

1.6 The above shelters are within the arboretum.

1.7 2 No. buildings proposed within Enclosure 14 are sited to the front of the Animal Management Centre 1 building (AMC1). The enclosure would be used for species such as meerkats, porcupines, mongoose, and tortoise. The enclosure walls would be finished in brown render and artificial rock together with viewing panels. The monopitch shelter would measure 4.4 metres by 8.4 metres and would be 1.8 metres (maximum height) and would be blockwork in a brown render finish and viewing panels, and grey glass fibre sheeting for the roof. The proposed open sided canopy would be sited to the corner of the meerkat/porcupine enclosure and would measure 12.5 metres by 4.2 metres, and would have a maximum height of 1.4 metres.

1.8 Enclosure 13 would be post and rail fencing and would be sited to the south of AMC1 and enclosure and shelters 14.

1.9 The site is within the general extent of the greenbelt and is within Flood Zone 1. The proposed animal shelters do not fall within the scope of planning permission 13/02946/FULM as the shelters are larger and different locations.

2.0 POLICY CONTEXT

2.1 Please see paragraphs 4.1 to 4.11 of Appraisal for national and local policy context.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

LANDSCAPE ARCHITECT - No comments received

ECOLOGY OFFICER

3.1 States the two trees identified for removal were not identified as suitable for roosting bats or barn owls. It may be that these have already been removed as part of the previous application however, it is likely that these and other vegetation on site would offer suitable habitat for common species of nesting birds, and therefore an informative reminding the applicant of obligations under the Wildlife and Countryside Act relating to the nesting of wild birds is suggested.

ARCHAEOLOGY

3.2 Recent archaeological investigations across this area as part of the development of the new animal management centre have revealed that deposits and features

exist on the site. It is possible that groundworks associated with this proposal may reveal or disturb archaeological features particularly relating to the prehistoric-Romano-British period. As this is a new application it will be necessary to record any revealed features and deposits through an archaeological watching brief on all groundworks. Request Condition ARCH2

FLOOD RISK MANAGEMENT TEAM

3.3 Further drainage details are required, these can be sought via condition.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

ASKHAM BRYAN PARISH COUNCIL

3.4 No objections

AINSTY INTERNAL DRAINAGE BOARD

3.5 The site sites outside of the Ainsty IDB district however they have assets in the vicinity of the site: Askham Bogs Drain and Miry Lane Drain which are running at full capacity

3.6 The site is in an area where drainage problems exist and development should not be allowed until the Authority is satisfied that surface water drainage has been satisfactorily provided for.

3.7 The application is for the creation of animal shelters some of which are substantial proportions. This will create a substantial area of impermeable surface and an associated increase in the rate of surface water run-off. The application form states would be drained to soakaways. The information does not indicate if this is an existing facility or newly constructed for the purpose. If the soakaways exist LPA should seek confirmation of their locations and that the systems are working effectively and also to have evidence that they are capable of handling the additional volume of water that will be generated. It is not sufficient for the applicant to rely on anecdotal evidence of its past performance. If newly constructed soakaway a BRE Digest 365 test is required.

3.8 Seek drainage scheme via condition.

4.0 APPRAISAL

RELEVANT SITE HISTORY:-

- 16/01167/NONMAT - Non material amendment to permitted application 13/02946/FULM to amend siting of fenced enclosures - Approved

Application Reference Number: 16/01095/FUL

Item No: 4f

- 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

KEY ISSUES:-

- Planning policy
- Green belt and consideration of very special circumstances
- Design and landscape considerations
- Drainage
- Archaeology

PLANNING POLICY

- Development Plan

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.

- Local Plan

4.2 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.

4.3 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 NPPF the general aim of the policy is considered to be in line with the NPPF.

4.4 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, particularly the protection of main gateway transport corridors into York from development which, cumulatively, could have an adverse impact on the setting of the corridor and surrounding environment (d). The general aim of the policy - take account of the different roles and character of different areas, - is considered to be in line with the NPPF.

4.5 The campus is identified as a "major developed site in the Green Belt" within Policy GB10 the Development Control Local Plan (2005), the 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.

- Emerging Local Plan

4.6 The planned consultation on the Preferred Sites for the emerging City of York Local Plan will go before Executive on 30 June, following a meeting with the Local Plan Working Group on 27 June. If approved, the proposals will then be the subject of public consultation for an eight-week period starting in July. 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. The evidence base underpinning the emerging Plan is however capable of being a material consideration.

4.7 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out the 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.

4.8 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. This presumption does not apply in Green Belt locations.

4.9 The National Planning Practice Guidance (NPPG) explains how weight may be given to policies in emerging plans. Arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the NPPF and any other material considerations into account.

