



Notice of a public meeting of

Planning Committee

- To:** Councillors Reid (Chair), Derbyshire (Vice-Chair), Ayre, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Richardson, Shepherd, Warters and Mercer
- Date:** Thursday, 15 June 2017
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

Would Members please note that the mini-bus for the site visits for this meeting will depart from Memorial Gardens at **10:00am on Tuesday 13 June 2017**

1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. **Minutes** (Pages 3 - 16)

To approve and sign the minutes of the last meetings of the Planning Committee held on 20 April 2017 and 11 May 2017.

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 on Wednesday 14 June 2017**. 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 Officers for the meeting, on the details at the foot of this agenda.

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4. **Plans List**

This item invites Members to determine the following planning applications:

a) York St John University Playing Fields, Windmill Lane, York (16/02358/OUTM) (Pages 17 - 58)

Outline application for residential development (circa 70 dwellings) with associated access and demolition of existing buildings.
[Hull Road Ward]

b) The Cocoa Works, Haxby Road, York (17/00284/FULM) (Pages 59 - 100)

Conversion and extension of the former Almond and Cream blocks to form 258 apartments; demolition of buildings to the rear of the Joseph Rowntree Library and rear extension to accommodate concierge and

community room; erection of convenience store and associated access, car parking, cycle stores and landscaping. [Guildhall Ward] [Site Visit]

c) Joseph Rowntree Memorial Library, Haxby Road, York, YO31 8XY (17/00285/LBC) (Pages 101 - 108)

Demolition of buildings to the rear and erection of rear extension to accommodate a concierge, community room and cycle store. [Guildhall Ward] [Site Visit]

d) The Cocoa Works, Haxby Road, York, YO31 8TA (16/02815/FUL) (Pages 109 - 122)

Construction of access road with associated landscaping and highway works. [Guildhall Ward] [Site Visit]

e) Hall Farm, Strensall Road, York, YO32 9SW (16/02886/FUL) (Pages 123 - 138)

Change of use of agricultural buildings to livery stables and caravan touring pitches including refreshment and toilet block. [Strensall Ward]

f) Holly Tree Farm, Murton Way, York YO19 5UN (17/00846/FUL) (Pages 139 - 148)

Construction of realigned and widened access road and bridge (retrospective) to serve approved log cabins and fishing lake adjacent to property. [Osballdwick and Derwent Ward] [Site Visit]

g) Land to the North of Unit 8 Derwent Valley Industrial Estate, Dunnington, York (17/00272/FULM) (Pages 149 - 162)

Erection of building for storage and distribution (use class B8) [Osballdwick and Derwent Ward] [Site Visit]

h) Askham Bryan College, Askham Fields Lane, Askham Bryan, York, YO23 3PR (17/00620/FULM) (Pages 163 - 178)

Erection of a silage clamp and silos (retrospective application) [Rural West Ward]

i) Smith Brothers Ltd, Osballdwick Link Road, Osballdwick, York, YO10 3JA (17/00791/FUL) (Pages 179 - 192)

Use of premises as a trade only building supplies warehouse (use class B8) with associated external alterations to external elevations and erection of 3m high palisade fencing and gates and 5m high external storage racking. [Osballdwick and Derwent Ward] [Site Visit]

j) 2 College Road, Copmanthorpe, York, YO23 3US (17/00731/FUL)
(Pages 193 - 202)

Single storey side and rear extensions, front porch and alterations to front dormers (Revised scheme) [Copmanthorpe Ward]

5. Urgent Business

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

Democracy Officers

Catherine Clarke and Louise Cook (job share)

Contact details:

- Telephone – (01904) 551031
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(If contacting by email, please send to both Democracy Officers named above).

Bartek Wytrzyaszczewski

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For more information about any of the following please contact the Democratic Services Officers responsible for servicing this meeting:

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

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PLANNING COMMITTEE**SITE VISITS****Tuesday 13 June 2017**

TIME (Approx)	SITE	ITEM
10:00	Minibus leaves Memorial Gardens	
10:15	Cocoa Works and Memorial Library, Haxby Road	4b, 4c, 4d
11:00	Holly Tree Farm, Murton Way	4f
11:15	Smith Brothers Ltd, Osbaldwick Link Road	4i
11:35	Land north of Unit 8 Derwent Valley Industrial Estate	4g

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City of York Council

Committee Minutes

Meeting	Planning Committee
Date	20 April 2017
Present	Councillors Reid (Chair), Derbyshire (Vice-Chair), Boyce, Ayre, Cullwick, Cuthbertson, D'Agorne, Doughty, Funnell, Looker, Shepherd, Warters and Mercer (sub for Cllr Dew)
Apologies	Councillors Dew, Galvin and Richardson

95. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda.

Councillor Cullwick declared a personal interest in relation to agenda item 4a) (York St John University Playing Fields, Windmill Lane, York) as he had previously undertaken work for the University.

96. Site Visit

Application	Reason	In Attendance
York St John University Playing Fields, Windmill Lane, York (16/02358/OUTM)	To allow Members to familiarise themselves with the site and in view of objections received.	Councillors Reid, Cuthbertson, Cullwick and Shepherd

97. Minutes

Resolved: That the minutes of the last meeting of the Committee held on 23 March 2017 be approved and then signed by the chair as a correct record.

98. Public Participation

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

99. Plans List

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

100. York St John University Playing Fields, Windmill Lane, York (16/02358/OUTM)

Members considered a major outline application by York St John University for residential development (circa 70 dwellings) with associated access and the demolition of existing buildings.

Officers circulated an update on the application in relation to the following points, with a copy of the full update republished with the online agenda:

- pooling of contributions restrictions under Community Infrastructure Levy (CIL) Regulations in relation to
 - outdoor sports facilities
 - education
 - highways
- receipt of two further objections
- issues arising from site visits
 - trees to Woodlands Rehabilitation Centre
 - pre-School Nursery Places
 - air Quality monitoring
 - highway Network Management

Members questioned the following points from the Planning Officers report and update:

- details of the outdoor sports provision for that lost with the development of the site
- increase in capacity for sport at Osbaldwick Sports Club
- distance of sporting facilities to be provided from current site

- Condition 15 should refer to 'measures shall include'
- Construction Management Plan should require developer to ensure suitable parking provision for contractors is made available within the site
- Open Space and Green Infrastructure Study 2014 evidence base and ward boundary changes affecting the catchment area

John Cossam addressed the Committee and confirmed resident's use of the playing fields over a number of years. He expressed concern at the already high levels of traffic in the area which, with further development, would increase levels of nitrous oxides. He also highlighted the dangers at the Hull Road/Windmill Lane junction and requested the retention of the bollards at the top of Windmill Lane to prevent a through route.

Jane Metcalfe also spoke in objection, as a longstanding York resident. She confirmed that living in a terraced property her family were regular users of the playing fields for social purposes. She referred to a covenant restricting the use of the fields to sporting and community use and expressed concern that the replacement facilities would not be in the Hull Road area. She asked the Committee to listen to local residents and retain the open space for future generations.

Fiona Himsworth, a local resident, referred to the mental health and wellbeing of residents and the importance of access to green open space to maintain this. She highlighted the need for resident's access to the fields and woodlands on the site and pointed out that housing development would better met on existing brownfield sites. She asked Members to defer consideration of the application pending examination of alternative sites and discussions with the University regarding open space provision.

Janet O'Neill, the applicants agent, confirmed that the site was within the ownership of York St John University with formal access only required for a number of hours per week under the s106 agreement. Whilst there were no legal rights of access outside of these hours she confirmed that local residents had used the site over a number of years and confirmed that Sport England supported the arrangements for replacement facilities at Haxby Road. She also advised that the site would support the Council's need for housing and in particular affordable housing.

Cllr Neil Barnes, as one of the Ward Members, expressed concern at the proposals following resident's use of the site over a number of years and at the transfer of open space provision outside the ward. He requested deferral of the application for 6 months to allow dialogue with all concerned.

In answer to Members' further questions, Officers confirmed:-

- Current agreements required re-provision for the formal sports teams on the present site which was considered appropriate at Haxby Road
- The traffic figures detailed in the report were considered robust and were based on surveys and traffic counts
- Transport assessments had examined accident records
- Air Quality monitoring undertaken at the junction of Hull Road and Windmill Lane had shown improvements over the last 3 years

Following further lengthy discussion Councillor Looker moved and Councillor Funnell seconded a motion to defer the application in light of the issues raised and it was

Resolved: That the application be deferred to a future meeting to enable the following to take place:

- clarification to be sought on the methodology for concluding that there was no shortfall in open space provision in the area (which study, ward boundaries etc this was based on)
- clarification on the suitability of the location of the alternative open space provision
- evidence of how the existing pitches had been offered to local sports teams
- attendance of Officers from Communities and Neighbourhoods and Highways at the next meeting to answer questions

Reason: To enable further information to be provided to enable Members to make an informed decision in relation to this application.

101. Hall Farm, Strensall Road, York, YO32 9SW (16/02886/FUL)

Consideration was given to a full application by Mr Andrew Thompson for the change of use of agricultural buildings to livery stables and caravan touring pitches, including refreshment and toilet block. Members were reminded that this application had been deferred at the Committee's last meeting to allow the applicant to provide further details and justification of the very special circumstances which would outweigh the harm for development in the Green Belt.

Eamonn Keogh, the applicant's agent addressed the committee and provided the following information:

- reminded the Committee that no objections had been received from members of the public or statutory or internal consultees
- additional financial information had been provided by the applicant showing that the present business was not viable in its present form
- the development would not be visually intrusive with a small number of caravans and additional landscaping, within the existing footprint of the site

Some Member expressed support for the application with the replacement of the existing visually prominent silos and pig unit by smaller, visually less intrusive caravans and livery stables. Members recommended the retention of the existing straw bales at the site boundary whilst the landscaping became established.

Other Members referred to the damage that would be caused to the Green Belt and highlighted the speed of vehicles on the adjacent road. They also felt that the very special circumstances required for development within the Green Belt had not been provided.

Officers reiterated that, the information provided by the applicant was in not, in their opinion, sufficient to outweigh the harm identified to the character and visual amenity provided by the rural landscape. They highlighted policies in the National Planning Policy Framework guidance relating to protection of the Green Belt which showed that the very special circumstances necessary, to justify the development, did not exist in this case.

Councillor Ayre then moved and Councillor Cuthbertson seconded refusal of the application on the grounds set out in the Officers report and on being put to the vote, the motion was lost.

Following further discussion, Councillor Reid moved and Councillor Cullwick seconded deferral of the application to allow the applicant to provide further information on the very special circumstances they considered relevant which would allow development in the Green Belt.

Resolved: That the application be deferred to allow Officers to request additional information from the applicants on the following points:

- What alternative proposals for diversification to appropriate development in the green belt had been investigated and discounted
- How the proposal would be viable and ensure that the residual farming operation could continue at the site.

Reason: To allow the applicant to provide the additional information, to further inform Members prior to a decision being taken on the application.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 6.40 pm].

Meeting	Planning Committee
Date	11 May 2017
Present	Councillors Reid (Chair), Derbyshire (Vice-Chair), Boyce, Ayre, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Richardson, Shepherd and Warters

102. Site Visits

Application	Reason	In Attendance
Site of 17-21 Piccadilly, York	As the officer recommendation was for temporary approval and objections had been received	Councillors Boyce, Cullwick, Dew, Galvin, Hunter, Richardson and Shepherd.

103. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda.

Councillor Ayre declared a personal non prejudicial interest in plans item 3a (Site of 17-21 Picadilly, York) as he had a professional relationship with one of the registered speakers through his work with Healthwatch North Yorkshire.

104. Public Participation

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

105. Plans List

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications, outlining the proposals and relevant

policy considerations and setting out the views of consultees and officers.

106. Site of 17 to 21 Piccadilly, York (17/00274/FUL)

Members considered a full application by Leach, McKenzie and Gardham for the erection of a two storey multi-unit mixed use development containing retail units and food kiosks (Class A1), cafes/restaurants (Class A3), drinking establishments (Class A4), studio/workspace (Class B1), meeting/exhibition space (Class D1) and ancillary facilities including outdoor seating areas.

Officers advised that an anonymous letter had been circulated to Members which expressed concern that the proposed scheme would have an adverse effect on the appearance of the conservation area and cause noise, smells, litter and would also impede future redevelopment of the Piccadilly area.

They advised that a further letter had also been received from a resident of Mawsons Court who had attended the site visit but was unable to attend the committee meeting, and this had also been circulated to Members. In summary the letter raised concern over the predicted noise levels after 7pm and suggested mitigation as follows:

- the Spark noise management policy specifically details how this issue is going to be robustly managed at an operational level, and precisely how noise levels are going to be assessed.
- (artistic) notices be put on display reminding the customers they are in a residential area and asking for their respect
- notices on the entrance advising groups of 8 or more that a reservation is required
- a monthly meeting with the neighbours to engage and listen to feedback
- a noise survey to be done at 7pm, 8pm, 9pm and 10pm on Friday 14th July and again on Saturday 15th July 2017 at NSR1,2,3 and Mawsons Court (assuming the project is fully functional by this date, if not, the survey to be done on the 4th Friday and Saturday of Spark's normal operation), and these results shared with the neighbours.

Officers advised that at the site meeting it had been confirmed that there would be no smoking on site.

Officers advised that amendments were recommended to condition 4 (cycle parking), condition 5 (storage areas), condition 13 (hours of operation) and condition 16 (music).

In response to the queries raised in the written representation re noise, the Environmental Protection Officer advised that from his perspective, the applicant could choose the most appropriate method to monitor noise levels through a suitable management plan and licensing controls.

Mike Proctor, a local resident, addressed the committee in objection to the application. He acknowledged that the Spark consultant had endeavoured to provide a balanced and fair response to the concerns raised by residents but advised he still had still concerns in relation to both noise and opening hours. He stated that the open air first floor area was only 4 to 5 metres from his living room window and balcony and requested that opening hours be restricted further to close at 9pm.

Matthew Laverack, a local architect, addressed the committee in relation to the application. He circulated copies of a pre application enquiry at 64 Moor Lane, Dringhouses, a proposal to replace an old warehouse with relocatable buildings which required a temporary permission pending long term development and suggested that the same reasons put forward by officers in objection to that pre-application should apply to this application and asked Members to take this into account.

Brian Watson then spoke, also in objection to the application. He expressed the following concerns:

- that a vacant plot of land would be easier to sell to investors rather than one with temporary permission
- that 3 year permission would end up being extended further
- the new business starter image had disappeared and revised plans now involved a number of drinking establishments
- Noise controls in place would not work - premises should close completely at 11pm – to customers and staff, with outside seating areas to be vacated at 9pm

Michael Hjort, a local businessman addressed the committee in support of the application. He advised that he was proprietor of Walmgate Ale House and Bistro, Managing Director of York Festival for Food and Drink and Chairman of York Business Improvement District and was speaking on behalf of all three organisations. He advised the committee that, compared to Fossgate and Walmgate, this area of Piccadilly needed regeneration, which could be achieved by Spark and the Spark tenure was likely to be over before site was required for future development.

Sam Leach, founding director of Spark: York addressed the committee in support of the application and provided additional information in response to numerous questions put by Members. He made the following points:

- No objections received from public protection
- Re-consultation measures had led to a strengthened approach to noise management. Outside performance space had been removed, no live or amplified music would be played and part of the courtyard would now close at 9pm.
- He accepted neighbours' concerns and intended to prepare a code of ethics and noise management policy with residents' input. An ongoing dialogue with residents would be maintained and if the outside seating area was not compatible with nearby residential use, he would sit down and investigate options.
- No advertising would appear on external walls, only own logo and information on events.

Councillor Denise Craghill, Ward Councillor for Guildhall Ward, expressed her support for the application and made the following comments.

- This was an innovative socially responsible development that York city centre needed which would contribute to regeneration of Piccadilly area.
- Proposal would help York's early evening economy and would provide opportunities for young people in York to get new businesses off the ground.
- A number of months of consultation has taken place in response to residents' concerns and mitigation had been provided.
- Applicant has agreed to manage any inappropriate levels of music

Andy Kerr, CYC Commercial Project Manager responsible for the Castle Gateway area in which this application falls, was in attendance to answer any questions from Members in relation to how the application related to the wider regeneration of the area. He confirmed that the temporary permission was clearly limited to three years, acknowledging the long term need to realise a financial return for the site. He advised that these proposals would facilitate the site being used in the short term and there was potential for the site to increase in value.

Members discussed the proposals and fully acknowledged the concerns which had been raised by residents regarding noise. Some Members raised concern about the open aspect of first floor area and potential for noise disturbance. However they noted the following points:

- Any issues regarding opening hours, noise and security would be dealt with through licensing process.
- There is a similar existing use at Red Lion Pub which residents are aware of– even if the outdoor seating area is not used much at present, it could be in the future.
- The applicant has worked hard to allay concerns of residents and provided mitigation to this effect. They have given assurance that they will manage any noise issues themselves and will maintain regular consultation with residents.
- Piccadilly is within the central core conservation area but is very tired looking and site is currently untidy. If these proposals aren't approved nothing will happen for some time. This will provide opportunity to start regeneration of that end of York and will encourage visitors and residents to Piccadilly.
- The proposals are for small independent outlets which offer something different for York. The proposed food and drink establishments will attract starter businesses due to their compactness and provide an affordable option to those who want to try a new venture without incurring excessive costs.
- Although flyposting on the boundary to the site should be restricted it would be good to have something other than a plain boundary such as a mural.

It was suggested that an informative should be added encouraging the applicant to maintain an ongoing dialogue with

the neighbouring residents to address any issues arising from the operations of the development.

Resolved: That the application be approved for a temporary period until 1 July 2020 subject to the conditions listed in the report, the following amended conditions and an informative stating that the applicant is encouraged to maintain an ongoing dialogue with the neighbouring residents to address any issues arising from the operations of the development.

Amended Condition 4 – External landscaping & cycle parking

A detailed hard and soft landscaping scheme shall be approved by the Local Planning Authority prior to completion of construction. The scheme shall follow the principles detailed on the approved plans and shall include planting, provision of visitor cycle parking using Sheffield type stands or similar, and any changes/removal of street furniture to avoid clutter.

The approved scheme shall be implemented prior to first use of the development. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area in accordance with paragraph 58 of the National Planning Policy Framework.

Amended Condition 5 - Storage areas

Details of arrangements for storage areas, *including times of operation/activities* shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the site and the development shall be carried out in accordance with the approved details. The details shall explain how such areas will be managed without an adverse impact on neighbour's amenity.

Reason: In the interests of residential amenity

Amended Condition 13 - Hours of operation

The site shall only be open to customers between 07.00 and 23.00 each day of the week.

The site shall be vacated by all staff, lighting (apart from any essential safety/security lighting) turned off and the site closed by 24.00 each day.

Reason: In the interests of residential amenity.

Amended Condition 16 - Music

There shall be no performance, playing of amplified or recorded music that would exceed background noise levels at the site boundary.

Reason: In the interests of amenity and the character and appearance of the conservation area.

Reason: The scheme is of a temporary nature and this is evident by virtue of the design and the approach to managing flood risk. The proposed design would lead to a low adverse impact on the character and appearance of the conservation area. The harm carries considerable weight in assessment of the scheme and requires justification in the form of public benefits (as explained in NPPF paragraph 134). There are public benefits in the vibrancy, and the needed community and business facilities the scheme would provide in an accessible area which it has been an aspiration to enhance and regenerate for some time. Even when attributing considerable importance and weight in the planning balance to the desirability of avoiding such harm, it is considered that the public benefits of this temporary meanwhile use (in advance of the long-term regeneration of this site and Piccadilly) outweigh the harm. The adverse impact on the amenity of local residents can be suitably mitigated by proposed conditions.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 6.05 pm].

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COMMITTEE REPORT

Date: 15 June 2017 **Ward:** Hull Road
Team: Major and **Parish:** Hull Road Planning
Commercial Team Panel

Reference: 16/02358/OUTM
Application at: York St John University Playing Fields Windmill Lane York
For: Outline application for residential development (circa 70 dwellings) with associated access and demolition of existing buildings.
By: York St John University
Application Type: Major Outline Application (13 weeks)
Target Date: 24 April 2017
Recommendation: Approve after referral to SoS and Subject to Section 106 Agreement

1.0 PROPOSAL

1.1 Outline permission is sought for the erection of circa 70 dwellings. All matters are reserved except for access. The application is accompanied by a masterplan, which is illustrative only. The application includes 1, 2, 3 and 4-bedroom houses and flats, all of which are indicated as being two storey. 30% of all house types would be affordable. The application site would be bounded to the north and east by a landscape buffer consisting of existing belts of mature trees, to the south by the existing David Lloyd Leisure Centre and to the west by Woodlands Respite Care Centre. A single access point would serve the site at the junction of Hull Road and Windmill Lane and the existing access road serving the leisure centre would split the site into two separate residential areas. Two existing buildings on site are also proposed to be demolished.

1.2 The application was heard at committee on 20th April 2017 and deferred in order to provide clarification on the methodology used to establish that there was no shortfall in open space provision within the area, secure clarification on the suitability of the location of the alternative provision and secure evidence of how the existing pitches have been offered to local sports teams. The report has been updated accordingly at paragraphs 3.38, 4.30-4.37, 4.41, 4.44-4.45, 4.47 and 4.62 to 4.64.

2.0 POLICY CONTEXT

2.1 The National and local planning policy context is explained and assessed at paragraph section 4.0 below. The relevant draft local planning policies are listed as follows:

2005 Draft York Local Plan (4th set of changes):

CYGP1	Design
CYGP4A	Sustainability
CYGP7	Open Space
CYGP9	Landscaping
CGP15A	Development and Flood Risk
HE10	Archaeology
CYNE1	Trees, woodlands, hedgerows
CYNE6	Species protected by law
NE7	Habitat Protection and Corridors
H2a	Affordable Housing
CYED4	Developer contributions to education facilities
L1c	New Open Space in Development
C6	Developer Contributions Towards Community Facilities

2.2 City of York Local Plan – Publication Draft 2014:

DP1	York Sub Area
DP2	Sustainable Development
DP3	Sustainable Communities
SS1	Delivering Sustainable Growth for York
H1	Housing Allocations
H2	Density of residential Development
H3	Balancing the Housing Market
H4	Housing Mix
H9	Affordable Housing
D7	Archaeology
GI2	Biodiversity and Access to Nature
GI4	Trees and Hedges
GI6	New Open Space Provision
T4	Strategic Highway Network Capacity Improvements
DM1	Infrastructure and Developer Contributions

3.0 CONSULTATIONS

INTERNAL

Housing Strategy and Development

3.1 In accordance with Council Policy the proposal should provide 30% of homes on the site should be affordable with 70% of those being social rented and 30% being discount sale tenure. Standard advice in connection with pepper potting of the

dwelling and provision being pro-rata has been given. The applicant has agreed to this provision which will be secured through a S106 agreement.

Public Protection

3.2 No objections. Noise is not likely to be an issue which prevents development but an appropriate scheme to protect future residents from the existing noise drawn up, agreed and implemented. There is also the potential for additional road traffic noise experienced by residents at the Hull Road end of Windmill Lane due to the traffic accessing the residential units. Conditions recommended.

3.3 Due to the number of dwellings the site would be considered a low risk site and would not require a formal air quality assessment. It is not considered that the site will present new opportunities for exposure as the new dwellings are well set back from Hull Road / Windmill Lane as a consequence of the protected tree line / green buffer. Furthermore, monitoring equipment is located on a lamp post along Tang Hall Lane as well as one eastbound and one westbound along Hull Road. The results taken over the last three years indicate levels well below actionable levels in terms of air quality

3.4 Conditions should be attached regarding electric vehicle recharging points and unsuspected contamination.

Planning and Environmental Management - Forward Planning

3.5 This site was originally submitted for consideration for development through the Local Plan Call for sites in 2012. This site was considered through the site selection process as site 138: York St Johns University Playing Fields. The outcomes of site assessment show that part of the site was removed for being designated open space. The remaining parcel was taken to Technical Officer Group but the outcome was that the site was rejected as a potential development site.

3.6 Site 138 was resubmitted for further consideration through the Preferred Options Consultation with further technical evidence. However, the outcomes of further assessment, published as part of the Further Sites Consultation, highlighted that the existing playing fields remained a showstopper for development at that time based on the evidence submitted.

3.7 Further evidence was submitted for consideration through the Further Sites Consultation (Summer 2014) in relation to the redevelopment of the site for either residential use or for Science Park uses as an extension to the existing science park following cease of use for university sports teams in 2015. A response was also received through the Further Sites Consultation from Sport England which confirmed that the replacement facilities at Haxby Road would meet both the quantitative

requirements and also provide better quality provision including better management arrangements; No objection was raised by Sport England to the re-development of the site.

3.8 Site 138 was included within the Publication draft Local Plan (2014) in policy EC1: Employment Allocations as a general employment allocation (E15: Land at Hull Road) for 16,000sq.m /4ha of Research & Development uses (B1b/B1c) linked to the adjacent University of York Science Park.

3.9 Since the Publication Draft Local Plan (2014) further work has been undertaken to revise the portfolio of sites. The Preferred Sites consultation document (2016) was approved by Members of the Local Plan Working Group (27/06/16) and Executive (30/06/16) and set out the draft portfolio of sites identified to meet need. The starting point for identified sites in this document was those included in the Publication draft Local Plan and further considerations were used to help identify which sites/ amended site boundaries as detailed in the Preferred Sites Document (2016) methodology.

3.10 This site (138) was reconsidered for its suitability against the updated suitability criteria and was included as a preferred housing allocation (H56) with an estimated yield of up to 190 dwellings. Science City Board and the University of York are not interested in delivering the site as an extension to the Science Park and the site is therefore undeliverable for that use. The site was therefore re-assessed for residential use.

3.11 The proposal for this site to be developed for residential development is supported as a potential allocation through the emerging Local Plan process. On this basis, no policy objection is raised for this application.

Planning and Environmental Management - Ecology

3.12 There are no statutory or non-statutory nature conservation sites on or immediately adjacent to the site and it does not fall into a Site of Special Scientific Interest (SSSI) Impact Risk Zone as identified by Natural England. The site itself does not occur within one of York's identified Green Corridors (which are not meant to be exhaustive) however alongside other areas of green space in the immediate area, it is linked to Walmgate Stray (Green Corridor 7) and to the open areas of the University of York's East Campus. The woodland on the eastern edge of the site is recorded as an area of Priority Habitat 'deciduous woodland' identified by Natural England in the national habitat inventories. Priority Habitats are defined in Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

3.13 The trees and buildings on site have been assessed for their potential to support roosting bats.

3.14 Evidence of hedgehogs using the site was recorded during the surveys. Hedgehogs are a species "of principal importance for the purpose of conserving biodiversity" covered under section 41 (England) of the NERC Act (2006). Whilst the development is unlikely to directly impact on this species it could erode the habitat available to them. The site was assessed as having value for woodland edge and urban bird species, with nesting potential for a range of bird families.

3.15 The area is likely to be already moderately lit due to Hull Road and the adjacent Sports Centre, but the shelter belts will provide dark corridors of value to foraging/commuting bats and other nocturnal animals and this should be maintained through the implementation of a sensitive lighting scheme.

3.16 No objections subject to conditions: Biodiversity Method Statement and sensitive lighting scheme.

Planning and Environmental Management - Landscape

3.17 The existing mature woodland trees along Windmill Lane and Hull Road are subject to a tree preservation order reference TPO42. The revised scheme has pulled the development away from the trees resulting in less direct conflict between main garden use and trees; security is improved; the woodland is overlooked by house frontages; and the woodland becomes part of the amenity of the housing development rather than a separate entity. The gardens now no longer sit below the canopy of the trees.

3.18 The trees which line the existing approach to the leisure centre should be retained, with the exception of the Poplars.

Planning and Environmental Management Archaeology

3.19 The site is outside of the Area of Archaeological Importance but it is situated within a wider area which has produced vast archaeological evidence from all periods. Large scale excavations at Heslington East Campus revealed evidence for prehistoric and Romano-British occupation, an Anglian settlement is suggested by finds at Heslington Hill to the south-west of the site. The playing fields site appears to have been relatively undisturbed and used for agricultural purposes throughout the medieval and post-medieval period. In the 1930s the fields became used for recreational purposes. Given the location of the site and the relatively undisturbed nature of parts of it, it is likely that archaeological deposits may exist across the playing fields.

3.20 Conditions should be attached identifying the need for a geophysical investigation to be undertaken followed by targeted evaluation trenching.

School Services - PFI/Schools Contracts

3.21 A financial contribution of £215,935 is required. The calculations are based on current projected numbers and provision, which may be subject to change. The schools identified are Badger Hill Primary School and Archbishop Holgate's CE Secondary School along with eight pre-school places.

Flood Risk Management Team

3.22 Surface water drainage via soakaways is supported. Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. Condition should be attached.

Highway Network Management

3.23 The level of traffic that could be anticipated to be generated by the development has been based upon trip rates proposed on another development in the city. The vehicular impact using these trip rates equates to 50 vehicular movements during the AM/PM peak network hours. The impact of this level of traffic will have a small detrimental impact on the operation of the signalised junction serving the site, in terms of small increases to existing queues during the peak periods.

3.24 The development will be served from the existing signalised access at the junction of Hull Road/Melrosegate. This existing access already serves the David Lloyd Club and is therefore considered suitable, in terms of geometry/layout to serve further development.

3.25 It is envisaged that the internal layout will be designed, constructed and offered for adoption as public highway under a Highways Act Agreement.

