



**Notice of a public meeting of
Planning Committee**

To: Councillors Crawshaw (Chair), Fisher (Vice-Chair), Ayre, Baxter, J Burton, Clarke, Cullwick, Melly, Rowley, Watson and Whitcroft

Date: Thursday, 9 July 2026

Time: 4.30 pm

Venue: West Offices

AGENDA

1. Apologies for Absence

To receive and note apologies for absence.

2. Declarations of Interest

(Pages 7 - 8)

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 attached sheet for further guidance for Members].

3. Public Participation

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

Please note that our registration deadlines have changed to

2 working days before the meeting, in order to facilitate the management of public participation at meetings. The deadline for registering at this meeting is **5:00pm on Tuesday 7 July 2026.**

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.

- 4. Minutes** (Pages 9 - 14)
To approve and sign the minutes of the Planning Committee meeting held on 13 April 2026.
- 5. Plans List**
This item invites Members to determine the following planning application:
 - a) York Central, Leeman Road, York** (Pages 15 - 84)
[25/02252/FUL]
Construction of a new pedestrian and cycle bridge with associated infrastructure following demolition of existing bridge [Holgate Ward]
- 6. Planning Appeal Performance and Decisions** (Pages 85 - 138)
Members will receive a report which provides details of the planning appeal decisions determined by the Planning Inspectorate between 1 April 2025 and 31 March 2026.
- 7. Urgent Business**
Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Angela Bielby

Contact Details:

Telephone – (01904) 552599

Email – a.bielby@york.gov.uk

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

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

Contact details are set out above.

Alternative formats

If you require this document in an alternative language or format (e.g. large print, braille, Audio, BSL or Easy Read) you can:



Email us at: cycaccessteam@york.gov.uk



Call us: **01904 551550** and customer services will pass your request onto the Access Team.



Use our BSL Video Relay Service:
www.york.gov.uk/BSLInterpretingService
Select 'Switchboard' from the menu.



We can also translate into the following languages:

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)

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
Date	13 April 2026
Present	Councillors Crawshaw (Chair), Fisher (Vice-Chair), Ayre, Baxter, J Burton, Clarke, Cullwick, Melly, Steward, Watson and Whitcroft
In Attendance	Gareth Arnold – Development Manager Sandra Branigan - Senior Lawyer Erik Matthews – Senior Planning Officer

19. Apologies for Absence (4:34pm)

There were no apologies for absence.

20. Declarations of Interest (4:34pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. Cllr Steward noted that he had attended St Peter's School and Cllr Burton noted that she had attended Queen Anne Grammar School. There were no further declarations of interest.

21. Public Participation (4:34pm)

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

22. Plans List (4:35pm)

Members considered a report of the Head of Planning and Development, relating to the following planning application, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

**23. St Peter's School, Clifton, York, YO30 6AB [25/02526/FUL]
(4:35pm)**

Members considered a full application from St Peters School for the erection of an outdoor multi-use games area (MUGA) with associated boundary treatment and landscaping at St Peters School, Clifton, York.

The Development Manager gave a presentation on the application. He was asked and explained that:

- The boundary between the fence to the North Parade properties boundary was 11m and he showed it on the screen. The Chair clarified that it was not known whether the structures next to the boundary were occupied. The Development Manager added that some of the structures were habitable.
- The proposal did not include netting over the MUGA.
- The boundary fence was 3m and the hedge approximately 3m, with variances in places. The tree planting in the plans looked to replicate the existing tree planting, which was approximately 6-8m high.
- The size of the MUGA.
- The storage of the cricket nets would not be micromanaged.
- The depth of the single storeys on the North Parade properties adjoining the boundary wall was approximately 4-5m.
- Regarding noise impact, Public Protection colleagues had been consulted.
- The cricket pitches had been in use post 2017.

The Senior Planning Officer gave an update on the application, noting the additional policy clarification regarding policy ED8, an additional representation regarding the noise impact assessment and two additional conditions regarding the restriction of uses and new landscaping.

Public Speakers

Tim Bradbury, a resident on North Parade, spoke in objection to the application. He explained that the noise impact assessment was not fit for purpose, adding the noise profile out of lessons was different to informal lessons. He noted that there was no noise management plan or complaints policy. He noted his concerns regarding a lack of a construction management plan. He was asked and described the current noise situation. He was also asked and explained that noise for neighbouring houses varied with the different house extensions.

Giles Roberts (Director of Operations at St Peter's School) spoke in support of the application. He explained that the application included the existing grassed area and that it would make the area more usable primarily for Years 7 and 8. He explained the hours of use, that there were

no floodlights on the pitch and that the MUGA would not be available for use by the general public. He explained that the landscaping would protect neighbours' privacy and would provide a noise barrier. He noted that it was not felt that a construction management plan was needed.

Giles Roberts was joined by his colleague Tracey Allain (Head of Senior School) and Janet O'Neill (Planning Consultant) to answer to any questions in relation to the application. In response to Member questions, they explained that:

- School started at 8.20am and it was not envisaged that more than 15-20 pupils (supervised) would use the MUGA before school. It was currently envisaged that Years 7 and 8 would use the MUGA.
- The MUGA would be used as a playground and for informal use for Years 7 and 8 during break and lunchtime, which would be supervised.
- The area at the far side of the site would be used for the storage of the cricket covers and mobile nets.
- Regarding the Sport England guidance, the school was entitled to use its facilities for the purpose of education. The use class was education and it was currently used by pupils every lunchtime.
- Regarding reaching out to the community for use, Clifton Green Primary School used the pool for free.
- Regarding a potential condition regarding netting, they would consider it.
- The school was a boarding school and there was a vetting system for lettings. If children came with a club to the site, the school had a responsibility for all children on the site. They needed to control the site and make sure it was secure.
- Regarding unstructured play activities, currently at lunchtime 15-20 Year 11 pupils would play football and at other times, there would be 3-4 pupils working with a coach.

In answer to Member questions, officers explained that:

- The use class was as an educational facility which was the only control as the planning authority.
- The hours were based on the noise impact. There was no condition regarding who could use the MUGA and there was nothing in planning conditions saying that the MUGA could not be used for holiday clubs. The hours recommended were because of noise issues and not who would be using it. The Chair noted that the committee could condition that the MUGA could not be used for interschool competitive activities.
- It was clarified that under the current community use agreement the demand for facilities was low as the area was hired out infrequently. It was confirmed that community use could be conditioned.

- Regarding the requirement for a contraction management plan, these would normally be for major developments and there would not normally be on a scheme of that nature on the site.
- The Sports England guidance was in respect of noise and glare from floodlighting. There had been a noise assessment that adequately covered sports assessment.
- It was explained how the public benefits would be met. There was nothing in the NPPF and council planning policies regarding fee paying education. The policy was regarding improving educational facilities, then the public benefit applied. The Senior Lawyer confirmed that something could be a public benefit if it only benefitted certain sections of the public.
- The MUGA was not to be used for padel and there was no requirement for hard panels for noise mitigation.
- Condition 10 covered lighting. The lighting ran the length of the path next to the hedge.

[The meeting adjourned from 5.59pm until 6.06pm.]

Members debated the application. During debate the Chair noted that Sport England were a statutory consultee and had not objected. Cllr Fisher proposed and Cllr Ayre seconded a condition for netting to protect the amenity of residents from ball strike. This was carried with three Members voting in favour, two against, and 6 abstentions.

A Member asked if a condition regarding community use could be added. The Development Manager noted the policy and explained the school had no intention to enter into a community use agreement. The Chair proposed that there be no interschool letting and no letting to outside bodies to protect the amenity of residents. This was seconded by Cllr Melly. This was carried with nine Members voting in favour, none against and two abstentions. Cllr Watson then proposed the recommendation to approve with two additional conditions detailed in the update, a condition relating to netting and condition for no interschool letting and no letting to outside bodies. Following a vote with ten Members voting in favour, none against and one abstention, it was:

Resolved: That the application be approved subject to the additional conditions below:

Additional Conditions

Restriction of uses

The Multi-Use Games Area hereby authorised shall not be marked out for the playing of hockey or Padel and shall not be used for the playing of hockey or Padel.

Reason: To safeguard the residential amenity of neighbouring properties and secure compliance with Policies D1 and ENV2 of the Local Plan.

New landscaping

The development shall not be brought into use until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme for the tree/shrub planting buffer shown on the proposed site plan which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

Installation of netting

That netting be installed above the MUGA.

Reason: To protect the amenity of residents from ball strike.

Letting

That there be no interschool letting and no letting to outside bodies.

Reason: To protect the amenity of residents.

Reason: In terms of the overall planning balance the proposal would address the requirements of Policies HW3 and ED6 of fulfilling unmet sports provision at the school. It would however generate a degree of harm to the significance of the Conservation Area by partially eroding its open character although that degree of harm is felt to be modest and outweighed in the balance by the

provision of unmet need for practise provision. There is scope arising from the development to harm residential amenity of neighbouring properties by virtue of additional noise and disturbance which should be afforded significant weight. That can however be addressed by planning conditions to the extent that it can be mitigated to an acceptable level. Within the overall planning balance the proposal is therefore felt to be acceptable.

Cllr Crawshaw, Chair

[The meeting started at 4.31 pm and finished at 7.01 pm].

COMMITTEE REPORT**Date:** 9 July 2026**Ward:** Holgate**Team:** West Area**Parish:** Holgate Planning Panel**Reference:** 25/02252/FUL**Application at:** York Central Leeman Road York**For:** Construction of a new pedestrian and cycle bridge with associated infrastructure following demolition of existing bridge**By:** Network Rail Infrastructure Ltd**Application Type:** Full Application**Target Date:** 13 July 2026**Recommendation:** Approve**1.0 THE SITE & PROPOSAL**Site description

1.1. The application site comprises an area of approximately 0.44 hectares located within the southern portion of the York Central development area, bridging the gap between the Holgate ward to the south and the emerging York Central site to the north.

1.2. The site currently accommodates the existing Wilton Rise Footbridge (also known as Cinder Lane Footbridge), a narrow (approximately 1.7 metres wide), stepped, three-span steel structure dating from the 1960s. The existing bridge is inaccessible to wheelchair users, mobility scooters, and cyclists without dismounting. The structure spans the Holgate to Skelton Junction railway corridor, crossing two electrified railway lines and one non-electrified siding.

1.3. To the south of the railway line (the Holgate Ward side), the site context is predominantly residential, fronting onto Upper St Paul's Terrace and Wilton Rise, with the Holgate Community Garden situated to the north-west of the application boundary. To the north of the railway line (the York Central side), the immediate surroundings currently consist of operational railway infrastructure, including the Cinder Building, Holgate Depot, and the Rail Operating Centre (ROC), which will

interface with the future residential and commercial phases of the York Central development (notably future Development Plots B and E).

Planning background

1.4. The application relates to the wider York Central site, the major 45-hectare brownfield regeneration area located to the west of the city centre and to the rear of York Railway Station. Outline Planning Permission (reference 18/01884/OUTM) was granted on 24 December 2019 for a comprehensive mixed-use redevelopment, comprising up to 2,500 homes, significant office and retail floorspace, a hotel, and the expansion of the National Railway Museum, alongside associated infrastructure and public realm.

1.5. The provision of improved pedestrian and cycle connectivity is a fundamental requirement of the outline consent. Specifically, condition 42 of the outline permission requires the approval and implementation of a scheme for a pedestrian and cycle link between the York Central site and Holgate Road (via Wilton Rise or Chancery Rise). The condition stipulates that this link must include a bridge over the rail line (to replace the existing Wilton Rise footbridge) with a minimum width of 4.0 metres and maximum gradients of 5%.

1.6. Whilst the principle of the bridge replacement is established under the outline consent, this proposal has been submitted as a stand-alone full planning application rather than an application for approval of reserved matters application under the outline consent. This is because the bridge alignment, determined through a separate option selection process, proposes a landing point on Upper St Paul's Terrace on the Holgate side. This specific landing point falls outside the approved red-line boundary of the original York Central outline planning permission, thereby necessitating a full planning application to secure the requisite approvals.

The proposal

1.7. The application seeks full planning permission for the 'construction of a new pedestrian and cycle bridge with associated infrastructure following demolition of existing bridge.'

1.8. The proposed development comprises a new two-span steel girder bridge with a stiffened U-deck configuration. It would provide a continuous 4.0-metre-wide deck to accommodate both pedestrian and cycle movements. The structure is designed to provide step-free access, featuring a primary ramped alignment with a gradient of 1:22 (circa 4.5%) and integrated level resting points (landings) at key directional changes.

1.9. In terms of materiality and appearance, the bridge would be constructed primarily of weathering steel, which the applicant suggests is a reference to the city's industrial railway heritage. The parapets would be 1.5 metres in height across the majority of the structure. Over the electrified railway lines, the parapet height will increase to 1.8 metres to meet Network Rail safety standards, incorporating a 0.3-metre perforated extension designed to prevent climbing whilst retaining user visibility.

1.10. An alternative access and egress point would be provided via a newly constructed staircase on the York Central side, linking towards Cinder Street. The bridge deck will feature a heavy-duty, slip-resistant surface, and the scheme is proposed to include integrated, downward-facing LED lighting within the parapet structure. Surface water drainage is proposed to be managed via channels within the deck, discharging into existing drainage networks at Upper St Paul's Terrace and Cinder Lane. The proposed scheme also includes the installation of hostile vehicle mitigation bollards at the landing points and the provision of public seating.

1.11. The existing Wilton Rise Footbridge would be demolished following the completion of the first phase of the new bridge, to ensure a continuous Public Right of Way is maintained during the construction programme.

Scheme amendments and re-consultation

1.12. During the course of the application's consideration, the scheme was formally amended by the applicant in response to feedback received from the Local Planning Authority, internal Council officers, local residents, community groups and the York Central Development Partner. The latterly submitted Road Safety Audit and Forward Visibility Assessment also informed these revisions.

1.13. The amended submission differs from the original scheme in the following ways:

- a) Introduction of 'soft segregation': The originally proposed unsegregated deck has been amended to include 'soft segregation' in the form of a raised white line. This formally demarcates a 1.5-metre-wide dedicated pedestrian route on the northern side of the bridge deck, with the remaining 2.5 metres allocated for cyclists.
- b) Expansion of the staircase landing: The landing area at the top of the steps (which would lead down to the future York Central development plots) has been significantly enlarged from 9.1 square metres to 19.8 square metres. The separation distance between this landing and the main bridge deck has also been increased from 2.5 metres to 4.5 metres. The applicant suggests this provides increased waiting and manoeuvring space for wheelchair users and reduces the potential for

conflict.

c) Realignment of the staircase: As a direct consequence of the expanded landing area, a minor realignment (incorporating a bend) has been introduced to the stairs. The adjacent ramped segment of the bridge has been correspondingly reduced in length from 65 metres to 64 metres.

d) Red-line boundary adjustments: The application's red-line boundary has been amended to formally include the removal of specific conifer trees that were intended for removal but omitted from the original Site Location Plan. An additional adjustment was made at the base of the bridge on the York Central side to facilitate an appropriate re-entry route into the pedestrian and cycle network.

1.14. The application has been subject to two formal rounds of consultation with consultees and the public. The first round of consultation was undertaken on the original scheme and concluded on 23 December 2025. Following the receipt of the revised plans and documentation, a full second round of consultation was undertaken on the amended scheme, which concluded on 29 May 2026.

1.15. Latterly, the applicant has submitted a series of 'clarificatory' drawings for the information of the Local Highway Authority. These drawings do not introduce design changes, but show the following:

- Large scale engineering details/ dimensions of the landing areas
- A side-by-side stair landing
- A levels section

1.16. Officers will update Members at the meeting of the Committee, should these details alter the point of view of the Highway Authority, as set out in its latest formal comment.

2.0 LEGISLATIVE AND POLICY CONTEXT

2.1. Planning law requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

CITY OF YORK LOCAL PLAN

2.2 The City of York Local Plan was formally adopted on 27 February 2025 and forms the Statutory Development Plan. The following policies are of primary relevance:

Policy DP2: Sustainable Development

Policy SS4: York Central

Policy D1: Placemaking

Policy D2: Landscape and Setting

Policy GI2: Biodiversity and Access to Nature

Policy ENV5: Sustainable Drainage

Policy T1: Sustainable Access

Policy T5: Strategic Cycle and Pedestrian Network Links and Improvements

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

2.3 The NPPF sets out the government's planning policies and is a material consideration. The following are of particular relevance:

Section 2: Achieving sustainable development

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed and beautiful places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

3.0 CONSULTATIONS

3.1. The application has been subject to two distinct rounds of consultation. The first round was undertaken on the originally submitted scheme and concluded on 23 December 2025. Following the receipt of revised plans and documentation, a full second round of consultation was undertaken on the amended scheme, which concluded on 29 May 2026.

INTERNAL – FIRST ROUND

3.2. Local Highway Authority

- Deck width: the proposed 4.0m usable deck width is acceptable and consistent with local precedents for unsegregated shared-use infrastructure (e.g., Millennium Bridge, Scarborough Bridge).
- Visibility and safety: requests a pedestrian and cyclist forward visibility assessment. Concerns are raised regarding restricted intervisibility on the inner edges of deck radii, which may create blind spots and compromise pedestrian safety against cyclists travelling downhill.

- Accessibility: highlights the absence of dedicated resting space for wheelchair users and notes that the proposed bench position on the York Central side creates a blind spot. Tactile/ corduroy paving must be correctly specified throughout the site.
- Staircase provision: clarification is required on how cyclists will navigate the stairs, ensuring sufficient width for simultaneous passing and the provision of a dedicated cycle-wheel rail. Blind spots at the rear of the staircase require mitigation.
- Design standards: requests detailed justification demonstrating compliance with CD 353, LTN 1/20, and CD 195 regarding maximum gradient lengths, intermediate landings, and horizontal radii. Recommends bollard spacing aligns with LTN 1/20 (1.5m minimum).
- Drainage and maintenance: ACO drainage specifications and long-term maintenance arrangements require clarification; plastic channel covers are unacceptable. Surface water must not discharge onto the public highway.
- Additional matters: requests inclusion of refuse facilities, confirmation of access for winter maintenance vehicles, and notes that street lighting must be assessed at landing points. Street furniture details should be secured via condition.

3.3. CYC Access Officer

- Segregation: objects to the shared surface approach, requiring complete segregation of cyclists and pedestrians.
- Gradient and landings: raises concerns regarding the steepness and distance between resting points. Requires landings to be provided at interval heights of 500mm to reduce the visually daunting scale of the ramp for wheelchair users.
- Safety and visibility: Requires all blind spots to be designed out to minimise collision risks between different users. Recommends addressing the safety at the top of the staircase to allow adequate resting space for pedestrians, wheelchair users, and pushchairs without obstructing the safe passing of others.
- Infrastructure: requires appropriate and safe use of tactile paving, accessible signage, and compliance with CYC Accessible Seating Guidance. Street furniture details must be agreed prior to the granting of permission.

3.4. CYC Public Rights of Way Officer

- Public access: notes that recorded public footpath York 131 crosses the existing bridge. Supports the proposed wider bridge deck and step-free access, which aligns with the National Planning Policy Framework by enhancing public rights of way and sustainable transport.
- Legal processes: advises that the footpath will require a legal diversion under the

Town and Country Planning Act 1990 or the Highways Act 1980. Any temporary closures during construction must be communicated and applied for in advance.

3.5. City Archaeologist

- Archaeological potential: notes a generally low risk of impact, except regarding railway landscaping/structures and potential Roman burials near the Cinder Lane landing.
- Mitigation strategy: agrees with the submitted Archaeological Remains Management Plan (ARMP) proposing Preservation in-situ, Rapid Assessment Triage, and Watching Briefs.
- Conditions: recommends a standard 3-stage condition to secure a Written Scheme of Investigation (WSI), site investigation/post-investigation assessment, and the deposition of a final report. Also requests a basic photographic record (Historic England Level 1) of the existing bridge prior to demolition.

3.6. CYC Design and Conservation Officer

- Existing bridge: assesses the existing bridge as a mid-20th century structure of low local historic interest; has no objection to its demolition.
- Design and materials: supports the general aesthetic but recommends revising the lower plinth to precast concrete and refining the design of the walkway columns to appear more elegant. Guarding materials, gap sizes, downlighting, and signage should be controlled by condition.
- User experience and safety: raises concerns over visibility for lower-height users due to solid guarding and parapet heights. Suggests exploring additional seating/resting points at 50m intervals and examining potential design measures to slow cyclists on long straight runs to minimise mode conflict.
- Heritage setting: requests a design study assessing the visibility of York Minster from Upper St Paul's Terrace, suggesting minor modifications to the bridge design if necessary to preserve views.

3.7. Lead Local Flood Authority

- Drainage strategy: advises that infiltration methods are unsuitable due to the presence of made ground and potential contamination. Unrestricted surface water discharge to the public combined sewer is unacceptable and must not enter the recently constructed Networks S2 and H2.
- Conditions: recommends a condition to secure detailed surface water drainage proposals. This must include attenuation up to the 1 in 100-year (+30% climate change) event. Stand-off distances for existing public sewers must also be

observed.

3.8. CYC Landscape Architect

- Tree removal: raises no objection to the removal of seven early-mature, Category 'C' Ash trees (showing signs of Ash die-back) to facilitate the Upper St Paul's Terrace landing. Notes the removal of five cypress trees falls outside the red line boundary.
- Mitigation and enhancements: recommends securing a detailed landscape scheme via condition to mitigate tree loss. Suggests consulting local residents and the Holgate Community Garden group regarding the location of replacement planting.

3.9. CYC Public Protection Service

- Construction impacts: recommends a pre-commencement condition securing a Construction Environmental Management Plan (CEMP) to mitigate noise, vibration, dust, and lighting impacts upon nearby residential dwellings, including a formal complaints procedure.
- Contaminated land: notes the site's previous use as a railway depot. Recommends standard 4-stage contaminated land conditions (Site Investigation, Remediation Strategy, Verification Report, and Unexpected Contamination) to ensure the site is safe and suitable for its proposed use.

3.10. CYC Ecologist

No comment received.

3.11. CYC Tree Officer

No comment received.

EXTERNAL – FIRST ROUND

3.12. Holgate Planning Panel

- Connectivity and routing: recommends exploring an alternative route behind Wilton Rise ('Chancery Rise') linking the A59 Holgate Road to the new footbridge. This is suggested to mitigate increased pedestrian and cycle traffic on Upper St Pauls Terrace.
- Infrastructure integration: highlights the need for the scheme to integrate seamlessly with the wider community, necessitating upgrades to surrounding pedestrian and highway infrastructure. Specifically notes the poor condition of the road surface and pavements on Wilton Rise, suggesting upgrades (potentially via CIL funding or similar) are required to ensure safe access to the bridge, acknowledging its current unadopted status.

- Design and accessibility: requests assurances that the proposed stairs from the station will be fully accessible and open to the public to provide a viable alternative to the long ramp. Suggests the stairs could be widened to better accommodate users.
- Layout and land use: seeks clarification on the proposed ramp leading to the railway station, observing that it appears to terminate within an existing Network Rail car park and may obstruct the main entrance to the Network Rail compound.
- Highway Safety: emphasises the need for the safe segregation of pedestrians and vehicles along the routes towards the National Railway Museum (NRM) and the primary station entrances.
- Construction phasing: queries the construction programme, specifically whether the existing footbridge can remain operational during the build out of the new infrastructure to ensure continuity of access.

3.13. North Yorkshire Police Designing Out Crime Officer

- Design: welcomes the proposed design and layout, noting that it successfully addresses longstanding safety concerns associated with the existing structure. Specifically commends the proposed lighting levels, sightlines, and anti-climb measures incorporated into the parapet over the railway tracks.
- Residential amenity concerns: raises a specific concern regarding the proposed placement of benches on Upper St Paul's Terrace, Cinder Lane, and the bridge landings. Advises that locating seating in close proximity to residential properties can negatively impact residential amenity, as benches in these settings have the potential to become focal points for antisocial behaviour during the evening.

3.14. Yorkshire Water

- Surface water drainage: requires a condition preventing the piped discharge of surface water prior to the approval of comprehensive drainage details. The applicant must demonstrate adherence to the surface water disposal hierarchy, providing evidence as to why infiltration or watercourse disposal are not reasonably practical before discharging to the public sewer.
- Discharge rates and attenuation: if discharging to the public sewer, evidence of existing positive drainage must be provided. Discharge must be restricted to the existing rate less a minimum 30% reduction (based on a 1-in-1-year storm event) to account for climate change.
- Plan amendments: advises that the submitted 'Bridge Layout Plan' requires amendments to illustrate surface water storage, flow control rates, and evidence of existing impermeable areas. This matter can be secured via condition.

- Existing infrastructure protection: identifies the presence of a 450mm and a 225mm diameter public combined water sewer crossing the site. While the 225mm sewer is controlled by Building Regulations, the 450mm sewer requires a strict 5-metre stand-off distance on either side of its centre-line. Ground levels over the sewer must not be altered, and manhole access must remain unrestricted. Yorkshire Water concludes that the public sewer is unlikely to be directly affected by building-over proposals in this instance.

3.15. Network Rail

No comment received.

3.16. Friends of Holgate Community Garden

- Has concerns regarding implicit wayfinding and the management of onward traffic moving from the bridge into Upper St Paul's Terrace.
- Highlights the risk of collisions between cyclists and pedestrians, alongside an increased risk of anti-social behaviour (ASB) and vandalism in the community garden.
- Requests clarity on the viability of the alternative Chancery Rise route, noting past assurances that access routes would not negatively impact the garden.
- Suggests the adoption and resurfacing of Wilton Rise should it be chosen as the onward route, noting a lack of direct engagement with residents on this matter.
- Seeks assurance that the community garden will not be used to site plant machinery or portacabins during the construction phase.

3.17. York Access Forum

- Strongly objects to the unsegregated, shared-use space, stating it creates severe safety risks for blind, visually impaired, and mobility-impaired pedestrians.
- Notes the distance between landings on two sections exceeds the required 50m (measuring 60m and 73m), and omits required landings every 500mm in rise.
- Argues the design actively ignores established guidance, including Inclusive Mobility standards, LTN 1/20, and the City of York Council's own Transport Strategy calling for segregated paths.
- Suggests an inadequate Diversity Impact Assessment (DIA) that fails to propose sufficient mitigation for pedestrian-cyclist conflict.

3.18. York Disability Rights Forum

- Objects to the 4m shared-use space, which deters safe movement for pedestrians with impairments and contradicts LTN 1/20 and Inclusive Mobility guidance.

- Highlights that the provision of landing points is inadequate, citing the lack of 2m landings for every 500mm rise, long unbroken gradients (62m and 73m runs), and the hazard of placing landings on bends with poor sightlines.
- States that previous early engagement with disabled groups was inadequate and that their explicit recommendations for segregated space have been ignored.

3.19. York Cycle Campaign

- Supports the provision of an accessible route that will reduce journey times and provide a safer alternative to Holgate Road.
- Requests the gradients and landing lengths be reviewed to strictly comply with the desirable maximums set out in LTN 1/20.
- Identifies a potential user conflict at the midpoint stairs due to 90-degree corners and tall parapets reducing inter-visibility; suggests a more open splay.
- Recommends increasing the spacing between anti-ram bollards from 1.35m to 1.5m to safely accommodate adapted cycles.
- Recommends securing full CCTV coverage of the bridge via a planning condition.

INTERNAL – SECOND ROUND

3.20. Local Highway Authority

- Highway safety and segregation: does not raise an objection on highway safety grounds (NPPF paragraph 116) regarding the proposed 'soft segregation'. However, it is noted this does not comply with national guidance due to insufficient width, meaning the bridge will effectively function as a shared space.
- Further information required: recommends that further information is provided prior to the determination of the application. This includes justification for ramp lengths exceeding standard gradients without rest stops, confirmation of level landings, horizontal alignment details, visibility splays for the central landing, and a formal lighting design.
- Road Safety Audit: further concerns are raised regarding the methodology and assumptions of the submitted Road Safety Audit, which must be fully resolved.

3.21. CYC Access Officer

- Soft segregation and route layout: soft segregation is considered essential for the safety of disabled people, visually impaired individuals, and families with young children, particularly to mitigate the risk of collisions between pedestrians and cyclists at blind corners and landing points. The pedestrian section must be located on the north side of the bridge to ensure users can safely access the stairs without

having to cross the cycle lane.

- Landings and tactile paving: there is a strong expectation for the inclusion of level landings to provide necessary resting points along the long incline, which aligns with Network Rail's own accessible design guidance. Furthermore, appropriate tactile paving must be installed at the required locations in accordance with Department for Transport (DfT) guidance.
- Handrails: should it be determined that intermediate landings cannot be provided, the absolute minimum acceptable mitigation is the installation of an unbroken, continuous handrail that complies with Part M of the Building Regulations. The currently suggested 1.5m high handrail is unacceptable, as it is too high for wheelchair users and small children to use safely, and it could cause individuals with reduced mobility to lose their balance.

3.22. City Archaeologist

- Archaeological Impacts: notes that the proposed changes do not alter the previous assessment of potential archaeological impacts.
- Conditions: raises no objection, subject to the attachment of a planning condition requiring works to be monitored in accordance with an agreed, updated Archaeological Remains Management Plan (ARMP) that reflects the most recent design.

3.23. CYC Design and Conservation Officer

- Existing bridge: notes that the existing bridge is of low historic interest and its demolition is acceptable.
- Conditions: support is offered subject to the resolution of several detailed design matters via planning conditions. Recommended conditions include securing: the detailing of modifications to the retained abutments; material selection and samples; final design resolution for seating and landings; mitigation measures to ensure pedestrian safety and visibility on tight bends; the finish of the precast concrete plinths; linear downlighting detailing; and signage proposals to minimise visual clutter.
- Further recommendations: notes a preference for more elegantly designed walkway columns and requests a design study regarding views of York Minster, though acknowledges the latter is unlikely to be a pivotal issue.

3.24. CYC Public Protection Service

- Construction impacts: raises no objection but notes the site's proximity to residential dwellings. Recommends a condition requiring a detailed Construction Environmental Management Plan (CEMP) to suitably mitigate noise, vibration, dust,

and lighting impacts during the demolition and construction phases.

- Contaminated land: notes the site's historic use as a railway depot. Recommends a suite of four standard contaminated land conditions to secure a site investigation, remediation strategy, verification of works, and a protocol for the reporting of unexpected contamination.

3.25. CYC Public Rights of Way Officer

No comment received.

3.26. Lead Local Flood Authority

Makes a comment referring to their observations in the first round.

3.27. CYC Landscape Architect

No comment received.

3.28. CYC Ecologist

No comment received.

3.29. CYC Tree Officer

No comment received.

EXTERNAL – SECOND ROUND

3.30. North Yorkshire Police Designing Out Crime Officer

Has no further comments to make regarding the submitted amendments. Advises that all previous consultation responses provided by North Yorkshire Police remain extant.

3.31. Yorkshire Water

States that no new comments are required regarding the re-consultation on the submitted drawings and technical details. Confirms that the comments and planning conditions previously recommended in their correspondence dated 12 December 2025 remain applicable to the proposed development.

3.32. Holgate Planning Panel

No comment received.

3.33. Network Rail

No comment received.

3.34. Friends of Holgate Community Garden

- The submitted Biodiversity Assessment indicates a substantial loss in habitat biodiversity units (-72.94%), failing to deliver the statutory +10% Biodiversity Net Gain (BNG) required.
- Cumulative ecological impact is considered significant due to the prior unannounced removal of mature trees by Network Rail, which has already degraded local habitat value and bird activity.
- The loss of mature trees has removed a natural barrier that previously screened the community garden from noise, light, and particulate pollution generated by the Carriageworks and York Central development.
- The group requires clear, enforceable conditions verified at future milestones to guarantee a 10% BNG before they will withdraw their objection.

