

COMMITTEE REPORT

Date: 20 May 2024 **Ward:** Holgate
Team: West Area **Parish:** Holgate Planning Panel
Reference: 23/01994/GRG3
Application at: Land Bounding St Pauls Mews And Watson Street York
For: Change of use of part of recreational space to contractors compound for a period of 1no. year
By: City Of York Council
Application Type: General Regulations (Reg3)
Target Date: 23 May 2024
Recommendation: Approve

1.0 PROPOSAL

1.1 Holgate Dock comprises a partially landscaped area of recreational open space bounded by St Paul's Mews and Watson Street adjacent to the East Coast Main Line. Planning permission is sought for a change of use of part of the site to comprise a temporary construction site compound to be used in association with the previously approved re-development works at St Pauls Nursery (refs :23/01114/GRG3 and 23/01129/LBC). The compound would lie within the grassed area towards the north eastern edge of the site. The proposal has been amended since submission to address concerns in respect of impact upon trees and other planting to be retained together with provisions for reinstatement of the site.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

2.1 The NPPF sets out the government's planning policies for England and how these are expected to be applied. Its planning policies are material to the determination of planning applications. The Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways (paragraph 8).

DRAFT LOCAL PLAN (DLP 2018)

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2.2 The Draft Local Plan 2018 was submitted for examination on 25th May 2018, Hearing Sessions have taken place and the examination is on-going. The draft policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.3 Key relevant DLP 2018 policies are:

D2 – Landscape and Setting

GI4- Trees and Hedgerows

GI5- Protection of Open Space and Playing Fields

ENV2 – Managing Environmental Quality

T1 – Sustainable Access

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 Raise no objection subject to any permission being conditioned to require submission and prior approval of a Method of Works scheme associated with its use.

Design, Conservation and Sustainable Development (Ecology)

3.2 Raise no objection in principle to the proposal but raise some concern in respect of the provisions for reinstatement of the areas to be used in terms of timescales, methods and products along with provision for tree and wildflower areas outside of the identified compound area.

Design, Conservation and Sustainable Development (Trees and Landscape)

3.3 Raise no objection to the proposal in principle subject to any permission being conditioned to require compliance with terms of the submitted arboricultural method statement.

EXTERNAL

Holgate Planning Panel

3.4 Raise no objection in principle to the proposal subject to the site being comprehensively reinstated upon completion of the work.

4.0 REPRESENTATIONS

4.1 A total of 5 no objections have been received:

- Concern that the tree and wildflower planting previously undertaken at the site as part of community project be adequately safeguarded during the process of use and compensated for if inadvertently disturbed.
- Objection to the partial loss of the green space as a recreation and dog walking area.
- Objection to the loss of wildlife which commonly uses the site.
- Objection to the loss of residential amenity to surrounding properties through the noise of deliveries entering and leaving the site.
- Concern about the loss of parking in the surrounding area to provide access to the site and between the site and the development area.

Councillor Kent

4.2 Expresses concern that the trees surrounding the site are fully protected for the duration of the project and that the site is properly restored and made good following on from the completion of the use with appropriate re-turfing and wild flower planting with the opportunity being taken for compensatory planting for the trees to be lost in the construction of the main St Paul's Nursery scheme.

5.0 APPRAISAL

5.1 The application site comprises an area of open space used for informal recreation by local residents and school children lying adjacent to the railway. Historically it has been subject to an occasional use as a construction site compound for development schemes at St Paul's Primary and Nursery Schools. The current proposal seeks planning permission for such a use over a period of a year to allow for the previously permitted demolition and re-development works at St Paul's Nursery School to be serviced. Policy GI5 of the draft Local Plan states that development proposals will not be permitted which would harm the character of, or lead to the loss of, open space of recreational importance unless the open space uses can be satisfactorily in the area of benefit and in terms of quality, quantity and access.

5.2 The tight configuration of the St Paul's site means that there is nowhere either on-site or in the close vicinity suitable for use as a construction site compound. Construction vehicles would park at the site and deliveries of materials would take place to the site and be decanted to smaller vehicles for travel the short distance to the construction site. There would be some loss of open space land for the duration of the use. Objectors have raised concerns in respect of the loss of the site for dog walking and other informal recreational activities for the duration of the re-development contract. The area of the proposed compound is however relatively small, and the site has two points of access with the second which lies towards the southeast of the site unaffected by the proposal allowing for recreational use of the remainder to continue during the temporary period that the works would be in place.

HIGHWAYS AND ACCESS

5.3 Central Government Planning Policy as outlined in paragraph 111 of the NPPF indicates that planning permission should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impacts upon the network would be severe. Policy T1 of the Draft Local Plan which may be afforded moderate weight in the planning balance from the level of unresolved objection, indicates that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it including those with impaired mobility such that it maximises the use of more sustainable means of transport.

5.4 Concern has been expressed by objectors in respect of the potential for the operation of the site to disrupt local parking. The access to the site is however not used for parking of vehicles associated with the neighbouring area due to a double yellow line parking restriction, and the road network to access the St Paul's site is wide enough to allow for traffic to access it safely. There is some limited parking directly outside of the site but this would not impede the access to the site. The proposal is felt to be acceptable in highway terms.