3.26 Research indicates that individuals are more open to behavioural change at key points in life such as moving home. The use of targeted initiatives (such as the provision of bus travel) at these key points can influence behaviour. Whilst it is accepted that not all residents will give up car use they may give up a 2nd or 3rd vehicle or use alternative modes of travel for shorter journeys.

3.27 Officers have requested contributions towards;

- a) provision of 2x real time (BLISS) displays at the adjacent inbound/outbound bus stops (£10k each – total contribution £20k)
- b) the choice to first occupiers of either bus travel (in the form of a carnet of day tickets) or cycle/cycle accessories. Such contribution to be £200 per first occupier.

Such contributions would be secured via a S106 Agreement.

Communities and Neighbourhoods - Public Health

3.28 This site has 3 full size pitches, set out for football but also suitable for rugby. The pitches are owned and managed by York St John University, though on going maintenance has been reduced since the University's pitches on Haxby Road came into operation. A community use agreement is in place which requires the pitches to be available for a minimum of 16 hours of community access per week, at a cost comparable to other pitches across the city.

3.29 The Open Spaces and Green Infrastructure Study (September 2014) assesses open space provision on a ward by ward basis, using nationally recognised typologies – e.g. parks and garden, amenity, children provision, outdoor sports. The whole of the windmill lane site is categorised as outdoor sport and being written in September 2014 the study uses the old ward boundaries for the Hull Road and Heslington Wards. In May 2015 new ward boundaries came into effect for the Hull Road and Heslington area. This placed all the university sports grounds and Campus East into the Hull Road ward. This changed the total sports space from a deficit of -7.52 hectares to a surplus of 9.80 hectares within the Hull Rd ward.

3.30 These calculations include a large swathe of amenity open space through the new University campus, which connects with the wooded area along this development site, to allow connectivity between Hull Road and Heslington ward. The Outdoor sports figures include the large area of sports playing fields at the University of York, which are well used by the university but to safeguard them for student use, have limited community access.

3.31 A development of this size would need to provide on site play facilities for children and ideally for teenagers. There is a local deficiency in provision of play facilities in both Hull Road and Heslington wards. The amenity open space should be provided centrally within the development, and offer appropriate provision for the local residents but also complementary provision to that surrounding the development. The applicant has indicated their willingness to transfer the community use agreement for the Hull Rd pitches to the Haxby Road site. This is welcome news and goes some way to safeguarding formal club access to pitches.

Communities and Neighbourhoods - Public Realm

3.32 Having considered the location of the site and its proximity to the old Heslington ward an analysis of the open space needs by ward and both wards combined has been undertaken.

3.33 The initial shortfall stands in Hull Road Ward but when the surplus of open space in the old Heslington Ward is taken into account the situation changes as the combined effect is a net surplus of open space. No objections to the application are raised.

3.34 However, due to the shortfall of play areas across both wards it should be a requirement of any approval that an equipped play area be provided within the development.

EXTERNAL

Ouse and Derwent Internal Drainage Board

3.35 The proposal will 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.

3.36 Soakaway testing has been undertaken and the outcome of the testing appears to indicate that soakaways will work at this site. The application also advises that a Main Sewer could be used to dispose of some of the surface water from the site. The Board is aware of a combined sewer, in the ownership of Yorkshire Water, in Windmill Lane to the east of the development site.

3.37 Where any discharge is to enter an ordinary watercourse or Board maintained watercourse within the Boards drainage district (either directly or indirectly via a third party asset), the Board would want to see the rate of discharge constrained and would not want the total rate to exceed the "greenfield" rate (1.4 l/s/ha) plus an allowance for any "brownfield" areas of the site which are currently impermeable and where there is positive drainage and a proven connection to the watercourse (at the rate of 140 l/s/ha, less 30%). Conditions are suggested.

Sport England

3.38 Sport England acknowledges that this is a finely balanced application, in particular in relation to the distance of the replacement facilities at Haxby Road. The new artificial grass pitches for football will be an improvement as it will increase the carrying capacity for football. The catchment is acceptable for the University Sports teams and we are mindful that the FA states that they and North Riding County FA

have never received any complaints from football clubs about the matter. Football is the only formal sport affected at Hull Road, and the FA conclude that the proposal is acceptable. The community use that takes place at the Hull Road site will be transferred to the Haxby Road site. In light of the above, and in particular the comments of the FA, Sport England is satisfied, on balance, that the proposal meets exception E4 in principle, subject to the community use of Hull Road being transferred to Haxby Road.

David Lloyd Leisure

3.39 Objects on the following grounds:

- Already a deficiency in the provision of open space within the Urban East Ward
- Does not accord with Paragraph 74 of the NPPF
- Pitches may be surplus to requirement but benefit the local community
- Would not provide replacement facilities within easy access
- Allocated as open land in the 2005 Local Plan
- Brown field sites should be considered first

City of York Hockey Club

3.40 Objects on the following grounds:

- Conflicts with national planning guidance
- Insufficient evidence has been submitted to justify the release of the site
- Haxby Road site was not developed to replace the Hull Road site
- Difficulty in hiring pitches at Haxby Road

Publicity and Neighbour Notification

3.41 Forty nine responses received raising the following objections:

- Loss of wildlife
- Loss of a much utilised open area
- Loss of space for children in a urban area
- Replacement provisions are not local enough
- Already a shortage of playing fields within the area
- Loss of wildlife habitat
- Roads are already congested
- Will be student accommodation
- Potential to open up Windmill Lane as a through route

- May cause conflict with cyclists and additional vehicles
- Alterations to the road junction could result in conflicts
- Additional noise pollution from additional vehicular movements
- Additional vehicle emissions
- Loss of natural drainage
- Ambulance response station would be lost
- Would put added pressure on local health and education facilities
- Housing at Strensall and Fulford Barracks should be considered
- The tree belt should be retained
- The narrow site entrance would be unsuitable for construction traffic
- Internal access points within the site are not safe
- Unacceptable increase in traffic along Hull Road
- St Johns University should maintain the land to allow it to be used as sports facilities/recreation
- Sports facilities at Haxby Road are not a reasonable trade for families with children who want to play on the site
- Noise and light pollution will scare wildlife away
- The character of the neighbourhood will be lost
- The site is located within the green belt
- Insufficient evidence that the fields are not 'unused'
- Replacement playing fields are 17 walk away
- Preferred sites document is unsound
- Should be allocated as Local Green Space
- Assessment of Need is unreliable

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of Development for Housing
- Trees and the Parkland Setting
- Demolition of existing buildings
- Recreation and Open Space
- Highways Issues
- Flood Risk and Drainage
- Neighbour Amenity
- Education Provision
- Bio-Diversity
- Archaeology
- Affordable Housing
- Green Belt

POLICY CONTEXT

4.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

4.3 Although there is no formally adopted local plan the City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of s.38(6) 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. The most relevant Draft (2005) policies are listed and summarised at paragraph 2.2 of this report.

4.4 Paragraph 216 of the NPPF states that decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

4.5 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was halted pending further analysis of housing projections. An eight week consultation on a further Preferred Sites document has concluded. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies carry very little weight in the Council's consideration of this application (in accordance with paragraph 216 of the NPPF). The most relevant of the emerging policies are listed at paragraph 2.2 above.

4.6 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 and it is against this policy Framework that the proposal should principally be addressed.

4.7 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted.

THE APPLICATION SITE

4.8 The application site comprises of a 4.73ha parcel of land which includes sports pitches, tree belts protected by TPOs, two buildings and the central access road which serves David Lloyd Leisure Centre. The site lies between Hull Road, Windmill Lane, David Lloyd and Woodlands Rehabilitation Centre with access being taken from the existing junction onto Hull Road. A central access road, owned by the university, serving the leisure centre bisects the site leaving two separate areas which currently form the sports pitches. To the south western corner of the site lies a landscaped area which serves as an easement over an existing washout and provides informal pedestrian access to the University Science Park.

4.9 Mature trees bound the site to the north, east and west which allow public access via unmade paths. Two pedestrian links to the site are present through the tree belt. The land is mainly flat and lies within Flood Zone 1.

4.10 An existing s106 agreement is in place which allows for a minimum of 16 hours per week, including week day evenings (18:00 to 20:00) and weekends (09:00 to 12:00), of community use of the sports pitches. The pitches should be maintained by the University.

PRINCIPLE OF DEVELOPMENT FOR HOUSING

4.11 Paragraph 14 of the NPPF says that Local Planning Authorities should positively seek to meet the development needs of their area. Paragraph 47 says that to boost housing supply local authorities should use their evidence base to ensure that the Local Plan meets the full, objectively assessed needs for market and affordable housing, including identifying sites which are critical to the delivery of the housing strategy over the plan period. Plans should be deliverable as set out in paragraph 173. Although the emerging Local Plan policies can only be afforded very limited weight in accordance with paragraph 216 of the NPPF, the evidence base that underpins the emerging policies is a material consideration in the determination of this planning application.

4.12 The emerging Local Plan is progressing and consultation on the Preferred Sites ended on 12th September 2016. The Preferred Sites Consultation puts forward the Council's latest evidence base with respect of a Strategic Housing Market

Assessment (SHMA) and Employment Land Review (ELR), a proposed portfolio of sites to meet the housing and employment needs of the city over the plan period along with an updated Local Development Scheme (LDS) setting out the timetable for the Local Plan.

4.13 The SHMA produced by consultants GL Hearn establishes the objectively assessed need (OAN) for York as 841 dwellings per annum. This work takes into account the Government's recent release of the 2014 based Sub-National Population Projections (SNPP) released by the Office for National Statistics (ONS) on 25th May 2016. This need will require land to be allocated for a minimum of 8,277 dwellings over the plan period (2012 to 2032) once completions, unimplemented permissions and a small site windfall allowance have been taken into account.

4.14 To satisfy the OAN the emerging City of York Local Plan Preferred Sites Consultation document includes sufficient land to provide about 10,100 dwellings in total, which would effectively provide an approximate 2.2-year oversupply by year 15 of the plan period.

4.15 The Council does not currently have an NPPF compliant five-year supply of deliverable housing sites. However, considerable work on sites has been undertaken as part of the emerging Local Plan process, which has assessed over 800 sites submitted through the Call for Sites in 2012 and subsequent consultations using the Council's site selection methodology. This methodology is based on the Plan's spatial strategy which seeks to protect the city's unique heritage, environmental assets, avoid areas of high flood risk and locate development in areas that are accessible by sustainable modes of transport and have access to key services.

4.16 NPPF paragraph 49 says:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

4.17 Paragraph 49 applies to the determination of this application because the Council does not have a 5 year supply of deliverable housing sites.

4.18 Where the Council cannot demonstrate a five year housing land supply, paragraph 14 of the NPPF states that applications should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits when assessed against policies in the Framework, taken as a whole, or specific policies in

the Framework indicate that development should be restricted. This is known as the presumption in favour of sustainable development.

4.19 The application site has access to services and facilities along Hull Road and scored positively in the assessment mentioned in relation to objectives regarding health, education, transport and equality and accessibility. It was also considered that it would need to be demonstrated that the sports pitches could be satisfactorily replaced in a local area of benefit and would be equal in terms of quality, quantity and access.

4.20 The original allocation proposed 190 dwellings on the site. However, natural restraints in the form of the existing boundary tree belts significantly affect the level of appropriate development that can be accommodated, reducing it to circa 70 under the proposed scheme.

4.21 All schemes still have to be judged against the impact on the character of the area, the impact upon adjacent residents and any other material considerations. In this case the loss of the public open space and sports pitches which will be addressed further in the report.

TREES AND PARKLAND SETTING

4.22 The National Planning Policy Framework states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland unless the need for, and benefits of the development in that location clearly outweigh the loss (paragraph 118).

4.23 One of the key attributes of the sites setting is the mature bands of protected trees that bound the site with Hull Road and Windmill Lane. The site is located within Character Area 61 (University of York Campus) and is considered to be a key heritage asset and landscape feature that contributes to local distinctiveness.

4.24 As originally submitted the indicative plan identified a number of dwellings being located directly adjacent to the canopies or having back gardens projecting under the canopies. Concerns were raised that issues would arise where residents would request that the trees be removed due to lack of sun to gardens and property, heavy seasonal fall, trees blowing in the wind and perceived safety concerns. As such the indicative plan has been amended to show a reduction in the number of dwellings from 77 to 70 and a redesigned layout. This now indicates the vehicular access to each of the two areas being located adjacent to the tree canopies with the dwellings being served off short cul-de-sacs. This results in all gardens and dwellings being approximately 20m away from the canopies of the protected trees and being separated by the access road. This places the canopy spread and root protection

areas outside of individual private ownership, thereby protecting the trees from misplaced pruning, and garden structures, and paving etc. This arrangement also allows the public to enjoy the woodland either from the pavement, along a soft verge, or through the wood itself.

4.25 Access would be retained to these tree belts and it is proposed to secure this through the s106 agreement which would require a management plan for their future maintenance.

DEMOLITION OF EXISTING BUILDINGS

4.26 The Pavilion, built in the 1930s is a brick two storey central structure with a clock and two wings, all shuttered against vandalism and set within a small garden. Immediately to the west are very modern brick single storey ancillary buildings currently used as store rooms by the grounds maintenance department of York St John University. A well kept hedge surrounds the building with a short flight of concrete steps down to the level of pitch 1.

4.27 The scheme seeks permission for the demolition of these existing building in order to facilitate the development. The site is not within a conservation area and the buildings are not listed. The site lies within the Character Area 61: University of York within the City of York Historic Characterisation Project. The building is not identified as a building of merit within the document. It is considered that the building is traditional in character and represents the history of the site and be capable of conversion. However, the applicant seeks permission to demolish the building and whilst this may be regrettable there is no policy which would necessitate retention. A condition would be imposed to undertake a historic record of the building prior to demolition.

RECREATION AND OPEN SPACE

4.28 Paragraph 73 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required. Planning Practice Guidance states that open space should be taken into account in planning for new development and considering proposals that may affect existing open space.

4.29 The requirement for open space in new development has been a long standing policy objective for the City of York, included in the Draft Local Plan Incorporating the 4th Set of Changes (Development Control Local Plan) 2005 (policy L1c) and the City of York Local Plan - Publication Draft 2014 (policy GI6).

4.30 The open space standards for new development are found in the evidence base study which sits behind the emerging Local Plan (Local Plan Evidence Base: Open Space and Green Infrastructure (Final Report September 2014)). The three types of public open space provision required by the draft local plan are outdoor sports facilities, amenity open space and children's play space. When calculating these types, and taking into account the ward boundary changes in 2015 there is sufficient outdoor sports and amenity space within the Hull Road Ward to meet the needs of ward residents and the residents of the proposed development. However, there is a shortfall in play provision.

4.31 Revised plans have been submitted since the April committee in order to provide additional on site provision for the existing population and the proposed residents of the development. The original plan indicated a children's play space being provided on site measuring 0.16ha. The revised plan now indicates an area measuring 0.43ha. This would provide the required equipped children's play space along with a large area of open grass land. The open space area has moved from a central position within the site to the southern boundary of the site. It is considered that as there is a direct link from this area to Windmill Lane via the existing footpath through the tree belt it would be more accessible for the residents of Windmill Lane. The size of the open space would allow for a level informal amenity space to be provided. When using recommendations from the emerging Local Plan Evidence Base the number of houses proposed would generate a children's play space area of 0.086ha. As such the proposal clearly meets this requirement. This can be secured through a s106 agreement.

4.32 In addition large areas of open space are to be retained within the development. The woodlands would not be developed and access would be retained along the informal paths. The woodland running parallel to Windmill Lane provides 0.77ha of informal open space with further open space being provided to the south western part of the site which equates to an additional 0.77ha. Again, when calculating the provision of amenity space required on site it equates to 0.174ha and as such the proposal is clearly in excess of this figure.

4.33 The site area as a whole measures 4.73ha. The area to be retained as open space measures 2.59ha. This equates to 54.7% of the site being retained as open space.

4.34 The Open Spaces and Green Infrastructure Study (September 2014) assesses open space provision on a ward by ward basis, using nationally recognised

typologies – e.g. parks and garden, amenity, children provision, outdoor sports. The whole of the windmill lane site is categorised as outdoor sport and being written in September 2014 the study uses the old ward boundaries for the Hull Road and Heslington Wards.

September 2014 open space provision by typology and ward

Typology	Hull Road Ward		Heslington Ward		Combined wards	
	hectares	facilities	hectares	facilities	hectares	facilities
Parks and gardens	3.56		0.49		4.05	
Natural	-21.16		4.49		-16.67	
Amenity	-13.71		53.82		40.11	
Children		-1		-1		-2
Teenagers		-2		-1		-3
Outdoor sports	-7.52		17.82		10.3	
Allotments	-3.1		0.81		-2.29	
Totals	-41.93		77.43		35.5	-5

4.35 However, in May 2015 (after the above report was published) new ward boundaries came into effect for the Hull Road and Heslington area. This placed all the university sports grounds and Campus East into the Hull Road ward. This changed the total sports space from a deficit of -7.52 hectares to a surplus of 9.80 hectares within the Hull Rd ward.

4.36 It is understood that the nearest outdoor sports provision, based at the University Campus, is slightly outside the recommended walking distance of 15 minutes and is around 17 minutes away. However, since there is a surplus of amenity and sports open space within the ward the applicant would not be required to make provision for these types of open space and as such a financial contribution can not be sought.

4.37 Objections have been received on the basis that the loss of the playing fields would result in a loss of land for neighbouring residents to utilise for social purposes. Whilst this is appreciated, the site is within private ownership with formal access only required for the 16 hours a week under the s106 agreement. There are no legal rights of access outside of these hours. However, the applicant has increased the amount of open space to be made available and relocated it in order to make it more accessible for existing residents.

4.38 The application proposed the loss of three sports pitches on site. Paragraph 74 of the National Planning Policy Framework allows existing open space to be built on where:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; **or**
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; **or**
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

4.39 The site is owned by York St John University and has historically been used as the University's sports pitches. However, the site is now surplus to the University's requirements, since the new facilities have been provided at Haxby Road, and all the University games are played there. The University states that they now no longer have the budget to maintain the pitches and has sought to redevelop the site through the emerging Local Plan Call in for Site process which, as already outlined, resulted in the site being allocated for housing as site H56.

4.40 The University states that all the groups that previously utilised the site have now either relocated or disbanded. The Council do not have any formal information to dispute this and as far as officers are aware no details of offers to purchase the site are available.

4.41 As part of the previous development of the site to provide the David Lloyd Leisure Centre (2001) a s106 agreement was signed stating that the playing fields should be made available for a minimum of 16 hours per week. The agreement sets out that the pitches should be managed by a Playing Fields Liaison Group, which would consist of one person nominated by the council and one by the Trustees, and maintained by the University. The Council have no records available indicating that this liaison group was established and as such there are no records available as to how the council marketed the site for use by community groups. It is acknowledged that historically teams have approached local leagues, the council or the University for information on pitch availability. Any teams looking to relocate or find a league have made their own inquiries on availability rather than the University actively finding teams.

4.42 As part of the current proposal, the applicant has agreed to provide the same level of access, as agreed under the original s106 agreement, to the new sports facilities at Haxby Road. This could be secured through a s106 agreement.

4.43 The NPPF states that existing open space can be developed where an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements. The applicant has confirmed that the sports pitches are now redundant in terms of the University use and are surplus to their requirements. The pitches are located within private land and as such general public access on a daily basis can not be considered.

4.44 The NPPF states that existing open space can be built on where the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. The transfer of the provisions of the current s106 agreement to the facilities on Haxby Road would clearly replace the existing playing fields with a better provision in terms of quantity and quality. The issue stands as to whether the provision of the replacement pitches is in a suitable location. Whilst the pitches are located some distance from the site it is considered that they are still accessible to potential teams that wish to utilise sports facilities. It would be unlikely that team members of local clubs would be likely to all live within walking distance to pitches, especially when combined with away matches. Ample parking facilities are available at the Haxby Road site and the site is accessible by public transport links. Whilst concerns have been raised that the site is within 17 minutes walk away as opposed to the recommended 15 minutes walk it would be difficult to argue that the site is not accessible.

4.45 Furthermore, additional comments have been received from Sport England. They acknowledge that it is a finely balanced application, in particular in relation to the distance of the replacement facilities at Haxby Road. However, they consider that the new artificial grass pitches for football would be an improvement as it would increase the carrying capacity for football. The catchment is acceptable for the University Sports teams and Sport England are mindful that the FA states that they and North Riding County FA have never received any complaints from football clubs about the proposed replacement pitches. Football is the only formal sport affected at Hull Road, and the FA concludes that the proposal is acceptable on the basis that the community use that takes place at the Hull Road site will be transferred to the Haxby Road site.

HIGHWAY ISSUES

4.46 The proposed development would be served via the existing signalled junction at Hull Road and Windmill Lane. No additional access to the site is proposed from Windmill Lane. The access through the site, which serves David Lloyd, is considered to be adequate to serve the development. The internal layout should be designed in accordance with Manual for Streets principles as a shared space. The layout should seek to restrain vehicle speeds to 20mph or below whilst also using design features to manage on-street parking. It should be offered for public highway under a Highways Act Agreement.

4.47 The supporting information (in accord with nationally approved Department for Transport specifications) has assessed the current traffic situation without the development, including validation of timings, overall flows and queue lengths. The 'with' development scenario (modelled at 2021) shows that the difference in queue lengths will be in single figures, with a maximum additional queue of 5 vehicles, on the Hull Road approach from the east direction in the morning peak hour (0745-0845). Other arms of the junction including the site access will see changes less than this. The development of 70 units will generate less than 40 additional vehicle movements (that's in and out) in both peak hour periods (and much less in between). The average 'green' time on each cycle of the traffic lights is 19 seconds on the access/Tang Hall Lane arm and as such with over 30 cycles per hour this equates to only a very small number of vehicles added to the current demand and hence the reason for the predicted marginal growth in expected queues and overall delay.

4.48 The site is well served by public transport links and lies immediately adjacent to good cycle networks. It is considered that the site is sustainable in transport terms. The applicant has agreed to fund two BLISS real time bus displays to nearby in bound and out bound bus stop and provide funding for sustainable transport methods for first occupiers either through bus travel or cycle/cycle accessories. Officers will update members at Committee to confirm that this would be within the maximum pooling restriction requirements under CIL Regulations.

DRAINAGE

4.49 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, make it safe without increasing flood risk elsewhere (paragraph 100). The Environment Agency Flood Map for Planning demonstrates that the site is located in Flood Zone 1. The EA describes this Flood Zone 1 land as areas where flooding from rivers and the sea is very unlikely. There is less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year.

4.50 The site is considered to be about 7m above the highest flood levels of the nearest significant water course and therefore at very low risk of flooding. The site is not at risk of flooding from rivers or the sea.

4.51 Details submitted by the applicant demonstrate that existing surface water from the site discharges to the existing public sewer. Yorkshire Water has indicated that the local public sewer network does not have any capacity to accept additional surface water from the proposed site. As such it is proposed that surface water would discharge to soakaways. Permeability testing was undertaken and it has been

established that the ground on site is suitable for the disposal of surface water with appropriately designed and detailed soakaway systems.

4.52 Yorkshire Water confirmed that the development should take place with separate systems of foul and surface water drainage. Foul water domestic waste should discharge to the 225mm diameter public combined sewer in Windmill Lane to the east and the 225mm combined sewer to the west. Details can be secured by condition.

NEIGHBOUR AMENITY

4.53 Layout is a reserved matter, so the submitted masterplan is illustrative only and may change significantly. The presence of the substantial mature tree planting to the site boundaries results in a potentially limited impact upon neighbours' amenity. The vehicular access to the site only serves the existing leisure centre and as such additional vehicular movements would not result in additional noise disturbance to existing residential properties along Windmill Lane, with the exception of those located directly at the junction. David Lloyd Leisure has objected to the proposal in relation to policy implications only. It is considered that the development of the site for residential use would not have any direct impact upon the operation of the leisure centre. There is nothing about the size, character or location of the site that would prevent, in principle, the proposed number and type of dwellings causing a significant impact on local residents or the adjacent leisure centre.

EDUCATION PROVISION

4.54 The development would generate the need for three additional places at Badger Hill Primary School, eight spaces at Archbishop Holgate's CE Secondary School and eight pre-school places which would be spent in sites within 1.5km of the development as opposed to city wide. This equates to a financial contribution of £215,935 which the applicant has agreed and which would be secured through a s106 agreement.

BIO-DIVERSITY

4.55 The NPPF states that when determining planning applications local planning authorities should aim to conserve and enhance biodiversity. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss.

4.56 The main areas within the development in terms of bio diversity are the large tree belts lying along Hull Road and Windmill Lane which are subject to a tree

preservation order (TPO42). The woodland on the eastern edge of the site is recorded as an area of Priority Habitat 'deciduous woodland' identified by Natural England in the national habitat inventories. These areas have been excluded from the development area. The grassland, hedgerows and sports pitches are of low conservation significance.

4.57 There are no statutory or non-statutory nature conservation sites on or immediately adjacent to the site and it does not fall into a Site of Special Scientific Interest (SSSI) Impact Risk Zone as identified by Natural England. The site was assessed for their potential to support roosting bats with the sports pavilion having medium potential, although none were recorded emerging from the building, and the trees having no potential due to their age.

4.58 Evidence of hedgehogs using the site was recorded during the surveys. A range of biodiversity enhancements have been proposed to the retained habitats and incorporated amongst the housing including bird boxes, bat boxes, hedgehog shelters, habitat piles and a tawny owl box. The existing woodland belt will be managed, new tree planting undertaken and wildflower grassland creation. A five year conservation management plan has been produced for the site and submitted with the application which outlines these enhancements. Implementing these enhancements will help to maintain the areas value as part of the local green infrastructure.

ARCHAEOLOGY

4.59 The National Planning Policy Framework (NPPF) requires (at paragraph 128) that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Paragraph 129 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

4.60 The applicant submitted a desk-based assessment for consideration. This concluded that there is a high probability of medieval and later cultivation traces being present within the development area. While some of this may be preserved below ground in areas where the land surface has been raised for the playing fields, it is equally possible that some or all archaeology has been truncated or entirely removed as part of the same levelling activity. Conditions are proposed to secure a

geophysical investigation over the playing field areas at the north and eastern parts of the site which should be followed by targeted evaluation trenching.

AFFORDABLE HOUSING

4.61 The National Planning Policy Framework states that local planning authorities should set policies for meeting identified need for affordable housing on site. To that end the Council seeks to ensure that new housing development of 15 dwellings or more in the urban area will include affordable housing. The application is in outline only and does not include details of the housing mix and layout. However the applicant has agreed to provide 30% affordable housing. If outline planning permission were granted the mix and layout of the affordable units would be for agreement between the applicant and the council at a later date. Provision of affordable housing would be secured by a s.106 agreement.

GREEN BELT

4.62 Concerns have been expressed that the site lies within the green belt and as such is inappropriate development. The York Green Belt has been established for many years but has never been formally adopted. Whilst the Regional Strategy for Yorkshire and Humber has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates those policies and the general extent of the Green Belt around York. It identifies the outer boundary about 6 miles from the city centre. This site is not located within the general extent of the draft Greenbelt as depicted on the 2005 Proposals map accompanying the Local Plan 4th Set of Changes approved for Development Control purposes. The 2005 Draft Local Plan does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however 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.

4.63 Furthermore, the site is not located in an area identified as being of primary importance for the historic character and setting of the city as set out in the Green Belt Appraisal (2003) and updates to this document (2011, 2013). This evidence base underpins the primary purpose of York's Greenbelt for safeguarding the historic character and setting of the city. The site is not connected to the open countryside and is surrounded to all sides by established development including Windmill Lane, Hull Road, David Lloyd and Woodlands and is considered to form part of the York urban area. As such the site has not been assessed against green belt criteria.

LOCAL GREEN SPACE

4.64 Paragraphs 76 to 78 of the NPPF introduced a new Local Green Space designation (LGS) to protect local green areas of particular importance to local communities. This will enable communities, in certain circumstances, to identify and protect areas that are of value to them through local and neighbourhood plans. National policy also states that designation **will not** be appropriate for most green areas or open space. The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.

4.65 A petition containing approximately 1300 signatures has been submitted requesting that the land be designated as a Local Green Space. However, the planning authority still has a duty to determine any planning application which has been made on the site. In support, the NPPG states, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.

5.0 CONCLUSION

5.1 The application site could appropriately provide up to 70 dwellings in a highly sustainable and accessible location. The scheme would not lead to unacceptable levels of traffic generation, affordable house would be provided in line with Council policy, as would financial contributions towards education and sports provision, which would be secured through a s106 agreement. Amenity space and an equipped children's play area would be provided on site and access would be retained to the belts of mature trees which bound the site.

5.2 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The scheme would result in some harm due to the loss of the sports pitches within this location. It is concluded that this is outweighed by the application's benefits of providing housing in a sustainable location within defined settlement limits and with good access to public and sustainable transport links and

services. This is in line with the NPPF which seeks to boost, significantly, the supply of housing and to deliver a wide choice of high quality homes.

5.3 Approval is recommended subject to referral to the Secretary of State and completion of planning obligation to secure the following:

Trees :- Access and management plan for future maintenance of the tree belt that bounds the site with Hull Road and Windmill Lane

Open space: –

- a) Community use agreement for the University's facilities at the applicant's Haxby Road site
- b) On- site children's play area

Highways: –

- a) Provision of 2x real time (BLISS) displays at the adjacent inbound/outbound bus stops (£10k each – total contribution £20k) and
- b) The choice to first occupiers of either bus travel (in the form of a carnet of day tickets) or cycle/cycle accessories. Such contribution to be £200 per first occupier.

