

COMMITTEE REPORT

Date: 15 June 2017 **Ward:** Rural West York
Team: Major and **Parish:** Askham Bryan Parish
 Commercial Team Council

Reference: 17/00620/FULM
Application at: Askham Bryan College Askham Fields Lane Askham Bryan York
 YO23 3PR
For: Erection of a silage clamp and silos (retrospective application)
By: Askham Bryan College
Application Type: Major Full Application (13 weeks)
Target Date: 21 June 2017
Recommendation: Approve following Sec of State Decision

1.0 PROPOSAL

1.1 Planning permission is sought for a roofed silage clamp within the existing farm unit which is located to the west of the campus on the brow of the hill. A silage clamp is proposed on the hill ridge and to the west of the existing slurry lagoon, the silage clamp would measure 29.25 metres by 47.3 metres, it would have 4 walls running east west. The height of the building would be 10.4 metres to the ridge and 8.8 metres to the eaves. The 3 no. silos would be relocated from elsewhere in the farm unit to the south of the proposed silage clamp. The materials for the external elevations include Yorkshire boarding and precast concrete, with profiled metal sheeting for the roof. The application is retrospective.

1.2 There are two previous planning permissions for a silage clamp on this site:

- Planning permission 15/00378/FULM (granted at Planning Committee 25.06.2015) proposed that the silage clamp would measure 39.6 metres by 45 metres; it would have 5 walls running east west. The height of the building would be 10 metres to the ridge and 7.5 metres to the eaves. The 3 no. silos would be relocated from elsewhere in the farm unit to the south of the proposed silage clamp. The materials for the external elevations include Yorkshire boarding and precast concrete, with profiled metal sheeting for the roof
- Planning permission has previously been granted for a silage clamp on the application site (13/02946/FULM granted at Planning Committee 19.12.2013), as part of a larger campus development. The previously approved silage clamp had a north- south orientation and was 10.55 metres in height (6.45 metres to eaves) and 45 metres by 50.9 metres. The silos were sited to the east of the proposed clamp. The roof of the silage clamp had been removed in negotiations of the scheme; however Committee required that the roof of the silage clamp should be part of the development.

1.3 There were no pre-application discussions relating to this amended proposal.

1.4 The proposed development does not comprise 'Schedule 1' or 'Schedule 2' development (The Town and Country Planning (Environmental Impact Assessment) Regulations 2017) where an Environmental Impact Assessment is required. It is the view of Officers that the proposed site is not within or adjacent to an environmentally sensitive area (as specified in the regulations) and taking into account the characteristics of the proposed development, the location of the development, and characteristics of the potential impact and the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment is not required.

RELEVANT SITE HISTORY

- 15/00378/FULM - Erection of a silage clamp and relocation of existing silos - Approved
- 15/00425/FULM - Extensions to dairy unit and heifer shed to create a calf and sheep shed and general purpose farm building - Approved
- 13/02946/FULM - Erection of educational and associated buildings and related parking, circulation areas and landscaping (for animal management centre, farm and equestrian purposes, 2 staff dwellings, animal housing), siting of animal shelters, silos and feed bins, erection of security fencing, formation of external equine training areas including polo field, formation of new access to York Road, reorganisation of existing access and parking areas, formation of ponds, change of use of existing buildings, temporary student accommodation and providing glazed roof to existing quadrangle - Approved
- 13/02969/OUTM - Erection of educational and associated buildings and related parking, circulation areas and landscaping (for animal management centre, farm and equestrian purposes, 2 staff dwellings, animal housing), siting of animal shelters, silos and feed bins, erection of security fencing, formation of external equine training areas including polo field, formation of new access to York Road, reorganisation of existing access and parking areas, formation of ponds, change of use of existing buildings, temporary student accommodation and providing glazed roof to existing quadrangle - Approved

2.0 POLICY CONTEXT

2.1 Please see paragraphs 4.1 to 4.10 of Appraisal for national and local policy context.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Planning and Environmental Management (Landscape Architect)

3.1 No comments received

Planning and Environmental Management (Ecology Officer)

3.2 Re the proposed lighting: The most significant light spill is out of the front of the building (east) which does not face onto any particular habitat. The lighting on the south side does not appear to extend as far as the new hedgerow and new woodland planting which could be used by foraging bats. No lighting is shown on the north and west sides.

