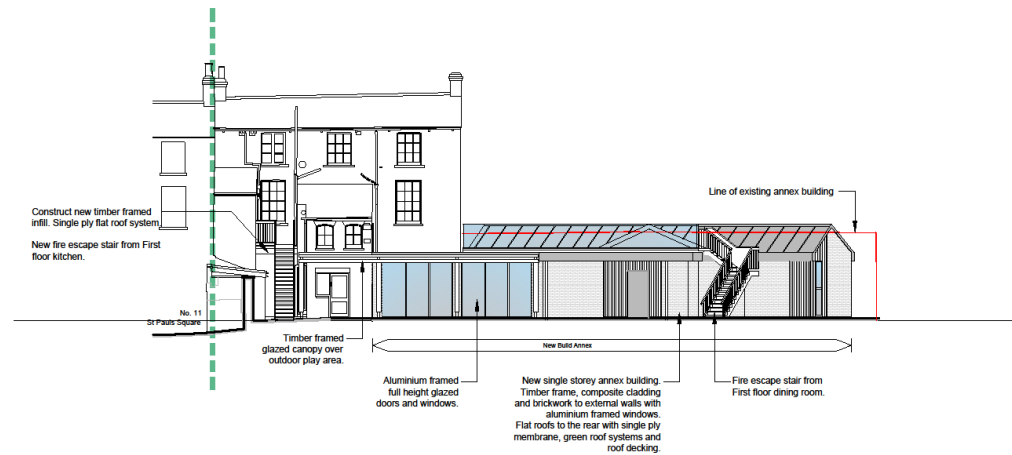
Drawn	Checked	Authorised
VG	AT	

Date: Feb 23 Scale: 1:50

Issue Status: **Planning**

Drawing Number	Revision
230003.08	A


Proposed elevations



Proposed Elevations

Scale 1:100

Rev	Date	Revision	By
A	25.08.23	Scheme revised following planning comments.	VG


 Property Services
 DevelopmentSpace
 West Offices
 Council House
 York YO1 1GA

Contact:
 Tel No:
 FAX No:
 Email:

Job Title:
St Pauls Nursery School
 12 St Pauls Square
 York

Scheme As Proposed
 Elevations

Drawn:	Checked:	Authorised:
VG	AT	

Date: Aug 23
 Scale: 1:100

Issue Status:
Planning

Drawing Number	Revision
230003.10	A

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COMMITTEE REPORT

Date: 15 November 2023 **Ward:** Holgate
Team: West Area **Parish:** Holgate Planning Panel
Reference: 23/01129/LBC
Application at: St Pauls Nursery School 12 St Pauls Square York YO24 4BD
For: Internal and external alterations including erection of annex following demolition of existing building, access alterations to front and internal alterations to nursery building.
By: City Of York Council
Application Type: Listed Building Consent
Target Date: 17 November 2023
Recommendation: Approve

1.0 PROPOSAL

1.1 St Paul's Nursery, St Paul's Square comprises a Grade II Listed brick built terraced property dating to the early 19th Century set around a tree lined square to the west of the City Centre. Planning permission and a parallel planning application (ref: 23/01114/FUL) are sought for the demolition of an existing single storey block work extension and the erection of a replacement single storey annex with a series of internal alterations, a reconfigured access and the provision of a rear fire escape stair serving the kitchen and dining area. The new provision is designed to provide specialist accommodation for children with autism.

1.2 The proposal has been amended since submission to address Conservation concerns and also to clearly reference the proposed construction site compound.

2.0 POLICY CONTEXT

2.1 Draft City of York Local Plan (2018) Policies:

- D4 Conservation Areas
- D5 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Design Conservation Sustainable Development (Conservation)

3.1 Any comments will be reported verbally.

EXTERNAL

Historic England

3.2 Make no comments in respect of the proposal, deferring to the Authority's Conservation Officer.

Holgate Planning Panel

3.3 No comments received.

National Amenity Bodies

3.4 No comments received.

York Civic Trust

3.5 Objected to the proposal prior to its amendment on the grounds that:

- That the internal alterations are uninspired and magnify the pre-existing harm from earlier alterations
- The ground floor works would result in a loss of legibility and result in a further loss of floor plan and historic fabric.
- The location of the extension would harm the legibility of the application site as the location of the former side garden and should be located to the rear of the site where the setting of the building has been effectively compromised. The play area can then be relocated to the site frontage.
- The fire escape extension and associated route across the rear extension roof would also harm the setting of the host building.

4.0 REPRESENTATIONS

4.1 Seven letters of objection have been received raising the following issues below. A number of other issues have been raised which are not of relevance in consideration of the Listed Building Consent application, those are considered in the committee report for the planning application:

- Concern that the proposed extension should have a consistent design treatment.
- Objection to the contemporary design metaphor including the use of a glass balustrade and the removal of the internal dumb waiter.

5.0 APPRAISAL

KEY CONSIDERATIONS:

5.1 Preserving the Listed Building or any Special Features of Historical or Architectural Interest it Possesses.

NATIONAL PLANNING POLICY FRAMEWORK

5.2 NPPF sets out the government's planning policies for England and how these are expected to be applied. Its planning policies are material to the determination of planning applications. The NPPF sets out that the purpose of the planning system is to 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, which are interdependent and need to be pursued in mutually supportive ways (paragraph 8).

LOCAL PLAN

5.3 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in early 2024. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

PRESERVING THE LISTED BUILDING OR ANY SPECIAL FEATURES OF HISTORICAL OR ARCHITECTURAL INTEREST IT POSSESSES

5.4 Section 16 a) of the 1990 Planning (Listed Buildings and Conservation Areas) Act creates a statutory presumption for the Local Planning Authority to have special regard to the desirability of preserving the Listed Building or its setting and any special historic or architectural features it possesses. This statutory duty must be given considerable importance and weight in determining the application for listed building consent.

5.5 In addition to the statutory duty, Central Government Planning Policy as outlined in section 16 of the National Planning Policy Framework is also to be applied, notably paragraphs 199 to 202. The NPPF classes listed buildings as "designated heritage assets". The NPPF advises on heritage assets as follows:

- Paragraph 199 advises that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the

greater the weight should be" ... "As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

- Paragraph 202 advises that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use."

5.6 Policy D5 of the 2018 Draft Local Plan indicates that proposals affecting a Listed Building, or its setting will be supported where they preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting.

5.7 ASSET SIGNIFICANCE: The host property is a former double fronted villa constructed in the 1840s along with the remainder of the St Paul's Square development in a simple Neo-Classical style. The building along with its neighbours is Listed Grade II for group value.

5.8 THE PROPOSAL: The proposal envisages the demolition of the existing temporary block work extension dating to the late 1940s with a later extension and its replacement with Modern single storey brick and timber clad extension with a glazed link to the existing building with a standing seam profiled metal roof to the street elevation and a flat "green" roof allowing for an emergency escape area from the dining area in the main building to the rear. Within the main building two cupboard spaces would be converted into resource areas, an additional partition wall would be provided in the reception area and fire escapes would separately be provided to the kitchen and dining area to the rear. The existing porch would be demolished and a platform lift, a disabled access ramp and a pram and push chair store would be provided on the site. The new extension would be provided with a separate reception area.

5.9 ASSESSMENT OF IMPACT: The application site comprises a former Late Georgian villa of a standard form with its neighbours which was converted into an institutional use in the mid-20th Century. The proposed internal works comprise in respect of the first floor the provision of fire escape stairs from the pupil dining area across the rear flat section of roof serving the proposed extension with a separate fire escape stair from the kitchen into the rear play area. The kitchen fire escape would be inserted through the site of an existing window with the dining area staircase taken from a corner location adjacent to an existing chimney breast. Both fire escape doors would be glazed which would clearly identify their purpose and also clearly indicates that they are non-original insertions.

5.10 In terms of the proposed works on the ground floor include in respect of the front rooms the construction of a part solid timber screen, part sliding, folding acoustic screen inside the front door. A two-metre-wide doorway would be created into the rear teaching area. An existing Post War glazed wall and screen separating

the opposing teaching area to the left of the entrance hall would be removed and a new glazed screen running at 90 degrees to access the new extension would be inserted. To the rear the existing glazed door would be removed but the opening retained to enable access to the new extension. Existing former service rooms to the rear would be converted into resource rooms and an admin office. Where existing doors are removed, and openings forms substantial knibs would be retained at ceiling level to enable the historic legibility of the internal space to be maintained. Concern has been raised about the removal of a dumb waiter from the rear wall of the front room to enable the formation of an opening into the teaching space behind. This is however not an original feature of the building and appears to have been inserted during the period of use of the building as a nursery in the Post War period, albeit from its design having possibly been reused from elsewhere.

5.11 In terms of harms the proposals would further establish the institutional use of the property by opening up a greater degree of the interior space running laterally through the building. At the same time there would be a realignment of patterns of circulation with a glazed corridor taking movement directly into the new extension. The removal of the door to the rear teaching area to the southeast would have the effect of incorporating the space into a section of the extension. Other works to form resource areas would be more modest and cosmetic notwithstanding the loss of the dumb waiter with the fire escape works on the upper floor giving on to the less significant rear of the property whose character has already been substantially altered. The internal works are largely reversible and sufficient has been retained to secure the legibility of the historic plan form.

5.12 Considering paragraph 202 of the NPPF it is considered that the internal works would equate to less than substantial harm to the significance of the building towards the lower end of the scale. This creates a requirement to consider the public benefits of the work which must be balanced against the harms. The proposed works would secure the long-term use of the premises as a nursery taking account of its covenanting into the City's control for that purpose and more specifically the making of provision for nursery age pupils with Special Educational Needs who are not otherwise presently catered for in the public sector. It is felt that these benefits are significant and outweigh harm caused by the internal works.

5.13 A range of external works are proposed notably the removal of the existing monopitch porch dating from the 1960s and making good with a new timber front door to match the adjoining properties. A 1 in 20 paved ramp would be provided to the front door set within a brick retaining wall. A low-level pram, push chair and cycle store would also be provided on the site frontage with a fold away platform lift which can provide a handrail for access when not in use.

5.14 In terms of the rear of the site works involve the erection of a fire escape stair from the rear first floor kitchen with a plain colour coated metal balustrade with a timber infill panel beneath. The fire escape from the pupil dining area would be carried to the rear of the proposed extension on a flat section set within the

proposed green roof with a glass balustrade across the extension roof leading to a stair in the rear play area with a plain colour coated metal balustrade.

5.15 The proposal for the extension involves the demolition of the existing blockwork temporary building of the late 1940s and its replacement with a part brick and part timber clad structure set back a metre from the existing. It would have a composite roof with the street elevation pitched in a standing seam colour coated metal with the rear section a green sedum roof with fire escape route from the pupil dining area crossing through it. The street elevation would incorporate admin functions and sensory rooms and would be joined to the host building by a short section of glazed link to emphasise its separateness and subservience. To the rear it is proposed to provide two large teaching spaces with a folding screen giving on to the outdoor play area and a specialist 1 to 1 teaching area specialising in speech and language skills. A glazed roof timber framed canopy would be partially extended over the rear play area. The chosen walling material would be a brick to match that used in the existing building with areas of stained timber cladding.

5.16 The existing building with its use of asbestos and concrete cladding panels appears jarringly out of place up against the host Listed Building whose character it clearly detracts from. The demolition of the building would enhance the significance and setting of the host building.

5.17 In terms of harms concerns have been raised by objectors in respect of the development of the former side garden with a suggestion that it would be more appropriate to relocate the extension to the rear area with the play area brought to the site frontage. However, the proposed extension follows the alignment of the earlier extension albeit drawn back into the site approximately 1.5 metres. Development of the yard area would at the same time give rise to significant harm to the historic plan form of the site eroding its present largely domestic character. At the same time relocating the play area on to the site frontage would give rise to issues in terms of securing the privacy and security of pupils and would not secure the domestic character of the space with its institutional character appearing more rather than less prominent.

5.18 Concern has been expressed by objectors in respect of the impact of the proposed fire escape stair and escape route from the dining area into the rear yard. To provide a combined fire escape for both kitchen and dining area would envelope the rear of the property and result in a greater degree of harm to the character of the host building. The proposed fire escape to the kitchen area is simple and utilitarian in character and with a plain balustrade in colour coated metal would give rise to only modest harm. In order to achieve the required gradient, the fire escape from the dining area needs to partially cross the rear roof of the extension. This has a glass balustrade proposed. Such a material would not ordinarily be acceptable, but a colour coated steel balustrade would appear unduly harsh in that location and in terms of viewpoints it would be read primarily against the extension below and would give rise to only minimal harm to the host building.

5.19 Again it is felt that in the context of paragraph 202 of the NPPF that the proposed works would give rise to less than substantial harm towards the lower end of the scale, to the significance of the Listed Building. This creates a need to demonstrate a public benefit that would outweigh the harm caused by the development. The proposal makes up to date specialist provision for pupils with autism which is not otherwise available to pupils in the state sector. At the same time the proposed fire escape works ensure that the building is compliant in terms of fire safety for all prospective users. It is felt that when giving considerable importance and weight to the identified harm, sufficient public benefit has been demonstrated to comply with paragraph 202 of the Framework and that the harms caused by the development have been sufficiently outweighed. At the same time, it is felt that the requirements of Policy D5 of the Draft Local Plan would be complied with.

6.0 CONCLUSION

6.1 The proposal envisages the replacement of the existing side extension with a purpose-built extension using a more modern idiom to provide purpose-built provision for pupils with autism. The design has been amended since submission to address Conservation concerns. At the same time, it is proposed to construct fire escape provision from the upper floor kitchen and pupil dining area into the rear play area to enable the site to comply with modern safety standards. It is felt that the proposal would give rise to less than substantial harm to the significance of the Listed Building but that that harm would be balanced by the public benefit of the provision of purpose-built provision for younger children with autism otherwise not available in the wider City together with the removal of the existing detractor building. Having special regard to the desirability of preserving listed buildings and their setting in line with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and giving considerable importance and weight to the identified harm, it is considered that the proposal would have an acceptable effect on this designated heritage asset. Approval is therefore recommended.