3.35. York Access Forum

- Strongly supports the inclusion of a segregated pedestrian and cycle facility across the 4m usable deck space, which adheres to LTN 1/20 guidance.
- Highlights that segregation is vital for the safe travel of blind, visually impaired, deaf, hearing-impaired, and mobility-constrained individuals.
- Notes the proposal aligns with the stated aims of York's Transport Strategy to increase segregated facilities.
- Acknowledges a lack of appropriate landings but suggests this could be mitigated by providing suitable handrails.

3.36. York Disability Rights Forum Access Group

- Welcomes the implementation of LTN 1/20 design principles, specifically the inclusion of soft segregation between cyclists and pedestrians using subtle surface texture changes and colour differentiation.
- Raises concern regarding the insufficient number of landings on the bridge.
- Suggests the installation of a double handrail as a workable mitigation measure for the lack of landings.

4.0 REPRESENTATIONS

4.1 The application has been subject to two distinct rounds of consultation. The first round was undertaken on the originally submitted scheme and concluded on 23 December 2025. Following the receipt of revised plans and documentation, a full second round of consultation was undertaken on the amended scheme, which

concluded on 29 May 2026.

FIRST ROUND

4.2. The application was advertised by neighbour letter and site notice resulting in 12 objections, 9 letters of support and 3 neutral letters (the points raised in the neutral letters are listed in the objections/ support section, as appropriate).

4.3. A summary of the points of objection made in representations received in relation to the initial scheme:

a) Highways and transport:

- Unsegregated shared space: severe safety concerns regarding the mixing of pedestrians and cyclists without segregation, which poses risks to deaf, visually impaired, elderly, and mobility-impaired users.
- Gradient and landings: the continuous gradient lacks sufficient handrails and landing points, rendering it hazardous or unusable for manual wheelchair users and those with ambulatory difficulties.
- Bollard width: the proposed 1.35m distance between bollards may exclude wider adapted cycles and mobility scooters.
- Routing via Upper St Paul's Terrace: Directing high volumes of cyclists (including high-speed e-bikes) into a narrow, quiet residential cul-de-sac presents a severe highway safety and conflict risk.
- Preference for Chancery Rise: multiple respondents argue the bridge should be aligned to Chancery Rise to provide a more direct, flatter route that avoids residential streets and mitigates the steep hill on Holgate Road for wheelchair users.
- Road condition: the current surface of Wilton Rise is deemed entirely unsuitable for increased cycle and pedestrian traffic.
- Parking: increased anti-social parking from taxis using the area as a new drop-off point for the station.

b) Residential amenity:

- Noise and disturbance: a significant anticipated increase in noise and disturbance from cycle traffic and late-night pedestrian footfall moving through historically quiet, no-through residential streets.
- Privacy and overlooking: the elevated structure and widened viewing areas will allow direct sightlines into the private windows and gardens of adjacent properties on Upper St Paul's Terrace.
- Anti-Social Behaviour (ASB): the creation of a 24-hour route, combined with

secluded under-structures and the provision of seating/ benches, will invite late-night loitering, vandalism, and ASB directly adjacent to homes.

- Lighting and pollution: increased light pollution and general urbanisation affecting adjacent properties.

c) Community and green space:

- Loss of community space: the landing structure, abutments, and subsequent traffic will permanently remove and fundamentally urbanise a heavily utilised, resident-maintained community green space at the end of Upper St Paul's Terrace.

d) Ecology and trees:

- Biodiversity net loss: the proposal represents a 59.18% habitat biodiversity loss and 100% linear habitat loss, failing to meet Environment Act 2021 requirements.

- Tree protection: proposed concrete abutments and excavations are situated directly within the Root Protection Areas (RPAs) of existing boundary trees, contradicting the applicant's own Preliminary Ecological Appraisal.

e) Design, procedure, and assessment flaws:

- Lack of consultation: inadequate site notices provided for residents of Wilton Rise.

- Flawed assessments: the Diversity Impact Assessment (DIA) is cited as incomplete and non-compliant, omitting impacts on adjacent vulnerable residents. No formal assessments for ASB risk, lighting, or cycle speeds have been provided.

- Failure to assess alternatives: the application lacks a robust assessment of alternative routes (such as Chancery Rise) which would alleviate cumulative impacts on residents.

4.4. A summary of the points of support made in representations received in relation to the initial scheme:

a) Principle of development and accessibility:

- Essential infrastructure: the existing footbridge is outdated, inaccessible, and unsafe due to steep steps; a replacement is urgently required.

- Active travel: the bridge will significantly improve sustainable transport options, encouraging families and commuters to cycle or walk instead of relying on private vehicles.

- Inclusive mobility: the step-free design represents a major improvement for disabled users and the elderly, opening up a vital active travel corridor to the city centre.

b) Design and safety:

- Thoughtful design: the inclusion of edge downlighting, rather than overhead lighting, is supported for minimising light pollution.
- Safety improvements: the new bridge will provide a much safer, well-lit alternative to navigating the narrow and dangerous Holgate Road bridge for cyclists and pedestrians.

SECOND ROUND

4.5. The application was advertised by neighbour letters and site notice resulting in 2 objection letters.

4.3. A summary of the points of objection made in representations received in relation to the amended scheme:

a) Residential amenity:

- Concerns that the development will fundamentally alter the quiet, family-oriented character of the local cul-de-sac.
- Fears that turning the area into a main thoroughfare to the city and station will result in unacceptable increases in footfall, noise, nuisance, and anti-social behaviour (ASB).

b) Principle of development and site selection:

- Objects regarding a lack of genuine public consultation on alternative routes for the bridge.
- Suggests that alternative, less disruptive routes exist, such as utilising the proposed works machinery bypass route into the York Central site.

c) Highways, safety and design:

- Soft segregation and width: the newly introduced 'soft segregation' via a painted white line is ineffective and creates constrained, hazardous spaces. The resulting 1.5m footway falls below the 2.0m recommended by British Standards and DfT Inclusive Mobility guidance, whilst the remaining cycle lane is deemed too narrow to safely service a major commuter route.
- User conflict and speed: painted lines are frequently crossed by users, actively increasing the risk of collision, contrary to LTN 1/20 guidance. Specific concerns are raised regarding cyclist momentum on downhill gradients, and the applicant's safety audit is criticised for relying on an unrealistic assumed cyclist speed of just 10 km/h (6 mph).
- Requested amendments: calls for the bridge deck to be physically widened, the introduction of distinct, colour-contrasted surfacing to clearly demarcate walking and cycling zones, the application of visual layout symbols every 20 metres, and the re-

evaluation of safety modelling using realistic commuter speeds and volumes.

5.0 APPRAISAL

5.1. Accounting for the relevant planning policies, consultation comments, representations and all other material planning considerations, Officers consider the key issues for consideration by the Committee in the determination of this application to be:

- Principle of Development
- Highways, Accessibility, and Inclusive Design
- Design, Landscape, and Impact on Character/ Appearance
- Neighbour Amenity
- Biodiversity Net Gain (BNG) and Ecology
- Surface Water Drainage and Flood Risk
- Archaeology
- Maintenance Arrangements
- Managing ground contamination risk
- The Equalities Duty

Principle of Development

Policy context

5.2. Policy SS4 (York Central) of the Local Plan establishes the comprehensive regeneration of the wider site as a strategic priority for the city, explicitly requiring excellent permeability and connectivity with surrounding neighbourhoods. This strategic aim is further reinforced by Policy T1 (Sustainable Access), which mandates the delivery of safe, accessible, and attractive infrastructure to prioritise active travel, alongside Policy T5 (Strategic Cycle and Pedestrian Network Links and Improvements), which specifically requires the provision of appropriate strategic active travel links.

5.3. At the national level, sections 2 (Achieving sustainable development), 8 (Promoting healthy and safe communities) and 9 (Promoting sustainable transport) place significant emphasis on the creation of high-quality walking and cycling networks to reduce reliance on the private car, promote active travel, and ensure that major development sites are genuinely accessible to all.

Assessment

a) Accessibility and connectivity

5.4. In the view of Officers, the proposed replacement of a substandard, stepped bridge with an accessible, 4.0-metre-wide active travel corridor directly fulfils the aforementioned policy objectives. The proposal facilitates a critical strategic link between the established Holgate community and the emerging York Central development. Consequently, the fundamental principle of the development is policy-compliant.

b) Planning history

5.5. In assessing the principle of this development, Officers advise that the Committee should have regard to the planning history of the site, which represents a material consideration. The principle of providing a new pedestrian and cycle bridge over the railway corridor in the vicinity of Wilton Rise was established through the granting of outline consent for the York Central scheme (reference 18/01884/OUTM).

5.6. Crucially, the defining parameters of the bridge currently applied for - specifically its 4.0-metre deck width and 5% gradient - were assessed and subsequently approved during the outline planning stage. At the time the outline consent was granted, a minimum width of 4.0m and maximum gradient of 5% were deemed suitable parameters to safely accommodate the anticipated volume of pedestrian and cycle movements via this route.

5.7. Condition 42 of the York Central outline consent requires the developer to provide a pedestrian and cycle link over the railway. If the current application were to be refused, this condition remains extant and binding, and the applicant would still be obligated to deliver a structure to satisfy the outline consent.

5.8. The outline permission is a material planning consideration which carries weight. It establishes that the provision of a pedestrian and cycle link over the railway is considered to be acceptable in principle. Any reserved matters application for the bridge would need to be in line with the outline permission including the parameters set by condition 42. A reserved matters approval could not be withheld on a ground that has already been decided in principle at the grant of outline planning permission as that would be to reopen an issue already decided and frustrate the permission granted.

c) Interaction with the York Central outline consent

5.9. While the current proposal comes forward as a stand-alone full planning application, the extant outline consent carries significant weight. As discussed, the

functional necessity, scale, and broad location of the infrastructure have already been judged acceptable and necessary by the Local Planning Authority.

5.10. To ensure Members have full clarity on how this stand-alone full planning application (25/02252/FUL) interacts with the wider York Central regeneration scheme, it is necessary to consider its relationship with the enabling outline consent.

5.11. Condition 42 of that consent reads as follows:

Prior to the first occupation of any development in development zones B, C, D, E and F (Excluding Reserved Matters referenced 23/02255/REMM and any subsequent approvals to facilitate amendments to that Reserved Matters consent and the building) a scheme for the pedestrian and cycle link between the access and circulation routes within York Central site and Holgate Road (either via Wilton Rise or Chancery Rise as annotated as options 3a and 3b on parameter plan YC-PP 006 Access and Circulation Routes) shall be approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Public access to the facility shall be provided at all times. The details shall include: a) The alignment of the route; b) Provision of segregated cycle routes where appropriate; c) The bridge with a minimum width of 4m and maximum gradients of 5% as any point (unless otherwise agreed); d) Materials and finishes (including enhancements) of surfaces; e) Lighting details; f) Landscaping; g) Drainage; h) Details of any other physical infrastructure necessary for the delivery of the scheme.

5.12. Because the optimal alignment for the new bridge necessitates a landing point on Upper St Paul's Terrace - which sits marginally outside the approved red-line boundary of the York Central outline consent - this bridge cannot be delivered as a 'reserved matters' application or via the approval of details process. It must, legally and procedurally, be considered on its own merits as a stand-alone full planning application.

5.13. However, Officers advise the Committee that whilst any permission granted is 'stand-alone' and could technically be implemented as such, the granting of this permission does not absolve the York Central Development Partner from the broader requirements of Condition 42. Crucially, Condition 42 requires the approval and implementation of the entire pedestrian and cycle link extending all the way to Holgate Road (whether via Wilton Rise or Chancery Rise), as well as the permanent onward connections within the York Central site itself. The current application boundary only captures the physical bridge structure and its immediate landing points.

5.14. Therefore, while approving this application secures the physical infrastructure

(the bridge over the railway) necessary to facilitate the link, the wider obligations of Condition 42 remain extant. The final, permanent routing from the bridge's landing points outwards to Holgate Road and inwards through the York Central development plots will still need to be formally submitted, assessed, and discharged by the Local Planning Authority under the parameters of the outline consent at a later date. Members can therefore be assured that approving this physical bridge structure does not 'sign-off' on the wider, finalised highway routing for the holistic York Central connection to the Holgate area of the city.

Section summary

5.15. In summary, the principle of constructing a new, high-quality pedestrian and cycle bridge in this location is firmly established and finds unequivocal support within both national and local planning policy. The proposed infrastructure directly fulfils the strategic connectivity and active travel objectives set out in the City of York Local Plan and the NPPF, representing a significant accessibility improvement over the existing connection. Furthermore, the necessity, scale, and general location of the bridge are underpinned by the extant York Central outline permission, which carries significant material weight in establishing the requirement for the bridge. While approving this stand-alone application secures the essential physical crossing over the railway, it rightly leaves the broader onward connectivity requirements of the outline consent to be fulfilled at a later date. Officers therefore conclude that the overarching principle of the development is acceptable.

Highways, access and inclusive design

Policy context

5.16. The City of York Local Plan places significant emphasis on the creation of safe, accessible, and sustainable transport infrastructure and networks. Policy T1 (Sustainable Access) demands safe and appropriate access for all user groups, and Policy T5 specifically targets improvements to the strategic cycle and pedestrian network. Furthermore, Policy D1 (Placemaking) necessitates inclusive design that can be used safely and easily by all. These local policies are a reflection of the relevant national planning policies set out within the NPPF, which require development to promote sustainable transport modes and give priority first to pedestrian and cycle movements (paragraphs 108 to 117, Section 9). Additionally, Section 8 of the NPPF requires development to promote healthy, inclusive, and safe places that are highly accessible.

Assessment

5.17. The proposed bridge features a 4.0-metre-wide deck with a 1:22 gradient

broken by landing areas, providing a step-free route over the railway corridor. Initially, the application proposed an unsegregated, shared-use deck. However, following post-submission engagement with local residents, the Access Officer and others, the scheme was subsequently amended.

5.18. In considering this section, and the application as a whole, Members are advised that the scheme must navigate a complex intersection of competing national standards. Specifically, the requirements of active travel guidance (LTN 1/20), highway design standards (DMRB), and Network Rail's strict safety parameters for crossing electrified railway lines are inherently incompatible. For example, Network Rail's mandate for substantial vertical clearances and tall, solid parapets – necessary to prevent electrocution and object drops – directly conflicts with LTN 1/20's requirements for gentle, accessible gradients and open, permeable parapets to ensure clear user visibility and personal security. Furthermore, accommodating high clearances at gentle gradients requires exceptionally long approach ramps, which is problematic given the spatial constraints of the site. Consequently, Officers would advise that that decision-making in this instance cannot be based on achieving strict compliance with every individual standard. Rather, it requires a pragmatic balancing exercise on the basis of these carefully considered compromises, and Officers suggest that necessary departures from ideal standards, are an unavoidable prerequisite to delivering a safe and viable piece of infrastructure in this location.

a) Division of deck space

5.19. The revised design introduces a 'soft segregation' approach along the bridge deck, utilising a raised white line to demarcate a 1.5-metre-wide dedicated pedestrian route on the northern edge and a 2.5-metre cycle route on the southern side. Furthermore, the amended scheme expands the staircase landing area (increasing it from 9.1 square metres to 19.8 square metres) and increases the stair's separation from the main deck to 4.5 metres. To accommodate this improved manoeuvring space, the staircase incorporates a minor realignment and the adjacent ramped section has been fractionally reduced in length.

5.20. The introduction of soft segregation has drawn differing perspectives from consultees. The Council's Access Officer is in favour of the amendment, highlighting that the disabled community view unsegregated shared spaces in such constrained environments with significant anxiety. The Access Officer notes that positioning pedestrians on the northern side is highly beneficial, as it allows pedestrian users to access the new staircase directly without having to cross the cycle lane. Conversely, the Highway Authority has raised concerns regarding the soft segregation, noting

that it deviates from some national design standards (DMRB CD 353) and that the usable width, constrained by the bridge parapets, means the deck may effectively operate as a shared space in practice.

5.21. Whilst these differing viewpoints are acknowledged, the applicant has submitted a Stage 1 Road Safety Audit specifically to demonstrate the feasibility of the 'soft segregation' arrangement. Given the complex balance of spatial limitations and the competing needs of different user groups, this soft segregation approach - coupled with the expanded staircase landing - is considered to be a suitable and acceptable compromise.

b) Alignment, gradient/ height and form

5.22. In response to the Highway Authority's further requests for more information and additional drawings, Officers advise that these requests are very unlikely to result in a change to the design at this stage. This application itself has been under consideration and discussion for over seven months, during which time the various options and possibilities have been worked through at length (detailed pre-application discussions took place before the application was submitted). Officers consider that sufficient information has been supplied to enable a robust decision, and Members now need to consider the proposal currently before them.

5.23. It is acknowledged that the bridge design – in terms of its alignment, gradient and form - does not represent the 'best of all worlds'. As identified by the Local Highway Authority and recognised by Officers, the deck radii might be tighter, the intermediate landings spaced further apart, and the landings themselves possibly shorter than is optimal.

5.24. The design parameters are influenced by the requirements of Condition 42 of the York Central outline consent (a material planning consideration) and are restricted by the rigid safety clearances required over the electrified railway lines together with the limited flexibility in terms of the positioning of the landing points (constrained by existing residential development at Upper St Paul's Terrace and the Network Rail Operating Centre entrance on the York Central Side). Within the available geographical envelope, introducing larger intermediate landings would necessitate either a longer ramp (which is spatially impossible to accommodate within the site boundary) or a steeper gradient between the landings (which is highly undesirable and would severely compromise accessibility for wheelchair users).

5.25. In Officers' view, the design compromises do not render the scheme unacceptable; rather, the alignment, gradient/ height and form of the bridge are

necessary, acceptable, and safe compromises born out of physical site constraints.

c) Handrail provision

5.26. The Council's Access Officer is of the view that including handrails for the stairs, the ramped approaches, and the main length of the bridge would significantly improve the structure's accessibility, especially for wheelchair users. The Access Officer notes that this provision might also go some way towards mitigating the less-than-ideal frequency of the intermediate rest landings discussed above.

5.27. During discussions with the applicant regarding this requirement, it has been established that a handrail cannot be sited on the virtually flat section of the bridge that directly spans the electrified railway line. The applicant has clarified that attaching a handrail in this specific location presents an unacceptable climbing, trespass, and safety risk which they cannot carry.

5.28. Notwithstanding this operational constraint over the railway lines, the applicant is prepared to accept a condition requiring the installation of a handrail for the full length of the inclined sections on the pedestrian side of the bridge (amounting to a total length of approximately 140 metres). Officers suggest that such a condition is applied. In the view of Officers, the inclusion of this handrail is a reasonable safeguard that responds positively to the Access Officer's feedback and, provided it is carefully detailed, is unlikely to significantly impact the usable deck space.

d) Phasing of delivery - maintenance of access

5.29. The delivery of the new bridge (and demolition of the existing bridge) will need to be carefully phased to ensure connectivity is maintained between Holgate and the city centre during construction. As demonstrated on the submitted 'Public Right of Way Phasing Plan', the construction is proposed to occur across three distinct phases. Phase 1 will see the construction of the new main spans whilst the existing Public Right of Way is maintained over the existing Wilton Rise footbridge. Phase 2 will involve the provision of an indicative temporary access route (with localised diversions via Cinder Lane) while the elevated walkway elements are constructed and the existing bridge is demolished. Phase 3 will see the opening of the permanent, step-free pedestrian and cycle route. Officers recommend that a condition is applied to any permission the Committee may grant requiring a detailed plan for phased delivery (including timings). It is necessary to ensure that any cycle route diversion (for a period of time in Phase 2 the established cycle route need to be diverted) is not in place for an excessive period.

5.30. The phasing process will necessitate the diversion of existing rights of way and the establishment of new routes. It is anticipated that these new routes will be

legally designated as 'cycle tracks', accommodating both pedestrian and cyclist access.

5.31. Members should note that the legal processes required to enact these changes - anticipated to be progressed pursuant to Section 257 of the Town and Country Planning Act 1990 - is an entirely separate legal process to the determination of this planning application. The applicant will need to address this through the appropriate formal application if planning permission is granted.

Section summary

5.32. The proposed bridge delivers an important 4.0-metre-wide, step-free crossing over the railway corridor. Following detailed consultation, the design incorporates a 'soft segregation' approach to manage both pedestrian and cyclist movements, providing an acceptable and suitable compromise within a constrained spatial environment. While acknowledging that the bridge's alignment, gradient, and form represent a compromise, Officers are satisfied that these are necessary and safe solutions dictated by strict railway safety clearances and fixed site boundaries. Furthermore, the provision of a handrail along the inclined sections of the route will be secured by condition, offering a reasonable safeguard that further improves accessibility for wheelchair users. In discussions directly with Officers the Highway Authority has latterly recommended that a condition requiring a full '4 stage road safety audit' (RSA) is applied, as a suitable safeguard given some of the design compromises, particularly in terms of the soft segregation scheme. An RSA of this type involves an independent post construction safety review, with modifications made to the bridge as recommended, and then a further review after 12 months of use with further agreed modifications made to address any safety issues arising. Finally, a phased construction plan, also secured by condition, will ensure essential connectivity is maintained during the works, that the temporary cycle route disruption is minimised and the route diversions are safe. Ultimately, the scheme accords with the sustainable and inclusive design objectives of Local Plan Policies T1, T5, and D1, as well as the NPPF, and is therefore considered acceptable from highways, access, and inclusive design standpoints.

Design, landscape and impact on the character and appearance of the area

Policy context

5.33. In terms of the Local Plan, Policy D1 (Placemaking) requires development to improve poor existing urban and natural environments, enhance York's special qualities, and make a positive design contribution to the city. This is complemented by Policy D2 (Landscape and Setting), which supports proposals that protect and

enhance landscape quality and character, thereby creating a comfortable association between the built and natural environments. Finally, Policy GI4 (Trees and Hedgerows) requires development to recognise the value of existing tree cover, demanding suitable replacement planting in instances where the loss of trees is justified.

5.34. At the national level, the NPPF underpins these local objectives. Section 12 (Achieving well-designed and beautiful places), specifically paragraphs 131, 135, and 139, dictates that planning decisions should ensure developments are visually attractive, sympathetic to local character, and function well over their lifetime, actively establishing a strong sense of place.

Assessment

5.35. From an aesthetic perspective, Officers consider the design of the proposed bridge to be acceptable and compliant with both local and national design policies. The structure will replace a visually poor, mid-twentieth century stepped footbridge with a pedestrian and cycle link of contemporary design. The bridge adopts a functional but refined aesthetic, combining a stiffened U-deck configuration with a weathering (Corten) steel finish. This material palette echoes the industrial and railway heritage of the immediate context, creating a structure that in Officers' view will sit comfortably within the emerging York Central development whilst forming a legible southern gateway to the site.

5.36. The scale and massing of the bridge are dictated by the structural requirements of spanning an active, electrified railway corridor. The necessity for a long, ramped structure (approximately 241 metres) is an unavoidable consequence of providing a step-free 1:22 gradient from the elevated Upper St Paul's Terrace down to the York Central site. While this results in a substantial new structure, it is considered a well-mannered engineering response to the topographical constraints.

5.37. From a landscape perspective, the proposal necessitates the removal of seven early-mature Ash trees at Upper St Paul's Terrace to accommodate the new landing. However, as noted in the submitted Arboricultural Report, these trees are already showing significant signs of Ash die-back (affecting approximately 30% of their crowns). Consequently, officers accept that their loss is justified to facilitate this essential infrastructure.

5.38. The Council's Head of Design and Conservation (DC) has reviewed the scheme and raised several points. The DC Officer agrees that the existing bridge has minimal historic or aesthetic value and supports its removal. The DC Officer also acknowledges that the overall design approach is carefully considered and

appropriate, and that the updated 'soft segregation' layout (introduced to manage cyclist/pedestrian conflicts) represents a sensible compromise given the deck width constraints.

5.39. However, the DC Officer maintained an objection to the design of the supporting columns on the 'elevated walkway' section. The main span over the railway utilises an elegant, cranked 'Y-shaped' ribbed column, whereas the elevated walkway utilises a simpler 'T-shaped' column. The DC Officer argued that extending the Y-shaped design to all columns would be more elegant. The applicant has declined this amendment, citing significant cost of the additional steel and the limited visibility of these specific columns. Officers agree with the DC Officer on the point; however, in balancing the design merits, it is considered that the proposed T-shaped columns are functionally acceptable and do not render the scheme visually harmful to a degree that would warrant refusal.

5.40. The DC Officer also requested a design study to assess the visibility of York Minster from Upper St Paul's Terrace across the new bridge, suggesting minor design modifications might maintain this view. The applicant has declined to provide this. Officers note that while preserving strategic views is a key principle of Policy D1, the outline consent for York Central (Parameter Plan YC-PP 010) already establishes maximum building heights for the development plots directly between the bridge and the Minster (up to 43.5m AOD). As these future buildings will be highly likely to obscure the view of the Minster from this specific vantage point regardless of the bridge's detailed design, officers consider it unreasonable to insist upon this assessment or demand design compromises to protect a view that will ultimately be very likely lost to the wider consented development.

5.41. The Council's Landscape Architect raises no objections to the loss of the Ash trees at Upper St Paul's Terrace, given their deteriorating condition from Ash dieback. While the Landscape Architect requested replacement planting - suggesting consultation with the Friends of Holgate Community Garden to locate trees nearby - this cannot be secured. The application site is heavily constrained and comprises largely operational railway, offering no feasible space for on-site soft landscaping. Furthermore, because the community garden falls outside the applicant's red-line boundary and control, it is not possible for the Local Planning Authority to lawfully impose a planning condition requiring this off-site mitigation.

Section summary

5.42. The proposed bridge delivers a visually acceptable, contemporary replacement for the existing structure, utilising a Corten steel finish that successfully echoes the site's railway heritage. Its substantial scale and massing are

acknowledged as necessary and well-mannered engineering responses to strict topographical and railway clearances. The removal of seven deteriorating Ash trees is justified due to disease, and while replacement planting cannot be legally secured within the constrained site, this does not outweigh the scheme's wider benefits. Officers have carefully balanced the Design and Conservation Officer's comments regarding column design and Minster views; however, the proposed T-shaped columns are considered functionally acceptable without causing visual harm, and consented future development will likely obscure the relevant views regardless. Ultimately, the scheme aligns with the placemaking and landscape objectives of Local Plan Policies D1, D2, and GI4, as well as the NPPF, and is therefore considered highly acceptable from design, landscape, and visual impact standpoints.

Neighbour amenity

Policy context

5.43. The overarching policy framework safeguarding residential amenity and community safety is established at both the national and local levels. The NPPF specifically states in paragraph 135(f) that planning decisions should create places with a high standard of amenity for existing and future users. It further requires that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

5.44. Locally, the adopted City of York Local Plan (2025) reflects these principles. Policy ENV2 (Managing Environmental Quality) dictates that development will only be permitted where it does not unacceptably harm the amenities of existing and future occupants. Furthermore, Policy D1 (Placemaking) requires development to be designed to reduce crime and the fear of crime, promoting public safety throughout the day and night.

Assessment

5.45. The application has generated a significant degree of public interest, with numerous representations raising concerns regarding the potential impact of the new bridge on residential amenity. Specifically, local residents have expressed significant apprehension that routing a primary active travel corridor into the quiet, residential cul-de-sac of Upper St Paul's Terrace will fundamentally alter its character.

5.46. It is acknowledged that the introduction of a new bridge will undoubtedly alter the dynamics of the immediate area. Officers accept that the development will result in some degree of impact, particularly concerning an increase in footfall and cycle

traffic, and the associated noise and disturbance that accompanies a 24-hour pedestrian and cycle route.

5.47. However, in assessing this impact against the policy framework, it is the view of officers that this increase in activity does not equate to 'undue' or unacceptable harm that would warrant refusal of the application. The noise generated by pedestrians and cyclists is transient in nature and is not considered to be of a level or character that would cause significant detriment to the living conditions of neighbouring occupiers, especially when balanced against the overwhelming strategic benefits of providing this inclusive infrastructure.

5.48. Looking more broadly than Upper St Paul's Terrace, it's noted that the area currently hosts an established pedestrian footbridge, and while the new structure will cater to a broader range and greater number of users, the fundamental principle of a thoroughfare in this area of the city is historically established.

5.49. Public representations have also raised concerns regarding a potential rise in Anti-Social Behaviour (ASB) and crime, fearing that the new bridge and its associated seating areas will invite late-night loitering and vandalism adjacent to residential properties and the Holgate Community Garden. In assessing these concerns, officers have engaged in discussions directly with the Police Designing Out Crime Officer. The advice received clearly indicates that there is currently no evidence to suggest an existing ASB problem associated with the current Wilton Rise bridge that would be displaced onto Upper St Paul's Terrace. Furthermore, there is no evidence of an existing ASB issue on Upper St Paul's Terrace or within the community garden itself that would be exacerbated by the new structure.

5.50. Crucially, the Police have advised that the introduction of regular, legitimate pedestrian and cycle traffic across the new bridge is likely to act as a deterrent to ASB, providing increased natural surveillance. The Police have confirmed that should any isolated ASB issues occur following the bridge's opening, they would be addressed through routine patrols and appropriate policing measures.

5.51. Officers also note a tension regarding the detailed design of the bridge landing on Upper St Paul's Terrace. While the Access Officer strongly advocates for the provision of rest seating (benches) to ensure the bridge is genuinely inclusive for mobility-impaired users, the Police have cautioned that benches in secluded areas can occasionally act as a focal point for ASB. It is important to clarify that this specific, detailed design tension does not need to be definitively resolved at this stage. The precise location, design, and inclusion of the bench will be carefully managed through a discharge of conditions application concerning the final hard landscaping and street furniture details. Both the Access Officer and the Police

Designing Out Crime Officer will be fully consulted during this subsequent process to ensure an appropriate, safe, and inclusive final design is achieved.

Section summary

5.52. The introduction of the new bridge will undoubtedly increase footfall and cycle traffic along Upper St Paul's Terrace, which will alter the character of that environment; however, Officers conclude that the resulting transient noise and activity do not constitute unacceptable harm to residential amenity. While significant public concerns have been raised regarding potential anti-social behaviour (ASB) and crime, the Police Designing Out Crime Officer advises that the introduction of regular, legitimate users will actually increase natural surveillance and act as a deterrent. Additionally, detailed design tensions regarding the provision of rest seating - balancing inclusive access requirements against crime prevention advice - will be carefully managed through future 'approval of details' application process. Ultimately, the scheme aligns with the amenity and public safety objectives of Local Plan Policies ENV2 and D1, as well as the NPPF, and is therefore considered acceptable from a neighbour amenity standpoint.

Biodiversity Net Gain (BNG) and Ecology

Policy and legal context

5.53. Locally, Policy G12 of the adopted City of York Local Plan expects development proposals to conserve and enhance York's biodiversity. Section 15 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Furthermore, under Schedule 7A of the Town and Country Planning Act 1990, the proposed development is legally subject to a statutory requirement to deliver a minimum 10% Biodiversity Net Gain (BNG). This framework allows for the required gain to be achieved on-site, off-site, or through the purchase of statutory biodiversity credits where local provision is not viable.

Assessment

5.54. The applicant has submitted a Biodiversity Assessment alongside the official Statutory Biodiversity Metric calculations. The assessment establishes an on-site baseline of 2.76 area habitat units within the red line boundary. The existing on-site baseline habitats primarily consist of a mix of low and higher distinctiveness grassland, individual trees, lines of trees, and urban habitat parcels. Due to the nature of the development, the scheme will necessitate the clearance of a significant proportion of this existing vegetation. The scheme will retain 0.75 units, resulting in a net on-site loss of 2.01 area habitat units (a -72.94% change).

5.55. The applicant's submission demonstrates that exploration for on-site habitat creation has taken place. However, due to physical constraints, land ownership boundaries, and strict Network Rail operational requirements, achieving the required 10% uplift on-site is unviable. Consequently, to meet the statutory requirement, 2.29 biodiversity units must be delivered off-site. The applicant has confirmed these will be secured prior to the commencement of development.

