



Notice of meeting of

Planning Committee

To: Councillors R Watson (Chair), Simpson-Laing (Vice-Chair), Cregan, Crisp, D'Agorne, Firth, Sue Galloway, Galvin, Horton, Hudson, Jamieson-Ball, King, Moore, Reid, B Watson and Wiseman

Date: Thursday, 27 March 2008

Time: 4.30 pm

Venue: The Guildhall, York

AGENDA

1. **Declarations of Interest**

At this point, members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. **Minutes** (Pages 3 - 22)

To approve and sign the minutes of the meetings of the Planning Committee held on 19th February 2008 and 28th February 2008.

3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the day before the meeting. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

4. Plans List

This item invites Members to determine the following planning applications:

a) Proposed University Campus Lying Between Field Lane, Common Lane, A64 Trunk Road and Hull Road, York (08/00005/OUT) (Pages 23 - 42)

Application under Section 73 of the Town and Country Planning Act 1990 for development to take place without compliance with approved plan C (ii) referred to in condition 1 of application 04/01700/OUT and its substitution by an amended plan to increase building slab levels (building heights to remain unchanged) *[Heslington Ward]*

5. A Review of the Sites of Importance for Nature Conservation Procedures for the City of York (Pages 43 - 58)

This report outlines the Council's criteria for the designation of Sites of Importance for Nature Conservation (SINC's). It states that the procedures used to identify and ratify such sites are no longer sufficient for present day needs and are in need of updating.

6. The Single National Planning Application Form (1APP) and Validation Checklist. (Pages 59 - 120)

This report is to request the formal adoption by Members of a validation checklist for use in the registration and validation of planning applications.

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

Democracy Officer:

Name: Tracy Wallis

Contact Details:

- Telephone – (01904) 552062
- E-mail – tracy.wallis@york.gov.uk

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

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- Business of the meeting
- Any special arrangements
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Contact details are set out above.

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The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Committee Minutes

MEETING	PLANNING COMMITTEE
DATE	19 FEBRUARY 2008
PRESENT	COUNCILLORS SIMPSON-LAING (VICE-CHAIR), CREGAN (not for item 48), CRISP, D'AGORNE, FIRTH, SUE GALLOWAY, GALVIN, HUDSON, JAMIESON-BALL, KING, MOORE, REID, B WATSON, HYMAN (SUBSTITUTE), PIERCE (SUBSTITUTE)(not for item 47a) AND GILLIES (SUBSTITUTE)
APOLOGIES	COUNCILLORS R WATSON, HORTON AND WISEMAN

43. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Land to the West of Metcalfe Lane, Osbaldwick, York	Councillors Sue Galloway, Reid, Gillies, Crisp.	As objections had been received and the application was recommended for approval.

44. DECLARATIONS OF INTEREST

Members were invited at this point to declare any personal or prejudicial interests they may have in the business on the agenda.

Councillor Pierce declared a personal and prejudicial interest in Plans Item 4a (Land to the West of Metcalfe Lane, Osbaldwick, York) as he was a Member of the Derwenthorpe Development Panel. He left the room and took no part in the discussions thereon.

Councillor Hyman declared a personal non-prejudicial interest in Plans Item 4a (Land to the West of Metcalfe Lane, Osbaldwick, York) as his father used to live in Meadlands.

Councillor D'Agorne declared a personal non-prejudicial interest in Plans Item 4a (Land to the West of Metcalfe Lane, Osbaldwick, York) as he was a Member of the Whiz Go Car Club and a member of York Cycle Campaign.

Councillor Jamieson-Ball declared a personal non-prejudicial interest in Plans Item 4a (Land to the West of Metcalfe Lane, Osbaldwick, York) as he was a Member of the Whiz Go Car Club.

45. MINUTES

RESOLVED: That the minutes of the meetings held on 22 November 2007 and 17 December 2007 be approved and signed by the Chair as a correct record.

46. PUBLIC PARTICIPATION

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

47. PLANS LIST

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

47a Land to the West of Metcalfe Lane, Osbaldwick, York.

Members considered a major reserved matters application, submitted by the Joseph Rowntree Housing Trust, for the residential development for 64 dwellings, including public open space, associated footpaths, cycleways, roads, engineering works and landscaping (Phase 1).

Officers updated on the following points:

- Bus stops within Phase 1 – negotiations have continued between the Council's Highways Department and the developers. This has led to a revised plan which shows indicative positions of the proposed bus stops within Phase 1. Two options have been offered, the first is that there would be a bus stop within the centre of the community along the Avenue. The second option is to have one stop located close to the entrance of Neighbourhood D adjacent to Osbaldwick Village and one stop along the Avenue located just South of the Sustrans cycle track. The exact details of these bus stops is not required to be approved as part of the reserved matters application but the proposed locations provide a degree of security that bus stops can be installed when required. Highway Network Management have confirmed that they are happy with the proposed bus stop locations.
- Consultation Response from the Landscape Officer – The content and arrangement of the landscape masterplan and supplementary information conforms with the objectives of the outline application. It is acceptable for any outstanding matters regarding the finer landscape details to be agreed under condition.
- An additional letter of objection had been received which raised the following points:
 - No details of the under grounding of pylons has been submitted

- No construction management plan has been submitted
- No details of a sewage pumping facility has been submitted
- There is no explanation as to the ownership of the site
- Objections to the removal of the hedge.

The issues raised above had been covered in the Planning Officer's report.

- Conditions – As a result of consultation responses some plans have been amended slightly. Therefore some of the plan numbers shown within Condition 2 should be amended to:
 - Revised Site Plan Drawing Number 2138_PL_101B
 - Revised Landscape Masterplan Drawing Number LA/WS/L/-90/01 Revision E
 - Revised General Arrangement Drawing Number LA/S1/L/-/90/01 Revision B

Members raised the following questions:

- In relation to the condition 31 laid out in the committee report dated 31 January 2005 a question was asked regarding the submission of a Drainage Plan. The Assistant Director (Planning and Sustainable Development) responded that work on this was ongoing with consultation in relation to this taking place. There was nothing in the scheme presented before the committee to indicate that it could not proceed on the basis of the details put forward today. The conditions were considered in the course of the Public Inquiry process and were not necessarily the same as those set out in the committee report that was presented on 31 January 2005. The Legal Adviser for the Council clarified that the conditions proposed by the Secretary of State prevailed.
- In response to a question from a Member Officers clarified that LEAP was a 'Local Equipped Area of Play' measuring not less than 400 square metres in area and designed for play primarily for children aged 4 to 10 years. NEAP was a 'Neighbourhood Equipped Area of Play' of not less than 1,000 square metres and designed for play primarily for children aged 4 to 16 years.

Representations, in objection, were received from a representative of Meadlands Area Residents Association who said that the application lacked detail and responses from various departments and external bodies were still outstanding. He noted that a sustainability statement had not been received in relation to this application.

Representations were also received, in objection, from a representative of the Friends of Osbaldwick Meadows. He stated that the scheme remained unpopular with many local residents and would remain unresolved until the outcome of the Village Green Inquiry was known. He claimed that there was documentary evidence that the hedgerow around the site was subject to an Enclosure Award and was therefore protected.

Representations were received, in objection, on behalf of Osbaldwick Parish Council who raised concerns regarding foul water discharge, surface water, soil tests and traffic.

Representations were received in support of the scheme from a representative of the applicant who said that the Joseph Rowntree Housing Trust had been addressing the issues raised above. Derwenthorpe would be a distinctive, high standard development, priority would be given to cycles and pedestrians and the homes would meet a high sustainability level. Energy efficiency was a very important part of the scheme.

The following responses were received in relation to Members questions:

- In response to a question regarding ground sourcing heat pumps the applicant's representative responded that the applicants had been considering a variety of ways of heating the proposed homes. One suggested solution had been to look at a community heating scheme where the heating and hot water came from a central point rather than form individual boilers.
- In response to a question regarding how the applicant would ensure the landscape would be maintained and trees retained the applicant's representative responded that the majority of trees would be in public places and therefore the condition of them could be easily monitored.
- In response to a question regarding the car parking spaces to be used in connection with the car sharing club it was noted that this condition would need to be discharged prior to development.
- In response to a question regarding the location of the 5 residential units of Ecohomes Standard Innovative Plus (detailed in section 6.1 of the Section 106 agreement) the applicant's representative said that it had not been decided where these homes would be situated.
- In response to a question regarding paragraph 4.10 of the report it was not known which of the sustainable schemes would be used on the proposed development. The applicant's representative indicated that a range of the criteria would be met and they were committed to a very high level of sustainability.
- In response to a question regarding the outline thinking in relation to traffic on the site the applicant said that there would be:
 - a bespoke and regular bus service through the heart of the site
 - for each first resident into a home there would be an offer of money towards a bus pass or a cycle
 - 6 car parking spaces for the use of the car club and the provision of up to 2 cars for the use of the club
 - a number of pedestrian and cycle links to existing networks and a Sustrans update.
- In response to questions regarding composting and lifetime homes the applicant's representative responded that composting would not be done centrally but each home would have an individual facility for this. The applicant was committed to building lifetime homes and disability needs would be factored into the designs. The homes would be

adaptable and very flexible in terms of space, layout and sustainable features.

- In response to a question relating to recycling it was stated that there would be three centralised points for dropping off recycling.

Some Members felt that the designs of the proposed development were very innovative and they felt encouraged by the 40% social housing figure and the work that was being done in relation to sustainability. They felt that it was a very forward thinking scheme that kept the environment in mind. Other Members felt disappointed at the lack of commitment to specific sustainability criteria and felt that even though it was a move in the right direction it was not as forward thinking as it could be.

RESOLVED: That the application be approved subject to the conditions outlined in the report and the following amended condition:¹

Amended Condition 2

- Revised Site Plan Drawing Number 2138_PL_101B
- Revised Landscape Masterplan Drawing Number LA/WS/L/-90/01 Revision E
- Revised General Arrangement Drawing Number LA/S1/L/-90/01 Revision B

REASON: That the proposal, subject to the conditions outlined in the report and the above amended condition, would not cause undue harm to interests of acknowledged importance, with particular reference to layout, design, external appearance and landscaping. As such the proposal complies with Policies GP1, GP3, GP4a, GP9, NE1, NE6, NE7, T2b, T4 and T7c of the City of York Draft Local Plan.

Action Required

1. To issue the decision notice and include on weekly planning decision list within agreed time scales. JB

48. THE SINGLE NATIONAL PLANNING APPLICATION FORM (1APP) AND VALIDATION CHECKLIST.

Members considered a report that advised them of a validation checklist for consultation prior to its adoption for use in the registration and validation of planning applications. The Government is introducing a new standard electronic application form for applications for planning permission made under the Town and Country Planning system and Listed Building and Conservation Area consent regime. The intention of the electronic form is to simplify the process for applicants and agents submitting applications on line by tailoring itself to the type of application being submitted. Alongside this and to support the use of the standard application form, the

Government is also introducing new information requirements for the validation of planning applications by local planning authorities.

Officers updated that the following amendments had been made to the Validation Requirements For Planning and Other Applications Submitted Under the Town and Country Planning Acts (Pre-Consultation Draft February 2008):

- Under the 4th bullet point beneath the heading Local Requirements (Page 134 of the agenda) entitled Parking Provision – ‘Where a scheme ... demands are met within the application site *bearing in mind the City of York Council’s maximum parking standards.*’
- The second bullet point on Page 141 of the agenda under the heading Open Space Assessment – to remove the word certain from the third sentence so that it reads ‘*It is also expected that with residential schemes new open spaces will...*’
- The first bullet point on page 142 of the agenda under the heading Planning Statement – to change the final sentence to read ‘*For all new developments applicants will be expected to have regard to the Council’s guidance on Sustainable Buildings, and to the Code for Sustainable Homes for residential development. The Guidance can be viewed at...*’
- The final bullet point on page 143 of the agenda - to add in ‘*... by all modes of transport, for example foot, bicycle or car, as well as giving...*’

Members raised concerns regarding the short three week consultation period and were informed that this was in order to meet the Government deadline of 6th April for implementation.

Some Members welcomed the proposals but felt that the costs of development were too high.

Members were presented with the following options:

Option A Do not approve and adopt the Validation Checklist (with local criteria).

Option B To approve the Validation Checklist (with local criteria) for public consultation over a 3 week period.

Option C To approve the Validation Checklist (with local criteria) without public consultation.

RESOLVED: (i) That Members agree Option B to approve the Validation Checklist for public consultation over a 3 week period to include:¹

- Consultation with planning consultants and agents
- Consultation with community groups and amenity societies not listed in paragraph 8 of the report
- Consultations with Parish Councils and Planning Panels

- Placement of the document on the Council Website, in public libraries and Council offices
- (ii) That Members agree to receive comments and consider the consultation responses at the March Planning Committee meeting.²

REASON: In order that the checklist can be adopted before 6th April 2008.

Action Required

1. To Instigate the agreed consultation process JB
2. Prepare a report detailing the consultation responses for presentation at the Planning Committee Meeting scheduled for 27th March 2008. JB

Councillor Simpson-Laing, In the Chair
[The meeting started at 4.30 pm and finished at 6.00 pm].

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MEETING	PLANNING COMMITTEE
DATE	28 FEBRUARY 2008
PRESENT	COUNCILLORS R WATSON (CHAIR), SIMPSON-LAING (VICE-CHAIR), GREGAN, CRISP, D'AGORNE, FIRTH, SUE GALLOWAY, GALVIN, HORTON, HUDSON, JAMIESON-BALL, KING, MOORE, B WATSON, ORRELL (SUBSTITUTE) AND GILLIES (SUBSTITUTE)
APOLOGIES	COUNCILLORS REID AND WISEMAN

49. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Factory, Bishopthorpe Road	Councillors R Watson, Orrell, Hudson, Moore, Gillies, Horton, S Galloway, D'Agorne	As the application was recommended for approval and objections had been received
Land adjacent to Harewood Whin Landfill Site	Councillors R Watson, Orrell, Hudson, Moore, Gillies, Horton, S Galloway, King	As the application was recommended for approval and objections had been received

50. DECLARATIONS OF INTEREST

Members were invited to declare any personal or prejudicial interests they may have in the business on the agenda. None were declared.

51. PUBLIC PARTICIPATION

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

52. PLANS LIST

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

52a Factory Bishopthorpe Road (08/00010/FUL)

Members considered a full application, submitted by Mr Chris Hale, for the addition of a third storey with three storey extension to the rear, cycle and refuse stores, external alterations and car parking at the Time Office Block.

Officers updated the Committee with the following information:

- Condition 11, in relation to trees has been amended as set out in the resolution below.
- With regards to Condition 18 (cycle parking) – the applicants have agreed to provide an additional 2 covered spaces to the rear of the building so as to satisfy the comments received from the Council's Highway Network Management Officer.

Representations were received, in objection, from a local resident who had the following concerns:

- The building is listed as a building of architectural or historic interest.
- The building is one of a group which were all built at the same time. The complex is a strong group in architectural terms, presenting a unified style. It is allowed, the addition of an extra storey to the Time Office building will spoil the completeness of the architectural style.
- The purposely shaped parapet of the building will be blocked by the new storey.
- The change will alter the appearance of the building which is one of a group which makes up part of the conservation area.
- The proposed roof extension would be seen from adjacent listed buildings.
- If approved this extension could become a precedent for similar alterations to other listed buildings on the site.

Representations were also received, in objection to the application, from a representative of Bishopthorpe Parish Council. The main concerns raised were linked with increased traffic generation accessing the site as a whole.

Representations were received, in support of the application, from the Applicant's architect. The Applicant was relocating to York and intending to make the proposed development their new Head Office as well as providing some high quality office space for smaller businesses.

Members asked the Officers about any implications the proposed development would have on other buildings on the site and it was reported that they anticipated other buildings on this site being altered in the future.

In response to a Member's question the applicant's representative said that the proposed development would be fully DDA (Disability Discrimination Act) compliant.

Members discussed the application and raised the following points:

- The eco-qualities of the building.
- Traffic issues and the effect any extra traffic would have on the village of Bishopthorpe.
- Concerns regarding 'piecemeal' development.
- The design of the roof extension.
- The fact that the proposed development would not be for the sole use of the Applicant but would also offer accommodation for small businesses.
- Concerns that this proposal may become a precedent for alterations to other buildings on the site.
- The difficulty in using industrial buildings in a modern context.
- The history of the building and the substantial changes and alterations that have happened throughout the years.
- The reason for listing the building was for its historical connections and not for its architectural merits.

RESOLVED: That the application be approved subject to the conditions outlined in the report and the following amended condition:¹

Amended Condition 11

No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs *particularly at the rear of the former Time Office Building*. This scheme shall be implemented within a period of 6 months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

REASON: That the proposal, subject to the conditions outlined in the report and the above amended condition, would not cause undue harm to interests of acknowledged importance, with particular reference to the Former Time Office Building which is a listed building and the Racecourse and Terry's Conservation Area. As such

this proposal complies with policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies GP1, HE2, HE3, HE4, GP4 (a), GP11, T4, E3b and E4 of the City of York Local Plan Deposit Draft.

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed time scales. JB

52b Factory Bishopthorpe Road (08/00009/LBC)

Members considered an application for Listed Building Consent, submitted by Mr Chris Hale, for the addition of a third storey with three storey extension to the rear, internal and external alterations at the Time Office Block.

Officers updated Members of the Committee that five additional conditions had been added in relation to external materials, drawings, new wall partitions, details of the roof and existing doors. These are detailed in the resolution below.

Councillor Galvin proposed and Councillor Brian Watson seconded the motion to refuse the application. When put to the vote the motion was lost.

RESOLVED: That the application be approved subject to the conditions outlined in the report and the following additional conditions and informatives:¹

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

Reason: So as to achieve a visually acceptable appearance.

2. Prior to the commencement of the works hereby approved cross sections, profiled and details at a scale 1:10 of:-
 - a. Envelope of service tower, including glazed connections and roof link;
 - b. Eaves detail of new floor;
 - c. Flashings and any other modification to existing parapet;
 - d. Windows and window systems;
 - e. External and internal doors;

- f. Internal partitioning systems and any suspended ceilings;

Large scale details of:-

- a. Details of cycle enclosure;
- b. Details of waste compound;
- c. Details of internal and external servicing ductwork, pipes and equipment.

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved details shall be carried out in accordance with the approved details.

Reason: To retain the character of the Listed Building and so that the Local Planning Authority may be satisfied with these details.

- 3. All new wall partitions should be scribed around existing details.

Reason: To protect the internal fabric and features of the listed building.

- 4. Prior to the commencement of work and notwithstanding the hereby approved details, additional details of the roof shall be submitted to the Local Planning Authority for written approval. The development shall then be carried out in strict accordance with the written approved details.

Reason: To retain the character of the Listed Building and so that the Local Planning Authority may be satisfied with these details.

Informative

At present the roof pitch proposed is 20°, it is considered that a reduction in the pitch of the roof by 5° to 15° would reduce the height of the proposed roof of the additional floor by approximately 400-500mm and give the appearance of the roof being flatter from the more distant views.

- 5. The two existing doors within the end elevation (adjacent to the main factory building) shall be retained.

Reason: To retain the character of the Listed Building and so that the Local Planning Authority may be satisfied with these details.

Informative

The retained doors will screen the closed up opening and maintain the appearance of a door opening. They will act as shutters to allow cleaning/maintenance of the new windows which are to be formed within this opening.

REASON: That the proposal, subject to the conditions outlined in the report and the above additional conditions, would not cause undue harm to interests of acknowledged importance, with particular reference to the Former Time Office Building which is a listed building and the Racecourse and the Terry's Conservation area. As such this proposal complies with policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies HE2, HE3 and HE4, of the City of York Local Plan Deposit Draft, also national planning policy guidance PPG15.

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed time scales JB

52c Harewood Whin, Landfill Site, Tinker Lane, Rufforth (07/02914/FULM)

Members considered a full application, submitted by Yorwaste Ltd, for the construction of three concrete pads totalling 26,900m², site roadways and drainage system including underground storage tanks, for use as a green waste composting and waste wood recycling facility.

Officers updated the Committee with the following information:

- A representation had been received from the York Natural Environment Panel who welcomed the recycling approach. They also commented that there needed to be a detailed plan of landscaping which should be of a suitable native mix. The proposed bund needed to be away from the woodland
- A representation had been received from Wheatlands Educational Community Woodland requesting that Members seek a contribution from Yorwaste towards signs, waste bins and ongoing maintenance of Moor Lane and funding of the diverted track under the outer ring road to Knapton.
- Two further objections had been received from residents of Rufforth on the following grounds:
 - Industrial use in the green belt
 - Increased traffic
 - Increased odours, litter and vermin

- Concrete pads will impact on the open aspect of the Green Belt
 - Noise and dust from the wood recycling facility
 - Location to the North East of the landrise site would be more appropriate with access from the A59 or the A1237.
 - Statements relating to noise are vague and give no assurance of remedial action.
- Delete condition 20 as set out in the Committee report, as the details within this were adequately covered by condition 13.
 - Amend condition 19 in relation to traffic management to read as set out in the resolution below.
 - An additional condition regarding hedgerows to be added as set out in the resolution below.
 - The recommendation to be amended to 'subject to no objections being received from the Environment Agency delegate to the Assistant Director, Chair and Vice Chair of Planning Committee to approve after referral to the Secretary of State (under the Town and Country Planning (Green Belt) Direction 2005).