Planning and Environmental Management (Archaeology)

3.3 No comments

Flood Risk Management Team

3.4 No comments received

Public Protection

3.5 No objections

Public Rights of Way

3.6 No objections

Planning and Environmental Management (Local Plan)

3.7 The applicant has put forward a case for very special circumstances in the submitted Planning Statement. Given the inherent links between the commercial aspect of the proposal and the educational links, alongside the previous planning permissions on the site, very special circumstances may exist to justify the development. However it is not considered that the applicant has put forward sufficient justification and is therefore requested to provide further information to demonstrate the very special circumstances that warrant the commercial element of the proposals.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Askham Bryan Parish Council

3.8 No comments received

Environment Agency

3.9 No objections, would like to draw applicant's attention to the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil (SSAFO)) Regulations 2010

Yorkshire Water

3.10 No comments received

Ainsty Internal Drainage Board

3.11 The IDB has assets in the wider area - Askham Bogs Drain; this watercourse is known to be subject to high flows during storm events. The site is in an area where drainage problems could exist and development should not be allowed until the LPA is satisfied that surface water drainage has been satisfactorily provided for. Any approved development should not adversely affect the surface water drainage of the area and amenity of adjacent properties.

3.12 The IDB notes that this is an application for the erection of a silage clamp and silos (retrospective application). This appears to enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off from the site if this is not effectively constrained. The Board notes that the application form indicates that the surface water from the property is to be disposed of via a soakaway which appears, from the supporting information provided with the application, will be newly constructed for the purpose. The Board observes that the applicant has already carried out soakaway testing in accordance with BRE 365. If the LPA is satisfied with the outcome of this testing the Board would suggest that the applicant be asked to submit a design for the soakaway, for approval by the LPA, which would fully accommodate a 1:30 year storm event with no overland run-off for a 1:100 year event plus a 20% allowance for climate change.

Yorkshire Gliding Centre

3.13 No comments received

PUBLICITY AND NEIGHBOUR NOTIFICATION

3.14 One representation of comments

- No reference is made to the public footpath that runs along Askham Fields Lane and through the wildlife park to the A64.

4.0 APPRAISAL

KEY ISSUES

- Planning policy
- Green belt and consideration of very special circumstances
- Design and landscape considerations
- Ecology
- Drainage
- Public Rights of Way

PLANNING POLICY

4.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

4.2 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed. The NPPF sets out the presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. This presumption does not apply in Green Belt locations.

DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

4.4 Policy GB1 'Development in the Green Belt' of the DCLP sets out a number of criteria of considering new sites, whilst some of the specific criteria do not comply with the National Planning Policy Framework (NPPF) the general aim of the policy is considered to be in line with the NPPF.

4.5 Policy SP2 'The York Green Belt' states that the primary purpose of the green belt is to safeguard the setting and historic character of the city. Policy SP3 'Safeguarding the Historic Character and setting of York' states high priority will be given to the historic character and setting of York. The general aim of the policy – to take account of the different roles and character of different areas - is considered to be in line with the NPPF.

4.6 The campus is identified as a "major developed site in the Green Belt" within Policy GB10 the Development Control Local Plan (2005). This policy states that the preferred use of the site is for education. The proposed development falls outside of the developed site envelope shown in the proposal maps. The emerging local plan does not make any such allocation. Neither of these Local Plans have been adopted and the NPPF does not make reference to major developed sites, it is considered that the major developed site envelope can be given only very limited weight when considering this application.

4.7 The Askham Bryan Parish Plan (2006) discusses the College site and its importance to the area. The design guidelines set out in the Plan refer to the setting of the village and the retention of the agricultural character of the village and there is little mention of the college site.

EMERGING LOCAL PLAN

4.8 The public consultation on the Preferred Sites 2016 document and supporting evidence for the emerging City of York Local Plan has ended and the responses are being compiled and assessed. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Plan is capable of being a material consideration in the determination of planning applications.

GREEN BELT STATUS OF THE SITE

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

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;

- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns;
- and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.10 The site is located within the general extent of the York Green Belt as described in the RSS. The DCLP (2005) and the emerging local plan propose designation of the site as Green Belt.

4.11 The site was not identified in the City of York Local Plan - The Approach to the Green Belt Appraisal (2003) which the Council produced to aid in the identification of those areas surrounding the City that should be kept permanently open. However, whilst this document identifies key important areas, which do not include this site, it leaves large areas of countryside as similarly not being of particular importance and it does not set out that all that remaining land within the extent of the Green Belt is necessarily suitable for development or that it has no Green Belt purpose.

4.12 Additionally, when the site is assessed on its merits it is concluded that it serves a number of Green Belt purposes, namely assisting in safeguarding the countryside from encroachment and helping to preserve the setting and special character of York. As such, the site should be treated as lying within the general extent of the York Green Belt and the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF.

4.13 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances which clearly outweigh the harm to the Green Belt and any other harm. NPPF paragraph 89 states that the construction of new buildings is inappropriate in the Green Belt, save in the case of a list of exceptions including: buildings for agriculture. The proposed development does not fall within the exceptions set out in paragraph 89 of the NPPF, because the 'agricultural' building is considered to be an 'educational' building as that is its main purpose. Therefore the proposed building is inappropriate development

4.14 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

HARM TO OPENNESS AND PURPOSES OF THE GREEN BELT

4.15 The application site is on the western edge of the college campus and farm complex set on a ridge. The development would require some minor re-contouring of the land to create a site level with the rest of the farm complex.