5.56. In response to the application, an objection has been received from the Friends of Holgate Community Garden. The objection highlights the projected 72.94% loss in on-site habitat units and expresses concern that the development falls below the standard requirement for biodiversity enhancement. Furthermore, the objection cites the cumulative ecological impact of mature tree removals undertaken by Network Rail in February 2026 adjacent to the community garden, demanding clear, enforceable conditions to verify BNG delivery.

5.57. Officers acknowledge the concerns regarding the localised reduction in habitat value - particularly the loss of existing grassland and tree cover - and the cumulative impact of wider operational works. However, the statutory BNG framework expressly anticipates and permits off-site mitigation where on-site delivery is demonstrably unviable. The statutory metric utilises a defined baseline to calculate the required uplift, legally mandating that the 10% net gain is achieved regardless of whether it is delivered within the site boundary or off-site. Therefore, while there is a localised loss, the scheme will result in a legally secured, overall net enhancement to biodiversity. In terms of neighbour comments in respect of recent vegetation clearance near to the application site, it should be held in mind that it is within Network Rail's gift to clear trees and vegetation within operational land.

Section summary

5.58. To ensure the statutory requirements and the concerns of the local community are comprehensively addressed, officers recommend that BNG matters are secured via a specific planning condition.

5.59. Whilst a standard statutory condition automatically applies to this permission (preventing development until a general Biodiversity Gain Plan is approved), an additional application-specific condition is deemed necessary in this instance. The condition is required to anchor the specific metrics established at the application stage (specifically, the on-site loss of 2.01 units and the absolute requirement for 2.29 off-site units). This prevents the submission of an altered baseline or differing metric calculations at the condition discharge stage, providing certainty to both the Local Planning Authority and the public.

5.60. Subject to the imposition of the condition, Officers are satisfied that the proposed development complies with the statutory BNG requirements, the NPPF and Policy G12 of the City of York Local Plan. The scheme appropriately navigates the site's physical constraints whilst legally securing the necessary enhancements to the wider natural environment.

Surface water drainage and flood risk

Policy context

5.61. Local and national (NPPF section 14) planning policies dictate that new development must be safe from flooding and should not increase flood risk elsewhere. The Local Plan outlines the framework for surface water management. Policy ENV4 (Flood Risk) sets out the requirements for developments to mitigate against current and future flood events, while Policy ENV5 (Sustainable Drainage) dictates the specific hierarchy and requirements for surface water disposal, mandating that developments on brownfield land restrict surface water flow to 70% of the existing runoff rate (a 30% reduction) and that SuDS methods should be utilised.

Assessment

5.62. The applicant has outlined their proposed surface water drainage strategy within the submitted Design and Access Statement and the latterly submitted 'Bridge Layout Plan'. In the Design and Access Statement they also explain that the existing bridge lacks any positive drainage, instead relying on spitter pipes and downpipes along the landings and abutments.

5.63. The proposed drainage strategy is to manage surface water via ACO drains running along the sides of the bridge deck (channels within the deck). These drains will feed into a carrier drainage system concealed within the bridge structure. From this system, the run-off is proposed to be discharged into the existing public combined sewer networks on either side of the railway line: the first 28-metre span connecting to the system in Upper St Paul's Terrace, and the remainder discharging into the newly constructed drainage network (Network H2) on the York Central side (Cinder Lane/ Cinder Street).

5.64. The Council's Drainage Engineer (acting as the LLFA) has reviewed the proposal and confirmed that the use of infiltration methods (such as soakaways) is not feasible due to the nature of the made ground across the wider York Central site (which includes clinker, ash, and potential contaminants). Consequently, discharging to the public sewer network is considered the only viable option. However, the Drainage Engineer has highlighted a constraint regarding the applicant's current

indicative proposals: the public sewer networks do not have the capacity to accept an unrestricted discharge of surface water. It is imperative that the discharge rate is formally restricted to ensure that no surface water generated from the new bridge inadvertently overwhelms the established capacities of the new York Central drainage networks (Networks S2 and H2) or the existing Upper St Paul's Terrace network.

5.65. While the broad strategy of connecting to these systems is supported, a detailed surface water drainage design - incorporating appropriate attenuation and flow restriction mechanisms to manage run-off up to the 1 in 100-year storm event (plus a 30% allowance for climate change) - will need to be submitted and approved prior to the commencement of development. Both the LLFA and Yorkshire Water are satisfied that this outstanding detailed design work can be appropriately secured through a planning condition.

Section summary

5.66. The proposed surface water drainage strategy will capture deck run-off via integrated channels and discharge it into the public combined sewer networks on both sides of the railway corridor. Due to ground contamination precluding the use of sustainable infiltration methods such as soakaways, this connection to the sewer system is acknowledged by the Lead Local Flood Authority as the only viable solution. However, to ensure existing and proposed sewer capacities are not overwhelmed, it is imperative that the discharge rate is formally restricted. Both the LLFA and Yorkshire Water are satisfied that a detailed surface water drainage design - incorporating the necessary attenuation and flow restriction mechanisms to manage a 1 in 100-year storm event - can be appropriately secured by planning condition. Ultimately, the scheme accords with the flood risk and sustainable drainage objectives of Local Plan Policies ENV4 and ENV5, as well as the NPPF, and is therefore considered acceptable from drainage and flood risk standpoints.

Archaeology

Policy context

5.67. The protection and understanding of the historic environment is a key tenet of both local and national planning policy. Locally, Policy D6 (Archaeology) of the adopted City of York Local Plan requires development proposals to be accompanied by an evidence-based heritage statement and ensures that proposals will not result in harm to the significance or setting of archaeological remains unless outweighed by public benefits. Where impact is acceptable, it requires detailed mitigation measures to be agreed.

5.68. At the national level, the NPPF seeks to safeguard heritage assets. Section 16 (Conserving and enhancing the historic environment) dictates that Local Planning Authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation (paragraph 207). It further expects developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (paragraph 218).

Assessment

5.69. The application site is situated within an area known to possess significant archaeological potential, relating to prehistoric activity, Roman burials and landscaping, and the extensive development of the 19th century railway industry.

5.70. To address this, the applicant has submitted a detailed Archaeological Remains Management Plan (ARMP) specifically for the Cinder Lane/ Wilton Rise Footbridge scheme. This document scopes the potential impacts - such as the demolition of the existing bridge, ground level reduction, pile foundations, and new drainage works - and sets out a targeted mitigation strategy. The applicant proposes a mitigation approach centred on 'Preservation in-situ, Rapid Assessment Triage, and Watching Briefs'. This methodology has been utilised effectively across the wider York Central site, managed by a Lead Consultant Archaeologist acting as a Clerk of Works.

5.71. The City Archaeologist has reviewed the ARMP and confirms that the overall archaeological risk posed by the footbridge development is generally low, as much of the area is already disturbed and the proposed works are not anticipated to penetrate deeply. The primary areas of potential impact include possible shallower Roman deposits at the Wilton Rise/ Upper St Paul's Terrace landing, pile caps interacting with former stream channels, and new drainage near Cinder Lane potentially disturbing Roman burials.

5.72. The City Archaeologist agrees with the applicant's proposed mitigation strategy, confirming that the Rapid Triage and Watching Brief approach is proportionate and preferable to more invasive methods (such as 'Strip, Map and Sample' or full excavation) given the constraints of the site and the level of (contamination related) risk. The City Archaeologist also notes that a basic photographic record (Historic England Level 1) of the existing unlisted bridge should be completed prior to its demolition. Following the submission of amended plans during the life of the application, the City Archaeologist has confirmed that the revised layout does not alter this assessment, provided the ARMP is updated to reflect the final design.

Section summary

5.73. The application site lies within an area of known archaeological potential, particularly concerning Roman deposits and 19th-century railway activity. However, the City Archaeologist confirms that the overall risk posed by the new bridge is low due to the relatively shallow nature of the works and extensive previous ground disturbance. To manage any potential impacts from foundations or drainage, the applicant has submitted an Archaeological Remains Management Plan (ARMP). The proposed mitigation strategy - utilising a proportionate approach of 'Rapid Assessment Triage and Watching Briefs', alongside a required basic photographic recording of the existing bridge prior to demolition - is fully supported by Officers and is recommended to be secured by condition. Ultimately, the scheme accords with the historic environment objectives of Local Plan Policy D6 and Chapter 16 of the NPPF, and is therefore considered acceptable from an archaeological standpoint.

Maintenance Arrangements

5.74. The bridge superstructure is to be maintained by Network Rail. To address the planning requirements for the deck surface and lighting, conditions are recommended to secure the following:

- a) Design and materials: approval of the specific surface treatments for the bridge deck prior to installation to ensure a high-quality finish and appropriate slip resistance.
 - b) Lighting: approval of the lighting systems before their implementation to guarantee adequate illumination for users while minimising any potential light spill or adverse impacts on surrounding areas or the railway.
 - c) Maintenance: approval of a comprehensive maintenance regime for the deck surface and lighting systems to ensure their long-term functionality and safety.
- 5.76. Furthermore, as discussed in the earlier section of this report, public access for pedestrians and cyclists will need to be secured through the establishment of appropriate rights of way, ensuring its continuous availability as a key pedestrian and cycle link. 5.77. These rights will exist irrespective of the maintenance arrangements of the bridge and/ or its deck.

Managing ground contamination risk

5.75. Policy ENV3 (Land Contamination) of the Local Plan dictates that development will not be permitted unless it can be demonstrated that the site is suitable for its proposed use, taking into account ground conditions and any risks arising from historical contamination.

5.76. At the national level, section 15 of the NPPF (Conserving and enhancing the natural environment) requires planning decisions ensure that a site is suitable for its proposed use, taking account of ground conditions and any risks arising from factors including contamination, such as that from former activities such as industry or railways.

5.77. The proposed development necessitates intrusive groundworks, including excavations for the bridge abutments, structural piling, and the installation of below-ground carrier drainage infrastructure. These works will take place within a heavily constrained environment characterised by extensive historical and current railway operations. The underlying ground conditions in this locality are known to consist of 'made ground', typically comprising ash, clinker, and potential railway-related contaminants.

5.78. The applicant has submitted a bespoke, site-specific Phase 1 land contamination assessment alongside the application and their overarching approach relies on safely managing ground disturbance during the detailed design and construction phases.

5.79. The Council's Public Protection Officer has formally reviewed the application and highlighted the potential risks associated with the site's historic railway use. To ensure that any historical contaminants are safely managed and do not pose an unacceptable risk to groundwater, or the wider environment, the Public Protection Officer has requested that a comprehensive suite of site investigation and remediation measures be secured.

5.80. Officers concur that these protections are necessary. The suggested conditions are proportionately tailored to require targeted site investigation within the areas of intrusive groundworks, alongside requirements for a remediation strategy (should contamination be found), subsequent verification reporting, and a protocol for managing any unexpected contamination encountered during the construction phase.

The Equalities Duty

5.81. In considering this application, the Council has had regard to its Public Sector Equality Duty (PSED) under Section 149 of the Equality Act 2010 to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and those who do not.

5.82. The existing bridge represents a severe barrier to mobility-impaired individuals, wheelchair users, and those with pushchairs. While the physical constraints of the site have necessitated compromises in the provision of rest

landings and deck widths, these have been proportionately balanced. The scheme transitions the crossing from a completely inaccessible stepped structure to a ramped, step-free facility that introduces soft segregation to protect vulnerable users. The proposal has been responsive to the needs of disabled users throughout the application process, and its approval would significantly advance equality of opportunity by integrating accessible infrastructure where none currently exists.

6.0 PLANNING BALANCE AND CONCLUSION

6.1. The application proposes the construction of a new 4.0-metre-wide, step-free pedestrian and cycle bridge, replacing the existing inaccessible, stepped Wilton Rise footbridge. The provision of this infrastructure is a fundamental requirement of the York Central outline consent (a significant material consideration) and is strongly supported by both local and national planning policies aimed at promoting sustainable, active travel and creating inclusive communities. The principle of development is therefore firmly established and acceptable.

6.2. In assessing the planning balance, Officers have weighed the significant public benefits of the scheme against the identified harms and necessary design compromises. The primary benefit of the proposal is the delivery of a highly accessible, strategic active travel corridor that overcomes a major physical barrier, linking the Holgate community with the emerging York Central development and the city centre. The bridge features a contemporary, Corten steel design that responds positively to the site's railway heritage, whilst a phased construction programme ensures essential connectivity is maintained throughout the build.

6.3. Officers acknowledge that the physical constraints of the site - dictated by rigid railway safety clearances and fixed land boundaries - have necessitated certain design compromises. These include deck radii and landing intervals that, while safe, deviate from optimal geometric standards, and the adoption of 'soft segregation' rather than physical separation between pedestrians and cyclists, which would only be possible on a wider bridge. Furthermore, the development will result in the loss of seven early-mature Ash trees, transient increases in footfall and noise for residents of Upper St Paul's Terrace, and an on-site biodiversity loss that must be mitigated through off-site Biodiversity Net Gain (BNG) provision.

6.4. However, these impacts have been assessed and appropriately mitigated. The submitted Road Safety Audit indicates that the 'soft segregation' approach is an acceptable solution for this constrained environment. The Police Designing Out Crime Officer is satisfied that the scheme will not exacerbate anti-social behaviour. Furthermore, planning conditions have been recommended to secure the (amongst other things) control of surface water drainage discharge rates, manage the detailed

design of lighting, handrails, and street furniture, and ensure archaeological monitoring is undertaken during groundwork.

6.5. In conclusion, the substantial public benefits of delivering this vital, inclusive infrastructure demonstrably outweigh the localised harms and necessary design compromises. The proposal complies with the overarching objectives of the City of York Local Plan and the National Planning Policy Framework. The application is therefore recommended for approval.

7.0 RECOMMENDATION

7.1. That the Committee resolves to:

- GRANT full planning permission, subject to the planning conditions outlined within this report.

7.0 RECOMMENDATION: Approve

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

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by Section 51 of the Compulsory Purchase Act 2004.

2 Except where may be modified by the conditions of this permission, the development hereby permitted shall be carried out in strict accordance with the following approved plans and documents:

- Site Location Plan - Drawing No. 183097-MHB-HOS-FB-PLN-ECV-000100 P10
- Bridge Layout Plan - Drawing No. 183097-MHB-HOS-FB-PLN-ECV-000120 P09
- Walking Distances Map - Drawing No. 183097-MHB-HOS-FB-PLN-ECV-000121 P04
- Proposed Elevations - Drawing No. 183097-MHB-HOS-FB-PLN-ECV-000130 P06
- Main Span Steelwork - Drawing No. 183097-MHB-HOS-FB-PLN-ECV-000131 P03
- Elevated Walkway Steelwork - Drawing No. 183097-MHB-HOS-FB-PLN-ECV-000132 P04
- Stair Steelwork - Drawing No. 183097-MHB-HOS-FB-PLN-ECV-000133 P04
- Proposed Plan - Structure Ends Upper St. Pauls Terrace Cinder Lane - Drawing No.

183097-MHB-HOS-FB-PLN-ECV-000134 P06

- Proposed Elevation C-C - Drawing No. 183097-MHB-HOS-FB-PLN-ECV-000135 P03

- Proposed Elevation D-D, E-E & F-F - Drawing No. 183097-MHB-HOS-FB-PLN-ECV-000136 P03

- Proposed Elevations G-G, H-H & J-J - Drawing No. 183097-MHB-HOS-FB-PLN-ECV-000137 P03

- General Overview - Drawing No. 183097-MHB-HOS-FB-PLN-ECV-000140 P02

- Existing Structure - Drawing No. 183097-MHB-HOS-FB-PLN-ECV-000150 P04

- Public Right of Way Phasing Plan - Drawing No. 183097-MHB-HOS-FB-PLN-ECV-000160 P02

Reason: To avoid doubt.

3 Prior to the closure, diversion, or obstruction of any existing pedestrian or cycle route within the application site, a detailed Rights of Way Phasing Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

The Plan shall formalise the temporary routing outlined in the submitted 'Public Right of Way Phasing Plan' (Drawing 183097-MHB-HOS-FB-PLN-ECV-000160 P02) and shall include:

a) Details demonstrating how a continuous and safe Public Right of Way will be maintained for the duration of the works;

b) A programme specifying time windows for the completion of the three construction phases of the bridge structure;

c) A timeframe or window for the opening of each phase to users (specifying a period of several weeks, rather than a precise date), commencing from the implementation of the planning permission; and

d) The specific diversion arrangements for the cycle link between Holgate and the York Central site during its closure at the Phase 2 point, including the exact duration of this closure period.

The development shall thereafter proceed in strict accordance with the approved Plan.

Reason: To protect the amenity of local residents, to ensure the continuous provision of a crucial active travel route, to minimise disruption to the cycle route, and to ensure the safe operation of the local highway network during the construction phase, in accordance with Policies T1 and ENV2 of the City of York Local Plan.

4 Prior to the commencement of development, a Biodiversity Gain Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall act in accordance with the statutory requirements of Schedule 7A of the Town and Country Planning Act 1990 and shall be strictly based upon the biodiversity value parameters established in the approved Biodiversity Net Gain Assessment (Archer Ecology, March 2026). The Plan shall demonstrate the legally secured delivery of no

less than 2.29 off-site habitat biodiversity units.

Reason: To ensure the development results in a measurable biodiversity net gain of at least 10% in accordance with the Environment Act 2021, Policy G12 of the City of York Local Plan, and the National Planning Policy Framework.

5 Notwithstanding the approved plans, the development shall include the provision of handrails to both the access ramp and the connecting stairs. Prior to the installation of the relevant bridge parapets or stair guardrails, large-scale detailed drawings of these required handrails shall be submitted to and approved in writing by the Local Planning Authority.

The submitted details shall strictly demonstrate the provision of:

a) Save for the area of the stair landing, a continuous handrail affixed to the pedestrian side of the northern parapet of the access ramp, running to the east of (but not including) the section crossing the railway to the point the bridge terminates on the York Central side.

b) Handrails affixed to both sides of the connecting stairs.

Furthermore, the details shall demonstrate that the design, profile, and placement of the handrails are suitable for wheelchair users and those with restricted mobility, according with recognised inclusive design standards. The submission must also detail the specific interaction and method of fixing between the handrails and the main parapet and stair guardrail structures.

The development shall be carried out in full accordance with the approved details. Given that the ramp is to be delivered in phases, the handrail corresponding to each phase shall be fully installed prior to the first public use of that relevant phase. The approved handrails for the stairs shall be fully installed prior to the first public use of the stairs. All handrails shall be permanently retained as such thereafter.

Reason: To ensure inclusive design and a safe environment for all users, particularly those with mobility impairments, in accordance with Policies D1 and T1 of the City of York Local Plan and the National Planning Policy Framework.

6 Prior to the installation of the bridge superstructure, a comprehensive detailed lighting scheme for the bridge deck, staircases, and associated landing areas shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate compliance with applicable national design standards and ensure safe visibility for pedestrians and cyclists, whilst preventing undue light spill onto the adjacent railway network and residential properties. The approved lighting on any given section/ phase of the bridge shall be installed and operational prior to that section/ phase of the bridge being brought into public use.

Reason: In the interests of public safety, crime prevention, and residential amenity, to address the outstanding requirements of the Highway Authority, and in accordance with Policies D1, T1 and ENV2 of the City of York Local Plan.

7 Prior to the bridge being brought into public use, full details of the final deck surface treatments (including the specific slip-resistant properties of the proposed surfacing) and the precise layout and specification of all tactile paving shall be submitted to and approved in writing by the Local Planning Authority. The tactile paving must strictly accord with the latest Department for Transport (DfT) guidance. The works shall be implemented in accordance with the approved details.

Reason: To ensure the bridge is safe and fully legible for visually impaired users, in accordance with Policy D1 and T1 of the City of York Local Plan.

8 Prior to the first public use of the bridge, a comprehensive maintenance plan for the bridge deck surface, street furniture and lighting systems shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail the schedule and responsibilities for ongoing inspection, cleaning, repair, and replacement of these elements, including winter maintenance of the deck. The bridge infrastructure shall thereafter be maintained in accordance with the approved plan.

Reason: To ensure the long-term safety, functionality, and visual appearance of the bridge for public use, ensuring it remains a high-quality pedestrian and cycle link, in accordance with Policies D1 and T1 of the City of York Local Plan.

9 Prior to the commencement of the bridge superstructure, physical samples and full details of all external materials and finishes (including the specification of the weathering Corten steel, any painted steel elements, and the precast concrete sections for the lower plinth) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed strictly in accordance with the approved details.

Reason: To ensure a high-quality visual appearance that respects the industrial heritage of the area and complies with Policy D1 of the City of York Local Plan.

10 Prior to the commencement of demolition works on the existing Wilton Rise footbridge, full detailed drawings of the proposed modifications to retain, make safe, and visually close off the existing brick abutments (including the use of reclaimed brick where appropriate) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To ensure the retention and sensitive treatment of these remaining existing structures is visually appropriate, in accordance with Policy D1 of the City of York Local Plan.

11 Notwithstanding the submitted plans, no development shall commence on the bridge landings until a comprehensive detailed hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include:

- a) Precise details of all hard surfacing materials beyond the bridge deck, along with details of how these materials will join with the existing highway/ footway infrastructure.
- b) The exact location, design, and specification of all street furniture, including the proposed resting benches (ensuring they do not create pinch-points or hazards on the footway), any proposed signage and any proposed hostile vehicle mitigation or other barrier/ bollard.

The development shall be carried out in accordance with the approved scheme.

Reason: To ensure the development provides an attractive, safe public realm, successfully integrates into its landscape context, and adequately mitigates the loss of existing trees, in accordance with Policies D1 and D2 of the City of York Local Plan.

12 No development (including any demolition, preparatory, or enabling works) shall commence until a comprehensive Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include, but not be limited to, the following detailed information:

- a) Out-of-hours / night-time working protocol: recognising that the installation of the bridge superstructure over the active railway will require works during railway track possessions outside of standard hours, a specific protocol for these works must be provided. This shall include: i. The mechanism for notifying the Local Planning Authority and local residents (particularly on Upper St Paul's Terrace and Wilton Rise) in advance of any scheduled out-of-hours works. ii. Specific, enhanced noise and vibration mitigation measures to be deployed during these night-time periods. iii. Justification that such out-of-hours works are strictly limited to those tasks that cannot be safely undertaken during operational railway hours.
- b) Community liaison: a strategy for ongoing community engagement, including a formal complaints procedure and the provision of a dedicated, named contact point for local residents to reach during all active construction hours (including night-time works).
- c) HGV routing and deliveries: detailed routing plans for HGVs and delivery vehicles, demonstrating how access will be managed to minimise disruption to the local highway network and residential streets. This must include designated holding areas and delivery scheduling to avoid peak traffic hours.

d) Site compounds and storage: a layout plan showing the exact location of all site compounds, welfare facilities, and areas for the loading, unloading, and storage of plant, materials, and waste.

e) Contractor parking: details of on-site parking provision for site operatives, contractors, and visitors, including measures to strictly prevent contractor parking on adjacent residential streets.

f) Hoardings and security: details of the erection and maintenance of security hoarding, fencing, and gates, ensuring safe segregation from the public highway and adjacent public rights of way.

g) Noise and vibration management: a scheme to minimise noise and vibration generated during demolition and construction, including details of the piling methodology to be used and measures to suppress noise from plant and machinery.

h) Dust control: measures to control the emission of dust

i) Construction lighting: a scheme for temporary construction lighting demonstrating how illumination will be directed and shielded to prevent light spill, glare, or nuisance to adjacent residential properties and the operational railway.

The approved CEMP shall be strictly adhered to throughout the entire construction and demolition period.

Reason: To safeguard the residential amenity of neighbouring properties, protect the local environment, and ensure the safe and efficient operation of the local highway network during the construction phase, as the work will require railway track possessions and will likely take place out of normal hours of construction. This is a pre-commencement condition because these protective measures must be established and agreed prior to any works taking place on site, in accordance with Policies ENV2 and T1 of the City of York Local Plan and the provisions of the National Planning Policy Framework.

13 No development shall take place until a detailed scheme for the proposed means of surface water drainage, including details of any necessary balancing works, flow restriction mechanisms, and off-site works, has been submitted to and approved in writing by the Local Planning Authority.

The submitted scheme shall include:

a) The means of restricting the discharge to the public sewer. This must be restricted to the peak discharge rate (based on a 1 in 100 year storm event) less a minimum 30% reduction, to account for climate change and to ensure the capacity of receiving networks (including York Central Networks S2 and H2) is not exceeded.

b) The means by which surface water attenuation up to and including the 1 in 100-year storm event, plus a 30% allowance for climate change, shall be achieved.

c) Full surface water drainage calculations using computer modelling. This modelling must accommodate a 1 in 30-year storm event with no surface flooding, and no overland discharge off the site during a 1 in 100-year storm event. A 30% allowance for climate change must be included in all calculations, using a range of storm durations (with both summer and winter profiles) to establish the worst-case scenario.

The development shall be constructed strictly in accordance with the approved details prior to the bridge being brought into public use and shall be maintained as such thereafter.

Reason: To ensure that the site is properly drained and that no surface water discharges take place until appropriate provision has been made for its disposal. This is to prevent increased flood risk elsewhere, and ensure the capacity of the public sewer network is not compromised, in the interests of sustainable drainage and in accordance with Policies ENV4 and ENV5 of the City of York Local Plan and the NPPF.

14 A programme of post-determination archaeological mitigation, specifically archaeological monitoring, is required on this site. Archaeological monitoring shall proceed as described in the submitted Wilton Rise/ Cinder Lane Footbridge Archaeological Remains Management Plan (ARMP). The archaeological scheme comprises 3 stages of work. Each stage shall be completed and agreed in writing by the Local Planning Authority:

a) No demolition or development shall commence until an updated Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no demolition or development shall take place other than in strict accordance with the agreed WSI. The WSI should conform to standards set by the Local Planning Authority and the Chartered Institute for Archaeologists. It shall also include a requirement for a basic photographic record (Historic England Level 1) of the existing footbridge prior to its demolition.

b) The site investigation and post-investigation assessment shall be completed in accordance with the programme set out in the WSI approved under part (A), and the provision made for analysis, publication and dissemination of results, and archive deposition shall 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 (and evidence of publication if required) shall be deposited with

the City of York Historic Environment Record to allow public dissemination of results within 2 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 important archaeological deposits which must be recorded prior to destruction, in accordance with Section 16 of the National Planning Policy Framework and Policy D6 of the City of York Local Plan.

15 Prior to the construction of the bridge superstructure of the pedestrian and cycle bridge, a combined Stage 1 and Stage 2 Road Safety Audit (RSA) shall be carried out in accordance with the Design Manual for Roads and Bridges (DMRB) GG 119, and submitted to and approved in writing by the Local Planning Authority. The submission shall include a Designer's Response to the RSA, detailing how any identified road safety issues will be addressed and incorporated into the detailed design of the bridge and its tie-ins to the existing and proposed active travel network. The development shall thereafter be constructed strictly in accordance with the approved detailed design and Designer's Response.

Prior to the first public use of the pedestrian and cycle bridge, a Stage 3 Road Safety Audit shall be carried out and submitted to the Local Planning Authority for written approval, alongside a Designer's Response detailing any necessary post-construction modifications. Any required modifications identified shall be implemented prior to first public use or in accordance with a timeframe to be agreed in writing with the Local Planning Authority.

Within 12 months of the first public use of the bridge (or another timeframe to be agreed in writing with the Local Planning Authority), a Stage 4 Road Safety Audit shall be carried out and submitted to the Local Planning Authority for written approval, alongside a Designer's Response. Any further remedial measures identified shall be implemented in accordance with a timescale to be agreed in writing with the Local Planning Authority.

Reason: To ensure that the detailed design, construction, and operation of the active travel infrastructure is safe for all users in the interests of highway safety. As the submitted preliminary RSA was limited in its scope to the testing of the feasibility of the proposed scheme of soft segregation of pedestrians and cyclists, a comprehensive 4-stage audit is required.

16 Prior to the commencement of any intrusive groundworks (including piling, excavations for abutments, and drainage infrastructure), a site investigation and risk assessment must be undertaken to assess the nature, scale, and extent of any land contamination within the specific areas of ground disturbance. The assessment must consider the potential risks to human health, groundwater, surface water, and other receptors. A written report of the findings must be submitted to and approved in writing

by the Local Planning Authority prior to the commencement of any intrusive groundworks.

Reason: To ensure that the site is suitable for its proposed use and that intrusive works do not mobilise historical contaminants from the site's former railway use, in accordance with Policy ENV3 of the City of York Local Plan and paragraph 196 of the National Planning Policy Framework. This is a pre-commencement condition because risks associated with ground disturbance must be understood and mitigated prior to any excavation taking place.

17 Where the site investigation required by condition 16 identifies that remediation works are necessary, no intrusive groundworks shall commence until a detailed remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy must demonstrate how the areas of ground disturbance will be made safe and suitable for their intended use and must include proposals for the verification of the remediation works.

Reason: To ensure that the proposed remediation works are proportionate, appropriate, and will remove unacceptable risks to identified receptors, in accordance with Policy ENV3 of the City of York Local Plan and the National Planning Policy Framework.

18 Where a remediation strategy has been approved under condition 17, the bridge shall not be brought into public use until the agreed remediation works have been fully carried out. Upon completion of those works, a verification report demonstrating the effectiveness of the remediation must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the agreed remediation works are fully implemented and to demonstrate that the site is safe for public use with respect to land contamination, in accordance with Policy ENV3 of the City of York Local Plan.

19 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. All works in the affected area must cease until an investigation and risk assessment has been undertaken. If remediation is necessary, a bespoke remediation strategy must be prepared and approved 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 in writing by the Local Planning Authority.

Reason: To ensure that any previously unidentified contamination encountered during construction is appropriately managed and that the site remains safe for its proposed use, in accordance with Policy ENV3 of the City of York Local Plan and the National Planning Policy Framework.

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 39) in seeking solutions to problems identified during the processing of the application.

2. BIODIVERSITY NET GAIN (BNG)

The statutory framework for Biodiversity Net Gain (BNG) set by paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 requires a Biodiversity Gain Plan to be submitted and approved prior to the commencement of development. The development cannot be lawfully commenced until this condition is satisfied.

Development may not begin unless:

- (a) A Biodiversity Gain Plan has been submitted to the planning authority; and
- (b) The planning authority has approved the plan

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, which is required in respect of this permission, is the City of York Council.

SUBMISSION REQUIREMENTS:

Under paragraph 14(2) of Schedule 7A, a Biodiversity Gain Plan must include the following:

- a) Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,
- b) The pre- and post-development biodiversity value of the onsite habitat,
- c) Any registered off-site biodiversity gain allocated to the development, and
- d) Any biodiversity credits purchased to off-set the development and whether or not from a registered provider.

In addition, under Articles 37C(2) and 37C(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the following specified matters are required, where development is not to proceed in phases:

- Name and address of the person completing the Plan, and (if different) the person submitting the Plan;
- A description of the development and planning permission reference number (to which the plan relates);
- The relevant date, for the purposes of calculating the pre-development biodiversity

value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date;

- The completed biodiversity metric calculation tool(s), stating the publication date of the tool(s), and showing the calculation of the pre-development onsite value on the relevant date, and post-development biodiversity value;
- A description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed);
- (Except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;
- Pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the relevant date, and drawn to an identified scale and showing the direction of North;
- A description of any irreplaceable habitat on the land to which the plan relates which exist on the relevant date, and any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat; and

If habitat degradation has taken place:

- A statement to this effect;
- The date immediately before the degradation activity;
- The completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and
- Any available supporting evidence for the value.