Officers informed Members that there would be an estimated peak of 12 lorries per day to the site. The proposed development constituted 'inappropriate development' in the greenbelt but it was deemed that there were special circumstances in this instance to allow the development to take place. A noise assessment had been undertaken and it was understood that there would be a noise increase of between 0 and 1 decibels; noise management was covered within conditions 13,14 and 20 of the report.

Approximately 70% of the waste would be coming from the York are and shredding of green waste and waste wood recycling would not take place on a Sunday.

The proposed site was not currently included in the boundaries of the planning permission for Harewood Whin.

Representations were received, in objection, from a local resident who said that the waste disposal operation had started in 1988 with a 20 year life span and he didn't see any chance that it would be completed, grassed over and returned to agricultural use this year. An extension granted in 2004 was further away from the village, set back from the road with a bund and trees. He had always understood that there were planning conditions imposed on the original development and to site further facilities in this area but closer to the road and the village was unacceptable and he therefore urged the Committee to refuse the application.

Representations were also received, in objection, from another local resident who said that there would be a noticeable increase in the amount of traffic. The positioning of the proposed development was inappropriate and would have a dramatic impact on the surrounding area. He made available a copy of an article from The Press (dated Wednesday 27 February) which illustrated how rubbish had been blown from the site onto

the highway and surrounding fields. He also said that on the day of the site visit the mobile shredder was not operative and therefore Members did not get a clear indication of noise issues in relation to the site.

Representations were received, in objection, from Rufforth and Knapton Parish Council. Their representative informed the Committee that their objections were in relation to the siting of an industrial process in the green belt. The amenity of the village of Rufforth would be negatively impact if the proposals were approved. There would be an increase in noise, smells and traffic. He said that there were other suitable locations for the recycling plant and thought that it would be possible to site the plant further away from the road to minimise its impact on the local area.

Councillor Healey addressed the Committee as the Ward Councillor for Rural West York and said that the residents of Rufforth believed that this was arable land used to shield Harewood Whin from the road. He asked, in the event that the proposals were approved, that the recycling facility be sited further away from the road and village. The Sustrans track would pass nearby the site and this was another reason for refusal of the application on the proposed site.

Members asked the following questions:

- Would the new boundary have implications in relation to the cycle track? Officers answered that this section of the track was the easiest to construct as it could be adequately accommodated into the existing verge without encroaching onto the application site. It was also stated that that there was room for the path to be in the site if necessary.
- Where would the compost be transported to?
Officers answered that it would go to local garden centres and waste sites and would be made available to the public.
- Had alternative sites been looked at for the recycling facility?
The Applicant responded that they had looked at alternative sites for the facility on current Harewood Whin land and for various reasons these were not suitable.
- Had there been an independent assessment to see whether the existing Yorwaste site could accommodate the recycling plant?
The Applicant said that they had not sought an independent assessment as the land was either refilled land or land already in use.
- Would it be possible to have a condition requesting a contribution from the Applicant towards the cost of the cycle route?
Officers responded that it was only possible to ask for this kind of contribution if it reasonably related to the site which was not the case in this instance.
- Where was the other 30% of waste from?
The Applicant responded that it was from other nearby North Yorkshire sites and recycling centres. When asked whether the York waste could go to these sites the Applicant responded that the waste would be delivered to the nearest site to cut down on transport costs. The next nearest site was in Catterick.
- If approved, could the floodlighting be dark sky compliant?
Officers responded that this could be conditioned.

- Would the applicant be happy to accept a condition that there would be no shredding on a Sunday and no shredding after 1pm on a Saturday? The applicant responded that they would prefer not to have a cut-off time on Saturday.
- Was there any machinery installed for bagging? The applicant responded that this had not yet been looked at.
- Had wildlife, in particular, badgers been taken into consideration? The applicant said that the area had been surveyed by a trained ecologist.
- Does the recycling facility have to be with the landfill site? The applicant said that it was logical on operational grounds for it to be sited with the landfill.

Councillor Gillies proposed a motion for refusal on the grounds of the volume of concrete involved, noise, odours, impact on the local area, wildlife disturbances and an inappropriate choice of location. Councillor Hudson seconded the motion but when put to the vote the motion was lost.

Some Members felt that there was sufficient evidence to indicate that these were special circumstances. They believed that the landfill site was a suitable location for the recycling facility. They also suggested that the operation should run for a minimum of 15 years.

RESOLVED: Subject to no objections being received from the Environment Agency the approval, (including all conditions outlined in the report and below), shall be delegated to the Assistant Director, Chair and Vice Chair of Planning Committee subject to referral to the Secretary of State (under the Town and Country Planning (Green Belt Direction 2005).] ¹

Amended condition 2

This permission shall be limited to a period of 15 years from the date of commencement of the development (the date of which shall be notified in writing to the local planning authority) after which time, or if the use ceases prior to the expiration of 15 years, the site shall be restored in accordance with a scheme to be submitted to and approved in writing by the local planning authority the scheme shall include details of the number, species, height and position of all trees and hedging and shall be implemented during the first planting season following the ceasing of operations unless otherwise approved in writing by the local planning authority. The approved scheme shall include details of maintenance and aftercare for a period of five years following the completion of the restoration scheme.

Reason: To provide for the completion and progressive restoration of the site within the approved timescale in the interest of the amenity of residents

and as a need for a waste disposal facility for this period of time has been proven.

Amended condition 7

No waste vehicle shall enter or leave the site and no working shall take place except between the hours of 07.30 and 17.00 Mondays to Sundays. There shall be no working on Christmas Day, Boxing Day and New Years Day. No shredding of material shall take place on any Sunday.

Reason: In the interest of the amenity of residents.

Amended condition 16

Before the development hereby permitted is commenced details of all external floodlighting and other illumination proposed at the site shall be submitted to and approved in writing by the local planning authority. These details shall include: height of the floodlighting posts, intensity of the lights (specified in Lux levels), spread of light including approximate light spillage to the rear of floodlighting posts (in metres), any measures proposed to minimise the impact of the floodlighting or disturbance through glare (such as shrouding), and the times when such lights will be illuminated. The submitted details shall be 'dark sky' compliant.

Reason: in the interest of the appearance of the site.

Amended condition 19

Prior to the commencement of any development on the site a management plan for the routing of vehicles delivering and removing green waste, wood waste and compost shall be submitted to and approved in writing by the local planning authority. No vehicles shall access or leave the site via the village of Rufforth and the plan shall detail matters such as instructions to drivers, signage and measures to ensure adherence to the approved plan.

Reason: In the interest of the amenities of the residents of Rufforth and in the interests of highway safety.

Additional condition

No hedgerow shall be removed between 1st March and 31st August in any year unless otherwise approved in writing by the Local Planning Authority.

Reason: in the interest of habitat protection in accordance with policy NE6 and NE7 of the Development Control Local Plan.

Additional condition

Development shall not commence until details of protection, mitigation and replacement measures of

the following features and species; ditches, broadleaved woodland, broadleaved plantation, hedgerows, mature trees, grassland, bats and breeding birds have been submitted to and approved in writing by the local planning authority.

Reason: in the interest of habitat protection in accordance with policy NE6 and NE7 of the Development Control Local Plan.

REASON:

That the proposal, subject to the conditions outlined in the report and the above amended and additional conditions, would not cause undue harm to interests of acknowledged importance, with particular reference to the designated green belt, environmental issues, drainage and traffic. As such the proposal complies with PPG2, PPS7, PPS10 and Policies SP2, SP3, GP4a, GB1, GB14, MW5 and MW1 of the City of York Development Control Draft Local Plan.

Action Required

1. Refer the Application to the Secretary of State

JB

Councillor R Watson, Chair

[The meeting started at 4.35 pm and finished at 7.05 pm].

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COMMITTEE REPORT

Committee: Main Planning
Date: 27 March 2008
Ward: Heslington
Parish: Heslington Parish Council

Reference: 08/00005/OUT
Application at: Proposed University Campus Lying Between Field Lane Common Lane A64 Trunk Road And Hull Road York
For: Application under Section 73 of the Town and Country Planning Act 1990 for development to take place without compliance with approved plan C (ii) referred to in condition 1 of application 04/01700/OUT and its substitution by an amended plan to increase building slab levels (building heights to remain unchanged)
By: C/o Agent
Application Type: Outline Application
Target Date: 13 February 2008

1.0 PROPOSAL

1.1 The proposal is to vary condition 1 of the outline planning permission for a new university campus at Heslington East (04/01700/OUT) by replacing plan C(ii) with plan C(ii) Rev A. Reductions of both plans are attached together with a schedule of heights. Condition 1 of the outline consent lists the approved plans that accompany the planning permission. Plan C(ii) shows the maximum slab heights and maximum building heights above ordnance datum (AOD) for each building zone of the new campus. The revised plan would increase the maximum slab heights of 10 of the 15 zones by between 0.3m and 2.1m. The application does not seek to increase the maximum building heights AOD.

1.2 The outline planning permission includes 35 conditions. The approved plans listed in condition 1 of the outline consent describe the limitations on the development in terms of site area, building heights, accesses, development densities and access points. Detailed proposals for the development are required to be the subject of reserved matters applications. The first of those applications (08/00032/FULM), which is for a 622-bed college, is being considered by officers.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1
Design

CGP15A
Development and Flood Risk

CYGB1
Development within the Green Belt

3.0 CONSULTATIONS

3.1 Internal
Structures and Drainage - No objections.

3.2 External
Heslington Parish Council - No response.
Environment Agency - No comments.
Public Consultation - The consultation period expired on 29 January 2008. One objection has been received from a local resident raising the following planning issues: The proposed amendment is a major material change that would affect the whole development; It is questionable whether it is appropriate for the local planning authority to determine the application; The application is a manipulation of the planning process because the information needed to determine the slab heights was known before the public inquiry; The university's justification for the proposal does not hold up to critical appraisal; the proposal would increase the visual intrusion of the campus; the proposal would increase the impact on the character and openness of the countryside/green belt.

In addition, one letter of non-objection has been received from a local resident: The flood-risk justification for raising the slab heights does not inspire confidence that the plans are 'global warming failsafe'; the increased bulking of the buildings that will now be required to achieve the original floorspace may well be detrimental to the landscaped park effect for which planning permission was granted.

4.0 APPRAISAL

4.1 Key Issues
Principle of changing the outline approval;
Flood risk/drainage;
Visual amenity;
Impact on the green belt.

4.2 The Application Site
116ha of farmland between Field Lane/Hull Road and Low Lane. The site is being prepared for development as a university campus. 65ha of the site is allocated for development and divided into 15 zones. Most of the remainder of the site would be landscaped. The site slopes down gradually from north to south. Major earthworks would be carried out to re-profile the topography of the site and create a large linear lake.

4.3 Principle of Changing the Outline Approval
A section 73 application is a device for seeking a change in the conditions attached to a planning permission. It does not allow reconsideration of the principle of what was originally approved. However, it does allow changes beyond what would be

considered minor amendments. S.73 applications are determined by the local planning authority, regardless of who granted the original planning permission - in this case the Secretary of State. Altering the maximum slab heights of buildings within the various development zones would not affect the principle of the original approval. Moreover, neither the proposed use nor any of the other limitations imposed by the Secretary of State would be affected. S.73 is therefore the appropriate mechanism for considering the substitution of Plan C(ii) with Revision A.

4.4 Purpose of Varying the Condition

The maximum slab levels, as approved under the outline consent, were set so that surface water from the various building zones can be drained by gravity into the lake, which will be at the low-lying southern side of the site. The optimum operating level of the lake has not changed since the environmental impact assessment was submitted with the outline planning application. However, since the public inquiry, the Environment Agency has asked for the freeboard (the distance between the normal water level of the lake and the top of the bank) to be increased from 150mm to 600mm. This is to allow a greater quantity of water to be stored in the lake in times of high rainfall. Storing water in this way would enable water to be released from the lake slowly, thereby protecting Germany Beck from becoming inundated. The consequence of these flood attenuation measures is that the slab levels of the campus buildings would have to be raised in order to enable the buildings to be drained by gravity, as envisaged at the time of the outline planning permission.

4.5 Visual Appearance

Local residents are concerned that increasing the slab heights would increase the massing and therefore the visual impact of the campus buildings. Whilst increasing the slab levels could increase the height of some or all buildings by a corresponding amount this is by no means certain. The Secretary of State has stipulated the maximum height of the buildings AOD and this cannot be exceeded, even if the proposed height of a building has to be reduced to stay below the maximum. Further, the outline consent does not limit the number of buildings that can be built up to the maximum permitted height. However, the local planning authority is charged with determining the reserved matters applications, which will include the siting, design and external appearance of the campus buildings. The massing and arrangement of buildings will be key considerations in the council's assessment of the reserved matters applications. The university will have to demonstrate that any buildings they propose have an acceptable visual impact, regardless of the slab heights of those buildings. Moreover, increasing the maximum slab heights does not mean that the slab heights of any buildings will necessarily increase up to the new maximum. The detailed design process may show that some buildings may not have to be increased to the height for which consent is being sought.

The site is very large and the nearest buildings will be at least 140m from the nearest residential dwellings. Approximately half of the building zones will be at least 500m from the nearest dwellings. Increasing the maximum slab height by between 0.3m and 2.1m is unlikely to materially increase the visual impact of the campus buildings on local residents. Of the five building zones nearest to residential areas, three will not be amended (B, F and H). Of the remainder, zone A will increase by 0.8m and zone C will increase by 1.6m.

4.6 Flood Risk/Drainage

The slab levels have to be raised as a consequence of attenuating the risk of flooding; the risk of flooding is not expected to increase due to raising the slab levels. Nevertheless, conditions attached to the outline consent prevent development of the campus until a sustainable drainage assessment has been carried out and submitted to the local planning authority. The assessment must take into account: the design storm period and intensity; methods to delay and control surface water discharged from the site; and measures to prevent pollution of the receiving groundwater and/or surface waters. The assessment will take into account any revised slab levels and the re-profiled topography. The current application to amend some of the maximum slab heights will not preclude the implementation of an appropriate and satisfactory drainage scheme for the site. Neither the Environment Agency or the council's drainage officers object to the proposals.

4.7 Impact on the Green Belt

Whilst the site has been taken out of the green belt for DC purposes the change has never been formally adopted. Nevertheless, the Secretary of State, when considering the planning application for the new campus, determined that there are very special circumstances to outweigh the limited harm that the new campus would cause to the purposes of the green belt. The current application would not materially affect that impact.

4.8 Other Matters

Where planning permission is granted under section 73, the original conditions are duplicated except in respect of the condition(s) that is/are to be varied. Therefore, if the current planning application is approved, all conditions of the original permission for the campus (04/01700/OUT) would be duplicated except that PLAN C(ii) of condition 1 would be replaced by PLAN C(ii) Rev A.

5.0 CONCLUSION

5.1 The changes to the slab levels are required as a consequence of drainage attenuation measures. The proposals are unlikely to have a significant impact on the appearance of the campus, flood risk, the amenity of adjacent residential areas or the openness of the green belt.

6.0 RECOMMENDATION: Approve

1 The development shall not be carried out otherwise than in complete accordance with the plans as originally submitted and later amended by the revised drawings or in accordance with any minor modification there of that may be approved in writing by the Local Planning Authority. The approved plans are as listed below and received by the Local Planning Authority on the date indicated:

- Plan A received 30 April 2004
- Plan C (i) received on 30 April 2004
- Plan C (ii) Rev A received on 19 December 2007
- Plan C (iii) received on 30 April 2004
- Plan F (i) received on 30 April 2004
- Plan F (iii) received on 30 April 2004

Plan F (ii) A received on 22 September 2005
Plan F (iv) received on 25 February 2005
Plan F (v) received on 22 September 2004
Plan 2 received on 15 February 2005 (construction access and haul routes)
Plan 6 received on 15 February 2005 (works to Grimston Bar junction)
Plan 3 dated 30 November 2004 (parking survey areas)

REASON: For the avoidance of doubt and to achieve an acceptable form of development.

2 Approval of the details of the siting, design, external appearance of the buildings and the landscaping of the site (to include re-profiling of ground levels) (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before the development to which the submitted details relate is commenced.

REASON: To ensure compliance with Sections 92 and 93 of the Town and Country Planning Act 1990

3 All reserved matters shall be submitted to the Local Planning Authority for approval not later than the expiration of twenty years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of five years from the date of this permission.

REASON: to ensure compliance with Sections 92 and 93 of the Town and Country Planning Act 1990 and to allow submission of reserved matters applications throughout the construction period of the development.

4 The development shall be in accordance with submitted plan C (i) and the developed footprint within the allocated area as shown on Plan C (i) shall not exceed 23% of that area. Developed footprint comprises buildings, car parks and access roads. Access roads are to be defined with the approval of the design brief required in condition 11.

REASON: To limit the permission to comply with Policy ED9 of the draft Local Plan and the adopted Development Brief and to limit development to that which was the subject of the Environmental Impact Assessment.

5 Development on the site will be restricted to University uses, including the following:

- (a) Academic, teaching, research and continuing professional development uses
- (b) Housing for University of York staff and students
- (c) Arts, cultural, sports and social facilities ancillary to the above uses
- (d) Uses ancillary to the University
- (e) Conferences
- (f) Uses which are knowledge based activities, including Science City York Uses, that can demonstrate that they need to be located on the site due to aspects such as sharing of research and development ideas, resources or personnel, or undertaking of research activities within the University of York

(g) Necessary Support Services to uses included in (f) above, including financial, legal and other professional and technical services occupying no more than 10% of the total floor space reserved under (f) above.

Science City York Uses that will be acceptable on the site are defined as being those:

(i) which operate within a high technology sector and/or engage in innovative activities; and

(ii) which have a focus on research and development, product or process design, applications engineering, high level technical support or consultancy; and

(iii) where a minimum of 15% of the staff employed are qualified scientists or engineers. (Qualified scientists or engineers are those qualified to at least graduate level in physical, biological, social sciences or humanities disciplines related to the work of Science City York).

The developer shall maintain a register of the uses under (f) and (g) above which are located on the site and this shall show how each use complies with the criteria set out in (f) and (g). Such register shall be available for inspection by the Local Planning Authority at all reasonable times.

Those uses identified as falling within (f) and (g) shall occupy no more than 25 hectares (at 23% of developed footprint) of the 'allocated area' as shown on submitted Plan C(i).

REASON: For the avoidance of doubt and to ensure development is in accordance with Policy ED9 of the draft Local Plan and the adopted development brief.

6 The developer will undertake an annual survey of traffic travelling to and from the University together with a survey of traffic through the following three principal junctions:

Grimston Bar Roundabout/A64 junction
Melrosegate/Hull Road traffic signal controlled junction; and
Fulford Road/Heslington Lane traffic signal controlled junction.

The surveys will be undertaken in the period between 07.00 hours and 19.00 hours on a weekday and month approved by the Local Planning Authority. The first such survey shall be undertaken before the commencement of development (which shall exclude any works associated with the undergrounding of overhead electricity lines carried out as 'permitted development' or any evaluation works associated with the Archaeological Remains Management Plan). The developer will determine by reference to the surveys the volume of University related traffic through the junctions. Using the forecasts of traffic generation and distribution for the University from the submitted transport assessment the developer will develop a traffic model to predict traffic flows related to the University at each of the junctions in accordance with a phased programme agreed with the Local Planning Authority.

In addition, prior to the development commencing and annually thereafter, the developer will undertake a survey of traffic at the junction between University

Road/Field Lane/Main Street South/Main Street West.

The results of the surveys and the current predictions shall be submitted to the Local Planning Authority within 3 months of the date of the surveys and shall be used to accompany applications submitted for approval of reserved matters for buildings as set out in condition 7.

REASON: To provide monitoring of traffic flows related to the current activity of the University and prediction of growth of additional traffic related to the University.

7 Every application for approval of reserved matters for a building of floorspace greater than 500 sqm will be accompanied by a comparison of the predicted traffic flows related to the University (obtained from the traffic model) with the volumes derived from actual surveys of traffic flows related to the University, carried out as required by condition 6. If the actual surveyed traffic volumes related to the University at the three principal junctions identified in condition 6 are more than 5% higher than the predicted traffic flows in the morning and evening peak periods, the developer shall prepare details of mitigation measures and an associated implementation programme to reduce the actual traffic flows to the predicted levels. The agreed mitigation measures shall be submitted to the Local Planning Authority for approval and implemented by the developer. For the avoidance of doubt the peak hours above shall be considered to be between 08.00 and 09.00 hours and 17.00 and 18.00 hours during the working week within University and school term time.

REASON: To determine the scale of impact of additional University related traffic and any appropriate mitigation measures.