4.16 The fundamental purpose of Green Belt policy is to keep land permanently open. The concept of 'openness' in this context means the state of being free from development, the absence of buildings, and relates to the quantum and extent of development and its physical effect on the site. The height of the proposed building together with the proposed position would further extend the campus along this ridge resulting in an unduly prominent development. This would result in harm to the openness and permanence of the greenbelt and is therefore considered to be inappropriate development in the Green Belt. The proposal gives rise to harm to the Green Belt by reason of inappropriateness which should not be approved except in very special circumstances. The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

DESIGN AND LANDSCAPE CONSIDERATIONS

4.17 The Government attaches great importance to the design of the built environment. The NPPF states that good design is a key aspect of sustainable development, and is indivisible from good planning, and should contribute positively to making places better for people. Development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

4.18 Previous development of the campus has maintained a building line along the ridge with development on the northern slope of the ridge. The proposed silage clamp would form part of the existing farm complex of the college campus. The

proposed building would be visible from a distance by virtue of the siting on the brow of the ridge and being on the edge of the campus. The agent has advised that the extension to the dairy unit (which formed part of planning permission 15/00425/FULM) is expected to be constructed within the next 2 years and this would fill the gap between the existing farm complex and the proposed silage clamp. Planning permission 15/00425/FULM has as been enacted as the heifer shed has been constructed. However there is the possibility that the extension to the dairy unit will not be constructed. The building subject of the current application would be visible however it would be of an agricultural appearance not at odds with the surroundings and would be visible against the context to the existing farm complex, and from the A64 and the wider greenbelt it would have the appearance of a farm.

4.19 The plans show a tree belt to the south, south west, and south east of the proposed silage clamp which would provide an element of screening, there is in existing tree belt to the south of the existing slurry pit and large sheds and as such the continuation of the tree belt would be beneficial. It is considered prudent to condition this landscape element.

4.20 The Public Protection Team have advised that the proposed lighting is acceptable in this location

ECOLOGY

4.21 The NPPF sets out that the Planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible

4.22 There is a badger sett in close proximity of the silage clamp. The submitted ecology report is the same that was submitted with the 2015 application for the silage clamp has confirmed that there are no new signs of badger activity within the application boundary. The previously identified activity is located over the accepted distance from within which heavy machinery will cause disturbance. In the previous planning permission - 15/00378/FULM - there was a condition requiring measures during construction allowing badgers to escape from trenchwork, information required by this application was submitted via the Approval of Details procedure. It should be noted the application is retrospective and it is not considered that any conditions with regards to badgers are required

4.23 The Ecologist has confirmed that the proposed lighting would be unlikely to affect the activity of bats in the area. It is considered necessary to condition that the lighting is in accordance with the submitted details

DRAINAGE

4.24 The site is within Flood Zone 1 and the application is accompanied by Flood Risk Assessment. The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. 2005DCLP policy GP15a: Development and Flood Risk advises discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced.

4.25 Drainage details have been submitted which appear demonstrate that the surface water drainage can be adequately disposed of by soakaways. Comments are awaited from the Flood Risk Management Team regarding the suitability of the proposed surface water drainage scheme and these will be reported at the committee meeting.

PUBLIC RIGHTS OF WAY

4.26 The public right of way (AR21/4 AB2/8) directly affected by the proposed development runs adjacent to the site and is within the area shown as being re-profiled, as such the gradient of the path will become steeper. The actual siting of the path does not appear as if it is being altered. The alterations to the levels of the footpath will require consent from the Public Rights of Way Team.

VERY SPECIAL CIRCUMSTANCES

4.27 The agent has referred to the planning permission 13/02946/FULM and 15/00378/FULM and the very special circumstances put forward for that application. The agent states that the very special circumstances for the current application are that the principle of the silage clamp in this location has previously been accepted (planning permission 13/02946/FULM and 15/00378/FULM). Part of the development approved in planning permission 13/02946/FULM has been constructed (Animal Management Centres 1 and 2, temporary student accommodation).

4.28 This application and the previous planning permission are part of a re-development of the campus to update facilities and to attract more students. The reasoning put forward for the campus redevelopment including a silage clamp in this location approved in planning permission 13/02946/FULM is as follows:

- The campus is sited in this location and therefore the proposed development cannot be located other than within or adjacent to the existing campus.
- The proposals will provide the basis for a significant financial input into the campus over an extended period. Construction value is estimated to be £33,972,000. The successful contractor could potentially employ local sub-

contractors and suppliers. As such there is the potential for the development to affect the local economy.