There is a standard Biodiversity Gain Plan template available to complete which brings together many of these matters into one document.

https://assets.publishing.service.gov.uk/media/65df0c4ecf7eb16adff57f15/Biodiversity_gain_plan.pdf

Failure to submit a Biodiversity Gain Plan prior to the commencement of development will lead to formal enforcement action being considered, which could be in the form of a Temporary Stop Notice (that will require all development on site to stop, for a period of 56 days).

3. INFORMATIVE:

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

Streetworks for:

Application Reference Number: 25/02252/FUL

Item No: 5a

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

For Pavement Cafe Licence:

Pavement Cafe Licence - Section 115 (01904) 551550 -
highway.regulation@york.gov.uk

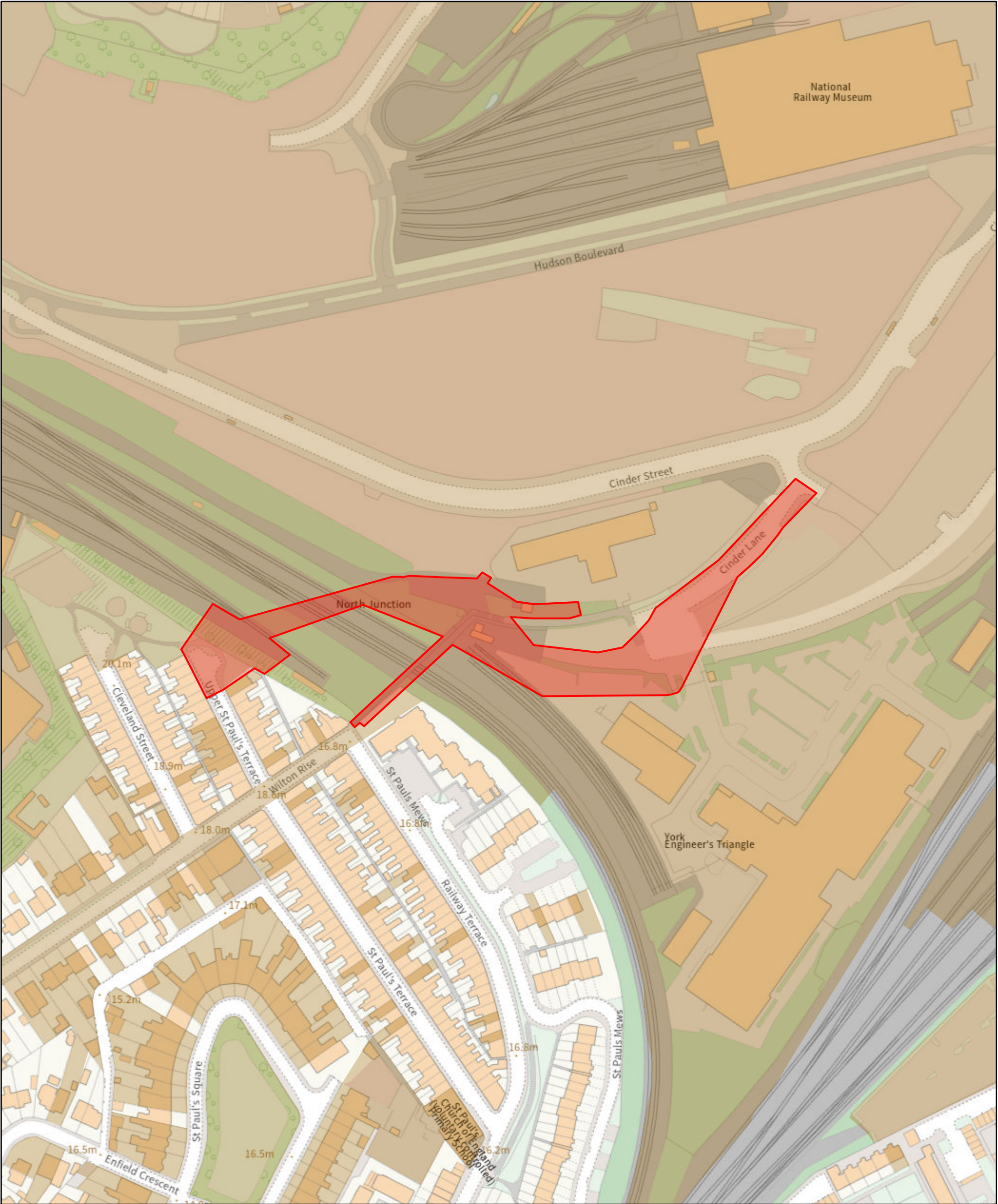
4.

Contact details:

Case Officer: Dan Metcalfe

Tel No: 01904 553671

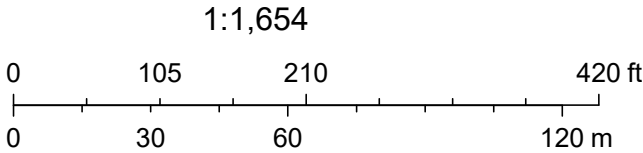
This page is intentionally left blank



6/30/2026, 4:40:34 PM

DC Case Polygons

F



This page is intentionally left blank



Planning Committee

To be held on Thursday 9th July at 4:30pm

25/02252/FUL - York Central, Leeman Road, York

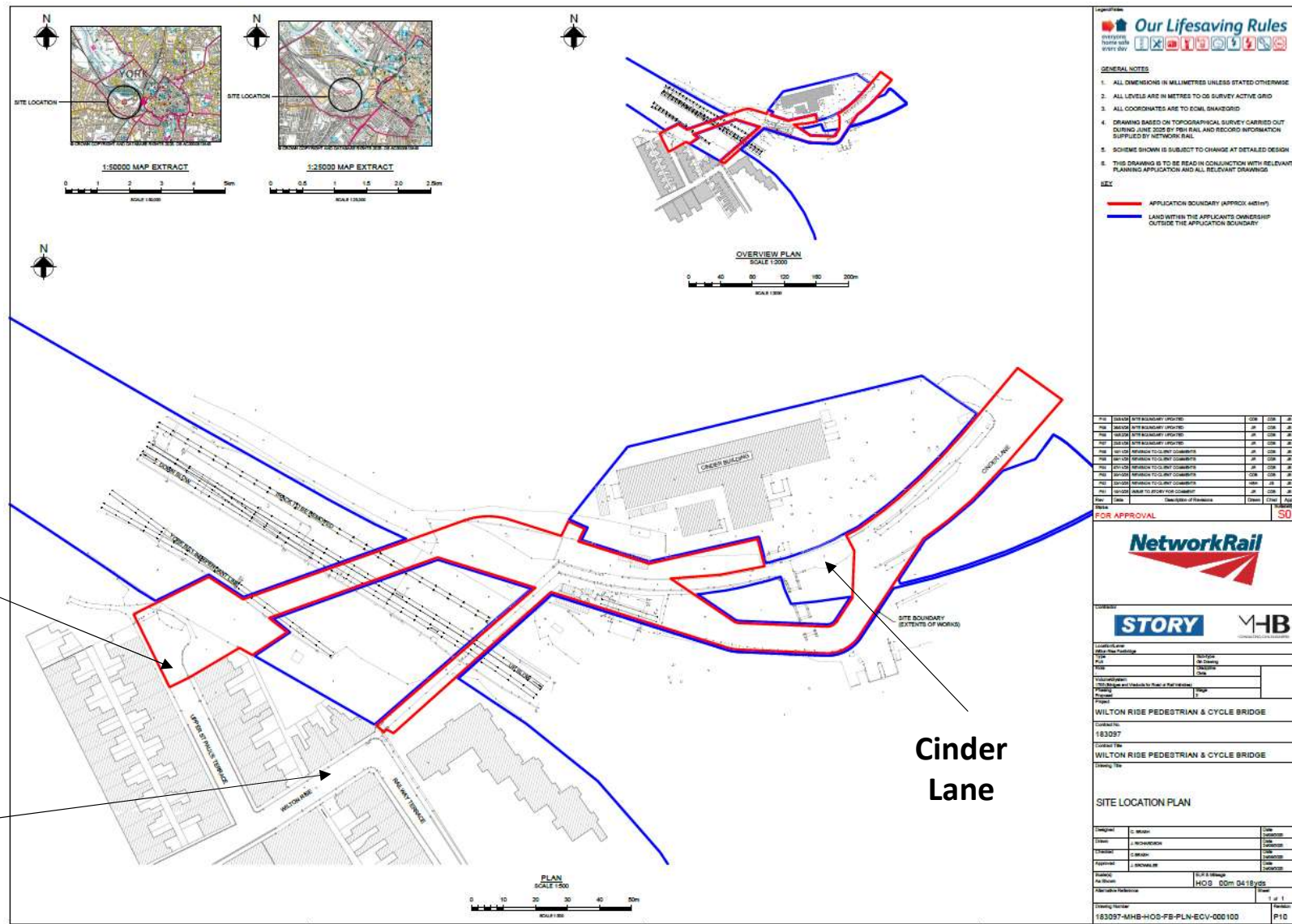
Construction of a new pedestrian and cycle bridge with associated infrastructure following demolition of existing bridge