7.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

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

Drawing Refs: 230003.02A SITE BLOCK PLAN
230003.04A SITE PLAN AS PROPOSED
230003.07A PROPOSED GROUND FLOOR PLAN
230003.08A PROPOSED FIRST FLOOR PLAN
230003.10A PROPOSED ELEVATIONS
230003.12A 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 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development beyond foundation level. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices sample materials should 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 A sample panel of the brickwork to be used on this building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works beyond foundation level. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

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

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

i) Section at 1:20 of the internal glazed screen linking the existing reception and the new extension.

ii) Sections at 1:20 through the colour coated steel balustrade and glass balustrade for the rear fire escape provision.

iii) Sections at 1:20 through the new internal openings on the ground floor demonstrating the retention of 1 metre nibs at ceiling level.

iv) Sections at 1:20 through the canopy and rear glazed screen.

v) Sections at 1:20 through the window panels proposed for the street elevation.

Reason: So that the Local Planning Authority may be satisfied with these details.

Contact details:

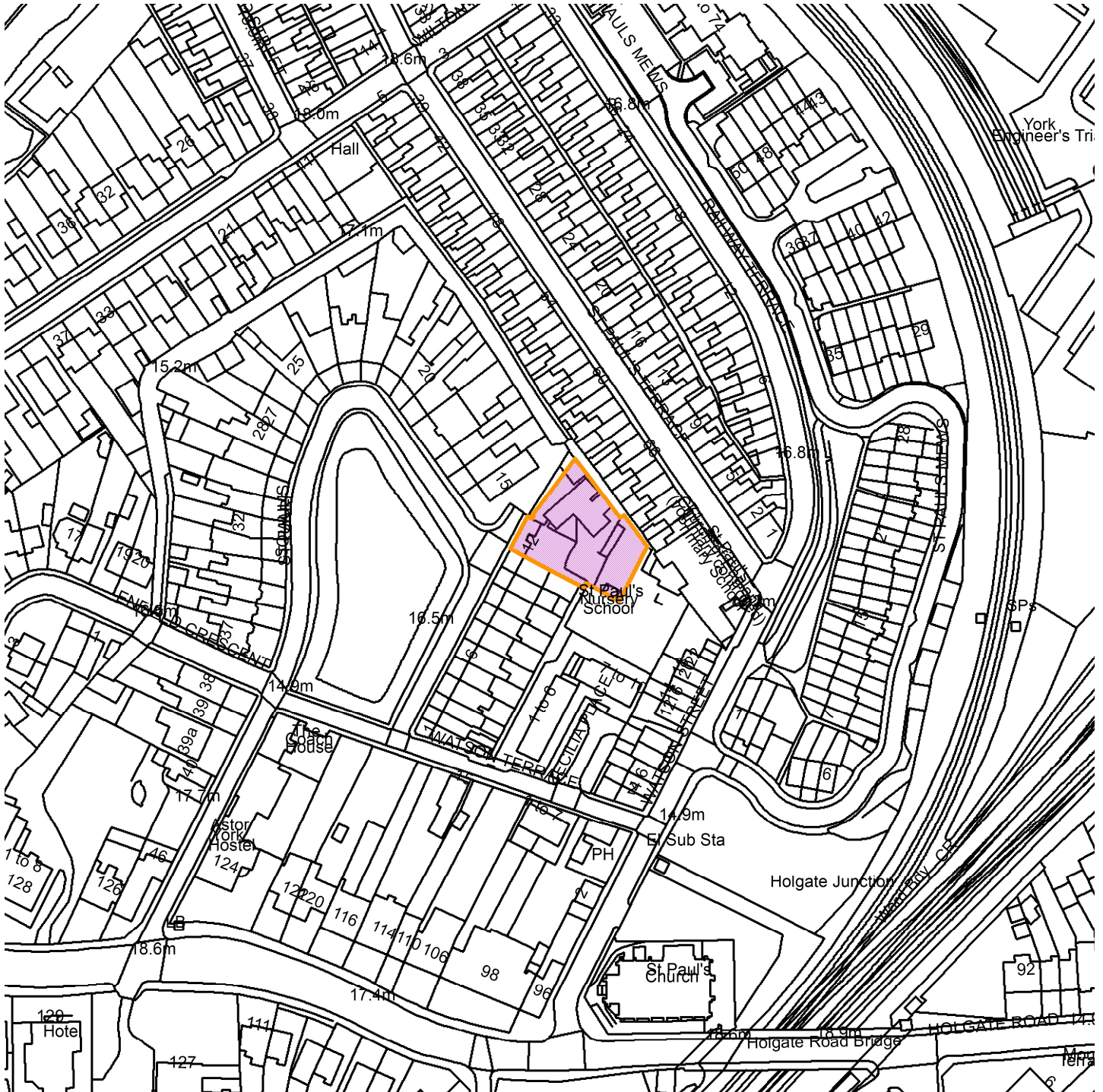
Case Officer: Erik Matthews

Tel No: 01904 551416

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St Pauls Nursery School, 12 St Pauls Square YO24

ADD
23/01129/LBC



Scale : 1:1696

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	06 November 2023
SLA Number	Not Set

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COMMITTEE REPORT

Date: 15 November 2023 **Ward:** Haxby And Wigginton
Team: West Area **Parish:** Wigginton Parish Council
Reference: 23/01501/FUL
Application at: 69 Kirkcroft Wigginton York YO32 2GH
For: Conversion of double garage to habitable space, garage to side elevation and gate to front (resubmission)
By: Mr Tony Speck
Application Type: Full Application
Target Date: 26 September 2023
Recommendation: Householder Refusal

1.0 PROPOSAL

1.1 69 Kirkcroft is a detached dwelling located on a residential street within the Wigginton area of York. The proposal seeks permission for a single storey side extension along with double garage conversion into living accommodation and gate to the side.

Planning History

1.2 18/00312/FUL, First floor side and rear extension, porch to front and installation of boundary wall and gate to part side and rear boundary. Approved.

23/00369/FUL: Conversion of double garage to habitable space and garage to side elevation. Refused

Call-in

1.3 The application has been called in to Planning Committee by Councillor Cuthbertson for the following reason: When permission was sought for the changes to the first floor of the building (18/00312/FUL), it seems clear that the question of the massing of this proposed development and the matter of its conformity with planning legislation was felt by the case officer not to prevent its approval; the application (23/01501/FUL) is primarily for the conversion of an existing double garage to habitable space and for the addition of a garage at the west elevation; here, although a pitched roof with projecting ridge was originally proposed, this has now been changed to a hipped roof which has a less imposing appearance. It is relevant to point out that the officer report in 18/00312/FUL also makes clear that there is no established building line to the east of Green Dyke – indeed, looking at this part of the application site along Green Dike from both south and north, it is

clear that the addition of the proposed garage at this end of the structure has little, if any, effect on either view.

2.0 POLICY CONTEXT

Draft Local Plan 2018

D11 - Extensions and Alterations to Existing Buildings

3.0 CONSULTATIONS

3.1 Wigginton Parish Council – no objection.

4.0 REPRESENTATIONS

4.1 No comments received.

5.0 APPRAISAL

KEY ISSUES:

- Design and Visual Amenity
- Impact on neighbouring amenity

Relevant planning policy:

5.1 National planning policy is contained in the National Planning Policy Framework (NPPF). This sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

5.2 Paragraph 130 states that planning policies and decisions should ensure that developments will achieve a number of aims, including:

- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- are sympathetic to local character and history, including the surrounding built environment and landscape setting
- 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.

5.3 The NPPF also places great importance on good design. Paragraph 134 says development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design. Significant weight should be given development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

5.4 The Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in late 2023. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF

5.5 Policy D11 (Extensions and Alterations to Existing Buildings) states that proposals to extend, alter or add to existing buildings will be supported where the 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 positively contribute to the site's setting, protect the amenity of current and neighbouring occupiers, and contribute to the function of the area. The policy is given significant weight in decision making as it has been subject to full examination and no modifications are proposed.

5.6 Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 referred to in Draft Local Plan Policy D11 provides guidance on all types on domestic types of development. 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/streetscene it is located on. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance with the extension/alteration being subservient and in keeping with, the original dwelling. The character of spacing within the street should be considered, and a terracing effect should be avoided. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook.

Design and Visual Amenity

5.7 Planning permission was previously granted for a first-floor side and rear extension which at the time developed over a single storey double garage side projection. It is now proposed to convert the double garage space into living accommodation and build a further garage extension to the side. This is a resubmission for a previously refused scheme which sought to gain approval for a similar scheme with the alteration in this instance being the design of the garage roof.

5.8 This proposed side extension is considered to have a visually detrimental impact upon the surrounding street scene. The householder SPD at paragraph at 7.2 discusses amongst other things how the character of an area will be important in determining the appropriate form, size and relationship of an extension to the boundary. Surrounding properties are predominantly characterised by two-storey dwellings of a similar scale and design to each other. The property has been previously extended with a substantial first floor side and rear extension.

5.9 The application site occupies a prominent corner plot close to the junction between Green Dike and Kirkcroft, so the proposal is relating to both these roads. At paragraph 7.4 a) the SPD discusses how the siting of an extension should not be detrimental to the building line. Whilst it is acknowledged that the extension does not extend right up to the side boundary of the site, it does very much project into the existing gap between the house and the road. Although part of a wider residential context, the area does have a sense of spaciousness with open frontages and space to corners etc. Whilst the first floor side and rear extensions previously built resulted in quite a significantly larger house than originally built, this did still retain a sense of space to the side. However, another further development to this side is considered to undermine that sense of spaciousness by extending into the side area to a significant degree. Although single storey, it represents quite a significant further extension in its own right, being deeper than the wall it will extend off and with a height which finishes only just under the eaves of the house. The house in its existing form also currently aligns through appropriately with the houses immediately to the rear on Green Dike, and this helps add to the sense of space and alignment which generally exists between houses.

5.10 The additional extension would also lead to a very wide house compared to the original, introducing a cumulative scale and overall width at odds with the prevailing character of houses in the area and introducing a large and unduly wide building on this prominent corner plot. Paragraph 12.4 states that side extensions should not be unduly wide with the extension not exceeding 50% of the width of the original property.

5.11 The previous application (18/00312/FUL) for the first floor extension was also wide, and developed the house at first floor across this full width and has already exacerbated the visual prominence of the dwelling within the street scene, but as stated above, was considered to be acceptable given that it retained an appropriate sense of space to the side, and was considered to relate to the houses behind fronting Green Dike in an acceptable manner. But it is also noted that previous to that extension being built, this side projection was only single storey across the double garage width, a design which was more in accordance with the prevailing character and form of the area, and the visually prominent position of the house.

5.12 Whilst the 2018 first floor extension was considered acceptable for the reasons outlined above, this further addition to the side has a cumulative impact by introducing a further development to the side which harms the spacious character of the plot in this corner position, which is at odds with the wider area which does enjoy a basic sense of openness around properties, both at their fronts, which are generally open plan, but also to the sides on junctions where space is generally maintained appropriately. Paragraph 12.7 states that extensions should not be overbearing on pedestrians using the footpath. It should also not project further than a clearly defined building line or detract from the spaciousness of the street.

5.13 What this previous addition of the double width first floor extension did do was alter the appearance of the house in the street-scene on this corner plot and this becomes a factor in the consideration of this further application here, in terms of cumulative impact. Paragraph 12.2 of the SPD states that if not sensitively designed and located, side extensions can erode the open space within the street and create an environment that is incoherent and jumbled. The property already has a double garage and whilst it is understood the desire to create the additional lounge space by converting the existing garage, the property has been originally designed with garage accommodation contained appropriately within the plot. To previously build above this original side projection, convert that double garage space and then build a further garage to the side on this corner plot, does result in the creation of a very wide, and somewhat dominant looking house, which combined with its position, is considered to result in streetscene harm, and the extension would not appear as a subservient further addition to the already significantly extended dwelling.

Neighbouring Amenity

5.14 33 Green Dike sits across the road from the host house and looks towards the side of the house. Given the cross street separation distance there will not be a detrimental impact on the house as a result of the development.

5.15 22 Green Dike sits opposite the dwelling to the front and will look upon the rooms created by the development. The converted rooms will have windows located within the ground floor front elevation however these windows would not result in a detrimental impact to this property given their position and relationship with this house.

5.16 The nearest house to the rear at 20 Green Dike will not be impacted due to the relationship and distance of the host to this house and the lack of new openings facing this property. In any event these would be at ground floor and unlikely to be harmful.

5.17 No other properties will be impacted as a result of the proposed works.

6.0 CONCLUSION

6.1 For the reasons described above, the proposed extension to the side of the dwelling is felt to be contrary to draft Local Plan policy H11 and the council's householder design guide due to the detrimental impact on the street-scene and is therefore recommended for refusal.

7.0 RECOMMENDATION: Householder Refusal

1 The proposed side extension is considered to be detrimental to the surrounding streetscene. In particular, the extension, when viewed together with the previously approved first floor side extension would not appear subservient to the

host dwelling, representing an overall disproportionate addition, particularly when compared to the original house. This results in a very wide house on this prominent corner plot, and consequently erodes the space to the side of the house, harming the spacious character and appearance of the streetscene. The conversion of the two integral garages to be replaced by a further side extension providing garage accommodation does not provide sufficient benefit to overcome the councils concerns regarding the impact upon the streetscene.

The proposal thus results in poor design which conflicts with national guidance in Paragraphs 130 and 134 of the NPPF, Policy D11 in the Draft Local Plan 2018. And the Supplementary Planning Document for House Extensions and Alterations.

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 an attempt to achieve a positive outcome:

Considered the revised roof design against planning policy and guidance.

However, for the reasons set out in the refusal reason the application is considered to be unacceptable.