Affordable Housing: – on site provision of 30%

Education: - Financial contribution of £215,935 towards:

- a) three additional places at Badger Hill Primary School
- b) eight spaces at Archbishop Holgate's CE Secondary School
- c) eight pre-school places.

6.0 RECOMMENDATION:

That the application be APPROVED subject to:-

- i) Its referral to the Secretary of State and subsequent confirmation that the Local Planning Authority can determine the application,

AND

- ii) Satisfactory completion of a S106 legal agreement to secure:

Trees; Access and management plan for future maintenance of the tree belt that bounds the site with Hull Road and Windmill Lane

Open space;

- a) Community use agreement for the University's facilities at the applicant's Haxby Road site
- b) On- site children's play area

Highways;

- a) Provision of 2x real time (BLISS) displays at the adjacent inbound/outbound bus stops (£10k each – total contribution £20k) and
- b) The choice to first occupiers of either bus travel (in the form of a carnet of day tickets) or cycle/cycle accessories. Such contribution to be £200 per first occupier.

Affordable Housing ; on site provision of 30%

Education; Financial contribution of £215,935 towards:

- a) three additional places at Badger Hill Primary School
- b) eight spaces at Archbishop Holgate's CE Secondary School
- c) eight pre-school places.

AND

iii) The following conditions:

1 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details as approved:

Details to be submitted: appearance, landscaping, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used (hereinafter referred to as "reserved matters").

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (England) Order 2015.

2 The application for approval of all reserved matters referred to in Condition 1 above shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

3 The development hereby permitted shall be carried out in accordance with the following plans, insofar as it relates to vehicular access:

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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.

4 The number of dwellings at the site shall not exceed 70 units.

Reason: The impact of the development including the size of contributions sought through legal agreement has been assessed on the basis of up to 70 dwellings. A higher number of dwellings at the site would require further consideration of the acceptability of the scheme by the Local Planning Authority

5 VISQ8 Samples of exterior materials to be app

6 VISQ4 Boundary details to be supplied

7 HWAY1 Details roads, footpaths, open spaces req.

8 HWAY7 Const of Roads & Footways prior to occup

9 HWAY18 Cycle parking details to be agreed

10 HWAY19 Car and cycle parking laid out

11 HWAY40 Dilapidation survey

12 No development shall take place until a detailed acoustic report on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority.

The report shall include a scheme of noise insulation measures for all residential accommodation. The noise insulation measures shall be designed to achieve noise insulation to a standard that nuisance will not be caused to the occupiers of residential accommodation by noise from the following:-

- the noise impact of the A1079 Hull Road traffic;
- the operation of the existing leisure centre including plant and machinery, car-park noise and recreational noise;

- the noise impact from the Science Park, public protection is aware of refrigeration units and air conditioning units which are associated with the buildings on the Science Park, some of which run into the evening, these may have low frequency characteristics which means the noise will travel some distance from the noise source;
- the noise impact from the University buildings particularly the CHP boiler plant on the Science Park area, public protection is aware that there has been a low frequency noise source associated with these building which may impact on future residents of the site

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 8233: 2014 Sound Insulation and Noise Insulation for Buildings - Code of Practice.

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and to ensure that the internal LAFMax level during the night (23:00-07:00 hours) does not exceed 50dB(A) on any occasion or 45dB(A) on more than 10 occasions in any night time period. These noise levels shall be observed with all windows open in the habitable rooms or with windows shut and other means of ventilation provided.

Reason: In order to safeguard the amenities of future occupiers. The details are needed prior to the start of work as the acoustic report may require changes to the design details.

13 No development shall take place until a detailed acoustic report on the impact on the existing noise climate at the entrance to the development site has been submitted to and been approved in writing by the Local Planning Authority.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of Calculation of Road Traffic Noise 1988.

Reason: In order to safeguard the amenities of existing occupiers adjacent to the new access road. The details are needed prior to the start of work as the acoustic report may require changes to the design details.

14 Electric vehicle recharge points will be required at all properties that include off-street parking as follows (one recharge point per property).

- For all garage spaces - Prior to first occupation of the dwelling the applicant shall install a three pin 13 amp electrical socket in the garage which is in a suitable location to enable the charging of an electric vehicle using a 3m length cable.

Note: Any socket provided must comply with BS1363 or an equivalent standard, Building Regulations and be suitable for charging electric vehicles.

- For all driveways - Prior to first occupation of the dwelling, the applicant shall install a three pin 13 amp external electrical socket which is suitable for outdoor use. The socket shall be located in a suitable position to enable the charging of an electric vehicle on the driveway using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles.

15 No development shall take place until a Construction Environmental Management Plan (CEMP), to outline measures to minimise emissions to air and restrict them to within the site boundary during the construction phases has been submitted to and approved in writing by the local planning authority. Measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. The plan should also provide detail on the management and control processes including the hours of construction. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>
The development shall be carried out in accordance with the CEMP as approved by the local planning authority.

Reason: to safeguard the amenities of the existing residential occupiers and those as they move onto the site.

16 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved in writing by the Local Planning Authority prior to works starting on site. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17 Prior to development commencing, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land

and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18 Prior to first occupation or use, the approved remediation scheme referred to in condition 15 must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

19 In the event that previously unidentified contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be prepared and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to development recommencing on site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

20 The first reserved matters application shall include a detailed landscape scheme showing both soft and hard landscape proposals that shall include the following information: the species, stock size, density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate and mowing regimes where applicable; types and heights of boundary treatment such as fencing, railing, hedging; paving materials; street furniture; layout of equipped areas of play. The trees alongside the existing access road shall be retained or replaced with a suitable species in the same or similar location and incorporated in to the proposed landscape scheme. The boundaries of ownership and responsibilities for landscape maintenance following completion, sales and/or hand over should be clear from the landscape scheme. The scheme will also include details of ground preparation. This scheme shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within a period of ten years from the substantial completion of the planting, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with

others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme. Any works to existing trees that are protected by a tree preservation order (TPO) or are in a conservation area, are subject to local authority approval and notification respectively within and beyond this ten year period.

Reason: The landscape proposals are integral to the function, character and amenity of a development; and as such are an essential component when giving the detailed development proposals due consideration, since the landscape scheme is integral to the amenity of the development.

21 The first reserved matters application shall include an Arboricultural Method Statement (AMS) regarding protection measures for the adjacent woodland and other existing trees shown to be retained on the approved drawings. This statement shall include details and locations of protective fencing, site rules and prohibitions, phasing of works, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials, locations and means of installing utilities, location of site compound, and marketing suite. A copy of the document will be available for inspection on site by the Local Planning Authority at all times. The development shall be carried out in accordance with the approved AMS.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development.

22 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works for the site has been submitted to and approved in writing by the Local Planning Authority.[The scheme shall include details of future management and maintenance to ensure it remains effective for the lifetime of the development]. The approved scheme shall be implemented before the development is brought into use [and shall be managed and maintained in accordance with the approved details for the lifetime of the development].

The following criteria should be considered:

Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.

- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

23 Prior to occupation a sensitive lighting scheme shall be submitted to and approved in writing by the local planning authority. The strategy shall;

- i. Identify those areas/features on site that are particularly sensitive for wildlife.
- ii. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that there will not be a negative impact on wildlife.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy prior to first occupation and these shall be maintained thereafter in accordance with the strategy.

Reason: To contribute to and enhance the natural and local environment by encouraging good design to limit the impact of light pollution from artificial light on nature conservation in line with the NPPF.

24 No development shall take place (including any demolition, ground works, site clearance) until a method statement for the demolition of the sports pavilion (in relation to bats), creation of new wildlife features (including bird boxes, bat boxes, hedgehog shelters, habitat piles and a tawny owl box), woodland management and wildflower planting/establishment has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- i. purpose and objectives for the proposed works;
- ii. Updated bat surveys if work commences after July 2017;
- iii. detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- iv. extent and location of proposed works shown on appropriate scale maps and plans;
- v. timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- vi. persons responsible for implementing the works;
- vii. initial aftercare and long-term maintenance (where relevant);
- viii. disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To contribute to and enhance the natural and local environment by encouraging good design to limit the impact of the development on nature conservation in line with the NPPF.

25 A programme of post-determination archaeological geophysical survey and evaluation trenching is required on this site as this was unable to be carried out at pre-determination stage.

The archaeological scheme comprises 3-5 stages of work. Each stage shall be completed and approved by the Local Planning Authority (LPA) before it can be discharged.

- i. No archaeological geophysical survey or evaluation shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by the Chartered Institute for Archaeologists.
- ii. The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (i) and the provision made for analysis, publication

and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

- iii. A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.
- iv. Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. It should be understood that there shall be presumption in favour of preservation in-situ wherever feasible.
- v. No development shall take place until:

- details in (iv) have been approved in writing by the local planning authority and implemented on site

- provision has been made for analysis, dissemination of results and archive deposition has been secured

- a copy of a report on the archaeological works detailed in Part (iv) should be deposited with City of York Historic Environment Record within 6 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 12 of NPPF.

Reason: The site lies within an Area of Archaeological Interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

26 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification approved in writing by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Interest and the development may affect important archaeological deposits which must be recorded during the construction programme.

27 A programme of archaeological building recording, specifically a written description and photographic recording of the standing building to Historic England Level of Recording 2 is required for this application.

The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be discharged.

- i. No demolition/development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by the Chartered Institute for Archaeologists.
- ii. The programme of recording and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- iii. A copy of a report and archive images shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 12 of NPPF.

Reason: The building on this site is of archaeological interest and must be recorded prior to demolition.

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) and having taken account of all relevant national guidance and local

policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

- Request revised plans and further information
- Section 106 Legal agreement
- Use of conditions

2. Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

3. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

4. It is recommended that the services of a landscape architect are employed to produce a landscape scheme and to oversee the external works on site, in order to ensure that the ground preparation and planting are carried out to a satisfactory standard and are in strict accordance with the approved drawings. The developer is also advised to inform the local authority of when the planting is complete, so that i) the local authority can monitor the planting within the five/ten-year period and hence continue to ensure that the requirements of this condition are met and ii) there is no discrepancy as to when the requirements of the planning condition cease.

5. Development Informative

The developer's attention should also be drawn to the following which should be attached to any planning approval as an informative.

- i. All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:
- ii. Monday to Friday 08.00 to 18.00
- iii. Saturday 09.00 to 13.00
- iv. Not at all on Sundays and Bank Holidays.

- v. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".
- vi. Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions.
- vii. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturer's instructions.
- viii. There shall be no bonfires on the site
- ix. The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, Fax 01274 303 047) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

6 Construction Environmental Management Plan (in relation to condition 14):-

For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. All monitoring results should be recorded and include what was found and mitigation

measures employed (if any).

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. Details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. All monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

For lighting details should be provided on whether or not artificial lighting will be provided on site during the development of the site and also include hours of operation. Mitigation measures to ensure that there is no loss of amenity to neighbours due to light pollution should also be detailed.

In addition the CEMP shall set out details of the complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

Contact details:

Author: Heather Fairy Development Management Officer

Tel No: 01904 552217

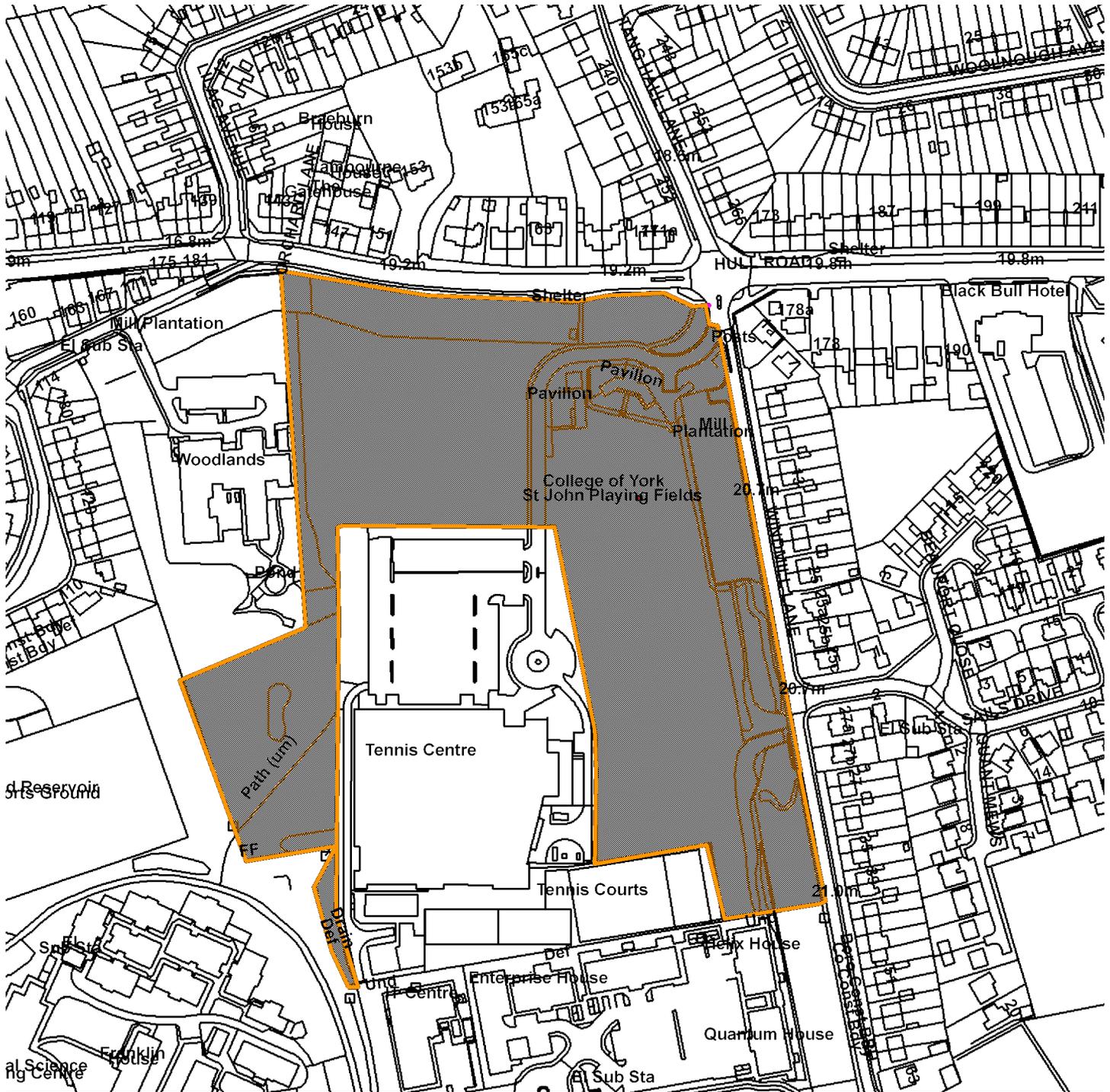
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16/02358/OUTM

York St John University Playing Fields, Windmill Lane



GIS by ESRI (UK)



Scale : 1:2775

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	15 May 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 15 June 2017 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 17/00284/FULM
Application at: The Cocoa Works Haxby Road York YO31 8TA
For: Conversion and extension of the former Almond and Cream blocks to form 258no. apartments; demolition of buildings to the rear of the Joseph Rowntree Library and rear extension to accommodate concierge and community room; erection of convenience store and associated access, car parking, cycle stores and landscaping
By: York 123 Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 12 May 2017
Recommendation: Approve subject to S106

1.0 PROPOSAL**APPLICATION SITE**

1.1 The application relates to the remaining Almond and Cream former factory buildings and the land to the front, which includes gardens, functional single storey buildings and the grade II listed Joseph Rowntree Memorial Library. It also includes part of Haxby Road where alterations are proposed to accommodate the proposed vehicular access.

1.2 After the factory buildings closed in 2007 the area was designated as a conservation area and the library was grade II listed.

1.3 The application site covers 1.89 hectares. It fronts onto Haxby Road to the east and is bounded by the still operational factory to the north and the Sustrans cycle path to the south. To the west, the remainder of the Cocoa Works site has been cleared of the old factory buildings and currently lays vacant; awaiting redevelopment.

PROPOSALS

1.4 The plans have been revised following consultation and of note only a single extra storey is now proposed to the roof, reducing the number of dwellings proposed.

1.5 The application is for the following works associated with the conversion of the main building to 258 dwellings, creation of an access road and convenience store and conversion of the library to a community hub for the new development -

- Demolition of a number of single storey buildings between the front of the Almond/Cream blocks and Haxby Road
- Conversion and extension of the former factory with single storey roof extension to create 258 apartments. The building facade would be restored.
- Joseph Rowntree Library building to be converted and extended to accommodate a concierge, community function area, cycle parking, maintenance storage and sub-station
- Site access created from Haxby Road at north end of site
- Convenience store and cafe within single storey building adjacent Haxby Road and the proposed access road. Associated customer car park for store and customer cycle parking.
- Cycle parking. Stores for dwellings are either within the main building or within the library complex as detailed in the revised cycle strategy report 26980(06)02 D.
- Car parking for 173 cars on the west and south sides of the factory building.
- Along Haxby Road bus stops are relocated to accommodate the vehicular access and the footpath would be made good where there is a redundant vehicle access into the site.
- There are associated applications for the proposed access and associated works along Haxby Road and Listed Building Consent for works to the library.

RELEVANT SITE HISTORY

1.6 In 2010 Nestle submitted planning applications for the redevelopment of the Cocoa Works, which included this application site and the land to the west, extending to Wigginton Road. The scheme included the access road as proposed in this scheme. Committee members decided the applications could be approved subject to completion of a legal agreement to secure planning obligations. However legal agreements were never concluded and subsequently the planning applications were not approved. The applications were for the following development -

- A full planning application (10/01960/FULM) for the conversion and alteration of the retained buildings, including the creation of an additional storey, for a mix of uses incorporating residential, live/work, student accommodation, office, retail, a café and associated landscaping, roads and car parking.
- An outline planning application (10/01955/OUTM) for a mixed use development including residential, assisted living, a community centre, gymnasium, crèche and associated car parking, landscaping and highway infrastructure (in addition to the above works)

- A listed building consent application (10/02157/LBC) for the demolition of buildings (single storey structures at the rear of the library) and restoration of the Joseph Rowntree Library, converting it to a cafe.

2.0 POLICY CONTEXT

2.1 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. There is no adopted Local Plan in York. In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the NPPF and it is against this Framework and the statutory duties set out below that the application proposal should principally be addressed.

NPPF

2.2 Paragraph 14 of the National Planning Policy Framework (NPPF) says that at the heart of the NPPF is a presumption in favour of sustainable development for decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless specific policies in the framework indicate development should be restricted. (Foot note 9 indicates restrictions include Green Belt locations, flood risk areas, site protected under the Birds and Habitats directive and Sites of special scientific interest).

2.3 The presumption in favour of development does not apply to this application, as the site affects designated heritage assets and therefore the more restrictive policies in the NPPF apply.

Statutory Duties

2.4 Section 66 of the 1990 Act requires that in determining planning applications for development which would affect a listed building or its setting the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

2.5 Section 72(1) of the 1990 Act refers to any buildings or other land in a conservation area and places a duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Other material considerations

“Development Control Local Plan” 2005 (DCLP)

2.6 Although there is no formally adopted local plan, the “City of York Draft Local Plan Incorporating the Fourth Set of Changes” was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF.

2.7 Policies considered to be compatible with the aims of the NPPF and most relevant to the development include

CYGP1	Design
CYGP3	Planning against crime
CYGP7	Open Space
CYNE1	Trees, woodlands, hedgerows
CYNE7	Habitat protection and creation
CYHE3	Conservation Areas
CYHE4	Listed Buildings
CYT4	Cycle parking standards

Emerging Local Plan

2.8 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF), particularly as the emerging Local Plan is to be the subject of further consultation and a revised publication draft is anticipated. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of planning applications.

2.9 The application site is recognised in the emerging local plan as a strategic housing site, it is allocated as part of site ST17 ‘Nestle South’ under policy H1 (housing allocations). As a strategic site, it has been subject to detailed testing of deliverability. The estimated yield at site ST17 is 315 dwellings. The site was identified in the Site Selection Paper (2013) and included in the Preferred Sites Consultation (June 2016).

2.10 Relevant emerging plan policies are:

H1	Housing allocations (site ST17 allocated for 315 dwellings)
R1	Retail Hierarchy and Sequential Approach
D2	Placemaking
D4	Conservation Areas

D5 Listed Buildings
CF1 Community Facilities
GI6 New Open Space Provision
ENV3 Land Contamination
T1 Sustainable Access

Environmental Impact Assessment (EIA) Screening

2.11 A screening assessment was undertaken in November 2016 and it was determined that the development was not EIA development. The screening assessment reference was 16/02312/EIASN. The Regulations were amended in May 2017 and so a further assessment has been undertaken; reaching the same conclusion that an EIA is not required.

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management

Archaeology

3.1 Although many of the historic internal features of the factory have been lost - some remain such as flooring, handrails, doors etc as shown in the heritage statement. The factory buildings will need to be recorded thoroughly prior to conversion. The recording should also include the access corridor to the library. The 1927 library will also need to be recorded prior to the erection of the extension.

Ecology

3.2 The woodland along the (disused railway) cycle path immediately south of the site, and including the trees within the site, is recorded as Priority Habitat deciduous woodland on Natural England's national inventory. Priority Habitats are defined in Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006, which means they are a conservation priority.

3.3 This area of trees does not necessarily fit the Priority Habitat definition, being dominated by self-sown sycamore. There is however good ground flora including frequent ramsons (*Allium ursinum*) which is a species that can indicate old, undisturbed ground. This green corridor will also be important for local wildlife such as birds; for example tawny owl and bullfinch which are of Amber conservation status (Birds of Conservation Concern 4 report) are present here.

3.4 Officers asked for proposals to be revised to retain the majority of trees on the southern boundary. It was also recommended that the landscaping be enhanced by using native species, or those with a benefit to wildlife, bird and bat boxes be installed on existing trees or the buildings and that trees be introduced into the car park area. The development should seek to avoid additional light spill on to the trees along the southern boundary.

3.5 Officers have confirmed the revised plans, which reduce the amount of excavation/tree loss alongside the Sustrans route and propose additional tree planting in the rear car park address the concerns originally raised. Conditions are requested to agree external lighting, so this does not unduly affect wildlife and for tree protection during the works.

Design

3.6 Officers do not object to the scheme although their preference would be for - a minor increase in openness between the courtyard proposed at the rear of the listed library and the gardens and play space proposed to the south; improved pedestrian routes (both along the Sustrans route at the south end of the site and at the north end of the site past the residents car park); more generous landscaped areas by the rear entrances. A detailed method statement for the railing repairs will be required along with large scale details of the new building works.

Masterplan:

3.7 This application differs in overall approach to the previous 2011 scheme which had a linking pedestrian passageway in the middle of the Cream block giving connection between Haxby Road and the land to the west of the application site. The absence of this hole necessitates the need for strong pedestrian connectivity east-west at both the southern and northern ends of the existing building. As such it is important there be pedestrian priority along the proposed access road.

3.8 A number of proposed buildings are introduced into the site. The convenience store appropriately defines a new urban edge to the new road access, whilst set back from Haxby Rd slightly to allow visual priority to the listed existing library. To the rear of the library new communal-use buildings extend the current remaining fragment of amenity (abandoned subway) structure into a new small courtyard complex of further amenity use. On balance this extension is positive - in grounding the library into a wider scheme of development that frames/guides pedestrian movement within the site plan.

3.9 The main green landscaped open space is swapped from the existing shrub/tree bordered lawn and modern bandstand to the north end of the site, to a new space to the south end. The strategy causes historic landscape loss in the communal value of

continuity but, given the significant proposed changes throughout, the new location is now appropriately at the quieter end of the new site layout.

3.10 The bulk of the parking is appropriately to the rear of the main building- as out of sight as possible. Officers would still prefer more landscaping in the car park area, to better define and give a more attractive setting to the entrance points here.

Proposals for the main existing Almond & Cream building:

3.11 In general proposals are much more restrained in remodelling the existing building when compared to the 2011 scheme.

3.12 The revisions, during the application process, to retain of the existing window fenestration design and removal of the second additional floor proposed are positive and supported changes. Removal of the second additional floor has made a much more balanced design proposal that does not overly dominate the existing building, as demonstrated by the submitted 3D 'sketchup' studies.

3.13 The top floor profile is a slight zigzag envelope on plan (with counter zigzag at roof plan). This could have looked overly fussy but the shear length of the elevation is assessed here as giving some positive texture to what could otherwise look a bland and highly mono-reflective structure (ideas of glazed top floors as being barely visible to the sky are almost always never achieved in practice due to reflection and illumination). The design also picks up (in a more exuberant way) on the 1930s geometric deco aspects of the architectural style of the existing building. Conditions are required to ensure the lighting is restrained at top floor level and large scale details are required of the structure. Details are also required for the new windows.

Convenience Store:

3.14 The proposed building is wedge shaped on plan which makes for an interesting geometry in roof form (which will be extensively looked down on from the existing Cream building). This roof has taken on an industrial design language in the rows of parallel pitched roofs. This is rather playful (if obvious), especially as expressed on corners, but definitely better than a flat/nearly flat industrial roof or a simplified pitched roof that could easily have raised ridge height. Arguably it could have been a green roof which would have dropped height, but never the less, the proposal is supported here.

Library building(s):

3.15 The proposed new development is designed as a combination of known group uses (bike store, reception etc) with some more desired and yet undetermined group uses (flexible space). It is positive that the applicant sees value in investing in this type of space as a contributor to community cohesion and in locating it next to the

former library it appropriately builds on the capacity for communal uses in one place.

3.16 The applicant sees value in retention of the former subway structure (although identified as “detrimental to the area...” in the conservation area appraisal) as a design starting point for the new ring of courtyard buildings. These sit much lower than the ridge of the library and do not dominate it. They are expressed as contemporary in the diamond (likely zinc) roof tiles (inspired from archive records of earlier roofs here). This positive re-evaluation of the subway structure is also supported here. Infilling of floor is an inevitable consequence of making usable space given that the subway is redundant.

3.17 The main focus between applicant and LPA during design development has been the degree of privacy/enclosure and the degree of communal purpose/connectivity with the large green space (so as to activate open space by use). This is mostly expressed through the size of footprint opening on the south side. Currently it is still slightly more narrow than desired by LPA.

Landscape:

3.18 Officers are generally content with the scheme but have recommended the amendments set out below. It will be necessary to secure tree protection through conditions and to require that tree pits are done correctly to ensure success of trees within the car park. Expected utility runs need clarification to be sure they are compatible with trees, which will be fundamental to the success of the landscape scheme

- There is not enough openness/connectivity between the library/community courtyard and the main open space and play space.
- The planting beds for the individual trees within the rear parking courtyards will only be successful if the suggested planting detail is employed - the detailed drawing must be fully secured if the application is approved.
- The external environment for the rear access points is still poor and could be improved and clearly marked with the loss of a couple of parking spaces and the introduction of more planting, especially the northern entrance.
- Along the southern boundary some of the trees which are of a good standard (category B), will be removed. Ideally one row of parking bays would be removed to enable the retention of these trees, so this needs weighing up in the balance. There would be scope for replacement tree planting.

Highway Network Management

3.19 Officers do not raise any objections on highway grounds, subject to suggested conditions and contributions/measures as set out in the report.

3.20 The scheme proposes a number of sustainable travel initiatives and is in a sustainable location.

3.21 The vehicular impact of the scheme has been reduced and mitigated against as far as is possible. Parts of the surrounding highway network are already congested and this will continue irrespective of whether the proposed development goes ahead or not. Traffic associated with the development will add to this existing congestion, however such increases are negligent and will not have a material impact on the conditions already seen at a number of junctions and links in the site environs.

Traffic Generation:

3.22 The level of traffic expected to be generated by the scheme has been calculated using the same trip rates and methodology to those applied to the original 2010 masterplan application for the site. The level of traffic that is likely to be generated by the current proposals is less than that previously considered. However there will still be an impact on queuing at certain junctions around the site. The operational capacity of these junctions has been assessed using nationally recognised industry standard software. The software demonstrates that any changes in additional vehicles/queue length at these adjacent junctions are negligible and will not lead to a material deterioration in highway conditions.

Access:

3.23 Vehicular access to the development is to be taken from a new junction onto Haxby Road. The design and location of the proposed access is consistent with the approach taken through the 2010 applications and is considered acceptable. Officers will be seeking that the proposed access road is designed, constructed and offered for adoption as publicly maintainable highway. This will ensure that once development plans come forward for the remaining part of the Nestle South site the remaining section of the public transport link between Haxby Road and Wigginton Road can be delivered as per the 2010 applications.

Car parking:

3.24 Car parking levels proposed for the development are consistent with other developments of this type and have been assessed against car ownership levels for this part of the city. Given the nature of development, sustainable location of the site and package of sustainable travel initiatives sought officers are satisfied that the level of parking is reasonable.

3.25 The immediate highway layout/environment does not lend itself to indiscriminate parking however to ensure that the area to suitably protected contributions have been sought towards a package of Traffic Regulation Orders,

which will be drawn up by the council. Such orders will be consulted on, through the normal process, which is outside the scope of planning.

Cycle Parking:

3.26 Cycle parking is being provided in accordance with the CYC Annex E minimum standards. The cycle parking is made up of a mixture of Sheffield hoops and Josta two-tier systems. All residential cycle parking is within the footprint of buildings and is enclosed and secure. Visitor/public cycle parking has been provided in locations with high levels of natural surveillance and placed near to main entrances/on desire lines.