Location Plan

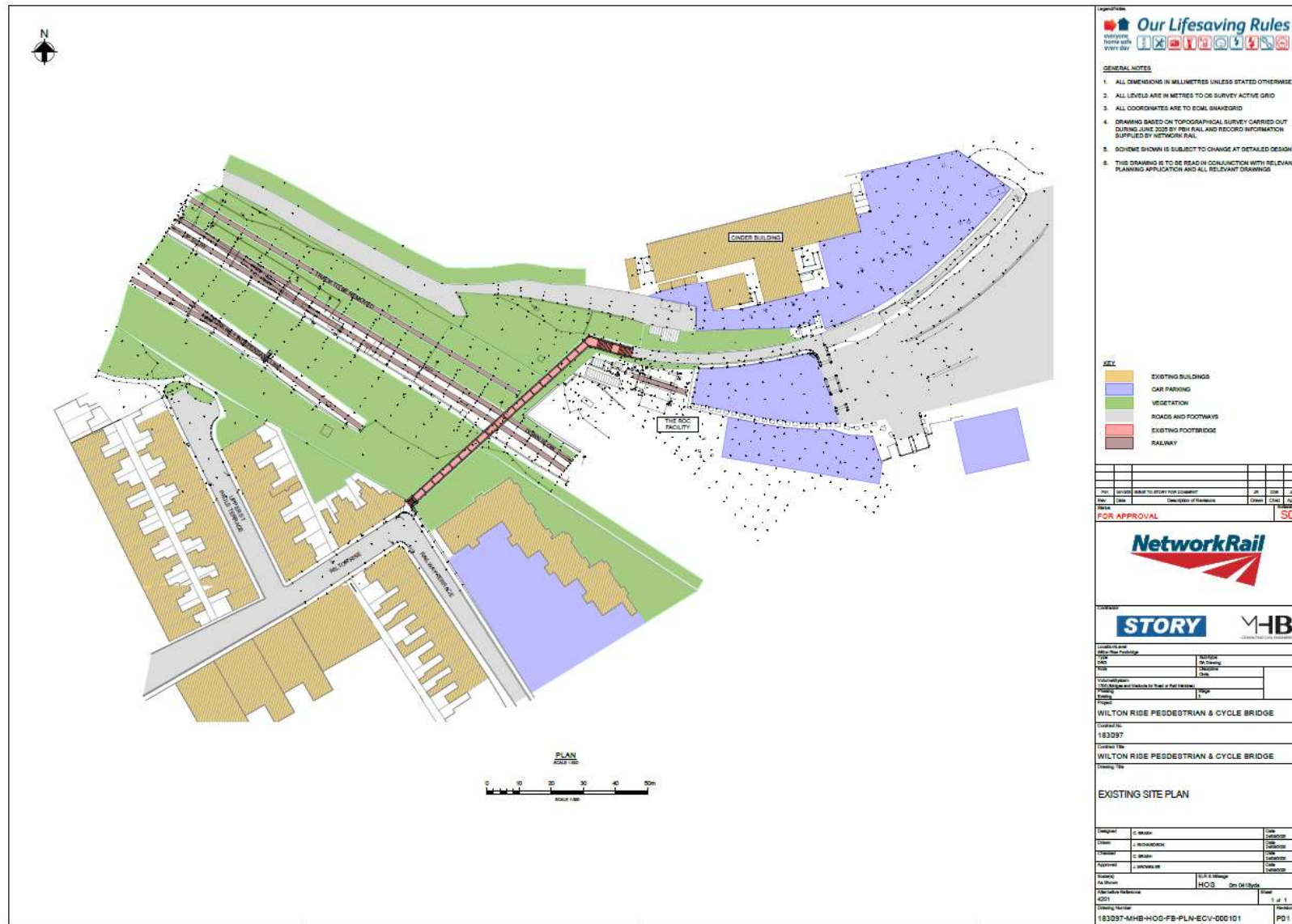


Wilton Rise

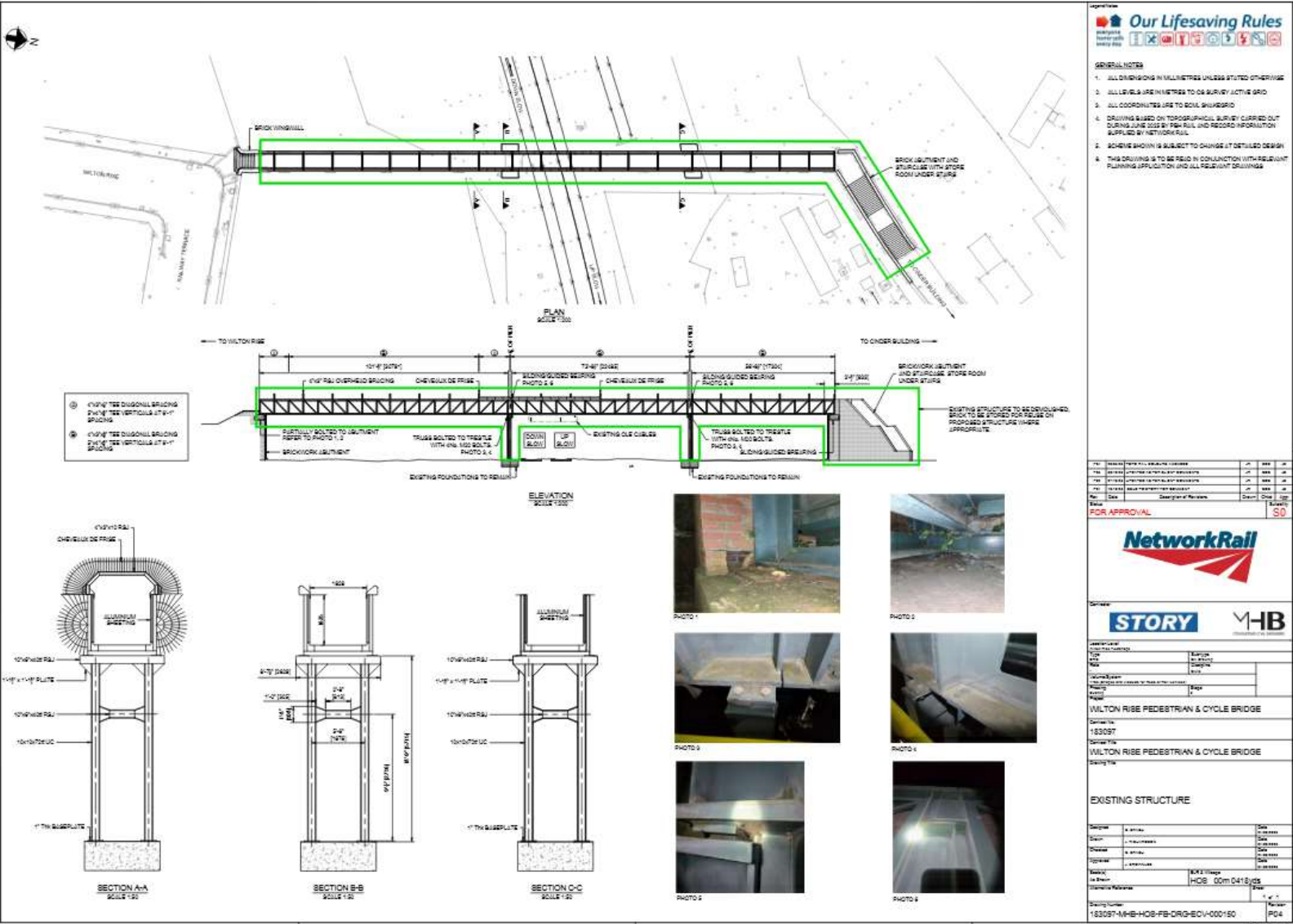
Cinder Lane



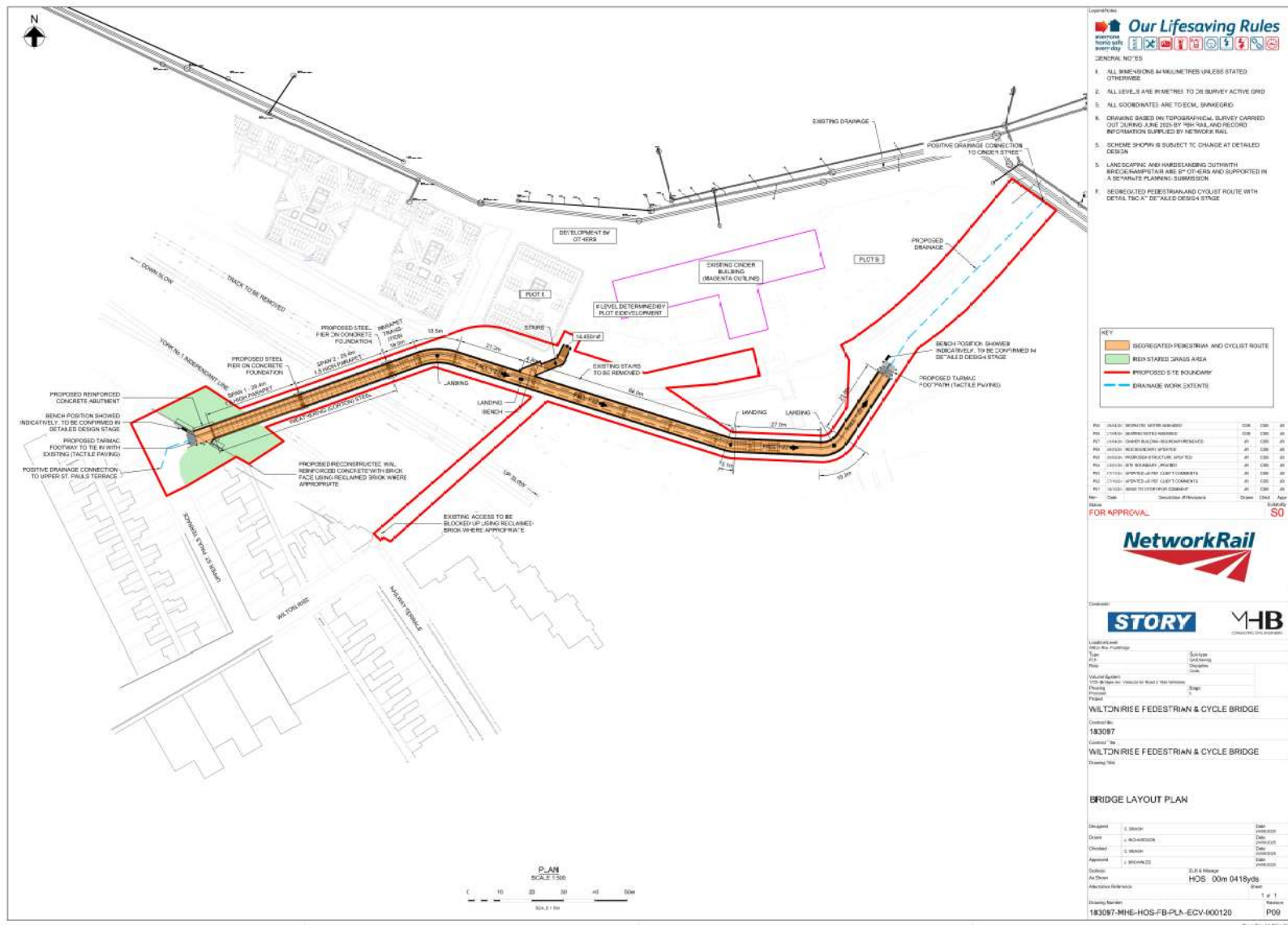
Existing Layout Plan



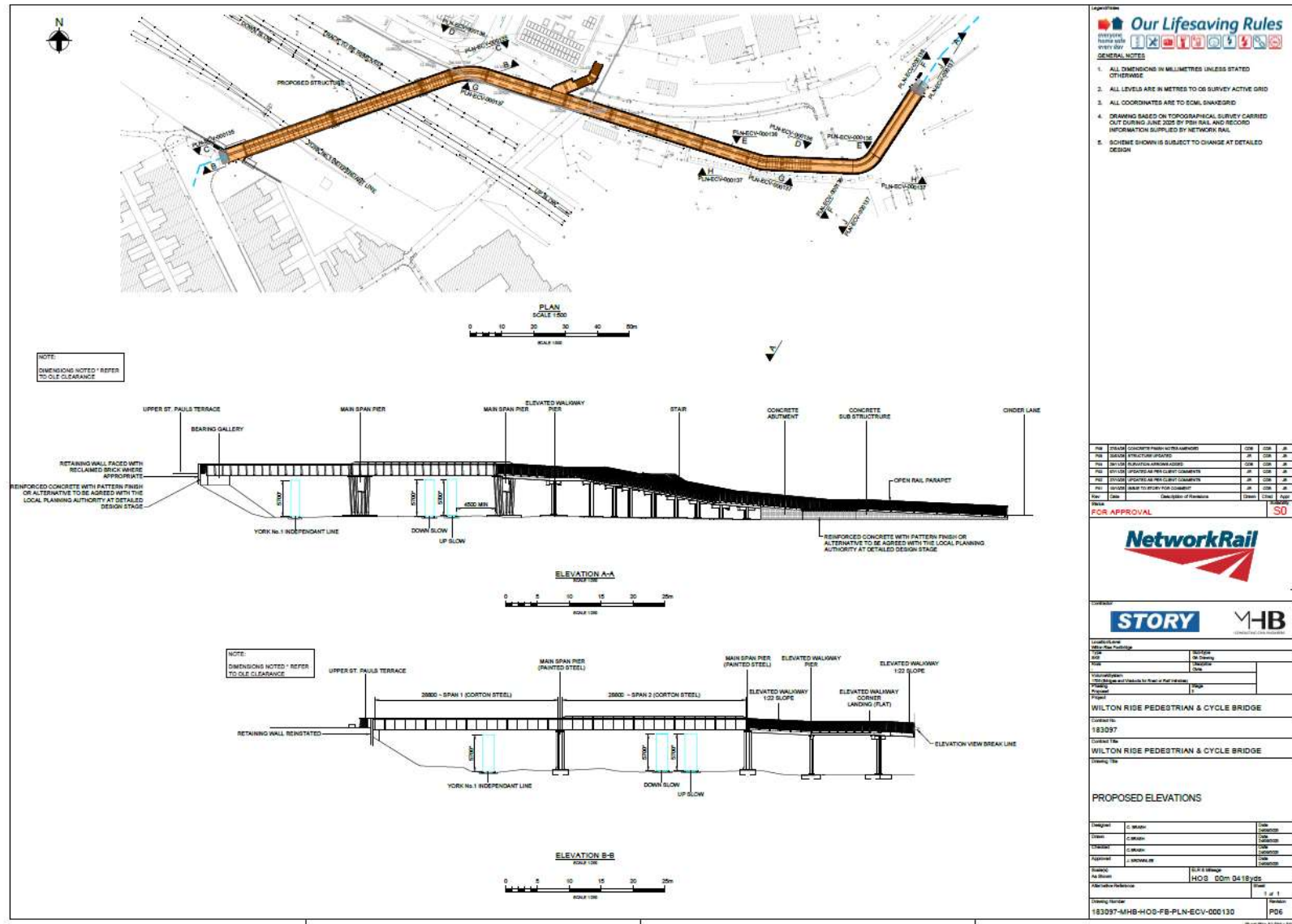
Existing Bridge
Plan and
Elevations



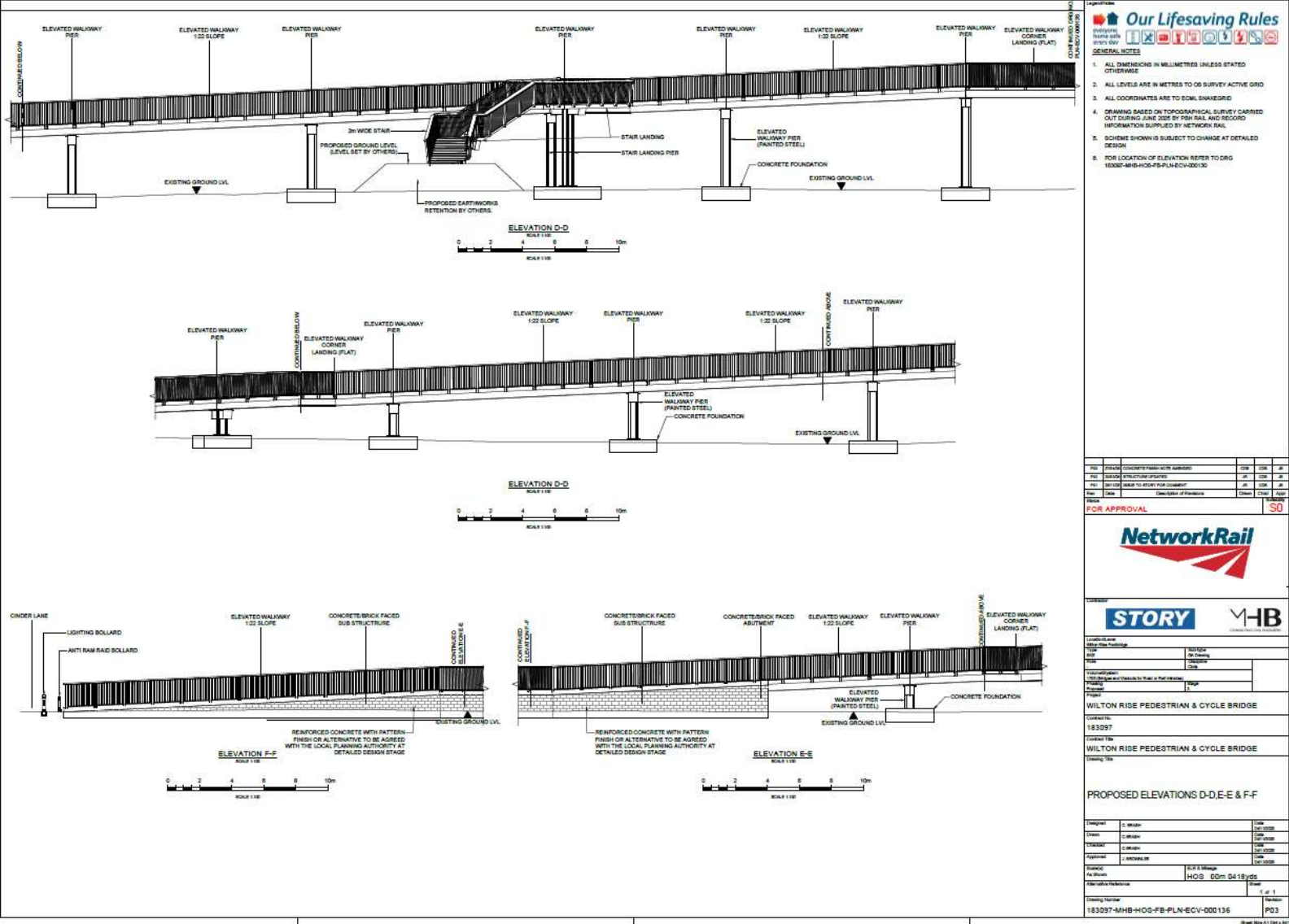
Proposed Layout Plan



Proposed Plan and Elevations



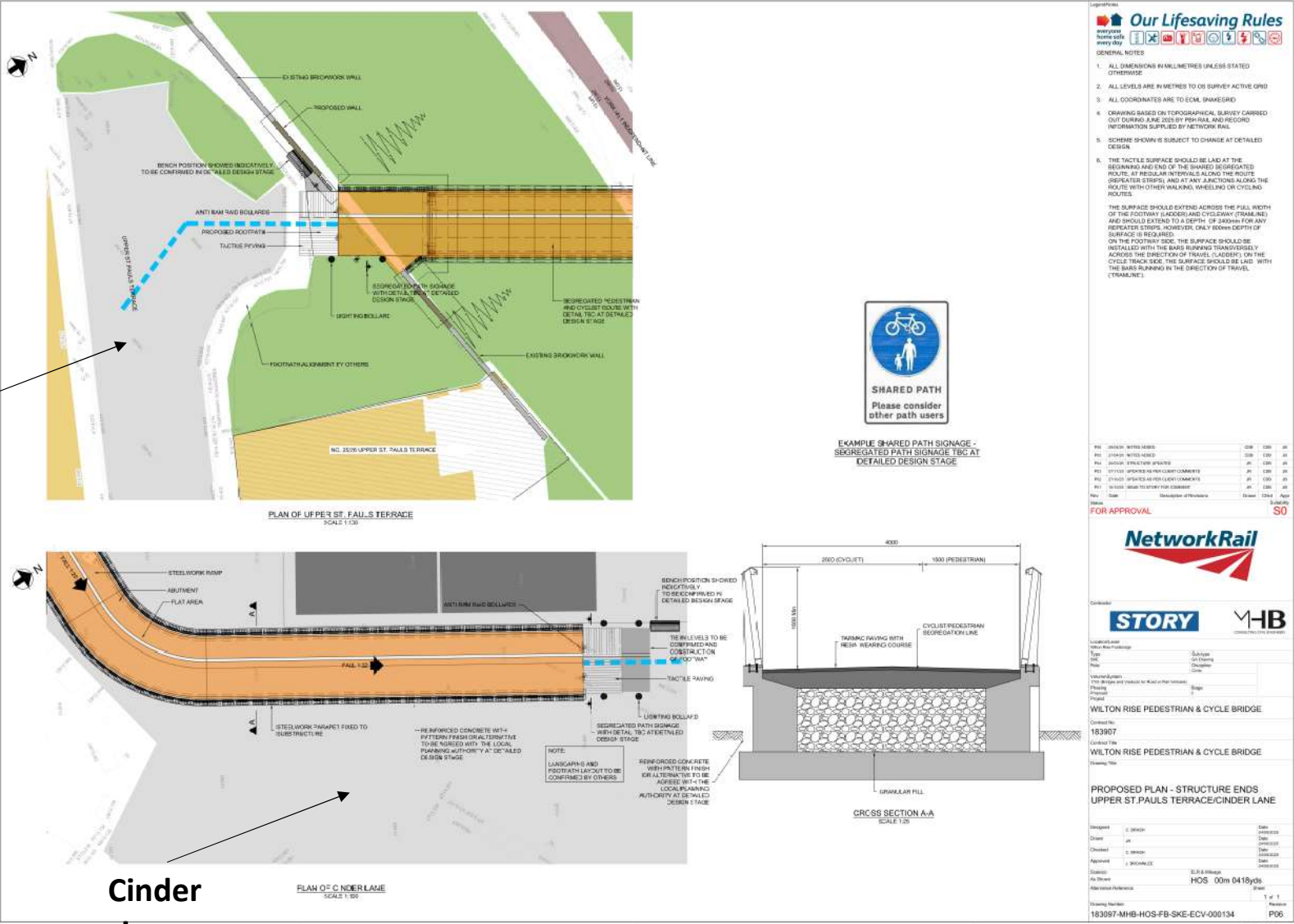
Proposed Elevations



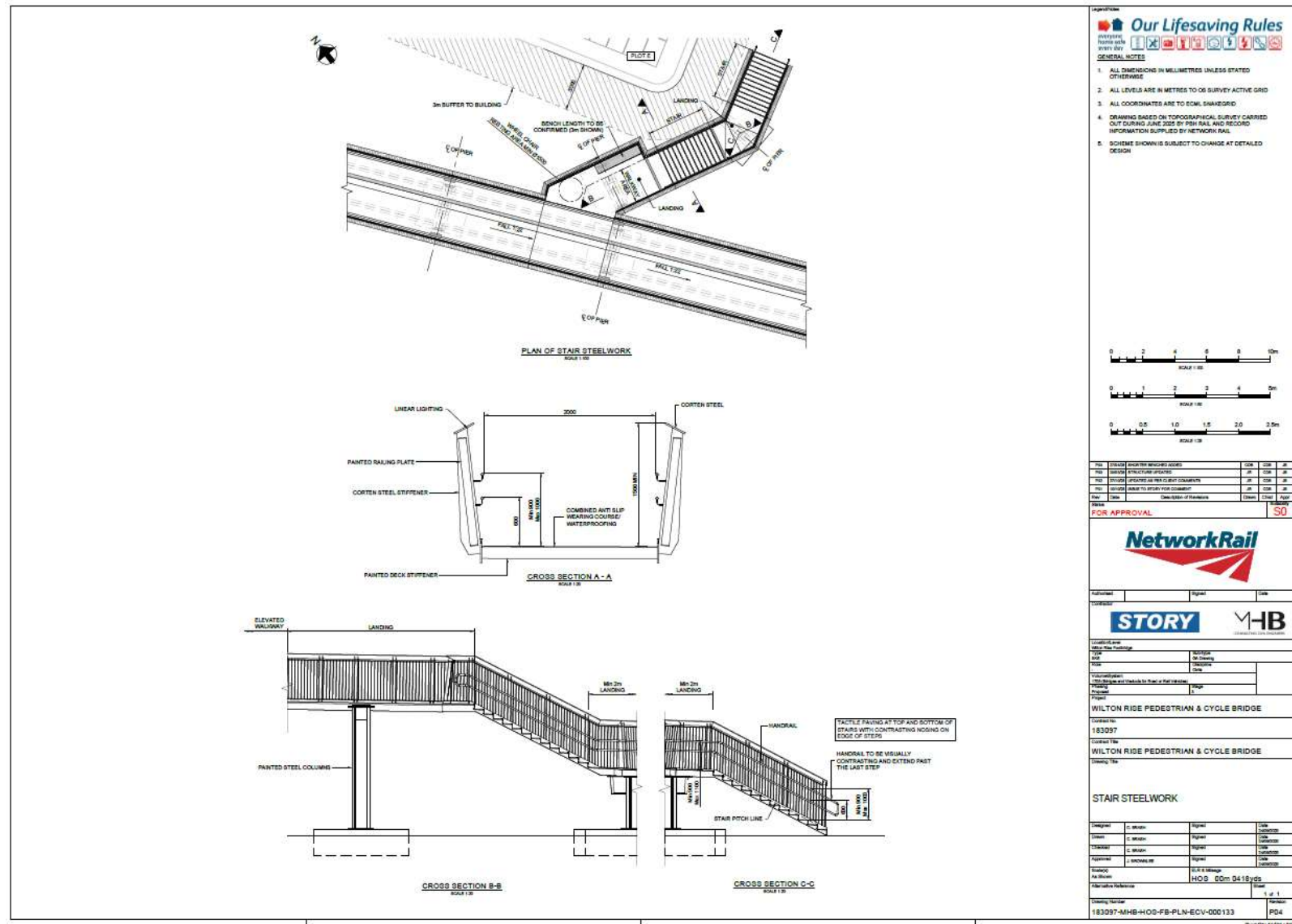
Proposed
Landing Zones

Upper
St Pauls
Terrace

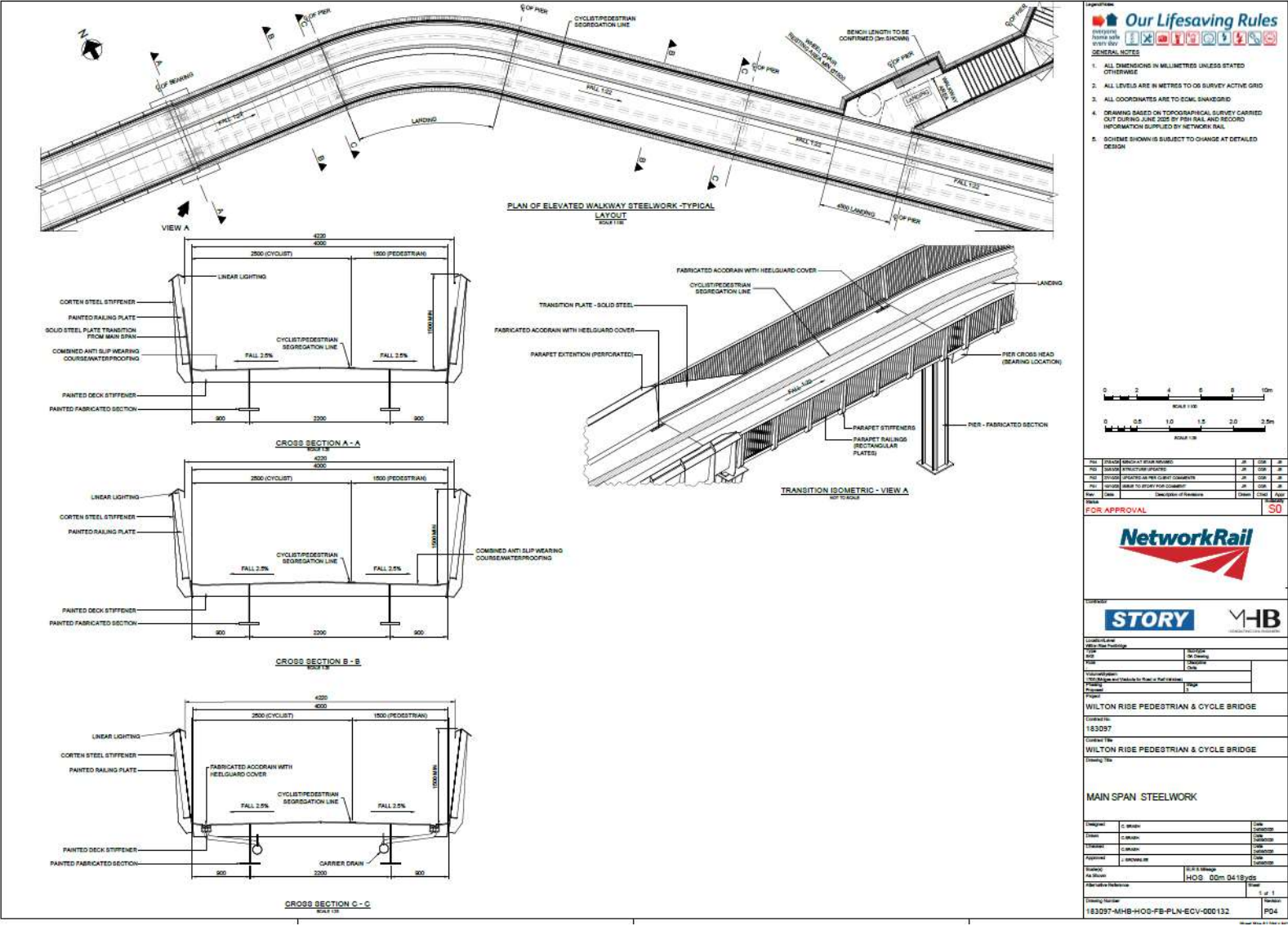
Cinder
Lane



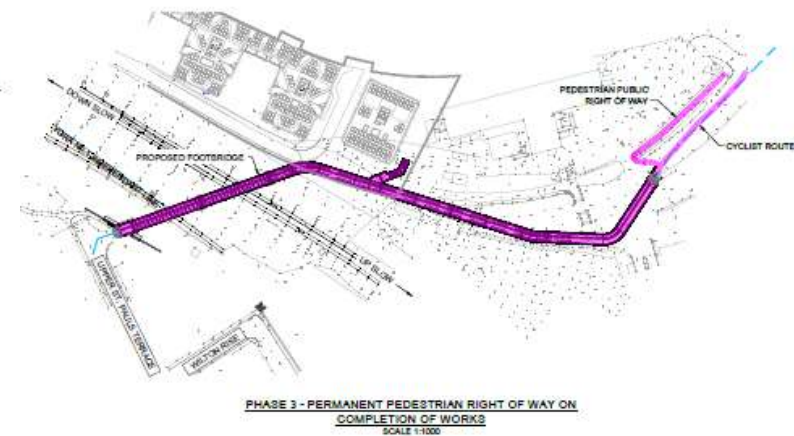
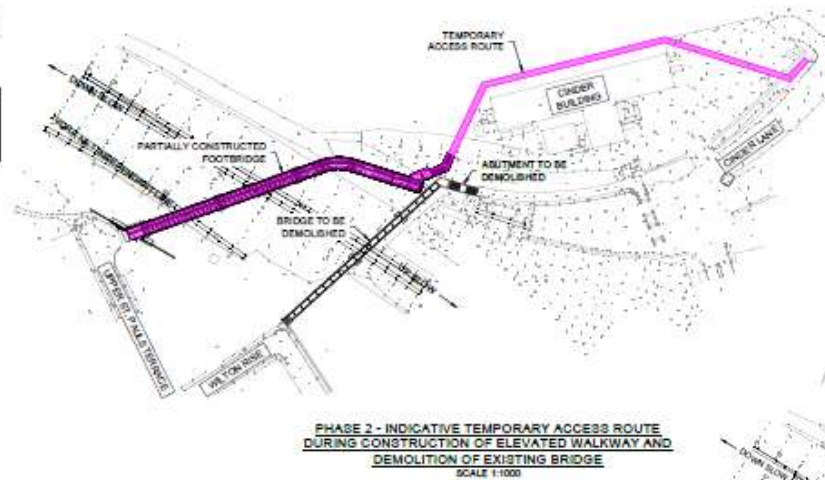
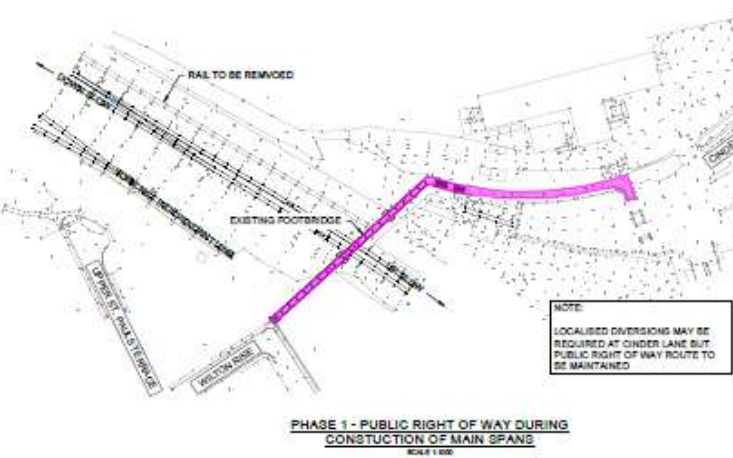
Proposed Plans



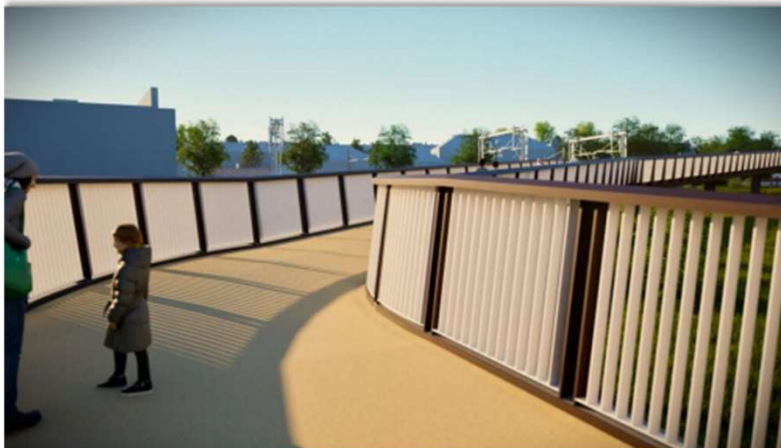
Proposed Plans



Proposed PROW
Phasing



3D Visuals as Proposed



Site Photograph –
Aerial View facing
Southeast



Site Photograph –
Aerial View facing
Southwest



Site Photographs



**Travelling towards
the bridge from the
railway station**



**Travelling away from
the bridge towards
Cinder Street**

Site Photographs



**Existing access
from Cinder Lane**



**Facing west as
viewed from the
existing bridge**

Site Photographs



**Existing access
from Wilton Rise**



**Proposed route to new
access via Upper St
Pauls Terrace**



Planning Committee

9 July 2026

Planning Appeal Performance and Decisions

- 1 This report informs Members of planning appeal decisions determined by the Planning Inspectorate between 1 April 2025 and 31 March 2026. Appendix A is a list of the appeals decided, a summary of each decision is provided in appendix B and a list of outstanding planning appeals in appendix C.
- 2 Appeal statistics are collated by the Planning Inspectorate (PINs) on a quarterly and annual basis. The Government use the statistical returns as one of a number of measures to assess the performance of local planning authorities. To assess the quality of decisions, this is based on the total number of decisions made by the Local Planning Authorities that are subsequently overturned at appeal. The threshold whereby a Local Planning Authority is eligible for designation as under-performing is 10% of the Authority's total number of decisions on major, non-major and "county-matter" (generally minerals and waste proposals) applications made during the assessment period being overturned at appeal.
- 3 Table 1 shows results of planning appeals decided by the Planning Inspectorate for the period 1 April 2025 to 31 March 2026 for all types of planning appeals such as those against the refusal of planning permission, listed building applications and lawful development certificates.

Table 1: CYC Planning Appeals Performance

	01/04/25 to 31/03/26
Allowed	12
Split decision	-
Dismissed	60
Total Decided	72
% Allowed	17%

- 4 During the period the Planning Inspectorate allowed 31% of appeals determined. Appeals against conditions of approval do not form part of the PINs statistics but when received are used in tables 1 and 4 for information. There were no appeals in respect of “county-matter” (minerals and waste) applications during the period.

Appeals relating to “Major Development”

- 5 There was one appeal decision received during the period relating to an application for “major” development.

Table 2

Application no.	Development	Address	Officer rec.	Committee decision	Appeal decision
23/02030/FULM	Erection of a Battery Energy Storage System with associated infrastructure, site levelling works, access, landscaping and ancillary works.	Land lying To The North-West of Murton Way	Refuse	Refused	Allowed

Appeals following decisions by the Planning Committee

- 6 There were two appeals determined in the period following a decision to refuse permission made by the Planning Committee(s).

Table 3

Application no	Development	Address	Officer rec.	Committee decision	Appeal decision
23/02148/FUL	Conversion of former public house to form 6no. apartments (Use Class C3)	The Jubilee Balfour Street	Approve	Refused	Allowed
23/02030/FULM	Erection of a Battery Energy Storage System with associated infrastructure.	Land lying To The North-West of Murton Way	Refuse	Refused	Allowed

Comparison statistics**Table 4: CYC Planning Appeals 12-month Performance – comparison with previous 12-month period**

	01/04/25 to 31/03/26	01/04/24 to 31/03/25
Allowed	12	12
Dismissed	60	32
Split decision	-	2
Total Decided	72	46
% Allowed	17%	26%

Table 5: Appeals relating to certain types of development (planning applications and LBCs only)

	Total appeals	Allowed	Dismissed	Percentage allowed
Change of use to HMO	16	1	15	6%
Householder development	14	3	11	21%
Advertisements	8	0	8	0%
Listed Building Consent	4	0	4	0%
New dwellings (new build or conversion)	12	4	8	33%
Change of use to commercial uses (incl holiday lets)	5	0	5	0%
Development in the Green Belt (all types – where GB was an issue)	13	4	9	31%

Note – this table does not cover all of the appeals received. Some appeals may feature in more than one category (eg a householder development in the Green Belt)

Quality of Decision Making

- 7 The latest available figures from the Ministry of Housing Communities and Local Government (the assessment criteria set out in paragraph 2 above) show that, over the 2-year rolling assessment period, 0.7% of the total CYC decisions made in respect of non-major applications and 2.6% of total decisions made in respect of major applications were overturned at appeal. The comparison figures for England are 1.1% and 3.2% respectively.

Appeal Decisions Outstanding

- 8 The list of outstanding appeals is attached at Appendix C. There are 35 appeals of all types awaiting determination.

Consultation

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

Council Plan

- 10 The report is relevant to the “A health generating city, for children and adults,” “A fair, thriving, green economy for all,” Sustainable accessible transport for all,” “Increasing the supply of affordable good quality housing” and “Cutting carbon, enhancing the environment” city priorities of the Council Plan 2023-2027.

Implications

- 11 Financial – There are no financial implications directly arising from the report.
- 12 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.
- 13 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 14 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

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

Recommendation

- 16 That Members note the content of this report.

Reason

- 17 To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate.

Contact Details

Author:

Gareth Arnold
Development Manager,
Development Management

Chief Officer Responsible for the report:

Becky Eades
Head of Planning and Development
Services

**Report
Approved**



Date 18.06.2026

Specialist Implications Officer(s) None.

Wards Affected:

All

For further information please contact the author of the report.

Appendices

Appendix A – Planning Appeals decided between 1 April 2025 and 31 March 2026

Appendix B - Summaries of Planning Appeals decided between 1 April 2025 and 31 March 2026

Appendix C - Planning Appeals Outstanding at 15 June 2026

This page is intentionally left blank

Appendix A – Planning Appeals decided between 1 April 2025 and 31 March 2026

Ward	Case number	Proposal	Address	Decision
Clifton	24/00048/REF	Change of use from dwelling house (use Class C3) to a flexible use Dwellinghouse C3 or C4 House in Multiple Occupation	302 Burton Stone Lane	Appeal Dismissed
	24/00053/REFCPD	Development of 1 metre tall high timber gates	The Sleeping Bear 4 Government House Road	Appeal Allowed
	25/00005/REF	Conversion of detached garage to self-contained annexe living accommodation	85 Crombie Avenue	Appeal Dismissed
	25/00016/REF	Certificate of lawfulness for use as House in Multiple Occupation (Use Class C4) for up to 4 occupants	29 Ratcliffe Street	Appeal Allowed
	25/00037/REF	Two storey and single storey rear extensions	6 Clifton	Appeal Dismissed
	25/00038/REF	Internal and external alterations including infill of existing front door, new side door opening, removal and reconfiguration of internal walls and staircase, and two storey rear extension and single storey rear extension following partial demolition of existing rear extension	6 Clifton	Appeal Dismissed
	25/00065/REF	Change of use from single dwelling with annexe (use class C3) to holiday let (Sui Generis) - retrospective	56 Sycamore Terrace	Appeal Dismissed
Dringhouses And Woodthorpe	25/00006/CON	Single storey side/rear extension, erection of detached double garage to rear, solar panels to side roofslope and landscaping/fenestration alterations following demolition of existing garage	1 Cherry Lane	Appeal Dismissed

	25/00062/REF	Erection of a two storey dwellinghouse to the side of the existing house, with associated parking.	350 Thanet Road	Appeal Allowed
Fishergate	25/00064/REF	Two storey rear and side extensions, single storey rear extension and removal of 2no. chimneys	4 Broadway	Appeal Dismissed
Fulford And Heslington	25/00057/REF	First floor side extension	29 Eastward Avenue	Appeal Dismissed
Guildhall	02/00048/REF	Installation of multifunctional communication hub	Communication Hub St Sampsons Square	Appeal Dismissed
	23/00050/REF	Installation of multifunctional communication hub	Communication Hub Adjacent 25 - 27Parliament Street	Appeal Dismissed
	25/00014/REF	External alterations to include display of 2no. pictorial signs to existing hanging gibbets, halo illuminated lettering, door plaque, external display board, window vinyl, and menu board	Keystones4 Monkgate	Appeal Dismissed
	25/00015/REF	Display of 2no. pictorial signs to existing hanging gibbets, halo illuminated lettering, door plaque, external display board, window vinyl, and menu board	Keystones4 Monkgate	Appeal Dismissed
	25/00025/REF	Installation of multifunctional communication hub	Communication Hub Adjacent 40 - 45Parliament StreetYork	Appeal Dismissed
	25/00026/REF	Display of 1no. LCD display screen on proposed communication hub	Communication Hub Adjacent 40 - 45Parliament StreetYork	Appeal Dismissed
	25/00027/REF	Display of 1no. LCD display screen on proposed communication hub	Communication Hub Adjacent 25 - 27Parliament StreetYork	Appeal Dismissed
	25/00028/REF	Installation of multifunctional communication hub	Communication Hub Adjacent 7DavygateYork	Appeal Dismissed
	25/00029/REF	Display of 1no. LCD display screen on proposed communication hub	Communication Hub Adjacent 7DavygateYork	Appeal Dismissed

	25/00030/REF	Display of 1no. LCD display screen on proposed communication hub	Communication Hub Adj Merchant Adventurers Hall Eastern Side Of Piccadilly York	Appeal Dismissed
	25/00031/REF	Display of 1no. LCD display screen on proposed communication hub	Communication Hub St Sampsons Square York	Appeal Dismissed
	25/00032/REF	Installation of multifunctional communication hub	Communication Hub Adj Merchant Adventurers Hall Eastern Side Of Piccadilly York	Appeal Dismissed
	25/00044/REF	Display of 1no. externally illuminated billboard sign	Lidl Store James Street	Appeal Dismissed
	25/00048/REF	Outline application for erection of 1no. dwelling to rear with all matters reserved	72 Lowther Street	Appeal Allowed
Haxby And Wigginton	25/00058/REF	Two storey side extension and single storey front and rear extensions	2 Longcroft Wigginton	Appeal Allowed
Heworth	25/00024/REF	Change of use of dwelling (use class C3) to large House in Multiple Occupation (sui generis) for up to 8 occupants	75A Monkton Road	Appeal Dismissed
	25/00054/REF	Change of use from single dwelling (use class C3) to House in Multiple Occupation (use class C4) for up to 4 occupants	41 Sixth Avenue	Appeal Dismissed
Heworth Without	24/00055/REF	Change of use of detached garage (use Class C3) to a hair salon (use Class E), and associated external alterations including render to front and side elevations, grey tiling, bifold doors and 2 roof lights	34 Elmpark Way	Appeal Dismissed
	25/00009/REF	Change of use from small House in Multiple Occupation (use class C4) to a large House in Multiple Occupation (Sui Generis)	153 Bad Bargain Lane	Appeal Allowed
	25/00053/REF	Single storey rear and side extensions, dormers to rear roof slope and 3no. windows to side elevation	294 Stockton Lane	Appeal Dismissed

Holgate	24/00054/REF	Two storey side and rear extension following demolition of existing garage	12 Glebe Avenue	Appeal Dismissed
	25/00001/REFLBC	External alterations including repairs to window frames and replacement of existing timber sashes with double glazed heritage timber sashes	Holgate Homes139 Holgate Road	Appeal Dismissed
	25/00017/REF	Conversion of former public house to form 6no. apartments (Use Class C3) with associated access, parking and bike stores and external alterations including dormer and the insertion of rooflights following demolition of outbuildings, canopy and external staircase	The Jubilee Balfour Street	Appeal Allowed
Hull Road	24/00052/REFCLU	Certificate of Lawfulness for use as a House in Multiple Occupation	60 Yarburgh Way	Appeal Allowed
	25/00011/REF	Conversion of detached garage to form 1no. flat with associated external alterations	191 Tang Hall Lane	Appeal Dismissed
	25/00040/REF	Change of use of single dwelling (use class C3) to House in Multiple Occupation (use class C4) for up to 4 occupants with associated external alterations including dormer to rear	23 Abbotsford RoadYorkYO10 3EE	Appeal Dismissed
	25/00042/REF	Change of use from single dwelling (use class C3) to House in Multiple Occupation (use class C4) for 4 occupants	61 Wycliffe Avenue	Appeal Dismissed
	25/00055/REF	Change of use from single dwelling (use class C3) to House in Multiple Occupation (use class C4)	8 Derwent Avenue	Appeal Dismissed
	25/00061/REF	Change of use of single dwelling (use class C3) to House in Multiple Occupation (use class C4)	32 Wolviston Avenue	Appeal Dismissed
Huntington/New Earswick	25/00003/REF	Hip to gable front roof extension, replacement roof tiles, and external wall insulation comprising render to all elevations	2 Green Way Huntington	Appeal Dismissed

	25/00018/REF	Single storey side extension after removal of garage	26 Ferguson Way Huntington	Appeal Dismissed
	25/00035/REF	Display of 2no. free standing LED screens fixed to a York Stone mounted plinth	Site Of Former Slip Inn Malton Road Huntington	Appeal Dismissed
	25/00039/REF	Display of 2no. free standing LED screens fixed to a York Stone mounted plinth with installation of a pond and landscape alterations.	Site Of Former Slip Inn Malton Road Huntington	Appeal Dismissed
	25/00067/REF	Change of use from dwelling (use class C3) to a short term holiday let (Sui Generis)	9 Vesper Walk Huntington	Appeal Dismissed
Micklegate	02/00049/REF	Change of use from dwelling house (use Class C3) to House in Multiple Occupation (use Class C4), 2no. rooflights to front roofslope and 1no. rooflight to rear roofslope	44 Kyme Street	Appeal Dismissed
	24/00049/REF	Change of use from dwelling house (use Class C3) to House in Multiple Occupation (use Class C4)	6 Custance Walk	Appeal Dismissed
	25/00004/REF	External works to include render and insulation to gable wall - retrospective	7 St Martins Lane	Appeal Dismissed
	25/00022/REF	Change of use from dwelling house (use Class C3) to House in Multiple Occupation (use Class C4) - resubmission	68 Nunthorpe Road	Appeal Dismissed
	25/00050/REF	Change of use of single dwelling (use class C3) to House in Multiple Occupation (use class C4)	9 Hampden Street	Appeal Dismissed
	25/00068/REF	Change of use from dwelling house (use Class C3) to House in Multiple Occupation (use Class C4)	6 Custance Walk	Appeal Dismissed
Osballdwick And Derwent	25/00013/REF	Erection of a Battery Energy Storage System with associated infrastructure, site levelling works, access, landscaping and ancillary works.	Land Lying To The North West Of Murton Way	Appeal Allowed
	25/00036/REF	Removal of condition 4 of permitted application 23/00532/FUL	9 St Marys Grove Osballdwick	Appeal Dismissed

	25/00047/REF	Construction of 1no. detached dwelling to rear following re-location of existing ancillary buildings	The Cottage Main Street Holtby	Appeal Dismissed
Rawcliffe And Clifton Without	24/00047/REF	First floor side extension with external staircase and external balcony platform area at first floor	20 Manor Lane	Appeal Dismissed
	25/00012/REF	Removal of condition 3 of permitted application 18/01122/FUL to allow the former outbuilding to be used as an independent dwelling	55 Morehall Close	Appeal Dismissed
Rural West York	24/00024/REFCPD	Certificate of lawfulness for proposed development of an outbuilding to rear and an in-ground swimming pool	The Old Vicarage Main Street Askham Richard	Appeal Dismissed
	25/00007/REF	Variation of conditions 2 and 4 of permitted application 16/00093/FUL to allow the siting of one shepherds hut, construct drive-over waste point, erect replacement information hut and relocate gate, fence and CDP point.	Caravan Site Cherry Tree Cottage Millfield Lane Nether Poppleton	Appeal Allowed
	25/00008/REF	Erection of 1no. dwelling and garden following demolition of existing agricultural barn	Agricultural Building East Of Mullingar Farm And North of Low Moor Lane Hessay	Appeal Dismissed
	25/00020/REF	Removal of conditions 2, 4 and 6 of permitted application 3/121/101A/PA	The Stables Woodside Farm Moorlands Farm And Hospital Wigginton	Appeal Dismissed
	25/00021/REF	Single storey rear extension and 4no. rooflights to front roofslope	The Old School House Shirbutt Lane Hessay	Appeal Dismissed
	25/00033/REF	Change of use from Commercial, Business and Service (use class E) to 1no. dwellinghouse (use class C3) under The Town and Country Planning (General Permitted Development) Order 2015 (as amended) - Schedule 2, Part 3, Class MA	Poppleton Lakes Boroughbridge Road	Appeal Dismissed
	25/00045/REF	Permission in Principle for a single self/custom build dwelling	McClean Aviation Rufforth Airfield Rufforth	Appeal Dismissed

	25/00052/REF	Erection of detached garden room to rear	Mapplefields 5 Laburnum Farm Close Hessay	Appeal Allowed
Strensall	25/00034/REF	Detached garage to side with driveway, alterations to fenestration	23 Lock House Lane Earswick	Appeal Dismissed
	25/00046/REF	Single storey side extension and first floor side extension	The Granary Old Carlton Farm Sandy Lane To Boundary Stockton On The Forest	Appeal Dismissed
	25/00056/REF	Use of existing hardstanding on land to touring caravan park for the storage of caravans	Country Park Pottery Lane Strensall	Appeal Dismissed
	25/00059/REF	Erection of 1no. two storey dwelling to rear with swimming pool and associated landscaping	The Grange 388 Strensall Road	Appeal Dismissed
Westfield	25/00041/REF	Change of use of ground floor of attached garage to holiday let accommodation with associated external alterations	17 Askham Lane	Appeal Dismissed
	25/00043/REF	First floor side extension and porch to front	117 Chapelfields Road	Appeal Dismissed
Wheldrake	25/00023/REF	Outline application for 1no. dwelling with associated landscaping and parking following demolition of existing structures with only access considered	Disused Mod Camp Site Wheldrake Lane Elvington	Appeal Allowed
	25/00051/REF	Outline application for 1no. dwelling (use class C3) with details of access included	The Birches Main Street Wheldrake	Appeal Dismissed

This page is intentionally left blank

Appendix B - Summaries of Planning Appeals decided between 1 April 2025 and 31 March 2026

Date report run: 18-Jun-2026

Case number	Appeal by	Description	Address	Outcome
24/00054/REF	Mr R Boardman	Two storey side and rear extension following demolition of existing garage	12 Glebe AvenueYorkYO26 5HJ	Appeal Dismissed

Notes

The Inspector considered the main issues to be the effect of the proposed development on the character and appearance of the site and the surrounding area, and living conditions of occupants of the appeal site, with reference to car parking and cycle storage. The LPA had stated that the principle of the two-storey extension was acceptable, the issue being the lack of bin and cycle space within the envelop of the extension. Such storage was to be provided in a purpose-built bin store to the front of the property and a cycle shed to the rear. The Inspector noted that no similar permanent structure was present elsewhere in the street and found that there would be a harmful effect on the character and appearance of the street scene contrary to D1 of the Local Plan. The Inspector concluded that the single car parking space provides an adequate level of car parking, considering bus links to the city centre and that local facilities would be accessible by bike and on foot, but that this raised the importance of providing adequate and convenient cycle storage. The Inspector concluded that the rear cycle store requiring cycles to be taken through the house to be inconvenient and unacceptable, also considering future occupiers of the house, and would be contrary to D1 and T1. .