Contact details:

Case Officer: Joseph Bourke

Tel No: 01904 551346

69 Kirkcroft, Wigginton YO32 2GH

23/01501/FUL



GIS by ESRI (UK)



Scale : 1:1384

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	02 November 2023
SLA Number	Not Set

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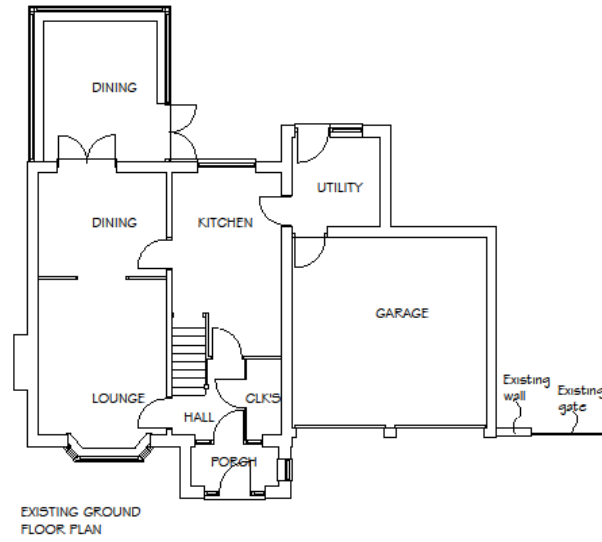
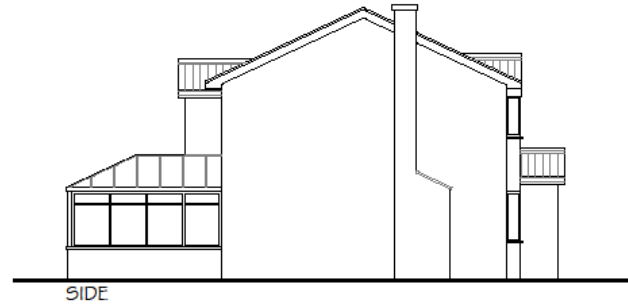
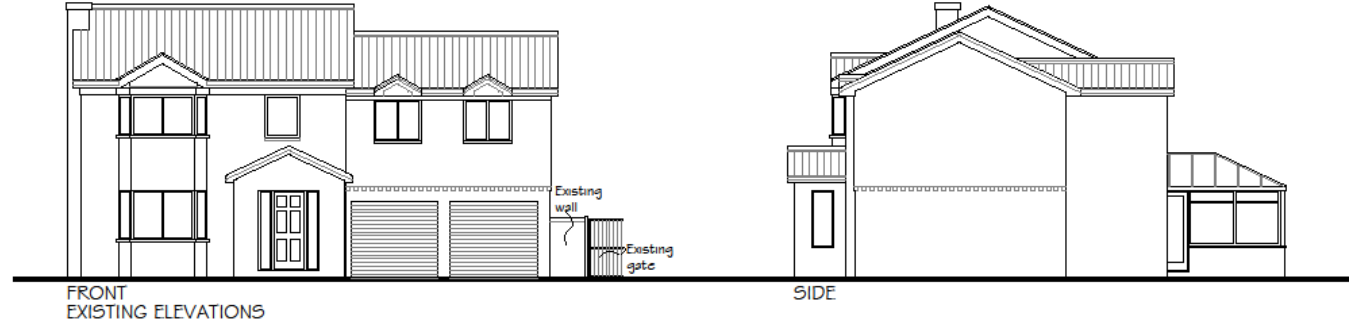


Planning Committee B

23/01501/FUL

69 Kirkcroft Wigginton

Existing elevations



EXISTING GROUND FLOOR PLAN

M.T.S Architectural Services 60 Bandyke Avenue Clifton York YO30 6JW Tel 01904 626384	
project PROPOSED CONVERSION OF EXISTING GARAGE TO HABITABLE TOGETHER WITH ATTACHED GARAGE AT 69 KIRK CROFT WIGGINGTON, YORK	
EXISTING GROUND FLOOR PLAN AND ELEVATIONS	
des. no. TSKH/03	date July 2023
	scale 1:100 @ A3

Proposed site plan



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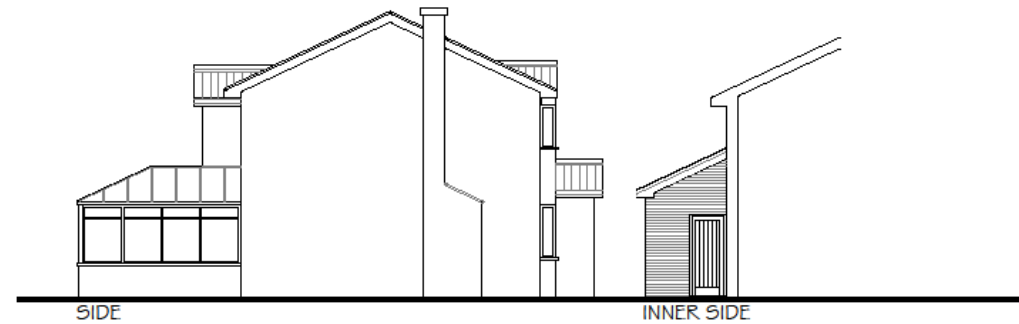
M.T.S Architectural Services
60 Burdyle Avenue
Clifton
York
YO30 6JW
Tel 01904 626394

project
PROPOSED CONVERSION OF
EXISTING GARAGE TO
HABITABLE TOGETHER WITH
ATTACHED GARAGE
AT 69 KIRKCROFT
WIGGINGTON, YORK

PROPOSED SITE PLAN

des. no. TSKH/02	date July 2023
	scale 1:500 @ A4

Proposed elevations



M.T.S Architectural Services
60 Burdyle Avenue
Clifton
York
YO30 6JW
Tel 01904 626394

project
PROPOSED CONVERSION OF
EXISTING GARAGE TO
HABITABLE TOGETHER WITH
ATTACHED GARAGE
AT 69 KIRK CROFT
WIGGINGTON, YORK

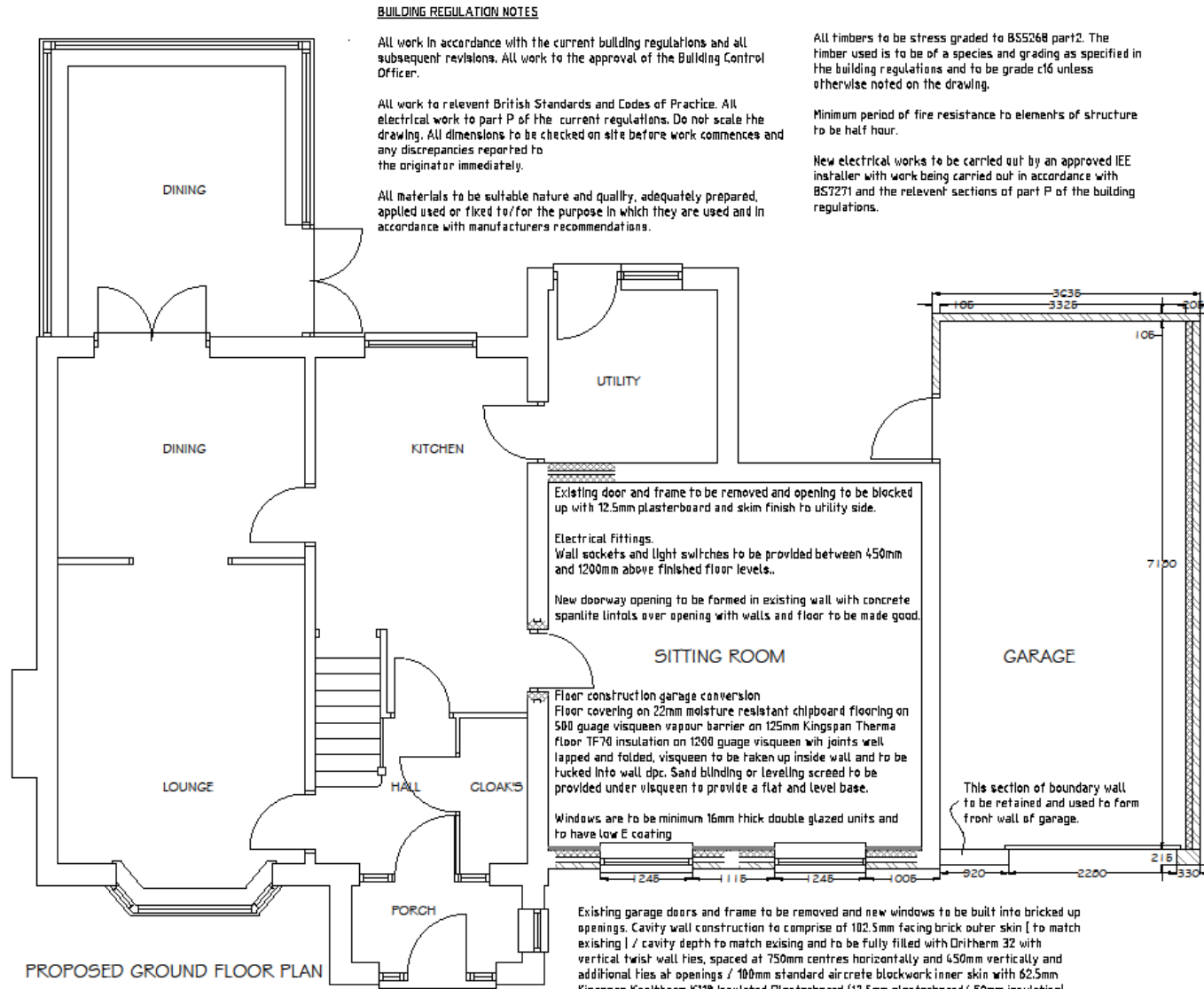
PROPOSED ELEVATIONS

drwg. no. T5KHG/05

date July 2023

scale 1:100 @ A3

Proposed ground floor plan



PROPOSED GROUND FLOOR PLAN

N.T.S Architectural Services
40 Bundyke Avenue
Clifton
York
YO30 6JW
Tel 01904 626384

Project
PROPOSED CONVERSION OF EXISTING GARAGE TO HABITABLE TOGETHER WITH ATTACHED GARAGE AT 69 KIRK CROFT WIGGINGTON, YORK

PROPOSED GROUND FLOOR PLAN

diag. no. **TSKH/04** date **July 2023**
scale **1:50 @ A3**

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COMMITTEE REPORT

Date: 15 November 2023 **Ward:** Fulford And Heslington

Team: East Area **Parish:** None

Reference: 22/02108/FUL

Application at: 47 Heslington Lane York YO10 4HN

For: Erection of two storey detached dwelling after demolition of existing bungalow and outbuildings

By: Miss Susi Clark

Application Type: Full Application

Target Date: 17 November 2023

Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to 47 Heslington Lane in Fulford which is sited within Fulford Conservation Area. The existing building is stated to be of neutral value in the Conservation Area Appraisal. The existing dwelling is a detached bungalow accessed from a private drive off Heslington Lane. It is of red brick construction with a pantile roof and single glazed fenestration. A concrete extension was added in the 1970's. To the north of the site lies Fenby Fields playing field. Residential dwellings and a Nursing Home lie to the west. Further residential dwellings lie to the east. To the south west is St Oswald's CofE School. The site is not within Flood Zone 2 or 3.

1.2 The dwelling is set back within the site (approximately 35m from Heslington Lane) and hosts a substantial rear garden. A number of mature, large trees are located on the site and combined with the setback, the dwelling is currently well screened from public viewpoints. A sycamore tree at the site entrance is protected by a Tree Preservation Order. Further into the site, but forward of the dwelling, 2no. trees are protected by a Tree Preservation Order (Scots Pine and Black Locust). The site has been vacant for some time.

1.3 This application seeks permission to demolish the existing bungalow and associated outbuildings and construct a two-storey, detached, four bedroomed dwelling. It is of U shape form and provides a courtyard with garden and swimming pool. External materials include sandstone, timber cladding, aluminium triple glazed fenestration and a GRP flat roof with sedum covering. Access is to remain as existing however the driveway is to be upgraded. Parking is either in the garage or on the private drive. 7no. trees are proposed for removal.

1.4 The amended plans received on the 11 July 2023 have been used as the basis for determination for this application. From the original plans, the dwelling has been moved further south (approximately 8m) and the car port has been removed in the interest of trees on the site. A Preliminary Ecological Appraisal, a Preliminary Bat Roost Assessment, Great Crested Newts Technical Report and Nocturnal Bat Activity Survey were submitted during consideration of the application. There is no relevant planning history.

1.5 The application was called in by former Councillor Aspden on the following grounds;

- Insufficient Information including lack of ecological appraisal, lack of bat surveys, out of date tree survey, lack of heritage assessment and lack of information relating to drainage/surface water management and proposed/replacement landscaping;
- Harm to the Fulford Village Conservation Area including harm to the extensive garden, increase in scale and height of the proposed building, absence of public benefits that may outweigh the harm;
- Loss of public amenity – including intrusion on outlook from adjacent properties and loss of Category A trees.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

2.1 Key chapters and sections of the NPPF are as following:

Achieving sustainable development (chapter 2)

Decision-making (chapter 4)

Delivering a sufficient supply of homes (chapter 5)

Promoting sustainable transport (chapter 9)

Making effective use of land (chapter 11)

Achieving well-designed places (chapter 12)

Meeting the challenge of climate change, coastal change and flooding (chapter 14)

Conserving and enhancing the natural environment (chapter 15)

Conserving and enhancing the historic environment (chapter 16)

DRAFT LOCAL PLAN (2018)

2.2 The Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in late 2023. The following policies are relevant;

DP2 – Sustainable Development

DP4 – Approach to Development Management

D1 – Placemaking

D2 – Landscape and Setting

D4 – Conservation Areas

D6 – Archaeology

GI2 – Biodiversity and Access to Nature

GI4 - Trees and Hedgerows

CC2 – Sustainable Design and Construction of New Development

ENV2 – Managing Environmental Quality

ENV3 – Land Contamination

ENV4 – Flood Risk

ENV5 – Sustainable Drainage

T1 – Sustainable Access

T8 – Demand Management

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 Proposed surfacing is gravel so the applicant should confirm the suitability of this material for use by fire tender. First 10m from the highway boundary should have a sealed surface and be positively drained (highway condition HWAY11). Sufficient manoeuvring space in front of the proposed dwelling for a vehicle to enter and exit in forward facing direction, using no more than two changes of gear. Additional cycle parking for 4no. cycles is provided beneath the first-floor terrace, but it is neither weatherproof nor secure. The applicant should provide a suitably sized locker noting that there is space within the garage to park two cycles.

