



Notice of a public meeting of

Planning Committee

- To:** Councillors Reid (Chair), Boyce (Vice-Chair), Shepherd, Ayre, Carr, Cullwick, Cuthbertson, D'Agorne, Doughty, Funnell, Galvin, Looker, Richardson, K Taylor and Warters
- Date:** Thursday, 15 November 2018
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

Site Visits

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 November 2018.**

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 5 - 24)

To approve and sign the minutes of the meetings of the Planning Committee held on 13 September 2018 and 11 October 2018.

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 **5:00pm on Wednesday 14 November 2018**. 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 Officer for the meeting on the details at the foot of this agenda.

Filming or Recording Meetings

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The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

4. Plans List

This item invites Members to determine the following planning applications:

a) Land Adjacent Sewage Works at Hessay Industrial Estate [17/00670/FUL] (Pages 25 - 46)

Erection of asphalt plant with associated infrastructure [Rural West York Ward]

b) Land At Cocoa West, Wigginton Road [18/01011/OUTM] (Pages 47 - 96)

Outline planning application with all matters reserved except for means of access for a mix of uses including 425 dwellings, offices, retail, a creche

and community uses with associated car parking, landscaping, highways infrastructure and other ancillary works [Guildhall Ward] **[Site Visit]**

c) Mapplefields 5 Laburnum Farm Close, Hessay [18/01023/FUL]
(Pages 97 - 110)

Erection of stables in paddock [Rural West York]

d) Land West of Hagg Wood Broad Highway, Wheldrake [18/01219/OUTM] (Pages 111 - 128)

Variation of condition 20 of application 15/02439/OUTM to allow 16.5 m long articulated egg collection lorries to enter the site at all times and days with the exception of 08:20 to 09:30 on weekdays and 14:45 to 18:00 on weekdays and leave the site at all times and days with the exception of 08:20 to 09:05 on weekdays and 14:45 to 18:00 on weekdays [Wheldrake Ward]

e) Land To The South Of Field Lane, Heslington [18/01416/REMM]
(Pages 129 - 162)

Reserved matters application for approval of siting, design, external appearance and landscaping to provide student accommodation (providing 1,480 bed spaces) including the provision of two colleges and residential blocks within a central green space, the realignment of Lakeside Way following outline permissions 15/02923/OUT [Hull Road] **[Site Visit]**

f) Elvington Water Treatment Works [18/01786/FUL] (Pages 163 - 174)

Erection of plant building used for the preparation of calcium hydroxide [Wheldrake Ward] **[Site Visit]**

g) Hall Farm, Strensall Road [18/01979/FUL] (Pages 175 - 186)

Demolition of the existing agricultural buildings and change of use of the land to provide 17no. touring caravan pitches between April and October each year, and associated refuse storage and shower and w/c facilities [Strensall Ward]

5. Amendments to Committee Terms of Reference and Delegation to Officers Report (Pages 187 - 200)

This report proposes that changes to the Planning Committee and Planning Area Sub Committee's Terms of Reference and consequent delegation to Officers are referred to Full Council for approval.

6. Urgent Business

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

Democracy Officer

Angela Bielby

Contact details:

- Telephone: 01904 552599
- Email: a.bielby@york.gov.uk

For more information about any of the following please contact the Democracy Officer 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**

PLANNING COMMITTEE**SITE VISITS****Tuesday 13 November 2018****The Councillors mini-bus will depart from Memorial Gardens at
10.00am**

TIME	SITE	ITEM
(Approx)		
10:15	Land At Cocoa West Wigginton Road York	4b
11.10	Land To The South Of Field Lane Heslington (Lakeside Way, University of York East Campus)	4e
11:50	Elvington Water Treatment Works, Kexby Lane Elvington	4f

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Abbreviations commonly used in Planning Reports

(in alphabetical order)

AOD	above ordnance datum
BREEAM	building research establishment environmental assessment method
BS	British standard
CA	conservation area
CIL	Community Infrastructure Levy (Regulations)
CEMP	construction environmental management plan
CYC	City of York Council
DCLP	Draft Development Control Local Plan 2005
DCSD	Design Conservation and Sustainable Development team
dB	decibels
DEFRA	Department for Environment, Food and Rural Affairs
EA	Environment Agency
EDS	ecological design strategy
EIA	environmental impact assessment
EPU	Environment Protection Unit
FRA	flood risk assessment
FTE	full time equivalent
FULM	major full application
GCN	great crested newts
HGV	heavy goods vehicle
IDB	internal drainage board
IPS	interim planning statement
LBC	listed building consent
LGV	large goods vehicle
LPA	local planning authority
NERC	Natural Environment and Rural Communities Act (2006)
NHBC	National House Building Council

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
OAN	objectively assessed need
OUTM	major outline application
PROW	public right of way
RAM	reasonable avoidance measures
RTV	remedial target value
RSS	Regional Spatial Strategy
SHMA	Strategic Housing Market Assessment
SINC	Site of Interest for Nature Conservation
SHLAA	Strategic Housing Land Availability Assessment
SFRA	Strategic Flood Risk Assessment
SPD	Supplementary Planning Document
TPO	tree preservation order
TRO	Traffic Regulation Order
VDS	village design statement
WSI	written scheme of investigation
VAS	vehicle activated signage
VOA	Valuation Office Agency
WHO	World Health Organisation

City of York Council

Committee Minutes

Meeting	Planning Committee
Date	13 September 2018
Present	Councillors Reid (Chair), Ayre, Boyce, Carr, Cuthbertson, D'Agorne, Funnell, Galvin, K Taylor, Warters and Flinders (Substitute)
Apologies	Councillors Shepherd, Cullwick, Doughty and Richardson

Site Visits

Application	Reason	In attendance
Pavers Ltd, Catherine House, Northminster Business Park Harwood Road, Upper Poppleton	To allow Members to familiarise themselves with the site	Cllrs Boyce Cuthbertson, D'Agorne and Reid
Beetle Bank Farm and Wildlife Sanctuary, Moor Lane, Murton	To allow Members to familiarise themselves with the site	Cllrs Boyce Cuthbertson, D'Agorne and Reid

20. 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. There were no declarations of interest.

21. Minutes

Resolved: That the minutes of the meeting held on 11 July 2018 be approved and then signed by the chair as a correct record.

22. 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.

23. 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.

**24. Crabtree New Farm York Road Deighton York
[18/01256/FUL]**

Members considered a full application from Anna Hopwood for the use of agricultural land for the siting of two glamping cabins (resubmission).

The Head of Development Services gave an update, advising that paragraph 4.9 of the Committee Report referred to paragraph 145 of the NPPF which stated that the construction of certain new buildings was not inappropriate in the Green Belt. This included the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport or outdoor recreation, providing the facilities preserved the openness of the Green Belt and did not conflict with the purposes of including land within it. As a point of clarification, Officers considered that even if the proposal were to be considered appropriate facilities for outdoor recreation, the proposal would still not fall within the forms of development considered not inappropriate within paragraph 145 of the NPPF as a result of the identified impact on openness as detailed within the committee report. The Head of Development Services clarified that this did not alter the officer recommendation and she noted the amended reason for refusal.

Anna Hopwood, the Applicant, spoke in support of the application. She noted the application had reduced to two cabins which would be non permanent leisure buildings with the car parking located in a different area. She explained that because of the overhead power lines the cabins could not

located on a different part of the site. She outlined the size of the cabins noting that they would make minimal visual impact and would be constructed from sustainably sourced materials. She stated that there had been no objections to the application and there had been support from local businesses. She noted the financial pressures which had led to the need for diversification.

Anna Hopwood was asked and confirmed that there had been no discussions with officers regarding changing the cladding on the cabins and she added that they would age and look the same as the other buildings on the farm in time.

In response to Member questions, Officers confirmed that:

- If the application was for caravans this would not be allowed.
- Building and landscaping would have a detrimental impact on the openness of the site.

Following debate it was:

Resolved: That the application be refused.

Reasons:

- i. The site lies within the general extent of the Green Belt as identified in the RSS to which S38 of the 1990 Act applies. The proposal is therefore assessed against the restrictive policies in the NPPF relating to protecting the Green Belt.
- ii. The NPPF indicates that very special circumstances cannot exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm caused by the proposal, is clearly outweighed by other considerations. In this case, the proposal conflicts with one of the five purposes of including land within the Green Belt and has significant impact on the openness of the Green Belt as a result of the introduction of the cabins within an otherwise undeveloped location. The proposal is inappropriate development and substantial weight is to be attached to these harms to the Green Belt. In addition, the proposal would also significantly harm the character and appearance of the landscape through the urbanising impact from the cabins. The applicant has put forward a case for very special

circumstances to clearly outweigh these harms which include the future viability of the farm and need to diversify; the good location of the site and the impact on the local economy. Officers do not consider that these considerations collectively are of sufficient weight to clearly outweigh the significant harm identified to the Green Belt (to which substantial weight attaches) and other harm identified to the character and visual amenity provided by the rural landscape. Therefore the very special circumstances necessary to justify the inappropriate development in the Green Belt do not exist and planning permission should be refused.

- iii. It is considered that the proposed glamping cabins *are inappropriate development and* will result in harm to the openness of the Green Belt and will conflict 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 the glamping cabins 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 13 'Protecting Green Belt land'.

25. Pavers Ltd, Catherine House, Northminster Business Park, Harwood Road, Upper Poppleton, York

Members considered a major full application from Jim Young for an extension to the existing warehouse with associated parking, loading, access, and sprinkler tanks.

Discussion took place regarding the number of electric charging points, boundary landscaping and drainage. It was clarified that surface water drainage would be discussed in consultation with City of York Council Flood Risk Engineers and the Internal Drainage Board.

Resolved: That Delegated Authority to be given to the Assistant Director (Planning and Public Protection) to approve the proposal subject first to agreement relating to the resolution of the surface water drainage, and any resultant additional conditions that may be required in respect of this issue, no objection following referral to Secretary of State and the amendments to conditions 4, 5 and 10:

Amended Condition 4

The landscaping shall be in accordance with Drawing Number 1645/2 Revision A (received 21 August 2018) *for the lifetime of the development*. This scheme shall be implemented within a period of six months of the completion of the development. 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: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area.

Amended Condition 5

The existing boundary hedge, which bounds the site to the north, south, and west boundary of the site and shown as being retained on Drawing Number 1645/2 Revision A (received 21 August 2018) and Drawing Number C450 (received 20 July 2018) shall not be removed or reduced in height below 11.00 m in height.

If in the circumstances that a the hedge or part of the hedge is removed *this should be replaced with native species*. Details illustrating the number, species, height and position of the replacement *native* trees and/or shrubs shall be submitted to and approved in writing by the Local Planning Authority. This replacement planting shall be implemented

within a period of six months of the original removal of the tree/s and/or hedge.

Reason: In order to preserve the visual appearance of York's Green Belt and to minimise the visual impact of the warehouse within the Green Belt.

Amended Condition 10

A scheme which provides a minimum of two electric vehicle recharge point shall be provided with the parking areas hereby approved. The recharge points should be installed prior to first occupation of the extension. The location and specification of the recharge points and an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 10 years shall be submitted to approved in writing with the Local Planning Authority prior to installation

INFORMATIVE: Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. They should also include facilities for 'Mode 2' charging using a standard 13A 3 pin socket. Each Electric Vehicle Charge Points should include sufficient cabling and groundwork to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point of the same specification, should demand require this in this future. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

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 110

of the National Planning Policy
Framework.

