

COMMITTEE REPORT

Date: 11 February 2020 **Ward:** Wheldrake
Team: East Area **Parish:** Elvington Parish Council
Reference: 19/02522/FUL
Application at: Elvington Water Treatment Works Kexby Lane Elvington York
For: Replacement plant building with 2no. external storage silos, access staircase and hardstanding area for the preparation of calcium hydroxide (part retrospective) (revised scheme)
By: Mrs Stephanie Walden
Application Type: Full Application
Target Date: 23 January 2020
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is Elvington Water Treatment Works located north-east of Elvington village. It contains a mixture of functional buildings, hard standing, grassed areas and water storage. It is located next to the River Derwent for the purposes of river abstraction for raw water. The entrance to the site is accessed from Dauby Lane close to the entrance to the village primary school. The nearest house is around 360 metres from the fenced enclosure of the site. There is also landscaped buffer land outside the fence that is within the ownership of the applicant.

1.2 It is proposed to erect two 17.7 metre silos and an associated 9.6 metre high building related to the preparation of calcium hydroxide. They would be grey in colour. The chemical is used in the process of the treatment of drinking water. The building is proposed on grass scrubland at the south western part of the enclosed area. It is of a functional design. It would be located around 440m from the nearest home. There are existing 20m silos within the site that serve a similar role. These will become redundant if the new development takes place. They are not proposed to be removed in the foreseeable future. This is because they are adjoining buildings that contain plant and equipment for other chemical dosing processes. The removal of the silos would require the treatment works to be shut down for a considerable time. It cannot be shut for more than 4 hours given the importance of its role. The application should be judged on the basis that the existing silos will remain once redundant.

RELEVANT HISTORY

1.3 In November 2018 Planning Committee approved a similar scheme that was proposed to serve the same purpose and was located in the same position as the structures proposed in the current application. The 2018 permission has not been

implemented. The current scheme is an alternative design and it is not possible to implement both schemes together. The main difference between the two schemes is that the previous one housed the large silos in a large rectangular building. The current scheme has the silos open to the elements. They would be 2.5 metres lower in height than the height of the building approved in 2018.

1.4 There have been a number of other planning permissions over the past 20 years for plant and buildings related to the treatment of water on site.

1.5 In 2016 (15/02639/FULM) planning permission was granted for the Installation of a solar photovoltaic array with associated infrastructure including kiosks, security fencing, CCTV and internal access track on land within the ownership of Yorkshire Water but outside the fenced enclosure of the works. This has not been implemented and the permission expired in April 2019.

1.6 The application site lies within the Green Belt as contained within the Development Plan.

2.0 POLICY CONTEXT

Yorkshire and Humber Regional Spatial Strategy (RSS)

2.1 The Yorkshire and Humber RSS was revoked in 2013 with the exception of the policies relevant to the York Green Belt. Policy Y1(c) states that plans, strategies, investment decisions and programmes for the York sub area should in the City of York LDF. It states that the LDF should define the detailed boundaries of the sections of the outer boundary of the York Green Belt about 6 miles from York city centre.

National Planning Policy Framework

2.2 The revised National Planning Policy Framework (NPPF) 2019 was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied.

2.3 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives.

Publication Draft Local Plan 2018

2.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight 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 the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

2.5 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

2.6 Relevant Policies

DP1 York Sub Area
SS1 Delivering Sustainable Growth for York
EC5 Rural Economy
D1 Placemaking
D2 landscape and Setting
GI1 Green Infrastructure
GI2 Biodiversity and Access to Nature
GI4 Trees and Hedgerows
GB1 Development in the Green Belt
ENV2 Managing Environmental Quality
ENV5 Sustainable Drainage
Policy SS2 The Role of York's Green Belt.

2005 Development Control Local Plan

2.7 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. 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 albeit with very limited weight.

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Have considered the application in terms of environmental impacts such as noise and dust and raise no objections and recommend no conditions to permission.

Flood Risk Manager

3.2 No objections subject to surface water run-off details being considered.

Design, Conservation and Sustainable Development (Ecology and Countryside Officer)

3.3 No objections.

Design, Conservation and Sustainable Development (Ecology and Countryside Officer)

3.4 No objections.

EXTERNAL

Parish Council

3.5 No objections

Civil Aviation Authority

3.6 No comments received.

Natural England

3.7 No objections.

Internal Drainage Board

3.8 Object due to insufficient information being supplied to assess the impact of surface water run-off on local watercourses.