Case number	Appeal by	Description	Address	Outcome
25/00018/REF	Mr Ian Wray	Single storey side extension after removal of garage	26 Ferguson WayHuntingtonYorkYO32 9YG	Appeal Dismissed

Notes

The application proposed the addition of a single storey side extension, following the removal of an existing attached garage. The application was refused for harm to the character and design of the property and street scene by virtue of its unsympathetic scale and detailing. The inspector determined that the proposed extension would dominate the side elevation of the property, as result of its width, height and position beyond the front elevation of the property. The additional garage door to the principal elevation would create a visually awkward addition and undermine the balanced proportions of the host property. The overall bulk and massing of the proposed extension would increase the visual enclosure of the space to the side of the dwelling, further eroding the open appearance of the street. It was concluded that although the existing garage does not contribute positively to the visual appearance of the area, the proposed development would cause further harm as a result of its scale and prominence within the street scene. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00062/REF	Mr T Parry	Erection of a two storey dwellinghouse to the side of the existing house, with associated parking.	350 Thanet RoadYorkYO24 2PL	Appeal Allowed

Notes

The application was for a two-storey dwelling to the side of 250 Thanet Road, a corner house on the junction of Turnmire Road in a mixed area of similar dwellings comprising of both semi-detached houses and terrace blocks with gardens and driveways fronting the highway. The LPA refused the application on grounds of design and visual appearance. This was because the proposal would be over-development of a constricted plot, which was considered to lack sufficient the space for a new dwelling and garden without a loss to the transitional open appearance between houses which was noted as a positive attribute of the street and pattern of development. In was concluded to represent a poor design which failed to comply with policy D1 (Placemaking) of the City of York Local Plan 2018 and Section 12 of the National Planning Policy Framework (NPPF).The Inspector disagreed with the LPA and stated the proposal would be a continuation of a terrace row, like other houses in the street with similar materials and architectural detailing to that of the adjoining terrace. Also, it would facilitate its integration with the surrounding built environment. The Inspector also pointed out that a modest gap, reflective of that between the surrounding groups of dwellings would be retained between the side elevation of the proposal and adjacent dwelling along Turnmire Road. This would preserve the existing open character of this section of the street scene and the important gap between dwellings, particularly on such a prominent corner plot. The Inspector concluded the proposal would not have a harmful effect on the character and appearance of the area and raised no conflict with the relevant provisions of policy D1 of the Local Plan. The Appeal was allowed.

Case number	Appeal by	Description	Address	Outcome
24/00024/REFCPD	Mr James Metcalfe	Certificate of lawfulness for proposed development of an outbuilding to rear and an in-ground swimming pool	The Old Vicarage Main Street Askham RichardYorkYO23 3PT	Appeal Dismissed

Notes

Proposed development constituted an outdoor pool and pool house building to the rear garden of The Vicarage. The Council considered that the proposal was incidental to the dwelling, however the location was not deemed to be within the curtilage of the dwelling and was refused accordingly. The Inspector concluded that the land in question did form part of the curtilage, however that the scale of development was such that it was not incidental to the use of the dwelling.

Case number	Appeal by	Description	Address	Outcome
25/00015/REF	Mr Andy Firth	Display of 2no. pictorial signs to existing hanging gibbets, halo illuminated lettering, door plaque, external display board, window vinyl, and menu board	Keystones4 MonkgateYorkYO31 7PE	Appeal Dismissed

Notes

This appeal related to the display of advertisements, including halo illuminated fascia signage, replacement hanging signs, and other display boards and vinyls at Keystones, a Grade II listed public house on Monkgate (adjacent to Monkgate Bar). The applications (ADV and LBC) were refused on the grounds that the proposals would, as a result of their amount, design, and illumination, present as disproportionate, incongruous interventions which would adversely affect the significance of the Grade II Listed building and the character and appearance of the Conservation Area, particularly so through the use of modern materials and levels of illumination. The Inspector noted the building as of a handsome three storey, symmetrical design, and its prominence in close proximity to a number of other listed buildings. Although the surroundings were identified as primarily commercial with signage

on most of the nearby buildings, the proposals were considered to be prolific and, for the most part, unsympathetic in their design and use of materials. In particular the illumination of the lettering above the door and to the two hanging signs was viewed to represent an incongruous and unnecessary addition to the proposals. The Inspector found the harm to be less than substantial, with a lack of evidence that the signage's supporting of the long-term vitality and viability of the public house would achieve these aims to an extent that they would represent public benefits sufficient to outweigh the harm identified. It was agreed with the Council that the advertisements did not adversely affect public safety, although it was concluded that the proposal conflicted with paragraph 141 of the NPPF as a result of their poor siting and design's negative impact on the quality and character of the area, and their failing to satisfy the requirements of the Listed Buildings and Conservation Areas Act, paragraph 210 of the NPPF, and the aims of policies D4, D5 and D13 of the Local Plan

Case number	Appeal by	Description	Address	Outcome
25/00021/REF	Mr And Mrs Mick Cooper	Single storey rear extension and 4no. rooflights to front roofslope	The Old School House Shirbutt LaneHessayYorkYO26 8JT	Appeal Dismissed

Notes

The application proposed a single storey rear extension. The host is a detached property in Hessay, within the Green Belt. The property has been previously extended with side and first floor extensions - a 51 percent increase in footprint from its original form. The scheme was refused on Green Belt grounds. Whilst the extension proposed within this application was minimal in scale, when viewed cumulatively with the previous extensions it would amount to a 55 percent increase in footprint from the original property, which was concluded to be a disproportionate addition, constituting inappropriate development in the Green Belt. The extension would also harm the openness of the Green Belt by virtue of its position and scale. No special circumstances were identified. The inspector agreed that a 51 percent increase in footprint represents a significant addition over and above the size of the original building. It was concluded that in combination with the existing extensions, the scheme would be disproportionate in the Green Belt. It was also noted that the construction of a large detached gazebo was considered to increase the scale of the building, further adding to the inspectors concern. The increased spread of development would also reduce openness. The land was agreed as previously developed land, however, did not fall to be considered as grey belt. The inspector concluded that the proposal would be inappropriate development in the Green Belt, and no very special circumstances existed which outweighed the harm. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
24/00047/REF	Mr Simon Mullier	First floor side extension with external staircase and external balcony platform area at first floor	20 Manor LaneYorkYO30 5TX	Appeal Dismissed

Notes

The application proposed a first floor side rear extension with a balcony and external staircase to the rear. The host is a semi detached dwelling in Rawcliffe. The scheme was refused on design and neighbouring amenity concerns. The scheme was unsympathetic to the host and streetscene, with the staircase and proposed materials particularly out of keeping of the area. The extension and external structure were also overbearing for the neighbouring property, with significantly increased levels of overlooking due to the platform's height and position. The inspector agreed that the extension would unbalance the appearance of the host and street scene, diminishing the visual separation between the property and its neighbour. The external staircase was also agreed to be an incongruous addition. Whilst the inspector concluded there would be neutral harm in terms of overlooking the neighbours garden space, harmful direct views into the rear windows of the property were a concern. Due to the relationship of the properties and existing extension, no harm to outlook was concluded by the inspector. However, due to a loss of privacy, the Inspector agreed the scheme would harm the living conditions of the neighbouring property.

Case number	Appeal by	Description	Address	Outcome
25/00005/REF	P Cooper	Conversion of detached garage to self-contained annexe living accommodation	85 Crombie AvenueYorkYO30 6DW	Appeal Dismissed

Notes

The building is a garage in the garden of a house in use as an HMO. The appellant contended that the proposal would be ancillary to the existing HMC. The Inspector stated that the main issue was whether or not the proposal represents annexe accommodation that is ancillary in function and amounts to living accommodation suitable for future occupants. They noted that the proposals were effectively self-contained because any future occupant would not be reliant on the main dwelling for any aspects of day to day living, such as cooking, watching television or using the bathroom. The Inspector noted that the route from the annexe to the main house would be convoluted and unattractive to residents and would be a disincentive to use the facilities of the main house. The Inspector concluded that the lack of a clear functional link between the two meant that the proposal was for a separate dwelling unit. The floor area of the building was well below the Nationally Described Space Standard for a 1 person dwelling, the Inspector noting that whilst guidance only it was a useful indicator of suitable habitable space. The Inspector concluded that the space would be cramped, oppressive, difficult to fit furniture in or provide general circulation space. Furthermore the outlook for the future occupant would be poor and privacy would be limited. The scheme was in conflict with policy D1 and H8 of the Local Plan.

Case number	Appeal by	Description	Address	Outcome
25/00006/CON	Mr Stuart Peavor	Single storey side/rear extension, erection of detached double garage to rear, solar panels to side roofslope and landscaping/fenestration alterations following demolition of existing garage	1 Cherry LaneYorkYO24 1QH	Appeal Dismissed

Notes

The planning permission for extensions to the building included a condition requiring archaeological mitigation as the site is within an Area of Archaeological Importance (AAI). The appeal was made in respect of the imposition of that condition. The Inspector noted that having identified the

series of historic finds in close proximity to the appeal site, and given the level of ground disturbance that would be undertaken, it was reasonable in this case to conclude that there was a moderate potential for archaeological remains to be located in situ within the appeal site. In this regard, the Inspector found that was necessary that the development was subject to a condition requiring archaeological monitoring to be undertaken.

Case number	Appeal by	Description	Address	Outcome
25/00007/REF	Martin And Karen Reynolds	Variation of conditions 2 and 4 of permitted application 16/00093/FUL to allow the siting of one shepherds hut, construct drive-over waste point, erect replacement information hut and relocate gate, fence and CDP point.	Caravan Site Cherry Tree Cottage Millfield Lane Nether PoppletonYorkYO26 6NX	Appeal Allowed

Notes

The application sought permission to vary conditions 2 and 4 of permission 21/01022/FUL to allow the siting of one shepherds hut, construct drive-over waste point, erect replacement information hut and relocate gate, fence and CDP point. The site lies in the green belt. The subsequent appeal decision was a split decision dismissing the shepherds hut, but allowing the construction of drive-over waste point, erection of replacement information hut and relocating of gate, fence and a chemical disposal point. That decision was challenged under section 288 of the Town and Country Planning Act 1990 due to inadequate assessment of grey belt, and quashed by Order of the High Court on 19 August 2025. This decision replaces the previous Inspector decision and refers to the wording of the NPPG (Dec 2024) and the updated PPG in relation to green belt and grey belt land (Feb 2025).It was the Council's position that the application site strongly contributed to purpose (d) and as such the application did not constitute grey belt land, however it was agreed that the site did constitute previously developed land. The Inspector concluded that the application site did not strongly contribute towards purposes a, b, or d, stating that the site is not of significant visual importance to the historic aspects of the town, with no intervisibility, and is physically separated from its historic core and historic open spaces by some distance. In addition it was concluded that the proposal would satisfy the Framework paragraph 155 (a, b and c) requirements and was found to be not inappropriate development in the green belt. Accordingly, no Green Belt harm would arise, and therefore there is no need to consider openness any further, or any very special circumstances.

Page 101

Case number	Appeal by	Description	Address	Outcome
25/00008/REF	Mr J Ward	Erection of 1no. dwelling and garden following demolition of existing agricultural barn	Agricultural Building East Of Mullingar Farm And North of Low Moor Lane HessayYork	Appeal Dismissed

Notes

Planning permission was refused to demolish a barn and construct a single storey two bedroom dwelling with integral car port, domestic garden and driveway in the Green Belt. The barn and land had prior approval for a change of use to a dwellinghouse under permitted development. The proposal was considered unlike the approved conversion because it was a new build and would aesthetically change the nature of the land by introducing a domestic character that would expand beyond the barn form of the current site resulting in clear harm to the openness of the Green Belt. There were no very special circumstances that clearly outweigh the harm to the Green Belt that would result from the proposal. The Inspector agreed with the LPA and stated a dwelling on this site is intended to resemble the agricultural building of the same size. But would enlarge the curtilage of the plot with mature hedge lines further extending land to the north and west of the building. This domestication effects associated with a dwelling would create a domestic character to this rural and agricultural environment. The effect would be of an urbanising one in this agricultural part of the Green Belt. A new dwelling would not be absorbed into any other buildings and as a standalone dwelling in this context would be spatially separate. The Inspector noted there was

little in the way of substantial landscape and concluded not to preserve the openness of the Green Belt. The Inspector did not consider the approval to convert the barn were very special circumstances because it was a different development that would have a neutral effect upon the openness of the Green Belt. There were no other circumstances regarding the approval of a solar farm and its associated development granted on an adjacent site which the Inspector considered to be relevant to this application. The appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00033/REF	Mr Roger Wood	Change of use from Commercial, Business and Service (use class E) to 1no. dwellinghouse (use class C3) under The Town and Country Planning (General Permitted Development) Order 2015 (as amended) - Schedule 2, Part 3, Class MA	Poppleton Lakes Boroughbridge RoadYorkYO26 8JU	Appeal Dismissed

Notes

The appeal site comprises a development of recreational fishing lakes in a low lying area between Upper Poppleton and Rufforth. It lies within Flood Zone 3 and therefore is deemed to be at a high risk of flooding. The proposal sought a PD prior approval for change of use of a building previously used as a cafe to residential under Class MA of the GDPO. Change of use is permitted subject to consideration of a number of issues one of which is flood risk. The proposal was a re-submission of an earlier scheme which had previously been refused on the grounds of insufficient information in relation to how flood risk would be mitigated with residential use being identified as more vulnerable in flood risk terms. No information was however forthcoming within the submitted Flood Risk Assessment in terms of finished floor levels, utility infrastructure or emergency planning and flood resilience for the life time of the development. Permission was once again refused. The appeal inspector supported by strong representations from the Environment Agency agreed that notwithstanding the presence of residential use elsewhere on the site the issue of flood risk had not been adequately addressed and it was not appropriate to give a conditional approval. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00014/REF	Mr Andy Firth	External alterations to include display of 2no. pictorial signs to existing hanging gibbets, halo illuminated lettering, door plaque, external display board, window vinyl, and menu board	Keystones4 MonkgateYorkYO31 7PE	Appeal Dismissed

Notes

This appeal related to the display of advertisements, including halo illuminated fascia signage, replacement hanging signs, and other display boards and vinyls at Keystones, a Grade II listed public house on Monkgate (adjacent to Monkgate Bar). The applications (ADV and LBC) were refused on the grounds that the proposals would, as a result of their amount, design, and illumination, present as disproportionate, incongruous interventions which would adversely affect the significance of the Grade II Listed building and the character and appearance of the Conservation Area, particularly so through the use of modern materials and levels of illumination. The Inspector noted the building as of a handsome three storey, symmetrical design, and its prominence, in close proximity to a number of other listed buildings. Although the surroundings were identified as primarily commercial with signage on most of the nearby buildings, the proposals were considered to be prolific and, for the most part, unsympathetic in their design and use of materials. In particular the illumination of the lettering above the door and to the two hanging signs was viewed to represent an incongruous and unnecessary addition to the proposals. The Inspector found the harm to be less than substantial, with a lack of evidence that the signage's supporting of the long-term vitality and viability of the public house would achieve these aims to an extent that they would represented public benefits sufficient to outweigh the harm identified. It was agreed with the Council that the advertisements did not adversely affect public safety, although it was concluded that the proposal

conflicted with paragraph 141 of the NPPF as a result of their poor siting and design's negative impact on the quality and character of the area, and their failing to satisfy the requirements of the Listed Buildings and Conservation Areas Act, paragraph 210 of the NPPF, and the aims of policies D4, D5 and D13 of the Local Plan

Case number	Appeal by	Description	Address	Outcome
25/00022/REF	Mr J Moore	Change of use from dwelling house (use Class C3) to House in Multiple Occupation (use Class C4) - resubmission	68 Nunthorpe RoadYorkYO23 1BQ	Appeal Dismissed
Notes				
The Inspector identified the main issue as whether the proposal would provide adequate living conditions for future occupiers, with particular regard to internal and external layout and space provision. There was no conflict with Local Plan HMO threshold levels. The Inspector identified that the lounge, located centrally within the building, would have no meaningful outlook and would feel somewhat enclosed for future occupiers. Cycle parking was depicted in the rear yard, the Inspector noting that this would occupy much of this area, with limited space to manoeuvre bikes and bins and leaving little room for occupants to enjoy it as private amenity space. The Inspector rejected the appellant’s contention that 1 cycle space per bedroom was not appropriate in this location. On this issue they recognised that other means of transport would be available but noted that no substantiated evidence to indicate that a lower level of cycle parking would be acceptable in this location had been provided. They concluded that providing each occupant with space to park a bike would encourage cycling and is particularly important where individuals are unrelated and access to car parking is limited. The Inspector decided that the proposal would conflict with Policies D1, H8 and T1 of the Local Plan.				

Case number	Appeal by	Description	Address	Outcome
25/00023/REF	Mr And Mrs Shaun And Josie Handley	Outline application for 1no. dwelling with associated landscaping and parking following demolition of existing structures with only access considered	Disused Mod Camp Site Wheldrake Lane Elvington York	Appeal Allowed
Notes				
Outline consent was sought for 1no. dwelling with associated landscaping and parking following demolition of existing structures with only access considered. This is a resubmission of a similar outline consent in 2020 - ref. 20/01052/OUT. The application was refused due to harm to the green belt. The proposal would not fall within any of the listed exceptions in paragraph 154 of the National Planning Policy Framework. Whilst being previously developed land, the redevelopment of the land would be inappropriate development in the Green Belt falling outside exception 154(g) because it would have a greater impact on the openness of the Green Belt than the existing development. Since the planning application was determined, the NPPF has been revised (Dec 2024). Previously, the relevant test for the development of previously developed land in the Green Belt was that it would not have a greater impact on the openness of the Green Belt than the existing development. The requirement now is that it would not cause substantial harm to the openness of the Green Belt. Following this amendment it was accepted that what is proposed would not cause substantial harm to the openness of the Green Belt. Thus, the proposal would not be inappropriate development in the Green Belt when assessed against the current Framework. The Inspector agreed with the Council's position.				

Case number	Appeal by	Description	Address	Outcome
25/00044/REF	Lidl GB Ltd	Display of 1no. externally illuminated billboard sign	Lidl Store James StreetYorkYO10 3DW	Appeal Dismissed

Notes

The application proposed the display of a free-standing externally illuminated billboard sign of approximately 6.3 metres by 3.3 metres, raised 1.5 metres on timber panels. The proposed billboard would be located on the open green space to the north of the site, facing into the car park. Planting was proposed to the rear of billboard. The application was refused for harm to the visual amenity of the location, by virtue of the scale and position of the billboard. The inspector stated that although the surrounding area is of a commercial character, the green space added a pleasant sense of openness and spaciousness. It was considered that existing advertisements tended to be located on or close to the buildings with which they are associated. The proposed advertisement would appear as a large and dominant feature from the appeal site and from James Street, with the external illumination drawing further interest. The openness of the area would be severely eroded, and the proposed planting would draw further attention to the billboard and would appear out of keeping with the surrounding area. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00045/REF	Mr Steve Hargreaves	Permission in Principle for a single self/custom build dwelling	McLean Aviation Rufforth AirfieldRufforthYorkYO23 3NA	Appeal Dismissed

Notes

The site comprises the curtilage of a former airframe repair workshop with a "tied" dwelling in open countryside to the south of Rufforth Airfield. The application was for a Permission in Principle for which issues of location, land use and quantum of development only may be considered with other issues being subject to a subsequent Technical Details Consent in the event of an approval in principle being forthcoming. The site lies in the Green Belt and in a relatively remote and unsustainable location. The proposal was refused on the grounds of being inappropriate development in Green Belt and also because of its relatively close proximity to the Bull Beck which requires adequate access for maintenance purposes. The Inspector considered the key issues to be whether the development was inappropriate in the Green Belt and whether there was any case for "very special circumstances" to outweigh the harm caused by virtue of inappropriateness. The appellant contended that the site was previously developed land and therefore benefiting from one of the exceptions within the NPPF. The Inspector concluded that it was Previously Developed Land. Following on from that he looked at impact upon openness and considered that the development would have a substantial impact on openness in both its spatial and visual senses. He then considered the potential for the land to be Grey Belt and he felt that it fulfilled the tests for being Grey Belt land. Finally he looked at the criteria for development of Grey Belt land being not inappropriate and felt that its development would not fundamentally undermine the purposes of the remaining Green Belt over the plan area. However in terms of the other criteria that it did not meet a demonstrable unmet need and was certainly not in a sustainable location. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00050/REF	Mr J Moore	Change of use of single dwelling (use class C3) to House in Multiple Occupation (use class C4)	9 Hampden StreetYorkYO1 6EA	Appeal Dismissed

Notes

The appeal property lies within the Central Historic Core Conservation Area. The application was refused on the basis that it failed to demonstrate how secure cycle and bin storage requirements could be appropriately met in the context of an HMO use. The proposed cycle and bin storage was shown as being provided via a detached garage divorced from the application site and within the ownership of a third party, under the terms of a lease agreement with the garage owner. The inspector concluded that while the cycle and waste storage arrangement offers a degree of security and legal standing for a fixed period, it does not provide a permanent solution for future occupants beyond the lease term and reliance on an off-site facility may not fully meet the requirements of Policy T1, which seeks secure, convenient, and accessible cycle storage for all residents as part of the development. The inspector also determined that with regard to refuse storage, HMOs typically generate greater volumes of refuse than single-family dwellings, and without formalised, hygienic, and accessible refuse storage, there is a risk of adverse impacts on amenity and public health. The inspector concluded that the development would have a significant detrimental effect on the living conditions of future occupants of the appeal property, resulting from inadequate provision for both refuse and cycle storage. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00059/REF	Mr And Mrs Gandy	Erection of 1no. two storey dwelling to rear with swimming pool and associated landscaping	The Grange388 Strensall RoadYorkYO32 9SW	Appeal Dismissed

Notes

The Inspector found the scheme would not constitute limited infilling or previously developed land. As a result, the proposal did not fall within any of the exceptions in Local Plan Policy GB1. The appeal site does not constitute strongly to Green Belt purposes (a) and (b), however the site was judged to strongly contribute to Green Belt purpose (d) – preserving the setting and character of historic towns. The appeal site was found to make a considerable contribution to the special character of York because of its location within the area of the Green Belt which maintains the visual and spatial historic character of the compact City of York surrounded by compact villages. The proposal would also undermine Green Belt purpose (c) – safeguarding the countryside from encroachment, but would not undermine Green Belt purpose (e) – assist urban regeneration. Therefore the site would not constitute grey belt land. The proposal would introduce a substantial building and associated domestic activity into open land, causing both spatial and visual harm to Green Belt openness. Overall the development would be inappropriate development in the Green Belt which is by definition harmful to the Green Belt. No Very Special Circumstances were found. Additionally, the proposed dwelling's scale, massing and engineered appearance, combined with extensive glazing and modern materials were considered incongruous in this rural, traditionally agricultural setting. The development would harm the character and appearance of the area, contrary to Policies D1 and D2.

Case number	Appeal by	Description	Address	Outcome
24/00052/REFCLU	Ms Deborah Clarkson	Certificate of Lawfulness for use as a House in Multiple Occupation	60 Yarburgh WayYorkYO10 5HG	Appeal Allowed

Notes

The application property comprised a large House in Multiple Occupancy HMO. The applicant applied for a Certificate of Lawful Use with evidence consisting of signed tenancy agreements split into years to prove its operation as a large HMO for over ten years. The LPA used enforcement records and licensing records for the purposes of their evidence. The LPA considered that on the balance of probability the evidence provided was not sufficient or precise to warrant approval the property had been occupied by individual people/couples for a period of over ten years by six or more occupants. The details provided by enforcement records noted that there were five people living in the house all working with no students prior to the Article 4 Direction date April 2012 when it was visited in July 2015. The LPA concluded the site had not been in continuous use for a period more than 10 years with six numbers or more from the date of the application 28 November 2022. The LPA judged to the property be a small HMO and made the decision not to grant a certificate. The Inspector disagreed with the LPA and considered that the circumstances surrounding the planning enforcement site visit on 13 July 2015 and the details of the tenancy agreements. The Inspector considered that over a period of ten years the gaps where bedrooms have not been occupied are minimal and are generally confined to a matter of days between one tenant moving out and another moving in. The Inspector considered that in the context of what is an HMO use, occupancy is generally more transitional and the gaps in occupied would not be material. Furthermore, during the short periods when bedrooms were empty until a new tenant was found, the property had viable facilities for immediate residents. The inspector concluded the property to be immune from enforcement action. The Appeal was allowed.

Case number	Appeal by	Description	Address	Outcome
25/00009/REF	Mr M Carter	Change of use from small House in Multiple Occupation (use class C4) to a large House in Multiple Occupation (Sui Generis)	153 Bad Bargain LaneYorkYO31 0PF	Appeal Allowed

Notes

The proposal was for the change of use from a small House in Multiple Occupancy (use class C4) to a large House in Multiple Occupancy (use class sui generis). This was considered to be an overdevelopment of the original 3 bed house and was refused due to this and the potential for an unacceptable impact on the neighbouring properties. The inspector considered the increased occupancy and the good-sized rooms and communal spaces. They dismissed concerns regarding noise, stating a residential property of the same size could produce the same level of noise. They also stated that the increase in comings and goings would be a limited increase compared to the existing use. The inspector also considered the concerns regarding construction noise, the bus services, the attic bedroom's windows, and the lack of wheelchair accessibility and had no concerns. The inspector concluded that the proposal would not amount to over intensification to the point that the proposal would unduly harm the living conditions of the neighbours in regard to noise and disturbance. The proposal therefore accords with policies D1 and ENV2 of the Local Plan. The appeal was allowed.

Case number	Appeal by	Description	Address	Outcome
25/00016/REF	Mrs Lee-Anne Greenaway	Certificate of lawfulness for use as House in Multiple Occupation (Use Class C4) for up to 4 occupants	29 Ratcliffe StreetYorkYO30 6EN	Appeal Allowed

Notes

This appeal related to a certificate of existing lawful use for use of the dwelling as a House in Multiple Occupation under Use Class C4. The Council refused the certificate on the basis that it was not considered that sufficiently precise and unambiguous evidence had been submitted to demonstrate that the property had been used as a HMO, with 3 or more unrelated individuals continuously for a period of 10 years. Evidence submitted comprised an Affidavit stating the applicant's period of ownership, and its letting as a HMO with occupation of no less than 3 and no more than 4, insurance policy schedules under a 'let properties' insurance type, and a letter from the applicant's accountant confirming their involvement with the property and its HMO use since 2006. The applicant stated that formal tenancy agreements were not used whilst renting the property out. The inspector viewed that, whilst no tenancy agreements or lists of the names or dates of the occupiers of the property were provided, the sworn evidence was clear and precise. Further, accompanied by a corroborating letter from her accountant, the appellant had therefore proven the case on the balance of probability. The appeal was therefore allowed.

Case number	Appeal by	Description	Address	Outcome
25/00040/REF	Mr Katie James and Cousans	Change of use of single dwelling (use class C3) to House in Multiple Occupation (use class C4) for up to 4 occupants with associated external alterations including dormer to rear	23 Abbotsford RoadYorkYO10 3EE	Appeal Dismissed

Notes

The application proposed the change of use from a dwellinghouse (use class C3) to an HMO (use class C4) for up to 4 occupants. The application was refused as it exceeded the HMO concentration thresholds at both street level (50%) and neighbourhood level (24%). Additionally, provision of parking was insufficient, unable to accommodate 2 off street parking spaces, and impacting access to the garage to rear. The inspector concluded that by virtue of the exceeded concentration thresholds, the proposal would result in an over proliferation of HMOs in the residential street, resulting in harm to the character of the area. The inspector stated that the proposed overhanging of vehicles into the footpath (due to insufficient length driveway), obstruction of garage to rear, and lack of independent access by unrelated users would be unacceptable. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00041/REF	Mr M Warrilow	Change of use of ground floor of attached garage to holiday let accommodation with associated external alterations	17 Askham LaneYorkYO24 3HB	Appeal Dismissed

Notes

The Inspector considered that the main issues were the effect of the development on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance; and whether the proposed development would provide appropriate levels of vehicle and cycle parking. The upper floor of the garage had previously been granted planning permission as a holiday let. The Inspector noted that a holiday let would introduce a transient pattern of occupancy, with a high turnover of guests which can result in a range of behaviours that may adversely affect the living conditions of nearby permanent residents. Guests would have access to the external rear space of the property for socialising which may typically occur late in the evening. The Inspector concluded that a condition to limit the use of the external areas would be unreasonable to guests and difficult to enforce by the LPA. The impact on living conditions would conflict with policies ENV2 and D1 of the Local Plan. The Inspector considered that there was sufficient space for cars to be parked and manoeuvred within the site, and that whilst the cycle parking for the host dwelling would be removed this could be re-provided secured by condition.

Case number	Appeal by	Description	Address	Outcome
25/00047/REF	Mr And Mrs David Bough	Construction of 1no. detached dwelling to rear following re-location of existing ancillary buildings	The Cottage Main Street Holtby YorkYO19 5UD	Appeal Dismissed

Notes

The appeal site was in the Green Belt and close to a Grade Two Listed building, Holy Trinity Church, and a designed footpath Public Right of Way. The LPA considered the proposal on whether this would meet the Local Plan Policy GB1 in the listed exceptions defined as limited infilling. It was concluded the proposal was not reasonably defined as limited infilling and would conflict with policy GB1 and concluded to be inappropriate development in the Green Belt. The LPA did not consider there to be any very special circumstances to outweigh the harm to the Green Belt and no other consideration was officially advanced in the planning statement regarding the health and welfare of the applicant. The application was refused. The Inspector agreed with the LPA determination of inappropriate development in the Green Belt. The Inspector did not consider there to be harm to openness. Nor did the Inspector consider there to be any other issues that would prevent development in this location. The applicant advanced very special circumstances the proposal would provide independent living due to the health considerations. The Inspector considered this to have significant weight and that the applicant could have permitted development rights to convert existing buildings. No information was provided to the Inspector and the circumstances were given limited weight. The applicant provided precedents whereby a similar development was permitted. The Inspector did not consider these case to be comparable. The Inspector concluded the other considerations advanced did not outweigh the harm to the Green Belt. The Appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
02/00049/REF	Mr Jamie Stuart	Change of use from dwelling house (use Class C3) to House in Multiple Occupation (use Class C4), 2no. rooflights to front roofslope and 1no. rooflight to rear roofslope	44 Kyme StreetYorkYO1 6HG	Appeal Dismissed
Notes				
The application was refused because of a poor internal and external layouts resulting in unacceptable living conditions and unsuitable cycle storage. The Inspector noted that whilst the Nationally Described Space Standards did not apply to HMOs, internal functionality and useability were legitimate planning considerations. They considered that the applicant had not demonstrated that the narrow kitchen, which combined with the dining area was the only communal space, was capable as operating as a shared facility without conflict, discomfort or unreasonable delay. They concluded that this would be contrary to local plan policy H8 which requires that an HMO provides acceptable living conditions for its occupants. The application proposed a cycle store in the rear yard. No details were provided and the Inspector concluded that it was not possible to determine whether the required number of cycles and refuse bins could coexist without conflict or whether the arrangements would encourage or inhibit cycling. It was not considered that this could be covered by planning condition given the level of uncertainty in respect of the provision within the constraints of the small yard. This was contrary to the sustainable travel objectives of LP policies T1 and D1.				

Case number	Appeal by	Description	Address	Outcome
25/00020/REF	Mr David Rhodes	Removal of conditions 2, 4 and 6 of permitted application 3/121/101A/PA	The StablesWoodside FarmMoorlands Farm And HospitalWiggintonYorkYO32 2RE	Appeal Dismissed
Notes				
Planning permission was granted in November 1990 for change of use, alteration and extension of agricultural buildings to form 3 dwellings with garages. The appeal proposal sought to remove several of the planning conditions attached to the original planning permission pertaining to the removal of permitted development. The LPA contended that removal of the conditions would have a material impact on the openness of the Green Belt, and harm the rural character and setting of the converted buildings. The site sits in open countryside, surrounded by agricultural fields and woodland. The Inspector considered that significant extensions permitted by classes A and AA the GDPO have the potential to cause harm to the openness of the Green Belt, and that reinstating Class E PD rights has the potential to allow for the proliferation of larger detached outbuildings which would undoubtedly be harmful to the openness of the Green Belt and erode the prevailing rural character and appearance of the site and surrounding area. The Inspector concluded that it was reasonable that the Council may wish to retain control over the forms of development described in conditions 2, 4 and 6, to ensure the positive contribution that the site and buildings make to the character and appearance of the surrounding area is maintained and the openness of the Green Belt in this location is not eroded. The conditions were considered to be necessary and reasonable.				