Reasons:

- i. 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 143 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.
- ii. 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 three 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.
- iii. It is considered that cumulatively the considerations put forward by the applicant: the economic benefits and job creation, the successful business already established on the site, and the significant screening are considered to be very special circumstances that are considered to outweigh the definitional harm to the openness and permanence of the greenbelt even when substantial weight is given to any harm to the Green Belt. Approval subject to the following conditions is recommended.
- iv. If councillors consider that the principle of the recommendation of approval is acceptable it is recommended that the application be delegated to

officers to seek an adequate drainage method or sufficient details to condition a drainage scheme. The Town and Country Planning (Consultation) (England) Direction 2009 requires that proposals that constitute inappropriate development within the Green Belt, and are recommended for approval, are referred to the Secretary of State for consideration.

26. Beetle Bank Farm And Wildlife Sanctuary, Moor Lane, Murton, York [18/01411/FUL]

Members considered a full application from Derek Farmer for the erection of a steel container for use as astronomical observatory.

Members were provided an update to the report in which they were advised that of additional supporting information from York Astronomical Society and updates on responses from Murton Parish Council, Flood Risk Management, Network Management and information on the original planning permission at the site. In response to a question from a Member, Officers explained the recreational use of land in the Green Belt.

Isobel Waddington, Chair of Murton Parish Council, spoke in objection to the application. She noted that the emerging Local Plan followed the NPPF and that the application which stated that inappropriate development, by its definition was harmful to the Green Belt and cannot be approved except in very special circumstances. She outlined the Parish Council's objection to the application, adding that it supported the Officer recommendation.

Suzanne Farmer spoke on behalf of the Applicant in support of the application. She explained that York Astronomical Society was a registered charity which had always included public outreach as part of its work. She noted that as an optical observatory, dark skies were needed and she went on to explain why Beetle Bank Farm had been chosen for the siting of the observatory. She added that the observatory could be considered as being for recreational use and that York Astronomical Society were not aware of any other suitable sites.

Derek Farmer, the Applicant, then responded to a number of questions from Members. He confirmed that:

- The reason that York Astronomical Society had needed to move the observatory was because they had been asked to leave Rufforth Airfield (their current site).
- The size of the observatory was necessary to hold a viewing platform. A warm room was needed in winter to store equipment and telescopes.
- The observatory could be made smaller but would lose the warm room.
- In order to make the site useful, concrete needed to be put down and there was a 5 year lease for the land.
- A potential partnership with the university had been assessed and the reason for choosing Beetle Bank Farm was explained.

Tony Fisher spoke in support of the application. He outlined his background as an Astronomer and Physics teacher and explained why Beetle Bank Farm had been chosen. Concerning the Green Belt, he noted that the effect of the observatory on it was negligible, and he noted that planning applications that had been approved in the Green Belt.

Members debated the application at length, noting the need for there to be very special circumstances in order for the application to be approved.

Resolved: That the application be approved subject to the following conditions:

Condition 1

Time limit

Condition 2

Plans

Condition 3

Personal permission to tie to York Astronomical Society

Condition 4

Only for use as an observatory and no other use

Reason: It is considered that the proposed building does not fall within one of the acceptable uses within the green belt location as outlined within the NPPF 2018 and thus constitutes an inappropriate form of

development that would, by definition, be harmful to the Green Belt. *In addition the proposal would not preserve openness of the Green Belt.* However, very special circumstances have been put forward that would clearly outweigh the harm *and any other harm* and as such it is considered that the proposal is in line with to national planning advice contained within paragraphs 143 to 145 of the National Planning Policy Framework (June 2018) and Policy GB1 of the Publication Draft Local Plan (2018) and Policy GB1 of City Of York Draft Local Plan (2005).

The very special circumstances that exist relate to the unique nature of the application. York Astronomical Society contributes to the value of education by encouraging science and activities to young people. It has been in York since 1972 and its loss would be the loss of an asset to the city. The observatory is a specialist activity being relocated. There is a need for the observatory to be located on a site outside the city with dark skies and a clear horizon for observing night skies. The Astronomical Society has looked for other locations but there were none suitable outside the Green Belt and there is already some built development on the site.

27. Appeals Report

Members received a report informing of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 April and 30 June 2018, and providing a summary of the salient points from appeals determined in that period, together with a list of outstanding appeals at the date of writing.

Resolved: That the report be noted.

Reason: To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate.

Cllr A Reid, Chair

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

Meeting	Planning Committee
Date	11 October 2018
Present	Councillors Reid (Chair), Boyce, Carr, Cullwick, Cuthbertson, Funnell, Galvin, Looker, Richardson, K Taylor, Warters, Fenton (Substitute for Cllr Ayre), Kramm (Substitute for Cllr D'Agorne) and Brooks (Substitute for Cllr Doughty)
Apologies	Councillors Ayre, D'Agorne, Doughty and Shepherd

Site Visits

Application	Reason	In attendance
York St John University Sports Centre, Haxby Road, York	To allow Members to familiarise themselves with the site	Cllrs Reid, Galvin and Brooks

28. 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. In relation to the York St John University Sports Centre application (agenda item 4b), Cllr Cullwick noted that he had been an employee of York St John University for ten years (however not for five years). There were no further declarations of interest.

29. Minutes

Resolved: That the minutes of the last meeting held on 16 August 2018 be approved and then signed by the Chair as a correct record.

30. 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.

31. 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.

32. Germany Beck Site, East Of Fordlands Road, York [17/02687/NONMAT]

Members considered a non-material amendment from Persimmon Homes Yorkshire to permitted application 12/00384/REMM to alter approved plans, to vary condition 9 to amend approved bat mitigation strategy and to remove condition 13. The request sought consent to make the following amendments to a planning permission for 655 dwellings (12/00384/REMM, approved 9.5.2013) to allow changes to the approved house types and layout of phases 1 and 2 and to amend the timing of an approved bat mitigation strategy agreed under condition 9 of the reserved matters. The original request to remove condition 13 had now been omitted from the application. Changes to phase 3 of the scheme had also been omitted from this S 96A non-material amendment request.

Members were advised that the proposal was not a planning application and was a request for consent to make non-material amendments to an existing planning permission pursuant to Section 96A to the Town and Country Planning Act 1990. In Local Planning Authorities, such non-material decisions would ordinarily be processed using delegated powers. However, the scope of delegation provided for in the wording of York's Constitution had been queried by Fulford Parish Council, on the grounds that S96A was not expressly referred to in the Council's Constitution as being excluded from reservation to Committee, (unlike repeat and S73 applications). The request was therefore being brought to Committee for approval to protect the Council from any challenge to the decision making process on procedural grounds.

It was intended that a Report would be brought to the Committee proposing an amendment to the Constitution for Members consideration and referral to Full Council in order that in future it was clear that such requests were within the scope of delegation to Officers.

The Legal Services Manager advised that Committee that if they felt the changes in the amendments sought were material that consent would not be given to the non material amendments. She further advised that there was no case law to determine whether the amendments were non material. She added that Members needed to consider the effect of the change in the context of the whole application and she provided an example to Members.

An officer update was given in which Members were advised of two further changes required to conditions 12 and 13 on the reserved matters consent to take account of changes to the scheme. Officers then outlined the changes contained in the amendments highlighted that the officer view was that the changes were considered to be non material.

In response to a question concerning which houses had moved, officers brought up the site plan on the screen in the room to demonstrate. Members were advised that in addition to changes to the layout, the applicant had been in discussion with the highways authority regarding the changes to phases 1 and 2. This involved the removal of pedestrian links. Officers outlined the changes to a number of properties in plots 1 and 2 including the configuration of parking. The change in house types was also detailed. Hard copies of the layout plans were circulated around the committee.

Officers were asked and clarified that whilst Persimmon properties were of a similar size to the Hogg properties, Persimmon did not have the same house types which would result in a change to the mix of houses in phases 1 and 2.

The mix of houses in the overall scheme was outlined as:

- 1 bedroom house – 6
- 2 bedroom houses – decrease from 296 to 286
- 3 bedroom houses – increase from 216 to 218
- 4 bedroom houses – decrease from 134 to 129
- 5 bedroom houses – increase from 3 to 15

Robin McGinn (Persimmon Homes), agent for the applicant, spoke in support of the non material amendment. He explained that it was a non-material amendment to amend the Hogg house types to Persimmon house types and to amend the approved bat mitigation strategy. He noted that whilst the practicalities remained the same, the objections concerned matters of procedure. He added that the Development Management Officer had explained her view of the materiality which Persimmon endorsed.

In response to Member questions, Mr McGinn noted that:

- Persimmon could not use Hogg house types as the designs were owned by Hogg. It was easier and more economically sustainable to build Persimmon house types.
- The house types proposed were houses that were not on the layout previously and Persimmon sought to provide as much variety as they could.

Mary Urmston (Fulford Parish Councillor) spoke on behalf of Fulford Parish Council in objection to the of the non material amendment. She noted that no consultation regarding the changes had taken place. She explained that 50% of the house designs in the first two phases had altered and those houses were highly visible. She added that a footpath had been deleted and noted that the quality of the development had been reduced. She added that Persimmon had moved buildings to the north which encroached onto Fulford Parish land. She ended by asking the Committee to refuse the amendment.

Mrs Urmston was asked a no of questions by the Committee to which she responded that:

- She believed that the amendments were material
- The number of trees had been reduced
- The significant change in the scheme was the reduction in the variety of houses

Cllr Aspden, Ward Councillor for Fulford and Heslington Ward then spoke on the non material amendment, making a number of general comments. He explained that he was surprised on behalf of a number of local residents regarding the lack of communication and consultation. He added that the proposed changes to the house types and loss of footpaths was significant to the local community and he believed that there could have been more liaison with the community forum.

In answer to Member questions, Cllr Aspden noted that:

- He would have preferred for there to have been more communication and liaison with the local community.
- The change in house designs would have a visual impact.

Members then asked officers a number of questions to which they confirmed that:

- The loss of one tree did was not a material difference to the scheme.
- Where a building had moved on the scheme, this had brought it in line with the built area and did not encroach on the Parish Council extent of land.
- The width of the green space had not changed.
- The changes included in the scheme were being looked at in the context of reserved matters. If a smaller scheme was being looked at, the changes would be classed as material. In the context of the larger scheme, officers would look at the effect of the change in the context of the whole scheme.

In regard to whether the amendment was setting a precedent, the City of York Council (CYC) Legal Services Manager referred to the way in which 96a

Members were advised that any other changes would be assessed separately and a precedent would not be set. The Head of Development Services explained the checking processes used by officers. In response to a question from a Member the Legal Services Manager advised that the Committee had to consider whether the effect of the amendment was in effect material or non material in the context of circa 600 houses.

On the subject of the architectural design of the house types, Members were advised that Hogg had used two house types in eight to nine properties and Persimmon had a variety of house types that were both heritage and contemporary in style.

Following debate it was:

Resolved:

- i. That consent be given to make non-material amendments to an existing planning permission pursuant to Section 96A to the Town and Country Planning Act 1990.
- ii. That the development hereby permitted shall be carried out in accordance with the following

amended conditions 12 and 13 and the following plans and other submitted details:-

Amended Condition 12

Notwithstanding the details shown on the approved plans, revised plans showing the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of the houses in the relevant phase. The development shall be carried out in accordance with the approved details.

- The garages for plots 207 to 211 shall be repositioned to allow a distance of 11 metres from the front elevation of the garage and boundary with the green way.