8 Before the commencement of development (which shall exclude any works associated with the undergrounding of overhead electricity lines carried out as 'permitted development' or any evaluation works associated with the Archaeological Remains Management Plan), details for the implementation, monitoring and review of the submitted Sustainable Travel Plan for the University (outline planning application Document 3.3) shall be submitted to and agreed in writing with the Local Planning Authority. Such details shall include early implementation of the peripheral parking strategy and University Transit System, provision of information on sustainable travel, targets for mode share, timescales for implementation, monitoring and reporting on the Plan.

REASON: In the interests of sustainable development and the safe operation of the Highway Network

9 No more than 500 parking spaces may be brought into use upon the occupation of the first building. Additional parking spaces up to the 1500 approved by this permission may be brought into use if:

- (i) the details of location and construction of the permitted car park spaces are submitted to and approved in writing by the Local Planning Authority; and
- (ii) they are parking spaces which have been relocated from the existing University campus in accordance with proposals in the submitted transport

assessment; or

(iii) their being brought into use will not increase the traffic generated by the proposed development in the peak hours at the three principal junctions identified in condition 6 by more than 5% above the predicted levels as calculated in accordance with condition 6.

REASON: To ensure the impact of traffic generated by University expansion is kept within agreed limits.

10 Before the commencement of development (which shall exclude any works associated with the undergrounding of overhead electricity lines carried out as 'permitted development' or any evaluation works associated with the Archaeological Remains Management Plan), the developer will carry out a survey of current on-street parking on highways within the area shown on plan 3 and thereafter repeat the survey annually. The surveys shall be carried out to a specification and at a time agreed with the Local Planning Authority.

Within 3 months of the annual survey being carried out, the developer will review the on street parking survey results and submit the review to the Local Planning Authority to demonstrate whether the volume of on-street parking in any of the areas shown on plan 3 has increased by more than 20% of the first annual survey as a consequence of the development.

If this percentage figure is exceeded then remedial measures agreed with the Local Planning Authority shall be undertaken.

REASON: To determine a baseline of on-street parking against which the impact of University expansion can be monitored and thereafter to determine the impact of University expansion on the volume of on-street car parking and in the interests of highway safety.

11 Before the commencement of development (which shall exclude any works associated with the undergrounding of overhead electricity lines carried out as 'permitted development' or any evaluation works associated with the Archaeological Remains Management Plan), a detailed Design Brief including a masterplan shall be submitted to and approved in writing by the Local Planning Authority. This shall be in accordance with the planning policies in the Development Plan and the adopted Development Brief dated February 2004 and the plans hereby approved. The design brief shall include:

- Building heights
- Key views as defined in figure 5 of the adopted Development Brief
- External materials palette
- External lighting design
- Designation of character areas as outlined in submitted plan C (i)
- Access roads
- A sustainability strategy for the site developed from requirements of the

Development Plan and adopted Development Brief and the applicant's submitted sustainability policy (contained in Document 2 of the submitted outline planning application). The strategy should be consistent with the York Local Agenda 21

Sustainability Strategy.

The 'reserved matters' should be submitted in accordance with the approved Design Brief. The approved Design Brief may be revised subject to the written approval of the Local Planning Authority.

REASON: In the interests of securing coherent development across the site and in accordance with the development Plan and the adopted Development Brief.

12 Before the commencement of development (which shall exclude any works associated with the undergrounding of overhead electricity lines carried out as 'permitted development' or any evaluation works associated with the Archaeological Remains Management Plan), a Landscape Design Brief shall be submitted to, and approved in writing by the Local Planning Authority. The Landscape Design Brief shall include those measures incorporated into the submitted Environmental Statement. Subsequent reserved matters applications for the approval of the detail of landscaping on the site shall be submitted in accordance with the approved Landscape Design Brief. The approved Landscape Design Brief may be revised subject to the written approval of the Local Planning Authority.

REASON: To secure the coherent design of landscaping across the site and to ensure that the landscaping objectives set out in the adopted Development Brief are achieved and that the development is in accordance with the aims of Planning Policy Statements 1 and 9, Policy N1 of the Regional Spatial Strategy for Yorkshire and the Humber, Policies GP9, NE1, NE2 and NE7 of the Draft Local Plan and the approved Development Brief.

13 Before the commencement of development (which shall exclude any works associated with the undergrounding of overhead electricity lines carried out as 'permitted development' or any evaluation works associated with the Archaeological Remains Management Plan), a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan will include proposals for survey and protection of trees on site. Subsequent reserved matters applications for approval of the details of landscaping on the site shall be implemented and managed in accordance with the approved Landscape Management Plan. The approved Management Plan may be revised subject to the written approval of the Local Planning Authority.

REASON: To secure the coherent design of landscaping across the site and to ensure that the landscaping objectives set out in the adopted Development Brief are achieved and that the development is in accordance with the aims of Planning Policy Statements 1 and 9, Policy N1 of the Regional Spatial Strategy for Yorkshire and the Humber, Policies GP9, NE1, NE2 and NE7 of the Draft Local Plan and the adopted Development Brief and in accordance with the parameters of the development assessed by the Environmental Statement.

14 Before the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and

impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. It shall include for the provision of a dilapidation survey of the highways adjoining the site. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To safeguard the amenity of residential occupants on the site and in the surrounding area and in the interests of highway safety.

15 Before the commencement of development, an Environmental Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Environmental Site Management Plan shall include:

- (i) provision for protection of water resources during construction activities and thereafter during the operation of the site;
- (ii) proposals for the interim use of land prior to its development;
- (iii) implementation and future management of the proposed ecological mitigation measures;
- (iv) implementation and future management of proposed habitat and species enhancement measures.

These measures shall be implemented in accordance with an agreed programme unless otherwise agreed in writing with the Local Planning Authority. The Environmental Site Management Plan shall be reviewed every 5 years from first approval and any amendments agreed in writing with the Local Planning Authority. Any alterations to the measures in the approved Environmental Site Management Plan during any interim period shall be subject to the prior written approval of the Local Planning Authority.

REASON: To protect the natural environment and ensure delivery of environmental enhancements which form part of the development hereby approved in accordance with the aims of Planning Policy Statements 1 and 9, Policy N1 of the Regional Spatial Strategy for Yorkshire and the Humber, Policies NE1, NE2 and NE7 of the Draft Local Plan and the adopted Development Brief.

16 No building or other obstruction shall be located within 5 metres either side of the centre line of the 700 mm water main that crosses the southern edge of site i.e. a total protection strip width of 10 metres.

REASON: In order to allow sufficient access for maintenance and repair work at all times.

17 Before the commencement of development details showing the methodology for protection of the 300 mm water main that runs to the south of the Hull Road access shall be submitted to and approved in writing by the Local Planning Authority, and these protection measures retained in place at all times thereafter.

REASON: In order to allow sufficient access for maintenance and repair works at all times.

18 No building or other obstruction shall be located within 3 meters either side of the centre lines of existing public sewers i.e. total protection strip widths of 6 metres for each sewer that crosses the site

REASON: In order to allow sufficient access for maintenance and repair works at all times.

19 Development shall not begin until an assessment has been carried out into the potential for disposing of surface water by means of a sustainable drainage scheme, in accordance with the principles of sustainable drainage systems set out in national planning policy statements, and the results of that assessment have been provided to the Local Planning Authority. The assessment shall take into account the design storm period and intensity; methods to delay and control the surface water discharged from the site; and, measures to prevent pollution of the receiving groundwater and/or surface waters.

Surface water drainage works shall be carried out in accordance with details that have been submitted to and approved in writing by the Local Planning Authority before the development commences. Those details shall include a programme for implementing the works. Where, in the light of the assessment the Local Planning Authority conclude that a sustainable drainage scheme should be implemented, details of the works shall specify:

- i) a management and maintenance plan, for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime; and
- ii) the responsibilities of each party, for implementation of the sustainable drainage scheme, together with a timetable for that implementation.

There shall be no piped discharge of surface water from the development prior to the completion of the approved sustainable drainage scheme.

REASON: In the interest of satisfactory and sustainable drainage and to ensure protection of the water environment.

20 Before any works commence on the construction of any building, details of the proposed means of disposal of foul drainage from the site shall be submitted to and approved in writing by the Local Planning Authority, and subsequently implemented in accordance with the approved details.

REASON: To ensure that the development can be properly drained and to ensure protection of the local water environment.

21 All noise generated during the site preparation, groundwork and construction phases associated ancillary operations of the use hereby permitted shall meet the following criteria:

- i) LOCATION: Western boundary of site adjacent to school's outside playing area.
MAXIMUM LIMIT: 50 dB Laeq (30 minutes)
TIME PERIOD: During the School Day
- ii) LOCATION: The gardens of dwellings at: (a) western boundary of site on The Crescent (b) northern boundary of the site on Field Lane.
MAXIMUM LIMIT: 70 dBA (1 hour)
TIME PERIOD: A continuous period of up to eight weeks in any calendar year, without the prior written notice of the Local Planning Authority.
- iii) LOCATION: The gardens of dwellings at: (a) western boundary of site on The Crescent (b) northern boundary of the site on Field Lane.
MAXIMUM LIMIT: Not exceeding background noise levels.
TIME PERIOD: Before 0800 and after 1800 hours Monday to Friday; Before 0900 and after 1300 hours on Saturdays; At all times on Sundays and Bank Holidays.
- iv) LOCATION: Within occupied residential buildings on the site.
MAXIMUM LIMIT: Not exceeding background noise levels.
TIME PERIOD: Before 0800 and after 1800 hours Monday to Friday; Before 0900 and after 1300 hours on Saturdays; At all times on Sundays and Bank Holidays.

Before the commencement of development the developer will carry out an acoustic survey of the site boundaries at locations agreed with the Local Planning Authority to establish background noise levels.

Before the commencement of development the developer will submit a scheme to the Local Planning Authority setting out the means of regular monitoring of the noise levels at the agreed locations and this shall be approved in writing by the Local Planning Authority and implemented before the commencement of development.

REASON: To protect the amenities of residential occupants of the site and in the surrounding area and the amenities of pupils and staff of local schools in accordance with the aims of PPG24.

22 Details of all machinery plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include maximum sound levels (L_{Amax}(f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed mitigation measures. All such approved machinery, plant and equipment shall subsequently be used on the site in accordance with the agreed details. Any approved noise mitigation measures shall be fully implemented and operational before the associated machinery, plant or equipment to which it relates is first used and shall be appropriately maintained thereafter.

REASON: To safeguard the amenity of occupants of neighbouring premises in accordance with the aims of PPG24.

23 Outside the development area shown as 'allocated area' on submitted Plan A,

no temporary works, materials storage or ancillary operations, other than those relating to development hereby permitted outside the allocated development area as shown on the submitted Plan A, shall be carried out.

REASON: To protect the amenities of adjacent residents and the openness of these areas in accordance with the aims of PPG2.

24 Construction traffic to the 'allocated area' as shown on submitted plan C (i) shall only enter and leave from accesses to the public highway as shown on submitted Plan 2.

REASON: In the interests of highway safety and the amenity of occupiers of dwellings near the site.

25 Notwithstanding the approved plans, construction details of the following matters shall be submitted to and approved in writing by the Local Planning Authority before being implemented on the application site in accordance with the approved details:

- Roads and junctions including signalling
- Footpaths
- Cycleways and cycle parking
- Car parking
- External lighting
- Routes for construction traffic and construction site working areas for the access roads and car parking outside the allocated site.

Such submissions and approvals may cover the whole or any part of the application site.

REASON: For the avoidance of doubt and in the interests of the visual appearance of the development and in the interests of highway safety.

26 Before the commencement of development, an Archaeological Remains Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall subsequently be implemented. The Archaeological Remains Management Plan shall include the following:

- (i) A strategy for further evaluation work (to include metal detecting survey, geophysical survey and archaeological trenches) directed at understanding the seven less significant areas identified in YAT Report Number 2004/23 'Heslington East, Heslington York: a report on archaeological evaluation';
- (ii) An archaeological excavation and metal detecting survey targeted on the three most significant areas identified in YAT Report Number 2004/23 'Heslington East, Heslington York: a report on archaeological evaluation' and any other important areas identified by further evaluation work in item (i) above;
- (iii) A clear research design context for all further archaeological work;
- (iv) A programme of physical and intellectual access during the lifetime of the project for the general public, the local community and schools and colleges, universities and other educational groups;

- (v) A timetable for archive deposition and publication.

Such approved Archaeological Remains Management Plan may be revised subject to the approval of the Local Planning Authority.

REASON: The site lies within an area where important archaeological deposits have been identified. The development will affect those deposits and they must be recorded during the construction programme.

27 Details of the proposed re-routing of the overhead power lines shall be submitted to and approved in writing by the Local Planning Authority prior to such works commencing. Re-routing shall be carried out in accordance with the approved details.

REASON: In the interests of securing improvement of the visual appearance of the site and the amenity of future users of the site

28 Before any works commence on the construction of any building an area plan to show the relationship of the building with surrounding development (built form and use) shall have been approved in writing by the Local Planning Authority.

REASON: In accordance with the aims of the adopted Development Brief and to ensure the coherent development of the site.

29 Each reserved matters application will be accompanied by a statement on sustainability to demonstrate conformity with the approved sustainability strategy contained within the approved Design Brief.

REASON: In accordance with the aims of Planning Policy Statement 1, Policy R3 of Regional Spatial Strategy for Yorkshire and the Humber, Policies GP1 and GP4 of the draft Local Plan and the adopted Development Brief in incorporating best practice in sustainability.

30 All piling operations shall be carried out using the method likely to produce the least vibration and disturbance. Full details of the dates, times and duration of operations shall be submitted to and approved in writing by the Local Planning Authority before any piling operations are begun and piling operations shall take place in accordance with the approved details.

REASON: To protect the amenities of adjacent residents

31 Any ground contamination detected during site works shall be reported to the Local Planning Authority. A programme of remediation for the contamination shall be agreed with the Local Planning Authority in writing and fully implemented prior to any further development on that part of the site.

REASON: To protect human health and the wider environment in accordance with the aims of PPS23 and Policy GP6 of the Draft Local Plan.

32 The proposed western access to the allocated area from Field Lane shown on

Plan F (ii) revision A shall not be used for any motorised vehicle other than for the purpose of emergency access, maintenance, vehicles operating in connection with the University Transit System for the movement of people and any other types of vehicle the use of which is agreed in writing with the Local Planning Authority prior to its use.

REASON: To ensure that development is carried out in accordance with the application and to protect the highway network.

33 The central access from Field Lane shown on Plan F (i) shall be utilised as access to no more than 150 car parking spaces.

REASON: To ensure that the development is carried out in accordance with the application and to protect the highway network.

34 Notwithstanding the approved plans, a fully detailed scheme of foundation design and construction for any development on the former landfill area outlined by the thin solid red line in figure 19.3.1 of the Environment Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development within that area. The approved scheme shall be fully implemented prior to the area coming into use.

REASON: To protect human health and the wider environment.

35 Before the commencement of development, a method of sampling and validation of imported and excavated ground materials shall be submitted to and approved in writing by the Local Planning Authority to ensure that such materials that are used on site are not contaminated. This should include details of the origin of such materials.

REASON: To protect human health and the wider environment.

7.0 INFORMATIVES:

Notes to Applicant

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual appearance, flood risk, neighbour amenity and openness of the green belt. As such the proposal complies with policies GP1, GB1 and GP15a of the City of York Local Plan Deposit Draft.

Contact details:

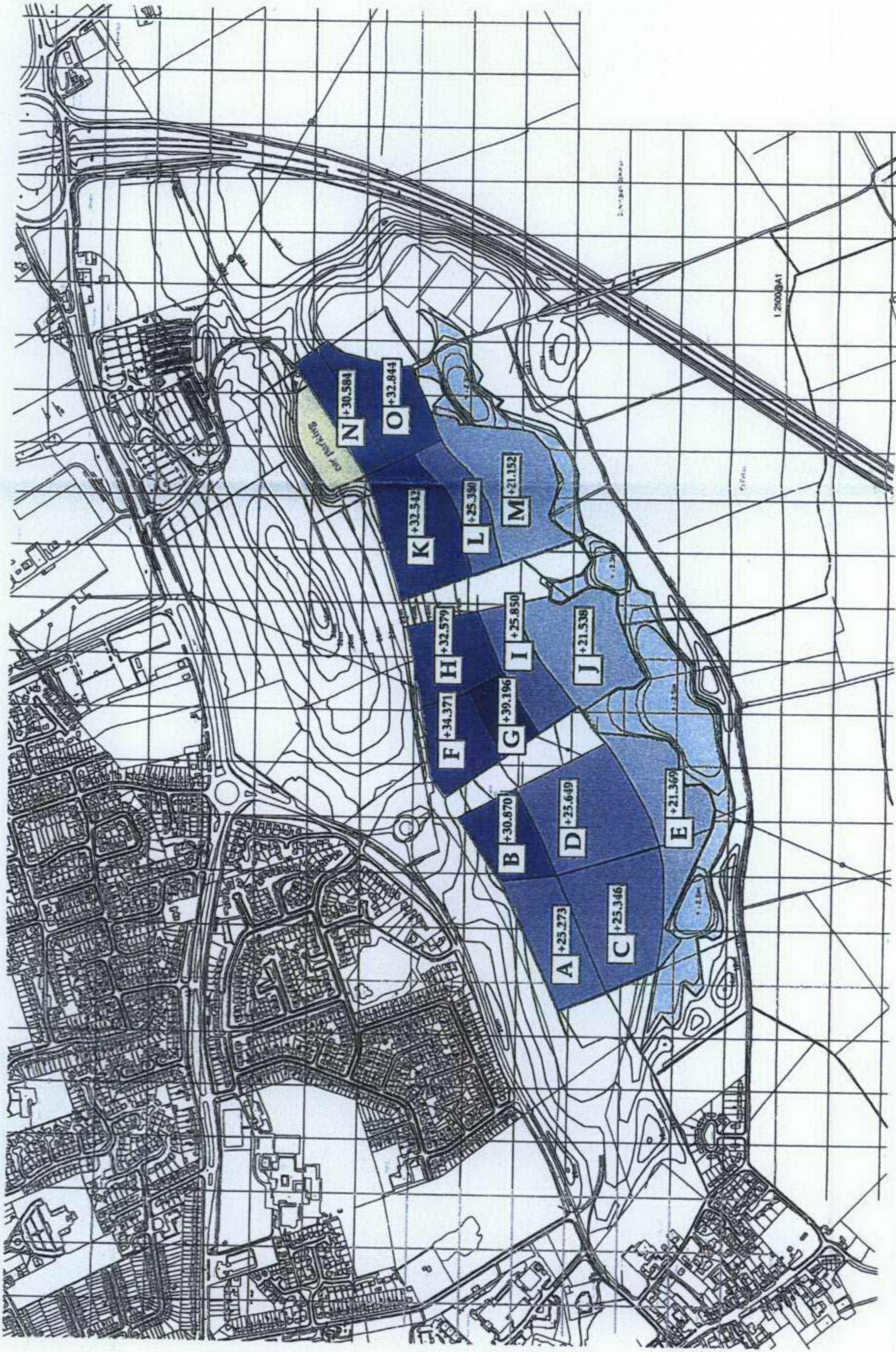
Author: Kevin O'Connell Development Control Officer

Tel No: 01904 552830

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LAND USE PLAN FOR EIA

Building Heights



KEY

maximum building slab height AOD (m)

A	12.973	H	20.279
B	15.470	I	10.850
C	10.883	J	10.538
D	11.149	K	20.242
E	10.369	L	10.880
F	19.871	M	10.152
G	11.196	N	18.584
		O	13.194

maximum height of the tallest building within each area AOD (m)

+34.371

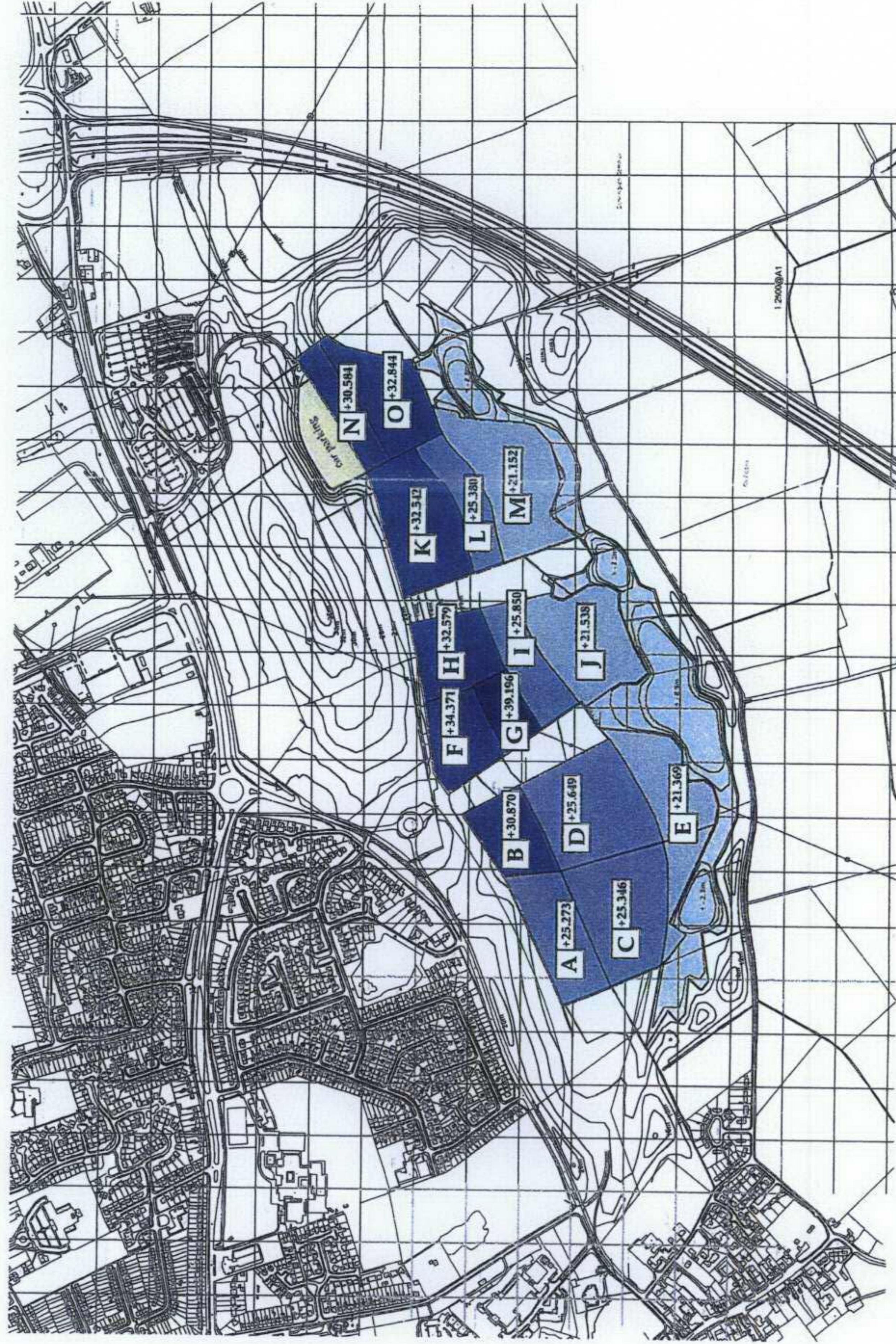
ie: The max. slab height plus the max. building height results in the max. height above AOD for each area. This is the figure shown in the box.