Highways Works:

3.27 In order to provide the site access it is necessary to relocate the existing bus stops which further impacts on pedestrian crossing points. Officers have worked with the applicant's highway consultants to look at the whole of the site frontage with a view to providing an holistic package of works. The main changes consist of;

- The existing island on Haxby Road, just North of the proposed site access will be extended to provide a pedestrian crossing. This will be complimented with associated dropped kerbs, tactile paving and contrasting surfacing.
- The provision of a right turn ghost island to serve the new site access. This facility will ensure right turning traffic can wait clear of through traffic on Haxby Road.
- The removal of existing pedestrian refuge to the South of the site and the provision of a new refuge to just south of the library. The relocation of the crossing points ensures that crossing facilities are available on all likely pedestrian desire lines.
- Relocation of the existing inbound and outbound bus stops. The new bus stops will be provided to CYC standard specifications, which includes real time BLISS displays, shelter and Kassel kerbs.

3.28 Officers request that first residents are offered the following measures/initiatives in order to promote and incentivise sustainable travel whilst also reducing dependence on the private car;

- The choice to first occupiers of either a free bus pass or cycle/cycle accessories to the maximum value of £200
- A contribution of £200 per residential unit to be used towards the provision of a car club vehicle at the development and incentives including free membership and drive time credits per residential unit.

3.29 Officers consider that the provision of both incentives is appropriate, reasonable, necessary and consistent with many other schemes which have been approved across the city by the planning committee.

Conditions:

3.30 Conditions are requested to secure the following –

- Details of highways to be agreed and construction accordingly before occupation
- Cycle Parking to be provided in accordance with the agreed strategy
- Method of Works to be agreed in the interests of highway management during construction
- Replacement bus Stops to be secured
- A phased programme to deliver the site access and associated highway works to Haxby Road to be approved
- 4 stage road safety audit

Education

3.31 Officers advise that a contribution towards education facilities will be required. Projected pupil yields are based on analysis of actual pupil yield data relating to existing housing developments within the City of York Area as detailed in the council's Education Supplementary Planning Guidance (v4 June 2016). Projected pupil yields are based on the policy's rates for urban centre flatted developments, shown below with the yields for houses for comparison:

Pupils per 100 units

Accommodation type	Primary	Secondary	Pre-school
Houses	25	14.3	12.5
Flats (urban centre)	10	3	12.5

3.32 The projected pupil yield from this development is 23 primary, 7 secondary & 28 pre-school, which are requested in full except for 3 primary pupils who can already be accommodated.

Flood Risk Management Team

3.33 Officers commented on the drainage strategy provided and a revised version has now been issued. Comment on the revisions is pending.

Forward Panning

3.34 Officers have no objection to the proposals.

3.35 The application site is recognised in the emerging local plan as a strategic housing site, it is proposed to be allocated as part of site ST17 'Nestle South' under policy H1 (housing allocations). The estimated yield at site ST17 is 315 dwellings, as part of a wider mixed use scheme. The site was identified in the Site Selection Paper (2013) and was included on the Council's preferred sites consultation document (2016).

3.36 Emerging Policy R1 seeks to maintain and enhance the vitality and viability of the City Centre, district and local centres and neighbourhood parades. Main town centre uses will be directed sequentially to the city, district and local centres and neighbourhood parades. Proposals for main town centre uses outside a defined city, district or local centre must be subject to an impact assessment where the floorspace of the proposed development exceeds the locally set thresholds. The relevant threshold for a proposal outside a local centre is set at 200 sqm.

3.37 The Council received the following comments through the preferred options consultation in relation to site ST17.

- Endorsement of the planning principles identified for the site.
- Concern about this allocation due to lack of education provision, increased traffic, lack of infrastructure and lack of employment.
- Support for the redevelopment of brownfield land.

3.38 The principle of housing at the cocoa works has been established through application reference 10/01955/OUTM which members were minded to approve. The provision of 263 apartments and a mix of a mix of 1, 2 and 3 bedroom units is broadly in line with local plan site selection process view of the site.

3.39 Affordable housing is required on this site, for the units that do not fall within the envelope of the existing building (the units within the existing building envelope benefit from vacant building credit where a contribution towards the provision of affordable housing does not apply). A target of 20% affordable housing provision is sought.

3.40 The proposals involve 429sqm of new retail floorspace in an out of centre location on Haxby Road (a reduction from the 974sq m in the original permission). Whilst the principle of retail provision at the cocoa works has been established through the granting of permission (application reference 10/01955/OUTM) an up to date sequential and impact assessment is required. Having regard to the NPPF and locally set thresholds (proposed in Policy R1 of the emerging local plan and

evidenced within the Retail Study Update (2014) as material considerations), sequential and impact tests are required to properly assess the proposal.

3.41 On review of the submitted retail assessment we would agreed that the sequential test has been satisfied and that there are no sequentially preferable sites. The outcomes of the impact test indicate that the proposals would not have a detrimental impact on the vitality and viability of the city's retail hierarchy. As such there is no policy objection to the principle of retail in this location.

3.42 It is recognised in emerging Policy CF1 (Community Facilities) that the expansion of existing community facilities is expected to meet the needs arising from new homes being provided. The proposed allocation for the wider site includes such uses as these were included in the previous application. As such it is welcomed that as part of this application a proposed community building will be located at the rear of the Joseph Rowntree Library.

Housing Strategy and Development

3.43 Officers can accept a commuted sum only provision in this case. Officers propose a calculation based on market values of 5 typical, pro rata units –

- 3 social rent: market value – estimated social rented transfer value
- Remainder discount sale: market value – discount sale transfer value

	SR transfer value estimated	DS transfer value
1 bed flat	£50,000	£55,000
2 bed flat	£55,000	£65,000
3 bed flat	£60,000	£70,000

- Payment to be either staged or paid in a lump sum but either way, before the sale of the 30th unit on site

Sports and Leisure

3.44 The city's Open Space Study (compiled by Amec 2014) shows that the Clifton ward and the neighbouring wards of Guildhall and Huntington & New Earswick have a deficiency in all types of open space provision, apart from parks and gardens.

3.45 Officers require this development to provide provision for play, amenity open space and outdoor sport. Apart from sport preference is for these facilities to be provided on site. Based on the Supplementary Planning document Commuted Sum Payments for Open Space in New Developments – A Guide for Developers the provision required would be as follows -

- Play space
1,680 sq m is required and 225 sq m would be provided on site. The remaining provision could be an off site contribution which equates to £109,408.
- Amenity Open space
The total amenity open space requirement is 9 sq m per bedroom this equates to 4,482 sq m. Amenity space is all to be provided on site.
- Outdoor Sports provision
On site sports facilities are not proposed, the full allocation will be required as an off site contribution. The outdoor sports requirement is £213 per bedroom = £106,074. The contribution would allow for off site improvements at New Earswick Sports club.

Public Protection

3.46 Officers do not object to the proposals and have given advice with regards construction management, noise, contaminated land and air quality/emissions.

3.47 A Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development should be provided.

3.48 Construction should only occur within following hours -

- Monday to Friday 08.00 to 18.00
- Saturday 09.00 to 13.00
- Not at all on Sundays and Bank Holidays.

3.49 A condition would be required to ensure noise levels within the building are acceptable for future residents. This can be achieved based on the undertaken noise assessment.

3.50 Limited details are provided on any plant or equipment that would be installed on the site, such as air conditioning units, refrigeration units etc. These should not operate above existing background noise levels.

3.51 Hours of deliveries to the convenience store should be conditioned in order to protect the amenity of residents of the proposed properties.

3.52 Land Contamination - The Site Investigation Report by Abbeydale Building Environment Consultants Ltd (dated November 2016) summarises the findings of contaminated land investigations carried out in 2007, 2011 and 2016. A layer of made ground was found to be present across the surface of the site, but no

significant contamination was detected. However, limited sampling has been carried out in the vicinity of the Joseph Rowntree Library, the proposed energy centre and convenience store, and the proposed landscaped area due to access constraints. The report concludes that no remedial work is necessary.

3.53 Officers recommend that additional site investigation work is carried out in the vicinity of the Joseph Rowntree Library, the proposed energy centre and convenience store, and the proposed landscaped area. This should be carried out after the unwanted buildings have been demolished, to enable the site's contamination regime to be fully characterised. If contamination is found, appropriate remedial action will be required to ensure that the site is safe and suitable for its proposed use.

3.54 Air Quality - The applicant should provide an emissions damage cost calculation in line with the DEFRA emissions factor toolkit and Interdepartmental Group on Costs and Benefits (IGCB)) and must adequately demonstrate that the emissions mitigation measures proposed are proportionate to the damage costs associated with the operation of the site.

3.55 Facilities for the recharging of electric vehicles are required. Free-standing, weatherproof, outdoor recharging units may be appropriate for shared parking provision on the site. At least 2% of the total parking provision should be marked out for electric vehicles only, together with charging infrastructure and cabling. On the basis of 175 car parking spaces for the residential units, a minimum of four charging points will be required.

Heat and Power provision on the site

3.56 Note that any proposal for a biomass boiler installation on the site would require full consideration of the likely air quality impacts. It is essential that any new biomass boilers installed in City of York Council's area meet certain emission control requirements in order to protect local air quality. In the first instance, where any biomass solution is proposed for the site, the applicant should complete CYC's Biomass Information Request form. This will be used to determine the type/level of assessment appropriate for the site.

EXTERNAL

Civic Trust

3.57 A number of concerns the trust initially had have been addressed in the revised scheme. The trusts welcomes: the reduction of the roof development to a single storey across both blocks; the revised fenestration of the Cream Block which looks to be more in keeping with the existing (and historic) timber framed fenestration, and, while the trust still take issue with the design of the proposed convenience store (in particular its roof form), they do however welcome the decision to set it

back from Haxby Road, which will no longer block approaching views of the Grade-II listed Memorial Library.

3.58 The trust maintains its position that important historic details within the buildings interior, which are part of its character, should be preserved.

Conservation Areas Advisory Panel

3.59 CAAP generally welcomed the proposals although it was questioned as to why there was a need to provide an additional floor to the Cream block and two additional floors to the Almond block.

3.60 With regard to the Cream and Almond buildings the Panel regretted the proposed changes to the window design (which are no longer proposed) and could see no reason as to why the original windows design could not be retained.

3.61 The Panel considered that the design of the Convenience Store was unresolved, the overall form was inappropriate and the block should be set back to prevent it masking the views of the former Library building.

Historic England

3.62 HE were re-consulted when the plans were revised. HE welcomed the amendments that have been made to the size and location of the proposed convenience store. Pushing the western extent of the block away from Haxby Road better retains views of the Joseph Rowntree Memorial Library and the factory clock, both of which make a positive contribution to the character and appearance of the conservation area. These amendments address previous concerns made by HE about this aspect of the scheme.

3.63 The Nestle/ Rowntree Factory Conservation Area is a very tightly drawn conservation area designated to protect the special character created by the group of former industrial buildings and associated community facilities.

3.64 HE in their initial response commented on the design and location of the proposed convenience store and the proposed rooftop extension..

- As the key views within the conservation area are along Haxby Road it is particularly important that the western-most part of the proposed store would protect the character of this view, as well as views of the Grade II listed Joseph Rowntree Memorial Library.
- The Almond and Cream Block are prominent buildings. Consideration of the design was required to ensure the impact of the rooftop extension would not be harmful to the setting of the surrounding listed buildings, to

views of York Minster nor to the character and appearance of the conservation area.

Guildhall Planning Panel

3.65 The panel object to the proposed two extra stories originally proposed at roof level. This would be over-development which would harm the visual amenity of the host building. There was also concern that the replacement windows were of inappropriate style, many trees were proposed for removal, and traffic levels in the area would increase.

Safer York Partnership (Police Architectural Liaison Officer)

3.66 Crime and anti-social behaviour statistics show that crime in this area is 7 times higher than York as a whole with particularly high levels of Theft, Violent incidents and burglary. Antisocial behaviour is at a similarly high level occurring mostly in the evening. With this in mind officers have identified three key areas of concern:

- Permeability
- Cycle Storage
- Access and Movement

3.67 Officers have recommended boundary treatment at the west side of the site to discourage access and CCTV coverage of the car park.

3.68 Cycle storage - officers recommend each resident is assigned a particular storage area, preferably the one closest to their dwelling. This will encourage residents to have ownership of that facility, something which is shown to have a positive contribution to preventing crime. CCTV and natural surveillance of access points is recommended and that entrance doors have a self closing & locking mechanism. Unrestricted access can increase the opportunities for bogus callers, anti-social behaviour and distraction burglars. It is recommended there be access restrictions to communal areas and that residents only have access to their core.

Yorkshire Water

3.69 Comments as follows -

- There should be no buildings within 3m easement of sewers (plans show sewer where convenience store proposed).
- Surface water run off ok at 5 l/sec restriction
- Surface water run-off from communal parking (greater than 800 sq metres or more than 50 car parking spaces) and hard-standing must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge.

Publicity

3.70 Three comments have been made. The following points have been made -

Heritage Assets & Design

- The Joseph Rowntree Memorial Library was built in memory of Rowntree's service to the city and its people, and to benefit the employees and the community. Allowing it to be redeveloped such that it will be of sole benefit to the occupants of the new housing is of disservice to the Rowntrees and their legacy.
- The proposal 'cherry picks' the prime asset of the larger Nestle South site (the former factory building) and exploits it without either reasonable or sufficient amenity provision, infrastructure improvement or regard to subsequent development of the rest of the site.
- The proposed two storey roof extension is not in-keeping and would destroy the existing and distinctive roofline of this listed building. There should be no permitted roof extension to the factory building.
- The Convenience Store tries to make a self-conscious statement through its design. The form of the parallel pitched roofs as proposed tries too hard to convey an industrial effect. This is unnecessary and is in fact at odds with the simple, straightforward unadorned design of the factory building which provides its backdrop. Nor does it need to make reference to the Library by repeating the form of the Library gable in its parallel roofs. Instead it should present the Library by providing an unobtrusive foil and discreet setting for it.
- The front of the Store which will face on to the new access road into the site might be provided with a covered walkway, to provide shelter for shoppers when needed.
- The small area of ground freed on the corner with the new road could surely be used for some low level planting which is rather lacking elsewhere on the site.

Highway Network Management

- The link road across the site between Wigginton and Haxby Roads should be unrestricted and open to the public, this would ease congestion at the junction of Wigginton Road and Crichton Avenue. Currently, the only way move from one road to the other is to either use the outer ring road, or the junction of Wigginton and Haxby Roads and Clarence Street, which slows traffic alongside the Hospital.

- The proposed road into the site is inappropriately routed and would reduce safe and reasonable access to the Joseph Rowntree Theatre and, by the creation of a new 'T' junction so close to the Haley's Terrace roundabout, generate considerably more congestion and hazard to both pedestrians and cyclists than were the junction to be made coincident with the roundabout. The western end of the proposed road should be constructed to create a crossroads junction at the traffic lights between Wigginton Road and Chrichton Avenue, for the same reasons as above and to enable a reduction of traffic congestion for both private and emergency vehicles on the hospital approaches.

4.0 APPRAISAL

4.1 The key issues in assessment of the proposals are as follows -

- Principle of the proposed uses;-
 - Retail outside of the city centre.
 - Residential and associated community space
- Impact on Heritage Assets
- Highway Network Management
- Air Quality
- Noise
- Land contamination
- Education provision
- Open space
- Affordable Housing

Principle of the proposed uses

Relevant Planning Policy

4.2 Because the site is outside of the city centre (as defined in the 2005 Local Plan) a sequential test is required for the proposed convenience store, as explained in paragraph 24 in the NPPF.

4.3 The sequential test should demonstrate that there are no other viable alternative sites for the proposals within the centres identified in the retail hierarchy; set out in Policy R1 of the emerging plan. An assessment of the suitability, viability and availability of locations for main town centre uses is required, with a clearly explained reasoning if more central opportunities to locate main town centre uses are rejected.

4.4 Paragraph 26 of the NPPF states that when assessing applications for retail development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if

the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m).

4.5 To deliver community needs the NPPF states local planning authorities should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

4.6 The NPPF supports the change to residential use of commercial buildings (currently in business/industrial uses) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate. However the presumption in favour of such development is not applicable in this case as the site is within the conservation area.

Assessment

4.7 Based upon the evidence base underpinning the emerging Local Plan policy for the site, it is considered suitable for a mixed use scheme incorporating residential along with commercial, ancillary retail, public space and community facilities. The principle of retail on site was also accepted by the council through the support of the previous planning application - 10/01955/OUTM. The proposals involve 429 sq m of new retail floorspace in an out of centre location on Haxby Road; a reduction from the 974 sq m in the previous planning application.

4.8 The applicants have undertaken a sequential test and explained that there are not suitable alternative sites (offering comparable floorspace) available. The application site is a preferable out of centre site, based on NPPF policy, due to its accessibility and proximity to the city centre.

4.9 The impact on the vitality and viability of the city centre, other centres and neighbouring shopping parades has also been assessed. The outcome of the report is that due to the scale and nature of the proposed retail unit, it would serve a local need and not harm the vitality and viability of the nearest retail centres (Haxby and Gillygate).

4.10 Considering the evidence underpinning the proposed allocation for re-development of the site in emerging local policy, the accessibility of the site and proximity to the city centre, the lack of suitable alternative sites available in the city centre and the scale and type of the development proposed the sequential test is satisfied and the impact assessment establishes there would be no significant adverse effect on established centres. As such there is no conflict with the NPPF in this respect.

4.11 The site is proposed to be allocated for housing in the emerging local plan and the evidence base underpinning the emerging policy demonstrates that housing has been considered an appropriate use of the site since closure of the factory. The site is in the urban area and well-connected to the city centre. To develop housing on site, a small scale commercial use to meet local need and a community facility, which be an amenity for future residents are all consistent with the planning principles established within the NPPF.

4.12 The proposed housing mix is set out below. It is reasonably balanced considering the scheme is conversion of an existing building for flats.

- 37 x 1 bedroom
- 205 x 2 bedroom
- 16 x 3 bedroom

Impact on Heritage assets

Relevant Planning Policy and Statutory Duty

4.13 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“1990 Act”) imposes a statutory duty on local planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interests which it possesses. Section 72(1) of the 1990 Act imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining planning applications. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act.

4.14 NPPF Paragraph 134 advises that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.” To meet the statutory duty, considerable importance and weight must be attached to the desirability of avoiding any harm when applying this paragraph in the NPPF, even if the harm is less than substantial.

4.15 The NPPG explains that Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress. Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting

- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

4.16 There is a conservation area appraisal for the area which was published in 2008. The document outlines the reasons for designation, considering the history and social value of the area, a character appraisal and opportunities for its enhancement.

Assessment

4.17 The site is run-down currently and overall the refurbishment works and landscaping scheme would constitute an enhancement to the character and appearance of the conservation area. The convenience store has been amended in design so it would not compete with the listed library for attention and it would sit comfortably within the setting. There is therefore no harm to this designated heritage asset.

Library Building

4.18 The buildings between the rear of the library and the main building in the conservation area appraisal are identified to be of neutral/negative value. It is proposed the immediate rear extension to the library is given an improved roof and extended to provide a community facility. The extension partially would enclose a courtyard, it would be single storey. Other buildings would be demolished.

4.19 The changes replace buildings which are not of value. The replacement development would be sympathetic to the library by virtue of its layout and scale and its use of materials; brickwork and decorative roof tiles. The proposed uses, including a community space would be of value to future residents. The works which bring the library back into communal use are of benefit to the designated heritage asset.

Convenience Store

4.20 The plans have been revised for this building. The end elevation has been setback, so it is behind the building line of the listed library building. The revisions preserve the setting of the listed building by not unduly intruding into views along Haxby Road. There would be 8 car parking spaces associated with the store. The car park by virtue of its materials and associated landscaping would mean it would read as a shared space and help assimilate it into its setting. There would be no harm to this designated heritage asset.

Main building

4.21 The building is run down currently. Windows have been in-filled in places, there are replacement windows in plastic and at the rear the building has been sealed in a utilitarian manner following demolition of lower buildings at the rear.

4.22 The proposed roof extension would only be single storey (amended plans no longer propose 2-storey) and lower than the distinctive corner turret.

4.23 The character of the factory building in part derives from its scale and repetitive appearance. The building would be restored in this style. Windows would be replaced; they would be uniform in appearance and the fenestration pattern would copy the existing, as recommended by the Civic Trust and CAAP. A bronze colour is proposed for both the new window frames and the framing to the roof top extension to give consistency and identify the restoration works.

4.24 The buildings are not listed and therefore the council cannot exercise control over the internal works. However the applicants intent is to preserve the character of the building and this means celebrating and retaining features where possible. In accordance with paragraph 141 of the NPPF which states that “local planning authorities should make information about the significance of the historic environment gathered as part development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact”. A condition is proposed that the applicants record the factory buildings prior to works commencing.

4.25 The applicants have provided visual images to illustrate the coherent and quality design proposed for the restoration, in particular in the use of materials and attention to detail.

4.26 There would be a significant improvement of to the appearance of the conservation area as a consequence of the restoration of the building. The extension at roof level, now that it would be single storey, setback from the edge of the building, behind its parapet would be a subtle addition of reasonable quality that would not have an adverse impact on the character of the building.

Landscaping / new access road

4.27 Haxby Road frontage would be improved as a consequence of restoration of the railings (as recommended in the conservation area appraisal), removal of the vehicle access towards the south end of the site and a more ordered approach to landscaping. Although trees are to be lost to accommodate the access at the north end, there would be replacements added along the new road and within the car park at the rear. A play facility for young children is proposed within the gardens.

4.28 The applicants have a strong desire to provide the communal courtyard behind the library which replicates the historic layout and use of the site. There is merit in either this approach or CYC landscape officers preference for a more open layout which would provide views and surveillance of the landscaped space and proposed play area to the south. Either approach would enhance the setting compared to the existing situation and would therefore be acceptable as there would be no harm to designated heritage assets.

4.29 The car parking area at the south end of the site is proposed as per the 2010 masterplan. There would remain adequate tree cover along the Sustrans route which would retain its character. To the west of the main building a reasonable amount of landscaping is proposed to the car park.

Highway Network Management

4.30 The National Planning Policy Framework advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.31 A new vehicle access is proposed from Haxby Road to serve the car park which would be at the rear of the building and the convenience store. Any continuation of the road is not detailed at this stage as this would be dependent on any future proposals to the land outside of the application site which remains in the ownership of Nestle.

4.32 The alignment of the proposed access road and junction alterations on Haxby Road remain as agreed in the previous application. Improved pedestrian crossing facilities have been incorporated at the junction with Haley's Terrace. The bus stops are being relocated (in a different position to those in the 2010 masterplan). The impact on the highway is fully reported in the companion application 16/02815/FUL which is for the highway works and access road only.

4.33 The development makes adequate provision to encourage sustainable travel.

- Pedestrian access is convenient from Haxby Road
- Cycle parking is reasonable quality. All residential provision will be secure within the main building and library extension.
- The car park is predominantly located at the rear, which makes other modes of transport more efficient. A condition is proposed to require electric vehicle charging points.

- Guest cycle parking is provided on site in convenient locations adjacent access points to each building.
- A legal agreement is intended to secure car club membership for future residents. Officers are in discussions with the operators and it may be that a vehicle can be accommodated within the site.

Drainage and Flood Risk

4.34 The site currently discharges runoff via a combination of infiltration, evaporation and overland flow to the sewer within Haxby Road. A final strategy is required to be secured by condition.

4.35 Consideration has been given to the hierarchy for surface water disposal. However due to low infiltration rates it is impractical to use infiltration drainage. However, other SUDs techniques can be used within the site and they have been considered. There are no accessible watercourses adjacent to the site. It is therefore proposed to discharge surface water from the site to the adjacent Yorkshire Water surface water sewer.

4.36 Following the proposed development, the impermeable area on site will be increased from 0.861 hectares up to 1.375 hectares, an increase of 0.514 hectares. To manage surface water run-off attenuation will be provided within two crate tanks. One located within the rear car park area (the access road) and the other at the front of the building where the children's play area is proposed. These would not compromise the landscaping scheme.

Air Quality

4.37 The application site is located within 275m of the junction between Haxby Road and Wigginton Road, which is one of five designated Air Quality Management Areas (AQMA) within the city. The declaration is based on predicted exceedances of the annual average levels of nitrogen dioxide - a secondary pollutant formed mainly from vehicle emissions.

4.38 The applicants air quality assessment concludes that no significant impacts are predicted to arise from construction activity, subject to the implementation of best practice techniques for dust and construction management which will be set out in the Construction Environmental Management Plan (CEMP) to support the development.

4.39 The dispersion modelling determined that concentrations of particulate matter, nitrogen dioxide, sulphur dioxide change by less than 0.2% as a result of the development, which is classified as a negligible impact. The concentration of nitrogen oxide is significantly lower than the local air quality objective and the changes are less than 2% of the baseline value at all locations. Overall, the air

quality impacts of the development on new and existing receptors are considered to be acceptable in terms of protecting human health and eco-system function. As such mitigation is not necessary. However through planning conditions and S 106 agreement it is proposed there be facilities for electric vehicles on site and there would be measures to encourage sustainable travel for future occupants.

Noise

4.40 The NPPG states that noise needs to be considered when new developments would be sensitive to the prevailing acoustic environment.

4.41 A noise assessment has been undertaken due to industrial activity at the operational factory to the north of the site and noise from traffic. A condition is necessary to ensure that the building provides suitable attenuation so internal noise levels accord with World Health Organisation recognised standards.

Contamination

4.42 The NPPF states that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment and after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

4.43 Limited site investigation has occurred to date due to the presence of buildings, which it is proposed are demolished as part of this scheme. Conditions are proposed to require a site investigation and any necessary remediation.

Education provision

4.44 The NPPG states that Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

4.45 The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools where necessary.

4.46 Education Officers have identified a need for contributions towards pre-school, primary and secondary schools. Projected pupil yields are based on analysis of actual pupil yield data relating to existing housing developments within the City of York Area. Rates for urban centre flatted developments are shown below with the yields for houses and demand based on the 2011 census for comparison:

Accommodation type	Pupils per 100 units		
	Primary	Secondary	Pre-school
Houses	25	14.3	12.5
Flats (urban centre)	10	3	12.5
Flats based on 2011 Census	5.5	3	9.5
All dwellings based on Census	32	13	17

4.47 The projected pupil yield from this development is 23 primary, 7 secondary & 28 pre-school. Officers request contributions towards education in full except for 3 primary pupils who can already be accommodated (at Haxby Road). The bulk of additional pupils would be directed to nearby Yearsley Grove Primary which has scope for expansion and Joseph Rowntree Secondary. However the applicants have sought further clarification of discussion regarding the assessment of existing capacity, particularly for primary school places. Members will be updated at Committee with regard to the outcome and the amounts that officers consider to be appropriate contributions that should be made.

Open space

4.48 The NPPF advises that Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

4.49 The council's 2014 green infrastructure study undertaken by Amec identifies a shortfall of children's play space and sports facilities in the ward within which the application site is located and neighbouring wards. This shortfall remains despite changes to the ward boundaries in 2015.

4.50 It has been agreed that there will be amenity open space and facilities for young persons play on site but there would need to be contributions for off site provision otherwise.

4.51 The required off site contributions would be as follows based on the Commuted Sum Payments for Open Space in New Developments June 2014 supplementary planning document ;–

- Play £109,408
- Sports £106,074 to be used at New Earswick sports club for pitch and changing room improvements to meet national governing body standards and to be able to accommodate junior and female players.

4.52 The off site play space, which would be for pupils of primary/secondary school age, is still under discussion. The applicant's initial view is that rather than the approach taken in the council's SPD, the contribution should equate to actual demand as per the approach taken towards education provision. The data on occupants of flats suggests the development would generate limited need for such facilities and consequently a lower contribution than requested. Public Health and Realm officers are therefore considering the specific type of development proposed and whether it is necessary to seek the level of contributions calculated strictly using the SPD approach.

Affordable Housing

4.53 National guidance in the NPPG states that National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.

4.54 As such the affordable housing requirement on this development is only based on the overall increased floor space. The provision of 5 affordable housing units on site or (more likely) a related commuted sum in lieu of on-site provision is agreed and would be secured through the 106 agreement.

5.0 CONCLUSION

5.1 The proposals re-develop a previously developed site, finding new uses for vacant buildings in the conservation area. The re-development will enhance the character and appearance of the conservation area, and not harm the historic and architectural importance of the listed library and provided needed housing. Officers support the scheme in principle. Conditions are necessary to ensure the site is fit for its proposed use, the required highway works be carried out, sustainable travel measures are implemented, and adequate landscaping undertaken.

5.2 There would be a section 106 legal agreement to secure the items listed below. Members are to note that at the time of publication, officers are in discussion with applicants regarding the contributions towards education and open space, and an update will be provided on this matter at the meeting.