Reason: To ensure adequate usable parking provision to serve the development in the interests of highway safety.

Amended Condition 13

Notwithstanding the submitted plans, no approval is hereby given for the landscaping of the area of land to the south of plot numbers 137 to 159, which includes the Archaeological Zone.

Reason: This is because this area of land falls within the Germany Beck Nature Park and is therefore covered by Condition 10 of the Outline planning permission.

Drawings

Drawing numbers PL_600_101 rev.D Proposed Site Layout, PL_600_101_PH1 rev.B Proposed Site Layout – Phase 1, and PL_600_101_PH2-3 rev.C Proposed Site Layout – Phase 2 & 3;

Drawing no. 1939/20 Landscape Proposals Phase 1 & 2;

Heritage House Type Drawing numbers
600_200_GB4, 600_201_GB5, 600_202_GB6,
600_203_GB7, 600_204_GB8, 600_205_GB9,
600_206_GB10, 600_207_GB11, 600_208_GB13,
600_209_GB15, 600_210_GB17 Plan,
600_222_GB17 Elevations, 600_211_GB18 Plan,
600_223_GB18 Elevations, 600_212_GB19,

600_213_GB20; 600_215_GB22; 600_216_GB23;
600_216_GB26; 600_GB44; and, 600_219_GB50;

Rural House Type Drawing numbers 600_300_GB6;
600_301_GB7; 600_302_GB10; 600_303_GB11;
600_304_GB13; 600_305_GB15; 600_306_GB19;
600_307_GB20; 600_308_GB21; 600_309_GB23;
600_310_GB24; 600_311_GB26; 600_314_GB46;
600_315_GB47; 600_316_GB48; 600_317_GB49;
600_321_GB53; and, 600_323_GB56;

Drawing no. 600_GB Garages.

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

- iii. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A (Extensions), B (Alterations to roof) and E (Outbuildings) of Schedule 2 Part 1 of that Order shall not be erected or constructed for plots 38-49 (inclusive) and 643 to 655 (inclusive).

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

- iv. Prior to the commencement of development of plots 40, 41 and 43, the boundary hedge shown along the rear boundaries of these plots shall be planted in accordance with the approved plans. A temporary boundary enclosure shall be provided adjacent to the line of the hedge during construction. The hedge shall thereafter be retained at all times.

Reason: In the interests of protecting the amenity of the residents of Osborne House.

**INFORMATIVES:
Notes to Applicant**

1. Please note that this decision only relates to the non-material amendment sought. It is not a re-issue of the original planning permission, which still stands. The two notices should be read together along with any other agreed changes. The only deviation permitted (from the original approved plans) is that as described above, and indicated on the revised submitted information. All other conditions of approval for the scheme shall be complied with.

Reason: The proposed changes to reserved matters consent 12/00384/REMM are considered to be modest in scale and nature in the context of the overall residential scheme. Taking into account the previously agreed amendments to the original planning permission, the proposal would not materially impact upon the previously approved scheme as a whole. The proposed works do not constitute EIA development nor change the environmental impacts of the approved scheme. In exercising planning judgement, it is concluded that the amendments are non-material and, therefore, the application is recommended for approval. As well as an updated plans condition, conditions 7 and 11 of the reserved matters approval need to be amended to reflect the change of plots numbers.

**33. York St John University Sports Centre, Haxby Road, York
[18/01133/FULM]**

Members considered a major full application from York St John University for the construction of a 3G sports pitch with associated lighting, fencing and viewing embankments. There was no officer update.

Phillip Holmes (O'Neill Associates), agent for the applicant, spoke in support of the application. He explained that the site had been allocated in the local development plan and he noted the benefits of the proposal.

In response to Member questions Mr Holmes and the applicant clarified that there was a timing override on the floodlights. Discussion took place regarding the floodlights during which Members were advised that the nearest residential property was 80 metres away and CYC Public Protection (EPU) had been consulted with and made no objection to the proposed floodlights. The Head of Development Services was asked and clarified that the amenity for nearby residential properties was not affected.

It was confirmed that the site crossed the boundaries for three Parish Councils, all of which had been consulted on the application. Concerning whether the use of the energy efficient lights could be conditioned, Members were advised to use the EPU recommendation. They were reminded of the need to be reasonable and proportionate to meet the legal test.

Following debate it was

Resolved: That the application be approved subject to the conditions and informatives listed in the report.

Reason: The provision of the 3G facilities would allow for improved sports provision at the Haxby Road site which has the benefit of being able to be used year round. An existing community use agreement is in place at the site. The site is relatively well screened from the highway and the visual intrusion would be limited. It is considered that the application accords with the NPPF, particularly paragraphs 96 and 97, policies ED5, GI1, GI5 and HW3 of the Publication Draft Local Plan (2018) and Policy GP7 of City Of York Draft Local Plan (2005).

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 6.10 pm].

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Date: 15 November 2018 Ward: Rural West York
Team: Major and Parish: Hessay Parish Council
Commercial Team

Reference: 17/00670/FUL
Application at: Land Adjacent Sewage Works At Hessay Industrial Estate New Road Hessay York
For: Erection of asphalt plant with associated infrastructure
By: Anthea Tate
Application Type: Full Application
Target Date: 15 November 2018
Recommendation: Refuse

1.0 PROPOSAL

1.1 Hessay Industrial Estate comprises a medium sized employment site of some long standing occupying a former MOD depot on land within the general extent of the York Green Belt to the north of Hessay village. The wider site was given planning permission in 1999 for a mix of B1/B2 and B8 uses. Planning permission is sought for erection of a coated aggregates manufacturing plant situated within a building incorporating a mixing tower with associated chimney to be located at the western edge of the site. The proposal has subsequently been amended to include a detailed scheme of off-site highway works to attempt to address concerns in respect of both the access to the Industrial Estate and the nearby junction of the A59 with New Lane approaching the site.

1.2 The site has a planning permission for erection of a fuel storage depot ref:- 10/00861/FUL dating to 2010 which was not implemented and has subsequently expired. A previous proposal incorporating an asphalt plant linked with the reinstatement of the rail head within a materially larger section of the site was submitted in 1999 but subsequently withdrawn.

1.3 The total application site comprises some 7,200 sq metres in area which sets it within Schedule 2 of the 2017 Town and Country Planning (Environmental Impact Assessment) Regulations for which the application has been screened. A further Screening Direction has been made by the Secretary of State for Communities and Local Government which identifies the potential for significant environmental effects in respect of noise impacts and impacts upon the setting of Designated Heritage Assets. A formal EIA covering these issues has been subsequently submitted and consulted upon on 26th June 2018.

1.4 Subsequent to the proposal being submitted amended details have been supplied to address concerns in respect of impacts of increased traffic flows on the adjacent highway network notably the junction of New Lane Hessay with the A59 directly to the north. Further consideration of the proposals has been deferred from consideration at

the 17th August 2017 Committee to enable the detailed design and feasibility of the proposed off-site highway works to be established.

2.0 POLICY CONTEXT

See Section 4 below.

3.0 CONSULTATIONS

INTERNAL:-

Public Protection:-

3.1 Raise no objection in principle to the scheme as amended subject to the imposition of detailed conditions in respect of controlling noise from later working along with the potential for light pollution. It is also recommended that any permission be conditioned to secure remediation in the event of potential land contamination.

Highway Network Management:-

3.2 Objected to the proposals on the grounds that they would give rise to significant harm to highway safety at the junction of New Lane with the A59 due to a material increase in large and slow moving vehicles seeking to turn in and out across the usual flow of traffic at peak hours. Extensive negotiations have subsequently taken place in order to address the concerns. The local highway authority has sought a robust demonstration that the tendered highway works are wholly achievable within the boundary of the public highway. The developer has provided very detailed surveys of the highway, together with highway engineering, construction and drainage submissions with additional reference to public utility apparatus. Such details are more extensive than would normally be required for planning purposes but have been deemed necessary given the constraints existing. These submissions have demonstrated to officers that the highway improvements are physically deliverable within the confines of the current highway boundary.

Whilst on balance it is the officer opinion that such works fall within the highway and would therefore be acceptable, it is the proximity on the western side of New Road to the adjacent boundary hedge which remains an issue which has not been addressed by the developer/agent. Arboricultural surveys and trial excavations have been undertaken to seek to assess the impact that the construction of the highway works may have on the adjacent hedgerow. It is the view of highway officers that the nature and extent of any harms in such circumstances may not become clear until works have commenced on site.

In respect of the Industrial Estate access itself the existing situation gives rise to a number of concerns with clear evidence of heavy goods vehicle traffic crossing to the opposite side of the carriageway and mounting the verge and pavement in order to

leave and gain access to the site. It is felt that the submitted off site works would satisfactorily address this situation.

Strategic Flood Risk Management:-

3.3 Raise no objection in to the proposal subject to any permission being conditioned to require submission and approval of a surface water drainage scheme and subject to the appropriate soakaway tests being undertaken to demonstrate that that would be the most appropriate surface water treatment method.

Planning and Environmental Management (Ecology):-

3.4 Raise no objection in principle to the proposal subject to adequate measures being put in place to deal with newt mitigation.

EXTERNAL:-

Network Rail:-

3.5 Raise no objections in principle subject to the operation of the nearby manual level crossing not being compromised by the vehicle movements too and from the site and the construction and operation of the plant not compromising the operational requirements of the railway where it passes the site in close proximity.

Environment Agency:-

3.6 Raise no objection to the proposal identifying no harm in respect of contaminated land or the underlying aquifer. They further draw attention to the fact that it would be subject to regulation under the Environmental Permitting Regulations.

The Ainsty (2008) Internal Drainage Board:-

3.7 Raise no objection to the proposal subject to a detailed surface water drainage scheme being agreed by condition as part of any permission.

CPRE:-

3.8 Object to the proposal on the grounds that:-

- 1) The impact of the proposed industrial structures on the openness of the Green Belt including the adverse impact viewed from the A59 road and passenger trains with respect to the setting on the approach to the City outskirts from the west.
- 2) The heights of some proposed structures will be significantly above the existing buildings located on the industrial estate and nearby farm properties.
- 3) The proposed development is out of keeping with existing activities on the industrial estate which are largely enclosed and are unlikely to be producing significant

emissions to the adjacent green field areas, settlements and other adjacent commercial occupiers.

- 4) The highway infrastructure including the estate access, New Road and the access to the A59 are inadequate and do not comply with the required standards for their proposed use by HGVs associated with the development.
- 5) There is a projected significant addition to vehicle movements to and from the proposed site to New Road and the A59.
- 6) Noise from late evening/night period activities are likely to cause disturbance to local residents and farm stock.
- 7) Mobile plant reversing alarms may cause annoyance to local residents.

Rufforth with Knapton Parish Council:-

3.9 Object to the proposal on the grounds that there would be a significant increase in HGV traffic through a potentially dangerous junction, it would give rise to a significant risk of noise and air pollution and it would cause serious detrimental harm to the open character of the Green Belt.

Hessay Parish Council:-

3.10 Object to the proposal on both Highway Safety and Planning Grounds. The following is a summary of the Highway Safety grounds:-

- The width and geometry of the access to the site and the adjacent New Road fall well below accepted standards in terms of regular use by the types of HGV traffic envisaged and notwithstanding the present day low level accident risk the development would give rise to conditions substantially prejudicial to highway safety;
- The width and geometry of the access from New Road on to the A59 fall well below accepted standards in terms of regular use by the types of HGV traffic envisaged and notwithstanding the present day low level accident risk the development would give rise to conditions substantially prejudicial to highway safety.