Scale 1:10000@A3

PLAN C (ii)

LAND USE PLAN FOR EIA

Building Heights



KEY

Zone	Maximum building slab height AOD (m)
A	13.750
B	15.470
C	12.500
D	12.500
E	12.500
F	19.871
G	12.500
H	20.279
I	12.500
J	12.500
K	20.242
L	12.950
M	12.500
N	18.584
O	13.450

maximum height of the tallest building within each area AOD (m)

+34.371

ie: The max. slab height plus the max. building height results in the max. height above AOD for each area. This is the figure shown in the box.

Scale 1:10000@A3

PLAN C (ii) Rev A
December 2007

Plan C (iii) – Key on plan as approved, 27 June 2007

A	12.973	H	20.279
B	15.470	I	10.850
C	10.883	J	10.538
D	11.149	K	20.242
E	10.369	L	10.880
F	19.871	M	10.152
G	11.196	N	18.584
		O	13.194

Plan C (iii) Rev A – proposed amendments to Key

A	13.750	H	20.279
B	15.470	I	12.500
C	12.500	J	12.500
D	12.500	K	20.242
E	12.500	L	12.950
F	19.871	M	12.500
G	12.500	N	18.584
		O	13.450

Bold – heights proposed to be changed.

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Planning Committee

27th March 2008

Report of the Director of City Strategy**A Review of the Sites of Importance for Nature Conservation Procedures for the City of York.****1.0 Summary**

- 1.1 The Council's criteria for the designation of Sites of Importance for Nature Conservation (SINC's) and the procedures used to identify and ratify such sites are no longer sufficient for present day needs and are in need of updating.
- 1.2 This report considers the status of the Council's Sites of Importance for Nature Conservation and the procedures for designating them in the light of Planning Policy Statement 9 (PPS9) on Biodiversity and Geological Conservation, the new guidance from Dept of Environment, Food and Rural Affairs (DEFRA) and the Local Development Framework (LDF) process.
- 1.3 It recommends that the Council adopt the 'Guidelines for the Selection of Sites of Importance for Nature Conservation in North Yorkshire' as devised by North Yorkshire SINC Panel and work with the Panel in the review of the criteria such that they take account of the new guidance and any special requirements for urban areas within North Yorkshire based on the York experience.
- 1.4 It also recommends that the Council
 - i) utilise the ecological expertise of the North Yorkshire SINC Panel in assessing and recommending SINC's for designation in York,
 - ii) establish a York SINC Partnership made up of members of the Council, local individuals and local organisations to review thresholds and criteria such that they take account of the new guidance and any special requirements for the City of York and put forward sites for consideration as SINC's for inclusion within the Local Development Framework,
 - iii) retain the right for ratification for sites proposed for designation.

2.0 Background

- 2.1 Nature conservation is an increasingly important element of sustainable development and the planning process. The continuing losses that have occurred are now considered unacceptable and action needs to be taken to

halt or reverse this decline. As a result a new Planning Policy Statement, PPS9, relating to Biodiversity was introduced in July 05.

- 2.2 It was a duty within the local plans process to identify any areas that were considered to be of outstanding wildlife interest on a local or regional level, over and above those sites identified as being of national interest (Sites of Special Scientific Interest - SSSI). This duty is continued in the Local Development Framework process and strengthened under PPS9.
- 2.3 The changeover to the Local Development Framework format potentially enables the SINC list to be amended at any time, a distinct advantage over the Local Plan system which could only be done as part of a Review but it does require a more comprehensive database on which to base the list and needs a separate designation system to be put in place.
- 2.4 In July 2006, DEFRA produced new guidelines for the selection and designation of local sites These guidelines made recommendations on how local wildlife (SINC) sites should be selected, and what procedures should be involved in their designation.
- 2.5 In Aug 2007, the Natural Environment and Rural Communities (NERC) Act 2007 came into force. This laid a duty on all Local Authorities (and other statutory bodies) to have due regard to nature conservation in all its functions.
- 2.6 In Dec 2007, the revised list of Local Authority Indicator Targets was announced. This includes a Biodiversity Target linked to the number of local (SINC) sites in active management.
- 2.7 SINC's are required not only to enable the authority to take account of wildlife and so help fulfil, in part, its duties under the NERC Act 2007, but also to enable developers to be aware of areas that are known to have additional considerations over and above those that would ordinarily be applied.
- 2.8 Site selection, however, is a three stage process.
 - i. Data collection
 - ii. Assessment
 - iii. Ratification of Selected Sites

Data Collection

- 2.9 In PPS9, one of the key principles is the need for good, up to date information. The LDF process reinforces this need and a robust evidence base is a prerequisite for establishing the new framework and it passing the 'test of soundness'.
- 2.10 In York, a review of SINC sites has not been carried out since 1994. This, coupled with the discovery of a number of new sites, suggested that the present list was drastically in need of updating.

- 2.11 As a result the Council has initiated a review and further survey work to ensure that the data available is of an acceptable standard. The findings of this work should be available in Autumn 2008.

SINC Assessment - Criteria

- 2.12 The present system is based on The Habitats Report produced by the Council in 1996. This is based on a subjective assessment of those habitats considered to be rare or declining in York. As an example, it states, that any example of a species rich neutral grassland will be considered as a SINC. Whilst this used to be an accepted practice, based on the knowledge and experience of the designating body, there is no definition given as to what a species rich meadow is or how you assess species richness. This leaves the system open to criticism and rebuttal and could seriously undermine the Council's ability to protect its SINC sites.
- 2.13 This is especially important today in a city such as York, where the pressures on land suitable for development are increasing and people's expectations and knowledge of the planning process has increased. It is therefore necessary that designations affecting land and the criteria used to develop them are clear, robust and defensible.
- 2.14 The new DEFRA guidelines recommend that designations should be criteria based and it indicates those likely to be considered of value. They include a range of criteria based on the natural features present within the site including biodiversity, geological diversity, naturalness, rarity and its value for research etc plus more social factors such the opportunity for the public to have contact with and enjoyment of nature and its potential as a learning resource.
- 2.15 These are wider reaching than previously considered, including as they do both social and educational factors, in addition to purely ecological ones.
- 2.16 In addition, the criteria used should reflect the Natural Area in which they are set rather than a local authority administrative area. The Natural Area concept was devised by English Nature and the Countryside Commission to reflect areas of the British countryside of a similar character, rather than the anthropogenic boundaries established for local authorities. York is within the Vale of York Natural Area.
- 2.17 This concept is important as it implies that authorities within or containing the same character area should have similar criteria for that area.
- 2.18 With regard to the criteria themselves, these should have threshold limits that are both measurable and based on knowledge of what local resource is available.
- 2.19 At the present time therefore the criteria used by York, based as it is effectively on an experienced individuals subjective assessment of what is both rich and of interest, lacks clarity, does not comply with current guidance and is insufficient for present day needs.

- 2.20 Within North Yorkshire, there is an existing system that has been developed over a period of 10yrs by a partnership of all of the local authorities in North Yorkshire. This is based on an extensive set of threshold based criteria prepared by local ecologists and naturalists and revised over a number of years. This partnership reviews data concerning individual sites and tests them against the criteria and then recommends to the relevant local authority whether they fulfil the requirements for designation. It is then up to the Local Authority whether the site is so designated but it is on the understanding that any site that does not fulfil the requirements but is still designated would not be defended by the partnership at an Inquiry. Likewise, any site that does fulfil the requirements and is not designated risks challenge.
- 2.21 This system, established as it is by naturalists who are knowledgeable about the regional area and therefore takes account of local variations, has been tested across the County both through the Local Plan Process and at Inquiry and has proved very robust. It is also used as Best Practice across the country by other authorities and East Yorkshire are currently adapting it to formulate their new site system. In addition, both the North York Moors and the Dales National Parks have asked if they can join the SINC Partnership as they to grapple with the LDF process.

SINC Ratification

- 2.22 Presently, the Council's SINC designation procedures have been implemented in house with no formal involvement of the public or individuals either in identifying or proposing sites. Designation itself has been carried out through the Local Plan process. Thus any sites considered for SINC status are included within the Local Plan and its revisions and adopted through the adoption of the Local Plan. Sites are therefore consulted on and tested at Public Inquiry.
- 2.23 Whilst being reasonably robust, this did have the disadvantage of leaving sites found between plan revisions with a lesser degree of protection and meant that prospective developers were not always aware of potential constraints.
- 2.24 It also meant that, as sites were only identified by the local authority and notified through local plans, opportunities for local community involvement in putting forward or commenting on the SINC system were limited and prevented the extensive body of knowledge available in the community being available.
- 2.25 The changeover to the Local Development Framework format requires a more comprehensive database on which to base the list and a separate and more community orientated designation system to be in place.
- 2.26 The new DEFRA guidance recommends that in order to accommodate greater community involvement, a SINC or Local Sites Partnership is established. This partnership should, with the support and encouragement of the Local Authority, include a representative cross section of the Community and, in particular, those individuals and organisations that have an interest in biodiversity. This should not only involve statutory agencies, national conservation organisations

and local groups but also private individuals, members of the farming and landowning community, local industry, developers and the voluntary sector.

2.27 In addition there is also a need to incorporate social and educational criteria into the designation process, linking it to open greenspace, as recommended in both PPS9 and PPS17 on Open Space

2.28 This is a considerable change from the existing situation for many authorities who have tended to work on a relatively autonomous basis. This is because the designation of sites has always been considered on a relatively 'scientific' basis whereby, irrespective of ownership or land use designation, if a site fulfils established biological criteria, then it should be designated. This is akin to the national process for the of designation for Sites of Special Scientific interest. Social criteria have largely not been included because they were not previously considered an 'ecological' criteria.

3.0 Consultation

3.1 Informal discussion has already taken place with various individuals and organisations with regard to SINC designation process in order to ensure that any proposals approved have a consensus within the nature conservation community.

4.0 Options

4.1 There are two essential factors that the Council require to resolve with regard to the SINC designation process. The first is the review of the criteria necessary to designate a SINC. The second are the procedures by which SINC's are designated.

4.2 With regard to criteria there are considered to be three options available to the Council.

i. Do nothing and remain with the existing system.

ii. Start afresh and establish our own criteria.

iii. Adopt an existing established and proven system.

4.3 With regard to the procedural basis of SINC designation and the recommendation by DEFRA of the establishment of a SINC (Local Sites) Partnership. There are considered to be five options open to the Council

i. Not establish a Partnership but simply utilise any criteria established above to review and designate sites ourselves, much as we do now.

ii. Use an established Panel such as the North Yorkshire SINC Panel alone as the site assessment panel.

iii. Utilise one of the existing Environmental Fora within York to act as the SINC or Local Sites Panel

- iv. Establish a new group with the relevant range of expertise.
- v. A combination of two or more of the above if no single group can offer the range of expertise necessary.

5.0 Analysis

SINC Assessment - Criteria

- 5.1 With regard to the first option of retaining the existing subjective criteria this would have the advantage of requiring no change but it is dependent on having experienced individuals in post. It also does not fulfil any of the recent guidance from DEFRA, the LDF or PPS9. It would therefore mean that not only would we be open to challenge at an enquiry but the LDF would risk being considered unsound.
- 5.2 With regard to the second option of devising our own criteria, this would require the use of a Consultancy in order to establish these criteria based on our own, relatively limited data. This would then need to go out to consultation and peer review.
- 5.3 It would therefore have the disadvantages of being very time consuming, financially onerous and leave any such system open to challenge, particularly in the early years of development. It would also not be ready in time to be incorporated into the LDF process and would again risk the soundness of the LDF Core Strategy.
- 5.4 It is likely that any criteria established would be similar to those already being used elsewhere.
- 5.5 There seems little value therefore in adopting either option 1 or option 2.
- 5.6 The third option, that of adopting an existing established and proven system would appear to be the best option available. There are a number of systems in use in various parts of the country, based on local ecological criteria but the most relevant to York is the North Yorkshire system which covers all of the surrounding Authority areas.
- 5.7 This system has been developed over a period of 10yrs and is threshold based as recommended. It has been established by naturalists who are knowledgeable about the local area and therefore has taken account of local variations. It has been tested across the County both through the Local Plan Process and at Inquiry and has proved very robust.
- 5.8 Because the system is effectively County wide, covering a whole range of habitats and situations, including Selby, Harrogate and Ryedale, all of whom border onto York's boundaries, and fall within the Vale of York Natural Area, it is considered that the criteria will be equally valid for York. There will be some habitats that are not relevant to York but this is the same as for any of the other authorities and does not affect the overall relevance of the system to York.

- 5.9 One of the strengths of the system is that it is under constant review as more information on local areas becomes available. At the present time it also now needs to consider the new DEFRA Guidance. Any such review though is able to call on the expertise of a whole range of individuals with local expertise and will therefore be more robust and cost effective than a review undertaken by any single authority.
- 5.10 Outline discussions have taken place with the SINC Panel and they would welcome the City of York joining the Partnership. They consider that it would strengthen the overall value of the Guidance throughout the County and enable the expertise of the City of York Council to be utilised in reviewing the guidelines, particularly within an urban context.
- 5.11 This latter point is particularly relevant with regard to the establishment of social criteria within the guidelines, which are presently not considered at all.
- 5.12 It is therefore proposed that the City of York Council formally approach the North Yorkshire SINC Partnership with a view to adopting the North Yorkshire Guidelines and utilise the expertise of the panel. This partnership approach across natural and administrative areas is another of the principles recommended by the DEFRA Guidance.
- 5.13 There is a financial implication with regard to this proposal as the Partnership is administered by the North Yorkshire County Council and considerable expenditure has gone in to establishing the guidelines. These financial implications are considered in Section 7.0.
- 5.14 Essentially this would enable the City of York Council to utilise the existing expertise and process established over many years that we would otherwise need to buy in independently at much greater cost.

SINC Designation Procedures

- 5.15 The present system based as it is on the Council effectively acting autonomously in the selection and designation of SINC's does not follow any of the new guidelines for community involvement within the SINC and LDF process and allows only very limited opportunities to tap into the knowledge and resources within the public realm. Its retention would also risk the test of soundness for the LDF process. As an option therefore it is not considered appropriate to retain.
- 5.16 In adopting the North Yorkshire SINC Criteria, the Council could also request that the SINC Panel also act for York as their local sites partnership group. This is a feasible alternative and would, at least on an ecological level, fulfil the recent guidance. It would though still only have a marginal local community involvement. Also the North Yorkshire SINC Panel would not have the expertise to consider any social criteria at a local level within York. This to is therefore not considered a viable option.
- 5.17 Alternatively, the Council could utilise one of the existing Environmental Fora within York to also deal with SINC Designation. There are already a number of

such groups in York, including the York Natural Environment Trust (YNET), The York Natural Environment Panel (YNEP) and the Environment Forum, as well as the more recently created York Environment Partnership.

- 5.18 YNET is a small voluntary organisation set up to look after areas of conservation interest within York whilst YNEP's role is for specific planning consultation. These are not considered to have a sufficiently broad membership base or the constitution to take on the role of a SINC Partnership. The Environment Forum on the other hand, whilst having a broad membership with the ability to co-opt in others as required, does perhaps have too wide a remit with many individuals with only limited interest/passing involvement in the natural environment. The York Environment Partnership, on the other hand, has been set up specifically to take a strategic role. It would appear therefore that none of the existing groups could easily accommodate the needs of a partnership set up to consider wildlife sites. In particular, they do not all have sufficient ecological expertise on a regional basis although they do have a very wide local knowledge, especially with regard to social factors.
- 5.19 This is in contrast to the North Yorkshire SINC panel who have the regional expertise but not the local social knowledge.
- 5.20 As outlined above, neither the North Yorkshire SINC Panel or the existing Fora within York are, individually considered to have the range of expertise to enable them to take on the role of a SINC Partnership.
- 5.21 It would appear therefore that a new group needs to be established with the relevant range of expertise and local knowledge. Any single group though may be difficult to establish within York.
- 5.22 The scientific basis for designation is still present and even strengthened within the new guidance, thus the need for the involvement of the North Yorkshire SINC panel is still recommended in some form because they have the expertise on a regional level to assess sites. They are do not though feel able to take on the establishment and evaluation of local social and educational criteria.
- 5.23 Criteria for such factors have not yet been established in the North Yorkshire Guidelines and are often subjective and difficult to quantify, requiring as they do considerable local public knowledge and support. This knowledge can only be provided in a York context.
- 5.24 A partnership made up of local individuals and organisations would though be able to do this. It is therefore proposed that a new system be established with the North Yorkshire SINC panel providing the regional expertise on the 'ecological' criteria of SINC designation using the North Yorkshire SINC Guidelines and with a new York Partnership providing the local social assessment.
- 5.25 Such a group would be able to put forward sites for inclusion as SINC's. Sites would be surveyed and the information put before the North Yorkshire SINC

Panel to see if they fulfil the established regional wildlife criteria. The result would then be passed back to the York group for consideration at a local level.

- 5.26 Consideration at this level would enable their local expertise and contacts on both wildlife and social value to be utilised. Such a partnership will need to establish criteria to accommodate the social and educational functions which are currently outside the remit of the North Yorkshire SINC Panel criteria. It may be necessary for the Council also to consider any of the social criteria established by such a local partnership to ensure they fit into the LDF Framework.
- 5.27 Such criteria could then be applied to any site data and incorporated into the results from the SINC Panel to allow a more inclusive range of SINC/Local sites to be established for York.
- 5.28 The York SINC Group would then put forward those sites considered suitable to the Council for ratification and inclusion on the SINC list within the Local Development Framework.
- 5.29 This combination of establishing a new York SINC Partnership linking with the existing North Yorkshire SINC Group is considered the most appropriate option to take forward using as it does both existing good practice and expertise and establishing new consultation processes that would fulfil the guidance recommended by DEFRA, the LDF process and PPS9.
- 5.30 In addition to the SINC work, there will also shortly be a requirement to set up a further group, the Biodiversity Action Plan Forum, to further the Biodiversity Action Plan (BAP) currently being redrafted. This again is a recommendation from national guidance with regard to the BAP process. As both the BAP and the Local Sites designations are interlinked and utilise the expertise of the same people, it is possible that the York SINC Partnership could, if established, be expanded in the future to provide a single Biodiversity and Local Sites group.