Landscape Architect

3.2 In the original response the Landscape Architect noted that there are a large number of trees across the entire application site and some trees on the boundary. The trees are within Fulford Village Conservation Area and some are protected by a TPO (T42, T35 and T34). The Arboricultural survey provides some advice but need an Arboricultural Impact Assessment (AIA) and draft Arboricultural Method Statement (AMD) to show exactly which trees would be retained and removed and which may require special protection measures.

3.3 The tree survey was carried out with no development proposals in mind (October 2019). It is not uncommon for tree surveys to be carried out every 4 to 5 years. The change to the root protection area would be negligible. The condition of trees can be picked up in an AIA. Suggest an arboricultural consultant visit the site to check no significant changes.

3.4 The development retains the trees that have the greatest public amenity (those along the frontage/driveway connecting with Heslington Lane and those along the Northern boundary with the playing field to the rear). Some of the trees along the eastern and western boundaries are visible in part and provide characteristic division between gardens and a sense of garden space from the street.

3.5 The Landscape Architect asked for the car port to be removed from the proposal, more detail with regards to external works such as driveways, fencing etc. Also requested an AIA relating to the proposed development and a draft AMS including a Tree Protection Plan.

3.6 Following receipt of the amended plans, the Landscape Architect concluded that given that the applicant has changed the design in accordance with the recommendations, happy for the Arboricultural Method Statement to be attained through a pre-commencement condition.

Ecologist and Countryside Officer

3.7 No objections but recommend a condition with regards to bats and biodiversity enhancements. Informatives recommended with regards to hedgehogs, invasive non-native species, nesting birds and lighting.

Flood Risk Management Team

3.8 Proposal will enlarge the existing build and will increase surface water run off therefore formal and separate foul and surface water drainage details must be provided. Foul water in accordance with the requirements of Yorkshire Water and surface water in accordance with our Sustainable Drainage Systems Guidance for Developers and the hierarchy of surface water disposal. This must be explored prior to determination of the application.

Public Protection

3.9 No objections to the application but recommend an unexpected land contamination condition and EV charging point informative (this is covered by building regulations).

City Archaeologist

3.10 The proposed development is within close proximity to St Oswald's School which was subject to archaeological evaluation in 2003 which produced some interesting archaeological remains. It is uncertain how much disturbance the garden of 47 Heslington Lane has been subject to. As the proposed development is larger than the existing footprint and includes a pool, the Archaeologist recommends an archaeological watching brief via condition.

CYC Urban Design and Conservation

3.11 DM to assess.

EXTERNAL CONSULTATIONS

Yorkshire Water

3.12 No observation comments as the developer is intending to retain and re-use the existing drainage system of the bungalow.

Ouse and Derwent IDB

3.13 Board has assets in the wider area in the form of Germany Beck. The watercourse is known to be subject to high flows during storm events. Board notes the application form states the applicant intends to use the mains sewer for the disposal of surface water. The Board recommends that soakaways are first

considered in accordance with the PPG hierarchy. Board notes the applicant is proposing to use the mains sewer for the disposal of foul sewage. If Yorkshire Water is content with this arrangement, then the Board would have no objection.

4.0 REPRESENTATIONS

4.1 The application was advertised via neighbour notification, site notice and press notice. One general comment and one letter of support was received in November 2022 (same party) on the following grounds:

- Development strikes as high standard
- Pleased to see the development preserves as many of the existing trees as possible, especially the mature trees near the sites eastern boundary.
- Reservations about the positioning of the car port.
- Want to ensure the tree roots of a Scots pine is not damaged.
- Would be beneficial to introduce some new planting of trees/bushes along the current boundary between the two properties to screen. Hope fencing could be rectified as part of the development.

4.2 One letter stating no objection to the plan itself, however wants to ensure the access to the Nursing Home and the Bungalow in the grounds is maintained as per their deeds. Providing the boundary and access is adhered then satisfied.

4.3 Following the amended plans, three letters of objection (signed by the same two parties) were received. These comments are:

- Width of the development is out of proportion to the existing house.
- Width would spoil the open aspect from back garden of no.49.
- Loss of amenity and loss of privacy.
- Proposed development is not sensitive to the existing character of the Fulford Village Conservation Area.
- Concerns regarding root protection area of visually prominent trees (T32, T33 and T35).
- Loss of healthy mature trees.
- Seek the retention of healthy and thriving trees in the immediate area.
- More proportionate development would allow more of the existing trees to be retained.
- Incomplete and out of date tree survey.
- Poor condition of no.47 and will need to be redeveloped.

- Large proposed development does not relate closely in scale or footprint to the existing house.
- Car parking and driveway close to neighbour's boundary.
- Loss of green space.

4.4 A letter of general comment was received on the following grounds;

- Concerned about access to property.
- When bought the property there was no fixed boundary marker between the properties.
- Vendors erected a post and rail fence but since fallen down.
- The fence was incorrectly positioned.
- Ensure the new boundary is marked in the correct position and clear access is maintained.

Ward Councillor

4.5 Objection was received by the Ward Councillor on the following grounds;

- Potential to harm the Fulford Village Conservation Area including significant increase in scale and height of the building.
- Overdevelopment.
- Loss of public amenity.
- Intrusion on outlook from adjacent properties.
- Loss of category 'A' trees.
- Excess number of car parking spaces.
- No provision for cycle parking/storage.

Fulford Parish Council

4.6 Objected to the original plans on the following grounds;

- a) Lack of ecological appraisal.
- b) Lack of bat surveys.
- c) Out of date tree survey.
- d) Lack of heritage assessment.
- e) Information lacking with regards to drainage/surface water management and proposed/replacement landscaping.

- f) Harm to the Fulford Village Conservation Area (extensive garden is an important historic space and contributes to significance and provides a verdant and spacious setting).
- g) Two storey building is of much greater scale and height than the existing bungalow and spans almost the full width of the site as well as being positioned deeper into the garden.
- h) Unnecessary loss of trees.
- i) Flat roof design and contemporary materials would appear discordant in the landscape.
- j) Loss of public amenity due to scale and massing.
- k) Visible from nearby gardens in particular no.49.
- l) Replacement of bungalow of more sustainable construction and green roof could be supported in principle but only if it does not harm the heritage or natural environment.

4.7 Objects to the amended plans on the following grounds;

- a) Out of date tree survey, almost 4 years old. The inspection should be carried out prior to determination.
- b) Lack of heritage assessment.
- c) Harm to Conservation Area and nearby non-designated heritage assets. Development may only be permitted if the public benefits are sufficient to outweigh the harm and provide clear and convincing justification.
- d) Extensive garden represents an important historic space and contributes to its significance. Provides a verdant and spacious setting for the substantial houses.
- e) Greater height and scale than the existing bungalow.
- f) Spans across the site.
- g) Unnecessary loss of significant trees.
- h) Flat roof design and use of contemporary materials would appear discordant.
- i) Fail to respect the historic grain and layout of the surroundings.
- j) Would not appear subservient and conflicts with 10.6 of the CA Appraisal.
- k) Readily visible from nearby gardens.
- l) Impact on public amenity.
- m) Loss of visual amenity and biodiversity from the felling of trees.

5.0 APPRAISAL

5.1 The key issues in this case are:

- Principle of the proposed development
- Design and impact on Fulford Conservation Area, street scene and surrounding area.
- Residential amenity
- Highways, access and parking
- Trees
- Sustainable design and construction
- Drainage
- Ecology
- Archaeology

PRINCIPLE OF THE PROPOSED DEVELOPMENT

Policy

5.2 Paragraph 60 of the NPPF seeks to significantly boost the supply of homes. Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (paragraph 119 of the NPPF). Planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land (paragraph 120c of the NPPF).

Assessment

5.3 The proposal seeks to demolish the existing residential dwelling and construct a new, larger replacement dwelling. The residential use of the site is established. The existing dwelling is listed of neutral value in the Conservation Area. The site has been vacant for some time and the dwelling is now unfortunately in a poor condition. The demolition of the dwelling is therefore considered acceptable. Subject to a review of other material planning considerations, the principle of development is acceptable.

DESIGN AND IMPACT ON FULFORD CONSERVATION AREA, STREET SCENE AND SURROUNDING AREA

Policy

5.4 Section 16 of the NPPF, conserving and enhancing the historic environment, advises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

5.5 Section 72 of the Planning (Conservation Areas & Listed Buildings) Act requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of a conservation area. This is supported by Policy D4 of the Draft Local Plan which seeks to protect Conservation Areas and its setting.

5.6 Policy D1 of the Draft Local Plan supports development where they improve poor existing urban environments. Design considerations include the urban structure, grain, density, massing, spacing, scale and appearance.

Assessment

5.7 The site is located within Fulford Village Conservation Area. The Fulford Village Conservation Area Appraisal (dated April 2008) notes at 9.3 'The conservation area culminates with a handful of larger Victorian and early 20th century houses and villas on the north side of the street which are set much further back from the road, with mature trees dominating the street frontage and front gardens. The long rear gardens are mostly inaccessible and undeveloped, and again interspersed with mature trees, and contribute to the character and amenity of the area: the new houses to the rear of Nos 33 and 43 Heslington Lane are an unfortunate intrusion'.

5.8 There is no set pattern in terms of materials, property style or siting along this section of Heslington Lane, however the Appraisal notes the design of new buildings needs to observe closely the characteristics of the area and be guided by them: this applies particularly to the scale of development behind the frontages, which should always be subordinate.

5.9 The new dwelling is two storey and is to be sited slightly further north than the existing bungalow. It is of U shape form and extends further east than the existing dwelling. The new dwelling will be larger than the existing dwelling, however the dwelling benefits from a substantial plot and the scale would not be disproportionate

in this context. As such the house, although increasing in scale, will still sit comfortably within the spatial context of the street and plot. It is set in from the plot boundaries and set back considerably from the public highway. The spaciousness is retained and it is considered the dwelling would remain subordinate.

5.10 The dwelling is of contemporary design and is to be constructed in sandstone, timber cladding, aluminium triple glazed fenestration and a GRP flat roof with sedum covering. The design will add interest to this part of the Conservation Area. The materials will be new within the immediate area, however given the set back, dark colours and existing screening, the materials are considered acceptable as only parts of the front elevation will be visible from public viewpoints. A condition is recommended to approve sample materials prior to their use to secure high quality materials.

5.11 Overall the proposed works are visually considered an improvement and will result in a high quality and contemporary dwelling, which when taking into account the context of the existing dwelling on site, will enhance the character and appearance of the Conservation Area in line with Section 16 of the NPPF, policy D1 and D4 of the Draft Local Plan (2018) and Section 72 of the Planning (Conservation Areas & Listed Buildings) Act

RESIDENTIAL AMENITY

Policy

5.12 NPPF section 12 in respect of design advises decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Section 15 refers to noise and its potential impact on amenity. Policy ENV2 of the Draft Local Plan seeks to ensure development does not unacceptably harm the amenities of existing and future occupants on the site occupiers and existing in neighbouring communities. Policy ENV3 relates to land contamination and the Public Protection Officer recommends an unforeseen land contamination condition in this respect.

Assessment

Impact on 49 Heslington Lane

5.13 The existing dwelling at its highest point is 6.38m as confirmed on the existing site plan (the highest ridge level of the Bungalow to be demolished is 19.69m from the survey data and the ground level is 13.31m). It is located approximately 10m (at its closest point) from the northern boundary and 15m from the rear elevation of no.49, however at a 45 degree angle (approximately).

5.14 The proposed dwelling will be 8m in height at its highest point and would be located 9m from the northern boundary and 20m from the rear elevation of no.49. The front elevation of the proposed dwelling is set back a further 7.4m than the front of the existing dwelling, however extends approximately 9m further east.

5.15 The windows in the front elevation facing 49 Heslington Lane are a ground floor snug, entrance hall, cloakroom and W.C. There is existing vegetation on and near the boundary which provides some screening at ground floor. The first floor window serves a corridor. Given the height and use of the room, it is recommended this first floor window is obscure glazed to remove any opportunity of overlooking. The distances between the two dwellings, alongside the use of obscure glazing at first floor, are considered sufficient to avoid overlooking between the two dwellings. Taking into account the plot sizes, height at 8m and distances between built form, the proposal is not considered to be overbearing or result in overshadowing.

5.16 Concerns are raised in the representation regarding planting trees/bushes or a fence to screen the two properties. Soft/hard boundary treatments are not proposed as part of this application and are not necessary to mitigate a planning concern.

Impact on 59-63 Heslington Lane

5.17 The dwelling would be located 11m from the eastern boundary. Ground floor windows in the eastern elevation include a lounge window, kitchen window and utility window. First floor windows include an en-suite and dressing room. Mature trees run along the eastern boundary and a strip of land lies between this site and the neighbours (59-63). Taking the site characteristics into account and the distances between the sites, the proposal is not considered to result in overlooking, be overbearing or result in overshadowing.

Impact on 45 Heslington Lane

5.18 45 Heslington Lane is a period property split into flats. The majority of the windows in this building either face towards Heslington Lane or are located on the

side elevation. The proposed dwelling is sited further north than the existing dwelling, therefore is moved away from the rear elevation of no.45. In some respects amenity is improved as the separation distances are increased.

5.19 There are no ground floor windows immediately facing towards this building, however there is a first floor dressing room located approx. 7.5m from the rear elevation of no.45. This window will mainly overlook a shared driveway and would not result in any privacy concerns. Obscure glazing is recommended by condition. The increase in height of the dwelling is considered acceptable. Amenity is therefore protected for occupiers of 45 Heslington Lane.

Impact on the Nursing Home

5.20 The proposed dwelling will be sited to the east of the Nursing Home approximately 2m closer at a greater height (increase of approximately 1.62m), however it is still located approx. 15m from the offshoot buildings of the Nursing Home. There are no windows proposed in the side elevation facing this building, therefore there are no overlooking concerns arising. The distance is considered sufficient to prevent overshadowing or from being overbearing for occupiers.

Conclusion

5.21 To conclude on amenity matters, the proposed dwelling would provide a good standard of amenity for future occupants and would not detrimentally impact neighbouring amenity by way of overlooking, overshadowing or being overbearing. The proposal is therefore in line with Section 12 and 16 of the NPPF and policy ENV2 of the Draft Local Plan.