The following is a summary of the planning grounds:-

- Concern that the proposal amounts to inappropriate development in the Green Belt and that a case for "very special circumstances" to justify the proposal as required by paragraphs 143 and 144 of the NPPF have not been forthcoming;
- Concern in respect of the impact of light pollution from the site upon the pleasant rural ambience of the surroundings;
- Concern in respect of the impact of the proposed mixing tower and chimney on the wider setting of York Minster;
- Concern in respect of the impact of noise from the proposal particularly at night time and weekends upon the pleasant rural ambience of the surrounding;
- Concern in respect of the impact of dust emissions from the site upon the operation of neighbouring rural businesses and the openness of the Green Belt;

- Concern in respect of a lack of engagement with the local community by the applicant contrary to the Authority's Adopted Statement of Community Involvement (SCI).

3.11 Julian Sturdy MP objects to the proposal on the grounds of it being inappropriate development within the Green Belt without a case for "very special circumstances" in addition to concerns in respect of the creation of conditions prejudicial to highway safety at the access to the Hessay Industrial Estate as well as the junction of New Lane and the A59.

3.12 Historic England raise no objection to the proposals as the submitted EIA clearly demonstrates that there would not be any material impact arising from the proposal upon the setting of designated Heritage Assets.

3.13 224 Letters of objection have been received in respect of the proposal the following is a summary of their contents:-

- Concern that traffic movements arising from the proposal would give rise to conditions substantially prejudicial to Highway safety both at the access from Hessay Industrial Estate to New Road and the junction of New Road and the A59;
- Concern that the proposal would give rise to substantial harm to the habitat of the Great Crested Newt and the badger both species protected by law;
- Concern that the proposal would give rise to substantial harm to the setting of York Minster;
- Concern that the proposal is inappropriate development in the Green Belt and that a detailed case for "very special circumstances" to justify otherwise inappropriate development in the Green Belt as required by the NPPF has not been forthcoming;
- Concern that the applicant has not engaged constructively with the Local Community to discuss the proposal;
- Concern that the proposal would give rise to substantial harm to farming activities in the surrounding locality by virtue of odour, noise and dust emissions;
- Concern that noise and light pollution from the late night activity of the plant would give rise to substantial harm to the residential amenity of neighbouring properties;
- Concern that dust and other emissions would give rise to serious harm to the health and well-being of residents in the locality;
- Concern that noise, disturbance and increased traffic flows would disrupt services at the Methodist and Anglican Churches within Hessay village;
- Concern that the proposal would represent a serious departure from the previous light industrial activities which have taken place at the site;
- Concern that the proposal would give rise to a precedent for other similar damaging developments in the locality;
- Concern that the proposal is grossly premature pending final consultation on and adoption of the Joint Minerals and Waste Local Plan;
- Concern that the proposed off-site junction improvements would be insufficient to address the clear capacity problems at the A59/New Lane junction with clear

implications for the safety and convenience of highway users within the surrounding network;

- Concern that the proposed amended highway layout off-site would encourage rat-running through Hessay village

3.14 Subsequent to the receipt of the EIA Screening Direction from the Secretary of State for Communities and Local Government a full re-consultation was undertaken in respect of the proposal in accordance with the requirements of the 2017 Town and Country Planning (Environmental Impact Assessment) Regulations. A further 88 letters of objection have been received, the following is a summary of their contents:-

- Concern that the landscape and visual analysis submitted within the EIA has been provided in wide angle format which has the result of distorting the visual perspective of the proposed development making it appear smaller than it actually is;
- Concern that measurements of noise impact contained within the EIA have not been arrived at by precisely the same methodology as previously submitted and therefore appear misleading;
- Objection to the significant impact upon the open character of the Green Belt caused by the height of important elements of the plant;
- Concern that the submitted case for “very special circumstances” relates purely to commercial and competition considerations and does not fulfil the test of outweighing any harm by reason of inappropriateness or any other harm as required by paragraph 144 of the NPPF.
- Objection that the nature and volumes of traffic entering and existing the site via the A59/New Lane junction notably at peak times would give rise to conditions substantially prejudicial to highway safety.
- Concern that the plant would result in the release of dust and other pollutants substantially prejudicial to human health.
- Concern that the application site is not “previously developed land” within the standard definition.

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 landscape;
- * Impact upon the safety and convenience of highway users on the local network;
- * Impact upon the habitat of the Great Crested Newt, a protected species;
- * Impact upon strategic views of York Minster;
- * Impact upon the amenity of neighbouring properties by virtue of noise and light pollution through late working;
- * Impact upon human and animal health by virtue of odour, dust and other emissions.

- * Environmental Impact Assessment.
- * Impact upon Designated Heritage Assets.
- * Off-site highway works.
- * Other Issues.

POLICY CONTEXT:-

4.2 NPPF

In the absence of a formally adopted local plan the most up-to date representation of relevant policy is the National Planning Policy Framework (NPPF). 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.

At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). However, this presumption in favour does not apply when policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.

Development Plan

4.3 Section 38(6) of the Planning and Compensation Act 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 Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt, saved in 2013. These policies are YH9(C) and Y1 (C1 and C2) and the key diagram insofar as it illustrates the general extent of the Green Belt. It is for the local plan process to identify the precise boundaries of the Green Belt around York but the application site lies within the general extent of the Green Belt as shown on the Key Diagram of the RSS.

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. ('DCLP 2005'). Whilst the draft Plan 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. Such policies carry very limited weight. The main draft policies that are relevant to matters raised by this application are:-

CGP15A Development and Flood Risk

CYE3B Existing and Proposed Employment Sites

CYGB10 Major development sites in GB

CYGP1 Design

CYGP9 Landscaping

- 4.4 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 as revised in July 2018, the relevant 2018 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).

The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. The main draft policies of relevance to this application are:-

D1 Place Making

D2 Landscape and Setting

GB1 Development in the Green Belt

4.5 The Publication Draft North Yorkshire and York Joint Minerals and Waste Local Plan was examined in public at a series of hearings in Spring 2018. Policy IO2 (Ancillary Minerals Infrastructure) is of particular relevance. This supports the development of ancillary minerals processing facilities providing development would not compromise Green Belt policy, the site would be located on employment or industrial land, it would not have a significant adverse impact upon the local community and environment and would not unacceptably increase the volume of traffic by road. The Plan was considered in detail at an Examination in Public in Spring 2018 and so the Policy may be afforded moderate weight in consideration.

4.6 GREEN BELT:- As noted above, the general extent of the York Green Belt is defined within saved Yorkshire and Humber RSS Policies YH9C and Y1C 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 143 of the National Planning Policy Framework indicates that inappropriate development within the Green Belt is by definition harmful to the Green Belt and should not therefore be approved other than in very special circumstances. Paragraph 144 states that 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 to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations.

4.7 SAFEGUARDING OF PROTECTED SPECIES AND HABITATS:- Central Government Planning Policy in respect of biodiversity as outlined in paragraph 175 of the National Planning Policy Framework states that Local Planning Authorities should refuse planning permission for new development which would give rise to significant harm to a rare species and or its habitat which can not be mitigated, avoided or as a last resort compensated for and at the same time it is clearly indicated that the presumption in favour of sustainable economic development does not apply in such cases.

4.8 IMPACT UPON RESIDENTIAL AMENITY: - Central Government Planning Policy in respect of amenity as outlined in paragraph 127f) of the National Planning Policy Framework "Key Planning Principles" states that Local Planning Authorities should give significant weight to the need to secure a good standard of amenity for all new and existing occupants of land and buildings.

4.9 POLLUTION CONTROL AND MITIGATION: - Central Government Planning Policy in respect of planning and pollution control as identified in paragraphs 120-123 indicates that Local Planning Authorities should ensure that new development is appropriate for its location. The effects including cumulative effects of pollution on health or general amenity and the potential sensitivity of the area to adverse effects from pollution should be taken into account. Furthermore Local Planning Authorities should focus on whether the development itself is an acceptable use for the land rather than control the processes or emissions themselves where these are subject to approval under different pollution control regimes. Local Planning Authorities should assume that these regimes will work effectively.

IMPACT UPON THE YORK GREEN BELT:-

4.10 Policy GB1 of the Draft Plan (2018) sets out a clear policy presumption that planning permission for development within the Green Belt will only be forthcoming where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it is for one of a number of purposes identified as being appropriate within the Green Belt.

4.11 Central Government Policy as outlined in paragraph 133 of the National Planning Policy Framework establishes their fundamental characteristics as being their openness and permanence and the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 134 of the Framework identifies that 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.

Paragraph 143 of the Framework further indicates that inappropriate development is by definition harmful to the Green Belt and may only be permitted in very special circumstances. Paragraph 144 indicates that very special circumstances will not exist unless any harm to the Green Belt by reason of inappropriateness and any other harm can be outweighed by other considerations. Paragraph 145 indicates that new building would automatically be inappropriate development within the Green Belt unless it comes within one of a number of specific categories which includes (g) the limited infilling or re-development of previously developed land subject to the new development not giving rise to additional harm to the openness and purposes of designation of the Green Belt.

4.12 PRINCIPLE OF THE DEVELOPMENT:- In terms of the principle of the development it consists of the erection of a chimney of 21.5 metres in height together with a mixing tower of 20 metres in height. Associated with that would be an area of storage bins, a modular single storey office building and a weigh bridge. with associated vehicle parking. The site comprises a former marshalling yard associated with a military depot use that ceased operation in the early 1990s. A lighting tower associated with the former use survives at the north eastern edge of the site and the ballast covering of the former marshalling yard survives with only limited over-growth by vegetation. Directly to the east and south east lie a series of Nissan Hut and much larger hanger type structures presently under a variety of storage and processing type uses. The application site was previously subject to a proposal for an asphalt plant in the late 1990s, however that was significantly larger in scale and involved the reconstruction of the marshalling yard and rail head for the purposes of rail borne transport of the product. The proposal was subsequently withdrawn due to concerns in respect of its impact upon the open character of the Green Belt.

4.13 It is felt that the application site comprises previously developed land having been laid out within the clearly defined curtilage of the military depot to fulfil a clearly ancillary use. Despite the use having been ceased for a considerable period of time the previous physical relationship remains clear. The ballast bedding of the marshalling yard remains intact and other features from the previous use including gates on to the operating railway and a lighting tower remain. However, the degree of harm to the openness of the Green Belt caused by the scale and height of the

chimney and mixing towers would be substantial and as such the proposal is inappropriate development within the Green Belt and the exception contained within paragraph 145 of the Framework does not therefore apply.

4.14 GREEN BELT HARMS:- Paragraph 133 of the NPPF is clear that Green Belts are defined by their openness and their permanence. Openness may be defined as an absence of development which has both a visual and a spatial aspect. The proposed development notwithstanding the previous use as a marshalling yard would significantly extend the built footprint of development to the west of the former military depot buildings whose broad configuration has been followed by subsequent development. More fundamentally the proposed chimney and mixing tower whilst relatively tall and narrow in form would give rise to significant visual harm notably in views west to east along the line of the Harrogate to York Railway and north from Hessay village in the vicinity of Hessay Methodist Chapel. Harm to the openness of the Green Belt may therefore be defined as substantial.