4.10 The NPPF states that the refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

GREEN BELT STATUS OF THE SITE

4.11 As noted in the above Planning Policy section of this report, the site is located within the general extent of the York Green Belt as described in the RSS. In the DCLP (2005) it was proposed to be designated as green belt. In the emerging local plan the application site is also proposed to be designated as greenbelt. These allocations have not been tested by public consultation and as such, the potential allocation of this land can only be given very limited weight at this stage.

4.12 When the site is assessed on its merits (in paragraphs 4.13 to 4.19 below) it is concluded that whilst the York Green Belt has not yet been fully defined, the site falls within the general extent of the Green Belt and serves a number of Green Belt purposes. As such, the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF.

OPENNESS AND PURPOSES OF THE GREEN BELT

4.13 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.

4.14 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 college is sited at the top and north of the ridge. The application site has been used as an arboretum. Shelters and small shelters have been allowed on this site as part of planning permission 13/02946/FULM, as have alterations to the siting of the enclosures in non-material amendment application 16/01167/NONMAT. The enclosures are in place. However it is considered that the application site does not fall within the previously developed site. The proposed shelters do not fall within any of the exceptions set out in paragraphs 89 and 90. The proposed shelters are therefore inappropriate development within the Green Belt. The proposed development by virtue of the structures would result in an increase in the built form and a coalescence of development and encroachment of development into the Green Belt in a prominent location adjacent to a main transport route into the city therefore resulting in harm to the openness and permanence of the greenbelt.

4.15 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

4.16 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.

4.17 In general terms, it is not appropriate to assume every piece of land within the general extent of the Green Belt should necessarily be considered as Green Belt, rather each case should be considered on its own merits. The arboretum acts as a visual buffer between the college campus and the A64 to the south thus contributes to the aim of preventing the encroachment, sprawl and coalescence of development and therefore maintaining the essential Green Belt characteristics of openness and permanence. Additionally, the site can not reasonably be considered to be close to the inner boundaries of the greenbelt. As such it is considered that the application site should be treated as falling within the general extent of the Green Belt.

4.18 The fundamental purpose of Green Belt policy is to prevent urban sprawl by keeping land permanently open. 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 proposal would result in harm to the openness and permanence of the Green Belt. It also conflicts with the Green Belt purposes of preventing encroachment into the countryside and coalescence of development. 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.

ASSESSMENT OF THE CONSIDERATIONS FORWARDED BY THE APPLICANT

4.19 The Applicant has forwarded the following factors to be considered as very special circumstances:

- Principle set by 13/02946/FULM planning permission
- Animal Welfare

4.20 The applicant argues that the principle of the development has been allowed by a previous planning permission, granted in 2014 (13/02946/FULM). This planning permission allowed animal enclosures and shelters within the arboretum area. The area to the south of the AMC1 was to be landscaped with a pond. The use of the area for the shelters and enclosures was allowed as part of a larger development of the campus and the very special circumstances forwarded by the applicant included the increase in educational opportunities and development of the college, and the benefits to the local economy.

4.21 The enclosures have altered position since the granting of planning permission 13/02946/FULM and on the whole are set further away from the A64, and have been permitted as part of non-material amendment application - 16/01167/NONMAT. The number of enclosures has not altered from planning permission 13/02946/FULM. The animal shelters in 13/02946/FULM were smaller than those proposed in the current application. Since the granting of planning permission 13/02946/FULM the College has sought advice on the type of animal shelters/buildings required. During the previous application a list of animals was provided with the application. The agent has advised this was not the final species list and the animals housed by the college depend on the availability of the animals and the needs of the curriculum. The college has ambitions to house a variety of animals. The list of animals has now been finalised and research has been undertaken as to the habitat requirements of each species, in accordance with welfare requirements. As such the larger shelter buildings are required. The agent states that due to the educational focus of the AMC1 and the Wildlife and Conservation Area the enclosures and shelters are 'state of the art' to benefit the animals and students. The scale of the primate house (7) takes into account the requirement the large indoor space requirement for each animal and the need for a quarantine area to satisfy the college's animal movement licence.

4.22 The size of the animal groups has changed since the 13/02946/FULM planning permission. This has been due to the success of the breeding programmes or the College has taken on additional animals to ensure they are not over handled by the growing number of students. Currently some of the animals are in unsuitable

housing and a condition of the zoo license is to move the animals to larger quarters for their welfare.

4.23 The principle from the previous planning permission, in addition to: the proposed facilities being required for the college to expand and compete and improve existing courses; the proposed college facilities being required in proximity to the current campus and not reasonably being sited elsewhere; and animal welfare grounds are put forward as 'very special circumstances' that are considered by the applicant to outweigh the definitional harm to the openness and permanence of the greenbelt.

DESIGN AND LANDSCAPE CONSIDERATIONS

4.24 With the exception of the 2 shelters adjacent to the native species pond (3) and the enclosure and buildings (14) to the front of the AMC1 which would be visible from the A64, the other animal buildings will not be visible from outside of the arboretum and public vantage points.