RESIDENTIAL AMENITY

5.5 Draft Local Plan policy ENV2 which can be afforded moderate weight in the planning balance from the level of unresolved objection, states that development will be permitted where it does not unacceptably harm the amenities of occupants of the site and neighbouring communities. Concern has been expressed by neighbours in

respect of the potential impact of the proposal upon the residential amenity of neighbouring properties specifically in terms of the levels of noise generated by the operations on site. The proposal is however for a construction site compound which would in practice only be used for a limited period at either end of the day when workers arrive and depart and when materials are delivered with the focus of activity taking place at the construction site itself. Permission has also been sought for a year which is the likely maximum length of the contract however it is likely that operations at the compound would take place over a shorter period of time.

5.6 Delivery times and the hours of operation of the compound may be controlled by condition as part of any planning permission. Subject to such conditions being applied the proposal is felt to be acceptable in terms of its impact upon residential amenity.

ECOLOGY

5.7 The application site comprises a grassed area used for informal recreation with some tree planting of recent origin around the boundaries with more mature trees of some townscape importance along the western boundary and in the northwest and southeastern corners. Associated with the mature tree planting along the western boundary is an area of recent wildflower planting. The relative openness of the site makes it unsuitable for bat roosting although some foraging activity may take place over the site. The biodiversity value of the site lies in the mature tree and wildflower planting and their cumulative effect.

5.8 A detailed arboricultural method statement has been submitted with the application which makes recommendations in terms of protecting the planting whilst a section within the centre of the site can be secured to provide the compound. Providing any permission is conditioned to secure compliance with the arboricultural method statement together with suitable replacement wildflower planting then the proposal is acceptable in ecological terms.

TREES AND LANDSCAPE

5.9 Policy GI4 of the Draft Local Plan which may be afforded moderate weight in the planning balance, indicates that development will be supported where it provides protection for overall tree cover as well as individual trees worthy of protection. A detailed tree survey plan and arboricultural method statement have been submitted which indicate that subject to appropriate protection measures being

put in place the development can be accommodated on site without significant harm to the existing planting. The tree survey identifies only two trees to be of sufficiently poor condition at Grade C2 as to suggest removal, these however lie within the denser area of planting away from the site of the proposed compound and would not be removed at this time. Concern has been expressed by objectors in respect of the potential loss of two laurel trees which are also graded within the survey at Grade C2, again however they are outside the area of the compound and would remain unaffected. In terms of tree works to facilitate the compound there would only be modest pruning to the tree closest to the access.

5.10 Subject to any permission being conditioned to secure compliance with the mitigation measures contained within the arboricultural method statement and to secure any planting necessary to compensate for planting which is unavoidable loss then the harm is felt to be acceptable.

6.0 CONCLUSION

6.1 The proposal seeks planning permission for the temporary use of a section of the area of informal open space known as Holgate Dock as a construction site compound for the works for St Paul's Nursery for a period of up to one year. The nursery site does not have sufficient space which is accessible by large commercial vehicles to accommodate a contractor's compound. On balance the temporary loss of part of the open space land is acceptable subject to any permission being conditioned to secure compliance with the measures contained in the submitted arboricultural method statement, replacement planting and site restoration.

7.0 RECOMMENDATION: Approve

1 The use shall cease by 20 May 2025 and the site shall be reinstated to its condition prior to the use having been undertaken within the first planting season following the removal of the compound unless prior to that date the written permission of the Local Planning Authority has been obtained to extend the period of the permission.

Reason: To ensure that the use is restored as open space land in the interests of the amenity and environmental qualities of the area.

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

230003.14 Fencing Detail Dated 2nd November 2023

1910-1 Tree Protection Plan Dated 7th February 2024

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

3 Protection of existing trees shown to be retained on the approved plans shall be carried out in strict accordance with the content of the approved Arboricultural Method Statement and Tree Protection Plan 1910.2 AMS Rev 2. A copy of the document will be available for reference and inspection on site at all times. A qualified arboriculturalist shall carry out regular inspections during the development as per the approved document.

Reason: To protect existing trees that are considered to have significant public amenity value.

4 Prior to the use hereby authorised first commencing beyond site layout works full details of compensatory planting to replace any planted wildflower areas to be lost through the development shall be submitted to and approved in writing to the Local Planning Authority. The planting shall thenceforth be undertaken in accordance with the details thereby approved within six months of the use ceasing.

Reason: To safeguard the biodiversity value of the site.

5 Prior to the first use of the compound, details of the operational hours for deliveries to and from the compound shall be submitted to and approved in writing by the local planning authority. The details shall take into account that there is a primary school nearby and such activities should be prohibited at school drop-off/pick-up times (nominally 08.15-09.30 and 14.45-16.00).

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of the free flow of traffic or safety of highway users.

8.0 INFORMATIVES:

Notes to Applicant

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

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

Sought submission of a detailed tree survey and arboricultural method statement.

Contact details:

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