4.15 In addition to the substantial harm caused to the openness of the Green Belt caused by the proposal harm in respect of the purposes of designation of the Green Belt also needs to be assessed. Two of the five defined purposes; the prevention of encroachment into open countryside and the safeguarding of the setting of historic towns and cities are of relevance in the consideration of the proposal. The application site lies within the defined curtilage of the former military depot and whilst it would extend the formally developed built footprint to an extent, it would not lead to an extension of the pattern of development into what is at present open countryside. In terms of safeguarding the setting of the historic City its significance is largely defined by its skyline and associated views into it from surrounding areas. A detailed landscape and visual impact assessment has been submitted with the proposal which clearly demonstrates that the proposal would not harm key strategic views of the Minster. However, the alien, vertical and engineered character of the development would give rise to substantial harm to the presently uncluttered nature of the wider skyline and the largely rural character of its immediate surroundings.

4.16 The proposal therefore constitutes inappropriate development within the Green Belt by virtue of harm to openness and also by virtue of harm to the setting of the historic City. This creates a requirement for the submission of a case for very special circumstances that would outweigh such harm and any other harms as required by paragraphs 143 and 144 of the NPPF. The applicant has submitted a case for very special circumstances which will be examined in detail below.

4.17 ALTERNATIVE SITES:- To support the proposal the applicant has submitted details of 6 alternative sites both within and outside of the Green Belt which have been assessed against a range of criteria including a minimum site area of 0.6 hectares, an established employment land use away from other incompatible uses, close proximity to major transport routes and availability at the time of search. It is the view of the applicant that none of the other sites are suitable for the proposal notably

those outside of the Green Belt. However, the situation in respect of each of the sites will be examined in detail below.

4.18 RUFFORTH AIRFIELD:- The applicant considers that the site is suitable by virtue of its accessibility , availability and overall site area. The site is however within the Green Belt with a predominant recreational aviation use which would be fundamentally incompatible with the proposal. Substantial harm would also be caused to the open character of the Green Belt in that location.

4.19 HANSON AGGREGATES SITE OUTGANG LANE OSBALDWICK:- The applicant considers that the site is suitable in all respects to accommodate the proposal however it is not available and has poor accessibility from the strategic highway network. It is however it is within a 10 minute drive time from the York Outer Ring Road and lies outside of the Green Belt.

4.20 MOOR LANE INDUSTRIAL ESTATE THOLTHORPE:- The applicant considers the site suitable in land use terms and is available. The site is however physically remote and not a formal employment site but a loose collection of uses occupying buildings associated with a former airfield operation.

4.21 MARTIN'S SITE OSBALDWICK LANE:- The applicant considers the site suitable in terms of its area, its availability and its land use status but not suitable in terms of its access and proximity to the strategic highway network. It is however in close proximity to the York Outer Ring Road and lies outside of the Green Belt. It does not have a B2 General Industrial Use and there is residential property in close proximity.

4.22 FULL SUTTON INDUSTRIAL ESTATE:- The applicant considers the site is otherwise suitable however it is not readily accessible from the strategic highway network and is not readily available. The site is however located outside of the Green Belt , East Riding of Yorkshire Council identifies in the region of 5.8 hectares of land with a B2 General Industrial use as presently available and whilst the East Yorkshire Employment Land Availability study indicates that there is not a direct road link to York it lies within a 20 minute drive time of the Outer Ring Road.

4.23 PIDGEON COTE FARM HUNTINGTON:- The applicant considers that the site is suitable in terms of its access and proximity to the strategic highway network. It would not be suitable in terms of its site area and layout, it does not have a B2 General Industrial Use and it is not presently available. The site is however presently occupied by a concrete batching plant which is a similar use to that applied for in terms of its fundamental characteristics . It covers a site area of 1.04 hectares significantly above the minimum thresh hold. It lies outside of the York Green Belt. It has an extant planning permission for B2 General Industrial Use and it is presently available.

4.24 The submitted site evaluation exercise does not therefore demonstrate that suitable alternative non-Green Belt sites are not available.

IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS ON THE LOCAL NETWORK:-

4.25 Serious concern has been expressed by objectors in relation to the impact of the proposal on the safety and convenience of highway users at the access to the Industrial Estate with New Road and more significantly the junction of New Road with the A59 which the application details indicate would be the feeder route for traffic to and from the site. The available accident statistics indicate a series of four minor collisions since 2013 at or in close proximity to the junction of the A59 and New Road with no recent recorded accidents at the site access with New Road. In each case the cause has been established as driver error rather than through the nature of the traffic involved.

4.26 Material has been brought forward (by who) Highway Network Management which indicates that both New Road and the existing site access fall below the accepted standard in terms of the design and layout of new industrial estate roads and access points. Anecdotal evidence has also been brought forward in respect of near misses involving vehicles entering and leaving the site with buses and agricultural traffic accessing the village. In order to address the detailed concerns in respect of the impact of the proposal upon the local highway network the applicant has come forward with a package of measures involving offsite works which involve junction improvements to the New Lane and A59 junction which will be considered in more detail below and their effectiveness assessed. The section of New Road to the south of the site access into Hessay village is subject to a 7.5 tonne weight restriction and as such heavy vehicles seeking to access the strategic highway network via Hessay village may be committing an offence.

4.27 Concern has also been expressed by objectors in relation to the impact of increased traffic on the existing manually operated level crossing. The applicant has agreed to carry out a dilapidation survey in respect of the level crossing and to make good any damage identified. The proposals are felt not to give rise to any harmful impact to the operation of the level crossing.

IMPACT UPON THE HABITAT OF PROTECTED SPECIES:-

4.28 The application site falls partially within a Great Crested Newt habitat and a series of surveys have identified Great Crested Newt activity taking place within the site. The applicant has agreed to secure the provision of a suitable pond with wet grassland habitat directly to the west of the site which would be the subject of a licence from Natural England. The newts within the site would be trans-located and suitable fencing to the site provided prior to construction being undertaken. It is felt that the proposals would comply with the requirements of paragraph 175 of the NPPF and are therefore acceptable for the purposes of complying with that paragraph.

IMPACT UPON STRATEGIC VIEWS OF YORK MINSTER:-

4.29 The clear skyline and views along key transport corridors of York Minster form an important element of the setting of the historic city and one of the principal reasons for designation of the Green Belt. The proposal envisages the erection of a mixing tower and chimney up to 23 metres in height as an integral element of the scheme. Concern has been expressed by objectors in terms of the impact of the structures on views of the Minster for vehicles travelling from the Harrogate direction to the west. The proposed plant would be clearly visible in glimpsed views from the A59 to the west along with longer views from the Railway. It would not however be readily visible in the same viewing plane as the Minster and its scale notwithstanding the height of the tower and associated stack would not create a visually competing structure within the wider sky line over the associated distance.. It is not felt that the strategic views of the Minster would therefore on be harmed.

IMPACT UPON SURROUNDING LANDSCAPE:-

4.30 The site lies within open countryside to the north of Hessay village forming part of a former military depot which was densely developed with Nissan Huts and hanger type structures. The surrounding countryside is largely flat partially broken up by the characteristic local boundary treatment of mature trees and lengths of hedgerow. The site would be principally viewed from Hessay village to the south and from the A59 approaching York to the north west. It would be seen within the context of the adjacent substantial hanger type structures directly to the east.

4.31 The majority of the plant would be lower than and in proportion to the surviving hanger type structures. The mixing tower and associated stack would however be appreciably higher and would notably impact upon local landscape character when viewed from the south. The applicant has agreed to paint the cladding of the mixing tower in order to enable it to blend in with the surrounding landscape. In terms of views from the A59 the site would be visible to the south east heading eastwards towards the City and any visual harm from that direction would be modest. It is acknowledged that there will be some harm to landscape character particularly in views from the south but it is felt that because of the previously developed nature of the site, and the location of the principal view points that this harm would on balance be acceptable.

4.32 In terms of the proposed off-site highway works potential for significant harm has been identified in respect of the impact upon the boundary hedge lying directly to the west of the A59/New Lane junction. It is mature and is of itself of some landscape merit being representative of the characteristic boundary treatment of the Vale of York contributing to the pleasant rural ambience of its surroundings. The proposed works would involve significant damage to its root system which would cause dieback harming its contribution to local landscape character to an unacceptable extent.

IMPACT UPON THE AMENITY OF NEIGHBOURING PROPERTIES:-

4.33 Policy GP1 of the DCLP 2005 sets out a firm policy presumption in favour of new development proposals which respect or enhance the local environment, are of a scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area and ensure that residents living nearby are not unduly affected by noise, disturbance or dominated by overbearing structures. Hessay village lies some 600 metres to the south with several isolated dwellings much closer. The closest properties are New Moor Farm at 270 metres and the Old Station at 460 metres. Serious concern has been expressed by objectors in terms of the impact upon residential amenity from noise and light pollution arising from the suggested night time working. The applicant has indicated that the same type of low level flood lighting used elsewhere on the Industrial Estate would be adopted and further details have been supplied. It is felt that subject to any permission being conditioned to require the submission and prior approval of a detailed lighting scheme then the proposal would be acceptable.

4.34 A detailed noise survey has been submitted with the proposal and subsequently re-calibrated to match the standard methodology adopted by Public Protection. This was taken from three locations in the vicinity, one in the village and two at the closest residential properties. The survey clearly shows an on-going level of background noise emanating from the railway and from the A59 which is audible over a fairly wide area. Some additional noise has been identified as being generated by the plant but the detail of the survey suggests that its impact would be largely masked by the background noise levels and would on balance be acceptable during normal day time working hours. It is acknowledged that during the proposed evening and occasional night time working sessions that there would be adverse impacts by virtue of the level of background noise being appreciably lower. It is therefore recommended that any permission be conditioned to prohibit later working in accordance with the recommendations of Public Protection. Concern has been expressed in respect of a 2db) difference from the now withdrawn Minerals Planning Guidance on noise in respect of Low Moor Farm. Background noise levels are however themselves noticeably higher at that location.

4.35 The EIA submitted in response to the Screening Opinion by the Secretary of State incorporates the results of further detailed noise surveys covering the impact of the proposal during the normal working time period. Whilst some concern has been expressed by objectors in terms of differences in methodology and small differences in results it is felt that there would not be a material impact upon the amenity of the surrounding area by virtue of increased levels of noise pollution.

4.36 Concern has also been expressed by terms of potential for nuisance and pollution from elements of the complex being lit at night specifically the proposed mixing tower. The applicant has indicated that a low level form of lighting similar to

that currently used for the hanger type units within the site would be adopted. It is felt that this would not give rise to a significant problem for the amenity of the wider area subject to the mode and location of lighting being subject to condition as part of any planning permission.

IMPACT UPON AMENITY CAUSED BY DUST, EMISSIONS AND POLLUTION.

4.37 Serious concern has been expressed by objectors in terms of the levels of dust, emissions and pollution generated by the proposal and its impact upon the amenity of neighbours and farming activities in the locality. The emissions from the site are however subject to control under Part B of the Environmental Permitting Regulations and whilst the issue of potential harm is one of considerable significance paragraph 122 of the National Planning Policy Framework makes clear that it would be inappropriate for the planning system to seek to regulate the details of the process when another form of regulatory control exists. Furthermore breaches of the Environmental Permitting Regulations are of themselves a criminal offence and so a robust regulatory framework is in place in the current context.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA):-

4.38 On 8th December 2017 the Secretary of State issued a Screening Direction in accordance with the 2017 Town and Country Planning (Environmental Impact Assessment) Regulations, indicating the potential for significant Environmental effects arising from the development in respect of noise impacts and impacts upon the setting of Designated Heritage Assets. That supersedes the previous Screening Direction issued by the Local Planning Authority. A detailed EIA has subsequently been submitted covering noise impacts and impacts upon the setting of Designated Heritage Assets. It is felt that the submission complies with the requirements of the Regulations.