Affordable housing

- 5 dwellings either on site or a contribution towards off site provision

Open Space

- Off site children's play (Members to be updated on amount sought)
- Off site sports £106,074

Education

- £177,219 towards pre-school places (28 places)
- primary school provision (Members to be updated on amount sought)
- secondary school provision (Members to be updated on amount sought)

Highways

- Sustainable travel measures. The applicants have agreed to a contribution of £200 per dwelling towards car club membership. It is hoped (subject to agreement from the operator) a dedicated space can be provided in the proposed convenience store car park. The applicants are unwilling to contribute a further £200 per dwelling towards cycle equipment and bus passes. Their preference is to focus on promotion of car club due to the low provision of on site car parking. In addition high quality cycle parking is being provided and the site is on a frequent bus route with bus stops outside the site. On balance officers consider this reasonable.
- £5000 towards the creation/modification of Traffic Regulation Orders in the vicinity of the site.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: APPROVE Subject to :-

- Confirmation of agreement to appropriate levels of education and open space contributions,
- Completion of a S106 agreement relating to the matters set out at paragraph 5.2
- The conditions as set out below (or substantively similar)

1 TIME2 Development start within three years

2 Approved Plans

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

26980(00)13D Location Plan
26980(01)40B Demolition Plan
26980(01)11T Site Plan

66016-TA-001 K Highway Improvements
D169.L.002.K General Arrangement (Landscape)
D169.L.003.F Tree Retention
D169.L.004 Tree Pit Details
D169.L.005 Landscape Audit

Former factory buildings

26980(02)40M GF Plan
26980(02)41D 1F Plan
26980(02)42C 2F Plan
26980(02)43C 3F Plan
26980(02)44C 4F Plan
26980(02)45C 5F Plan
26980(02)46D 6F Plan
26980(02)47D Roof Plan
26980(04)11G Plan North, South and East Elevations
26980(04)12G Plan West Elevations & Returns
26980(04)13D Return wall elevations

Library

26980(02)62E GF Plan (Library)
26980(02)63B FF Plan (Library)
26980(04)30D West and East Elevations (Library)
26980(04)31C North and South Elevations (Library)
26980(04)32B North and West Courtyard Elevations (Library)
26980(04)33B South and East Courtyard Elevations (Library)

Convenience Store

26980(02)65G GF Plan (Convenience Store)
26980(02)66E FF Plan (Convenience Store)
26980(02)67E Roof Plan (Convenience Store)

26980(04)35D North Elevation (Convenience Store)
26980(04)36C North and South Elevations (Convenience Store)
26980(04)37C East and West Elevations (Convenience Store)

Revised cycle parking strategy 26980(06)02 E
Drainage strategy & Flood Risk Assessment FRA 180517 rev C

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

3 Tree protection measures

Trees shown as being retained on the approved plans shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development (including demolition, excavations, and building operations) an Arboricultural Method Statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority.

The statement shall include details and locations of protective fencing, site rules and prohibitions, phasing of works, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials, locations and means of installing utilities, location of site compound and marketing suite.

The statement shall also include methodology and construction details and existing and proposed levels where a change in surface material and boundary treatments is proposed within the root protection area of existing trees.

A copy of the statement shall be available for inspection on site at all times.

Reason: Details are required prior to commencement to ensure protection of existing trees before, during and after development which make a significant contribution to the amenity of the conservation area.

4 Recording of buildings

No demolition, alteration, or removal of fabric of the Almond Block, Cream Block, Library and Access corridor shall take place until a written description and photographic recording to an Historic England Understanding Historic Buildings level 3 has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order that a historical record of the listed building is kept, to record and enhance our understanding of heritage assets, in accordance with paragraph 141 of the National Planning Policy Framework.

5 Method of Works

A detailed method of works statement identifying the programming and management of site during clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The statement shall include the following information;

- measures to prevent the egress of mud and other detritus onto the adjacent public highway
- a dilapidation survey jointly undertaken with the local highway authority
- the routing for construction traffic that will be promoted
- a scheme for signing the promoted construction traffic routing

Reason: Details are required prior to commencement to ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

6 Construction Management

Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

The CEMP shall include the following details -

Noise - details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

Vibration - details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that

excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

Dust - details should be provided on measures the developer will use to minimise dust blow off from site. Such measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any). Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>

Lighting - details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

Complaints procedure - so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: Details are require prior to commencement to protect the amenity of the area.

7 Contaminated land - Site investigation

Prior to commencement of construction, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment shall focus on the following areas:

Application Reference Number: 17/00284/FULM

Item No: 4b

- Joseph Rowntree Library and land to the rear
- The Convenience Store
- The proposed landscaped area to the east of the existing factory

It shall be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings shall include

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8 Contaminated Land - Remediation Scheme

Prior to commencement of construction, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9 Large scale details

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

Main Building

- a) Roof-top extension (1:20 drawings)
- b) Replacement windows (drawings to compare existing historic windows and those proposed, to include sections showing windows within their reveals)
- c) Strategy confirming any vents/grills rainwater good to building exterior

Convenience Store

- a) Typical sections at 1:20

Reason: In the interests of the character and appearance of the conservation area.

10 Materials

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

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: In the interests of the appearance of designated heritage assets.

11 Highway Construction

Fully detailed drawing illustrating the design and materials of roads, footpaths and other adoptable open spaces and the car parking area shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction of the relevant works on site. The details shall include removal of any redundant crossings and making good and any street-lighting.

The approved scheme shall be implemented prior to occupation of the dwellings hereby approved.

Reason: In the interests of highway safety, amenity and in the interests of the character and appearance of the conservation area.

12 Bus Stop Works

Prior to the commencement of development within the highway detailed drawings of the works to implement the relocation of the existing inbound and outbound Bus Stops fronting the site, shall be submitted to and approved in writing by the Local Planning Authority. The aforementioned detailed drawings shall ensure that the relocated Bus Stops provide at least the following facilities;

- a) 19" TFT BLISS real time display,
- b) Kassel kerbs,
- c) JC Decaux Foster shelters of a cantilever design
- d) Bus stop flag pole and timetable
- e) seating
- f) lighting
- g) associated carriageway lining

The relocated Bus Stops shall then be implemented in accordance with the approved detailed drawings unless otherwise agreed in writing by the Local Planning Authority and within a timescale to be approved by the Local Planning Authority.

Reason: In the interests of the safe and free passage of highway users and to promote sustainable modes of transport.

13 Access road construction

Prior to the commencement of development within the highway or construction of the access road a phased programme to deliver the site access and associated highway works to Haxby Road shall be submitted to and approved in writing by the Local Planning Authority. The highway works (as indicatively shown on drawings reference 66016-TA-001 REV K) shall be implemented in accordance with the approved details prior to the development being brought into use.

Reason: In the interests of the safe and free passage of highway users.

14 Road Safety Audit

A full 4 stage road safety audit (carried out in accordance with guidance set out in the DMRB HD19/03 and guidance issued by the council) for the works as indicatively shown on drawings reference 66016-TA-001 REV K, or any such plans which are subsequently submitted to and approved in writing by the Local Planning

Authority, shall be carried out prior to first use of the access road. Stage 1 of said audit shall be submitted to and approved in writing by the Local Planning Authority prior to any relevant works commencing within the highway.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

15 Drainage

Details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details prior to first use of the development hereby approved. Unless otherwise agreed by the Local Planning Authority the works shall be in accordance with the strategy prepared by EWE Associates Ltd (Rev C May 2017).

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

16 Landscaping

The development shall not be brought into use until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscaping scheme (hard and soft measures and including lighting and improvements to the footpath along Haxby Road) which shall illustrate the number, species, height and position of trees and shrubs to be planted. This scheme shall be completed prior to first occupation of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

INFORMATIVE: External lighting needs to be of a design which would not have an adverse effect ecology such as bats. The footpath along the new road shall be designed to give pedestrian priority past the proposed car park entrance.

17 Boundary Railings

The development shall not be brought into use until there has been submitted to and approved in writing by the Local Planning Authority a method statement detailing the proposed restoration of the boundary railings. The statement shall audit in detail (supplemented by pictures) the condition of the existing railings, detail areas to be repaired and replaced and include samples of the proposed replacement railings.

The works shall be carried out in accordance with the approved details prior to first use of the development hereby approved.

Reason: In the interests of the character and appearance of the conservation area.

18 Reporting of Previously Unidentified Contamination

In the event that previously unidentified contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

19 Contaminated Land - Verification of Remedial Works

Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

20 Electric vehicle charging facilities

At least four (4) electric vehicle recharge points, serving four dedicated car parking bays, shall be installed prior to first occupation of the site. The bays shall be marked out for the exclusive use of electric vehicles, made available for use at all times and appropriately maintained. The location and specification of the recharge points shall be agreed in writing with the Local Planning Authority prior to installation.

Reason: To promote the use of low emission vehicles on the site in accordance with the Council's Low Emission Strategy, Air Quality Action Plan and paragraph 35 of the National Planning Policy Framework.

INFORMATIVE: to prepare for increased demand in future years it is recommended appropriate cable provision be included in scheme design and development.

21 Plant and Machinery

Details of all machinery, plant and equipment to be installed in or located on site, which would be audible at the nearest residential facade, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

Informative: The combined rating level of any building service noise associated with plant or equipment at the site should not be the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

22 Tree planting

Tree planting pits shall be in accordance with the approved drawings of the same title as an absolute minimum standard. Notification shall be provided to the local planning authority of the timing of excavations in preparation for the tree pits to give the local planning authority the opportunity to observe the works.

Reason: The successful growth of the proposed trees is integral to the amenity of the development, and will be substantially influenced by the suitable detailing and execution of the tree pit detail.

23 Cycle Parking

Cycle parking facilities shall be provided on site in accordance with the approved strategy prior to first occupation of the dwellings hereby approved. The facilities shall be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable modes of transport and in the interests of visual amenity, in accordance with policies GP1, GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

24 Deliveries to convenience store

Upon completion of the development, delivery vehicles to the retail store shall be confined to the following hours:

Monday to Friday 07:00 to 20:00

Saturdays, Sundays and Bank Holidays 09:00 to 16:00

Reason: To protect the amenity of local residents

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: pre-application advice, sought revised plans to make the scheme acceptable and through the use of planning conditions and section 106 agreement.

2. Works in the highway

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

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3. Utilities

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

4. Legal Agreement

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

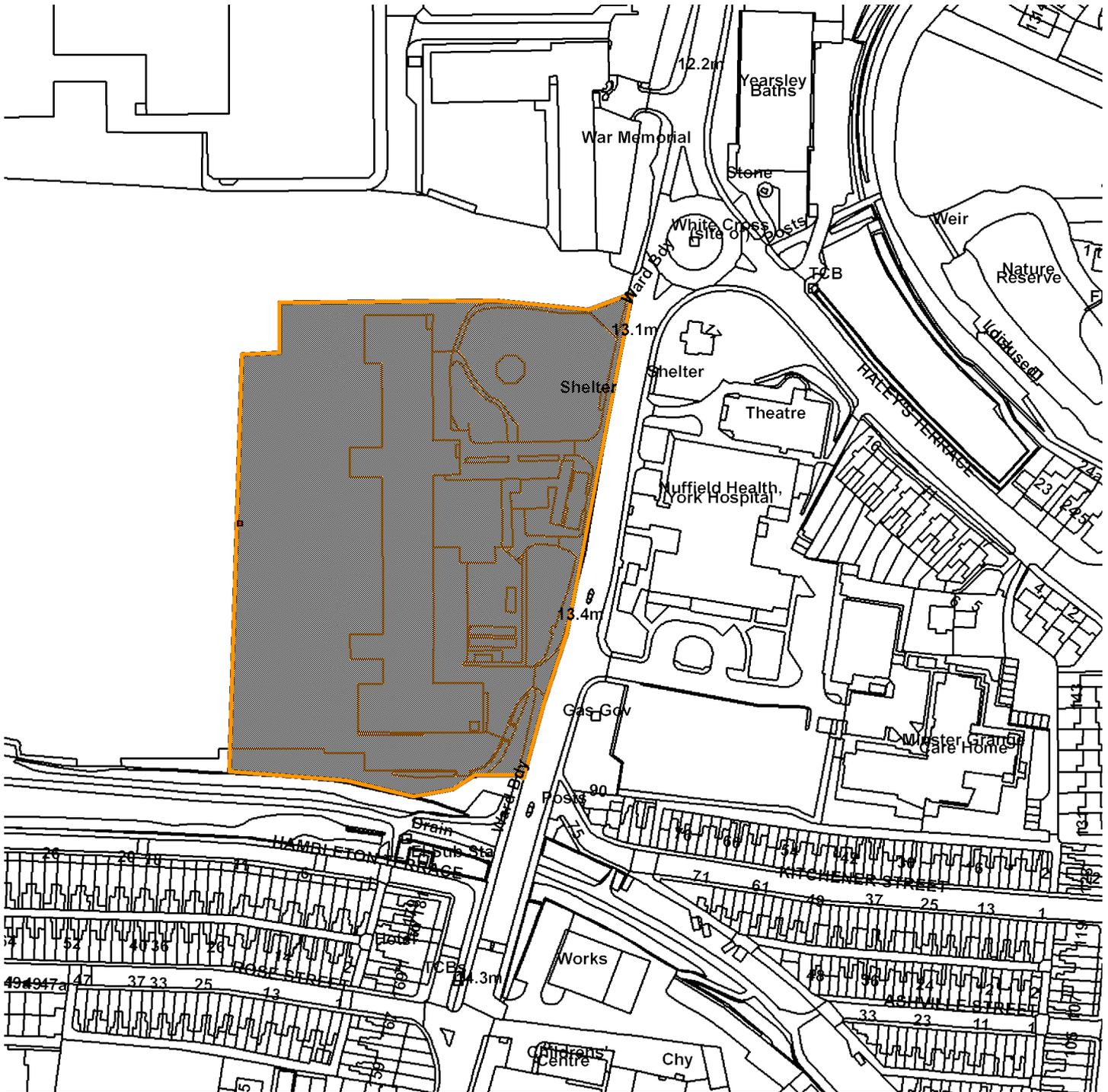
Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

17/00284/FULM

The Cocoa Works, Haxby Road



Scale : 1:2124

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	15 May 2017
SLA Number	Not Set

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2.2 NPPF – Paragraph 14 of the National Planning Policy Framework (NPPF) says that at the heart of the NPPF is a presumption in favour of sustainable development for decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless specific policies in the framework indicate development should be restricted. (Foot note 9 indicates restrictions include Green Belt locations, flood risk areas, site protected under the Birds and Habitats directive and Sites of special scientific interest). The presumption in favour of sustainable development does not apply to this application, as the site affects designated heritage assets and therefore falls to be determined against the more restrictive policies in the NPPF at Section 12.

2.3 Section 12 of the NPPF relates to the conservation and enjoyment of the historic environment. Paragraph 129 states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 134 says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal, including its optimum viable use. However, it should be noted that lawful application of the statutory tests in the 1990 Act requires considerable importance and weight to be given to any harm to a listed building or conservation area, in the planning balance.

Statutory Duty

2.4 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority when determining applications for listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Other material considerations

“Development Control Local Plan” 2005 (DCLP)

2.5 Although there is no formally adopted local plan, the “City of York Draft Local Plan Incorporating the Fourth Set of Changes” was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. Policy HE4 Listed Buildings is considered to be compatible with the aims of the NPPF and most relevant to the development.

3.0 CONSULTATIONS

Design, Conservation & Sustainable Development

3.1 Officers do not object to the scheme although their preference would be for a minor increase in openness between the courtyard proposed at the rear of the listed library and the gardens and play space proposed to the south.

3.2 The proposed new development here is designed as a combination of known group uses (bike store, reception etc) with some more desired and yet undetermined group uses (flexible space). It is positive that the applicant sees value in investing in this type of space as a contributor to community cohesion and in locating it next to the former library it appropriately builds on the capacity for communal uses in one place.

3.3 The applicant sees value in retention of the former subway structure (although identified as “detrimental to the area...” in the conservation area appraisal) as a design starting point for the new ring of courtyard buildings. These sit much lower than the ridge of the library and do not dominate it. They are expressed as contemporary in the diamond (likely zinc) roof tiles (inspired from archive records of earlier roofs here). This positive re-evaluation of the subway structure is also supported here. Infilling of floor is an inevitable consequence of making usable space given that the subway is redundant.

3.4 The main focus between applicant and LPA during design development has been the degree of privacy/enclosure and the degree of communal purpose/connectivity with the large green space (so as to activate open space by use). This is mostly expressed through the size of footprint opening on the south side. Currently it is still slightly more narrow than desired by LPA.

3.5 Officers recommend conditions to secure:

- A (conditioned) revision to slightly widen the opening to the landscape would be desirable.
- A scheme (decorative or otherwise) to acknowledge the previous presence of the subway stair void would be desirable.

EXTERNAL

3.6 As demolition was proposed the national amenity societies have been consulted on this application. No responses have been received.

York Civic Trust

3.7 York Civic Trust does not object in principle to the demolition of buildings to the rear of Joseph Rowntree Memorial Library. The trust considered it important that future use of the library be one which granted public access.

Publicity

3.8 No representations have been made in response to the site notice and Press notice.

4.0 APPRAISAL

Key Issues

4.1 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority when determining applications for listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Relevant Planning Policy

4.2 The NPPF states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Assessment

4.3 The proposals would reuse the library and the buildings proposed behind as a community hub. The use would be consistent with the conservation of the building and improve its viability. There are no internal or external alterations proposed to the original library building.

4.4 The Design and Access statement explains and justifies the proposed design approach, which is inspired by a historic layout and use of the space behind the library. The buildings attached to the library which are proposed for demolition are identified as being buildings which have a neutral impact on the setting in the conservation area appraisal. Proposed replacement buildings would be low in scale and sit behind the library. There would be no material impact on the visual prominence of the library within the street.

5.0 CONCLUSION

5.1 The scheme leads to the loss of C20 buildings which are not prominent in public views and have a neutral value to the library and its setting. The scheme would bring the library back into a communal use and introduce a building which by virtue of its single storey scale, proposed shape and harmonious materials would improve the setting. There would be no harm to the historic and architectural importance of the library.

5.2 Proposals are in accordance with the NPPF policies on conserving and enhancing the historic environment, in particular paragraph 126 (referred to in 4.2) by virtue of putting the listed building into a viable use consistent with its conservation, which will provide an amenity for residents. The re-development scheme is informed by an assessment of the historic use of the site and will make a positive contribution to local character and distinctiveness.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

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

Proposed site plans 26980(02)40m
Floor plans 26980(02) 62e, 63b,
Elevations 26980(04) 30d, 31c, 32b, 33b

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

3 Samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the new wing to the library hereby approved. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: In the interests of the appearance of the listed building.

4 Large scale details showing typical sections through the building shall be submitted to and approved in writing by the Local Planning Authority prior to

Application Reference Number: 17/00285/LBC

Item No: 4c

construction of the new wing and the works shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the listed building.

5 Details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the new wing and the works shall be carried out in accordance with the approved details.

- a) The means acknowledgment of the steps and underpass under Haxby Road following the closure and infill of this area.
- b) Details of the extent of the opening between the courtyard and the gardens to the south.

Reason: In the interests of the historic interest and setting of the listed building.

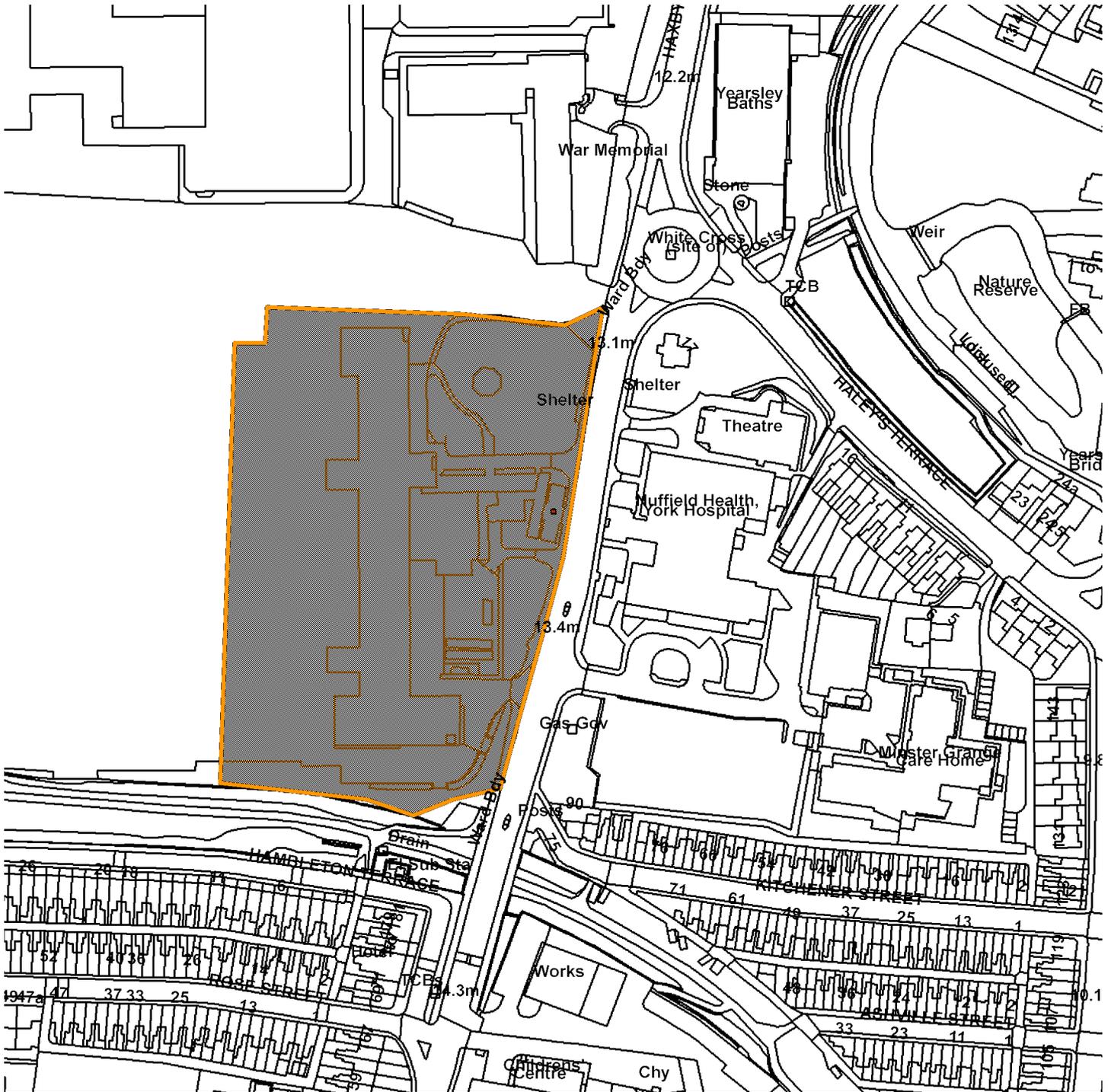
Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

17/00285/LBC

Joseph Rowntree Memorial Library, Haxby Road



Scale : 1:2124

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	15 May 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 15 June 2017 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 16/02815/FUL
Application at: The Cocoa Works Haxby Road York YO31 8TA
For: Construction of access road with associated landscaping and
 highway works
By: York 123 Ltd
Application Type: Full Application
Target Date: 1 March 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to land by the remaining Almond and Cream former factory buildings and their associated gardens within which are functional single storey buildings and the grade II listed Joseph Rowntree Memorial Library. The site has been acquired by the applicants from Nestle.

1.2 This application is for a proposed access road into the site from Haxby Road (on the north side of the buildings) and the consequential required works in the highway; improved pedestrian crossing by the roundabout, relocation of the bus stops (inbound and outbound), and the relocation of the crossing on Haxby Road which would be just south of the library. The changes are shown on drawing 66016-TA-001 revision K.

1.3 The applicants have submitted this standalone application for the access and associated works to meet a requirement of the option agreement they have with Nestle for acquisition of the site. The applicants have also made full planning and listed building consent applications to re-develop the redundant buildings; the Almond and Cream blocks and the listed library.

1.4 After the factory buildings closed in 2007 the area was designated as a conservation area and the library was grade II listed.

1.5 There were applications for re-development of the site made in 2010 - 10/01960/FULM and 10/01955/OUTM for re-development of the redundant buildings and the land to the west where former factory buildings have since been removed. The applications were not approved as associated S106 legal agreements were not concluded.

1.6 The 2010 applications proposed an access road of similar alignment and design to this proposal. The road was to be a through route between Haxby Road and Wigginton Road for buses and not for private cars. Modelling showed creating a through route for cars would have an unacceptable impact on the highway network.

2.0 POLICY CONTEXT

2.1 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. There is no adopted Local Plan in York. In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the NPPF and it is against this Framework and the statutory duties set out below that the application proposal should principally be addressed.

National Planning Policy Framework (NPPF)

2.2 Section 12 - Heritage

Statutory Duties

2.3 Section 66 of the 1990 Act requires that in determining planning applications for development which would affect a listed building or its setting the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

2.4 Section 72(1) of the 1990 Act refers to any buildings or other land in a conservation area and places a duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Other material considerations

“Development Control Local Plan” 2005 (DCLP)

2.5 Although there is no formally adopted local plan, the “City of York Draft Local Plan Incorporating the Fourth Set of Changes” was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. Policies considered to be compatible with the aims of the NPPF and most relevant to the development are:

GP1 Design and HE3 Conservation Areas.

2.6 Conservation Area Appraisal 2008 (see paragraph 4.8).

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 Officers have no objections to the scheme and recommend conditions to ensure delivery of the required works to the highway.

3.2 Vehicular access to the development is to be taken from a new junction onto Haxby Road. The design and location of the proposed access is consistent with the approach taken through the 2010 applications and is considered acceptable. Officers will be seeking that the proposed access road is designed, constructed and offered for adoption as publicly maintainable highway. This will ensure that once development plans come forward for the remaining part of the Nestle South site the remaining section of the public transport link between Haxby Road and Wigginton Road can be delivered as per the 2010 applications.

3.3 In order to provide the site access it is necessary to relocate the existing bus stops which further impacts on pedestrian crossing points. Officers have worked with the applicant's highway consultants to look at the whole of the site frontage with a view to providing an holistic package of works. The main changes consist of;

- The existing island on Haxby Road, just North of the proposed site access will be extended to provide a pedestrian crossing. This will be complimented with associated dropped kerbs, tactile paving and contrasting surfacing.
- The provision of a right turn ghost island to serve the new site access. This facility will ensure right turning traffic can wait clear of through traffic on Haxby Road.
- The removal of existing pedestrian refuge to the South of the site and the provision of a new refuge to just south of the library. The relocation of the crossing points ensures that crossing facilities are available on all likely pedestrian desire lines.
- Relocation of the existing inbound and outbound bus stops. The new bus stops will be provided to CYC standard specifications, which includes real time BLISS displays, shelter and Kassel kerbs.

Design, Conservation & Sustainable Development

Architecture

3.4 Officers have provided advice on the entire scheme which is summarised in the companion application 17/00284/FULM. The assessment considers the road proposed alongside changes to the landscaping, the library and proposed

convenience store and concludes that there would not be harm to the setting of the listed library or the conservation area.

Landscape Officer

3.5 Officers acknowledge attractive trees within the conservation area will be lost, but this is necessary to accommodate the access road required for the re-development. The impact is essentially the same as when members were minded to approve the previous applications for re-development of the site (10/01960/FULM and 10/01955/OUTM).

3.6 The tree cover alongside Haxby Road is fundamental to the attractive character of the conservation area and the setting of the remaining factory buildings. The development would result in the removal of a number of mature trees. This includes a sizeable Cherry and a Birch. These are located deeper into the site and are therefore of less significance to the existing public realm. Furthermore the Cherry is reaching over maturity and the Birch is a species that could be readily replaced within the grand scheme. The mature memorial Oak (ref: T921) which would also be removed however is a longer-lived, attractive, mature tree and presents a greater loss.

3.7 Unavoidably, the need to insert a site access to allow development of the site would create a break in the tree cover along Haxby Road, the effect of which would be most prominent on the eastern approach off the roundabout, and immediately in front of the site entrance. From the oblique views up and down Haxby road the remaining tree cover would lessen the visual impact.

3.8 The scheme includes replacement tree planting of suitably large-species trees - Norway Maple, Lime and Rowan. These compensate in numbers and increase tree cover along the proposed internal route. Preferably re-planting would include a large-species, replacement tree at the front of the site closer to Haxby Road to replace tree cover lost along this frontage although this area is outside of the site (further north-east).

3.9 Conditions are recommended to protect trees which are to be retained and to secure the replacement planting.

Public Protection

3.10 Officers recommend a condition to secure a construction management plan, to manage noise, vibration, dust and light pollution during construction. Also given the former industrial uses of the site officers request that if unexpected contamination is encountered it be reported and dealt with accordingly.

EXTERNAL

Guildhall Planning Panel

3.11 No objection.

Theatres Trust

3.12 Object. Rowntree Theatre which is opposite the proposed site access. The trust have spoken with the theatre operators and object on highway safety grounds. The grounds of objection are set out below.

Relocation of the bus stop

3.13 Currently taxis, mini-buses and coaches are able to drop off and pick up parties without obstructing the emergency access for fire / ambulance vehicles by temporarily parking south of the entrance to the theatre. The proposed moving of the bus stop to this area makes more difficult by imposing limitations where vehicles could drop-off as there was be a bus stop to the south and the new junction to the north. In particular there is concern over elderly or disabled visitors.

Access for deliveries/servicing

3.14 The theatre has around 50 different shows / events every year. Some of the companies use large HGVs to deliver and collect scenery and stage properties. To do so they need to make full use of the width of Haxby Road in order to reverse along the driveway to the unloading bay. The proposed access road and the central road markings may make this manoeuvre highly dangerous to both the HGV personnel and other road users.