Synopsis

- 5.31 The Council's procedures used to identify and designate SINC's are no longer relevant to the Local Development Framework process and do not take account of the new DEFRA guidance.
- 5.32 The Council is currently undertaking survey work to identify new sites of wildlife value in York and enable the re-assessment of existing SINC's in York. This should be available in Autumn 2008.
- 5.33 There will be a need to have in place a robust system to accommodate important wildlife sites as part of the Local Development Framework Core Strategy?
- 5.34 There is a criteria based system already in use in North Yorkshire that is robust and deals with many of the shortfalls of present York's system. These are 'The Criteria for the Designation of Sites of Importance for Nature Conservation in

North Yorkshire' These criteria have been developed by The North Yorkshire SINC Panel who manage the system.

- 5.35 This Panel is made up of eminent local naturalists and representatives from local authorities within North Yorkshire and is administered by North Yorkshire County Council.
- 5.36 All Local Authorities within North Yorkshire utilise this Panel to provide both the basis of their Wildlife Site system and to assist in the event of a public inquiry.
- 5.37 At present neither City of York Council or the two national parks make use of the system. City of York because it has used its own system and the national parks because it was previously not considered necessary. However, the both National Parks are now considering joining the Panel because of the revised guidelines and duties now recommended.
- 5.38 It is proposed that City of York also utilise the North Yorkshire SINC Panel in order to be able to take advantage of
- i. an already established, successful and well tried system and
 - ii. a group of naturalists and individuals with regional and local expertise.
- 5.39 This has the advantage that we would immediately be able to have an up to date system that in part fulfils the recommendations set out in the DEFRA Wildlife Sites guidance and would strengthen not only our own wildlife policies but that of the County as a whole.
- 5.40 This will substantially reduce the cost in time and resources needed to develop our own criteria based system and provide part of the designation process for the Local Development Framework.
- 5.41 In order to fully comply with the new guidance, however, there is still the need to take account of more local value, particularly social and educational requirements that also feed into the Green Infrastructure Plan necessary as part of the LDF.
- 5.42 It is therefore proposed to establish a local group comprising representatives from existing environmental groups in York, the farming and landowning community, industry and primary stakeholders etc. (See Appendix 1). This group would put forward sites to the North Yorkshire SINC Panel for assessment and link this to locally established criteria to accommodate social and educational needs in York. They will then recommend sites to the Council for inclusion within the Local Development Framework for ratification.
- 5.43 It is also suggested that this group could, in the future, take on responsibility for furthering the Local Biodiversity Action Plan currently being redrafted.

6.0 Corporate Priorities

- 6.1 The Council have a duty under the NERC Act 2007 to further the cause of nature conservation in all its functions.

- 6.2 These proposals in part assist with the Council's Direction Statement 'We will seek to place environmental sustainability at the heart of everything we' do and forms part of the Council's Corporate imperative to implement the LDF.
- 6.3 It is driven by 'encouraging improvement in everything we do'.
- 6.4 It also fulfils national guidance for Wildlife Sites and the Biodiversity Action Plan that in turn forms part of the Corporate Strategy.

7.0 Implications

Financial implications

- 7.1 At present, the Council's site system, such as it is, is run in-house within existing budgets. Because of the need to update our system and procedures in line with new guidance, there will be a need for further resources to cover this.
- 7.2 The current North Yorkshire criteria are the intellectual property of the SINC Panel and the Panel is administered by the North Yorkshire County Council. The County also provided the initial impetus and resources to establish the SINC Panel and the Criteria.
- 7.3 Whilst, very happy to include the City of York within the North Yorkshire Panel, they do consider that the Council should contribute to this past work and to the current administration of the group and have suggested a contribution of £1500/yr.
- 7.4 This would include
 - i. the secretarial and administrative costs of the group
 - ii. payment for attendance of various private SINC Panel members (consultants).
 - iii. use of the Guidance and costs incurred to review the Guidance. Eg specialist consultant costs.
 - iv. Transfer of existing data to an updated format.
 - v. Limited site survey assessment.
- 7.5 These core functions currently cost £7500/yr. as the County Council's core contribution.
- 7.6 North Yorkshire County Council also fund management of the system through a service level agreement with the North and East Yorkshire Ecological Data Centre (NEYEDC) and for site survey work to which some local authorities within North Yorkshire make a contribution. These costs do not form part of the above core funding as City of York Council already have a service level agreement with NEYEDC to provide information and maintain existing records and survey work is currently being funded through the Countryside Management Budget and through the LDF process. There is therefore no

additional cost requirement at present for this element of Site System management.

- 7.7 However, there will be additional expenditure in the future in order to monitor the site network and carry out additional survey as new sites are found or additional information is required, although no costs are currently available.
- 7.8 There are also likely to be increased costs in future with regard to management of SINC sites. This is coming about in part as a result of the new NERC Act and in part as a result of the new Biodiversity Indicator target that is included within the revised local authority targets from Central Government. This effectively encourages Local Authorities to become actively involved in promoting effective management of SINC sites. The initial monitoring of this is proposed for 2009.
- 7.9 At present some management work is already being undertaken through the Council's Countryside Management budget.
- 7.10 Other costs will be incurred through the establishment of the new SINC (Local Sites) group proposed above. These will include the need for secretarial back up, the provision of venues and possibly some specialist consultant and attendance fees.
- 7.11 At this stage, it is considered that these can be provided in house within existing countryside and DCSD budgets.
- 7.12 Overall, it is considered that an additional £1500 is required from the Council as a contribution to the North Yorkshire SINC Panel. The Council's Countryside budget already pays a service level agreement to maintain data for planning consideration, as well as part funding survey work and site management, despite constraints in recent years and would administer any new SINC Site Group. It is though not considered possible to accommodate this additional cost within the existing budget. As the primary function of the work is to assist in the development of the Local Development Framework, it has been agreed that it be accommodated within this budget head.

Equality implications

- 7.13 There are no Equality implications.

Human Resources Implications

- 7.14 There are no Human Resources implications other than the need to administer the group. This will be carried out within the Design, Conservation and Sustainable Resource section.

Other Implications

- 7.15 There are no property, legal, Crime and Disorder or IT Implications with regard to this report.

Risk Management

7.16 There are no known risks with regard to the implementation of the proposals.

8.0 Recommendations

8.1 Members are asked to approve the new procedures for SINC's as set out in this report including :

- i. The adoption of the 'The Guidelines for the Selection of Sites of Importance for Nature Conservation in North Yorkshire' as the basis for designation of wildlife sites within York.
- ii. The establishment of a SINC (Local Sites) Group for York.
- iii. The partnership with the North Yorkshire SINC Panel
- iv. The contribution of £1500/ yr to the North Yorkshire County Council to use the Guidelines and support the partnership with the North Yorkshire SINC Panel.

Reason: This is recommended in order that the Council complies with new national guidance on the establishment and running of a SINC (Local Sites) system and ensures that it has robust procedures to fulfil its duties under the NERC Act and the LDF process.

Contact Details

Author:

Author's name : Bob Missin
Title : Countryside Officer
Dept Name : DCSD
Tel No.1662

Chief Officer Responsible for the report:

Chief Officer's name : Michael Slater
Title : Assistant Director of Planning and Sustainable Development

Report Approved

Date 12 March 08

Specialist Implications Officer(s)

Financial

Name Patrick Looker
Title Finance Manger
Tel No. 1633

Wards Affected: List wards or tick box to indicate all

All

For further information please contact the author of the report

Background Papers:

1. The Guidelines for the Selection of Sites of Importance for Nature Conservation in North Yorkshire.
2. Local Sites - Guidance on their Identification, Selection and Management
DEFRA PB11684 - Published Feb 2006
3. Planning Policy Statement 9 Biodiversity and Geological Diversity
ODPM - Published July 2006
4. The NERC Act 2007 – Aug 2007

Appendix 1

Suggested List for the Local Sites Group

CYC – Bob Missin
- Leisure
YWT - Bethan Stagg
Museum Trust– Stuart Ogilvy – Geological
Natural England
Environment Agency
North and East Yorkshire Ecological Data Centre(NEYEDC)
Local Naturalists
York Natural Environment Trust
Environment Forum
York Environment Partnership
PLACE (People Landscape and the Environment in the Countryside)
Local RSPB Grp.
British Trust for Conservation Volunteers
Ministry of Defence
Joseph Rowntree Trust
Persimmon's
Landowner Interest
Country Landowners Association
National Farmers Union
Council for the Protection of Rural England
Councillor Representation.

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Planning Committee

27th March 2008

Report of the Director of City Strategy

The Single National Planning Application Form (1APP) and Validation Checklist

Summary

1. To request the formal adoption by Members of a validation checklist for use in the registration and validation of planning applications.

Background

2. As reported to Members on 19th February 2008, the Government is introducing a new standard electronic application form for applications. Alongside this the Government is also introducing new information requirements for the validation of planning applications. The Town and Country (General Development Procedure) Order 1995 (the GDPO) is amended to introduce a mandatory standard application form and associated information requirements for validation of applications from 6 April 2008.
3. The information requirements will comprise:-
 - i) Mandatory information required for all applications and
 - ii) Local required information, selected by the Local Authority from a published national list of information that may be needed to validate an application.

Members approved the draft list of validation criteria for consultation purposes at the February meeting.

4. The validation criteria for each type of application will be reproduced as a "checklist" for applicants to refer to when submitting their proposals. The main document at Appendix 2 will be available as a source of reference and will be published (along with the "checklists") on the Council's web site. Applications which meet the relevant validation requirements will be registered as valid on receipt, but those where information is missing or incomplete will not be processed until the required details are submitted to support the application. Although this will require some additional work at the outset on behalf of applicants and agents, it will result in more efficient consideration and handling of the application and reduce the need for details to be submitted at later stages in the process.

Consultation

5. Consultation on the draft document approved by Members in November was undertaken with :
 - Statutory consultees involved in the planning process (e.g. Environment Agency, English Heritage, Highway Authority, Yorkshire and Humber Assembly).
 - Parish/Town Councils and Planning Panels .
 - Local interest groups (e.g. York Georgian Society, York Civic Trust, Society).
 - Agents who have submitted applications to the Council over the last year.
 - Internal consultees

A copy of the document was also placed on the Council's web site and in local libraries.

Options

6. Option A. Do not approve and adopt the Validation Checklist (with local criteria). This option is not recommended.
7. Option B. Approve the Validation Checklist (with local criteria). This option is recommended
8. Option C. Approve the Validation Checklist (with local criteria) with modifications. This option is not recommended.

Analysis

9. The largest number of responses came from the main consultees in the planning process. No comments were received from local agents. A summary of the comments and representations received is provided at Appendix 1. The draft of the Validation Requirements document at Appendix 2 highlights (in italics) where changes have been made in response to the views that have been expressed.

Corporate Priorities

10. The Validation Checklist is designed to provide certainty about the information that needs to be submitted with an application. This accords with one of the main elements of the Corporate strategy "*a vision which shows what is important to the Council and the direction it will take in the long term*".

Implications

Legal .

11. The single national form will become a mandatory requirement for new applications with effect from 6th April 2008.

Information Technology.

12. The most recent version of the “Uniform” planning application software includes provision for submission of electronic applications

There are no implications affecting the following:

- Finance
- Equalities
- Crime and Disorder
- Property

Risk Management

13. In compliance with the Council’s Risk Management Strategy. There are no risks associated with the recommendations of this report.

Recommendations

14. That Members agree Option B to approve the Validation Checklist for use in the registration and validation of applications received under the from 6th April 2008.

15. **Reason**

To meet Government requirements and timescales for the introduction of a single national application form and standard validation criteria.

Contact Details

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Head of Development Control
Directorate of City Strategy

Chief Officer Responsible for the report:
Mike Slater
Assistant Director Planning & Sustainable
Development, Directorate of City Strategy

01904 551303

Report Approved Date 14th March 2008

Specialist Implications Officer(s) None.

Wards Affected: All Y

For further information please contact the author of the report

Background Papers:

Appendix 1 – Summary of comments received on Consultation Draft Document

Appendix 2 - Revised Draft of Validation Requirements Document with changes highlighted

Relevant Legislation and Guidance:-

The Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004)

The Town and Country Planning (General Development Procedure) Order 1995 (to be amended by the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2008)

'The Validation of Planning Applications – Guidance for local planning authorities'
(Communities and Local Government, December 2007)

Consultee	Comment	Response (See Appendix 2)
English Heritage	<p>Clarify the range of situations where a Heritage Statement would be required – particularly for unlisted historic buildings.</p> <p>Support the use of up-to-date Conservation Area Appraisals.</p> <p>Include a requirement for justification in support of proposals for demolition in a Conservation Area and for works to a Listed Building.</p> <p>Possibly include a more extensive checklist for the contents of a Heritage Statement in different circumstances.</p>	<p>Change made to requirements for Heritage Statements on Page 16 and definition on Page 47.</p> <p>Noted.</p> <p>Change made to requirements for Heritage Statements on Pages 22 and 25</p> <p>Not practical, but specific advice can be provided by the Development Management Team on a case-by-case basis.</p>
Environment Agency	<p>Require applicants to clearly identify where proposed changes have been made (para. 2.9).</p> <p>Location plans should be clearer and include identifying features/grid references.</p> <p>Reference should be made to the Agency’s Flood Maps and Standing Advice available from their website.</p> <p>Reference should be included to the need for non-mains drainage assessments as required by Circular 3/99.</p> <p>Include reference to requirements of PPS23 in relation to land contamination assessments.</p> <p>Include reference to “sustainability” in Planning</p>	<p>Change made to paragraph 2.10(page 4).</p> <p>This is already addressed – see definition on Page 39</p> <p>Changes made to requirements for Flood Risk Assessments on Pages 9 and15.</p> <p>Reference included at Page 16.</p> <p>Further explanation of requirements included at Page 17.</p> <p>References included at Pages 19 and 50.</p>

	<p>Statements.</p> <p>Include requirement for air quality assessments addressing risks posed by bio-aerosols where commercial composting proposed in agricultural notification applications.</p>	<p>This would not be a material consideration for a prior notification application. In any event, commercial composting is likely to require full planning permission.</p>
Yorkshire Water	<p>Include reference to possible need for Flood Risk Assessments in areas vulnerable to non-fluvial flooding.</p> <p>Support the requirements for Foul Sewerage and Utilities Statements</p>	<p>Reference included at Page 45</p> <p>Noted.</p>
Yorkshire and Humber Assembly	<p>Include requirement for grid references to be provided with location plans.</p> <p>Support the use of Affordable Housing Statements.</p> <p>Include requirement for minimum parking standards contained in the RSS.</p> <p>Include requirement for additional information about on-site generation of renewable energy; sustainable building codes; structural surveys and recording of housing exceptions sites.</p> <p>Include requirement for Site Waste Management Plan for large scale developments.</p>	<p>The location of major development sites should be clear without this requirement.</p> <p>Noted.</p> <p>Not appropriate for validation of applications, but may be a material consideration.</p> <p>Not appropriate requirements for validation of applications, but may be material considerations.</p> <p>The nature of developments in this area does not merit this requirement.</p>
Natural England	<p>Expand the information about the need for Biodiversity and Geological Surveys to meet statutory and legal requirements with improved explanations about the scale and standard of information needed.</p>	<p>Changes made to Pages 7/8 and 13/14.</p>

Yorkshire Wildlife Trust	<p>Expand the information about the need for Biodiversity and Geological Surveys to meet statutory and legal requirements with improved explanations about the scale and standard of information needed.</p> <p>Omit reference to Yorkshire Wildlife Trust in requirements for Hedgerow Removal Notices – the Trust does not have the capacity to comment on each individual case.</p> <p>Include requirement for biodiversity assessments with agricultural prior notification applications.</p> <p>Include requirement for evidence from Natural England and Yorkshire Wildlife Trust to support applications to remove/vary conditions relating to biodiversity, etc.</p> <p>Include requirement for evidence to demonstrate that proposed tree works will not harm protected species.</p>	<p>Changes made to Pages 7/8 and 13/14.</p> <p>Change made to Page 35.</p> <p>This would not be a material consideration for a prior notification application.</p> <p>Change made to Page 37.</p> <p>Not a material consideration in these cases but this is covered by other legislation.</p>
Ecologist	<p>Include reference to Natural England at para. 2.3.</p> <p>Expand the information about the need for Biodiversity and Geological Surveys to meet statutory and legal requirements with improved explanations about the scale and standard of information needed.</p>	<p>Change made.</p> <p>Changes made to Pages 7/8 and 13/14</p>
North Yorkshire Bat Group	<p>Welcome the proposals for more extensive and consistent information relating to bat (and other protected species) surveys.</p> <p>Include requirement for bat survey in support of prior</p>	<p>Noted.</p> <p>Not a material consideration in these cases</p>

	<p>notification applications for proposed demolition.</p> <p>Include reference to advise applicants that bat survey work is seasonal and may therefore cause delays.</p>	<p>but this is covered by other legislation.</p> <p>Change made to Page 44.</p>
Police Architectural Liaison Officer	<p>Supports the initiative and finds the document clear and easy to follow.</p> <p>Crime prevention and security is an important element of a good Design and Access Statement.</p>	<p>Noted.</p> <p>Change made to Page 42.</p>
Conservation Area Advisory Panel	<p>The panel wished to make sure that the checklist fully represented requirements in respect of Conservation Area Consent (e.g. justification & other PPG15 requirements) and other similar matters. Felt it should be expanded to include the wording of the definition in section 4.</p> <p>For listed buildings information should also be provided about how it is proposed to protect, preserve or restore surviving historic fabric of a listed building, and details of methods and materials to be employed</p> <p>Welcome the clear specification of the number and type of explanatory drawings and other information it is expected</p>	<p>Changes made to Page 22/23</p> <p>Changes made to Page 25</p>
Archaeologist	<p>Clarify the range of situations where a Heritage Statement would be required and the types of information needed.</p> <p>The document requires some tightening up to emphasise the statutory Areas of Archaeological Importance in York and the fact that an</p>	<p>Change made to requirements for Heritage Statements on Page 14 and definition on Page 42.</p> <p>Changes made on Page 47,</p>

	archaeological evaluation may be needed in order to support a Heritage Statement	
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**VALIDATION REQUIREMENTS FOR
PLANNING AND OTHER APPLICATIONS
SUBMITTED UNDER THE TOWN AND
COUNTRY PLANNING ACTS**

DRAFT MARCH 2008

This document has been prepared in partnership on behalf of North Yorkshire Planning Authorities and is applicable to all applications submitted to those Authorities

1. Introduction

- 1.1 Arising from an amendment to the Town and Country Planning (General Development Procedure) Order 1995 a mandatory standard national application form and associated information requirements for the validation of planning applications and other applications submitted under the Town and Country Planning Acts has been introduced with effect from the beginning of April 2008.
- 1.2 The purpose of the new validation arrangements is to :
- provide a guide to the information that may be required at the outset;
 - enable the Local Planning Authority to provide applicants with certainty as to the information required;
 - enable the Local Planning Authority to have all the necessary information to determine the application and to draft the planning permission and all conditions;
 - minimise the need for further submission of additional information in order to allow Local Planning Authorities a reasonable opportunity to determine applications within the Best Value Performance Indicator (BVPI)109 targets; and,
 - ensure consistency in the approach taken by different Local Planning Authorities in registering and validating applications, whilst recognising the need for variation appropriate to local circumstances.
- 1.3 With this in mind, a group of the North Yorkshire Planning Authorities has sought through this document to set down a consistent and proportionate approach to the information that is required for all different types of applications. This will be kept under annual review to ensure that it is meeting the above objectives in practice. In setting out these requirements, we are seeking to reduce the number of applications (previously around 30%), which have to be returned as invalid due to insufficient information or being wrongly completed.
- 1.4 Section 2 of this document explains the approach to the submission and validation of applications. Section 3 provides a list of requirements for each of the main types of application made under the Town and Country Planning Acts. Where “combination” applications are made, then reference should be made to both of the individual requirements. Section 4 provides explanatory guidance to the terms used. We hope that you find this document useful.

2. Protocol for Submission and Validation of Applications

Pre-Application Advice

2.1 The Council's website contains guidance and advice relating to different types of applications and the issues that need to be considered in preparing an application: http://www.york.gov.uk/environment/Planning/Planning_guidance/

2.2 You are also invited to have pre-application discussions with a Planning Officer prior to the formal submission of an application to:

- (a) confirm the scope of the information in the application;
- (b) address whether the proposal may need to be amended to comply with the Council's policies in the Development Plan and other Officer advice; and,
- (c) to seek a view on whether planning permission is likely to be granted.

This advice is given without prejudice to the final recommendation on the proposal, which will be made in the light of consultation responses and detailed consideration of the application.

2.3 It is recognised that for reasons of urgency some applications may not benefit from pre-application advice. The Council will vet applications on receipt and inform the agent/applicant if the plans and supporting information is sufficient to register the application. It will be necessary to submit all required documents with the application as set out in the Council's published validation criteria for the application to be formally accepted and registered.

2.4 It may be necessary in relation to some supporting information to carry out pre-submission consultation with technical consultees, for example, the Environment Agency, Yorkshire Water, *Natural England* North Yorkshire County Council or English Heritage as appropriate, prior to the formal registration of the application.