4.0 REPRESENTATIONS

No comments received.

5.1 APPRAISAL

5.1 Main Issues

Principle of Development

Impact on the openness of the Green Belt

Impact on the purpose of the Green Belt

Impact on the character of the area

Highway Impacts

Biodiversity

Drainage

Neighbour Amenity

Case for very special circumstances

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

5.3 The Council does not have an adopted local plan that covers the whole local authority. The statutory development plan for the area of the application site comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt, saved under The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013.

PRINCIPLE OF DEVELOPMENT

5.4 The application site is considered to lie within the general extent of the York Green Belt. Paragraph 143 of 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 144 goes on to state that 'substantial weight' should be given to any harm to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate unless they fall within certain exceptions. Buildings associated with the treatment of water do not fall within the list of exceptions set out in paragraphs 145-146 of the NPPF. Paragraph 145(g) states that limited infilling of developed sites is not inappropriate, however, this is subject to it not having a greater impact on openness than the existing development. The scale of the proposed development is such that it would have a greater impact on openness. Very special circumstances will be required to justify instances where this presumption against development should not apply.

IMPACT ON THE OPENNESS OF THE GREENBELT

5.5 Paragraph 133 of the NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness has been found by the Courts to have both a visual and spatial sense.

5.6 The proposed silos would be 17.7 metres high. It is considered their height is such that they are inappropriate development and by definition harmful to the Green Belt and should not be approved except in very special circumstances.

IMPACT ON THE PURPOSE OF THE GREEN BELT

5.7 Paragraph 134 sets out the five purposes of Green Belt and they are:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.8 The proposed development is not considered to conflict with any of the purposes of the Green Belt set out above. The development would be within the constraints of the water treatment complex and would not physically encroach on the countryside.

IMPACT ON THE CHARACTER OF THE AREA

5.9 Paragraph 127 of the NPPF considers design and seeks to ensure that developments will, amongst other things, function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

5.10 It is not considered that the footprint of the proposed building and silos is unduly significant taking account of the developed nature of the works as a whole. The key issue is the silos' height and their impact on the open character of the landscape.

5.11 The applicant has submitted a visual impact assessment for the new structures. This looks at the landscape and visual effects of the proposed building. The consultant acting on behalf of the applicant has considered the visual impact on nearby homes as well as users of roads and footpaths. They conclude that the development will result in adverse effects on landscape character and visual amenity, but most effects will be minor. This is with the exception of the impact of the views from homes close to the site in Elvington and walkers on public rights of way along the River Derwent – they consider the impacts on these will be moderately adverse. They conclude that planting and new bunding associated with earthworks can be used to help limit these negative impacts.

5.12 It is considered that the visual impact assessment is a fair appraisal of the likely harm. It is considered impacts will generally be modest and that the building will be seen in the context of a developed site containing other silos of a similar height. Views of the site are generally from some distance and existing planting screens or softens the impacts. It is noted that Sutton Wood screens views from much of Newton upon Derwent. It is considered that the form of the current scheme is visually preferable to that approved in 2018. This is because the previous proposal to enclose the silos in a box like building created a more bulky structure that would appear more alien in a rural landscape. The silos are not of a height or location to effect the setting or special character of York.

5.13 The Elvington Conservation Area is around 500m away at its closest point from the proposed structures. The proposal would not have a significant impact on the setting of the Conservation Area, including public views from the Area.

5.14 Accompanying the application is a tree planting plan for part of the undeveloped land to the south west of the proposed structures. This would in time create a 180 metre long and 30-40 metre wide belt of deciduous trees including oak

and maple. This will help to screen and soften views of the site from Elvington village.

HIGHWAY IMPACTS

5.15 The building would not be staffed and would not generate any increase in powder delivery to the site. It is not considered that the scale of development is such to require controls on traffic movement related to construction activity.

BIODIVERSITY

5.16 Paragraph 170 of the NPPF states that planning decisions should minimise impacts on and provide net gains for biodiversity. Policy GI2 of the 2018 Draft Plan seeks to conserve and enhance York's biodiversity. Where appropriate, development should take account of the potential need for buffer zones around wildlife and biodiversity sites, to ensure the integrity of the site's interest is retained. The development should result in net gain to and help to improve biodiversity.