Safety at the roundabout

3.15 The proximity of the proposed access road exit allows vehicles to drive straight onto the road by the roundabout travelling northwards & eastwards. This means that Haleys Terrace traffic would have two streams of approaching traffic to monitor before proceeding thereby increasing the risk of an accident. In the interests of safety the roundabout should operate in a conventional manner rather than vehicles travelling north on Haxby Road being given priority.

Publicity

3.16 An objection has been made on behalf of the theatre. The ground for objection is on highways grounds, as per the comments made by the Theatres Trust.

4.0 APPRAISAL

Key Issues

4.1 Key issues with the application for the highway works are -

- Impact on the highway network
- Character and Appearance of the Conservation Area
- Setting of the grade II listed library

Assessment

Impact on the highway network

4.2 The National Planning Policy Framework advises that developments should provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians and maximise sustainable transport modes and minimise the need to travel.

4.3 The scheme is deemed to have an acceptable impact on the highway network on the following grounds -

- The proposed access necessitates relocation of the bus stops on Haxby Road. The change does leave less space by the theatre entrance for drop off. However alternatively there is hard-standing to the front of the theatre which could be used as a drop off and facilities will also be created on the proposed access road opposite. Whilst the theatre have a relevant point there are not alternative locations where the new access and bus stop could be accommodated. The loss of an ad-hoc drop off point on the highway is not grounds to refuse the application.
- Pedestrian crossing at the junction of Haley's Terrace and Haxby Road would be improved.
- Road safety audits would be secured as a condition, to be undertaken before changes to Haxby Road commence or the new road brought into use.
- HGV access to the theatre would be unaffected and the applicants have provided swept paths to confirm this.
- The council does not have evidence the roundabout is unsafe in its current iteration. The proposals would not have a material impact on its operation. There are no grounds to require the applicants to undertake any alterations to the design.

Character and Appearance of the Conservation Area

4.4 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act") imposes a statutory duty on local planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving

the listed building or its setting or any features of special architectural or historic interests which it possesses.

4.5 Section 72(1) of the 1990 Act imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining planning applications. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act.

4.6 NPPF Paragraph 134 advises that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use." To meet the statutory duty, considerable importance and weight must be attached to the desirability of avoiding any harm when applying this paragraph in the NPPF, even if the harm is less than substantial.

4.7 The NPPG explains that Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress. Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

4.8 There is a Conservation Area Appraisal for the area which was published in 2008. The document outlines the reasons for designation, considering the history and social value of the area, a character appraisal and opportunities for its enhancement. In the appraisal the part of the gardens where the road is proposed is identified as having a positive impact on the setting.

4.9 An access is necessary to allow servicing and car parking to the Almond and Cream buildings and is also desirable to serve the land to the west of the buildings which is previously developed land suitable for regeneration.

4.10 Although the existing landscaping makes a positive contribution of the character and appearance of the conservation area there are single storey buildings and hard-standing areas between the Almond and Cream buildings and Haxby Road within the remainder of the site which detract from the setting. These will be removed and landscaped. As a consequence of the overall scheme there would be an enhancement to the character and appearance of the conservation area.

4.11 Trees will be removed, including a mature Oak within the site which is of high amenity value. There are not alternative options to accommodate a road within the application site. The road is necessary to allow re-development of the site and therefore suitable mitigation is required for the trees which will be lost. A condition on this application can ensure that trees which do not need to be removed to accommodate the road are protected should construction occur before the remainder of the scheme (as per the submitted plan) and a detailed planting plan will require adequate replacement species along the road. Within other applications the amount of tree cover over the entire site will be increased as a consequence of landscaping the land behind the buildings where the car park is proposed.

Setting of the grade II listed library

4.12 The library building addresses the street and is to the immediate south of the gated access with tree lined approach to the main entrance. Otherwise Haxby Road has tree cover along the site frontage, set behind boundary railings. Aside from the tree cover along Haxby Road the library is very much within an industrial setting penetrated by various access points.

4.13 The access proposed would be at the north end of the site and an adequate distance away from the library to preserve its immediate setting. There would be no change to the prominence of the library within the street scene. The access road, even considered in isolation would not harm the setting of the listed building.

5.0 CONCLUSION

5.1 The road access and associated changes in the highway are necessary to facilitate re-development of a considerable previously developed site in the urban area which has been identified by the Council to assist in meeting housing need. Re-development is desirable; consistent with the following core principles within the NPPF -

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

5.2 Whilst this would lead to the loss of trees which have amenity value, these would be replaced and overall the former industrial site would see an increase in tree cover and an enhancement to the character and appearance of the conservation area. As the proposal enhances the conservation area, there is no harm to this heritage asset. There would not be harm to the setting of the grade II listed library. Approval is recommended.

5.3 The road layout is comparable to that which members were minded to approve in 2010 and whilst changes on Haxby Road would reduce available space for drop off at the theatre opposite the site, there are reasonable facilities for such in the locality. The works would not have an adverse effect on highway safety in this respect and nor would there be undue conflict with the NPPF which states developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 PLANS1 Approved plans

- 66016-TA-001 Revision K Proposed highway works
- 26980(00)12 Revision F Location Plan
- D169.L.001 Revision A Landscape proposals

3 Tree protection Plan

Trees shown as being retained on the approved plans shall be protected in accordance with BS: 5837 Trees in relation to construction.

Prior to construction commencing a tree protection plan covering trees not to be removed on drawing D169.L.001 Revision A Landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with approved details, unless otherwise approved by the Local Planning Authority.

Reason: Details are required prior to commencement to ensure protection of existing trees before, during and after development which make a significant contribution to the amenity of the conservation area.

4 Highway Construction

Fully detailed drawings illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any works within the highway. The details shall include removal of any redundant crossings and making good, any

street-lighting and a phased programme to deliver the site access and associated highway works to Haxby Road. The scheme shall be fully implemented in accordance with the approved details.

Reason: In the interests of highway safety, amenity and in the interests of the character and appearance of the conservation area.

5 Bus Stop Works

Prior to the commencement of any development within the highway detailed drawings of the works to implement the relocation of the existing inbound and outbound Bus Stops fronting the site, shall be submitted to and approved in writing by the Local Planning Authority. The aforementioned detailed drawings shall ensure that the relocated Bus Stops provide at least the following facilities;

- a) 19" TFT BLISS real time display,
- b) Kassel kerbs,
- c) JC Decaux Foster shelters of a cantilever design
- d) Bus stop flag pole and timetable
- e) seating
- f) lighting
- g) associated carriageway lining

The relocated Bus Stops shall then be implemented in accordance with the approved detailed drawings unless otherwise agreed in writing by the Local Planning Authority and within a timescale to be approved by the Local Planning Authority.

Reason: In the interests of the safe and free passage of highway users and to promote sustainable modes of transport.

6 Road Safety Audit

A full 4 stage road safety audit (carried out in accordance with guidance set out in the DMRB HD19/03 and guidance issued by the council) for the works as indicatively shown on drawings reference 66016-TA-001 REV K, or any such plans which are subsequently submitted to and approved in writing by the Local Planning Authority, shall be carried out prior to first use of the access road. Stage 1 of said audit shall be submitted to and approved in writing by the Local Planning Authority prior to any relevant works commencing within the highway.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

7 Landscaping

Application Reference Number: 16/02815/FUL

Item No: 4d

The development shall not be brought into use until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscaping scheme (hard and soft measures and including lighting and improvements to the footpath along Haxby Road) which shall illustrate the number, species, height and position of trees and shrubs to be planted. This scheme shall be completed prior to first use of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to compensate for the loss of trees required to accommodate the access road, in the interests of the character and appearance of the conservation area.

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 to make the scheme acceptable and through the use of planning conditions.

2. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

3. INFORMATIVE:

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

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

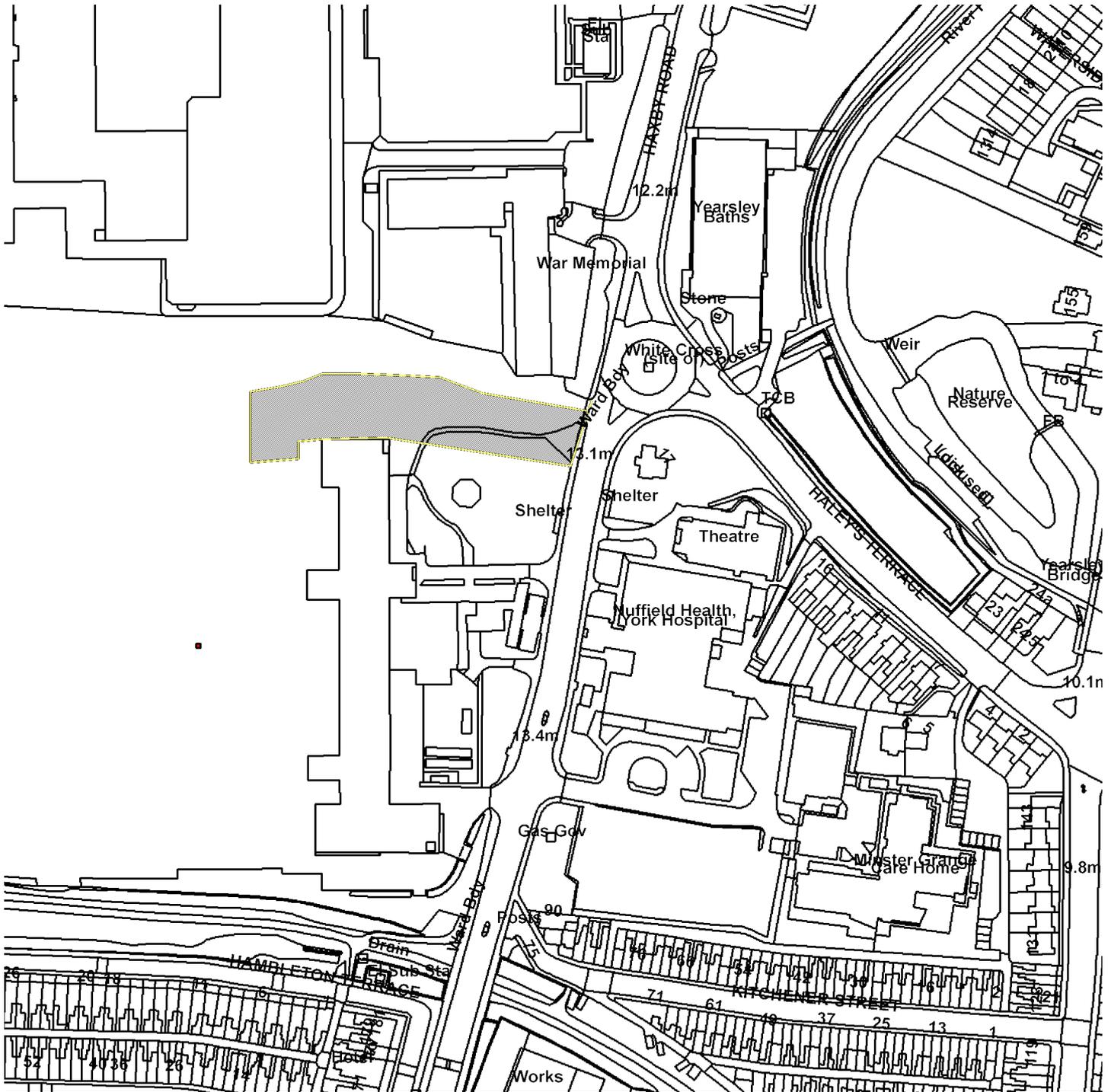
Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

16/02815/FUL

The Cocoa Works Haxby Road



Scale : 1:2144

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	31 May 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 15 June 2017 **Ward:** Strensall
Team: Major and **Parish:** Earswick Parish Council
 Commercial Team

Reference: 16/02886/FUL
Application at: Hall Farm, Strensall Road York YO32 9SW
For: Change of use of agricultural buildings to livery stables and caravan touring pitches including refreshment and toilet block
By: Mr Andrew Thompson
Application Type: Full Application
Target Date: 21 April 2017
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application was presented to the main committee on 23rd March with a recommendation for refusal. The committee agreed that the application should be deferred pending further information on operation of the proposed business and details of the financial circumstances of the existing business. The application was presented again at committee on 20th April but was again deferred to allow the applicant to provide evidence of what alternative proposals for diversification to appropriate development in the Green Belt had been investigated and discounted; and how the proposal would be viable and ensure that the residual farming operation could continue at the site. This information has now been received and is considered in paragraphs 4.25 – 4.27 of this report.

1.2 The proposal is for change of use of the existing pig farm to an equestrian use. About half of the existing buildings will be retained and converted into loose boxes, and associated storage uses. A building will be retained for use as a reception area and another replaced by a similarly sized building and used as a toilet and kitchen block for the proposed touring caravan pitches. These caravan pitches will be situated within the existing built form of the site in an area where the existing buildings will be demolished. Further demolition will allow for construction of a dressage arena, exercise yard and horse walker as well as parking for 24 cars. Landscaping will be introduced around the site.

1.3 The site is within the general extent of the Green Belt. It is accessed off a single track road from Strensall Road which leads down to the farm buildings. These are tightly grouped together and are a selection of buildings and silos. The notable feature is that the buildings are fairly low in height for agricultural buildings. Currently the South of the site is identified by a row of straw bales piled three high but there is otherwise little boundary treatment around the site.

1.4 The character of the area is rural and agricultural and marks a distinct change from the modern housing on the edge of Earswick. The land is very flat with large fields with some hedges on boundaries. The site itself goes down to the River Foss with the areas closest to the river being in Flood Zones 2 and 3.

2.0 POLICY CONTEXT

2.1 See Appraisal

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 No objections. The site has been subject to some complaint regarding alarms and occasional odour and therefore the change of use is likely to result in some improvement in amenity to neighbouring residents. Conditions are recommended in the case of contamination being discovered during construction, to control hours of demolition and construction and for the installation of an EV charging point.

Highways network management

3.2 No objections. A new access has been proposed approximately 30m from the existing. This will provide better visibility and is acceptable. It is not considered that the proposed use will result in any material increase in traffic above that of the existing farm use. The site is reasonably sustainable with bus stops on Strensall Road linking the site to the city centre and a footpath on Strensall Road linking the site to local services in Strensall. Conditions are recommended including one to agree details of the access road which can be reduced in width to single track with passing places after an initial two way road.

Planning and Environmental Management (Landscape)

3.3 The arrangement of buildings and silos are exposed to views along Strensall Road, but are of a character that is fitting to the rural location and medium-large field pattern. The various buildings/structures create an interesting juxtaposition of functional forms and fabrics. The south east corner of the site is currently partly concealed by stacked, round, straw bales. The proposed landscape mitigation includes the planting of hedgerows along boundaries where there are currently none; the gapping up of existing hedgerows; and the addition of new hedgerow trees, thereby restoring and supplementing existing landscape features that are typical for the area and the local landscape character. The resulting additional vegetation would provide a degree of screening, and would provide an appropriate setting for the development, as well as providing a more attractive draw to the eye than at present. The proposed development would be contained within the confines of the existing building complex. The caravans are the only items within the proposed development that would not be in keeping with the existing character.

Nonetheless, the number of caravans is limited (in accordance with draft policy), and would be closely associated with the remaining buildings. Thus there is no encroachment into the adjacent fields. Furthermore, there remains a good distance between Strensall Road; and the landscape mitigation would provide some screening/distraction from the caravans. Therefore, the change in landscape character threatened by the introduction of 17 caravans is not significant. Topography and distance protects views from the RPOW alongside the opposite bank of the Foss. Conditions recommended.

Planning and Environmental Management (Ecology and Countryside)

3.4 There are no statutory or non-statutory nature conservation sites on or immediately adjacent to the site however the site the Regional Green Corridor No.3 (The River Foss). The corridor is important for the movement of wildlife into the urban area. A bat survey of the buildings was undertaken and it was established that bats were no longer using the buildings. A condition is recommended to mitigate for loss of bat roosting opportunities.

Flood Risk Management

3.5 No comments received.

EXTERNAL

Foss Internal Drainage Board

3.6 No objection to the principle of the development and conditions are recommended.

Environment Agency

3.7 No objection as the buildings are within Flood Zone 1.

Earswick Parish Council

3.8 No objection to the proposal but enquire what measures will be taken to ensure highway safety on Strensall Road in relation to slow moving traffic and horses.

Publicity and neighbour notification

3.9 The National Farmers' Union have made representation in support of the application citing that the farmer wishes to diversity his business which will allow the family to support the wider economy.

4.0 APPRAISAL

4.1 KEY ISSUES

- Policy context
- Principle of the development - Assessment of harm to Green Belt

- Other considerations - Business need; neighbouring amenity issues; impact on visual amenity and openness.

POLICY CONTEXT

Development Plan

4.2 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.

Local Plan

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. Policy V5 refers specifically to caravan sites. The policy reads:

Planning permission for new (or extensions to existing) caravan / camping sites outside defined settlement limits will be granted provided:

- a) the number of pitches does not exceed 20; and
- b) there will be no pitches for static caravans on the site; and
- c) the proposal does not involve the erection of permanently-sited ancillary buildings other than toilets/washrooms and a site office; and
- d) the site is associated with an existing settlement and of a compatible scale to that settlement; and
- e) the site is readily accessible by public transport; and
- f) there is no adverse effect on the openness of the Green Belt; and
- g) it provides a direct benefit to the local residential workforce; and
- h) the approach roads are of a suitable standard to accommodate caravans; and
- i) there is no adverse effect on the provision of local services; and
- j) the proposal is complimentary to recreational opportunities in the vicinity; and
- k) it provides a direct benefit to the local residential rural community.

Emerging Local Plan

4.4 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was

halted pending further analysis of housing projections. An eight week consultation on a further Preferred Sites document has concluded. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

The National Planning Policy Framework NPPF

4.5 The 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.

4.6 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. Your officer's view is that this presumption does not apply to this proposal as the site lies within the general extent of the Green Belt as identified in the RSS and therefore justifies the application of the more restrictive policies in Section 9 to the NPPF.

GREEN BELT

4.7 As noted above, saved Policies YH9C and Y1C of the Yorkshire and Humberside Regional Strategy define the general extent of the York Green Belt and as such Government Planning Policies in respect of the Green Belt apply. Central Government Planning Policy as outlined in paragraphs 79 to 90 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. Substantial weight should be given to any harm to the Green Belt.

4.8 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.

4.9 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 90 does allow certain types of development including the re-use of buildings provided they are of permanent and substantial construction.

PRINCIPLE OF THE DEVELOPMENT ASSESSMENT OF HARM TO GREEN BELT

4.10 There are three distinct elements to the proposal - the re-use of some of the farm buildings as livery stables; construction of horse exercise areas, toilet block and parking spaces; and the construction of touring caravan pitches.

4.11 Considering these elements in order, the re-use of the farm buildings is considered to comply with Green Belt policy. The NPPF allows for the re-use of buildings provided they are of permanent and substantial construction. Officers do not contest that these buildings are other than permanent in construction and are therefore suitable for re-use. The NPPF (para.89) also allows for appropriate facilities for the provision of outdoor recreation provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The stabling is proposed within existing buildings and as such is considered to have little impact on openness. The 5 purposes of including land in the Green Belt are stated in para.4.8 above and, as a result of the conversion of existing buildings, it is again considered that this element of the proposal is acceptable in principle.

4.12 The second element of the scheme is the construction of ancillary horse exercise yards to the south of the site, toilet block and a parking area to the west. The applicant has confirmed that these will be surfaced in rubber chippings with timber fences. No floodlighting is proposed. Again, para.89 of the NPPF is relevant which allows for appropriate facilities for the provision of outdoor recreation provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The applicant has confirmed that much of this area of the site is already hard-surfaced and therefore the change of surfacing will have little impact on openness. The toilet block replaces a similarly sized farm building and is therefore considered to have little impact on openness. The parking spaces are within an area that currently comprises a number of small buildings and some hardstanding and are to serve the stables. As the vehicles will be parked for a relatively short length of time as well as being landscaped, it is considered that the impact on openness will be small. The only potential element of this part of the scheme to impact on openness is the addition of fencing but, as this area of the site is already surrounded by tall straw bales, it is unlikely that their replacement with fencing will have any greater impact on openness. It is therefore considered that the proposed dressage arena, exercise yard, toilet block and horse walker are acceptable in principle.

4.13 The final element of the scheme is the touring caravan pitches. As a caravan is not a building, the proposal constitutes a change of use of the land from agricultural

use to touring caravan pitches. As the Framework makes no provision for changes in the use of land, as one of the other forms of development specified in paragraph 90, the proposal would therefore amount to inappropriate development in the Green Belt. The NPPF states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. Substantial weight should be attached to the harm arising due to the inappropriate nature of the proposed caravan pitches.

4.14 The caravan pitches are also not considered to contribute to the five purposes of including land within the Green Belt by failing to safeguard the countryside from encroachment. While it is appreciated that all proposed development is within the existing development footprint, the site is currently agricultural in its character. It comprises of low level buildings in predominantly dark colours. The introduction of up to 17 caravans and vehicles into the landscape will appear alien and out of keeping with the rural character of the area. While the pitches do not intrude in to the undeveloped fields around the buildings and new landscape planting is proposed it is not considered that this will be sufficient to ensure the caravans are not excessively prominent. The area around the site is flat with large unbroken fields providing clear views of this side of the site from Strensall Road. The addition of the caravan pitches with their associated caravans and vehicles will be a visual intrusion in to the landscape changing the character of an area that is clearly agricultural at present.

4.15 The proposal includes changes to the access point to move it from the existing position South along Strensall Road towards the city centre. This allows for better visibility when exiting the site but results in a larger access road and visibility splay which will impact on openness. The proposed plan shows a two way road for the entire length of the drive which would have a significant impact on openness however highways officers have indicated that this is not required and, after an initial two way stretch, the drive could be narrowed to single track with passing places. These details could be controlled via a planning condition if the scheme were to be approved.

OTHER CONSIDERATIONS VERY SPECIAL CIRCUMSTANCES

4.16 As stated above, the NPPF clarifies that the form of development proposed constitutes inappropriate development within the Green Belt and should therefore only be approved in very special circumstances. The applicant has therefore provided the following statement detailing these very special circumstances:

- The caravan pitches will lie entirely within the footprint of existing buildings. As shown on the attached Site Plan (HF-S-001-2b) the scheme will involve the removal of 23 agricultural buildings, including 2 visually prominent silos. This will result in a 1214m² reduction in built up area. The caravan pitches, even

when fully occupied, will result in a far greater sense of openness than the existing cluster of run-down agricultural buildings. The proposed scheme will therefore have a positive impact on the visual qualities of the green belt, which would not be the case if the existing buildings were to be re-used or re-developed.

- The existing pig farm is a source of odour and noise from alarms, which has given rise to a number of complaints as stated in the Public Protection Officer comments. The Officer has confirmed that the change of use would likely have a positive impact on the amenity of the nearby residential properties.
- There are no existing equestrian liverys in the York area which enable horse owners to camp on-site. The proposed scheme will therefore serve to diversify and improve the tourism offer in York. Paragraph 28 of the NPPF supports the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
- The owners are finding it increasingly difficult to maintain a viable business given the competitive market conditions they currently operate in. This change of use will provide continued employment on the site for Mr Thompson and his daughter and will contribute to sustainable economic growth in a rural area as supported in NPPF Paragraph 28.

4.17 It is noted that the caravan pitches are entirely within the existing footprint of the site but this does not alter the fact that the change of use of land within the Green Belt constitutes inappropriate development which is by definition harmful. The impact on the character of the area and the consequent substantial harm identified as a result of this impact has been discussed above. In relation to the visibility and prominence of the caravans in the landscape it should be noted that the text associated with policy V5 of the DCLP suggests that 'The essential screening of sites should consist of already well established tree cover and any new planting should only be necessary to reinforce existing cover.' The very flat and open nature of the site will result in the caravans being highly visible and it would be a number of years before the proposed planting provided any practical screening. The caravans will be seen from Strensall Road with the backdrop of the retained buildings but this gives little of the natural enclosure which would usually be expected when considering new caravan sites.

4.18 It is accepted that there is some small benefit from the loss of the noise and odour disturbance to local residents as a result of the site. This is however given only limited weight as it is not considered unusual to expect animal odours within the countryside and public protection officers have confirmed that this is only an occasional problem.

4.19 At the previous committee meeting the applicant provided a letter from their accountant indicating that the business has experienced trading difficulties for several years. The overall figures were provided but the applicant has requested that these remain confidential to protect his ongoing business. Information was also provided by the National Farmers Union on the pressures facing pig farmers at the present as a result of an increase in imported meat and poor exchange rates.

4.20 Further additional information was provided about the relationship of the caravan park and equestrian centre. This indicated that the caravan park is intended to be a general use caravan park not one exclusively associated with equestrian activities (and, in fact, it would be difficult to condition such a use). The intention is that the caravan park provides an additional source of income to provide additional financial security for the livery stables. This is to allow for equestrian based holidays where customers arrive with their horse to use the facilities at the centre or to take their horse to equestrian events of trekking trails in the area. It is not envisaged that trekking will take place along roads around the site nor will it be encouraged. The applicant also intends to have horses for rent as well as a horse box, and towing vehicle, as required. Attention is drawn to a centre near Easingwold which offers equestrian based holidays.

4.21 Given this information about the operation of the site, it would seem likely that there is potential for significant numbers of large vehicles (horse boxes, trailers, motorised horse box/ accommodation) parked on the site in addition to the caravans and associated towing vehicles. The addition of large numbers of vehicles associated with the equestrian centre will intrude in the landscape and, as a result of their scale, these vehicles will be difficult to screen with the proposed new planting. Officers are not convinced that these vehicles can be accommodated on site without considerable harm to the character of the landscape.

4.22 The applicant also drew attention to the supporting text of policy V5 which states '*Although the majority of the local plan area is designated as Green Belt, it is considered that small-scale proposals for touring caravans or tents which do not involve the erection of permanently sited ancillary buildings other than toilets/ washrooms and site offices are unlikely to compromise Green Belt objectives and may be acceptable provided that they meet other criteria in policy V5*'. They contend that the proposal meets all the criteria of V5 and as the caravan park will be located on the site of permanent buildings, the impact on the openness of the Green Belt will be positive, or at worst neutral. The caravan park will be closed from November to March further reducing the impact on openness.

4.23 Officers do not contend that the proposal is contrary to policy V5 however it will fail to meet one of the five purposes of the Green Belt in that it will not safeguard the countryside from encroachment. Para. 4.14 above clarifies this and officers would reiterate that the additional information provided by the applicant only confirms the

number of vehicles, horse boxes, trailers and caravans which would potentially be parked on the site. The proposed landscape scheme will do little to hide this and, while it is accepted that these are not permanent structures, they will appear alien in the landscape and result in an unwelcome visual intrusion in to this area of countryside which marks the change from the urban area to the more rural and village character of the outer edges of the authority.

4.24 The NPPF does support sustainable rural tourism and leisure developments but these should respect the character of the countryside. As stated above, officers would argue that the introduction of touring caravans in to an otherwise agricultural landscape does not respect the character of this part of the city. The NPPF goes on to say that local plans should support the provision and expansion of tourist and visitor facilities where identified needs are not met by existing facilities. The applicant has failed to indicate whether there is any lack of touring caravan pitches in the locality but has relied on the argument that they intend to target a specialist market for equestrian tourism without any evidence to lend weight to their proposals.

4.25 Since the April committee meeting the applicant has been undertaking research to provide the requested information about the viability of the proposed business. Officers have now received detailed estimates to indicate a possible income of £242,970 per annum from the livery business and £53,985.69 per annum from the caravan park (based on April – October opening). They estimate an initial capital cost (setting up of the business) of £156,277 with annual running costs of £132,000. The annual pre-tax profit is therefore estimated to be in the region of £165,000. Officers have considered the figures, and while noting that the majority of the figures are based on assumptions and estimates, accept that they appear reasonable. The applicant has talked to other similar businesses to come to the figures provided and have provided full details of their workings. The detailed financial figures are not published in the report, but have been considered by Officers, who conclude that the figures represent a reasonable assumption as to profit. However, such detailed figures have been kept confidential at the request of the applicant for commercial reasons. Members can request sight of the figures from Officers if required, but should note that they will be under a duty to maintain confidentiality and not disclose the information outside the Council or within the Planning Committee Meeting.

4.26 Officers note that the majority of the income of the business (approximately 80%) will come from the livery business and, even if the caravan pitches were not available, the site would still turn a profit of £111,000 (without adjusting costs). From this it would appear that the business would still remain profitable without the caravan pitches. It is also noted that out of 60 stables only 5 are indicated as being provided for visiting horses which would suggest that the equestrian holidays suggested by the applicant as a business model are not considered likely to be the mainstay of the business.

4.27 The other question raised at the 20th April committee was whether other more acceptable forms of development in the Green Belt had been considered. The applicant has provided a statement noting that the Green Belt designation effectively limits use of the site to recreational use and/or re-use of the existing buildings. Para. 89 and 90 of the NPPF list the types of development considered not inappropriate in the Green Belt. From this list the applicant has identified that outdoor sport and recreation uses are acceptable (as confirmed by this application); mineral extraction; and local transport infrastructure. They have noted that the proximity of the River Foss and local residential development are likely to make mineral extraction an unacceptable form of development in this location and that there is no apparent demand for local transport infrastructure, i.e. Park and Ride sites.

5.0 CONCLUSION

5.1 The site lies within the general extent of the Green Belt as identified in the RSS to which S38 of the 1990 Act applies. Having regard to the purpose of the RSS policies it is considered appropriate and justified that the proposal is therefore assessed against the more restrictive policies in the NPPF relating to protecting the Green Belt.