IMPACT UPON THE SETTING OF DESIGNATED HERITAGE ASSETS:-

4.39 Central Government Planning Policy as outlined in paragraph 189 of the NPPF indicates that Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected by the proposal including any contribution made by its setting. The submitted EIA examines in detail the significance of a range of Designated Heritage Assets within the wider vicinity of the site including the Marston Moor Battlefield, St Everilda's Church Nether Poppleton and Beningbrough Hall. The illustrative material with the submission indicates that the proposal would not give rise to any harm to the setting of the identified Designated Heritage Assets within the wider area. The requirements of paragraph 189 of the NPPF would therefore be complied with.

OFF SITE HIGHWAY WORKS:-

4.40 Significant concerns have been expressed by objectors in respect of the impact of traffic entering and exiting the site both via the junction of New Lane with the A59 and along the length of New Lane itself where there is significant evidence of heavy commercial vehicles having to mount the pavement and verge facing the site entrance in order to gain access giving rise to potential hazards for pedestrians. The Highway Authority has further raised objection to the development on the basis of a risk of road traffic accidents taking place at the New Lane/A59 junction involving heavy commercial vehicles associated with the development entering and leaving whilst having to accommodate for the existing sub-standard layout which is deficient in terms of width and geometry. There would be a particular risk at peak times when vehicles are leaving and returning to the site to deliver the produced asphalt. Policy IO2 of the Publication Draft North Yorkshire and York Minerals and Waste Local Plan furthermore indicates that proposals for ancillary minerals production facilities such as asphalt plants would be supported only where they would not unacceptably increase traffic by road.

4.41 A detailed and protracted process of negotiation has taken place between the applicant and the Highway Authority in respect of a scheme of off-site works to address the identified concerns in respect of both the site entrance and the junction of the A59 with New Lane. In terms of the proposed works at the site entrance it is felt that an acceptable scheme can be achieved within the existing highway boundary that will reduce risk to pedestrians whilst enabling vehicles to enter and leave within the confines of the carriageway by delivering material improvements to both width and geometry. The scheme could be secured by means of a Grampian type condition attached to any planning permission.

4.42 In terms of the works to the junction of New Lane with the A59 a further detailed scheme has been submitted involving the widening and re-configuring of the junction layout. A broadly acceptable scheme that would deliver the required improvements has been arrived at. It would however involve excavation within the root ball of the hedge directly to the west of the junction which would result in a degree of dieback of the hedge. The hedge is of some local landscape importance which would clearly be harmed by the work and lies outside of both the application site and the land directly under the control of the Local Highway Authority. Although that harm of itself may not be so significant as to constitute a reason for refusal. The adjoining landowner would need to agree to the off site works and that third party also opposes the scheme. As there is therefore no reasonable prospect of the work being undertaken within the time limit imposed by any permission, Government guidance is that a Grampian type condition should not be used (i.e. a condition prohibiting the development or occupation of the development until the work has been undertaken). The proposal therefore remains unacceptable in terms of its impact upon the safety and convenience of highway users at the A59/New Lane junction and the requirements of Policy IO2 of the Minerals and Waste Local Plan have not been complied with.

OTHER CONSIDERATIONS:- CASE FOR VERY SPECIAL CIRCUMSTANCES:-

4.43 In summary, the proposal would involve inappropriate development in Green Belt, which is by definition harmful to the Green Belt due to its inappropriateness. It would result in harm to the openness and purposes of the Green Belt and harm to the safety and convenience of highway users at the junction of the A59 and New Lane Hessay. Paragraphs 143 -144 of the NPPF advise that permission should be refused for inappropriate development unless other considerations exist that clearly outweigh identified harm to the Green Belt, and any other harm, which would amount to 'very special circumstances'. Substantial weight is to be given to the harm to the Green Belt.

APPLICANT'S CASE FOR VERY SPECIAL CIRCUMSTANCES:-

4.44 The applicant argues based upon the standard 35 mile travel distance that there is a shortage of capacity to meet needs in the locality both quantitatively and qualitatively in terms of asphalt production with resulting increases in costs and supply difficulties. A range of plants lie to the north west within quarries at the edge of the Yorkshire Dales with further plants at Selby, at the eastern edge of Leeds and at an isolated site at Fridaythorpe in the Yorkshire Wolds. In terms of travel distance there is some evidence of need demonstrated for further capacity to supply within the City and the rural area directly to the north. The submitted evidence does not indicate that the lack of capacity is a critical one which would of itself outweigh the harm caused to the openness of the Green Belt caused by elements of the proposal.

4.45 However, the submitted site identification exercise fails to identify a lack of suitable alternative non-Green Belt sites where the proposed development could be located. Both the sites identified at Pigeon Cote Farm Huntington and Full Sutton Industrial Estate lie out side of the Green Belt and are otherwise suitable in land use and access terms for the proposed development. The Hanson Aggregates site at Outgang Lane Osbaldwick lies outside of the Green Belt and is also otherwise suitable but is not presently available for redevelopment. The availability of alternative non-Green Belt sites that are suitable and the lack of evidence of a critical shortage of production capacity in the area ensures that the proposal does not meet the test outlined in paragraph 144 of the NPPF that "very special circumstances" only exist when other considerations clearly outweigh any harm by reason of inappropriateness to the Green Belt and any other harm . . "Very special circumstances" do not therefore exist to justify the inappropriate development in the Green Belt.

5.0 CONCLUSION

5.1 Hessay Industrial Estate comprises a medium sized employment site of some long standing occupying a former MOD depot on land within the general extent of the York Green Belt to the north of Hessay village. Planning permission is sought for erection of a coated aggregates manufacturing plant situated within a building incorporating a mixing tower with associated chimney to be located at the western edge of the site.

The site had a planning permission for erection of a fuel storage depot ref: - 10/00861/FUL dating to 2010 which was not implemented. A previous proposal incorporating an asphalt plant linked with the reinstatement of the rail head within a materially larger section of the site was submitted in 1999 but subsequently withdrawn. The total application site comprises some 7,200 sq metres in area which sets it within Schedule 2 of the 2017 Town and Country Planning (Environmental Impact Assessment) Regulations for which the application has been screened.

5.2 The development comprises inappropriate development within the Green Belt. In terms of other harms the height and design of the proposed mixing tower and chimney would detract from the setting of the historic City contrary to the purposes of designation of the Green Belt outlined within paragraph 134 of the NPPF. The height of the associated structures even not notwithstanding their relationship to the buildings of the former depot would also give rise to substantial harm to the openness of the Green Belt. At the same time it has been identified that the scheme would give rise to conditions prejudicial to the safe and free flow of traffic at the junction of the A59 and New Lane Hessay by the introduction of an increase in heavy slow moving vehicles entering and leaving the junction at peak times. A scheme has been submitted to address the junction layout however it would involve a degree of harm to the adjacent boundary hedge to the west which is in third party ownership. The landowner has indicated their opposition to the scheme and as such there is not a reasonable prospect of the scheme being implemented within the lifetime of any permission.

In order to support the proposal the applicant has provided a case for “very special circumstances” as required by paragraphs 143 and 144 of the NPPF to clearly outweigh the harm to the Green Belt and any other harms. This is based upon a shortage of production capacity within the standard 35 mile travel distance and that does demonstrate some lack of capacity within the area of the City and the rural area directly to the north with consequent impacts upon the deliverability of construction projects. The case should be read in conjunction with the submitted alternative sites exercise. This appears to indicate that no suitable non-Green Belt sites are available for the proposal. However, detailed research indicates that two sites at Pigeon Cote Farm Huntington and Full Sutton Industrial Estate which are outside of the Green Belt are both suitable and available. As a consequence attaching substantial weight to the harms identified to the Green Belt, “very special circumstances necessary to justify the inappropriate development in the Green Belt are not therefore demonstrated. Planning permission should therefore be refused.

6.0 RECOMMENDATION: Refuse

1 The proposal would give rise to conditions substantially prejudicial to the safety and convenience of highway users at the junction of the A59/New Lane Hessay by introducing volumes of heavy and slow moving traffic to the junction at peak times which may not reasonably be mitigated by works within the existing highway without

harm to third party land contrary to Policy IO2 of the Publication Draft North Yorkshire and York Minerals and Waste Local Plan.

2 The proposal comprises inappropriate development within the Green Belt by virtue of the substantial harm caused by the associated structures to its openness. The submitted detail fails to demonstrate a case for “very special circumstances” that would outweigh the harm to the Green Belt caused by inappropriateness and any other harm resulting from the proposal as required by paragraph 144 of the NPPF.

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 (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- i) Details of the Proposed Lighting Arrangements
- ii) Details of vehicle movements to and from the site
- iii) Detail of the proposed means of Great Crested Newt mitigation.
- iv) Sought the submission of a detailed scheme of off-site highway works in respect of both the site entrance and the junction of the A59 and New Lane Hessay.

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

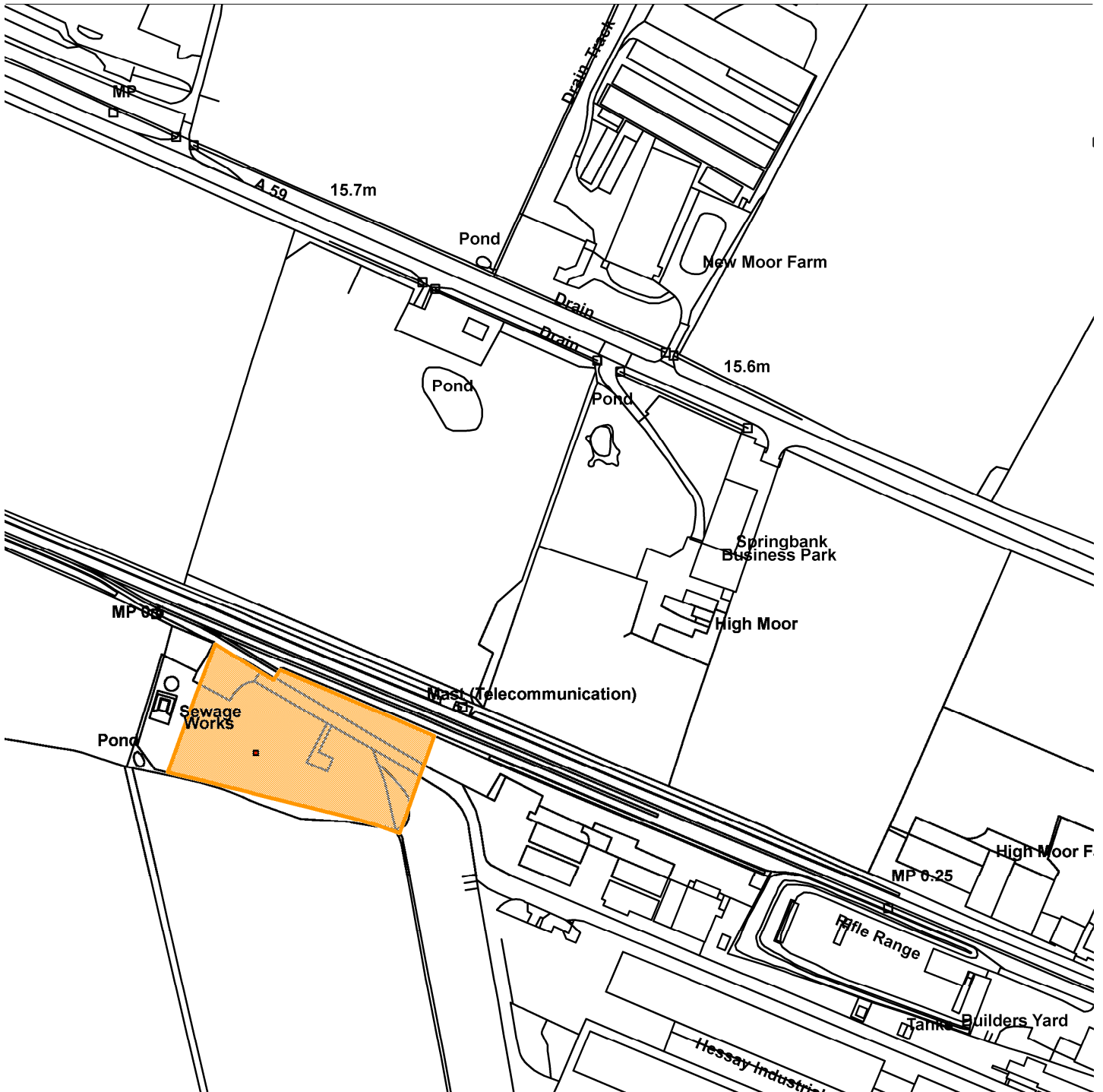
Contact details:

Author: Erik Matthews Development Management Officer

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17/00670/FUL

Land Adj Sewage Works, Hessay Industrial Estate



Scale : 1:2981

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Organisation	City of York Council
Department	Economy and Place
Comments	Site Location Plan
Date	05 November 2018
SLA Number	

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COMMITTEE REPORT

Date: 15 November 2018 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 18/01011/OUTM
Application at: Land At Cocoa West Wigginton Road York
For: Outline planning application with all matters reserved except for means of access for a mix of uses including 425no. dwellings, offices, retail, a creche and community uses with associated car parking, landscaping, highways infrastructure and other ancillary works
By: York 456 Ltd
Application Type: Major Outline Application (13 weeks)
Target Date: 8 August 2018
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL**BACKGROUND**

1.1 In 2006, Nestle Rowntree announced that they wished to upgrade and improve facilities in the northern part of their site, leaving redevelopment opportunities on the southern part of the site.

1.2 A Development Brief was subsequently produced and adopted by the Council in 2007. The east part of the site, where the Almond and Cream former factory buildings remain and the land to the front, which includes gardens, and the grade II listed Joseph Rowntree Memorial Library was designated as a conservation area.

1.3 The Development Brief provided a context for assessing future development. The Council's vision for the site was to create a new, inclusive, live / work community and cultural hub well integrated with surrounding areas; accommodate a mix of uses and follow best practice guidance in order to achieve high standards of design, public space and sustainability. Safe and attractive pedestrian / cycle routes through and around the area were required, to help to create a sense of place, and low car use principles were to be embraced.

1.4 The latest Council aspirations for the site are detailed in policy SS15 of the 2018 Publication Draft Local Plan. The policy states that this phase of development will provide up to 600 dwellings (it does not refer to other uses).

1.5 Members resolved to approve an outline application (10/01955/OUTM) for mixed use redevelopment of the application site, subject to a S106 agreement in December 2010. The S106 agreement was not completed.

1.6 In June 2017 the scheme for re-development of the east side of the site was presented to members and permission for this re-development has now been granted. The application was 17/00284/FULM, for 258 apartments in the retained factory buildings, re-use of library for community space and for a convenience store by the new access from Haxby Road.

APPLICATION SITE

1.7 The application site once contained the core of the original factory buildings, developed between 1890 and 1940. These buildings have now been demolished.

1.8 The former entrance into the site remains from Wigginton Road, which crosses over Bootham Stray. The Stray land runs alongside Wigginton Road and consequently proposed buildings on site would be setback at least 35 m from the road. The Stray land now accommodates hard-standing used for parking by Nestle and an access into the operational factory. The former car park on the SW side is no longer used; it is overgrown and enclosed by a palisade fence. Nestle currently have an active lease to utilise the land as a car park.

1.9 On the west side of Wigginton Road opposite the site there are a row of 2 storey houses, allotments and a car park.

1.10 To the south of the site is the Sustrans pedestrian and cycle route which follows the route of a former railway line. There are trees to each side of the route. Further south 2 storey houses on Hambleton Terrace face the application site.

1.11 To the east are the retained factory buildings, due to be converted into apartments. The buildings are within the Nestle/Rowntree Conservation Area, which has a conservation area appraisal from 2008.

PROPOSALS

1.12 This application is in outline form with the means of access included as a reserved matter. A main street will run between Wigginton and Haxby Road but it could not be used as a through route for vehicular traffic.

1.13 The scheme is predominantly residential and for the following development -

- 425 dwellings comprising 118 houses (3 and 4 bed) and 307 apartments (1, 2 and 3 bed)
- 1,000 sq m of commercial floor-space (A2 financial & professional and B1 business uses)
- 600 sq m of D1 non-residential institutions and D2 assembly & leisure uses including a crèche (350 sq m) and a community building (250 sq m)
- Convenience store (200 sq m)

- 390 car parking spaces
- 4,865 sq m of public open space, along with semi-private community gardens for the housing courts and the apartments. The proposals also include use of the stray land as public open space.
- Landscaping works, involving tree removal within the site and along the Sustrans cycle route to allow a pedestrian and cycle access into the site. There would be a new landscape buffer on the north side of the site (and an increase in the number of trees overall).
- An upgraded access onto Wigginton Road (including a pedestrian crossing island) and internal highways infrastructure

1.14 The aspirations for the site, including the layout and massing of buildings are detailed in the submitted master-plan and section drawings and the design strategy and design and access documents by Axis Architecture.

1.15 The development is deemed not to require an Environmental Impact Assessment. A screening assessment has been previously carried out - refer to application 17/02445/EIASN.

RELEVANT SITE HISTORY

Application 10/01955/OUTM

1.16 The outline application previously determined as being acceptable by members was also in outline form with the means of access detailed as a reserved matter. The intentions re access were as per this application with no through route for motor vehicles apart from buses and emergency services.

1.17 The amount of development was indicatively shown as -

RESIDENTIAL

166 houses

55 assisted living bedrooms contained within one building.

COMMERCIAL

5,884 sq m office block

1,335 sq m community centre, gym and crèche

2.0 POLICY CONTEXT

2.1 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 as revised in July 2018, the relevant 2018 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.

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

2.3 Relevant 2018 Draft Plan Policies:

DP2	Sustainable Development
DP3	Sustainable Communities
DP4	Approach to Development Management
SS15	Nestle South
R1	Retail Hierarchy and Sequential Approach
H1	Housing Allocations
H2	Density of Residential Development
H3	Balancing the Housing Market
H4	Promoting Self and Custom House Building
H5	Gypsies and Travellers
H10	Affordable Housing
HW2	New Community Facilities 123
HW4	Childcare Provision 127
HW7	Healthy Places
D1	Placemaking
D2	Landscape and Setting
D3	Cultural Provision
D4	Conservation Areas
GI1	Green Infrastructure
GI2	Biodiversity and Access to Nature
GI3	Green Infrastructure Network
GI4	Trees and Hedgerows
GI6	New Open Space Provision
CC2	Sustainable Design and Construction of New Development
ENV1	Air Quality
ENV2	Managing Environmental Quality
ENV3	Land Contamination

ENV4	Flood Risk
ENV5	Sustainable Drainage
T1	Sustainable Access
DM1	Infrastructure and Developer Contributions

2.4 City of York Draft Local Plan (2005)

GP1	Design
GP3	Planning Against Crime
GP4a	Sustainability
GP4b	Air Quality
GP5	Renewable Energy
GP6	Contaminated Land
GP7	Open Space
GP9	Landscaping
NE1	Trees, Woodlands and Hedgerows
NE7	Habitat Protection and Creation
NE8	Green Corridors
HE3	Conservation Areas
H3c	Mix of Dwellings on Housing Sites
H5a	Residential Density
S10	New Local or Village Shops 96
L1c	Provision of New Open Space In Development
C1	Community Facilities
C7	Children's Nurseries

3.0 CONSULTATIONS

INTERNAL

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

ARCHAEOLOGY

3.1 A desk-based assessment has been submitted. Map regression within the report shows that there are pockets of land either side of the former curved branch of rail track in the south-west corner of the site which appear to have been devoid of development. Although the archaeological potential of the site is not particularly high this small patch of land may contain the last of any remaining archaeological deposits on the site. These areas should be investigated archaeologically through evaluation trenching. Two trenches should be opened – one in the grassed area the other in the SW corner of the car park outside of the footprint of the former railway area. The investigation can be covered through a planning condition.

DESIGN

3.2 Officers made the following comment on the scheme. These matters were addressed in the revised design documents (strategy and design & access statement).

- The apartments to the eastern border have the poorest outlook of the development, overlooking the very large car park of the factory building. More evidence/details were required about the quality of the spaces at the east boundary to assess suitability of proposal.
- The proposal includes improvements to the quality and functional-use of adjacent but off site stray land to the west. The area is currently heavily treed but also laid out to car parking. This is the largest area of open space and securing this is of key importance and should not be only a “nice-to-have”.
- More detail was asked for about animation of the ground floor street frontage; that these had active frontages and whether such frontages had ‘defendable’ space or whether they were accessed directly from the street. Officers felt that, apart from in mews type areas, some type of buffer/threshold would generally be desirable.
- Detail on key landscape spaces (currently in the D&A) should become part of the Design Strategy, in order to unify information formats and prevent overlap or contradiction.
- Residential blocks enclose central green semi private spaces. For apartments these are often above a ground floor deck of parking. For housing they enclose “communal gardens” set beyond a zone of private rear gardens. These types of spaces are an uncommon type but have the potential for a good sense of ownership and engagement with residents. The approach does mean less open space is completely public so this puts pressure on these open spaces to be as useful as possible.

In line with officers preference an updated landscaping plan of the main square (cocoa garden) was provided to show how vehicle access would be restricted of this space. Also within the design strategy access arrangements are shown which shows where vehicles will be discouraged, by design, and this gives pedestrian priority around the main public open space and on a movement corridor to the south of, and parallel to, the main street. Servicing, bin and cycle storage s also detailed.

Car parking

- Where car parks, for apartments, front important streets they are mostly enveloped with a layer of commercial use or living use so as to provide an

animated (and not lifeless) street aspect. This is good. In some locations this does not occur but this is often because they are located at back-of-house type spaces, like the factory building car park to the east. These back of house spaces are inevitable and not an indication of poor design when appropriately located - as they are here. Officers support the proposed car parking arrangements to the houses also, which is a mix of in curtilage and on street, which avoids a monotonous approach.

COUNTRYSIDE AND ECOLOGY

3.3 The proposed development is acceptable on ecological grounds, subject to planning conditions to secure a landscape and habitat management plan for the green corridor to the south of the site (the Sustrans route) and for measures to create new wildlife features to secure net gains for biodiversity (such as bat roost and bird nesting features within new buildings and structures, native species rich landscaping and incorporation of areas of 'open mosaic habitat on previously developed land' - Features suitable for this habitat include green/brown biodiverse roofs).