5.17 A preliminary ecological appraisal has been submitted with the application. This was undertaken in respect to the water works site as a whole rather than just the site of the proposed plant, though does also focus on the particular location. The land where the plant is proposed has been surveyed and is referred to as amenity grassland. The more sensitive ecological areas are generally outside the fenced enclosure of the treatment works within closer proximity to the river Derwent. The River Derwent is a Special Area for Conservation and Site of Special Scientific Interest. The Lower Derwent Valley is a Special Area of Conservation. Natural England has been consulted on the application and raise no objections. The applicant's appraisal does not indicate any harm would be caused to wildlife. The belt of tree planting proposed to help screen the development will provide an improved habitat for wildlife.

DRAINAGE

5.18 The building is far enough away from the river to be classified as being in a low risk flood area. A condition has been recommended relating to the sustainable management of surface water run-off from the structure to avoid increasing flood risk elsewhere.

NEIGHBOUR AMENITY

5.19 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Policy D1 of the 2018 Draft Plan covers amenity. Policy GP1 of the 2005 DCLP seeks to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures although very limited weight can be attached to this policy.

5.20 The proposal will not materially impact on neighbours' living conditions. The development although relatively tall is 400m from the nearest residential property.

CASE FOR VERY SPECIAL CIRCUMSTANCES

5.21 Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5.22 In assessing whether very special circumstances exist, regard should be given to the planning consent for a slightly larger structure on the same location within the site. This permission expires on 16 November 2021.

5.23 The treatment works is one of the biggest in the UK and the biggest in Yorkshire. It meets around 30% of the demand for water in the area supplied by Yorkshire Water Services at any one time. The applicant states that it is essential that the improvements are made to the works to ensure a sustainable, resilient water supply, essential for public health and to assist in facilitating growth within the York area and in the work's wider supply area. They state that the treatment works are critical during periods of prolonged dry weather due to it being a river abstraction works which is an advantage over reservoir fed treatment.

5.24 It is considered that the importance of the proposed silos and associated structure to maintaining and improving the water supply for York and a large area of Yorkshire is such that the benefits are considered to amount to very special circumstances. It is considered that these outweigh the identified harm to the Green Belt.

6.0 CONCLUSION

6.1 The use and scale of the proposed silos is such that they are inappropriate development in the Green Belt. They would have a moderately harmful impact on the visual character and amenity of the landscape. Green Belt policy states that the application should be refused unless any harm resulting from the proposal is clearly outweighed by other considerations.

6.2 In assessing whether very special circumstances exist, regard should be given to the existing unimplemented consent for plant buildings for the same purpose. Very special circumstances were considered to exist to justify the 2018 consent. The existing scheme would be on the same location in the site and both cannot be implemented together. The current scheme would have a slightly lesser impact on openness.

6.3 The treatment works is located wholly in the Green Belt. The proposed essential structures cannot be located outside the Green Belt. It is considered that

the pressing need for the structures to sustain and improve the fresh water supply for a large area of Yorkshire would outweigh the modest harm to the Green Belt.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Block and location plan R1519_VS88-04-MMb-ZZ-DR-Z-1100 Revision C2 dated 21 October 2019.

Proposed elevations R1519_VS88-04-BL-DR-C- 2001 Revision C3 dated 7 November 2019.

Proposed elevation R1519_VS88-04-BL-DR-C- 2003 Revision C1 dated 9 August 2019.

Preliminary Ecological Appraisal dated 15 June 2018.

Proposed Landscape Mitigation Screening Plan 381732-MMD-L-DR-0001 P01 dated 4 September 2019.

Reason: 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 There shall be no piped surface water from the development until details of the proposed means of surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). 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 accept 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 In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the

Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). 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 30% 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.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha or if shall be used for the above. For the smaller developments where the Greenfield run-off rate is less than 1.4 l/sec/ha and becomes impractical and unsustainable then a lowest rate of 2 l/sec shall be used.

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

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

5 Development shall be undertaken in accordance with the recommendations contained in chapter 4.2 of the Preliminary Ecological Appraisal dated 15 June 2018.

Reason: To minimise harm to wildlife.

6 The approved landscaping scheme shall be implemented within a period of twelve months of the completion of the development. Any trees or plants which within the lifetime of the development 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.

8.0 INFORMATIVES:

Notes to Applicant

1. Statement of the Council's Positive and Proactive Approach

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) and taken account of all relevant local policies, and 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 identify solutions to problems arising from the proposed development.

Contact details:

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