4.25 The 2 shelters adjacent to the native species pond (3) are particularly prominent from the A64 creating an awareness of development within the deciduous treed area and thus appears jarring and atypical, particularly during winter months. It is considered that this could be overcome by additional planting to the boundary with the A64 and this could be sought via a condition.

4.26 The enclosure and shelters to the front of the AMC1 (13 and 14) would be viewed in context with the contemporary statement building on the top of the ridge and the paddocks to the south. In planning permission 13/02946/FULM this area was to be landscaped with a path and a water feature to the south, built into the slope. The proposed enclosure and shelters are not considered to be further unduly prominent to what has previously been approved, and do not cause further harm to the openness of the greenbelt than what has previously been approved. The paddocks to the south would be retained as such and one of the conditions for 13/02946/FULM requires planting to the southern boundary of the paddocks and the A64.

DRAINAGE

4.27 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan 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. The intention is that the proposed method of surface water drainage would be soakaways, however the submitted report refer to the development proposed in 13/02946/FULM. It is considered that a suitable drainage scheme can be sought a condition

ARCHAEOLOGY

4.28 From previous development on the campus deposits and features have been revealed. An archaeological watching brief has been submitted with the application. A condition requiring the construction to accord with the watching brief is considered prudent.

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(harm to visual amenity of open area adjacent to the A64) 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 openness and that the proposal would undermine two of the five Green Belt purposes. Substantial weight is attached to this harm which the proposal would cause to the Green Belt. Planning permission should only be granted if the potential harm caused to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. It is only if those 'other considerations' are of sufficient weight that very special circumstances will exist. It is the cumulative weight of these other factors that matters; they do not individually need to be 'very special' in their own right.

5.3 The applicant has advanced the following factors which they consider to amount to very special circumstances in respect of the proposal:-

- Principle set by 13/02946/FULM planning permission
- Animal Welfare

5.4 Officers have considered the justification put forward by the applicant in support of the proposals and, having weighed these considerations against the harms that have been identified, has concluded that these considerations together with: the proposed facilities being required for the college to expand and compete and improve existing courses; and the proposed college facilities being required in proximity to the current campus and not reasonably being sited elsewhere cumulatively, clearly outweigh these harms. It is concluded that very special circumstances do exist to justify the proposal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Drawing Number (0-)02 Revision B 'Wildlife and Conservation Area: Enclosure No. 11A and 11B' received 04 May 2016;

Drawing Number (0-)03 Revision B 'Wildlife and Conservation Area: Enclosure No.04' received 14 June 2016;

Drawing Number (0-)04 'Wildlife and Conservation Area: Enclosure No. 14' received 04 May 2016;

Drawing Number (0-)05 Revision A 'Wildlife and Conservation Area: Enclosure No. 7' received 04 May 2016;

Drawing Number (0-)06 Revision A 'Wildlife and Conservation Area: Enclosure No. 3' received 14 June 2016;

Drawing Number (0-)01 Revision H 'Wildlife and Conservation Area' received 14 June 2016;

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

2 TIME2 Development start within three years

3 No development of each animal shelter shall take place until details of the proposed means of surface water drainage, have been submitted to and approved by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site. The information is sought prior to commencement to ensure that the drainage scheme is initiated at an appropriate point in the development process.

INFORMATIVE

Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest

365, (preferably carried out in winter), to prove that the ground has sufficient capacity to except surface water discharge, and to prevent flooding of the surrounding land and the site itself. City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then must be attenuated to the existing Greenfield rate (based on 1.40 l/s/ha). 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. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

4 Prior to commencement of the animal shelters the works/methodology required of the Method Statement for a programme of archaeological evaluation and watching brief (by On site Archaeology Ltd, dated February 2016) shall be undertaken.

A report of the results of the evaluation following the aforementioned agreed methodology shall be submitted to and agreed in writing by the Local Planning Authority. The report shall be submitted to the Local Planning Authority within six weeks of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The 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.

5 The method of planting between the A64 and the 2 no. shelters referred to as (3) on Drawing Number (0-)01 Revision H 'Wildlife and Conservation Area' (received 14 June 2016) to provide screening of the 2 no. shelters from the A64 shall be submitted to and approved in writing within 3 months of the granting of this planning permission.

The detailed landscaping scheme shall illustrate the number, species, height and position of trees and shrubs. The details shall include the period/phasing of the landscaping scheme. This scheme shall be implemented within the agreed

timescale.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: To prevent views of the shelters from the A64, and to ensure that the proposed planting provides adequate screening and does not harm the visual amenity of the transport corridor, or the openness of the greenbelt.

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:

- Request revised plans
- Use of conditions

7.0 INFORMATIVES:

Contact details:

Author: Victoria Bell Development Management Officer

Tel No: 01904 551347