- The development will allow student numbers to increase by 65%, and the number of full time students who are resident on the site will double. This will generate a need of 120+ teaching and support staff, potentially adding £2million per annum into the local economy.
- Further input into the economy will occur from the on-going supply of domestic and housekeeping services, estimated at £150, 000 per annum (excluding wages) which as far as possible will be sourced locally.
- The proposed developments are inter-related, mutually supportive and in terms of their importance to the future development and status of the college, comprise a long term development and all the elements are essential.
- There is insufficient land to accommodate the development within the existing boundaries of the campus.
- Will allow the range of courses to be increased and the standard of residential and social facilities available and thus contributing to the reputation of the college and by associate the city.
- The equine centre will rival any currently existing in the UK and together with the polo pitch will provide a facility of internal standard.
- The links to the Council and the wider community in respect of students assisting in land-based and conservation projects and the uses of the college facilities during the holidays will be strengthened and extended to the economic, social, and cultural benefit of the city.

ASSESSMENT OF THE APPLICANT'S VERY SPECIAL CIRCUMSTANCES

4.29 In terms of the above that is relevant to this particular development, the nature of the use and its integral function with the rest of the agricultural college would make it impracticable to site the development elsewhere off campus in a non green belt location. Although the development is part of an educational establishment, it is agricultural in appearance and use and the further investment helps to secure the long term future as an educational and employment centre. The proposed facilities are required for the college to expand and compete, and improve existing courses; this is supported by local and national policy. The proposal is unlikely to set a precedent for other development within the Green Belt. These considerations are relevant and significant in weighing the harm to the green belt and any other harm. In addition the principle of a silage clamp on this site, of similar dimensions, has been accepted previously (13/02946/FULM and 15/00378/FULM).

5.0 CONCLUSION

5.1 The application site is located within the general extent of the York Green Belt and serves a number of Green Belt purposes. As such it falls to be considered under paragraph 87 of the NPPF which states inappropriate development, is by

definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations. National planning policy dictates that substantial weight should be given to any harm to the Green Belt.

5.2 In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green Belt when one of the most important attributes of Green Belts are their openness and that the proposal would undermine 2 of the five Green Belt purposes. Substantial weight is attached to the harm that the proposal would cause to the Green Belt. The harm to the Green Belt is added to by the harm to the visual character and amenity identified in this report.

5.3 The proposed development is considered to constitute inappropriate development within the Green Belt, and by virtue of the scale and siting of the proposed development would impact and cause harm to the openness and visual amenity of the Green Belt. The proposed development is required for the college to expand and compete, and improve existing courses, this is supported by local and national planning policy. The proposed development is agricultural in function and appearance and would be required in proximity to the current campus and cannot reasonable be sited elsewhere. The proposed silage clamp is in the same position and a similar scale to that approved in planning permission 13/02946/FULM. The principle of a slightly larger silage clamp in this location has been agreed in planning permission 13/02946/FULM. As such, even when substantial weight is given to the harm to the Green Belt, it is considered that very special circumstances exist that clearly outweigh the harm to the Green Belt and any other harm.

5.4 Approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 and the application not being called in by the Secretary of State for determination. The application is required to be referred to the Secretary of State as the development is considered to be inappropriate development in the Green Belt, and the proposed building would create floor space (1319.8 sq.m) which is in excess of the of the 1000 sq.m floor space threshold set out in the Direction.

6.0 RECOMMENDATION: Approve following Sec of State Decision

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

Drawing Number (05)20 Revision A ' Farm Area: Proposed Silage Clamp' received 15 March 2017;

Drawing Number LL01 Revision F 'Landscape Proposal' received 25 April 20147;

Drawing Number (05) 01 'Location Plan' received 15 March 2017

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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.

2 The external lighting of the proposed development shall be in accordance with the Lighting Design (by Diamond led Lighting, project number 16/5/16/01 MS received 15 March 2017) and the lighting specification received 15 March 2017, indicating Celsian 3 30W Floodlight and Celsian 3 50W PIR Floodlight.

Reason: Give the location of the silage clamp on a ridge in the interests of visual amenity and the openness of the greenbelt, to prevent light disturbance and nuisance, and to assess the impact on ecology.

7.0 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 (paragraphs 186 and 187) 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 revised plans
- Sought additional information
- Use of conditions

2. PROW INFORMATIVE

Consent will be required from the CYC Public Rights of Way Team to alter the gradient of the path AR 21/4 AB2/8.

3. ENVIRONMENT AGENCY INFORMATIVE

Any new agricultural facility must comply with the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil (SSAFO)) Regulations 2010. Further details can be sought from the Environment Agency.

Contact details:

Author: Victoria Bell Development Management Officer

Tel No: 01904 551347