5.2 The NPPF indicates that very special circumstances necessary to justify inappropriate development in the Green Belt cannot exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The NPPF also states that in the planning balance substantial weight should be given to any harm to the Green Belt. In this case, harm has been identified by way of inappropriateness of the touring caravan pitches. The presumption against inappropriate development in the Green Belt means that this harm alone attracts substantial weight. Additionally, the touring caravan pitches would reduce the openness of the Green Belt as a result of the introduction of touring caravans within an otherwise rural landscape when the most important attributes of Green Belts are their openness and permanence. The touring caravan pitches would also undermine one of the purposes of including land within the Green Belt by failing to safeguard the countryside from encroachment. The harm to the Green Belt is added to by the harm to the character and appearance of the area.

5.3 The applicant has put forward a number of factors to demonstrate very special circumstances which include the proposal being within the existing development footprint; it is less visually impactful development than the current use; a reduction in noise and smell disturbance to nearby residents; farm diversification and assisting tourism; and retaining a viable business for the owners. Additional information has been provided following the committee meetings of 23rd March and 20th April but officers do not consider that these factors, individually or cumulatively, are sufficient to clearly outweigh the harm identified to the character and visual amenity provided

by the rural landscape and the substantial weight to be attached to the harm to the Green Belt.

5.4 Consequently the very special circumstances necessary to justify the development do not exist.

6.0 RECOMMENDATION: Refuse

1 It is considered that the proposed touring caravan pitches constitute inappropriate development in the Green Belt as set out in Section 9 of the National Planning Policy Framework. As such, the proposal results in harm to the Green Belt, by definition, and harms the openness of the Green Belt and conflicts with the purposes of including land within it by failing to safeguard the countryside from encroachment. Additional harm has also been identified as a result of the impact of the introduction of touring caravans in to an otherwise rural landscape. The circumstances put forward by the applicant do not clearly outweigh this harm and therefore do not amount to very special circumstances for the purposes of the NPPF. The proposal is, therefore, considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land'.

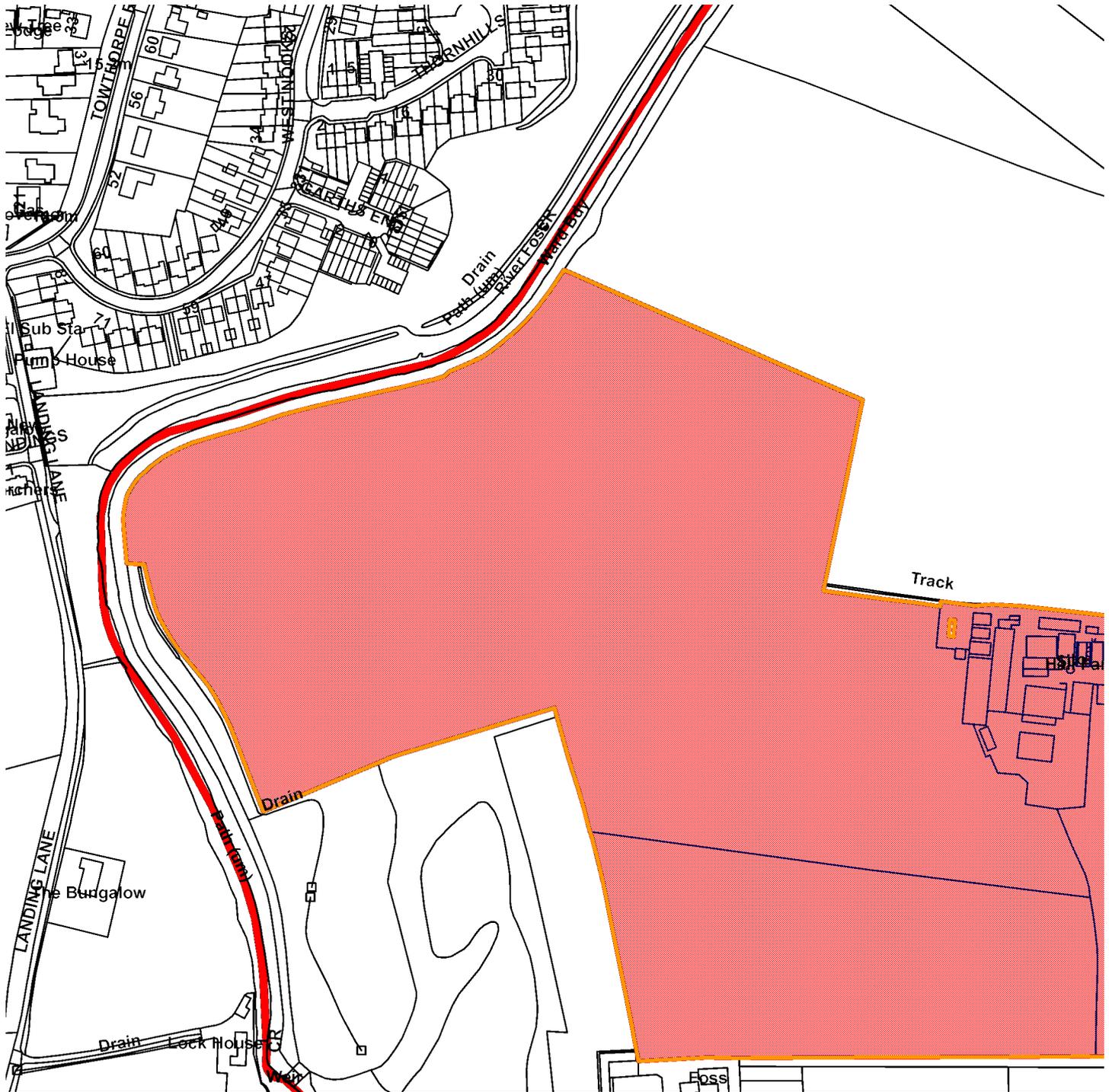
Contact details:

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16/02886/FUL

Hall Farm Strensall Road



Scale : 1:3113

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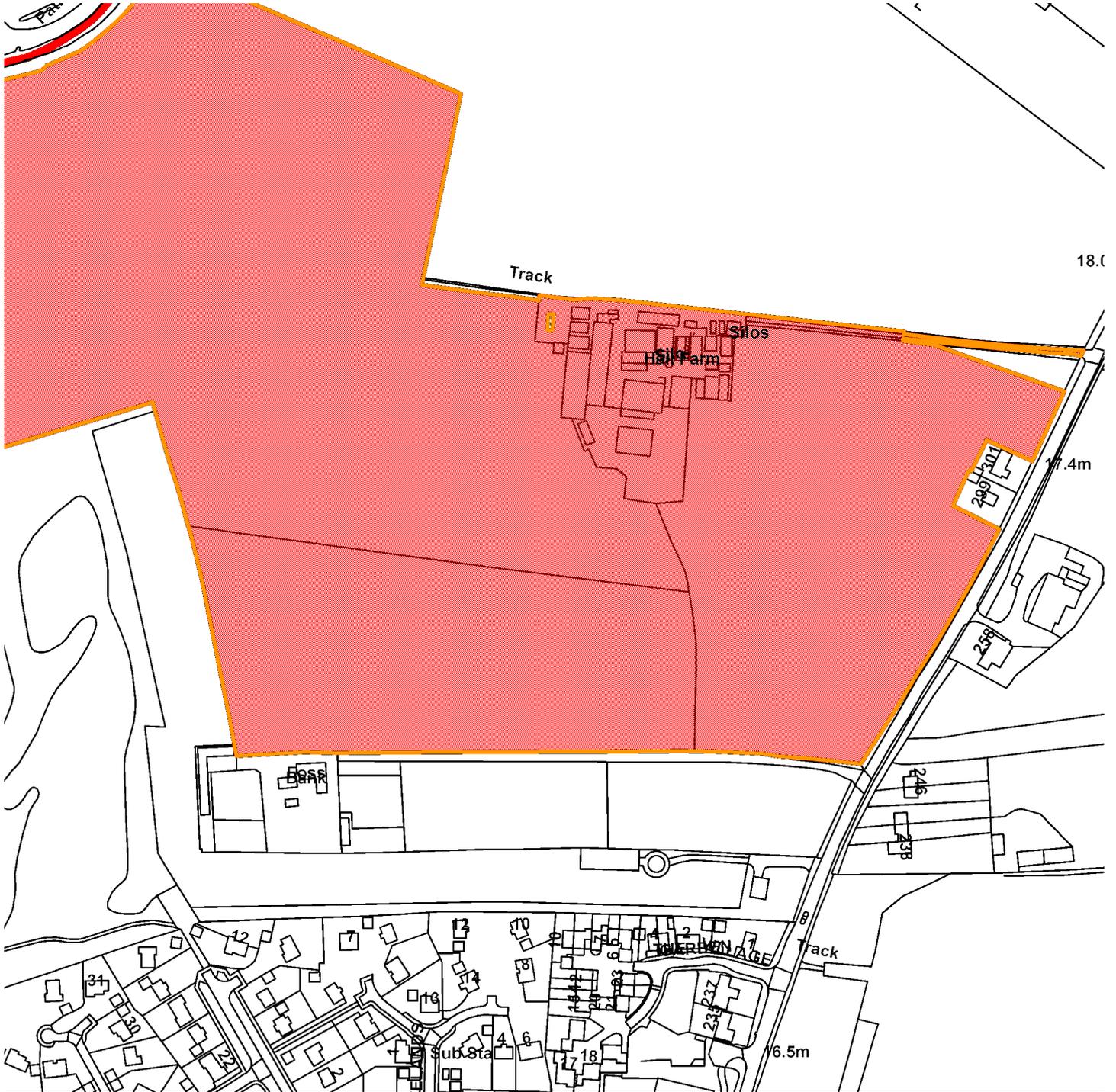
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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	13 March 2017
SLA Number	Not Set

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Hall Farm Strensall Road



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Organisation	Not Set
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COMMITTEE REPORT

Date: 15 June 2017 **Ward:** Osbaldwick and Derwent
Team: Major and **Parish:** Osbaldwick Parish
Commercial Team Council

Reference: 17/00846/FUL

Application at: Holly Tree Farm Murton Way York YO19 5UN

For: Construction of realigned and widened access road and bridge (retrospective) to serve approved log cabins and fishing lake adjacent to property.

By: Mr Peter Mandy

Application Type: Full Application

Target Date: 14 June 2017

Recommendation: Refuse

1.0 PROPOSAL

1.1 Holly Tree Farm comprises an agricultural small holding lying in a prominent location within the general extent of York Green Belt at the eastern edge of Osbaldwick village. Planning permission has previously been granted on appeal for change of use and conversion of a former domestic stable into a two bedroom holiday let, which is now in separate ownership and operation to the farm. A further permission was subsequently given for construction of a separate access incorporating a bridge with sustainable drainage measures over the Osbaldwick Beck. Permission is now sought for the retention of a more substantial shuttered concrete bridge access on a slightly different alignment.

1.2 Relevant Planning History:-

- 11/00497/FUL Change of use of stable block to two bed room holiday let (allowed on appeal)
- 12/02993/FUL Construction of new vehicular access to holiday lets.
- 14/00809/FUL Siting of 8 log cabins for holiday purposes.

2.0 POLICY CONTEXT

Regional Spatial Strategy (RSS) Saved Policies

2.1 The general extent of the York Green Belt is defined within saved Yorkshire and Humberside RSS Policies YH9C and YIC. As such, Central Government Policy in

respect of Green Belts as outlined in the National Planning Policy Framework applies.

National Planning Policy Framework – Relevant policies

2.2 Paragraphs 87 -90 of the National Planning Policy Framework are of particular relevance in considering the proposal. Paragraph 87 identifies that inappropriate development within the Green Belt is by definition harmful to the Green Belt and should not be approved except in "very special circumstances". Paragraph 88 indicates that substantial weight should be given to any harm to the Green Belt. "Very special circumstances will not be deemed to exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations. Paragraph 89 , meanwhile identifies the construction of new building within the Green Belt as inappropriate unless it falls within one of a number of specific categories deemed to be appropriate and paragraph 90 identifies certain other forms of development including local transport infrastructure that can demonstrate the need for a Green Belt location as being not inappropriate providing it preserves the open character of the Green Belt and does not conflict with the purposes of including land within it.

2.3 Paragraph 103 of the National Planning Policy Framework urges that significant weight should be afforded to ensuring that flood risk is not increased elsewhere and only consider development as appropriate in areas at risk of flooding where informed by a site specific risk assessment and following a Sequential Test.

Status of the York Development Control Local Plan (2005 4th set of changes)

2.4 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions although it is considered that any weight is limited except where in accordance with the National Planning Policy Framework. Relevant policies are noted below:-

CYGB1 - Development within the Green Belt

CGP15A - Development and Flood Risk

CYV2 - Infrastructure and services for visitors

Status of the Emerging Local Plan

2.5 The (Emerging) Publication Draft York Local Plan (2014) is currently not progressing through its statutory consultation. At the present early stage in the statutory process the emerging Local Plan policies carry only very limited weight (here relevant and in accordance with the terms of the National Planning Policy

Framework). The evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application. The following policies are of relevance in considering the application:-

ENV4 - Flood Risk

ENV5 - Sustainable Drainage

GB1 - Development in Green Belt

D2 - Place making

3.0 CONSULTATIONS

INTERNAL:-

Highway Network Management

3.1 Raises no objection to the proposal.

Strategic Flood Risk Management

3.2 Was consulted with regards to the proposal on 21st April 2017. Views will be reported orally at the meeting.

EXTERNAL:-

Osboldwick Parish Council

3.3 Objects to the proposal on the grounds of its extremely harmful nature to both the visual amenity of the wider street scene and the openness of the Green Belt. It is furthermore felt that the design of the bridge would ensure that it acts as an obstruction in the event of a severe rainfall event in the locality with a consequent increase in flood risk to those properties upstream of its location.

The Environment Agency

3.4 Was consulted with regards to the proposal on 21st April 2017. Views will be reported orally at the meeting.

The Foss (2008) Internal Drainage Board

3.5 Raises no objection to the proposal.

Neighbour Notification and Publicity:-

Application Reference Number: 17/00846/FUL

Item No: 4f

3.6 The application was publicised by means of a site notice and by neighbour notification on 8th May 2017. One letter of objection has been received objecting to the proposal on the grounds that it would substantially increase flood risk for neighbouring properties in the event of a severe rainfall event.

4.0 APPRAISAL

KEY CONSIDERATIONS

4.1 Key considerations include:-

- Impact upon the open character and purposes of designation of the York Green Belt;
- Impact upon the local pattern of surface water drainage.

PLANNING POLICY CONTEXT

4.2 GREEN BELT:- The general extent of the York Green Belt is defined within saved Yorkshire and Humberside RSS Policies YH9C and YIC as such Central Government Policy in respect of Green Belts as outlined in the National Planning Policy Framework applies. Central Government Planning Policy as outlined in paragraph 87 of the National Planning Policy Framework indicates that inappropriate development is by definition harmful to the Green Belt and should not therefore be approved other than in very special circumstances. Paragraph 88 provides when considering a planning application 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 by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Policy GB1 of the (Emerging) Publication Draft Local Plan is also relevant in this respect.

4.3 FLOOD RISK:- Paragraph 103 of the National Planning Policy Framework states that significant weight should be afforded to ensuring that flood risk is not increased elsewhere and only consider development as appropriate in areas at risk of flooding where informed by a site specific risk assessment and following a Sequential Test.

IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE GREEN BELT

4.4 Paragraph 79 of the National Planning Policy Framework identifies the essential characteristics of Green Belts as being their openness and permanence. Following on from that paragraph 80 identifies five purposes of designation of the Green Belt. Of particular relevance in consideration of the current proposal is the safeguarding of the open countryside from urban encroachment. The structure as erected has a harsh and visually obtrusive urban appearance which detracts from the character of

the Green Belt as the village opens out into the countryside to the east giving rise to further harm quite over and above the clear harm caused to openness.

4.5 The application site lies in a visually prominent location at the eastern edge of Osbaldwick village where the built edge of development opens out into open countryside. The Osbaldwick Beck flows within a wide green verge which contributes to the pleasant rural ambience of the area. A number of other properties in the direct vicinity are accessed across the Beck by small scale bridge accesses which sit comfortably within the street scene. The development has involved the construction of a 6.2 metre wide reinforced concrete bridge with associated concrete surfaced access road to give access across the Osbaldwick Beck to the previously approved holiday lets beyond. The previously approved but unimplemented scheme involved the construction of a brick clad bridge with a carriageway lined in porous material some 3 metres wide directly to the east. The bridge as constructed is executed in shuttered concrete which appears raw and visually highly obtrusive in the wider street scene. In addition the bridge appears totally out of scale when viewed against its neighbours in close proximity.

4.6 The proposal amounts to an engineering operation within the general extent of the Green Belt. Paragraph 90 of the NPPF states that engineering operations can be “not inappropriate” within the Green Belt where they would preserve openness and would not harm the purposes of designation. In officers’ view, the bridge as constructed is clearly harmful to openness and as a consequence is not appropriate development. In order to meet the NPPF Green belt policy tests the proposal would need to demonstrate that there are other material considerations that clearly outweigh the harm by reason of inappropriateness and any other harm, which amount to very special circumstances.(Paragraphs 87 and 88 of the NPPF). No other material considerations have been put forward and as such the scheme is unacceptable in Green Belt terms.

IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE

4.7 Paragraph 103 of the NPPF indicates that in considering development Local Planning Authorities should give particular weight to the need to ensure that flood risk is not transferred else where. Policy GP15a) of the York Development Control Local Plan sets out a firm policy requirement that within areas of high flood risk that the developer should satisfy the Local Planning Authority that any flood risk can be satisfactorily managed with the minimum environmental effect whilst ensuring that the site can be developed , serviced and occupied safely. The scheme as approved incorporated a number of sustainable drainage methods including sections of permeable paving gravel through which surface water can free flow within the structure of the bridge. The bridge as constructed is however in shuttered concrete which is absolutely impermeable and which would cause the surface water to run off in one single mass thereby exacerbating problems of existing high levels of surface water run off. Additionally the nature of the structure is such that in the event of a

severe rainfall event notwithstanding the size of the culvert incorporated within it, it would act as an obstruction causing flood water to be held behind with the increased risk of flooding to properties along its alignment to the east. The development is therefore felt to be unacceptable in flood risk terms.

5.0 CONCLUSION

5.1 Holly Tree Farm comprises an agricultural small holding lying in a prominent location within the general extent of York Green Belt at the eastern edge of Osbaldwick village. Planning permission has previously been given on appeal for change of use and conversion of a former domestic stable into a two bedroom holiday let which is now in separate ownership and operation to the farm. A further permission was subsequently given for construction of a separate access incorporating a bridge with sustainable drainage measures over the Osbaldwick Beck. Permission is now sought for the retention of a more substantial shuttered concrete bridge access on a slightly different alignment.

5.2 The bridge as erected comprises a substantial shuttered concrete structure much larger in scale and more harmful in terms of visual impact than that previously approved. The development through its harm to openness represents inappropriate development within the Green Belt. No other considerations have been put forward by the Applicant that would clearly outweigh the harm to the Green Belt, and in the absence of any very special circumstances the proposal conflicts with Green Belt policies in the NPPF. Additionally the development lacks the sustainable drainage methods incorporated within the approved scheme and would form an obstruction to flood waters in the event of a severe rainfall event. The proposal is considered to conflict with Flood Risk policies within the NPPF and is therefore not felt to be acceptable in planning terms and refusal is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposal constitutes an engineering operation. Due to its scale, design and palette of materials it gives rise to substantial harm to the openness of the Green Belt and as such is inappropriate development contrary to paragraph 90 of the NPPF. No other considerations have been put forward by the Applicant that would clearly outweigh the harm to the Green Belt and therefore in the absence of any very special circumstances the proposal is therefore contrary to Section 9 of the National Planning Policy Framework and policy YH9 of the Yorkshire and Humber Plan and also conflict with Draft Development Control Local Plan (2005) policy GB1: Development in the Green Belt.

2 The structure by virtue of its scale, materials and mode of construction would give rise to an obstruction to flood waters in the event of a severe rainfall event with

consequent increased risk of flooding to those resident along the line of the Osbaldwick Beck to the east of the site, contrary to paragraph 103 of the National Planning Policy Framework and Policy GP15a) of the 2005 York Development Control Local Plan.

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 an attempt to achieve a positive outcome:

Sought clarification of the capacity of the bridge to allow water through in the event of a severe rainfall event.

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

Contact details:

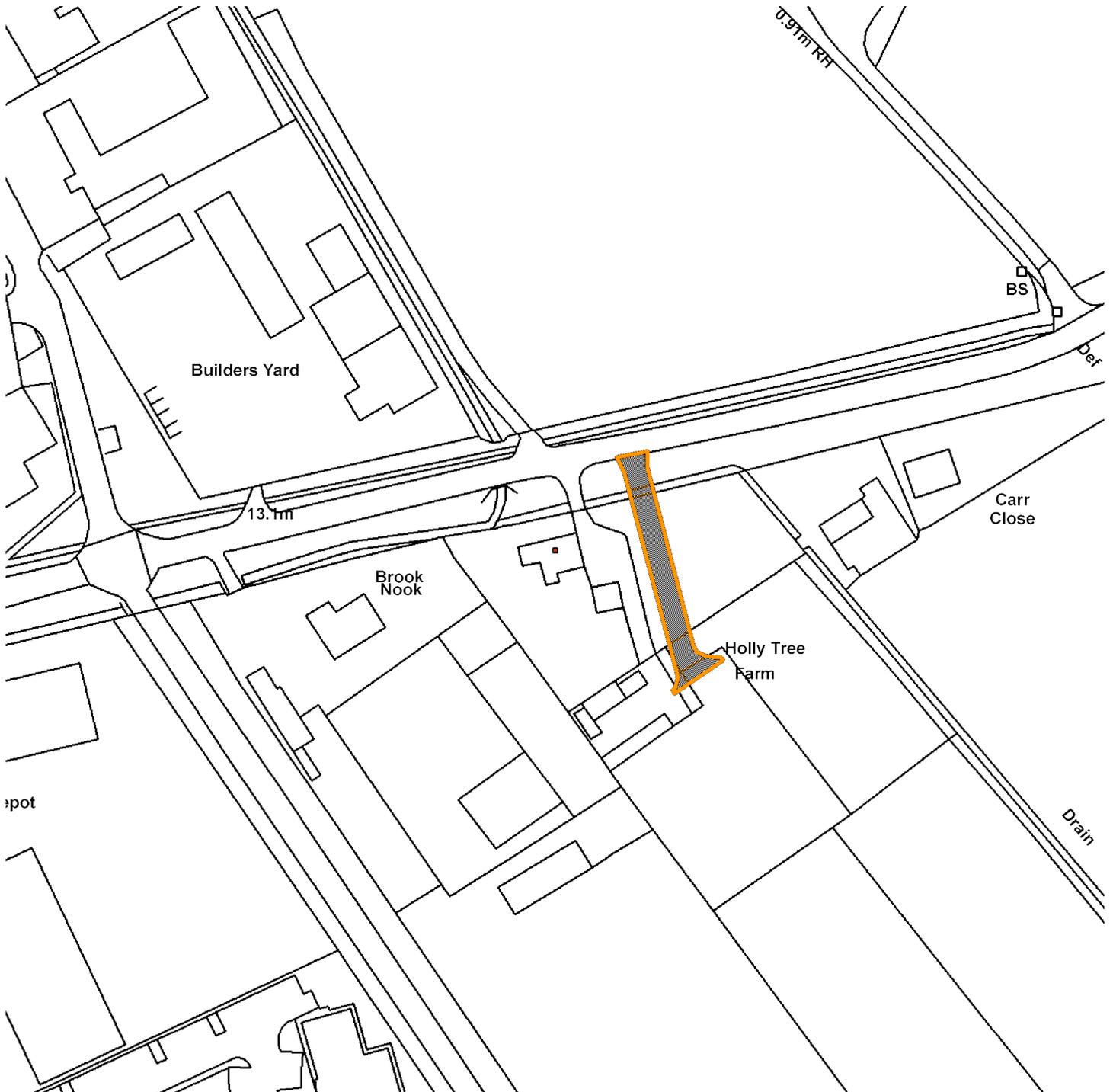
Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

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17/00846/FUL

Holly Tree Farm Murton Way



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COMMITTEE REPORT

Date: 15 June 2017
Team: Major and Commercial Team
Ward: Osbaldwick And Derwent
Parish: Dunnington Parish Council

Reference: 17/00272/FULM
Application at: Land to the North of Unit 8 Derwent Valley Industrial Estate Dunnington York
For: Erection of building for storage and distribution (use class B8)
By: Ness Hall Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 20 June 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is situated within Derwent Valley Industrial Estate in Dunnington. Permission is sought for the erection of a building for storage and distribution (Class B8), between two existing industrial buildings. It will have a footprint of 32m by 46m, with a ridge height of 12.5m. It will be constructed from steel cladding. The Design and Access statement states that the ridge height is 6m higher than the adjacent building due to the requirements to optimise storage space, and provide access by a fork lift truck.

1.2 The building will be accessed from an existing access off Common Road. Details were requested to demonstrate that parking and turning associated with the proposed use could be carried out. Revised plans were submitted on May 7th 2017 which demonstrate the swept path of vehicles.

1.3 Additional information in respect of drainage was also submitted on May 7th 2017.

1.4 The application has been referred to Committee by the Assistant Director due to the cancellation of the Area Planning Committee in June, and the economic needs of the business.

2.0 POLICY CONTEXT

2.1 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. There is no adopted Local Plan in York.

2.2 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy

Framework (NPPF) and it is against this Framework that the application proposal should principally be addressed.

National Planning Policy Framework

2.3 Section 4 of this report highlights the key aspects of the NPPF that are relevant to this application.

Other Material Considerations

“Development Control Local Plan” 2005 (DCLP)

2.4 Although there is no formally adopted local plan, the “City of York Draft Local Plan Incorporating the Fourth Set of Changes” was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. Policies considered to be compatible with the aims of the NPPF and most relevant to the development are :

CYGP1 - Design

CYGP4A - Sustainability

CYGP6 - Contaminated land

CGP15A - Development and Flood Risk

CYT4 - Cycle parking standards

CYE3B - Existing and Proposed Employment Sites

Emerging Local Plan and Evidence Base

2.5 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF), particularly as the emerging Local Plan is to be the subject of further consultation and a revised publication draft is anticipated. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of planning applications.

The up to date evidence considered relevant to this application includes:
Economic Land review 2016.

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Raise no objection subject to a condition in respect of unexpected contamination, and provision of an electric charging point.

Highway Network Management

3.2 The applicant has demonstrated that they have control of the car parking and turning in front of the proposed building and unit 7, and has provided swept paths of expected vehicles turning. These turning areas should be conditioned to be kept free from obstructions to allow vehicles associated with the new development to turn within the site. This will allow vehicles to enter and exit the industrial estate in forward gear. Levels of parking provided are acceptable for the proposed use. Accordingly no objection is raised.

Flood Management

3.3 Drainage plans showing ground and pipe invert levels of all existing and proposed impermeable areas are required. The details shall include, storage volume calculations, using computer modelling, to accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

3.4 However, because the proposed footprint appears to be on an existing impermeable drained hard standing the above can be conditioned to be agreed in writing prior to any commencement of work on site.

EXTERNAL

Dunnington Parish Council

3.5 No objection.

Yorkshire Water Services

3.6 Condition requested requiring details of surface water drainage to include information on the existing drainage of the site, together with information to

demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to a public sewer.

Ouse and Derwent Internal Drainage Board.

3.7 The Board has no objections to the principle of this development but feel it appropriate that the applicant clarifies the drainage strategy to enable an evaluation to be undertaken in terms of flood risk. The Board recommends that any approval granted should be subject to condition requiring the submission of a scheme for the provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority.

Neighbour Notification and Publicity

3.8 The application was advertised in the press and on site. Immediate neighbours were also consulted. No representations received.

4.0 APPRAISAL

KEY CONSIDERATIONS

- Principle of the development in this location
- Access
- Drainage
- Design
- Neighbour impact

POLICY CONSIDERATIONS

4.1 The NPPF states at paragraph 14 that there is a presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. Sustainable development is split into three roles: economic, social, and environmental (para 7). These roles can not be undertaken in isolation and are mutually dependent. Current Government policy is to assist the economy, sustainable development proposals should be allowed unless they would compromise the key sustainable development principles set out in national planning policy. Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure

developments that improve the economic, social and environmental conditions of the area (paragraph 187).

4.2 The NPPF sets out a number of core principles (paragraph 17) that are relevant to the consideration of the application, one of which includes the principle that planning should:

Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs...

This is re-affirmed in Section 1 and para 18 of the NPPF, which states:

1. Building a strong, competitive economy

18 The Government is committed to ensuring economic growth in order to create jobs and prosperity, building on the Country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

4.3 Paragraph 21 includes support for existing business sectors. Taking account of whether they are expanding contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. The NPPF further requires that planning seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It attaches great importance to the design of the built environment and supports sustainable transport and includes a requirement to meet the challenge of climate change, flooding and coastal change.

4.4 The City of York Draft Development Control Local Plan (incorporating fourth set of changes, April 2005), (2005 DCLP) has been adopted for development management purposes. Where they are consistent with the policy approach in the NPPF, the policies carry some weight. It is considered that Policies GP1-Design, GP4a -Sustainability, Policy GP6 - Contaminated land and policy GP15a-Development and Flood Risk , T4 - Cycle Parking Standards and E3b - (Existing and Proposed Employment Sites) are broadly in conformity with the NPPF.