HIGHWAYS, ACCESS AND PARKING

Policy

5.22 The NPPF requires development be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 111 of the NPPF).

5.23 Policy T1 of the Draft Local Plan seeks to ensure development proposals demonstrate safe and appropriate access. Development must provide sufficient convenient, secure and covered cycle storage. Policy T8 relates to demand management and improving the overall flow of traffic in and around the City Centre.

Assessment

5.24 The application will utilise the existing access served by the dwelling. The Highways Officer recommends the first 10m of the site to have a sealed surface. This condition has been added. There is sufficient manoeuvring space in front of the proposed dwelling for a vehicle to enter and exit in forward facing direction, using no more than two changes of gear. Car parking is provided either in the garage or on the driveway. The Parish Council raise concerns regarding too many car parking spaces; the application proposes a large gravel parking and turning area to the front. It would not be reasonable or necessary to seek to restrict the number of car parking spaces for a development such as this with a large garden.

5.25 The Highways Officer raises concerns about the style of cycle parking provided. Sheffield stands are proposed however these are not weather proof nor secure. As such a condition is recommended to secure cycle parking details at a later date as there is sufficient room to provide this on site. 4no. cycle spaces are required for a 4no. bedroom dwelling.

5.26 Overall the proposal provides adequate parking and turning for all uses and is not considered to result in an unacceptable impact on highway safety. The residual cumulative impacts on the road network would not be severe. The proposal is therefore in line with paragraph 111 of the NPPF.

5.27 Private access arrangements and details protected in property deeds are not planning matters.

TREES AND LANDSCAPING

Policy

5.28 Policy GI4 of the Draft Local Plan states

Development will be permitted where it:

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- i. recognises the value of the existing tree cover and hedgerows, their biodiversity value, the contribution they can make to the quality of a development, and its assimilation into the landscape context;
- ii. provides protection for overall tree cover as well as for existing trees worthy of retention in the immediate and longer term and with conditions that would sustain the trees in good health in maturity;
- iii. retains trees and hedgerows that make a positive contribution to the character or setting of a conservation area or listed building, the setting of proposed development, are a significant element of a designed landscape, or value to the general public amenity, in terms of visual benefits, shading and screening.
- iv. does not create conflict between existing trees to be retained and new buildings, their uses and occupants, whether the trees or buildings be within or adjacent to the site; and
- v. supplements the city's tree stock with new tree planting where an integrated landscape scheme is required; and,
- vi Provides suitable replacement planting where the loss of trees or hedgerows worthy of retention is justified.

Assessment

5.29 The application is accompanied by an Arboricultural Survey and Implication Study (dated October 2019). The Sycamore Tree (CYC 151-T1), referred to as T42, the False Acacia (Robinia) (CYC 254-T1) and Scots Pine (CYC 254-T2) referred to as T35 and T34 respectively in the applicant's tree survey are protected by a Tree Preservation Order (TPO).

5.30 7no. trees are proposed for removal as part of this application (as shown on the Tree Mark up plan dated 3rd July 2023) however these are not protected by a TPO.

These include;

T11 – Holly (category B2)

T12 – Horse Chestnut (category B2)

T29 - Ginko Biloba (category B2)

T30 – Pine (category A2)

T31 – Weeping Willow (category B2)

T49 – Magnolia (category B1)

Small Laburnum

5.31 The trees proposed for removal are located behind the existing bungalow within the middle of the site and as such currently offer low public amenity value. Replacement planting would be required for the loss of these trees to preserve the existing verdant character within the conservation area. A condition is recommended to secure a landscaping scheme to compensate for the loss of the felled trees.

5.32 The tree survey was carried out with no development proposals in mind, i.e. it is an assessment of the state of the trees and their situation at the time of the survey in October 2019. Fulford Parish Council raise a concern that the tree survey is 'out of date', however it is not uncommon for tree surveys in respect of the condition of trees to be carried out every 4 to 5 years. Although the girth of the trees may have expanded slightly, the change to the recommended root protection area would be negligible. The Landscape Architect recommends an Arboricultural Method Statement which has been added as a condition.

SUSTAINABLE DESIGN AND CONSTRUCTION

Policy

5.33 Policy CC2 of the Draft Local Plan, as recently amended, states all new residential development of 1 or more dwellings should achieve:

- i. on-site carbon emissions reduction of a minimum of 31% over and above the requirements of Building Regulations Part L (2013), of which at least 19% should come from energy efficiency measures; and,
- ii. a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

Should the dwelling not achieve a reduction in carbon emissions of 75%, compared to the target emission rate as required under Part L of the Building Regulations 2013, prior to construction a statement to demonstrate that such reductions would not be feasible or viable shall be submitted to and approved in writing by the Local Planning Authority.

Assessment

5.34 With regards to the above sustainability requirements, these can be secured by condition for the new build dwellings.

DRAINAGE

Policy

5.35 Policy ENV5 requires sustainable drainage and states that for all development on brownfield sites, surface water flow shall be restricted to 70% of the existing runoff rate (i.e. 30% reduction in existing runoff), unless it can be demonstrated that it is not reasonably practicable to achieve this reduction in runoff.

Assessment

5.36 The site lies within flood zone 1. The existing dwelling is already connected to a drainage system (mains for surface water and foul water). Yorkshire Water have no observation comments as the developer is intending to retain and re-use the existing drainage system. The Flood Risk Management Team state the proposal will enlarge the existing build and increase surface water run-off. As such further drainage details would be required as the suitability of other sustainable drainage methods has not been explored. This can be conditioned.

ECOLOGY

Policy

5.37 Policy GI2 of the Draft Local Plan (2018) relates to biodiversity and access to nature. Paragraph 174 (d) of the NPPF (2021) seeks to ensure development contributes and enhances the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. These enhancements are required in addition to the protected species licence requirements to mitigate for bats.

Assessment

5.38 The application is accompanied by a Nocturnal Bat Activity Survey by Peak Ecology LTD (dated 13.09.2023), Preliminary Ecological Appraisal by Peak Ecology LTD (dated 15.12.2022) and an Arboricultural Survey and Implication Study. Following the bat surveys carried out in 2023, a Soprano pipistrelle bat roost was identified within the northern elevation of the pitched extension. As the proposed

work would result in the loss of this roost, a European Protected Species licence issued by Natural England will be required prior to the commencement of works.

5.39 The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species (EPS). Notwithstanding the licensing regime, the LPA must also address these three tests when deciding whether to grant planning permission for a development which could harm an EPS.

5.40 The "derogation tests" which must be applied for an activity which would harm a European Protected Species (EPS) are contained within the species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017 (as amended) are as follows:

1. that the action is for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature;
2. that there is no satisfactory alternative; and
3. that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

5.41 With regards to the first test, in this case the new build dwelling would provide a fit-for purpose dwelling. The current dwelling has fallen into disrepair, is increasingly environmentally inadequate and is structurally unsound.

5.42 With regards to the second test, the Applicant does not have any alternative land to build on and the residential use is established on site. When taking into account the existing condition of the building, the demolition and re-build of a dwelling is the preferred option economically and environmentally to provide a more sustainable home on this site.

5.43 With regards to the third test, the conservation status of species will be taken as 'favourable' when:

- a) population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- b) the natural range of the species is neither being reduced for the foreseeable future, and

c) there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

5.44 With regards to test 3, the building currently supports a roost for a single Soprano pipistrelle bat. This species is common and widespread throughout the UK and classed as a species of 'least' conservation concern. The requirement for a European Protected Species Licence will prevent any direct harm and the provision of new, integrated roosting features within the proposed building will maintain roosting opportunities on site. Therefore, the third test for maintenance of favourable conservation status is met.

5.45 The development will be required to provide biodiversity enhancements; in accordance with Paragraph 174 (d) of the NPPF (2021). Ecological enhancements have been recommended in the Nocturnal Bat Activity Surveys report with the aim of providing biodiversity gains post construction, in addition to mitigation requirements for bat mitigation licencing. A planning condition has been added with regards to biodiversity enhancements. Informatives are added with regards to hedgehogs, invasive non-native species, nesting birds and lighting.

ARCHAEOLOGY

Policy

5.46 Draft Local Plan Policy D6 relates to archaeology. Development must not result in harm to the significances of the site or its setting. It should be designed to enhance or better reveal the significances of an archaeological site or will help secure a sustainable future for an archaeological site at risk.

5.47 Where harm to archaeological deposits is unavoidable, detailed mitigation measures must be agreed with City of York Council that include, where appropriate, provision for deposit monitoring, investigation, recording, analysis, publication, archive deposition and community involvement.

Assessment

5.48 The Council's Archaeologist was consulted on the proposal and notes the proposed development site is within very close proximity to St Oswald's School which was subject to archaeological evaluation in 2003. This investigation produced some interesting archaeological remains. This included finds of worked flint,

possible pre-Roman pits and ditches, Roman pottery, medieval ditches and, perhaps most significantly, an earthwork and finds associated with the Civil War Siege of York. These findings are of local/regional importance.

5.49 It is uncertain as to how much disturbance the garden of 47 Heslington Lane, outside of the existing bungalow footprint, has been subjected to. Disturbance to any surviving archaeological resource from the creation of the extant building and from tree roots.

5.50 As the proposed development is larger than the existing footprint and includes a pool, given the proximity to the findings at St Oswald's, the Archaeologist suggests an archaeological watching brief is maintained as a precaution during excavations for any foundations, pool or attenuation/drainage runs. This will ensure that any finds or features that may survive on the site are recorded. This can be conditioned.

6.0 CONCLUSION

6.1 The proposal seeks the demolition of the existing bungalow at 47 Heslington Lane and the erection of a replacement, contemporary two storey dwelling. The works are considered to enhance the character and appearance of Fulford Conservation Area and its setting. The residential amenity of surrounding neighbours is protected. The first-floor window serving the corridor is recommended to be obscure glazed and this can be secured by condition. The proposal seeks to utilise the existing access which is to be upgraded. The development involves the loss of 7no. trees, however replacement planting can be secured by condition. A European Protected Species license will be required prior to commencement of any works. Matters such as parking, trees, sustainability, drainage and ecology can be adequately addressed via conditions. The proposal accords with national planning policy and draft local policy, therefore is recommended for approval subject to conditions.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in strict accordance with the following drawings:

Location plan; 47 Heslington Lane.

Proposed site plan; drawing number 100/02, dated 10th July 2023.

Proposed ground floor plan; drawing number 100/03, dated 10th July 2023.

Proposed first floor plan; drawing number 100/04, dated 10th July 2023.

Proposed roof plan; drawing number 100/05, dated 10th July 2023.

Proposed north and south elevations; drawing number 100/06, dated 10th July 2023.

Proposed east and west elevations; drawing number 100/07, dated 10th July 2023.

Reason: For the avoidance of doubt and in the interests of proper planning.

3 Prior to the commencement of the external construction of the walls of the development hereby approved, a sandstone sample and cladding sample to be used shall be deposited on the site for the written approval of the Local Planning Authority. Development shall be carried out in strict accordance with the approved details and the samples shall be retained on site during the period of construction of all external walls.

Reason: In order to ensure that the materials used conform to the visual requirements of the locality and in the interests of securing a high quality development in the Conservation Area in line with policy D4 of the Draft Local Plan and sections 12 and 16 of the NPPF.

4 Before the first use of any materials in the external construction of the roof of the development hereby approved, samples of those materials shall have been made available for inspection by, and the written approval of, the Local Planning Authority and the development shall be carried out in strict accordance with the approved details.

Reason: In order to ensure that the materials used conform to the visual requirements of the locality and in the interests of securing a high quality development in the Conservation Area in line with policy D4 of the Draft Local Plan and sections 12 and 16 of the NPPF.

5 No demolition, site clearance, preparatory work, or development involving excavations shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement ("AMS")) in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations, shall have been submitted to and approved in writing by the local planning authority.

Amongst the detail within the AMS, the statement shall cover details and locations of protective fencing, ground protection, a schedule of tree works if applicable, site rules and prohibitions, phasing of protection measures, site access during development operations, types of construction machinery/vehicles to be used, method of demolition and site clearance, parking arrangements for site vehicles, locations for stored materials, locations and means of installing utilities, location of

site compound. The document shall also include methodologies and construction details where specialist construction techniques are required for a change in surface material and/or boundary treatment within the potential root protection area of existing trees.

A copy of the AMS shall be available for reference and inspection on site at all times. The scheme for the protection of the retained trees shall be carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

Reason: To ensure every effort and reasonable duty of care is exercised during the development process in the interests of protecting the existing trees shown to be retained which are considered to make a significant contribution to the amenity and setting of the development and the conservation area.

6 A detailed scheme for landscaping, including the planting of trees and or shrubs shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any external construction of the walls of the development hereby approved. The landscaping scheme shall include the retention of all retained trees and include replacement planting for the trees removed as a result of this proposal. The scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and the timing of implementation of the scheme, including any earthworks required and shall be implemented in strict accordance with details as approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity and to compensate for the loss of the trees within the Conservation Area.

7 No development shall take place until details of the proposed means of surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

The required details shall evidence that the discharge of surface water has been prioritised in the following order - infiltration (i.e. soakaway), watercourse, and combined/surface water sewer. (Discharge to an existing public sewer network shall only be specified as a last resort with sufficient evidence that other methods are not appropriate).

If the proposed method of surface water disposal is via soakaways, these shall be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to except surface water discharge, and to prevent flooding of the surrounding land and the site itself. City of York Council's Flood Risk Management

Team should witness the BRE Digest 365 test.

If SuDs methods are proven to be unsuitable then peak run-off from shall be attenuated to the following rate; Brownfield sites are to limit the discharge of surface water off site based on 140 l/s/ha of proven connected impermeable areas for the 1 in 1 year storm or better. A site survey of the existing drainage will be required to prove discharge and will not be assumed all impermeable areas drain to sewer. Brownfield sites drainage proposals will be measured against the existing performance of the site based on its proven connected impermeable areas. The drainage scheme shall reduce the previously developed surface water runoff rate by a minimum of 30%.

Details shall include -

- o Storage volume calculations, using computer modelling, which 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.
- o Topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. (To evidence runoff from the site will not affect nearby properties).

Reason: In the interests of sustainable drainage and to avoid increased flood risk in accordance with NPPF section 14, in particular paragraph 167, Draft Local Plan policy EN5: Sustainable Drainage and in accordance with City of York Councils Sustainable Drainage Systems Guidance for Developers (August 2018).