2.5 For some particularly complex cases, the Council will set up a "Development Team" to involve some of the above Services and Agencies in dealing with the application.

2.6 All applicants, but particularly those bringing forward major development schemes, are encouraged to carry out public consultation with appropriate sections of the public (e.g. neighbours directly affected, Parish/Town Council or specific interest groups) in accordance with the Council's published "Statement of Community Involvement".

Validation of Applications

- 2.7 The Council will not register or validate an application if it is incomplete i.e. if all information listed in the appropriate validation criteria is not provided in a complete form.
- 2.8 Under the provisions of Regulation 4 of the Town and Country Planning (Applications) Regulations the Council also has power in the course of dealing with an application to require an applicant to :
- (a) supply any further information, and accept outline applications, plans and drawings necessary to enable them to determine the application; or
 - (b) provide one of their officers with any evidence in respect of the application as is reasonable for them to call for to verify any particulars of information given to them.
- 2.9 If an application is subsequently found to be invalid following registration, the time period for determination will be suspended until such time as it becomes valid and the period for determination of the application reset.

Processing the Application

- 2.10 The opportunity to make significant changes to an application, after validation, is severely limited. Significant changes, i.e. revised plans which require re-consultation, may not be accepted, because the re-consultation may not be able to be carried out and a decision made inside the 8 or 13 week target. Applicants may, however, be able to make changes to plans to address issues raised by Officers and consultees, if time permits during the process of consideration. *In every case the submission of revised details must be accompanied by a schedule clearly setting out the proposed changes.*
- 2.11 Fresh drawings or modifications that significantly alter the nature or description of the proposal will not normally be accepted after validation. If such a change is unavoidable, the Council will ask for a fresh application.
- 2.12 Where an application has been validated but needs significant alteration to make it acceptable, or where pre-application advice to overcome problems has not been followed, the Council will consider the application as submitted. The applicant may, however, withdraw the application and submit a new application for a revised scheme before a decision is made. There is normally no fee for the first such resubmission.
- 2.13 Prior to a recommendation of refusal being made on an application, the Council will in most cases aim to inform the agent/applicant and give the opportunity to withdraw the application if it is clear that there would be no other acceptable outcome. These applications can normally be resubmitted in revised form, with no fee.

Legal Agreements

- 2.14 Whenever possible, conditions will be used in preference to legal agreements to secure requirements for e.g. schools, highways, open space or affordable housing. Applicants are requested to use Unilateral Undertakings rather than entering into Section 106 Planning Agreements to meet obligations associated with development proposals. Guidance is available at http://www.york.gov.uk/environment/Planning/Planning_guidance/S106_Obligations/
- 2.15 Unilateral Undertakings and Planning Agreements should be substantially drafted during the preparation of the application or, where possible, should be included as part of the formal submission of the application. ~~Standard pre-forms for common Undertakings and Agreements can be provided.~~
- 2.16 Where Undertakings or Agreements are not completed in time to allow approval of a development within the target timescale of 8 or 13 weeks and the delay lies with the applicant, planning permission may be refused on the grounds of failure to meet a necessary obligation.

Summary

The key elements of the Protocol for submission and validation of applications are :

- Compile a full application before formal submission.
- Consult the Local Planning Authority and key consultees before formal submission.
- “Front load” the application process by taking into account the views of other parties who will be involved in commenting on and considering the application.
- Significant alterations to applications cannot be made after registration/validation.
- The Council will make decisions in most cases within the relevant target of 8 or 13 weeks.
- Advance preparation of documents for Unilateral Undertakings or Planning Agreements will assist a prompt and favourable outcome.

3. Information Requirements for Applications by Main Application Type

(Please refer to Section 4 of this document for explanatory guidance of the terms used)

HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION FOR WORKS OR EXTENSION TO A DWELLING

The following information is required to enable the application to be accepted and considered :

National Requirements

- Completed form (3 copies plus one original to be supplied unless the application is submitted electronically).
- A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North (3 copies plus one original to be supplied unless the application is submitted electronically).
- A copy of other plans and drawings or information necessary to describe the subject of the application (3 copies plus one original of all plans to be supplied unless the application is submitted electronically) including :
 - Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries;
 - Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100);
 - Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100);
 - Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100); and,
 - Roof plans (e.g. at a scale of 1:50 or 1:100).
- The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 7 of the Town and Country Planning (General Development Procedure) Order 1995.
- Agricultural Holdings Certificate as required by Article 7 of the Town and Country Planning (General Development Procedure) Order

1995.

- Design and Access Statement, if required (see Section 4 for Explanatory Guidance) .
- The appropriate fee.
- In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 6 of the Town and Country Planning (General Development Procedure) Order 1995 must be given and/or published in accordance with this Article.

Local Requirements

- ~~Biodiversity Survey and Report~~ – *Biodiversity/Geological Survey and Assessment Report – The Planning Authority must consider the conservation of biodiversity when determining a planning application – this includes having regard to the safeguarding of species protected under the Wildlife and Countryside Act 1981; the Conservation (Natural Habitats etc.) Regulations 1994; or the Badgers Act 1992; as well as designated sites and priority habitats. Where a proposed development is likely to affect protected species, a designated site, priority habitat or geological feature, the application must be accompanied by a Biodiversity/Geological Survey and Report.*

The circumstances in which a protected species survey and assessment will be required are explained in more detail in the published list of local requirements (link here to relevant web page). If the application involves any of the development proposals shown in Table 1 (Column 1) of that document a protected species survey and assessment will be required. If the application is likely to affect any of the designated sites, priority habitats or biodiversity features listed in Table 2 or geological features listed in Table 3, a relevant survey and assessment must be submitted with the application. Exceptions to when a survey and assessment may not be required are also explained in these tables.

The survey should be undertaken and prepared by competent persons with suitable qualifications and experience and must be carried out at an appropriate time and month of the year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available. The survey may be informed by the results of a search for ecological or geological data from the North Yorkshire Ecological Data Centre.

The Survey must be to an appropriate level of scope and detail and must :-

For protected species :

- a) record where species are present and identify their numbers (may be approximate); and,*
- b) map their distribution and use of the area, site, structure or feature (e.g. for feeding, shelter, breeding).*

For designated sites or priority habitat/geological features :

- a) record which habitats and features are present on and, where appropriate, around the site;*
- b) identify the extent/area/length present; and,*
- c) map their distribution on site and/or in the surrounding area shown on an appropriate scale plan.*

The Assessment must identify and describe potential development impacts likely to harm the biodiversity or geological features identified by the survey (these should include both direct and indirect effects both during construction and afterwards). Where harm is likely, evidence must be submitted to show :

- How alternative designs or locations have been considered.*
 - How adverse effects will be avoided wherever possible.*
 - How unavoidable impacts will be mitigated or reduced.*
 - How impacts that cannot be avoided or mitigated will be compensated.*
-
- In addition, proposals are to be encouraged that will enhance, restore or add to designated sites, priority habitats, other biodiversity/geological features or benefit protected species. The Assessment should give an indication of likely change in the area (hectares) of priority habitat etc. on the site after development e.g. whether there will be a net loss or gain. Where appropriate, an ecological/geological survey and assessment may form part of a wider Environmental Impact Assessment. ~~This will be required where protected species are known/suspected to be present on the site or where the development impacts upon areas designated for their biodiversity interests, e.g. Sites of Special Scientific Interest or Nature Reserves. Certain proposals which include work such as the demolition of older buildings or roof spaces, removal of trees, scrub, hedgerows or alterations to water courses may affect protected species. Such surveys and accompanying reports need to be prepared by a qualified ecologist.~~*

- Daylight /Sunlight Assessment – Where a development may cause loss of amenity to nearby property through loss of daylight or sunlight to habitable windows or cause overshadowing of adjacent land then an assessment will be required.

If the scheme involves the construction of buildings higher than single storey and within 2 metres of the common boundary with any neighbouring residential property an assessment will be required.

The extent and complexity of the assessment will need to be proportionate to the potential impact. Consider the proposed height of the proposed building, its design and orientation of the existing and proposed buildings and changes in ground levels.

Any information will be in respect of the planning merits and not have a direct bearing on other legislation contained in the Rights of Light Act.

- Flood Risk Assessment – The need for a Flood Risk Assessment depends upon which Zone, defined by the Environment Agency, applies. Generally a Flood Risk Assessment will only be required if the proposed development increases the risk of flooding or potential severity of flooding such as the construction of basements (where this requires planning approval). Normally a Flood Risk Assessment will not be required for Householder developments. Details of flood risk can be found on the Environment Agency's website <http://www.environment-agency.gov.uk/subjects/flood/> . *Applicants should check this for the Flood Zone of the site and then view the relevant Standing Advice Guidance Notes. In High Risk Areas this will normally require floor levels to be raised 300mm above the highest known flood level in the vicinity and include flood proofing measures at the design stage of the building.*
- Parking Provision – Where a scheme reduces the available parking space or turning space or changes access arrangements or significantly increases the size of a property and therefore has the potential to increase the demand for parking, applicants should provide details of how access will be provided and what arrangements are to be made to ensure that safe access and egress can be achieved and the reasonable parking demands are met within the application site.
- Statement of Community Involvement - Applicants are encouraged to submit a supporting statement setting out how neighbours have been consulted on the proposal, in accordance with the Council's

Statement of Community Involvement. Examples of information helpful to supply in a Statement of Community Involvement are :

- Records of discussions/correspondence giving the date, time and place of discussions with whom and what issues were raised, what responses given at the time and what amendments have been made to address those concerns.
- Whether amendments have been the subject of further discussion.
- Tree Survey/Arboricultural Implications - Where trees are within or adjacent to an application site and could be influenced by the development (including street trees) due to :
 - a) Excavation of ground or changes of ground level within the root zone (generally under the canopy of the tree). This includes drainage and other infrastructure such as power and gas supplies as well as the formation of new foundations.
 - b) Construction of buildings within the canopy spread of a tree regardless of whether the works involve excavation or not and regardless of whether the tree is within or outside of the application site or applicants ownership.
 - c) Changes to the ground covering/surfacing beneath the canopy spread.
 - d) Changes to ground water drainage arrangements beneath the canopy spread.

Information will be required about which trees are to be retained and which removed. Details of the means of protection of trees during the construction period will also be required. This information should be prepared by a suitably qualified and experienced arboriculturalist.

APPLICATIONS FOR FULL PLANNING PERMISSION *INCLUDING CHANGES OF USE*

APPLICATIONS FOR OUTLINE PLANNING PERMISSION WITH EITHER SOME OR ALL MATTERS RESERVED

APPLICATIONS FOR APPROVAL OF RESERVED MATTERS (WHERE THE INFORMATION WAS NOT ORIGINALLY PROVIDED WITH THE OUTLINE APPLICATION)

The following information is required to enable the application to be accepted and considered. “Major” developments¹ are likely to need more of these requirements than less complex, smaller schemes :

National Requirements

- Completed form (3 copies plus one original to be supplied unless the application is submitted electronically).
- A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North (3 copies plus one original to be supplied unless the application is submitted electronically).
- A copy of other plans and drawings or information necessary to describe the subject of the application (3 copies plus one original to be supplied unless the application is submitted electronically) including :
 - Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries;
 - Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100);
 - Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100);
 - Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100); and,
 - Roof plans (e.g. at a scale of 1:50 or 1:100).

¹ “Major” developments comprise proposals for ten or more dwellings; an outline application for residential development on a site of more than 0.5 hectare; new building(s) of more than 1,000 sq. m. floorspace; or development on a site of more than 1 hectare.

- The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 7 of the Town and Country Planning (General Development Procedure) Order 1995.
- Agricultural Holdings Certificate as required by Article 7 of the Town and Country Planning (General Development Procedure) Order 1995.
- Design and Access Statement, if required.
- The appropriate fee.
- In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 6 of the Town and Country Planning (General Development Procedure) Order 1995 must be given and/or published in accordance with this Article.

Local Requirements

- Affordable Housing Statement – This will be required for housing developments where the number of units exceeds a certain threshold. For information on the Council's requirements please use this link to access information on Affordable Housing http://www.york.gov.uk/environment/Planning/Planning_guidance/affordable_housing/
- Air Quality Assessment – Within a designated Air Quality Management Area (AQMA), proposals for development should usually include a statement relating to the air quality impact of the proposal. Although a formal Air Quality Impact Assessment is not appropriate for all developments within an AQMA, developers are encouraged to make reference to the AQMA where appropriate and provide some justification as to the reasons why they have not considered it further. In some instances an Air Quality Impact Assessment will be required. More information on the AQMA is provided on the Council's website at http://www.york.gov.uk/environment/Pollution/air_pollution/Air_pollution_levels_in_York/aqma/

Further, specific guidance is provided in City of York Council's internal guidance note : "Air Quality and the Planning Process". This local guidance note builds on the information found within the national guidance note "Development Control : Planning for Air Quality, 2006 update" produced by NSCA (National Society for Clean Air) (now E.P.U.K).

- Biodiversity Survey and Report – *The Planning Authority must consider the conservation of biodiversity when determining a planning application – this includes having regard to the safeguarding of species protected under the Wildlife and Countryside Act 1981; the Conservation (Natural Habitats etc.) Regulations 1994; or the Badgers Act 1992; as well as designated sites and priority habitats. Where a proposed development is likely to affect protected species, a designated site, priority habitat or geological feature, the application must be accompanied by a Biodiversity/Geological Survey and Report.*

The circumstances in which a protected species survey and assessment will be required are explained in more detail in the published list of local requirements (link here to relevant web page). If the application involves any of the development proposals shown in Table 1 (Column 1) of that document a protected species survey and assessment will be required. If the application is likely to affect any of the designated sites, priority habitats or biodiversity features listed in Table 2 or geological features listed in Table 3, a relevant survey and assessment must be submitted with the application. Exceptions to when a survey and assessment may not be required are also explained in these tables.

The survey should be undertaken and prepared by competent persons with suitable qualifications and experience and must be carried out at an appropriate time and month of the year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available. The survey may be informed by the results of a search for ecological or geological data from the North Yorkshire Ecological Data Centre.

The Survey must be to an appropriate level of scope and detail and must :-

For protected species :

- a) record where species are present and identify their numbers (may be approximate); and,*
- b) map their distribution and use of the area, site, structure or feature (e.g. for feeding, shelter, breeding).*

For designated sites or priority habitat/geological features :

- a) record which habitats and features are present on and, where appropriate, around the site;*
- b) identify the extent/area/length present; and,*

- c) *map their distribution on site and/or in the surrounding area shown on an appropriate scale plan.*

The Assessment must identify and describe potential development impacts likely to harm the biodiversity or geological features identified by the survey (these should include both direct and indirect effects both during construction and afterwards). Where harm is likely, evidence must be submitted to show :

- *How alternative designs or locations have been considered.*
- *How adverse effects will be avoided wherever possible.*
- *How unavoidable impacts will be mitigated or reduced.*
- *How impacts that cannot be avoided or mitigated will be compensated.*

In addition, proposals are to be encouraged that will enhance, restore or add to designated sites, priority habitats, other biodiversity/geological features or benefit protected species. The Assessment should give an indication of likely change in the area (hectares) of priority habitat etc. on the site after development e.g. whether there will be a net loss or gain. Where appropriate, an ecological/geological survey and assessment may form part of a wider Environmental Impact Assessment.

- ~~This will be required where protected species are known/suspected to be present on the site or where the development impacts upon areas designated for their biodiversity interests, e. g. Sites of Special Scientific Interest or Nature Reserves. Certain proposals which include work such as the demolition of older buildings or roof spaces, removal of trees, scrub, hedgerows or alterations to water courses may affect protected species. Such surveys and accompanying reports need to be prepared by a qualified ecologist. ([link here to relevant advice e.g. Biodiversity Action Plan](#))~~
- Daylight /Sunlight Assessment – Where a development may cause loss of amenity to nearby property through loss of daylight or sunlight to habitable windows or cause overshadowing of adjacent land then an assessment will be required.

If the scheme involves the construction of buildings higher than single storey and within 2 metres of the common boundary with any neighbouring residential property an assessment will be required.

The extent and complexity of the assessment will need to be proportionate to the potential impact. Consider the proposed height of the proposed building, its design and orientation of the existing

and proposed buildings and changes in ground levels.

Any information will be in respect of the planning merits and not have a direct bearing on other legislation contained in the Rights of Light Act.

- Economic Statement – Applications may need to be accompanied by a supporting statement of any regeneration benefits, such as the number of new jobs likely to be created, community benefits and any regeneration strategies that lie behind the proposals. This may be included as part of a Planning Statement. This would normally apply to larger more complex schemes and agricultural diversification schemes/new business developments in the countryside but could apply to smaller commercial developments. For developments in rural areas further advice can be found in [PPS7 “Sustainable Development in Rural Areas”](#) available on the DCLG web site.
- Environmental Statement – The Town and Country Planning (Environmental Impact Assessment) Regulations (1999) (as amended) set out the circumstances in which an Environmental Impact Assessment (EIA) is required. Information on this can be found at (http://www.opsi.gov.uk/si/si1_999/19990293.htm). This usually relates to larger more complex schemes but can be required for some minor developments if there are likely to be significant environmental effects from pollution for example. For most applications EIA is not required.
- Flood Risk Assessment – The need for a Flood Risk Assessment depends upon which Zone, defined by the Environment Agency, applies. Generally if the site is within Zone 1 then a Flood Risk Assessment is not required. Details of the Zones and the Environment Agency’s requirements can be found on the Environment Agency’s web site at <http://www.environment-agency.gov.uk/subjects/flood/?lang=e> . *–Currently, this will require a Flood Risk Assessment for:*
 - *Any development of 1 hectare or more in Flood Zone 1 (to consider surface water drainage); and,*
 - *All proposals for development in Flood Zones 2 and 3 (including a change of use to a more vulnerable class of use).*

All proposals in High Risk Flood Zones must include information about alternative sites that have been considered in order to

support a sequential test for the proposed development.



- Foul Sewerage and Utilities Assessment – Details of drainage should be provided for both foul and surface water. You may need to contact Yorkshire Water to establish where the drains are. Their web site address is www.yorkshirewater.co.uk Applicants are encouraged to minimise the effect of surface water run-off in the planning of new developments through the use of sustainable drainage systems. Advice on this can be found on the Environment Agency's web site at www.environment-agency.gov.uk

For major and complex schemes a statement must be provided which demonstrates that :-

- a) The availability of utility services (gas, electricity, telecommunications water, and foul and surface water sewage disposal - *taking into account the capacity of the receiving water treatment works*) has been examined and would not result in undue stress on the delivery of those services to the wider community,
- b) Proposals incorporate any utility company requirements for substations, telecommunications equipment or similar structures,
- c) ~~e)~~—The service routes have been planned to avoid as far as possible the potential for damage to trees and archaeological remains.

Any development proposing non-mains drainage should include an assessment as required by Circular 3/99 (Planning Requirements in Respect of the Use of Non-Mains Drainage in New Development) including, where appropriate, results of a percolation test.

- Heritage Statement (including historical, archaeological features and Scheduled Ancient Monuments) – A Heritage Statement will need to accompany an application if it affects a *Listed Building, Conservation Area, Historic Park or Garden, Registered Battlefield, World Heritage Site, Scheduled Monument or their setting*. They may also be required where the application would take place in an *area of archaeological importance*~~historical or archaeological features on the site~~. Where a *local list* exists and a building is considered to be of historic interest, though not a listed building, the following information may be required -

- Context/street-scene elevations where significant extensions are proposed on public elevations.
- Photographs/photomontages of elevations.
- Structural survey where the application proposes demolition or significant alterations to the structure of the building.

Where the site is located within, or within the setting of, a Conservation Area it is expected that a statement will be submitted with any application about how the development relates to the Conservation Area, having regard to any Conservation Area Appraisal Document that may have been prepared by the Council. Details of the Council's Conservation Areas and Appraisal Documents can be found using the following link http://www.york.gov.uk/leisure/Conservation/Conservation_areas/

- Land Contamination Assessment – Where contamination is known or suspected, a land contamination assessment should be provided in accordance with guidance in PPS23 "[Planning and Pollution Control](#)". Information should be provided on the levels and extent of the contamination and how it is to be remediated in order to enable a determination to be made on whether or not a proposed development can proceed. *In some situations, a preliminary risk assessment may be appropriate comprising a desk study, walk-over site reconnaissance and conceptual model (identifying potential pollutant sources, pathways and receptors as a basis for assessing risks and appraising options for remediation).*



- Land Stability/Geotechnical Reports – For new developments that are on or adjacent to land which is known or suspected to be unstable, a report by an appropriately qualified engineer shall be submitted giving details of how land conditions are to be dealt with during the course of the development. Where the reports show that there is potential for instability details of arrangements for monitoring of ground water shall be submitted together with details of any necessary remediation details to prevent future landslips. Further advice can be found in [PPG14 "Development on Unstable Land"](#).
- Lighting Assessment – If the application involves significant new lighting, in terms of floodlighting, or lighting to car parks or open land, then a lighting assessment prepared by a suitably qualified lighting engineer will be required both to minimise the effect upon

nearby residential properties and ensure that light pollution is minimised. Particular care will be needed with lighting in the countryside. Further advice on this can be found in "Lighting in the Countryside :Towards Good Practice" (1997) which is available at <http://www.communities.gov.uk/index.asp?id=1144822> and in the Institution of Lighting Engineers (ILE) "Guidance Notes for the Reduction of Obtrusive Light".