PRINCIPLE OF THE USE IN THIS LOCATION

4.5 The site lies outside the York Green Belt on Derwent Valley Industrial Estate. The NPPF supports the proposal. It is positioned between two existing industrial buildings, with further units to the east. Policy E3b of the) also supports the retention of existing employment sites. As submitted, the Design and Access Statement advised that the future occupier of the building was yet to be confirmed. However the applicant has updated this and has confirmed that the building will be occupied by the company who occupy an adjacent unit, and are a 'long established York

business'. At present they have a second unit in York storing food which they are required to vacate this summer. As a result they are under pressure to have the new building in operation to replace it. The business will employ 45 people at the site at Dunnington and a number of drivers which they estimate to be a further 15 people. In total around 60 people will be employed.

4.6 Taking account of the policy support for the principle of the use, the location of the site within an area of conforming uses, and in close proximity to a strategic road network, it is considered that the principle of the development is acceptable.

ACCESS

4.7 The site is accessed from a spine road from Common Lane, which itself is in close proximity to the A1079 York-Hull Road. As submitted, officers expressed concern regarding the level of parking and turning available if the site was subdivided from the adjacent unit. Further plans and clarification have been received from the applicant which provides confirmation that the applicant has control of the parking in front of the adjacent unit. Furthermore they have provided swept paths that demonstrate that large vehicles can turn within the site. On the basis that a condition is imposed requiring that such areas are kept clear, Network Management officers have advised that the details are acceptable for the proposed use. It is understood that the applicant also owns another access to the site, although it is currently blocked by fencing. This access runs closer to adjacent properties, and it is therefore considered that any approval be conditioned to restrict access to the main route as shown on the submitted drawing.

4.8 Given the location of the site within an industrial estate on the edge of a village, together with proposed use for warehousing, it is inevitable that vehicular movements will be generated. As such, the development will not accord with that part of the section 4 of the NPPF that supports sustainable transport. However the building will be occupied by existing users on the industrial estate, and potential employees could live in relatively close proximity to the site. Accordingly it is not considered that the level of conflict with the NPPF in terms of sustainable transport is sufficient to outweigh the appropriateness of the location.

DRAINAGE

4.9 The application is accompanied by a Flood Risk Assessment which demonstrates that the site lies within Flood Zone 1. It further states that the building will drain to the existing system. Consultation responses have been received from the Flood Risk Management Officer, Yorkshire Water Services and the Ouse and Derwent internal Drainage Board. All the consultation responses promote the use of sustainable drainage techniques, and advise that the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to a public sewer. On-site

attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event.

4.10 The applicant has been advised of these requirements and will carry out the required survey work to inform the subsequent drainage strategy. However he has advised that the costs of the required survey work are significant, and has requested that such work is subject to a planning condition rather than pre-determination. The Flood Risk Manager has advised that in this case, because the proposed footprint appears to be on an existing impermeable drained hard standing, the information could be the subject of a condition to be agreed in writing prior to any commencement of work on site.

DESIGN

4.11 The NPPF requires good design, and Policy GP1 of the 2005 DCLP states that development proposals will be expected to respect or enhance the local environment. The proposed building has a greater footprint, and stands forward of the adjacent building. Furthermore, the Design and Access Statement advises that the proposed building will have a ridge height of approximately 6m greater than the adjacent building. Indeed it is noted that the proposed building has a greater height than many of the surrounding buildings. Nevertheless, it is considered that the design and scale is broadly compatible within the context of an existing industrial estate, and the building will not be readily visible from the wider area. The roof will be clad in dark grey sheeting which is less obtrusive than more reflective light sheeting.

4.12 On balance it is therefore considered that the design accords with the NPPF and Policy GP1 of the 2005DCLP.

NEIGHBOUR IMPACT

4.13 In relation to neighbour impact, there are no immediate residential properties. The nearest residential properties are located on Hull Road, but are separated from the application site by other industrial and business units. In view of this, it is not considered that there will be a significant adverse impact on their existing amenities. The height of the building is such, that it is likely to be visible from those dwellings; however the distance is such that it is not considered that the proposed building will overshadow or over dominate them. As stated in paragraph 4.7, there is an alternative access to the site which could result in greater movements closer to residential properties. It is considered necessary that access to the site from this alternative access is restricted to protect residential amenity. This can be achieved by planning condition.

5.0 CONCLUSION

5.1 It is considered that the proposed development will be located in an appropriate location within an existing industrial estate. Furthermore, it accords with a core principle of the NPPF to 'positively drive and support sustainable economic development'. This is further emphasised in paragraph 18 which states that the Government is committed to ensuring economic growth. There is an existing access to the site which is capable of accommodating the proposed development, and drainage can be addressed by condition. Given the distance of the proposed building from residential properties, and the context of the site within an existing industrial estate, it is not considered that the development will result in a significant adverse impact on residential amenity. Residential amenity can also be protected by imposition of a condition restricting access to the site from the alternative access referred to at paragraph 4.7 to the report. Accordingly, it is considered that the development complies with the principles of the NPPF, and those policies that are consistent with the NPPF, in particular policies E3B, and GP1. The requirements of policy GP15a and GP6 can be addressed by conditions.

5.2 It is not considered that there are any material considerations that would outweigh the general support for economic development, and the recommendation is one of approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The building hereby approved shall not be occupied until surface water drainage works have been implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the local planning authority. If the assessment demonstrates that soakaways are not viable, the surface water drainage design should limit the flow from the total impermeable area of the proposed site to 70% of the existing flow. The submitted details shall include the following:

- i. Drainage plans showing ground and pipe invert levels of all existing and proposed impermeable areas.
- ii. Storage volume calculations, using computer modelling, to accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model

must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

iii A management and maintenance plan for the lifetime of the development.

Reason: In the interests of achieving the satisfactory drainage of the site.

3 Notwithstanding the submitted details, there shall be no external lights on the building hereby approved, unless precise details have first been submitted to, and approved in writing by the local Planning Authority.

Reason: In the interests of visual amenity.

4 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

5 No part of the site shall come into use until the turning and parking areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

6 There shall be no external storage of materials or finished products unless details have first been submitted to, and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

7 The building hereby approved shall only be accessed by the 'existing access' within the red line shown on proposed site plan drawing 15/M17/P/04B.

Reason: In the interests of protecting the amenities of residential occupiers on Hull Road.

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

Proposed Site plan - 15-M17-04C

Proposed Elevation - 15-M17/P/03B

Design section- 15-M17-P-06

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

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

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighboring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development **can be carried** out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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:

Requested further plans to demonstrate parking and turning.

Contact details:

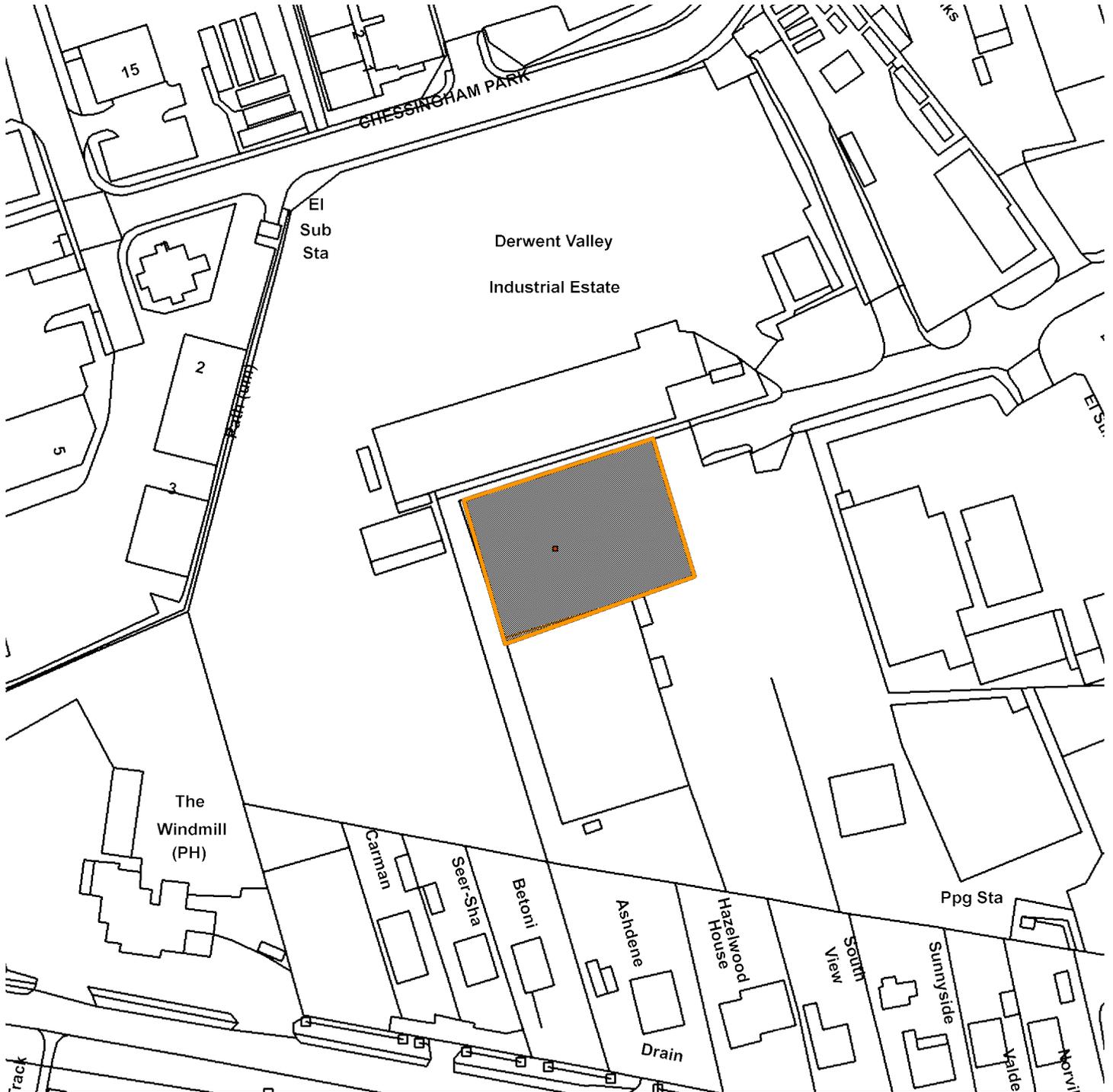
Author: Rachel Smith Development Management Officer

Tel No: 01904 553343

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17/00272/FULM

Land To The North Of Unit 8 Derwent Valley Industrial Estate



Scale : 1:1297

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	31 May 2017
SLA Number	Not Set

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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 times 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

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17/00620/FULM

Askham Bryan College, Askham Fields Lane



Scale : 1:2566

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	06 June 2017
SLA Number	Not Set

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- Internal changes reducing the extent of the first floor to the forward most part of the building.
- The creation of additional hard standing to the rear of the building through the removal of scrub and self-seeded trees.
- The creation of additional hard standing to the front by incorporating a strip of around 4m of the grass landscaping strip within the site to the front.
- Provision of lighting columns.

PLANNING HISTORY

1.4 Planning permission was granted for the showroom, offices, warehouse and car park in December 1988 (3/100/260A/FA).

1.5 There have been no significant planning applications relating to the site since this time. In December 2016 (16/02875/FUL) a planning application was submitted by the current applicant for the external works proposed in the current application. The applicant was advised that it was considered that the proposed use of the showroom and warehouse as a builder's merchant was a change of use of the building and that a change of use should also be included with the submission.

2.0 POLICY CONTEXT

2.1 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. There is no adopted Local Plan in York. In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the NPPF and it is against this Framework that the application proposal should principally be addressed.

NPPF - Ensuring the Vitality of town centres, Requiring Good Design, Conserving and Enhancing the natural environment.

Other Material Considerations

"Development Control Local Plan" 2005 (DCLP)

2.2 Although there is no formally adopted local plan, the "City of York Draft Local Plan Incorporating the Fourth Set of Changes" was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. Policies

considered to be compatible with the aims of the NPPF and most relevant to the development are;

2.3 Policies:

CYGP1
Design

CYGP15
Protection from flooding

CYS2
Out of centre retail warehouse criteria

CYNE6
Species protected by law

CYNE2
Rivers and Stream Corridors, Ponds and Wetland Habitats

CYGP4
Environmental sustainability

CYT4
Cycle parking standards

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No objections subject to conditions relating to the retention of parking and turning and manoeuvring areas.

Public Protection

3.2 No objections subject to a noise management plan to control noise from loading vehicles and fork lift trucks at the site. Also state that deliveries shall only be taken at or dispatched from the site between 07:00 to 20:00 Monday to Saturday and 10:00 - 4.00 pm on Sundays and bank holidays.

Countryside and Ecology Officer

3.3 The proposal will not lead to the loss of semi-natural habitat and the pond will remain fenced off. Do not object providing an Environmental Management Plan is agreed by condition.

EXTERNAL

Osballdwick Parish Council

3.4 Objection. The Parish Council deem the advised operating hours are unacceptable to local residents and would like to suggest the following hours which the Parish Council deem acceptable:-

- 8.00-5.00pm Monday to Friday
- 8.00-12.00pm Saturday
- Closed Sunday

3.5 The Parish Council also have concerns regarding the level of lighting on site, hedgerow retention, advertising and the extra traffic generation that this proposal would generate.

Neighbour Notification and Publicity

3.6 2 objections have been received raising the following planning issues:

- Concerned that HGV's will enter the Link Business Park and damage the road and car park.
- The application site has no parking or waiting areas for heavy vehicles.
- The site has a pond and streams on the boundaries which are important to wildlife including newts. The previous operator of the site managed the business in such a way to not conflict with wildlife. Concerned that the proposed use, including lighting will conflict with this.

4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

- Retail policy
- Impact on streetscene
- Impact on neighbours living conditions.
- Parking and highways issues.
- Impact on wildlife

- Drainage

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development.

4.3 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. The NPPF states that there are three dimensions to sustainable development - an economic role, a social role and an environmental role.

4.4 Local Plan Policy GP1 'Design' is an overarching policy. Of specific relevance to the application are criterion (F) which states that lighting should be a minimum level required for working and security and (I) which states that residents living nearby should not be unduly affected by noise or disturbance.

4.5 Local Plan Policy GP4a 'Sustainability' requires development to, for example, minimise the use of resources and conserve and enhance landscape features.

4.6 Local Plan Policy GP15a 'Development and Flood Risk' states that discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long-term run-off from development sites should always be less than the level of pre-development rainfall run-off.

4.7 Local Plan Policy CYS2 'Out of Centre Retail Warehouses' requires warehouses to sell largely only bulky goods and non food items unless they are ancillary to the main range.

4.8 Local Plan Policy T4 'Cycle Parking Standards' seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in appendix E of the Local Plan.

4.9 Local Plan Policy NE6 'Species Protected by Law' states that planning permission will not be granted that would cause demonstrable harm to species protected by law or their habitats.

4.10 Local Plan Policy NE2 'River and Stream Corridors, Ponds and Wetland Habitats' states that development will not be allowed that damages the wildlife or amenity value of such environments.

RETAIL POLICY

4.11 The previous use of the building was as a showroom and warehouse selling for example kitchens and bathrooms. Sales were generally to the public, though

there was a trade counter. The proposed use as a builder's merchant with sales to trade is considered to be a B8 use (Storage or distribution). It is not considered that the change in the use of the building would conflict with retail policy including guidance that seeks to ensure the viability and vitality of city centres.

IMPACT ON THE STREETSCENE

4.12 The changes to the exterior of the building will lead to the removal of glazing on the sides of the building and some on the front, particularly at upper floor levels. The form of the proposed building is consistent with that of warehouse buildings. The building is set back from the street and the form is considered acceptable in the commercial context of the area. Proposed 3 metre security fencing is set well back from the front boundary. There is an existing hedgerow that runs along the eastern side of the link road including in front of the application premises. This is an attractive and prominent feature of the route. The proposed change of use and works do not indicate that it will be removed.

4.13 The development proposals include the external storage of building materials up to a height of 5m on a racking system. This is proposed to the southern side and on a new hard surfaced area to the rear of the building. The racking is a lower height than the building. All though functional in appearance it is considered an acceptable use in the location. The rear extent of the hard surfaced area corresponds with the established rear line of other buildings and hard standings on the road.

4.14 The original submitted plans indicated a relatively modest number of lighting columns in the site. During the course of the application a lighting plan was submitted which included 15 eight metre lighting columns around the site as well as 13 wall mounted lights. It is considered that this is excessive in respect to the impact of columns and it is recommended that lighting details are conditioned to explore whether the number can be reduced - particularly around the perimeter of the site. Issues relating to light pollution are considered below.

IMPACT ON NEIGHBOURS LIVING CONDITIONS

4.15 The proposed physical changes to the building and hard surfaced areas will not have a significant impact on light and outlook. The key consideration is the impact of the change of use and development on light pollution and noise.

4.16 It is not considered that the level of comings and goings associated with the use would be greater than if it were retained in use as a showroom and warehouse. It is also noted that Osboldwick Link Road is already relatively well used by heavy vehicles. It is considered the key consideration is whether the deliveries and particularly the operation of the external yard of the proposed use would create noise concerns that would detract from the working conditions of nearby businesses

and the residential amenity of properties located on the western side of Osbaldwick link Road. The nearest dwelling is around 80m from the proposed service yard. The garden of the property is around 65 metres away. Officers have expressed particular concerns regarding noise from reversing beepers. The applicant has agreed to a condition that if the application is approved a noise management plan is submitted and adhered to. This will focus particularly on noise from beepers. The applicants have indicated that white noise warnings can be used in the site. The council's Public Protection team are supportive of this approach.

4.17 The existing planning permission for the site has no restriction in respect to opening house or delivery times. Given that a builders merchant has the potential to create more noise through the operation of the yard and is a use that often opens early in the morning it is considered reasonable to control this. A condition is proposed restricting opening times to:

- 0630-2000 Monday-Friday
- 0730-2000 Saturdays
- 1000-1600 Sundays and Bank Holidays

4.18 Delivery times would be restricted to:

- Monday - Saturday 07:00 to 20:00
- 0730-2000 Saturdays
- Sundays and bank holidays and public holidays 10am - 4pm.

4.19 The light assessment submitted by the applicant was considered acceptable by officers of Public Protection as the scheme would not create unacceptable levels of lighting within the local context, or harm neighbours living conditions. A further lighting assessment will be required in respect to a scheme that does not require so many new tall lampposts. This can be addressed by condition and re-assessed by Public Protection. The applicant has agreed to a condition that lighting does not occur before 06:00 or after 20:30. This is to avoid unnecessary lighting of the site and reduce any conflict with wildlife.

PARKING AND HIGHWAY ISSUES

4.20 The proposed site will retain the existing entrance. 34 car parking spaces are shown to be retained. A turning area for heavy vehicles is proposed in the service yard. It is considered that the proposal is acceptable from a highway safety viewpoint.

IMPACT ON WILDLIFE

4.21 There is a pond to the south-west corner of the site and a drainage ditch along the southern boundary. This area will remain fenced off from the working area of the site. It is not considered as such that the proposal will cause demonstrable harm to wildlife. A condition has been suggested requiring an Environmental Management Plan to ensure that construction work and the operation of the site proceeds in a way that does not conflict with this area.

DRAINAGE

4.22 A section of scrub and grass land to the east and west is to be hard surfaced. A condition has been included requiring details to be submitted ensuring that the increased hard surfacing does not lead to increased flood risk.

5.0 CONCLUSION

5.1 The proposed use makes efficient use of the existing building and site. It is considered the key consideration is whether the proposal will cause undue noise and therefore detract from the living conditions of homes located to the west of Osbaldwick link Road. It is considered that subject to the suggested conditions, particularly, those relating to operating hours and a noise management plan the proposal is acceptable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Proposed Ste Plan 17-062-004 received by The Local Planning Authority on 30 March 2017.

Proposed General Arrangement Plan 17-062-002 received by The Local Planning Authority on 30 March 2017.

Proposed Elevations 17-062-003 received by The Local Planning Authority on 30 March 2017.

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

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

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 HWAY35 Servicing within the site

5 The building shall not be opened for the approved use until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

6 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

7 The approved use shall only be open to customers between the following hours:

0630-2000 Monday-Friday

0730-2000 Saturdays

1000-1600 Sundays and Bank Holidays

Reason: To protect neighbours living conditions.

8 No deliveries shall be taken at or despatched from the site outside the following hours

Monday - Saturday 07:00 to 20:00

0730-2000 Saturdays

Sundays and bank holidays and public holidays 10am - 4pm.

Reason: To Protect the amenity of nearby premises.

9 Waste removal from site shall be restricted to between the following hours:

Monday - Friday 07:00 to 20:00

0730-2000 Saturdays

No removal on Sundays, bank or Public holidays

Reason: To protect the amenity of nearby premises.

10 There shall be no external lighting of the site outside the following hours:

0600-2030 Monday-Friday

0700-2030 Saturdays

0930-1630 Sundays and Bank Holidays

Reason: To reduce light pollution and limit the impact on wildlife.

11 A noise management plan shall be submitted to the local planning authority for approval and agreed prior to the operation of the approved use. Once the noise management plan has been approved this plan shall be implemented and adhered to.

Reason: To protect the amenity of nearby premises.

(Note)- Condition 1 primarily relates to controlling noise from reversing beepers on site from both the companies vehicles and visiting vehicles.

12 An Environmental Management Plan shall be submitted to the local planning authority for approval and shall be approved prior to construction work taking place. Once the plan has been approved this plan shall be implemented and adhered to.

Reason: To ensure that construction work and the future operation of the site does not conflict with the wellbeing of wildlife and wildlife habitats on and adjacent to the site.

13 This consent does not grant permission for the lighting details submitted by the applicant by email on 26 April 2017 and 16 May 2017 and full details of lighting, including columns, fixings and light levels shall be submitted to and approved in writing by the Local Planning Authority prior to their erection and use.

Reason: To ensure that the design and location of lighting columns does not create visual intrusion and that lighting levels do not cause pollution.

14 No new hard landscaped areas shall be created until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system.

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 an acceptable outcome:

Restrictions on operating hours and methods proposed to overcome neighbour amenity concerns.

2. Demolition and construction informatives

The developer's attention should also be drawn to the following which should be attached to any planning approval as an informative.

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

Monday to Friday 08.00 to 18.00

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Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

5. Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions.

6. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

7. There shall be no bonfires on the site.

8. In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

Contact details:

Author: Neil Massey Development Management Officer (Mon/Tue/Fri)

Tel No: 01904 551352

17/00791/FUL

Smith Brothers Ltd Osbaldwick Link Road Osbaldwick



Scale : 1:2112

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	06 June 2017
SLA Number	Not Set

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NPPF – Most relevant aspect relates to Good Design

Other Material Considerations

“Development Control Local Plan” 2005 (DCLP)

2.2 Although there is no formally adopted local plan, the “City of York Draft Local Plan Incorporating the Fourth Set of Changes” was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF .Policies considered to be compatible with the aims of the NPPF and most relevant to the development are;

CYGP1 - Design

CYH7 - Residential extensions

2.3 Copmanthorpe Village Design Statement

2.4 Supplementary Planning Document - 'House Extensions and Alterations' dated December 2012

3.0 CONSULTATIONS

EXTERNAL

COPMANTHORPE PARISH COUNCIL

3.1 No objection to original scheme.

RESPONSE RECEIVED TO NEIGHBOURING CONSULTATION/PUBLICITY

3.2 No comments received up to date of writing further to initial scheme nor to the revised plans.

4.0 APPRAISAL

4.1 Key Issues:

Visual impact on the dwelling and surrounding area;
Impact on neighbouring amenity

POLICY CONTEXT

4.2 The National Planning Policy Framework (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.3 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. The NPPF states that there are three dimensions to sustainable development - an economic role, a social role and an environmental role.

4.4 DEVELOPMENT CONTROL LOCAL PLAN POLICY CYH7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.5 DEVELOPMENT CONTROL LOCAL PLAN POLICY GP1 refers to design, for all types of development. Of particular relevance here are the criteria referring to good design and general neighbour amenity.

4.6 The Council have an agreed Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 which provides guidance on all types on domestic type development. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/streetscene it is located on. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance with the extension/alteration being subservient and in keeping with, the original dwelling. The character of spacing within the street should be considered and a terracing effect should be avoided where required. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook. Guidance in section 11 advises inter alia that porches should not normally project excessively beyond the front of the house or be overly wide; the glazing style, door location and materials and roof pitch should respect the original building. Guidance in section 13 advises that for single storey extensions privacy can be protected by the use of blank side walls, obscure glazing, high level windows, or by screening along shared garden boundaries. Guidance in section 14 advises inter alia that dormers should be small in scale and should not dominate the roof. The materials and shape of dormers should relate to the appearance of the dwelling.

4.7 Copmanthorpe Village Design Statement aims to preserve and enhance the character and distinctiveness of the village by promoting appropriate standards of design, and that extensions should retain neighbours right to light and privacy, avoid locations which link one house to another, should be set back from plot boundaries and use materials to compliment the main building. Guidance in section 11 advises inter alia that porches should not normally project excessively beyond the front of the house or be overly wide; the glazing style, door location and materials and roof pitch should respect the original building.

ASSESSMENT

IMPACT UPON THE DWELLING AND UPON THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA

4.8 The proposed flat roof single storey side/rear element will project to the same distance to the side, and the same height, as the existing garage and covered walkway currently in place to the side. Similar brickwork to the existing dwelling will be incorporated, along with a large glazed window to the front elevation. Revised plans were sought but not received in order to reduce the scale of this glazing, which may appear a little at odds within the surrounding area, when viewed from the highway to the front. However, taking into account that neighbouring dwellings, both adjacent and opposite, did originally have similar style large front windows in place, which have now been partially bricked up, it is not considered to appear unduly harmful. The side extension will then project beyond the original rear elevation of the dwelling by approx. 2.2 metres; and the existing lean-to rear porch style extension will be slightly further extended to the rear, in line with the original rear elevation of the dwelling, which is considered to give a more cohesive appearance of the rear elevation

4.9 The dormers are proposed to the same width as the existing dormers, but will be slightly taller by lowering the proposed internal cill levels and will be changed to a sloping roof as opposed to flat roofs. Timber cladding was sought to clad the dormers, so as to appear similar to others within the row, however the applicant proposes lead due to greater durability and increased fire safety. As the dormers to these three dwellings within the row all currently vary slightly in scale and design, the changes to the dormers as the host are not considered to appear so harmful so as to warrant refusal. The change from white upvc/timber fenestration to a stained timber finish, is considered to appear acceptable. Two of the three windows within the existing rear elevation of the dwelling are to be enlarged and varied in design, and again these are considered acceptable in appearance, particularly as they will not be open to public view.

4.10 The proposed porch will be replaced by one of similar footprint to that existing, but now proposes a pitched roof, with entrance door to the front elevation, and this is considered to appear acceptable within the streetscene.

4.11 Ample amenity space will remain within the large rear garden; along with adequate car parking to the front. External access from the front to the rear of the dwelling will remain for cycle storage within the proposed utility room element.

IMPACT UPON NEIGHBOURING AMENITY

4.12 The major neighbouring impact will be upon those adjacent residents to the side at No. 4 College Road, particularly due to the rear extension proposed along the common side boundary, where this neighbouring dwelling has a rear conservatory in place, also along this boundary. Taking into account of the modest height proposed of approx. 2.7 metres, along with the relatively modest rear projection, which will be similar in length to the neighbouring conservatory, it is not considered to harm neighbouring amenity, with particular regard to outlook/light and privacy.

4.13 The changes to fenestration within the rear elevation are not considered to impact upon privacy levels for neighbouring garden areas, particularly as these designs could be inserted within permitted development rights.

5.0 CONCLUSION

5.1 The proposals are considered to comply with the NPPF, DCLP Policies H7 and GP1, Supplementary Planning Guidance - House Extensions and Alterations (Approved 2012) and Copmanthorpe Village Design Statement. Approval is recommended.

6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years

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

Revised plans and elevations received on 30/05/2017 and materials as stated within the submitted application form

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

3 VISQ6 Infill brickwork to match

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:

Revised plans sought and received to remove the proposed two-storey side element so as to protect the character of the area. Use of timber to clad the dormers and a reduction in the scale of glazing to the front elevation of the extension was sought but not received.

2. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

3. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused, by activities relating directly to the approved development (e.g. delivery of building materials via HGV's). The Council is particularly concerned at the increasing impacts and damage occurring to grass verges. This is detrimental to residential amenity, can present safety issues and places an unreasonable financial burden on the Council, if repairs are subsequently deemed necessary. Therefore, applicants/developers are strongly advised to work proactively with their appointed contractors and delivery companies to ensure that their vehicles avoid both parking and manoeuvring on areas of the public highway (grass verges) which are susceptible to damage. The council wishes to remind applicants that legislation (Highways Act 1980) is available to the authority to recover any costs (incurred in making good damage) from persons who can be shown to have damaged the highway, including verges. If the development is likely to require the temporary storage of building materials on the highway, then it is necessary to apply for a licence to do so. In the first instance please email

highway.regulation@york.gov.uk, with details of the site location, planning application reference, anticipated materials, timelines and volume. Please refer to the Council website for further details, associated fees and the application form.

Contact details:

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17/00731/FUL

2 College Road Copmanthorpe



Scale : 1:1297

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	31 May 2017
SLA Number	Not Set

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