8 Prior to the development coming into use, the initial 10m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site. Elsewhere within the site all areas used by vehicles shall be surfaced and drained, in accordance with the approved plans.

Reason: To prevent the egress of water and loose material onto the public highway.

9 Prior to the development being brought into use details of cycle parking storage, 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.

10 Demolition works shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
- b) confirmation that the site is registered on a Bat Mitigation Class licence (formally Low Impact Class Licence) issued by Natural England; or
- c) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To maintain the favourable conservation status of a European Protected Species.

11 A biodiversity enhancement plan/drawing shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of works. The contents of the plan shall include, but not be limited to the recommendations set-out in the Nocturnal Bat Activity Surveys, provided by Peak Ecology Ltd., dated 13.09.2023. The approved works shall be carried out in accordance with details shown on the approved enhancement plan/drawing.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 (d) of the NPPF (2021) to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

12 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

13 The dwelling hereby permitted shall achieve a reduction in carbon emissions of at least 31% compared to the target emission rate as required under Part L of the Building Regulations 2013 and a water consumption rate of 110 litres per person per

day (calculated as per Part G of the Building Regulations).

Should the dwelling not achieve a reduction in carbon emissions of 75%, compared to the target emission rate as required under Part L of the Building Regulations 2013, prior to construction a statement to demonstrate that such reductions would not be feasible or viable shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policy CC2 of the Draft Local Plan 2018.

14 A) No groundworks shall take place until an archaeological contractor has been appointed by the applicant and approved in writing by the local planning authority. The site investigation, post-investigation assessment and provision for analysis, publication and dissemination of results and archive deposition shall be completed/secured in accordance with standards set by the Chartered Institute for Archaeologists and LPA.

B) A copy of a report shall be deposited with City of York Historic Environment Record to allow public dissemination of results 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an area of archaeological interest and the development may affect archaeological deposits which must be recorded prior to destruction. This condition is imposed in accordance with Section 16 of NPPF.

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), unless otherwise approved in writing by the Local Planning Authority the windows in the first floor south elevation (corridor) and the first floor east elevation (serving the dressing room and en-suite); shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

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

Application Reference Number: 22/02108/FUL

Item No: 4f

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; asked for amendments to overcome Landscape Architect concerns, additional ecological information, sustainability statement and highways clarification.

2. INVASIVE NON-NATIVE SPECIES

The applicant is reminded that some *Rhododendron* species, which was noted on site, are listed on Schedule 9 of The Wildlife and Countryside Act (1981 as amended) making it an offence to "introduce, plant or cause to grow wild" these species. Steps should be taken to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features.

3. HEDGEHOGS

The applicant is advised to consider using permeable fencing or leaving occasional gaps suitable to allow passage of hedgehogs. Any potential hibernation sites including log piles should be removed outside the hibernation period (which is between November and March inclusive) in order to avoid killing or injuring hedgehogs.

Hedgehogs are of priority conservation concern and are a Species of Principal Importance under section 41 of the NERC Act (2006). An important factor in their recent population decline is that fencing, and walls are becoming more secure, reducing their movements and the amount of land available to them. Small gaps of approximately 13x13cm can be left at the base of fencing to allow hedgehogs to pass through. Habitat enhancement for hedgehogs can easily be incorporated into developments, for example through the provision of purpose-built hedgehog shelters or log piles. <https://www.britishhedgehogs.org.uk/wp-content/uploads/2019/05/developers-1.pdf>

4. NESTING 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. Buildings, trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Suitable habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess nesting bird activity.

5. WILDLIFE AND LIGHTING:

When designing external lighting its potential impacts on light sensitive species should be considered. Direct lighting and light spill should be avoided where new bat roosting and bird nesting features are installed, on trees, soft landscaping, and

'green' linear features, such as hedges. Advice on lighting design for light sensitive species is available from the Bat Conservation Trust (2023) Bats and Artificial Lighting at Night: <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

Contact details:

Case Officer: Natalie Ramadhin

Tel No: 01904 555848

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47 Heslington Lane, YO10 4HN

22/02108/FUL



GIS by ESRI (UK)



Scale : 1:1384

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	02 November 2023
SLA Number	Not Set

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Planning Committee B

22/02108/FUL

47 Heslington Lane

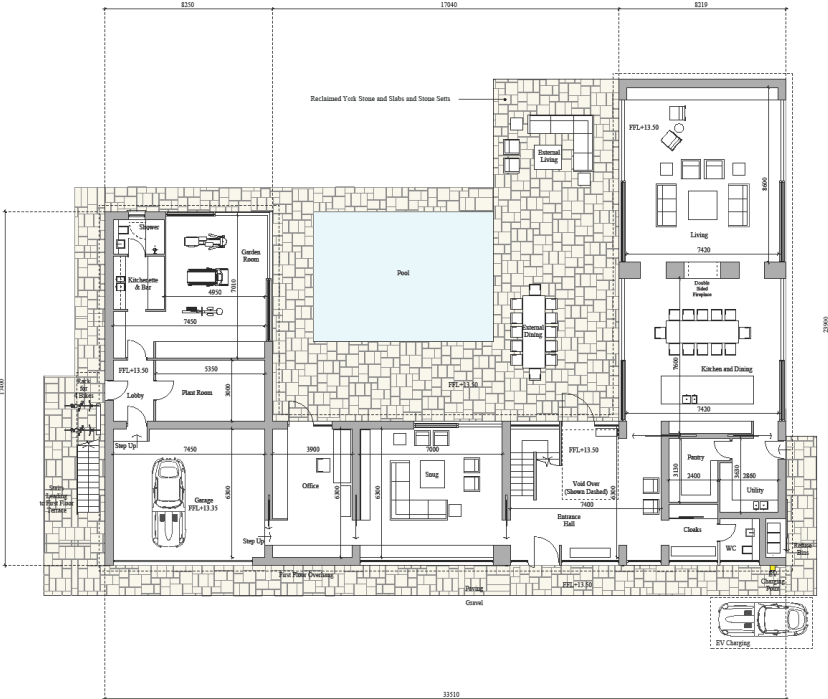
Existing site plan



Proposed site plan



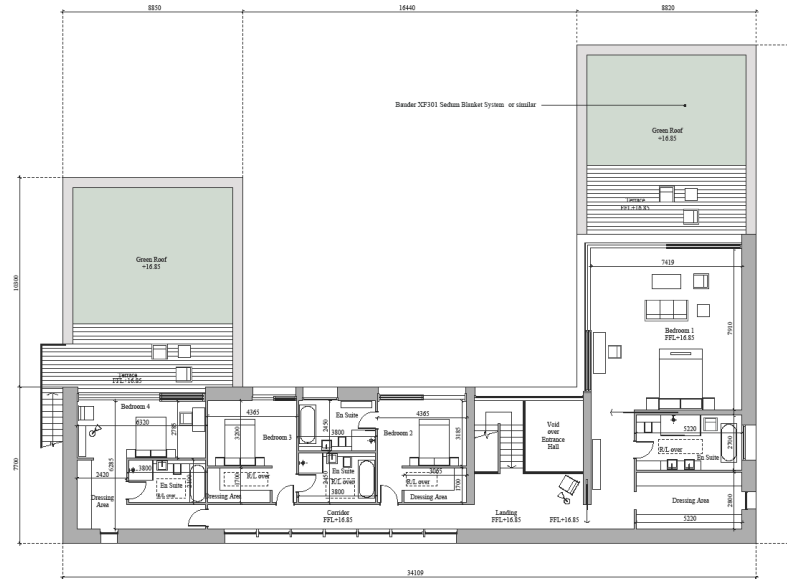
Proposed ground floor plan



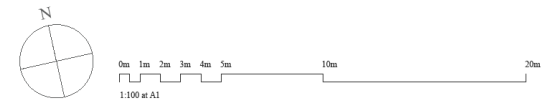
47 HESLINGTON LANE
 PROPOSED GROUND FLOOR PLAN
 DRAWING NO. 100/03 DATE 10 JULY 2023



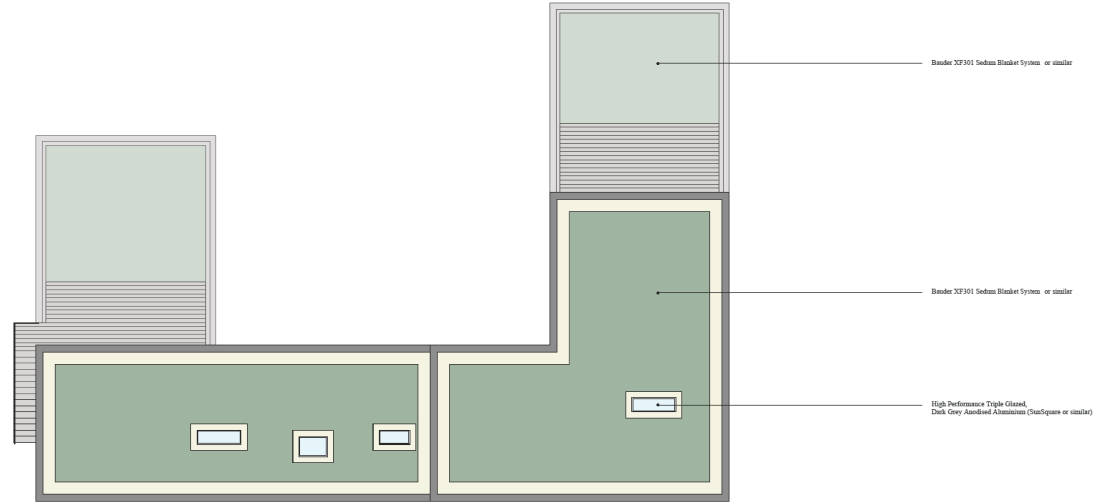
Proposed first floor plan



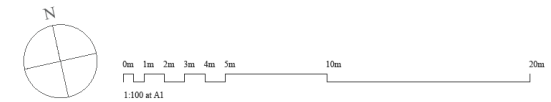
47 HESLINGTON LANE
PROPOSED FIRST FLOOR PLAN
DRAWING NO. 100/04 DATE 10 JULY 2023



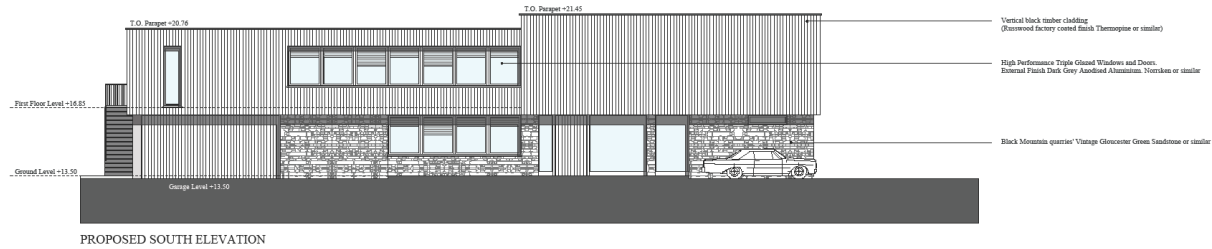
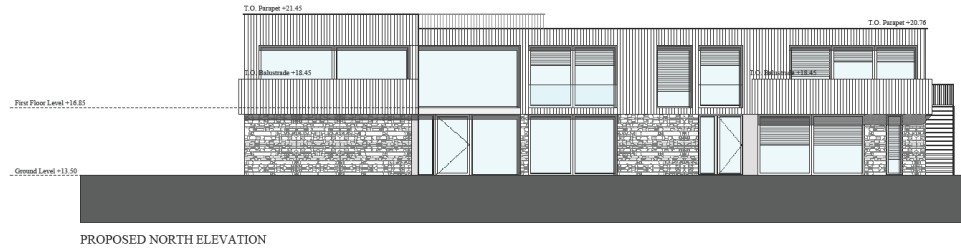
Proposed roof plan



47 HESLINGTON LANE
PROPOSED ROOF PLAN
DRAWING NO. 100/05 DATE 10 JULY 2023

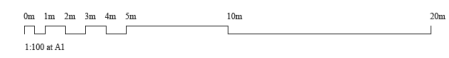


North and south elevations

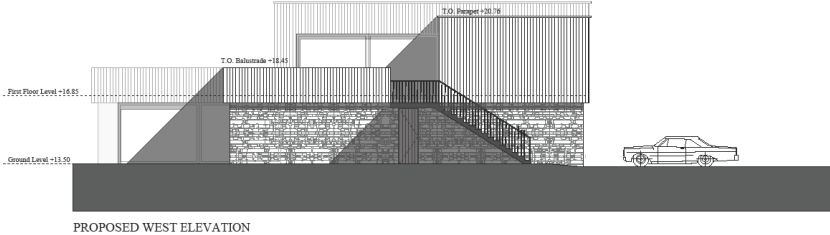
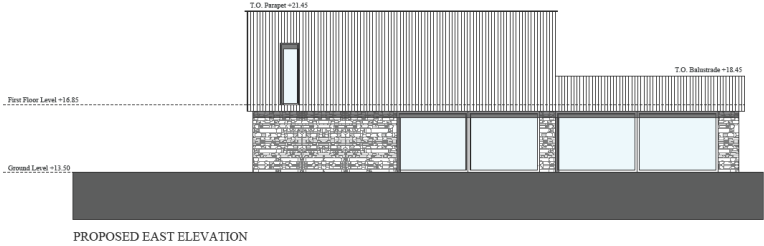


- Vertical black timber cladding
(Glaswood Decore coated Birch Thermoplastic or similar)
- High Performance Triple Glazed Windows and Doors
External Finish Dark Grey Anodised Aluminium, Norrtan or similar
- Black Moroccan quartz 'Vintage Gloucester Green Sandstone or similar

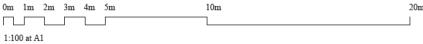
47 HESLINGTON LANE
 PROPOSED NORTH AND SOUTH ELEVATIONS
 DRAWING NO. 100/06 DATE 10 JULY 2023



East and west elevations



47 HESLINGTON LANE
PROPOSED EAST AND WEST ELEVATIONS
DRAWING NO. 100/07 DATE 10 JULY 2023



COMMITTEE REPORT

Date: 15 November 2023 **Ward:** Osbaldwick And Derwent

Team: East Area **Parish:** Dunnington Parish
Council

Reference: 22/01683/FUL
Application at: OS Field 0040 Stamford Bridge Road Dunnington York
For: Erection of a general purpose agricultural building
By: Mr John Hooton
Application Type: Full Application
Target Date: 28 April 2023
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for an agricultural building. The walls would be precast concrete with olive green metal cladding above. The roof would be olive green metal sheeting. The footprint of the building would be 9.3 metres by 18.6 metres (173sqm). The maximum height of the dual pitched building would be 5.5 metres. The enclosed shed would have one vehicular access (to the northeast elevation) with a roller shutter door. The building would be used for the storing of machinery and implements, together with hay, straw and animal feed. The holding is 2.24ha. The applicant has provided a Country Parish Holding number. Access to the site would be from A166 Stamford Bridge Road.