Case number	Appeal by	Description	Address	Outcome
25/00043/REF	Mr And Mrs Ellwood	First floor side extension and porch to front	117 Chapelfields RoadYorkYO26 5AD	Appeal Dismissed
Notes				
The Inspector considered that the main issue was the effect of the development on the character and appearance of the host property and area in general. The appeal site was an end of terrace house. Properties within terraces within the area generally share similar features with others in the row and have a uniformity in terms of design. Gaps between end terraced properties at first floor are a noticeable characteristic. The Inspector concluded that the scale and design of the proposed extension would be an imposing addition to the property which would reduce the gap between the appeal site and No. 115 Chapelfields Road. In respect of the porch the Inspector noted that the appeal site front door is located directly adjacent that of No. 119 Chapelfields Road sharing a surround which is a feature of this row and other terraces of the same design. The proposed porch would remove this feature which would unbalance the uniformity of the terrace. The Inspector considered other examples of side extensions in the area but concluded that they are not a prominent feature. The proposal was contrary to policy H11.				

Case number	Appeal by	Description	Address	Outcome
25/00068/REF	Mr Danny Mason	Change of use from dwelling house (use Class C3) to House in Multiple Occupation (use Class C4)	6 Custance WalkYorkYO23 1BX	Appeal Dismissed
Notes				
This was an appeal against the refusal of a resubmitted application for a use class C4 HMO following an earlier dismissed planning appeal. The application was refused on grounds of inadequate cycle storage and unacceptable living conditions for future residents. The Inspector considered that in the absence of drawn details they could not be satisfied that a suitable secure and accessible store capable of accommodating four cycles, including adapted or non-standard cargo models, could be delivered without harm to the living conditions of neighbouring occupiers or the visual qualities of the area. A condition would only be appropriate where there is no reasonable doubt that an acceptable solution exists. On this issue the proposals were contrary to LP policies H8 and D1. However, the Inspector concluded that the revised scheme provided an acceptable internal layout and acceptable living conditions complying with policy H8 of the LP. The appeal was dismissed.				

Case number	Appeal by	Description	Address	Outcome
25/00061/REF	Ms Paula Brown	Change of use of single dwelling (use class C3) to House in Multiple Occupation (use class C4)	32 Wolviston AvenueYorkYO10 3DD	Appeal Dismissed

Notes

The application proposed a change of use from C3 dwelling house to C4 HMO. The application was refused as the site would exceed the HMO concentration threshold of 10% at street level, with the figure rising to 31.58% if the application were to be approved. Additionally, the increased demand for parking spaces would adversely impact visual amenity and public safety. The inspector concluded that as the street level figure is already well in excess of the 10%, the immediate area already suffers an imbalance and to permit further HMOs would unacceptably compound that imbalance. However, it was not considered that this particular property, increased parking pressure as a result of the change would be of concern. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00052/REF	Mr A Tullie	Erection of detached garden room to rear	Mapplefields5 Laburnum Farm CloseHessayYorkYO26 8LG	Appeal Allowed

Notes

This appeal relates to refusal of permission for the erection of a detached residential outbuilding to the rear of a dwelling in Hessay. The host had been previously enlarged with a single storey rear extension. Cumulatively, the proposed outbuilding and existing enlargement constituted a 50% increase in the original footprint of the property. The proposal was considered to be a disproportionate addition and was therefore refused, as inappropriate development in the Green Belt. Harm to the openness of the Green Belt was also concluded, given the hosts siting on the edge of the settlement boundary, and its proximity to open land. The inspector drew attention to paragraph 18.2 of the SPD (25% increase in footprint) and highlighted that, whilst it is a useful guide for what could be considered disproportionate, it is merely a guide and whether an extension is disproportionate is a matter of planning judgement. They also emphasised that this section of the SPD relates to properties in open rural areas, not those located within washed over settlements such as Hessay. The inspector agreed with the appellant that the proposal would amount to a 23% increase in volume, and considered that this would not constitute a disproportionate addition to the dwelling. The impact on openness was not considered, as the proposal met the exception within Paragraph 154c of the NPPF. The appeal was therefore allowed.

Case number	Appeal by	Description	Address	Outcome
25/00004/REF	Mr Kristen Jakobsen	External works to include render and insulation to gable wall - retrospective	7 St Martins LaneYorkYO1 6LN	Appeal Dismissed
Notes				
Retrospective listed building consent was sought for the re-rendering of the side elevation of the building with grey insulation render. The building is Grade II Listed. The side elevation was rendered in cement render at the time of listing. The application was refused due to harm to the fabric of the building (render would prevent the building from breathing and releasing moisture which will likely result in further damp problems) as well as harm to appearance - the increased depth of render (50mm) and colour, and crude finish to the front corner of the building causes visual harm to the building and listed terrace as a whole. The inspector agreed with the Council's reason for refusal and noted that whilst it is accepted that the breathability of the current render is no different to the one it replaced, it is no substitute for a fully breathable lime render which would not continue to trap moisture within the building.				

Case number	Appeal by	Description	Address	Outcome
25/00057/REF	Mr M Iqbal	First floor side extension	29 Eastward AvenueYorkYO10 4LZ	Appeal Dismissed
Notes				
The application was refused for impact on character and streetscene and neighbouring amenity as, taken cumulatively with previous extensions, the proposed development would constitute an unsympathetic overdevelopment of the existing dwelling and plot, which would appear incongruous within the streetscene. The proposed extension, being built up to the boundary would have an unduly harmful effect on the neighbouring property, negatively affecting outlook, appearing overly dominant and overbearing, and would overshadow and negatively impact light levels in their only outdoor amenity space. The inspector states that the proposed extension would remove the last remaining gap in the built form in the plot, eroding spaciousness to the detriment of the character and appearance of the streetscene. As a result of the proposal, the dwelling would appear flanked and dominated by two, two-storey extensions of differing designs, which would result in an unsympathetic and discordant form of development that would fail to make a positive contribution to the area. The proposal would result in a two-storey height blank gable wall extending above and immediately adjacent to the existing boundary fence. This would appear highly imposing in views from the garden of No. 31, significantly diminishing outlook and adversely affecting the enjoyment of the garden by the occupants. The proposal would also likely reduce levels of direct sunlight and lead to overshadowing of parts of the garden, materially diminishing the living conditions of the neighbouring occupants. The appeal was therefore dismissed.				

Case number	Appeal by	Description	Address	Outcome
25/00032/REF	Mr Nathan Still	Installation of multifunctional communication hub	Communication Hub Adj Merchant Adventurers Hall Eastern Side Of Piccadilly York	Appeal Dismissed

Notes

This appeal related to the placement of a free-standing communication hub measuring approximately 2.6 metres in height and 1.4 metres in width, including a digital advertisement screen and interactive interface allowing telephone services, wayfinding, access to local webpages, mobile charging facilities and a defibrillator. The application was refused on the grounds that the hub and associated advertisements, by virtue of its design, scale and location, would have an adverse effect on the functionality of the area and historic townscape in which it would be located and designated heritage assets. It would also form an intrusion into valuable public space and impede the availability for pedestrians to navigate the footways. The appeal was dismissed. This location was opposite the Merchant Adventurers Hall (Grade I listed) which was viewed by the Inspector to make a significant positive contribution to the character and appearance of the area. Whilst acknowledging a variety of existing street furniture and advertisements, these were generally low or visually lightweight. The communication hub was viewed to be significantly bulkier, and as a result of its position, height, mass and illumination, would be prominent in the streetscene (the visual impact exacerbated by the illuminated sequentially changing images). Given the change in land levels, this would accentuate the scale and presence of the hub read in the context of views of the Hall, which would be wholly incongruous with the medieval architecture and historic significance of the building. The NPPF's support for high-quality communications was considered, although with regard for these public benefits viewed as modest, which would not outweigh harm to the identified heritage asset. The Inspector viewed placement of the hub to create an obstruction within the footpath which would significantly impede pedestrian movements.

Case number	Appeal by	Description	Address	Outcome
25/00034/REF	Chris Andrews	Detached garage to side with driveway, alterations to fenestration	23 Lock House Lane Earswick York YO32 9FT	Appeal Dismissed

Notes

The application proposed the addition of a detached garage, conversion of attached garage to living accommodation, alterations to fenestration, new driveway and crossover. The application was refused for impact on character and streetscene, as the proposed detached garage would be positioned in a prominent location, and would be at odds with the established layout, form and landscape character of the surrounding buildings and streetscene. The increased size of the driveway would further reduce the green, open character of the streetscene. The inspector determined that although the proposed garage would be no further forward than the front elevation of the house, it would be forward of its side elevation and given the position of the property on a corner plot, it would be extremely prominent. The location of the proposed garage, close to the road would be at odds with the open plan character created by the positioning of the dwellings and their garages in the cul-de-sac. Moving the driveway to this more prominent position would further erode the green and open character that is an integral part of the character of the immediate surroundings. Despite the fact that that the installation of a hard, porous surface could be laid as permitted development, this would not be sufficient to justify the harm to the streetscene. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00035/REF	Premier Vue	Display of 2no. free standing LED screens fixed to a York Stone mounted plinth	Site Of Former Slip InnMalton RoadHuntingtonYork	Appeal Dismissed

Notes

The proposal comprised of two applications for full planning permission and advertisement consent for the display two free standing internally illuminated LED screens mounted to York stone plinth and centred within a shallow pond water feature to be inserted into a concrete base around York stone paving and evergreen boxed hedging. The site location comprised a belt of land close to Monks Cross Park and Ride, York Community Stadium and Vangarde Shopping Park. The site is in Huntington which has an adopted Neighbourhood Plan. The proposals were refused for inappropriate development within the Green Belt due to the impact on openness, harm to visual amenity, landscape character, biodiversity and highway safety due to its location on the internal road network into the shopping park. No very special circumstances considered to exist to justify the inappropriate development. The Inspector also considered the overall development as requested by the appellant on the submission of the two appeals. The Inspector considered the pond feature would be an engineering operation which would meet the listed exceptions in policy GB1 of the Local Plan. However, considered some harm to openness. Also, the inspector considered the scale of the advertisement and its visual prominence and use of LED screens, would result in a discordant feature that would be sited beyond the defined boundary of the commercial area into an otherwise undeveloped landscape and would undermine the character of the surrounding undeveloped area. In terms of public safety, the Inspector considered the proposal would cause distraction near a signalised junction where drivers may be required to stop and cause a distraction in a location where it would be at a detriment to highway safety. There were no issues in regarding biodiversity. The appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00012/REF	Mr Galip Hazar	Removal of condition 3 of permitted application 18/01122/FUL to allow the former outbuilding to be used as an independent dwelling	55 Morehall CloseYorkYO30 4WA	Appeal Dismissed

Notes

Planning permission had previously been granted for a garden building. This was subject of a planning condition that required the building to be used only for ancillary accommodation to the house. Removal of the condition would allow the building to be occupied as a separate house. The Inspector identified that the main issue was the effect on the living conditions of the residents. The Inspector noted that the house and its outbuilding were very closely related. and that the use of the rear patio to the house, by anyone other than someone closely associated with the residents of the dwelling, would unacceptably reduce privacy within the house. It would also result in the house having no private amenity space. Furthermore the outbuilding has a very limited outlook and also overlooks the house patio, the Inspector concluding that this would not be acceptable except for residents that also have access to the main living rooms of the house and its garden. In dismissing the appeal the Inspector decided that the condition, as originally imposed, was necessary in order to control the use.

Case number	Appeal by	Description	Address	Outcome
25/00036/REF	Mr Nikolai Krasnov	Removal of condition 4 of permitted application 23/00532/FUL	9 St Marys GroveOsaldwickYorkYO10 3PZ	Appeal Dismissed
Notes				
The application proposed the removal of condition 4 (limiting the occupants of the approved HMO to 4no.) from application 23/00532/FUL, which granted approval for change of use from C3 to C4. As the site would require tenants to park behind on another, occupants would be more likely to use on street parking to avoid inconvenience. The inspector concluded that the removal of the condition restricting the number of tenants would increase the on-street parking pressures to the detriment of the safety of vehicle, cycling, wheeler and pedestrian access on St Marys Grove and that condition 4 remains necessary.The appeal was therefore dismissed.				

Case number	Appeal by	Description	Address	Outcome
25/00053/REF	Mr And Mrs Walsh	Single storey rear and side extensions, dormers to rear roofslope and 3no. windows to side elevation	294 Stockton LaneYorkYO31 1JJ	Appeal Dismissed
Notes				
The application proposed single storey side and rear extensions, a rear dormer, and 3no. windows to the side elevation of a detached bungalow. This was refused as an overdevelopment of the property and the significant harm it would the existing building. The inspector considered the existing alterations which were deemed to have respected the bungalow's character. The proposed rear and side extensions were accepted as subservient to the dwelling, and the roof alterations were examined. The inspector considered the examples along the street and confirmed that there were multiple roof types and additions featured. They dismissed the private benefit of the proposed works. The inspector concluded that the proposed alterations to the roof would have had a harmful effect on the character and appearance of the host dwelling. The proposal would conflict with policy D1 of the Local plan. The appeal was dismissed.				

Case number	Appeal by	Description	Address	Outcome
25/00064/REF	Mr Ismail Miah	Two storey rear and side extensions, single storey rear extension and removal of 2no. chimneys	4 BroadwayYorkYO10 4JW	Appeal Dismissed
Notes				
This appeal related to the refusal of consent for erection of a two-storey side and separate two-storey rear extension to a prominent corner plot on Broadway. The application was refused on the grounds that the rear extension in particular, as a result of its unsympathetic design, and as read in conjunction with the other enlargements proposed, would result in overdevelopment of the property which would harm its character and appearance. The Inspector agreed with the LPA, noting the host's shallow rear amenity space, including a detached garage, with the extension further reducing the size of the amenity space. The extension would therefore, when taking into account the other extensions proposed, appear cramped within the plot. This would be further evident from the highway due to the dwelling being located on a corner plot. The Inspector was not of the opinion that the extension's design would respond positively to its immediate architectural context and local character. The appeal was therefore dismissed.				

Case number	Appeal by	Description	Address	Outcome
25/00017/REF	Mr Dominic Woodward	Conversion of former public house to form 6no. apartments (Use Class C3) with associated access, parking and bike stores and external alterations including dormer and the insertion of rooflights following demolition of outbuildings, canopy and external staircase	The JubileeBalfour StreetYorkYO26 4YU	Appeal Allowed

Notes

The Jubilee is a site with a long and complicated planning history. It was a pub constructed in the late 19th Century to a design by the architect WH Brierley to serve the local railway worker community in the Leeman Road area and had been one of the last to survive as such it was treated as a Non Designated Heritage Asset. The historic interior had though largely been lost. Following earlier viability concerns it had been vacant since 2016 and has been extensively vandalised with concerns arising as to its structural health. Several proposals had previously been made for various degrees of partial conversion to residential use with an element of pub use with or without a function room, being retained. A proposal for partial conversion was allowed at appeal in 2021 with a function room but the pub remained on the market with little potential interest with its condition continuing to deteriorate. In view of the impasse a proposal was brought forward to convert the entire building to residential use and secure its restoration. Following concerns in respect of the marketing of the site and the expectations of potential tenants it was refused at Planning Committee on the grounds of loss of a community facility contrary to Local Plan Policy HW1 and also harm to a Non Designated Heritage Asset. The Inspector considered carefully the evidence provided in terms of the viability of the site, its marketing and the level of commercial interest and concluded that there was no evidence that continued use as a pub could be viably undertaken and in respect of the concerns in relation to the Non Designated Heritage Asset it was felt that it was more important that the building be brought back into use per se, rather than being allowed to deteriorate even further. The appeal was therefore allowed.

Case number	Appeal by	Description	Address	Outcome
25/00024/REF	Mr J Aujla	Change of use of dwelling (use class C3) to large House in Multiple Occupation (sui generis) for up to 8 occupants	75A Monkton RoadYorkYO31 9AL	Appeal Dismissed

Notes

The application was refused as a result of the poor standard of living accommodation, due to the small room sizes and insufficient communal areas (no living room and small kitchen for 8 occupants), as well as lack of off-street parking, which would be harmful to the amenity of neighbouring properties and businesses. The inspector concluded that several of the bedrooms were small, especially when accounting for corridors within the rooms, irregular shaped rooms and parts of the rooms which sat beneath roof space, all impacting the amount of usable floor space of the proposed bedrooms. It was stated that the NDSS notes that any area with a headroom of less than 1.5m should not be counted within the Gross Internal Area. The proposed kitchen space was constrained in size, and it is noted that appliances would be located close together, providing limited space for multiple people to use the kitchen at once. Regarding car parking, the inspector notes that the proposed cycle storage would be adequate, and the site is immediately opposite a bus stop. There is considerable provision for unrestricted parking in the surrounding area, and many spaces were available at the time of the inspectors site visit. Given the cycle storage and public transport links, it is unlikely that all occupants would own a car. Although it is recognised that a 5-person HMO has been approved along the same parade, the cumulative impact on parking demand is unlikely to cause harm. Therefore, this reason for refusal was not upheld. The development would fail to provide adequate living conditions for future occupiers, with particular regard to internal space provision. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00025/REF	Mr Nathan Still	Installation of multifunctional communication hub	Communication Hub Adjacent 40 - 45Parliament StreetYork	Appeal Dismissed

Notes

This appeal related to the placement of a free-standing communication hub measuring approximately 2.6 metres in height and 1.4 metres in width, including a digital advertisement screen and interactive interface allowing telephone services, wayfinding, access to local webpages, mobile charging facilities and a defibrillator. The application was refused on the grounds that the hub and associated advertisements, by virtue of its design, scale and location, would have an adverse effect on the functionality of the area and historic townscape in which it would be located and designated heritage assets. It would also form an intrusion into valuable public space and impede the availability for pedestrians to navigate the footways. The appeal was dismissed. The Inspector noted buildings with a mix of styles and ages, however within the vicinity featuring a number of Grade II listed buildings. Although noting outdoor seating, space was remarked as generally free from permanent clutter. The Inspector viewed the hub to appear strident and intrusive, as a result of its position, height, mass and illumination, with space currently allowing the buildings to be appreciated. The proposal was therefore viewed to form a discordant and distracting element in their setting, affecting the way in which they would be experienced. They concluded the proposal would be harmful to the amenity of the area, would not preserve or enhance the character or appearance of the Conservation Area, nor preserve the setting of the listed buildings. The NPPF's support for high-quality communications was considered, although with regard for these public benefits viewed as modest, which would not outweigh harm to the identified heritage assets. The Inspector acknowledged Parliament Street as a busy pedestrian routes, including use for temporary events, although viewed that the wide paved area (away from the carriageway) would not significantly impede pedestrian flow given the overall provision of space.

Case number	Appeal by	Description	Address	Outcome
25/00026/REF	Mr Nathan Still	Display of 1no. LCD display screen on proposed communication hub	Communication Hub Adjacent 40 - 45Parliament StreetYork	Appeal Dismissed

Notes

This appeal related to the placement of a free-standing communication hub measuring approximately 2.6 metres in height and 1.4 metres in width, including a digital advertisement screen and interactive interface allowing telephone services, wayfinding, access to local webpages, mobile charging facilities and a defibrillator. The application was refused on the grounds that the hub and associated advertisements, by virtue of its design, scale and location, would have an adverse effect on the functionality of the area and historic townscape in which it would be located and designated heritage assets. It would also form an intrusion into valuable public space and impede the availability for pedestrians to navigate the footways. The appeal was dismissed. The Inspector noted buildings with a mix of styles and ages, however within the vicinity featuring a number of Grade II listed buildings. Although noting outdoor seating, space was remarked as generally free from permanent clutter. The Inspector viewed the hub to appear strident and intrusive, as a result of its position, height, mass and illumination, with space currently allowing the buildings to be appreciated. The proposal was therefore viewed to form a discordant and distracting element in their setting, affecting the way in which they would be experienced. They concluded the proposal would be harmful to the amenity of the area, would not preserve or enhance the character or appearance of the Conservation Area, nor preserve the setting of the listed buildings. The NPPF's support for high-quality communications was considered, although with regard for these public benefits viewed as modest, which would not outweigh harm to the identified heritage assets. The Inspector acknowledged Parliament Street as a busy pedestrian routes, including use for temporary events, although viewed that the wide paved area (away from the carriageway) would not significantly impede pedestrian flow given the overall provision of space.

Case number	Appeal by	Description	Address	Outcome
25/00028/REF	Mr Nathan Still	Installation of multifunctional communication hub	Communication Hub Adjacent 7DavygateYork	Appeal Dismissed

Notes

This appeal related to the placement of a free-standing communication hub measuring approximately 2.6 metres in height and 1.4 metres in width, including a digital advertisement screen and interactive interface allowing telephone services, wayfinding, access to local webpages, mobile charging facilities and a defibrillator. The application was refused on the grounds that the hub and associated advertisements, by virtue of its design, scale and location, would have an adverse effect on the functionality of the area and historic townscape in which it would be located and designated heritage assets. It would also form an intrusion into valuable public space and impede the availability for pedestrians to navigate the footways. The appeal was dismissed. The Inspector observed buildings of a mix of ages and styles including both modern and historic buildings, Nos. 15 and 20 Davygate and St Helens Church. The Inspector viewed the hub to lie within the setting of these heritage assets. The Inspector observed little street furniture and modest external shopfront signage. The Inspector viewed the hub to appear as a visual intrusion and physical clutter, as a result of its position, height, mass and illumination. Although a short distance from heritage assets, the uncluttered, largely traffic free street allows the buildings to be appreciated. They concluded the proposal would be harmful to the amenity of the area, would not preserve or enhance the character or appearance of the Conservation Area, nor preserve the setting of the listed buildings. The NPPF's support for high-quality communications was considered, although with regard for these public benefits viewed as modest, which would not outweigh harm to the identified heritage assets. As the proposal was positioned on a projecting part of the pavement, the Inspector viewed its placement not to cause an obstruction within the main part of the footpath, therefore not hampering ability for pedestrians to navigate the street.

Case number	Appeal by	Description	Address	Outcome
25/00029/REF	Mr Nathan Still	Display of 1no. LCD display screen on proposed communication hub	Communication Hub Adjacent 7DavygateYork	Appeal Dismissed

Notes

This appeal related to the placement of a free-standing communication hub measuring approximately 2.6 metres in height and 1.4 metres in width, including a digital advertisement screen and interactive interface allowing telephone services, wayfinding, access to local webpages, mobile charging facilities and a defibrillator. The application was refused on the grounds that the hub and associated advertisements, by virtue of its design, scale and location, would have an adverse effect on the functionality of the area and historic townscape in which it would be located and designated heritage assets. It would also form an intrusion into valuable public space and impede the availability for pedestrians to navigate the footways. The appeal was dismissed. The Inspector observed buildings of a mix of ages and styles including both modern and historic buildings, Nos. 15 and 20 Davygate and St Helens Church. The Inspector viewed the hub to lie within the setting of these heritage assets. The Inspector observed little street furniture and modest external shopfront signage. The Inspector viewed the hub to appear as a visual intrusion and physical clutter, as a result of its position, height, mass and illumination. Although a short distance from heritage assets, the uncluttered, largely traffic free street allows the buildings to be appreciated. They concluded the proposal would be harmful to the amenity of the area, would not preserve or enhance the character or appearance of the Conservation Area, nor preserve the setting of the listed buildings. The NPPF's support for high-quality communications was considered, although with regard for these public benefits viewed as modest, which would not outweigh harm to the identified heritage assets. As the proposal was positioned on a projecting part of the pavement, the Inspector viewed its placement not to cause an obstruction within the main part of the footpath, therefore not hampering ability for pedestrians to navigate the street.

Case number	Appeal by	Description	Address	Outcome
25/00030/REF	Mr Nathan Still	Display of 1no. LCD display screen on proposed communication hub	Communication Hub Adj Merchant Adventurers Hall Eastern Side Of Piccadilly York	Appeal Dismissed

Notes

This appeal related to the placement of a free-standing communication hub measuring approximately 2.6 metres in height and 1.4 metres in width, including a digital advertisement screen and interactive interface allowing telephone services, wayfinding, access to local webpages, mobile charging facilities and a defibrillator. The application was refused on the grounds that the hub and associated advertisements, by virtue of its design, scale and location, would have an adverse effect on the functionality of the area and historic townscape in which it would be located and designated heritage assets. It would also form an intrusion into valuable public space and impede the availability for pedestrians to navigate the footways. The appeal was dismissed. This location was opposite the Merchant Adventurers Hall (Grade I listed) which was viewed by the Inspector to make a significant positive contribution to the character and appearance of the area. Whilst acknowledging a variety of existing street furniture and advertisements, these were generally low or visually lightweight. The communication hub was viewed to be significantly bulkier, and as a result of its position, height, mass and illumination, would be prominent in the streetscene (the visual impact exacerbated by the illuminated sequentially changing images). Given the change in land levels, this would accentuate the scale and presence of the hub read in the context of views of the Hall, which would be wholly incongruous with the medieval architecture and historic significance of the building. The NPPF's support for high-quality communications was considered, although with regard for these public benefits viewed as modest, which would not outweigh harm to the identified heritage asset. The Inspector viewed placement of the hub to create an obstruction within the footpath which would significantly impede pedestrian movements.

Case number	Appeal by	Description	Address	Outcome
02/00048/REF	Mr Nathan Still	Installation of multifunctional communication hub	Communication Hub St Sampsons Square York	Appeal Dismissed

Notes

This appeal related to the placement of a free-standing communication hub measuring approximately 2.6 metres in height and 1.4 metres in width, including a digital advertisement screen and interactive interface allowing telephone services, wayfinding, access to local webpages, mobile charging facilities and a defibrillator. The application was refused on the grounds that the hub and associated advertisements, by virtue of its design, scale and location, would have an adverse effect on the functionality of the area and historic townscape in which it would be located and designated heritage assets. It would also form an intrusion into valuable public space and impede the availability for pedestrians to navigate the footways. The appeal was dismissed. The Inspector regarded the structure as a prominent feature, taller and bulkier than existing street furniture, which was otherwise uncluttered. The Inspector viewed the hub to appear as a visual intrusion, as a result of its position, height, mass and illumination. Further, with the uncluttered, largely traffic free square allowing the buildings to be appreciated, the proposal would be a discordant and distracting element in their setting, affecting the way in which the buildings are experienced. They concluded that the proposal would be harmful to the amenity of the area, would not preserve or enhance the character or appearance of the Conservation Area, nor preserve the setting of the listed buildings. The NPPF's support for high-quality communications was considered, although with regard for these public benefits viewed as modest, which would not outweigh harm to the identified heritage assets. The Inspector recognised the busyness of the square. Although it was acknowledged that the area can become busier and circulation space more constrained during events, given the availability of space and alternative pedestrian routes, the Inspector was unconvinced that pedestrian safety would be significantly harmed.

Case number	Appeal by	Description	Address	Outcome
25/00031/REF	Mr Nathan Still	Display of 1no. LCD display screen on proposed communication hub	Communication HubSt Sampsons SquareYork	Appeal Dismissed

Notes

This appeal related to the placement of a free-standing communication hub measuring approximately 2.6 metres in height and 1.4 metres in width, including a digital advertisement screen and interactive interface allowing telephone services, wayfinding, access to local webpages, mobile charging facilities and a defibrillator. The application was refused on the grounds that the hub and associated advertisements, by virtue of its design, scale and location, would have an adverse effect on the functionality of the area and historic townscape in which it would be located and designated heritage assets. It would also form an intrusion into valuable public space and impede the availability for pedestrians to navigate the footways. The appeal was dismissed. The Inspector regarded the structure as a prominent feature, taller and bulkier than existing street furniture, which was otherwise uncluttered. The Inspector viewed the hub to appear as a visual intrusion, as a result of its position, height, mass and illumination. Further, with the uncluttered, largely traffic free square allowing the buildings to be appreciated, the proposal would be a discordant and distracting element in their setting, affecting the way in which the buildings are experienced. They concluded that the proposal would be harmful to the amenity of the area, would not preserve or enhance the character or appearance of the Conservation Area, nor preserve the setting of the listed buildings. The NPPF's support for high-quality communications was considered, although with regard for these public benefits viewed as modest, which would not outweigh harm to the identified heritage assets. The Inspector recognised the busyness of the square. Although it was acknowledged that the area can become busier and circulation space more constrained during events, given the availability of space and alternative pedestrian routes, the Inspector was unconvinced that pedestrian safety would be significantly harmed.

Case number	Appeal by	Description	Address	Outcome
25/00011/REF	Mr Russell McCardle	Conversion of detached garage to form 1no. flat with associated external alterations	191 Tang Hall LaneYorkYO10 3RJ	Appeal Dismissed

Notes

The application sought to convert the existing detached garage into a single one-bedroom dwelling which would increase occupancy of this site with the host property being divided into two flats .The LPA refused the application on grounds of loss of amenity to future occupants. This was due to the minimal separation distance between the flats and the converted garage would mean the occupants of the first floor flat would have a view directly on to the garden of the future occupants which would impact upon outlook, create overlooking on private gardens and as a result would impact on the level of privacy for future occupants. It was concluded the cumulatively increase the amounts of individual units to this end terrace and create an undesirable over developed residential setting and be restrictive to privacy to a degree it would create a poor outlook and unwanted overlooking to future occupants. The Inspector agreed with the LPA and considered the proposal would result in disturbance and loss of privacy due to vehicle and pedestrian movement of the adjacent dwellings being close to the living areas of the proposed dwelling. The Inspector noted that although the proposed garden was a sufficient in size, there would be within the relatively small space between the garage and the main house resulting in first floor windows would look directly over the garden area at close quarters. The Inspector considered as this was to be the only external garden space afforded to the dwelling, other than the small pathway at the front, the extent of overlooking would significantly erode privacy for the future occupants. The Inspector did consider the site to be sustainable and would assist to provide a small contribution to the local housing mix. The Inspector concluded these matters did not outweigh the harm to future amenity. The Appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00067/REF	Mr Benjamin Laverack	Change of use from dwelling (use class C3) to a short term holiday let (Sui Generis)	9 Vesper WalkHuntingtonYorkYO32 9SZ	Appeal Dismissed

Notes

The application proposed the change of use from dwelling (use class C3) to a short term holiday let (Sui Generis). The application was refused due to harm to neighbouring amenity. The property is located in a quiet residential area in Huntington. It was considered that the associated comings and goings and the high frequency usage/turnover of guests associated with the proposed use would result in excessive noise and disturbance not reasonably expected with more conventional family type housing, giving rise to the likelihood of substantial harm to the residential amenity of neighbouring properties. The Inspector states that the nature of short-term holiday occupation increases the likelihood of intensive use of both indoor and outdoor areas, resulting in a greater propensity for disturbance when compared with a typical C3 dwelling. Booking rules and management controls were said to be in place however these measures did not prevent the disturbance described in representations by neighbours and the Parish Council. The Inspector referred to other appeal decisions concerning similar uses in York, where Inspectors found that the transient nature of short-term holiday occupation inherently increases the risk of noise and disturbance, and that conditions seeking to regulate guest behaviour, restrict outdoor areas or impose curfews were either unenforceable or unreasonable. Those decisions emphasised that even with responsible management, the nature of holiday occupation means that consistent control cannot be reliably maintained. The circumstances of this case aligned with that reasoning, including the quiet residential context and reliance on behavioural controls, which supported the Inspector's view that conditions would not make the development acceptable. They agreed that the use has resulted in significant harm to living conditions of neighbouring occupiers due to noise and disturbance. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
24/00055/REF	Ms Notty Lulu	Change of use of detached garage (use Class C3) to a hair salon (use Class E), and associated external alterations including render to front and side elevations, grey tiling, bifold doors and 2 roof lights	34 Elmpark WayYorkYO31 1DT	Appeal Dismissed

Notes

The application proposed the change of use of a detached garage (use class C3) to a hairdressing salon (use class E). The site is located at the end of a residential street, and the detached garage is adjacent to the sports pitches to the east of the site. The application was refused for impact on residential amenity and insufficient provision of vehicle parking. The inspector determined that whilst the proposed use in and of itself would not give rise to excessive noise and disturbance, there would be activity associated with customers arriving and departing, which would be beyond that which would be expected of a residential property. Despite the proximity of the site to the sports pitches, the area is still of a residential character, and there was no substantive evidence that the increased activity as a result of the proposed hair salon would be absorbed by the existing activity of the sports facilities, given the difference in operating hours. In terms of vehicle parking, it was noted that Elmpark Way is a narrow road with no parking restrictions. The turning of vehicles in the street would involve multiple gear changes, which would not be appropriate in highway safety terms. The inspector did not disagree with the assessment that 4 parking spaces would be required (2 for residents, 2 for business use). The proposed 3 parking spaces in tandem could cause conflict between parking of customers and occupiers, potentially causing additional vehicle manoeuvres, increasing residential disturbance. Increase in on street parking could have an adverse impact on highway traffic, given the proximity to sports facilities. A condition to limit the number of customers would be unlikely to be effective. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00042/REF	Mr Tom Buck	Change of use from single dwelling (use class C3) to House in Multiple Occupation (use class C4) for 4 occupants	61 Wycliffe Avenue York YO10 3RH	Appeal Dismissed

Notes

The application proposed the change of use from C3 to a C4 HMO for 4 occupants. The application was refused for insufficient provision of vehicle parking (leading to visual harm to the streetscene and obstruction of the proposed cycle storage in the garage) and for exceeding the 20% neighbourhood HMO concentration threshold (raising to 21.77%). The inspector upheld that by virtue of the exceeded neighbourhood level concentration threshold, the proposal would conflict with policy H8, causing potential harm to the living conditions of neighbouring occupants. It was acknowledged that the existing grassed space to the front of the property contributes to a positive landscaped environment. The application proposed the use of this area for vehicle parking, which would result in a fully hard-surfaced frontage, diminishing visual amenity and causing harm to character of the street scene. Whilst the inspector concluded that the impact on the character and appearance of the street scene would be harmful, it was not determined that insufficient vehicle parking would be provided, as one vehicle could be parked across the front of property (if the front garden was to be resurfaced), and another in the garage. The storage of cycles and refuse within the garage would be limited if it were to also be used for the parking of a vehicle, however it was suggested that a pre-commencement condition could ensure that suitable provision of storage is provided. The appeal was therefore dismissed due to over-concentration of HMOs and harm to character and appearance of the street scene.