- Noise Impact Assessment – Application proposals that raise issues of disturbance or are considered to be a noise sensitive development in what are considered to be noise sensitive areas should be supported by a Noise Impact Assessment prepared by a suitably qualified acoustician. In some cases a noise assessment may be required for domestic wind turbines. Further guidance is contained in PPG 24 "[Planning and Noise](#)" (September 1994). Application proposals that raise specific issues regarding vibration should be supported by a Vibration Impact Assessment prepared by a suitably qualified acoustician. Further guidance is available in BS6472: 1992, which deals with human response to vibration in buildings; BS5228: Part IV 1992, which deals with construction vibration; and BS7385: Part 2 1993 which deals with buildings.
- Open Space Assessment – For development on public or private open space or recreation areas, applications should be accompanied by plans showing existing or proposed open space within or adjoining the application site. Applicants would need to demonstrate as part of the assessment that the land or buildings are surplus to requirements. It is also expected that with residential schemes, new open space will either be provided on site or a commuted sum paid towards up-grading existing facilities or making new provision on a different site. Information on open space requirements in respect of residential schemes can be found at :- http://www.york.gov.uk/environment/Planning/Planning_guidance/OpenSpaceAdviceNote/
- Parking Provision – Existing and proposed details of parking and access need to be provided for all new developments and clearly shown on the submitted plans. If no parking is to be provided, this should be clearly stated. All new developments should have access to a public highway shown in red as part of the application site.
- Photographs/Photomontages – These are not essential with every application but can be helpful to members of the public, Officers and Councillors in understanding the context of the application. It is expected that with major or complex schemes or applications in

sensitive locations that photographs will be provided.

- Planning Obligations/Draft Heads of Terms – Planning Obligations or “Section 106 Agreements” are private agreements negotiated between Local Planning Authorities and persons with an interest in a piece of land. Agreements are usually required in connection with major or complex schemes and occasionally with certain minor developments. Advice on Planning Obligations can be found in ODPM Circular 05/2005 “[Planning Obligations](#)” and the model [Section 106 Agreement](#) which can be found on the Communities and Local Government website. The Council has also produced guidance on Section 106 Agreements which can be found at :-
http://www.york.gov.uk/environment/Planning/Planning_guidance/S106_Obligations/
- *Planning and Sustainability Statement* – This will usually be required in connection with major or complex schemes and will usually assess how the scheme accords with relevant national, regional and local planning policies as well as explaining the context and background to the development. In the interests of making a difference to climate change, applicants will be expected to demonstrate how their proposals are making best use of renewable energy such as solar or wind power and/or using best practical means to reduce the carbon footprint of all new buildings. For all new developments applicants will be expected to have regard to the Council’s guidance on Sustainable Buildings, and which can be viewed at:-
http://www.york.gov.uk/environment/Planning/Planning_guidance/Design_and_construct_draft_SPG/
and for residential schemes the Code for Sustainable Homes.
<http://www.planningportal.gov.uk/england/professionals/en/1115314116927.html>
- Applicants should provide details of how refuse will be dealt with, including provision of bin stores and re-cycling arrangements. Guidance is provided at:-
http://www.york.gov.uk/environment/Planning/Planning_guidance/Refuse_and_Kerbside_Collection/
- Statement of Community Involvement - Applicants are encouraged to submit a supporting statement setting out how the local community has been consulted on the proposal, in accordance with the Council’s Statement of Community Involvement :-
http://www.york.gov.uk/environment/Planning/Local_development_framework/Statement_of_comm_involve/

- Examples of information helpful to supply in a Statement of Community Involvement are :
 - Records of discussions/correspondence giving the date, time and place of discussions with whom and what issues were raised, what responses given at the time and what amendments have been made to address those concerns.
 - Whether amendments have been the subject of further discussion.
- Statement of Need for Agricultural Dwelling(s) – Where a new agricultural dwelling is proposed a statement of the need for the new dwelling unit shall be provided in accordance with advice contained in Annex A to [PPS7 “Sustainable Development in Rural Areas”](#).
- Structural Survey - Structural surveys will be required in cases where it needs to be demonstrated that either a building is capable of being retained and converted, or that a building is incapable of conversion and needs to be removed. In either case factual evidence will be required to support the case.
- Town Centre Uses (Evidence to Accompany Applications) – This would apply to all retail and leisure developments over 2,500 square metres gross floorspace where they are proposed to be located either in an edge of centre or an out of centre location and would not accord with the current Development Plan. They may also be required for smaller developments if they would be likely to affect smaller centres. Evidence should be supplied to show that there are no sequentially preferable sites. Policy advice is available in PPS6 “Planning for Town Centres”, March 2005 ([Planning Policy Statement 6: Planning for Town Centres](#))
- Transport Assessment – A Transport Assessment (TA) should be submitted as part of any planning application where the proposed

development has significant transport implications². For smaller schemes the TA should simply outline the transport aspects of the scheme but for major proposals the TA should illustrate accessibility to the site by all modes of transport, for example cycle, foot or car, as well as giving details of measures which will
 a) improve public transport; b) reduce the need for parking; and,
 c) mitigate transport impacts. [PPG 13 “Transport”](#).

- Travel Plan – Where developments are likely to generate significant additional traffic or journeys to work a Travel Plan will be required. Further guidance on TAs and Travel Plans can be obtained from the Council’s Highway Network Management Section.
- Tree Survey/Arboricultural Implications - Where trees are within or adjacent to an application site and could influence or be affected by the development (including street trees) information will be required about which trees are to be retained and which removed. Details of the means of protection of trees during the construction period will also be required. This information should be prepared by a suitably qualified and experienced arboriculturalist.
- Ventilation/Extraction Statement – Details of the position and design of ventilation and extraction equipment including odour abatement techniques and acoustic noise characteristics will be required to accompany all applications for restaurants and cafés, pubs, wine bars and any other drinking establishments and all hot food takeaways. This information may be required for significant retail, business, industrial or leisure developments where substantial ventilation or extraction equipment is proposed to be installed. Advice on suitable ventilation and extraction equipment can be obtained from the Council’s Environmental Health team.

Type of Development	Site Area Threshold	Gross Floor Area Threshold / Number of Units Threshold
Food Retailing (A1)	0.2 hectares	400 sq m
Non Food Retailing (A1)	0.8 hectares	1,000 sq m
Offices (B1)	0.8 hectares	1,000 sq m
Industry (B2, B8)	2.0 hectares	2,000 sq m
Residential (C3)	1.0 hectares	40 units
Other	30 + vehicle movements in any hour	

2

CONSERVATION AREA CONSENT FOR DEMOLITION IN A CONSERVATION AREA

The following information is required to enable the application to be accepted and considered :

National Requirements

- Completed form (3 copies plus original to be supplied unless the application is submitted electronically).
- A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North (3 copies plus original to be supplied unless the application is submitted electronically).
- A copy of other plans and drawings or information necessary to describe the subject of the application (3 copies plus original to be supplied unless the application is submitted electronically) including :
 - Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries;
 - Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100);
- The completed Ownership Certificate (A, B, C or D – as applicable) as required by Regulation 6 of the Planning (Listed Building and Conservation Areas) Regulations 1990.
- In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Regulation 6 of the Planning (Listed Building and Conservation Areas) Regulations 1990 must be given and/or published in accordance with this Regulation.

Local Requirements

- Biodiversity survey and report.
- Heritage Statement (including an analysis of the character of the building and its contribution to the character of the surrounding part of the Conservation Area, referring where appropriate to any existing Conservation Area Appraisal and Management Plan that may have been published by the Council. *The Statement should also justify the need for demolition having regard to :*
 - *The condition of the building, the cost of repairing and*

maintaining it in relation to its importance and to the value derived from its continued use;

- *Efforts made to retain the building in use; and,*
- *The merits of alternative proposals for the site.*



- Full photographic survey – internal and external.
- Structural survey where the application proposes demolition of a historic building which would normally be retained or re-used.

LISTED BUILDING CONSENT FOR ALTERATION, EXTENSION OR DEMOLITION OF A LISTED BUILDING

The following information is required to enable the application to be accepted and considered :

National Requirements

- Completed form (3 copies plus original to be supplied unless the application is submitted electronically).
- A plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North (3 copies plus original to be supplied unless the application is submitted electronically).
- A copy of other plans and drawings or information necessary to describe the subject of the application (3 copies plus original to be supplied unless the application is submitted electronically) including :
 - Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries ;the type and height of boundary treatment (e.g. walls fences etc) and the position of any building or structure on the other side of such boundaries.
 - Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100);
 - Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100);
 - Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100);
 - Plans to a scale of not less than 1:20 to show all new doors, windows, shop-fronts, panelling, fireplaces, plaster moulding and other decorative details; and,
 - Roof plans (e.g. at a scale of 1:50 or 1:100).
- The completed Ownership Certificate (A, B, C or D – as applicable) as required by Regulation 6 of the Planning (Listed Building and Conservation Areas) Regulations 1990.
- Design and Access Statement.

- In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Regulation 6 of the Planning (Listed Building and Conservation Areas) Regulations 1990 must be given and/or published in accordance with this Regulation.

Local Requirements

- Biodiversity survey and report where significant alterations are proposed to the roof or where an empty building is to be subdivided or altered.
- Heritage Statement – with reference to the Design and Access Statement addressing :
 - i) the special architectural or historic interest of the building ;
and a justification of the proposed works;
 - ii) the particular physical features of the building that justify its designation as a Listed Building; and,
 - iii) the setting of the building.
 - iv) *information about how it is proposed to protect, preserve or restore surviving historic fabric of the listed building, and details of methods and materials to be employed*

Where demolition of the whole or any substantial part of the building is proposed, the Statement should also justify the need for demolition having regard to :

- *The condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use;*
- *Efforts made to retain the building in use; and,*
- *The merits of alternative proposals for the site.*
- Street scene or perspective elevations where significant extensions are proposed on public elevations.
- Photographs/photomontages of all affected elevations and details.
- Structural survey where the application proposes demolition or significant alterations to the structure of the building.

APPLICATION FOR ADVERTISEMENT CONSENT

The following information is required to enable the application to be accepted and considered :

National Requirements

- Completed form (3 copies plus original to be supplied unless the application is submitted electronically).
- A plan which identifies the land to which the application relates drawn to an identified scale, identifying the location of the site by reference to at least two named roads, identifying the proposed position of the advertisement(s) and showing the direction of North (3 copies plus original to be supplied unless the application is submitted electronically).
- Other plans and drawings or information necessary to describe the subject of the application (3 copies plus original to be supplied unless the application is submitted electronically) including :
 - Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100).
 - Advertisement drawing(s) (e.g. at a scale of 1:50 or 1:100) showing advertisement size, siting, materials and colours to be used, height above ground, extent of projection and details of the method and colour(s) of illumination [if applicable])
- The appropriate fee.

Local Requirements

- Lighting assessment (where illuminated advertisements are proposed).
- Photographs and photomontages.
- Details of other signs on the site to assess the cumulative impact of the sign.
- Planning Statement to include the need for the sign.

APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR AN EXISTING USE OR OPERATION OR ACTIVITY INCLUDING THOSE IN BREACH OF A PLANNING CONDITION

The following information is required to enable the application to be accepted and considered :

National Requirements

- Completed form (3 copies plus original to be supplied unless the application is submitted electronically).
- A plan identifying the land to which the application relates drawn to an identified scale and showing the direction of north (3 copies plus original to be supplied unless the application is submitted electronically).
- Such evidence verifying the information included in the application as can be provided.
- Such other information as is considered to be relevant to the application.
- The appropriate fee.

Local Requirements

- Plans of the development (3 copies plus original to be supplied unless the application is submitted electronically. All plans and drawings should include: paper size, key dimensions and scale bar indicating a minimum of 0-10 metres) :
 - Existing elevations (e.g. at a scale of 1:50 or 1:100);
 - Existing floor plans (e.g. at a scale of 1:50 or 1:100); and,
 - Existing site survey plan (e.g. at a scale of 1:50 or 1:100).
- Lawful Development Certificate supporting information (e.g. sworn affidavit(s) from people with personal knowledge of the existing use). The purpose of the information would be to demonstrate that the use had operated for the period required for it to become lawful e.g. more than 10 years for an existing use, or 4 years for a physical development or non compliance with a planning condition.
- Photographs/Photomontages (if relevant).
- Planning Statement.

APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED USE OR DEVELOPMENT

The following information is required to enable the application to be accepted and considered :

National Requirements

- Completed form (3 copies plus original to be supplied unless the application is submitted electronically).
- A location plan identifying the land to which the application relates drawn to an identified scale and showing the direction of north (3 copies plus original to be supplied unless the application is submitted electronically).
- Such evidence verifying the information included in the application as can be provided.
- Such other information as is considered to be relevant to the application.
- The appropriate fee.

Local Requirements

- Plans of the proposed development (3 copies plus original to be supplied unless the application is submitted electronically. All plans and drawings should include: paper size, key dimensions and scale bar indicating a minimum of 0-10 metres) :
 - Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100);
 - Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100); and,
 - Site survey plan (e.g. at a scale of 1:50 or 1:100).
- Planning Statement.

APPLICATION FOR PRIOR NOTIFICATION OF PROPOSED AGRICULTURAL OR FORESTRY DEVELOPMENT – PROPOSED BUILDING

The following information is required to enable the application to be accepted and considered :

National Requirements

- A completed form or written description of the proposed development and the materials to be used.
- A plan indicating the site.
- The appropriate fee.

Local Requirements

- Plans (3 copies to be supplied unless the application is submitted electronically. All plans and drawings should include: paper size, key dimensions and scale bar indicating a minimum of 0-10 metres) :
 - Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100);
 - Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100); and,
 - Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100).
- Photographs/photomontages.
- Planning Statement of need and functional requirements with reference to landscape impact.

APPLICATION FOR PRIOR NOTIFICATION OF PROPOSED AGRICULTURAL OR FORESTRY DEVELOPMENT – PROPOSED ROAD

The following information is required to enable the application to be accepted and considered :

National Requirements

- A completed form or written description of the proposed development and the materials to be used.
- A plan indicating the site.
- The appropriate fee.

Local Requirements

- Planning Statement of need and functional requirements with reference to landscape impact.

APPLICATION FOR PRIOR NOTIFICATION OF PROPOSED AGRICULTURAL OR FORESTRY DEVELOPMENT – PROPOSED EXCAVATION/DEPOSIT OF WASTE MATERIAL

The following information is required to enable the application to be accepted and considered :

National Requirements

- A completed form or written description of the proposed development and the materials to be used.
- A plan indicating the site.
- The appropriate fee.

Local Requirements

- Planning Statement of need and functional requirements with reference to source/destination of materials and landscape impact.

APPLICATION FOR PRIOR NOTIFICATION OF PROPOSED AGRICULTURAL DEVELOPMENT – PROPOSED FISH TANK

The following information is required to enable the application to be accepted and considered :

National Requirements

- A completed form or written description of the proposed development and the materials to be used.
- A plan indicating the site.
- The appropriate fee.

APPLICATION FOR PRIOR NOTIFICATION OF PROPOSED DEVELOPMENT IN RESPECT OF PERMITTED DEVELOPMENT BY ELECTRONIC COMMUNICATIONS CODE OPERATORS

The following information is required to enable the application to be accepted and considered :

National Requirements

- A completed form or written description of the proposed development.
- A plan indicating the proposed location.
- The appropriate fee.
- Evidence that the developer has given notice of the proposed development in accordance with A. 3(1) of Part 24 of Schedule 2 to the General Permitted Development Order 1995.
- Where the proposed development consists of the installation of a mast within three kilometres of the perimeter of an aerodrome, evidence that the developer has notified the Civil Aviation Authority, the Secretary of State for Defence or the Aerodrome operator in accordance with A.3(2) of Part 24 of Schedule 2 to the General Permitted Development Order 1995.

Local Requirements

- Acoustic report where relevant.
- Any other relevant additional information.
- Supplementary Information Template (as set out in Annex F of the Code of Best Practice on Mobile Phone Network Development)

APPLICATION FOR HEDGEROW REMOVAL NOTICE

The following information is required to enable the application to be accepted and considered :

National Requirements

- A completed form or the form set out in Schedule 4 to the Hedgerow Regulations 1997.
- A plan which clearly shows the location and length of the hedgerow(s) to be removed (if possible, please provide a plan to a scale of 1:2500. A different scale can be used so long as it shows clearly the location and length of the hedgerow or hedgerows that you wish to remove).
- Evidence of the date of planting.

Local Requirements

- Arboricultural assessment (where trees are to be removed).
- Biodiversity survey and report.
- Planning Statement addressing the significance of the hedgerow including evidence from the County Records Office; *and* the County Archaeological Service (*or in-house Local Authority archaeological service where available*); and the Yorkshire Wildlife Trust about the particular hedgerow(s).

APPLICATION FOR PRIOR NOTIFICATION – PROPOSED DEMOLITION

The following information is required to enable the application to be accepted and considered :

National Requirements

- A completed form or written description of the proposed development.
- A statement that the applicant has displayed a site notice in accordance with A.2(b)(iii) of Part 31 of Schedule 2 to the General Permitted Development Order 1995.
- The appropriate fee.

Local Requirements

- A statement advising of the proposed method of demolition; the removal of material from the site; and the condition of the site following demolition.

APPLICATION FOR REMOVAL OR VARIATION OF A CONDITION FOLLOWING THE GRANT OF PLANNING PERMISSION (SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990)

The following information is required to enable the application to be accepted and considered :

National Requirements

- Completed form.
- The completed Ownership Certificate (A, B, C or D – as applicable) as required under Article 7 of the Town and Country Planning (General Development Procedure) Order 1995.
- In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 6 of the Town and Country Planning (General Development Procedure) Order 1995 must be given and/or published in accordance with this Article.
- Agricultural Holdings Certificate as required by Article 7 of the Town and Country Planning (General Development Procedure) Order 1995.
- Design and Access Statement, if required.
- The appropriate fee.

Local Requirements

- Statement supporting the proposal with reference to the relevant condition(s); reasons for the condition(s) having been imposed; and any proposed replacement condition(s). *In the case of condition(s) relating to biodiversity/habitat/greenspace, evidence from Natural England and/or Yorkshire Wildlife Trust supporting the proposal.*

APPLICATION FOR TREE WORKS – WORKS TO TREES SUBJECT OF A TREE PRESERVATION ORDER (TPO) OR NOTIFICATION OF PROPOSED WORKS TO TREES IN A CONSERVATION AREA

For works to trees protected by a Tree Preservation Order the following information is required to enable the application to be accepted and considered :

- Completed and dated application form, with all (mandatory) questions answered.
- Sketch plan showing the location of all tree(s).
- A full and clear specification of the works to be carried out including photographs.
- Statement of reasons for the proposed work; and,
- Evidence in support of statement of reasons. In particular, you should provide:
 - a report by a tree professional (e.g. arboriculturist or horticultural adviser) if your reasons relate to the health and/or safety of the tree(s); and,
 - a report by an engineer or surveyor, together with one from a tree professional (arboriculturist) if you are alleging subsidence damage.
- Proposals for any replanting with details of position, species, sizes of trees and maintenance programme.

For works to trees in a Conservation Area the following information is required to enable the application to be accepted and considered :

- Completed and dated application form, with all (mandatory) questions answered.
- Sketch plan showing the location of all tree(s).
- A full and clear specification of the works to be carried out including photographs.

4. Explanatory Guidance of Terms

Standard Application Form

From April 2008, all applications need to be presented on a standard application form, which is available electronically. We would like to encourage you to submit your application electronically wherever possible, as this provides opportunities for improved efficiency and reduced costs. However you still have the option of submitting a paper based application if you wish, in which case three additional copies of the completed standard application form should be submitted.

In some circumstances you may be requested to submit more than three copies, but three copies (plus one original) is the statutory requirement for a valid application.

Location Plan

All applications must include copies of a location plan based on an up-to-date map. This should be at a scale of 1:1250 or 1:2500. In exceptional circumstances plans of other scales may also be required. Plans should wherever possible show at least two named roads and surrounding buildings. The properties shown should be numbered or named to ensure that the exact location of the application site is clear.

The application site should be edged clearly with a red line. It should include all land necessary to carry out the proposed development – for example, land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings.

A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.

Site Plan

The site plan should be drawn at a scale of 1:500 or 1:200 and should accurately show :

- a) The direction of North.
- b) The proposed development in relation to the site boundaries and other existing buildings on the site, with written dimensions including those to the boundaries.
- c) All the buildings, roads and footpaths on land adjoining the site including access arrangements.