1.2 The site is within the general extent of the green belt, the site is within Flood Zone 1. A public footpath (14/1/10) runs through the site. An archaeological monument – Roman road to Thornthorpe and Malton MY05098 runs along the line of the A166 to the north west boundary of the site. An archaeological monument – Derwent Valley Light Railway (MY03.508) runs along the southern boundary of the site. Another Roman Road archaeological Monument (MY03536) runs through southeast corner of the site.

1.3 During the application process further information has been submitted including the use of the building, drainage details, together with revised plans detailing the public right of way and revisions to the access with the A166

Committee Call-In request

1.4 The application has been called into committee at the request of Cllr. Warters for the following reasons: Potential intrusion into the Green Belt; the size of the plot of land and suggested uses do not justify the size of building; The use and number of

visits to the site do not justify the large access; Question security justification; No drainage arrangements have been proposed for the access track; concerns regarding the future use of the site.

1.5 RELEVANT PLANNING HISTORY

18/00480/FUL - Erection of stables and field shelter – application withdrawn.

An Enforcement Notice was issued in December 2020 requiring the removal of a static caravan and stable block. The applicant for the current application bought the site in March 2021. Enforcement Officers confirm that the structures were removed in September 2021.

2.0 POLICY CONTEXT

2.1 The Publication Draft York Local Plan (2018)

SS2 The Role of York's Green Belt

D1 Placemaking

D2 Landscape and Setting

GB1 Development in the Green Belt

ENV5 Sustainable Drainage

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 The amended drawings detailing the visibility splays are acceptable. Unable to allow the drainage of the surface water from the access onto the highway, this will have to be contained with the property.

Design, Conservation and Sustainable Development – City Archaeologist

3.2 Do not wish to impose any archaeological conditions on this scheme.

Flood Risk Management

3.3 The plan shows surface water generated from the new building and the road planning surfaced accessway road being discharged to a soakaway swale which has been designed in accordance with the results of the site specific infiltration testing we witnessed and therefore this plan is agreed.

3.4 With regards to Highway Team comments this plan shows a gully which intercepts any private surface water falling on areas within the site boundary and not onto the highway which is also connected to the soakaway swale, the levels shown on this plan also confirm this. However there is a very small area within the adopted highway verge/visibility splay that cannot be allowed to enter a private surface water system and for this reason this must drain via the highway drainage and not into the soakaway swale therefore all the drainage arrangements shown on this plan are agreed and the plan listed if planning permission was to be granted.

Public Protection

3.5 No objections.

Public Rights Of Way Team

3.6 No objections.

EXTERNAL CONSULTATIONS

Dunnington Parish Council

3.7 No comments received.

Foss Internal Drainage Board

3.8 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. There may also be ordinary watercourse nearby which is not maintained by the Board and we assume remains with the riparian owner to maintain. The Board's consent is still required in certain instances.

3.9 The Board always recommends that soakaways are *first* considered in accordance with the Planning Practice Guidance hierarchy for the management of surface water and therefore welcomes the applicant's approach. Request surface water drainage scheme is sought via condition.

4.0 REPRESENTATIONS

4.1 No representations received.

5.0 APPRAISAL

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. Policies YH9(C) and Y1 (C1 and C2) of the Yorkshire and Humber Regional Spatial Strategy (RSS) relate to the general extent of the York Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas. The RSS defines the outer boundary of the Green Belt as being "about six miles" (10km) from York city centre. The site is approximately 5 km from the city centre.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

5.2 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February and September 2023 following full examination. The Plan is expected to be adopted in the first quarter of 2024. The draft Local Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.3 The planning policies of the National Planning Policy Framework as published are a material consideration in the determination of planning applications. The presumption in favour of sustainable development set out at paragraph 11 of the NPPF does not apply when the application of policies relating to Green Belt indicate that permission should be refused.

OPENNESS AND PURPOSES OF THE GREEN BELT

5.4 The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence. The Green Belt serves 5 purposes:

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

5.5 In line with the decision of the Court in *Wedgewood v City of York Council*[2020], and in advance of the adoption of a Local Plan, decisions on whether to treat land as falling within the Green Belt for development management purposes should take into account the RSS general extent of the Green Belt, the 2005 DCLP, the 2018 Draft Plan, insofar as can be considered against paragraph 48 of the NPPF (2019) and site specific features in deciding whether land should be regarded as Green Belt.

5.6 In addition to the saved policies YH9(C) and Y1 (C1 and C2) of the Regional Spatial Strategy which relate to York's Green Belt the site is identified as falling within greenbelt in the proposals maps of the Draft Local Plan (2018).

5.7 When the site is assessed on its merits it is concluded that whilst the York Green Belt has not yet been fully defined, the site falls within the general extent of the Green Belt and serves a Green Belt purpose. As such, the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF.

5.8 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF paragraph 149 (a)states exceptions include buildings for agriculture and forestry. Paragraph 150 allows for engineering operations (b) providing they preserve its openness and do not conflict with the purposes of including land within it.

5.9 There are no other buildings on site that are used in association with the holding. The proposed shed would be used for agricultural storage, the design of the building precludes it from being used for livestock accommodation. The supporting information states that the holding is approx. 5.9acres/2.4 hectares. It is considered that the proposed shed falls within the exception in paragraph 149(a). it is considered necessary to condition that the building is used for agricultural purposes only and for no other use.

5.10 The proposal plans show the existing access with the A166 being hardsurfaced, and the existing access track resurfaced with compacted sub core base with road planings (or similar) on top. As the works appear to be maintaining something that already exists it is considered that these engineering works do not impact further on the openness of the green belt and do not conflict with the purposes of including land within the green belt. In addition it is noted that these works can be undertaken under agricultural permitted development rights where it is reasonably necessary for the purposes of agriculture within the unit.

HIGHWAYS

5.11 The NPPF encourages development that is sustainably located and accessible. Paragraph 110 requires that all development achieves safe and suitable access for all users. It advises at paragraph 111 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Further, paragraph 112 requires development to, inter alia, give priority first to pedestrians and cycle movements and create places that are safe, secure and attractive thereby minimising the scope for conflicts between pedestrians, cyclists and vehicles. Policy T1 of the 2018 D Local Plan supports the approach of the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway, giving priority to pedestrians and cyclists.

5.12 The access to this field is not altering in location but would be hard surfaced the rest of the access road would be road planings, it is not considered that there would be a material increase in traffic to the site.

5.13 Revised plans have been submitted acknowledging the position of the public right of way. The position of the PROW would be unaffected by the proposed building. The PROW team have withdrawn their objection to the proposed development.

VISUAL AMENITY AND CHARACTER

5.14 Chapter 12 of the NPPF gives advice on design, placing great importance to that design of the built environment. In particular, paragraph 130 of the NPPF states that planning decisions should ensure that development, inter alia, will add to the overall quality of the area, be visually attractive, sympathetic to local character and history and have a high standard of amenity for existing and future users. This advice is reflected in Policies D1 and D2 of the 2018 Draft Local Plan and, therefore, these policies can be given weight.

5.15 The applicant states that the proposed building would be used for agricultural storage. The proposed stand-alone steel framed building is typical for its intended purpose and would be viewed in the context of the agricultural land it would serve. It was noted that at the site visit that there are other agricultural stand-alone buildings in the area. The proposed building is of an agricultural appearance and character, and in the context would not be unduly harmful in a countryside setting. The works to the access and access road would create a more formal appearance than the existing. The hard surfacing of access points and the use of road planings for access tracks is a relatively typical agricultural practise and is not considered to result in undue visual harm.

RESIDENTIAL AMENITY

5.16 The NPPF seeks a good standard of amenity for all existing and future occupants, and that developments 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; are sympathetic to local character and history, including the surrounding built environment and landscape setting. Policies D1 and ENV2 of the 2018 Draft Local Plan seek to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

5.17 The closest dwelling is 33 metres from the proposed site. The sealed design of the proposed building means that the building cannot be used for the housing of livestock. As such it is not considered that the proposed building will result in harm to the residential amenity of the nearby dwellings.

DRAINAGE

5.18 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Publication Draft York Local Plan (2018) Policy ENV5 Sustainable Drainage) advise discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced. The CYC Flood Risk Engineer considers the submitted surface water drainage scheme is acceptable and compliance with the submitted scheme can be sought via condition (detailed in Condition 2).

ARCHAEOLOGY

5.19 Para 203 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Policy D7 of the Draft Local Plan (2018) sets out that Development which would remove, harm or undermine the significance of such assets, or their contribution to the character of a place, will only be permitted where the benefits of the development outweigh the harm having regard to the scale of the harm and significance of the heritage asset.

5.20 An archaeological monument – Roman road to Thornthorpe and Malton MY05098 runs along the line of the A166 to the north west boundary of the site. An archaeological monument – Derwent Valley Light Railway (MY03.508) runs along the southern boundary of the site. Another Roman Road archaeological Monument (MY03536) runs though southeast corner of the site. The proposal would be set

away from the linear monuments. The Council's Archaeologist has been consulted and confirmed they do not have an objection to the proposals and do not wish to impose any conditions.

6.0 CONCLUSION

6.1 The application site is located within the general extent of the York Green Belt and serves a Green Belt purpose. The proposal is not considered to further impact on openness and the purpose of including land in the Green Belt and proposed development is considered to fall within exception at NPPF paragraph 149 (a) and 150 (b).

6.2 Subject to conditions the development would accord with the NPPF and the Draft Local Plan 2018. It is considered that the proposal complies with the overall objectives of national and local planning policy.

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:-

Drawing Number DR-C-0100 Revision P2 'Drainage Strategy' received 21 July 2023;

Drawing Number NDS22/SP1 Revision A 'Site Plan as Proposed' received 24 October 2022;

Drawing Number NDS22/BP1 'Floor Plan' received 05 August 2022;

Drawing Number NDS22/BP2 'Elevations/Section' received 05 August 2022;

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

3 The building hereby approved shall only be used for agricultural purposes and no other purpose.

Reason: To ensure that the development complies with green belt policy. By virtue of the planning history of the site to ensure that it is only used for agricultural purposes.

8.0 INFORMATIVES: Notes to Applicant

Application Reference Number: 22/01683/FUL

Item No: 4g

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 additional information
- Requested revised plans
- Use of conditions

2. Internal Drainage Board Informative

Under the Land Drainage Act 1991 and the Boards' byelaws, the Board's prior written consent (outside of the planning process) is needed for:-

- a. any connection into a Board maintained watercourse, or any ordinary watercourse in the Board's district.
- b. any discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district. This applies whether the discharge enters the watercourse either directly or indirectly (i.e. via a third party asset such as a mains sewer).
- c. works within or over a Board maintained watercourse, or any ordinary watercourse in the Board's district - for example, land drainage, an outfall structure, bridges, culverting etc.

Please note that the Board does not, generally, own any watercourses and the requirement for you to obtain the Board's consent is in addition to you obtaining consent from any land owner or other authority to carry out the relevant works.

Full details of the Consent process can be found on our website:-

<http://www.yorkconsort.gov.uk>

Contact details:

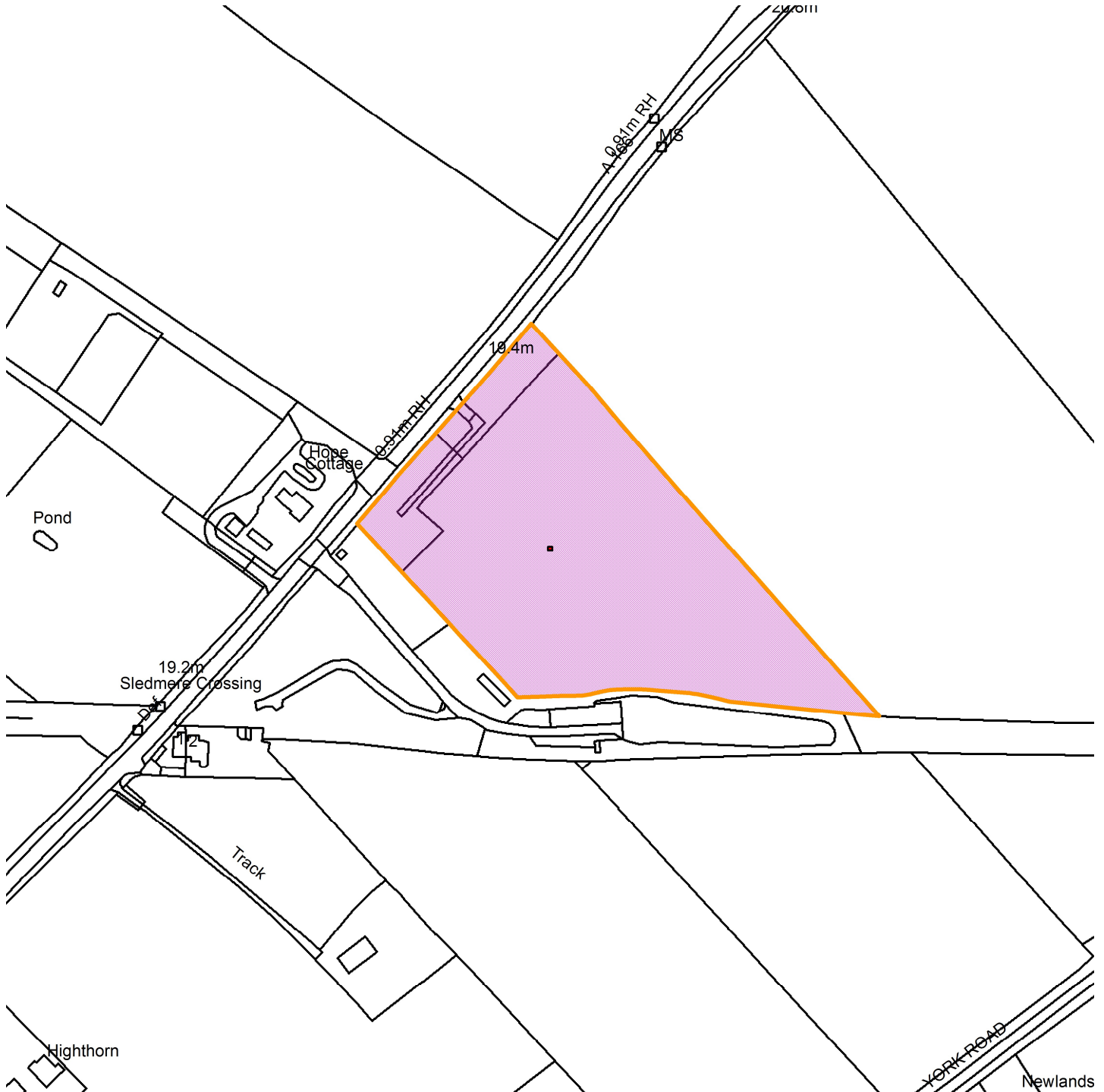
Case Officer: Victoria Bell

Tel No: 01904 551347

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22/01683/FUL

OS Field 0040, Stamford Bridge Road, Dunnington



Scale : 1:2768

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	02 November 2023
SLA Number	Not Set