Case number	Appeal by	Description	Address	Outcome
25/00051/REF	Mr K Webb	Outline application for 1no. dwelling (use class C3) with details of access included	The Birches Main Street Wheldrake York YO19 6AH	Appeal Dismissed

Notes

This appeal related to refusal of outline consent for the erection of 1no. dwelling, to the western edge of the village of Wheldrake, within the Green Belt. The site was a large paddock, raised up from the immediate ground levels and bounded by established planting. The application was refused on the grounds that development would not constitute limited infilling within an otherwise built-up frontage and therefore did not fall within one of the listed exceptions for development in the Green Belt, constituting inappropriate development. Indicative drawings of the dwelling were supplied, in which it was also considered the proposal would not respect the prevailing rhythm and character of the village, located adjacent to the Conservation Area. The Inspector agreed the site was located outside the defined settlement limits, with surrounding land uses consistent with a rural character. Although there was development to the south, this was markedly different in character. It was agreed the site was within a transitional area, in which development would be located to an undeveloped site with a distinct, independent character. Accordingly, they concluded the development did not fall within the definition of infilling and therefore would be inappropriate development in the Green Belt. It was agreed construction of the dwelling, together with the presence of domestic paraphernalia, would introduce built development where none currently exists, which would therefore result in a loss of openness. Despite the presence of boundary planting, the wider site was considered of sufficient scale to make a meaningful contribution to the openness of the Green Belt and therefore would result in limited encroachment into the countryside. Whilst the mature verge was considered to positively characterise the Conservation Area, the Inspector viewed a single-storey dwelling could be accommodated with a neutral impact on the setting and significance of the Conservation Area subject to design.

Case number	Appeal by	Description	Address	Outcome
25/00003/REF	Mr P Ramsden	Hip to gable front roof extension, replacement roof tiles, and external wall insulation comprising render to all elevations	2 Green WayHuntingtonYorkYO32 9QE	Appeal Dismissed

Notes

The application proposed the addition of a gable front roof extension, external wall insulation comprising render to all elevations and replacement roof tiles. The application was refused for harm to the character and design of the property and streetscene. The inspector noted that all properties on Green Way follow the same symmetrical design and material composition. Although many of the bungalows of Green Way have been altered, they retain their traditional characteristics especially to the front elevation. The proposed alterations would fail to integrate positively with the more traditional character of dwellings at Green Way. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00048/REF	Toby Kendall	Outline application for erection of 1no. dwelling to rear with all matters reserved	72 Lowther StreetYorkYO31 7LR	Appeal Allowed

Notes

This appeal related to refusal of outline consent for the erection of 1no. dwelling to a backland plot located to the rear of 72 Lowther Street. The host is a two-storey mid-terraced property with unusually long garden, benefiting from rear access with 1no. parking space from Brownlow street. The development was refused on account of its prospective footprint and scale, in close proximity to adjacent neighbouring properties, creating a distinct amount of built development outside of the generally uniform laid out pattern of streets which would form an overbearing and over dominant addition, resulting in undue overlooking and an uncomfortable relationship with the immediate architectural context. The Inspector agreed the grain of development was dense, with mixture of traditional terraced properties (broadly consistent in their use of materials), although noted a mix of other backland and infill schemes. Although acknowledging the constrained plot, the Inspector was not of the mind that the principle of introducing a dwelling in this location would be out of keeping, limited in public view, and whilst increasing the concentration of built form, not so significant as to cause harm to the prevailing character or pattern of the area. The Inspector had regard to the fact that the area currently provides some visual relief, and there would inevitably be an impact to outlook from adjacent dwellings. However, their view was that the increase in mass and scale would be modest within the wider context, referring to how the surrounding area already exhibits close relationships between buildings, and similar arrangements are evident elsewhere. On this basis, they did not consider the effect on outlook would be so significant as to amount to unacceptable harm. The placement of windows to mitigate the impact on neighbouring privacy was regarded as reasonably to address through 'careful design' at reserved matters.

Case number	Appeal by	Description	Address	Outcome
25/00054/REF	Ms Miranda Lam	Change of use from single dwelling (use class C3) to House in Multiple Occupation (use class C4) for up 4 occupants	41 Sixth AvenueYorkYO31 0UR	Appeal Dismissed
Notes The application proposed the change of use from C3 dwellinghouse to C4 HMO (4 occupants). The application was refused for exceeding the HMO concentration threshold of 10% at street level (with a concentration of approximately 13%), in accordance with Policy H8 of the Local Plan. The application was also refused for lack of sufficient vehicle parking, whilst 2no. cars could be parked in tandem, these spaces could not be accessed independently and were therefore unsuitable for the proposed use of the property as an HMO, leading to an increase of on-street parking, inconveniencing local residents and potentially harming visual amenity.Both reasons for refusal were upheld by the Inspector, acknowledging that the street level figure was firmly in excess of the 10% threshold, and to permit further HMOs would unacceptably compound the existing imbalance in the community. The inspector also observed that there was a reasonably high level of on-street parking in the immediate surrounding area, and as the proposed parking spaces would not be independently accessible, it is likely that future occupiers would find parking on the highway more convenient. This would add to the existing parking pressures in the locality, inconveniencing local residents.The appeal was therefore dismissed.				

Case number	Appeal by	Description	Address	Outcome
25/00055/REF	Ms Miranda Lam	Change of use from single dwelling (use class C3) to House in Multiple Occupation (use class C4)	8 Derwent AvenueYorkYO10 3SS	Appeal Dismissed
Notes The application proposed a change of use form C3 dwelling house to C4 HMO. The application was refused as the site would exceed the HMO concentration threshold of 10% at street level, with the figure rising to 35.36% if the application were to be approved. The inspector concluded that the proposal would conflict with the development strategy with regard to the distribution of HMOs and would conflict with Policy H8 of the Local Plan. The immediate area already suffers an imbalance and to permit further HMOs would unacceptably compound that imbalance.The appeal was therefore dismissed.				

Case number	Appeal by	Description	Address	Outcome
24/00048/REF	Mr Jason Moore	Change of use from dwelling house (use Class C3) to a flexible C3 to C4 House in Multiple Occupation (use Class C3 C4)	302 Burton Stone LaneYorkYO30 6HA	Appeal Dismissed
Notes The appeal relates to a Change of use from dwelling house (use Class C3) to a flexible C3 to C4 House in Multiple Occupation at 302 Burton Stone Lane.The application was refused as the use of the property as a 4-bedroom HMO failed to demonstrate adequate car parking and general space options which would have a harmful effect the amenity of future occupants, and consequently the wider area. The inspector determined that while 2 cars could be independently accommodated within the front garden of the appeal property, access to both the front and rear of the house would be compromised. As such, the parking arrangements would constrain movement within and through the front garden the development would have a significant detrimental effect on the living conditions of future occupants of the appeal property resulting from inadequate access to the house and refuse and recycling storage and cycle storage.The appeal was therefore dismissed.				

Case number	Appeal by	Description	Address	Outcome
25/00001/REFLBC	Mr Greg Robinson	External alterations including repairs to window frames and replacement of existing timber sashes with double glazed heritage timber sashes	Holgate Homes139 Holgate RoadYorkYO24 4DF	Appeal Dismissed
Notes				
The appeal relates to the refusal of listed building consent for works to a listed building which proposed to replace all of the existing sashes with new timber sashes in a matching painted timber design with 'heritage double glazing'. The existing frames would be retained and repaired. The application was refused on the basis of harm to the Listed Building with no clear and compelling public benefit to outweigh the harm caused. The inspector determined that social benefits would arise as a result of the proposal in terms of ensuring the long-term maintenance of a care home for vulnerable people. Benefits in that regard, however, would be limited by the small area of the building affected. Whilst the public benefits arising from the appeal scheme are significant, they would not outweigh the harm to designated heritage assets, to which I must give considerable importance and weight. They concluded that the proposal would fail to preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses. The appeal was therefore dismissed.				

Case number	Appeal by	Description	Address	Outcome
24/00049/REF	Mr Danny Mason	Change of use from dwelling house (use Class C3) to House in Multiple Occupation (use Class C4)	6 Custance WalkYorkYO23 1BX	Appeal Dismissed
Notes				
The main issues were whether the proposed development would provide adequate living conditions for future occupiers of the accommodation, and the effect of the proposed development on the character and appearance of the area. The drawings were not to scale and the Inspector considered that bedroom 3 was very small and poorly configured. They opined that residents of HMOs are more likely to choose to spend time in their private space as that bedroom 3 provided unacceptably cramped accommodation. The communal living room would be smaller than that which exists in the current 2 bed house but would serve more adult residents, it would be poorly lit and poorly ventilated. The proposed drawings showed cycle storage in the existing porch and it was unclear how the required number of cycles could be provided without compromising access to the house, however the likelihood of cycles being stored outside the property would not be harmful to visual appearance. The Inspector concluded that the proposals were be poorly designed in terms of residential amenity and cycle parking, and contrary to LP policies T1, D1 and H8, the NPPF and the National Design Guide.				

Case number	Appeal by	Description	Address	Outcome
25/00058/REF	Greenwood	Two storey side extension and single storey front and rear extensions	2 Longcroft iggintonYorkYO32 2DE	Appeal Allowed

Notes

It was considered that the proposed extension would result in a large two storey addition close to the side boundary which, on this prominent corner plot, would result in development which would be harmful to the character, setting and visual amenity of the streetscene. The Inspector noted that the extension would be in keeping with the design of the existing house, that the plot was spacious, but that the extension would project beyond the front building line. The Householder SPG allows for breaches of the building line in exceptional circumstances such as when it is not clearly defined. The Inspector considered that this was the case with this appeal site. Whilst the extension would be noticeable in the street scene, the Inspector concluded that it would be seen against a backdrop of other dwellings and would not be so conspicuous or visually prominent as to cause unacceptable harm to the street scene. As such the proposal would not conflict with policy H11 of the Local Plan.

Case number	Appeal by	Description	Address	Outcome
25/00037/REF	Mrs Carolyn Jowett	Two storey and single storey rear extensions	6 CliftonYorkYO30 6AE	Appeal Dismissed

Notes

This appeal relates to refusal of full planning permission and listed building consent at 6 Clifton, a Grade II Listed detached house, within the Clifton Conservation Area. The application proposed a two-storey rear extension, a contemporary, asymmetrical single storey rear extension and internal alterations. The applications were refused as the cumulative scale, design and use of modern materials harmed the historic character and setting of the heritage asset, and Conservation Area. The internal subdivision and reconfiguration also harmed the legibility of the historic plan form. Harm to the neighbouring amenity of No. 4 Clifton was also concluded, due to the depth and height of the two-storey rear extension. The inspector concluded the extensions would be dominant and at odds with the character of the heritage asset. It is acknowledged that contemporary materials can sometimes be acceptable, however in this instance they are not due to the dominance of the extensions. The inspector also concluded that a loss of historic fabric and harm to the historic plan form would harm the special interest of the building. Whilst noted to not be largely visible from public views, the appeal states the additions would incrementally erode the character of the CA, thus failing to preserve the character and appearance of the CA as a whole. The appeal did not uphold harm to neighbouring amenity as a reason for refusal. It was considered that the neighbour already experiences reasonably enclosed conditions to the rear and given the set back and reasonably low height of the extension it is not concluded to be overly dominant. The appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00038/REF	Mrs Carolyn Jowett	Internal and external alterations including infill of existing front door, new side door opening, removal and reconfiguration of internal walls and staircase, and two storey rear extension and single storey rear extension following partial demolition of existing rear extension	6 CliftonYorkYO30 6AE	Appeal Dismissed

Notes

This appeal relates to refusal of full planning permission and listed building consent at 6 Clifton, a Grade II Listed detached house, within the Clifton Conservation Area. The application proposed a two-storey rear extension, a contemporary, asymmetrical single storey rear extension and internal alterations. The applications were refused as the cumulative scale, design and use of modern materials harmed the historic character and setting of the heritage asset, and Conservation Area. The internal subdivision and reconfiguration also harmed the legibility of the historic plan form. Harm to the neighbouring amenity of No. 4 Clifton was also concluded, due to the depth and height of the two-storey rear extension. The inspector concluded the extensions would be dominant and at odds with the character of the heritage asset. It is acknowledged that contemporary materials can sometimes be acceptable, however in this instance they are not due to the dominance of the extensions. The inspector also concluded that a loss of historic fabric and harm to the historic plan form would harm the special interest of the building. Whilst noted to not be largely visible from public views, the appeal states the additions would incrementally erode the character of the CA, thus failing to preserve the character and appearance of the CA as a whole. The appeal did not uphold harm to neighbouring amenity as a reason for refusal. It was considered that the neighbour already experiences reasonably enclosed conditions to the rear and given the set back and reasonably low height of the extension it is not concluded to be overly dominant. The appeal was dismissed. An application for full costs against CYC was also submitted.

Case number	Appeal by	Description	Address	Outcome
25/00039/REF	Premier Vue	Display of 2no. free standing LED screens fixed to a York Stone mounted plinth with installation of a pond and landscape alterations.	Site Of Former Slip InnMalton RoadHuntingtonYork	Appeal Dismissed

Notes

The proposal comprised of two applications for full planning permission and advertisement consent for the display two free standing internally illuminated LED screens mounted to York stone plinth and centred within a shallow pond water feature to be inserted into a concrete base around York stone paving and evergreen boxed hedging. The site location comprised a belt of land close to Monks Cross Park and Ride, York Community Stadium and Vangarde Shopping Park. The site is in Huntington which has an adopted Neighbourhood Plan. In the decision-making process the overall development was considered as one complete scheme which was consistent with the submitted drawings. The proposals were refused for inappropriate development within the Green Belt due to the impact on openness, harm to visual amenity, landscape character, biodiversity and highway safety due to its location on the internal road network into the shopping park. No very special circumstances considered to exist to justify the inappropriate development. The Inspector also considered the overall development as requested by the appellant on the submission of the two appeals. The Inspector considered the pond feature would be an engineering operation which would meet the listed exceptions in policy GB1 of the Local Plan. However, considered some harm to openness. Also, the inspector considered the scale of the advertisement and its visual prominence and use of LED screens, would result in a discordant feature that would be sited beyond the defined boundary of the commercial area into an otherwise undeveloped landscape and would undermine the character of the surrounding undeveloped area. In terms of public safety, the Inspector considered the proposal would cause distraction near a signalised junction where drivers may be required to stop and cause a distraction in a location where it would be at a detriment to highway safety. There were no issues in regarding biodiversity. The appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
24/00053/REFCPD	Mr James Cornish	Development of 1 metre tall high timber gates	The Sleeping Bear4 Government House RoadYorkYO30 6LU	Appeal Allowed

Notes

The appeal relates to a Certificate for proposed development for the erection of 1m high inward opening gates across a public highway in relation to a stopping up order submitted to the Department for Transport for the change of use of the spur road to private drive for use by the applicant. The Certificate was refused on the grounds that at the time the certificate was determined, the spur road still remained an adopted public highway and the erection of a gate would cause an obstruction which would have a material effect on the public right to pass and re-pass. As such the erection of the gate was not deemed to be permitted development under the Town and Country Planning (General Permitted Development) Order. This certificate is the second to be submitted with the first being refused and dismissed at appeal. The Inspector determined the appeal solely on the description of development being 'timber gates which are 1m in height with a width of 3.3m' quoting the GPDO Schedule 2, part 2, Class A. The Inspector stated that the gate would fall within pd allowances and acknowledged that at the date of making the LDC application, the gate would be located on adopted highway and would enclose land behind it, including the appellants garden and also the highway access to the garage/outbuilding belonging to no. 5. It was concluded that whilst the operational development proposed is permitted under Schedule 2, part 2, Class A, any material change of use of the land is not. The stopping up of the highway and any subsequent material change of use of the land would need to be obtained separately under the relevant statutory provisions as the grant of an LDC does not remove the need to comply with any other legal requirements. The appellant would therefore not be immune to enforcement action if development were undertaken without the relevant consents.

Case number	Appeal by	Description	Address	Outcome
25/00056/REF	Mr S Nelson	Use of existing hardstanding on land to touring caravan park for the storage of caravans	Country ParkPottery LaneStrensallYorkYO32 5TJ	Appeal Dismissed

Notes

The proposal was submitted to use an area of land which is laid with hard standing of approximately 0.10 hectares in area for the storage of 40no. caravans when not in recreational use. The Applicant advanced very special circumstance to support rural economy. The LPA did consider the storage of caravans would bring a business to the site and is a function which is naturally associated to touring caravan activities. However, concluded the applicant has not provided any evidence for the viability to justify the need for a commercial business use to support the rural economy as required by policy EC5 which seeks to ensure there is sufficient justification to address Green Belt policy content. The application was refused on grounds of harm to the Green Belt and openness. There were no very special circumstances that would clearly outweigh the harm to the Green Belt by reason of inappropriateness. The Inspector agreed with the LPA and considered the southern portion of the site where the caravans would be located is undeveloped, and its use for caravan parking would urbanise this part of the site. The Inspector considered some conflict with one of the purposes of the Green Belt, namely safeguarding the countryside from encroachment and the proposal would conflict with the fundamental aim of Green Belt policy, as defined in the Framework, which is to keep land permanently open and would conflict one the five stated purposes of the Green Belt, which is safeguarding the countryside from encroachment. The Inspector considered there were personal benefits to the appellant in supporting the development of their business. It is a rural enterprise with links to the tourism and leisure sector, and considered this to be moderate weight but considered a facility for the storage of caravans for those seeking such services would have neutral weight and there is no evidence relating to the demand for this service or the availability. The Appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00046/REF	Mr and Mrs Hodgson	Single storey side extension and first floor side extension	The GranaryOld Carlton FarmSandy Lane To BoundaryStockton On The ForestYorkYO19 5XS	Appeal Dismissed
Notes				
The application sought permission for a single storey side extension and a first-floor side extension to a detached property in the Green Belt. The application was partially retrospective, and proposed reductions to a previously refused scheme, where additions were considered disproportionate to the property. The application was refused for inappropriate development in the Green Belt, due to a 145% increase in floorspace from the original property, harming openness and the rural character of the site. It was also considered that the proposed extensions would harm the character and appearance of the property by virtue of their scale and design. The inspector considered that the proposed extensions were disproportionate and well in excess of the 25% guide set out in the SPD, even with the reductions proposed to the previously refused scheme. The appellant claimed that the extensions would be an exception to inappropriate development in the Green Belt, as they would constitute redevelopment of previously developed land, however the inspector stated that the redevelopment of land almost always involves the construction of new buildings, typically after demolition of previous ones, and therefore is not relevant in this instance. They also considered that the additions would result in a loss of spatial openness, and the harm would not be outweighed by landscaping. Very limited weight was given to the argument that additional outbuildings could be added under permitted development rights. The appeal was therefore dismissed.				

Case number	Appeal by	Description	Address	Outcome
23/00050/REF	Mr Nathan Still	Installation of multifunctional communication hub	Communication Hub Adjacent 25 - 27Parliament StreetYork	Appeal Dismissed
Notes				
This appeal related to the placement of a free-standing communication hub measuring approximately 2.6 metres in height and 1.4 metres in width, including a digital advertisement screen and interactive interface allowing telephone services, wayfinding, access to local webpages, mobile charging facilities and a defibrillator. The application was refused on the grounds that the hub and associated advertisements, by virtue of its design, scale and location, would have an adverse effect on the functionality of the area and historic townscape in which it would be located and designated heritage assets. It would also form an intrusion into valuable public space and impede the availability for pedestrians to navigate the footways. The appeal was dismissed. The Inspector noted buildings with a mix of styles and ages, however within the vicinity featuring a number of Grade II listed buildings. Although noting outdoor seating, space was remarked as generally free from permanent clutter. The Inspector viewed the hub to appear strident and intrusive, as a result of its position, height, mass and illumination, with space currently allowing the buildings to be appreciated. The proposal was therefore viewed to form a discordant and distracting element in their setting, affecting the way in which they would be experienced. They concluded the proposal would be harmful to the amenity of the area, would not preserve or enhance the character or appearance of the Conservation Area, nor preserve the setting of the listed buildings. The NPPF's support for high-quality communications was considered, although with regard for these public benefits viewed as modest, which would not outweigh harm to the identified heritage assets. The Inspector acknowledged Parliament Street as a busy pedestrian routes, including use for temporary events, although viewed that the wide paved area (away from the carriageway) would not significantly impede pedestrian flow given the overall provision of space.				

Case number	Appeal by	Description	Address	Outcome
25/00027/REF	Mr Nathan Still	Display of 1no. LCD display screen on proposed communication hub	Communication Hub Adjacent 25 - 27Parliament StreetYork	Appeal Dismissed

Notes

This appeal related to the placement of a free-standing communication hub measuring approximately 2.6 metres in height and 1.4 metres in width, including a digital advertisement screen and interactive interface allowing telephone services, wayfinding, access to local webpages, mobile charging facilities and a defibrillator. The application was refused on the grounds that the hub and associated advertisements, by virtue of its design, scale and location, would have an adverse effect on the functionality of the area and historic townscape in which it would be located and designated heritage assets. It would also form an intrusion into valuable public space and impede the availability for pedestrians to navigate the footways. The appeal was dismissed. The Inspector noted buildings with a mix of styles and ages, however within the vicinity featuring a number of Grade II listed buildings. Although noting outdoor seating, space was remarked as generally free from permanent clutter. The Inspector viewed the hub to appear strident and intrusive, as a result of its position, height, mass and illumination, with space currently allowing the buildings to be appreciated. The proposal was therefore viewed to form a discordant and distracting element in their setting, affecting the way in which they would be experienced. They concluded the proposal would be harmful to the amenity of the area, would not preserve or enhance the character or appearance of the Conservation Area, nor preserve the setting of the listed buildings. The NPPF's support for high-quality communications was considered, although with regard for these public benefits viewed as modest, which would not outweigh harm to the identified heritage assets. The Inspector acknowledged Parliament Street as a busy pedestrian routes, including use for temporary events, although viewed that the wide paved area (away from the carriageway) would not significantly impede pedestrian flow given the overall provision of space.

Case number	Appeal by	Description	Address	Outcome
25/00013/REF	Net Zero Fourteen Limited	Erection of a Battery Energy Storage System with associated infrastructure, site levelling works, access, landscaping and ancillary works.	Land Lying To The North West OfMurton WayYork	Appeal Allowed

Notes

The site makes a strong contribution to Green Belt Purpose (a) and this means the site is not located on grey belt land. The development is inappropriate development in the Green Belt which would have a moderate impact on openness and would lead to some encroachment. The harm to the Green Belt attracts substantial weight. However, the other considerations which support the scheme are patently sufficient to clearly outweigh the Green Belt and other harm. For that reason, the proposed development has demonstrated the very special circumstances which mean the appeal should succeed. In terms of Landscape, the Inspector judged that the proposed development would be of locally moderate and adverse effect on character and visual amenity in its early years, but that this would diminish over time as a result of increased landscaping. The effect would then reduce to minor. In terms of loss of agricultural land, the proposal would utilise a relatively small area which would have a negligible impact on the availability of Best and Most Versatile (BMV) land. In any event, the loss would be time limited and the land would be restored in due course. Additionally, the Inspector was satisfied that the proposal is acceptable in relation to safety matters. The acoustic assessment carried out demonstrated that the noise environment at the traveller site would not be unacceptable with the introduction of the proposed acoustic screening. The NPPF indicates significant weight should be given to the benefits associated with renewable energy and low carbon energy generation and the contribution to net zero. Energy storage is described as having a key role to play in achieving net zero. The provision of infrastructure of the type proposed must attract substantial weight. The confirmed grid connection offer was also found to be a significant benefit of the proposal. The proposal was found to be compliant with the Local Plan when read as a whole.

This page is intentionally left blank

Appendix C

Appeal Decisions Outstanding 15 June 2026

Date report run: 15-Jun-2026

Ward	Appeal Case number	PINs Appeal number	Proposal	Address
Acomb	25/00069/REF	APP/C2741/X/25/3376222	Certificate of lawfulness for use as House in Multiple Occupation (use class C4)	73 Rosedale Avenue York
	26/00024/REF	6009003	Display of digital advertising screen to bus shelter	Advertising Right Bus Shelter 121Boroughbridge Road York
Clifton	26/00006/REF	APP/C2741/X/26/3377562	Lawful development certificate for the use of an existing dwellinghouse (Use Class C3) for short term residential lets	3 The Mews Greencliffe Drive York
Dringhouses And Woodthorpe	26/00020/REF	6009065	Display of digital advertising screen to bus shelter	Advertising Right Bus Shelter 92Tadcaster Road Dringhouses
	26/00025/REF	6009025	Display of digital advertising screen to bus shelter	Bus Shelter Site 138 Fronting Allotments Tadcaster Road York
	26/00032/REF	6009321	First floor rear extension to create 1no. flat	The Blue Fin 82 Tadcaster Road Dringhouses
Fishergate	26/00027/REF	6009018	Display of digital advertising screen to bus shelter	Advertising Right Bus Shelter 50Lawrence Street York
	26/00037/REF	6010436	Display of 2no. LCD display screen on proposed communication hub	Advertising Right BT Phonebox Adjacent Frederick House Fulford Road York

	26/00038/REF	6010435	Installation of 1no. street hub unit	Advertising Right BT Phonebox Adjacent Frederick House Fulford Road York
Guildhall	25/00073/REF	APP/C2741/W/25/3375392	Replacement windows throughout	St Giles Gate Gillygate York
	26/00021/REF	6009082	Display of digital advertising screen to bus shelter	Bus Shelter Site 34 Fronting Huby Court Walmgate York
	26/00023/REF	6009023,	Display of digital advertising screen to bus shelter	Advertising Right Bus Shelter 42The Stonebow York
	26/00030/REF	6009047	Display of digital advertising screen to bus shelter	Bus Shelter Site 11 Adjacent 22PiccadillyYork
	26/00031/REF	6009053	Display of digital advertising screen to bus shelter	Bus Shelter Site 19 Adjacent Stonebow House The Stonebow York
	26/00041/REF	6010438	Installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit	Proposed BT Street Hub Fronting Premier Inn Foss Islands Road York
	26/00042/REF	6010439	Display of 2 no. digital 75 inch LCD display screen, one on each side of the street hub unit	Proposed BT Street Hub Fronting Premier Inn Foss Islands Road York
Heworth	22/00029/REF	APP/C2741/X/22/3303954	Certificate of lawfulness for use of building as a dwelling within Use Class C3	20B Asquith Avenue York
	26/00008/REF	6005790	Single storey side and rear extensions (retrospective)	20 Chestnut Avenue York
Holgate	26/00022/REF	6009019	Display of digital advertising screen to bus shelter	Advertising Right Bus Shelter Adjacent Willans House Poppleton Road York
	26/00026/REF	6009031	Display of digital advertising screen to bus shelter	Advertising Right Bus Shelter 127Holgate Road York

Hull Road	2/00001/REF	6010433	Installation of 1no. street hub unit	Proposed BT Street Hub Fronting 8 Matmer House Hull Road York
	26/00005/REF	6005043	Change of use from dwelling house (use Class C3) to House in Multiple Occupation (use Class C4)	21 Burlington Avenue York
	26/00029/REF	6009015	Display of digital advertising screen to bus shelter	Advertising Right Bus Shelter Adjacent 181Hull Road York
	26/00039/REF	6010434	Display of 2no. LCD display screen on proposed communication hub	Proposed BT Street Hub Fronting 8 Matmer House Hull Road York
Huntington/New Earswick	26/00035/REF	6009480	Display of 1no. digital LED display sign	Site Of Former Slip Inn Malton Road Huntington York
Micklegate	26/00019/REF	6007558	Conversion of garage to 1no. dwelling (use class C3) to comprise formation of dual pitch roof with gable, installation of rooflights and other associated external alterations	Garage Adjacent 2Butcher Terrace York
	26/00028/REF	6009041	Display of digital advertising screen to bus shelter	Bus Shelter Site 28 Adjacent To 73Nunnery Lane
	26/00040/NON	6010035	Conversion of public house (sui generis) into 3no. dwellings (Use Class C3), two storey rear extension, external alterations and installation of rooflights and dormer	Victoria Vaults49 Nunnery Lane
Osballdwick And Derwent	26/00010/REFCLU	APP/C2741/X/26/3377781	Certificate of lawfulness for existing development of 4no. pad foundations	Field To The North-West Of Holtby Woodyard Holtby Lane Holtby

	26/00017/REF	6008336	Installation of 2no padel courts and associated permeable grass covering	Dunnington And Grimston Sports Club Common Road Dunnington
Rawcliffe And Clifton Without	26/00034/REF	6009484	Removal of soil heap, erection of 4no. padel tennis courts with fabric canopies and security fencing and siting of welfare/office unit with associated access, parking and lighting	York Cricket And Rugby Club York Sports Club Shipton Road Clifton
	26/00036/REF	6009491	Erection of 1no. dwelling to rear with new vehicle access from Miller Road	16 Hastings Close York
Rural West York	26/00015/REF	6008535	Erection of 1no. detached dwelling to side (resubmission)	13 Bankside Close Upper Poppleton
Strensall	26/00016/REF	6008579	Single storey side extension and first floor side extension (retrospective)	The Granary Old Carlton Farm Sandy Lane To Boundary Stockton On The Forest
	26/00033/REF	6009256	Display of 1no. internally illuminated totem sign - retrospective	Starbucks Drive Thru Malton Road Stockton On The Forest