- d) All Public Rights of Way crossing or adjoining the site.
- e) The position of all trees on the site, and those on adjacent land that could influence or be affected by the development.
- f) The extent and type of any hard surfacing.
- g) Boundary treatment including walls or fencing where this is proposed.

Block Plan

The block plan should be drawn at a scale of 1:100 or 1:200 and should show any site boundaries; the type and height of boundary treatment (e.g. walls, fences, etc.); and the position of any building or structure on the other side of such boundaries.

Existing and Proposed Elevations

These should be drawn to a scale of 1:50 or 1:100 and show clearly the proposed works in relation to what is already there. All sides of the proposal must be shown and these should indicate, where possible, the proposed building materials and the style, materials and finish of windows and doors. Blank elevations must also be included; if only to show that this is in fact the case.

Where a proposed elevation adjoins another building or is in close proximity, the drawings should clearly show the relationship between the buildings, and detail the positions of the openings on each property.

Existing and Proposed Floor Plans

These should be drawn to a scale of 1:50 or 1:100 and should explain the proposal in detail. Where existing buildings or walls are to be demolished these should be clearly shown. The drawings submitted should show details of the existing building(s) as well as those for the proposed development. New buildings should also be shown in context with adjacent buildings (including property numbers where applicable).

Existing and Proposed Site Sections, Finished Floor and Site Levels

These should be drawn at a scale of 1:50 or 1:100 and should show a cross section(s) through the proposed building(s). In all cases where a proposal involves a change in ground levels, illustrative drawings should be submitted to show both existing and finished levels to include details of foundations and eaves and how encroachment onto adjoining land is to be avoided.

Full information should also be submitted to demonstrate how proposed buildings relate to existing site levels and neighbouring development. Such plans should show existing site levels and finished floor levels (with levels related to a fixed datum point off site) and also show the proposals in relation to adjoining buildings. This will be required for all applications involving new buildings.

In the case of householder development, the levels may be evident from floor plans and elevations, but particularly in the case of sloping sites it will be necessary to show how proposals relate to existing ground levels or where ground levels outside the extension would be modified. Levels should also be taken into account in the formulation of Design and Access Statements.

Roof Plan

This should be drawn at a scale of 1:50 or 1:100 and is used to show the shape of the roof. It is typically drawn at a scale smaller than the scale used for the floor plans. Details such as the roofing material, vents and their location are typically specified on the roof plan.

Ownership Certificate

Under section 65(5) of the Town and Country Planning Act 1990, read in conjunction with Article 7 of the GDPO, the Local Planning Authority must not entertain an application for planning permission unless the relevant Certificates concerning the ownership of the application site have been completed. All applications for planning permission except for approval of reserved matters must include the appropriate certificate of ownership. An ownership certificate A, B, C or D must be completed stating the ownership of the property. For this purpose an 'owner' is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years.

A notice to owners of the application site must be completed and served in accordance with Article 6 of the GDPO.

Agricultural Holdings Certificate

This certificate is required whether or not the site includes an agricultural holding. All agricultural tenants must be notified prior to the submission of the application. This certificate is not required if the applicant is making an application for reserved matters, renewal of temporary planning permission, discharge or variation of conditions, tree preservation orders, or consent to display an advertisement.

Design and Access Statement

A Design and Access Statement must accompany applications for both outline and full planning permission unless they relate to one of the following :

- A material change of use of land and buildings, (unless it also involves operational development);
- Engineering or mining operations;
- Householder developments. However, statements are required for applications where any part of a dwelling house or its curtilage fall within one of the following designated areas :
 - National Park
 - Site of Special Scientific Interest
 - Conservation Area
 - Area of Outstanding Natural Beauty
 - World Heritage Site

A Design and Access Statement is a short report accompanying and supporting a planning application that should seek to explain and justify the proposal in a structured way. The level of detail required in a Design and Access Statement will depend on the scale and complexity of the application, and the length of the statement will vary accordingly. The Design and Access Statement should cover both the design principles and concepts that have been applied to the proposed development and how issues relating to access to the development have been dealt with, including how relevant planning policies have been taken into consideration *together with security and crime prevention*. A Design and Access Statement should be proportionate to the complexity of the application, but need not be long. What is required in a Design and Access Statement is set out in Article 4C of the GDPO and Department for Communities and Local Government Circular 01/06 – [Guidance on Changes to the Development Control System](#).

Applications for listed building consent will also be required to be accompanied by a Design and Access Statement. In particular, such a statement should address :

- (i) the special architectural or historic interest of the building;
- (ii) the particular physical features of the building that justify its designation as a listed building; and,
- (iii) the building's setting.

The legislative requirements are set out in regulation 3A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

Affordable Housing Statement

Where local plan policies or Supplementary Planning Document guidance requires the provision of affordable housing the Local Planning Authority may require information concerning both the affordable housing and any market housing e.g. the numbers of residential units, the mix of units with numbers of habitable rooms and/or bedrooms, or the floor space of habitable areas of residential units, plans showing the location of units and their number of habitable rooms and/or bedrooms, and/or the floor space of the units. If different levels or types of affordability or tenure are proposed for different units this should be clearly and fully explained. The affordable housing statement should also include details of any Registered Social Landlords acting as partners in the development.

Air Quality Assessment

Where the development is proposed inside, or adjacent to an air quality management area (AQMA), or where the development could in itself result in the designation of an AQMA or where the grant of planning permission would conflict with, or render unworkable, elements of the Local Authority's Air Quality Action Plan, applications should be supported by such information as is necessary to allow a full consideration of the impact of the proposal on the air quality of the area. Where AQMAs cover regeneration areas, developers should provide an Air Quality Assessment as part of the planning application. Further advice is available in [Planning Policy Statement 23: Planning and Pollution Control](#). (November 2004).

Biodiversity Survey and Report

Where a proposed development may have possible impacts on wildlife and biodiversity, information should be provided on existing biodiversity interests and possible impacts on them to allow full consideration of those impacts. Where proposals are being made for mitigation and/or compensation measures information to support those proposals will be needed. Where appropriate, accompanying plans should indicate any significant wildlife habitats or features and the location of habitats of any species protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994 or the Protection of Badgers Act 1992. Applications for development in the countryside that will affect areas designated for their biodiversity interests are likely to need to include assessments of impacts and proposals for long term maintenance and management. This information might form part of an Environmental Statement, where one is necessary. Certain proposals which include work such as the demolition of older buildings or roof

spaces, removal of *mature* trees, *woodland*, scrub, hedgerows or alterations to water courses *and ponds* may affect protected species and will need to provide information on them, any potential impacts for them and any mitigation proposals for such impacts. *This list is by no means conclusive and specialist guidance should be sought.* Government planning policies for biodiversity are set out in [Planning Policy Statement 9: Biodiversity and Geological Conservation \(PPS9\)](#) (August 2005), PPS9 is accompanied by a Government Circular: *Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system* (ODPM Circular 06/2005, Defra Circular 01/2005 and *Planning for Biodiversity and Geological Conservation: A Guide to Good Practice*. Material produced by other organisations may also provide a useful reference resource. *Whilst scoping surveys (checking for signs and potential) for bats can be carried out during the winter months, many proposals will require a bat activity survey which can only be properly undertaken between May and August. Applicants should be aware that this can cause delays in the implementation of development.*

Daylight/Sunlight Assessment

In circumstances where there is a potential adverse impact upon the current levels of sunlight/daylight enjoyed by adjoining properties or building(s), including associated gardens or amenity space then applications will need to be accompanied by a daylight/sunlight assessment. Further guidance is provided in, for example, BRE guidelines on daylight assessments. It should be noted that the grant of planning permission would not confer any immunity on those whose works infringe another's property rights, and which might be subject to action under the Rights of Light Act 1959.

Economic Statement

Applications may need to be accompanied by a supporting statement of any regeneration benefits from the proposed development, including: details of any new jobs that might be created or supported; the relative floorspace totals for each proposed use (where known); any community benefits; and reference to any regeneration strategies that might lie behind or be supported by the proposal.

Environmental Statement

The Town and Country Planning (Environmental Impact Assessment) Regulations (1999), as amended, set out the circumstances in which an Environmental Impact Assessment (EIA) is required. EIA may obviate the need for other more specific assessments.

Where EIA is required, Schedule 4 to the Regulations sets out the information that should be included in an Environmental Statement. The information in the Environmental Statement has to be taken into

consideration when the Local Planning Authority decides whether to grant planning consent. It may be helpful for a developer to request a 'screening opinion' (i.e. to determine whether EIA is required) from the Local Planning Authority before submitting a planning application. In cases where a full EIA is not required, the Local Planning Authority may still require environmental information to be provided.

Flood Risk Assessment

A Flood Risk Assessment (FRA) will be required for development proposals of 1 hectare or greater in Flood Zone 1 and all proposals for new development located in Flood Zones 2 and 3 as designated by the Environment Agency. A FRA will also be required for any development other than minor development in a designated critical drainage area which has been notified to the Local Planning Authority by the Environment Agency. *In areas vulnerable to non-fluvial flooding a Flood Risk Assessment may be required in some cases even if outside a designated Flood Zone.*

The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. The FRA should identify opportunities to reduce the probability and consequences of flooding. The FRA should include the design of surface water management systems including Sustainable Drainage Systems (SUD's) and address the requirements for safe access to and from the development in areas at risk of flooding.

The FRA should be prepared by an applicant in consultation with the Local Planning Authority with reference to their published local development documents and any Strategic Flood Risk Assessment. The FRA should form part of an Environmental Statement when one is required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended. [Planning Policy Statement 25: 'Development and Flood Risk' \(December 2006\)](#) provides comprehensive guidance in relation to the undertaking of flood risk assessments and the responsibilities for controlling development where it may be directly affected by flooding or affect flooding elsewhere.

Foul Sewerage and Utilities Assessment

All new buildings need separate connections to foul and storm water sewers. If an application proposes to connect a development to the existing drainage system then details of the existing system should be shown on the application drawing(s). It should be noted that in most circumstances surface water is not permitted to be connected to the public foul sewers.

Where the development involves the disposal of trade waste or the disposal of foul sewage effluent other than to the public sewer, then a fuller foul drainage assessment will be required including details of the method of storage, treatment and disposal. A foul drainage assessment should include a full assessment of the site, its location and suitability for storing, transporting and treating sewage. Where connection to the mains sewer is not practical, then the foul/non-mains drainage assessment will be required to demonstrate why the development cannot connect to the public mains sewer system and show that the alternative means of disposal are satisfactory. Guidance on what should be included in a non-mains drainage assessment is given in [DETR Circular 03/99; Building Regulations Approved Document Part H; and in BS6297.](#)

If the proposed development results in any changes/replacement to the existing system or the creation of a new system, scale plans of the new foul drainage arrangements will also need to be provided. This will include a location plan, cross sections/elevations and specification. Drainage details that will achieve Building Regulations Approval will be required. If connection to any of the above requires crossing land that is not in the applicant's ownership, other than on a public highway, then notice may need to be served on the owners of that land.

An application should indicate how the development connects to existing utility infrastructure systems. Most new development requires connection to existing utility services, including electricity and gas supplies, telecommunications and water supply, and also needs connection to foul and surface water drainage and disposal. Two planning issues arise; firstly, whether the existing services and infrastructure have sufficient capacity to accommodate the supply/service demands which would arise from the completed development, and secondly, whether the provision of services on site would give rise to any environmental impacts, for example, excavations in the vicinity of trees or archaeological remains.

The applicant should demonstrate :

- (a) that, following consultation with the service provider, the availability of utility services has been examined and that the proposals would not result in undue stress on the delivery of those services to the wider community;
- (b) that proposals incorporate any utility company requirements for substations, telecommunications equipment or similar structures;
- (c) that service routes have been planned to avoid as far as possible the potential for damage to trees and archaeological remains; and,

- (d) where the development impinges on existing infrastructure the provisions for relocating or protecting that infrastructure have been agreed with the service provider.

Heritage Statement (including Historical, Archaeological Features and Scheduled Ancient Monuments)

The scope and degree of detail necessary in a Heritage Statement will vary according to the particular circumstances of each application. Applicants are advised to discuss proposals with either a Planning Officer or a Conservation Officer *the City Archaeologist* before any application is made. The following is a guide to the sort of information that may be required for different types of application.

For applications for Listed Building Consent, a written statement that includes a schedule of works to the Listed Building(s), an analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the Listed Building or structure, its setting and the setting of adjacent Listed Buildings may be required. A structural survey may be required in support of an application for Listed Building Consent.

For applications for Conservation Area Consent, a written statement that includes a structural survey, an analysis of the character and appearance of the building/structure, the principles of and justification for the proposed demolition and its impact on the special character of the area may be required.

For applications either related to or impacting on the setting of heritage assets a written statement that includes plans showing historic features that may exist on or adjacent to the application site including Listed Buildings and structures, historic parks and gardens, historic battlefields and Scheduled Ancient Monuments and an analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the Listed Building or structure, its setting and the setting of adjacent Listed Buildings may be required.

For all applications involving the disturbance of ground within an Area of Archaeological Significance as defined in local policies, *within an Area of Archaeological Importance as designated under Part 2 of the 1979 Ancient Monuments and Archaeological Areas Act*, or in other areas the subject of major development proposals or significant infrastructure works, an applicant may need to commission an assessment of existing archaeological information *and may need to carry out an archaeological field evaluation of the site* and submit the results as part of the Heritage

Statement.

The character and nature of a Heritage Statement should reflect both the particular heritage interest of the site and its surroundings as well as the nature of the proposal itself. Guidance on the scope of assessments and evaluations will be provided by the archaeologist.

For heritage assets, advice is provided in [Planning Policy Guidance Note 15 'Planning and the Historic Environment'](#), (September 1994) For archaeological remains, advice is provided in [Planning Policy Guidance Note 16 'Archaeology and Planning'](#) (November 1990).

Land Contamination Assessment

Applications may also need to be accompanied by a Land Contamination Assessment which should include an extended assessment of contamination in line with [Planning Policy Statement 23 'Planning and Pollution Control'](#) (November 2004). Sufficient information should be provided to determine the existence or otherwise of contamination, its nature and the risks that it may pose and whether these can be satisfactorily reduced to an acceptable level. Where contamination is known or suspected or the proposed use would be particularly vulnerable, the applicant should provide such information with the application as is necessary to determine whether the proposed development can proceed.

Landfill Applications

Applicants should provide sufficient information to enable the Waste Planning Authority to fulfil its requirements under the Landfill (England and Wales) Regulations 2002. This information may be provided as part of the Environmental Assessment.

Landscaping Details

Applications may be accompanied by landscaping details and include proposals for long terms maintenance and landscape management. There should be reference to landscaping and detailed landscaping proposals which follow from the design concept in the Design and Access Statement, if required. Existing trees and other vegetation should, where practicable, be retained in new developments and protected during the construction of the development.

Lighting Assessment

Proposals involving the provision of publicly accessible developments, in the vicinity of residential property, a Listed Building or a Conservation Area, or open countryside, where external lighting would be provided or made necessary by the development, should be required to be

accompanied by details of external lighting and the proposed hours when the lighting would be switched on. These details should include a layout plan with beam orientation and a schedule of the equipment in the design. ['Lighting in the countryside: Towards good practice'](#) (1997) is a valuable guide for local planning authorities, planners, highway engineers and members of the public. It demonstrates what can be done to lessen the effects of external lighting, including street lighting and security lighting. The advice is applicable in towns as well as the countryside.

Noise Assessment

Application proposals that raise issues of disturbance by noise to the occupants of nearby existing buildings, and for developments that are considered to be noise sensitive and which are close to existing sources of noise should be supported by a noise impact assessment prepared by a suitably qualified acoustician. Further guidance is provided in [Planning Policy Guidance Note 24: Planning and Noise](#) (September 1994).

Open Space Assessment

For development within open spaces, application proposals should be accompanied by plans showing any areas of existing or proposed open space within or adjoining the application site. Planning permission is not normally given for development of existing open spaces which local communities need. However, in the absence of a robust and up-to-date assessment by the Local Authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to local requirements. Any such evidence should accompany the planning application. National planning policy is set out in [Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation](#) (July 2002).

Parking Provision

Applications may be required to provide details of existing and proposed parking provision. These details could also be shown on a site layout plan.

Photographs and Photomontages

These provide useful background information and can help to show how large developments can be satisfactorily integrated within the street scene. Photographs should be provided if the proposal involves the demolition of an existing building or development affecting a Conservation Area or a listed building.

Planning Obligations – Draft Heads of Terms

Planning Obligations (or “Section 106 Agreements”) are private agreements negotiated between Local Planning Authorities and persons with an interest in a piece of land (or “developers”), and are intended to

make acceptable development which would otherwise be unacceptable in planning terms.

Where Local Development Plan Documents contain policies that give details of likely Planning Obligation requirements, a Local Planning Authority may require a statement of the proposed Heads of Terms to be submitted with the application. Further advice on Planning Obligations is available in Circular 05/2005, [Planning Obligations](#) and a model [Section 106 Agreement](#) is available on the Communities and Local Government website.

Planning and Sustainability Statement

A *Planning and Sustainability Statement* identifies the context and need for a proposed development and includes an assessment of how the proposed development accords with relevant national, regional and local planning policies. It may also include details of consultations with the Local Planning Authority and wider community/statutory consultees undertaken prior to submission. Alternatively, a separate statement on community involvement may also be appropriate.

Sustainability should be addressed within the statement, including sustainable design and construction of buildings together with provision for on-site renewable energy generation.

Site Waste Management Plan

Proposed new development should be supported by Site Waste Management Plans of the type encouraged by the code of practice published in 2004 by the Department of Trade and Industry now the Department for Business Enterprise and Regulatory Reform '**Site Waste Management Plans : Guidance for Construction Contractors and Clients**'. These do not require formal approval by the planning authority, but are intended to encourage the identification of the volume and type of material to be demolished and/or excavated, opportunities for the reuse and recovery of materials and to demonstrate how off-site disposal of waste will be minimised and managed.

Statement of Community Involvement

Applications may need to be supported by a statement setting out how the applicant has complied with the requirements for pre-application consultation set out in the Council's adopted Statement of Community Involvement and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals. Further guidance on Statements of Community Involvement is available in Chapter 7 of [Creating Local Development Frameworks: A Companion Guide to PPS12](#) (November 2004).

Structural Survey

A structural survey will be required in support of an application if the proposal involves substantial demolition, for example, barn conversion applications.

Telecommunications Development – Supplementary Information

Planning applications for masts and antenna development by mobile phone network operators should be accompanied by a range of supplementary information including the area of search, details of any consultation undertaken, details of the proposed structure, and technical justification and information about the proposed development.

Planning applications should also be accompanied by a signed declaration that the equipment and installation has been designed to be in full compliance with the requirements of the radio-frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP). Further guidance on the information that may be required is set out in the [Code of Practice on Mobile Network Development](#) (2002).

Town Centre Uses – Evidence to Accompany Applications

[Planning Policy Statement 6 : Planning for Town Centres](#) (March 2005), sets out the main town centre uses to which the policy applies, in paragraph 1.8. Subject to the policies set out in that document, paragraph 3.4 lists the key considerations for which applicants should present evidence. The level and type of evidence and analysis required to address the key considerations should be proportionate to the scale and nature of the proposal.

Transport Assessment

[Planning Policy Guidance 13 'Transport'](#) (March 2001) advises that a Transport Assessment (TA) should be submitted as part of any planning application where the proposed development has significant transport implications. The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes the TA should simply outline the transport aspects of the application, while for major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts. Further guidance will be found in [Guidance on Transport Assessment](#), (March 2007) published by the Department for Transport.

Travel Plan

A travel plan should be submitted alongside planning applications which are likely to have significant transport implications, as advised by [Planning Policy Guidance Note 13 : Transport](#) (DETR, 2001), paragraphs 87-91.

Further advice is available in [Using the Planning Process to Secure Travel Plans : Best Practice Guidance for Local Authorities, Developers and Occupiers](#) [ODPM and DfT, 2002] (forthcoming revised guidance), also [Making Residential Travel Plans Work](#) [DfT, 2007] and *A Guide to Development Related Travel Plans* (Addison & Associates).

Tree Survey/Arboricultural Implications

Where there are trees within the application site, or on land adjacent to it that could influence or be affected by the development (including street trees), information will be required on which trees are to be retained and on the means of protecting these trees during construction works. This information should be prepared by a suitably qualified and experienced arboriculturist.

Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in the current BS5837 'Trees in Relation to Construction – Recommendations'. Using the methodology set out in the BS should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided.

Ventilation/Extraction Statement

Details of the position and design of ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics, will be required to accompany all applications for the use of premises for purposes within Use Classes A3 (i.e. restaurants and cafes - use for the sale of food and drink for consumption on the premises), A4 (i.e. drinking establishments – use as a public house, wine-bar or other drinking establishment) and A5 (i.e. hot food takeaways - use for the sale of hot food for consumption off the premises). This information (excluding odour abatement techniques unless specifically required) will also be required for significant retail, business, industrial or leisure or other similar developments where substantial ventilation or extraction equipment is proposed to be installed.