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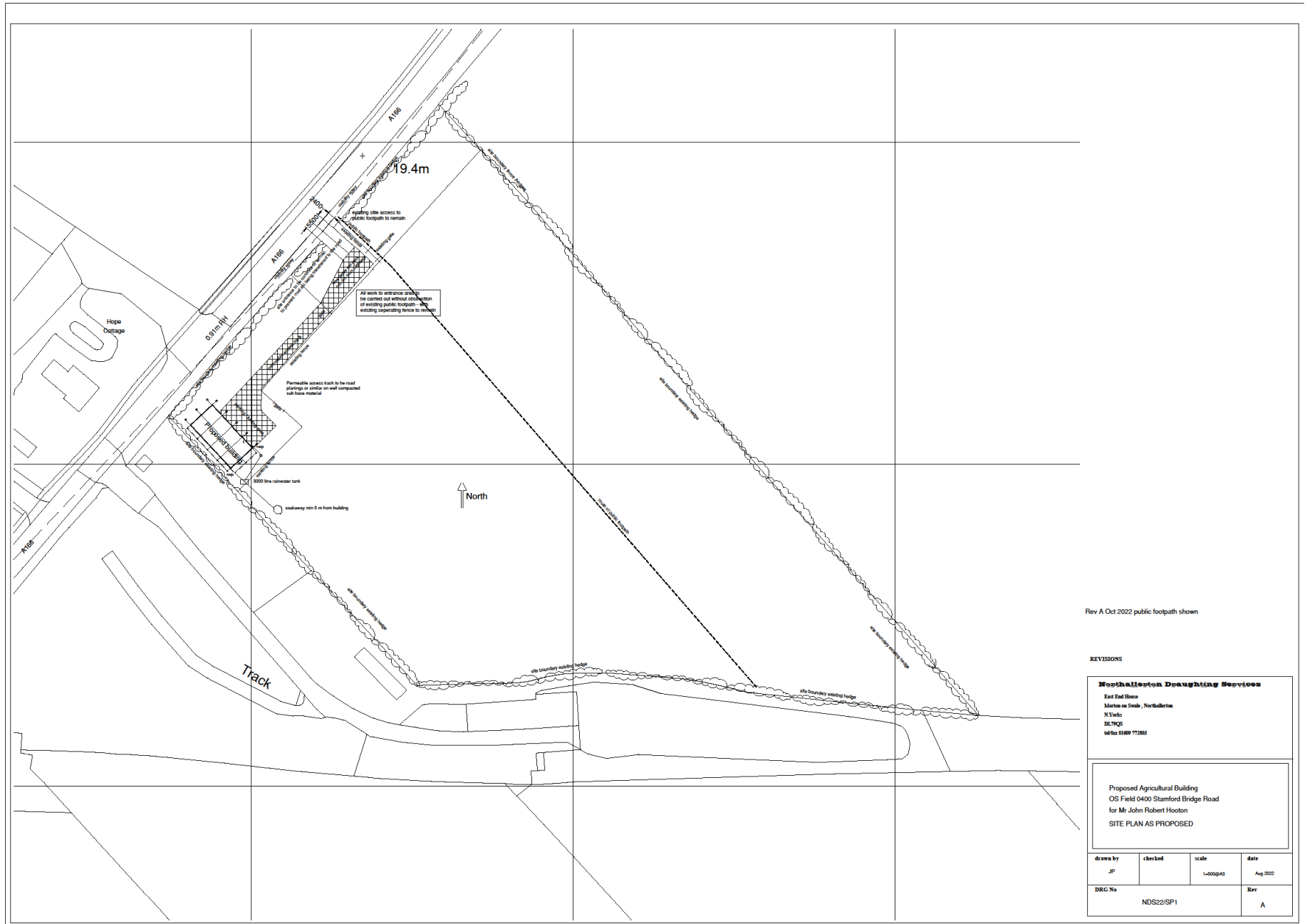


Planning Committee B

22/01683/FUL

OS Field 0040 Stamford Bridge Road Dunnington

Proposed site plan

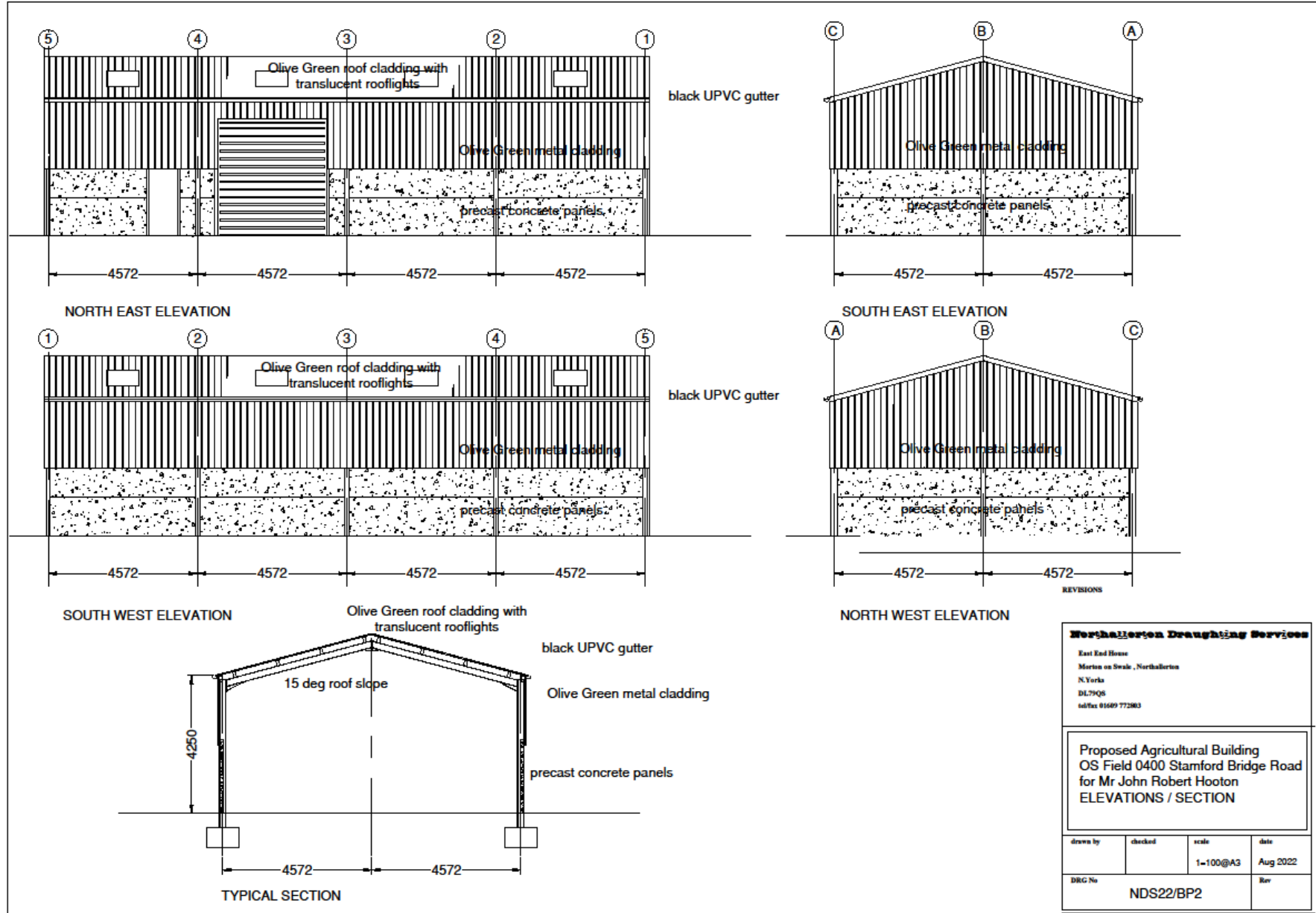


Rev A Oct 2022 public footpath shown

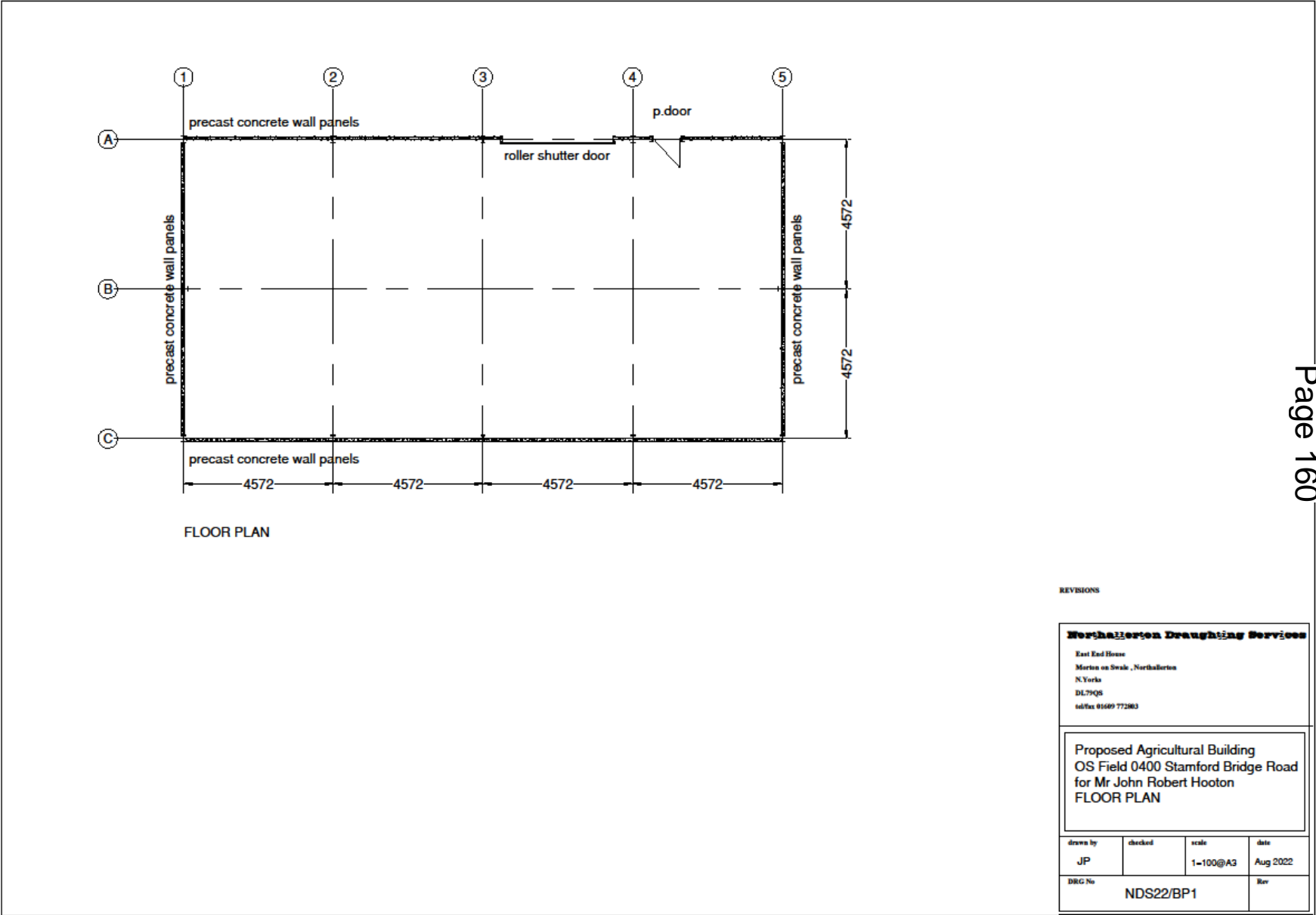
REVISIONS

Northallerton Drafting Services			
East End House Millers on Dale, Northallerton N Yorks DL7 9QS tel/fax 01833 773883			
Proposed Agricultural Building OS Field 0400 Stamford Bridge Road for Mr John Robert Hooton SITE PLAN AS PROPOSED			
drawn by	checked	scale	date
JP		1:500@A3	Aug 2022
DEC No	NDS22/SP1		Rev
			A

Proposed elevations



Proposed floor plan



REVISIONS

Northerton Drafting Services			
East End House Merton on Swale, Northallerton N.Yorks DL79QS tel/fax 01689 772803			
Proposed Agricultural Building OS Field 0400 Stamford Bridge Road for Mr John Robert Hooton FLOOR PLAN			
drawn by	checked	scale	date
JP		1-100/A3	Aug 2022
DRG No	NDS22/BP1		Rev