3.4 These conditions are necessary to allow compliance with the City of York Local Biodiversity Action Plan (2017) which includes the following actions;

- Take account of existing biodiversity interest on brownfield sites in considering any planning application.
- Through the planning process, seek to integrate biodiversity (e.g. green roofs, nesting and roosting boxes, ecologically appropriate landscaping) into all new developments.

3.5 The cycle path is already lit by street lights so the development should avoid additional light spill on to the trees along the southern boundary of the site.

EDUCATION

3.6 As the application is in outline officers recommend that any demand for education provision is determined at each reserved matters application. Based on the Councils formula the proposed development would generate the following demand for places -

Primary	60
Secondary	26
Pre-school	53

3.7 Based on current data contributions would be required towards pre-school and primary school only. However forecasts are only to 2024/25.

3.8 Should contributions be required they would be used towards –

Primary - Yearsley Grove

Application Reference Number: 18/01011/OUTM

Item No: 4b

Secondary - Joseph Rowntree School.
Pre-school - Funded places in the vicinity.

FLOOD RISK MANAGEMENT TEAM

3.9 The total site area within the red line planning application boundary is 4.68 hectares (ha) with a proposed impermeable area of 3.01ha. The site is covered with a crushed brick/demolition material which is virtually flat with no positive drainage or overland flow to the sewer in Haxby Road therefore the proposed 17.3 l/sec surface water run-off rate is not agreed. As there is no existing run-off the permitted discharge should be based on our 1.4 l/sec/ha (Greenfield/agricultural run-off rate) of the 3.01ha proposed impermeable areas which is 4.2 l/sec.

THE HOUSING STRATEGY AND DEVELOPMENT

3.10 The Housing Strategy and Development Team support this application provided it complies with the 2018 Draft Local Plan by providing 20% affordable housing on a Brownfield site, with 20% of each phase provided if the development is phased. The requirements of relevant Local Plan housing policies would be fixed in the Section 106 agreement.

3.11 In accordance with Local Plan policy H10, 80% of the affordable homes should be for social rent and 20% for low cost home ownership. The affordable housing will be pepper potted across the development, with exceptions only where transferring the freehold of a block would allow for management by a Registered Provider, and this would not adversely affect the integration of the affordable homes within the development.

HIGHWAY NETWORK MANAGEMENT

New access

3.12 The proposed Wigginton Road access retains the design previously agreed (in the 2010 scheme). On Wigginton Road this adds a right turn lane into the site and pedestrian refuge points in the centre of the road to assist with crossing. Officers have requested a safety audit to be carried out for the proposed junction which informed the scheme proposed for approval. The full detail of the works would be approved under the Highways Act.

Impact on network

3.13 Trip generation rates have been calculated using the same method as was applied in the 2010 application. This scheme would generate 228 vehicular movements in the morning peak and 235 in the evening peak. When the remainder of Nestle South is factored in (conversion of the retained factory building to residential

and convenience store) these increase to 336 and 343 respectively to be distributed between the two junctions (Haxby Road and Wigginton Road).

3.14 In comparison to the number of trips associated with the 2010 outline scheme -

- Vehicle flows onto Wigginton Road are very slightly higher. Two-way vehicle flows of 121 in the morning peak and 130 in the evening peak equal around 108% of the number of trips associated with the previous proposals.
- Vehicle flows onto Haxby are significantly lower. Two-way flows of 215 and 213 in the morning and evening peak hours respectively represent around 72% and 84% of the level accepted in 2010.

3.15 The assessment shows that the new junction to the Nestle site off Haxby Road, the Haley's Terrace Roundabout and the signalised junction at the connection between Haxby Road and Wigginton Road will not be adversely affected.

3.16 In terms of the Wigginton Road / Crichton Avenue junction, the analysis shows that in the peak AM and PM hours there is already queuing at this junction. The effect of the proposed development is to increase this by between 0.6% and 5.1%, which is a relatively small level of change and within day to day variations. The impact on this junction is modelled to be less than the 2010 scheme. Officers would not require any mitigation as a consequence of this development.

Conditions / 106 requirements

3.17 A 106 would be required to fund any traffic regulation orders which may be required within the site and to promote sustainable travel, by offering first residents either a bus pass or money towards a bicycle.

Layout

3.18 Not providing a through route for private vehicles between Haxby Road and Wigginton Road will encourage more sustainable modes of travel. Modelling has demonstrated that the proposed scheme can be facilitated without undue impact on the highway network and also that if a through route for private vehicles were provided, then this would have a significant detrimental effect on the wider highway network.

3.19 At this stage officers are content to remain flexible as to the extent of the road network within the site which may be adopted. The Council could also manage on street parking if necessary, through a residents parking scheme, alternatively this could be left to the developer.

PUBLIC PROTECTION

Land contamination

3.20 Limited sampling has been carried out in the proposed areas of soft-standing at the site due to access constraints. An area of particular concern is the western section of the site marked as a possible play space as no soil sampling has been undertaken in this area. Officers recommend that additional site investigation work is carried out in the proposed landscaped area. If contamination is found appropriate remedial action will be required to ensure that the site is safe and suitable for its proposed use.

Air quality

3.21 An air quality assessment has been undertaken to assess the air quality impact of the proposed Cocoa West development. The impacts of the development are not predicted to result in concentrations of pollution exceeding health based objective levels. However there should be best endeavours to reduce emissions from the site during construction and operation phases. This is in line with the aims and objectives of City of York Council's Low Emission Strategy (LES) and Third Air Quality Action Plan (AQAP3).

3.22 An evaluation of the emission damage costs has been made by the applicant's environmental consultant, leading to a value of approximately £191,630. It should be noted that in instances where the impacts of Particulate Matter are being quantified and valued alongside NO_x (as is the case for this assessment), DEFRA suggest it is appropriate to use a lower damage cost per tonne for NO_x. Public Protection have therefore recalculated the damage costs associated with the development as approximately £166,235.

3.23 A range of on-site mitigation measures have been highlighted to offset this cost as follows. These measures are referenced in section 7.51 of the Planning Statement submitted in support of the application. Estimated costs have been provided for some measures by the applicant's consultant,:

- Storage facilities for cycles, one per unit;
- Planting of 110 trees (c. 70 to be removed and c. 180 to be planted) in addition to hedgerow/shrub plants;
- Contribution to bus passes or cycle accessories (£200 per dwelling) or both (£400 per dwelling);
- Additional car charging points throughout the site at c. £500 per point;
- Fund the bus gate / bollard system, which could be in the region of £60,000 or higher; and
- Travel plan measures, expected to include car club membership. This is likely to cost in the region of £50,000.

3.24 The applicant's consultant has estimated the total cost of these measures would

be in excess of £300k and would therefore exceed the calculated damage cost of £166,235. Public Protection would request that appropriate mechanisms (via condition or otherwise) are put in place to ensure that the above measures are implemented on the site.

3.25 With respect to the Travel Plan, it is recommended this includes information about electric vehicles and charging infrastructure on the site (and elsewhere in York) and mechanisms for encouraging the uptake of low emission fuels and technologies.

3.26 A construction management plan is recommended and a restriction on construction working hours.

EXTERNAL

FOSS INTERNAL DRAINAGE BOARD

3.27 There are no Board maintained watercourses in the vicinity (the River Foss, at this location, being under the care of the Environment Agency); as such it is not considered that the proposal will have a material effect on the Board's operations and therefore the Board has no comment to make.

HISTORIC ENGLAND

3.28 Broadly supports the proposed scale and layout of the development. Advise that as many of the trees as possible on the west and south sides of the site be retained.

NATURAL ENGLAND

3.29 No objection.

NETWORK RAIL

3.30 The development is near to the Bootham Level Crossing on Wigginton Road and direct vehicular and pedestrian access to this road is included from the site. Network Rail asked for additional information to assess the impact of the scheme upon the crossing. This information was provided to Network Rail and no further comments have been received.

GUILDHALL PLANNING PANEL

3.31 In general support the development of the site, but object on the following grounds –

- The existing structures were of a lower height and did not impose such a heavy presence on Wigginton Road. The planning panel recommend that the development is stepped further back in this respect.

- There are no indications of highway improvements consequently the panel are concerned about traffic levels and safety.
- The retail offering will compete with existing retail, off licence and corner shops and damage already precarious commercial businesses.

POLICE ARCHITECTURAL LIAISON OFFICER

3.32 No objection.

SPORT ENGLAND

3.33 Sport England objected as the proposal will generate demand for sporting provision, and this was not addressed in the application.

SUSTRANS

3.34 The scheme proposes the shared use of the Foss Islands Path at the southern boundary of the site which is under Sustrans ownership. Sustrans welcomes an open connection to the cycle path and permeable design of boundaries. Not only does this promote easy access but a more 'open' route allows users to feel safer on the route as it is overlooked. Sustrans will need to agree the design of the connection point to the path with the developers.

3.35 Sustrans would expect the developers to contribute towards the following works.

- Anticipating increased usage of the path improved surfaces at the Wigginton Road and Haxby Road access points and for the spur section between Wigginton Road and the site to be widened and resurfaced.
- Sustrans manage the route as a corridor for wildlife and green space in an urban area. The Foss Islands Path is part of Sustrans' Greener Greenway programme and as such has a habitat management plan. Sustrans' management ambition for the wooded area on the Foss Islands Path at this point (to the north of Hambleton Terrace) is to thin the trees to promote a greater age and species range of trees than currently exists; clear invasive species (Japanese Knotweed and Snowberry) and manage the dense scrub particularly at the access point at Haxby Road. In addition thinning of some of the multi stemmed sycamores and thin ash saplings will provide more light to the path.

YORKSHIRE WATER

3.36 The submitted flood risk assessment / drainage statement is acceptable to Yorkshire Water (this allows a surface water run-off rate of 17.3 l/sec.

YORK CIVIC TRUST

3.37 Made comments regarding design and sustainable travel as follows -

Traffic impacts related to the Wigginton Rd/Crichton Avenue junction.

3.38 The western access to the development lies to the north of this junction, and will add traffic flows to it. The same was true of the 2010 proposals. The applicants in 2010 did not assess impacts on this junction. The applicants on this occasion have assessed the impacts of both the 2010 and 2018 proposals on this junction, apparently so that they can claim that the impacts are no worse than the 2010 proposals, and can thus be considered "negligible". In practice, the predictions are that the northern and western approaches will be over capacity in all cases. The northern approach on Wigginton Rd is the most severely affected (as outlined in the Transport Assessment, Tables 9.4-9.5).

3.39 The applicants argue that these further excesses of capacity and excess queues will not be perceived by drivers as a significant change, being "within the variation of performance". Yet the junction operates on a 2 minute cycle, and when working efficiently passes around 30 cars per cycle. Thus the extra queues in the morning peak will impose a further cycle's delay of 2 minutes. They also claim that the impact of the 2018 proposal is less than that for 2010, and can thus be considered "negligible". Yet it is clear that the evening peak conditions are further worsened by the new proposal.

3.40 These adverse impacts could be avoided by requiring all generated traffic to use the Haxby Rd access, where all affected junctions are shown to be under capacity.

Parking provision

3.41 The proposal includes 425 developments and 390 parking spaces, a ratio of over 0.9. While this is within the CYC maximum standards, it is in no way aspirational in alleviating car usage in the city, and fails to reflect the high level of accessibility by bicycle and the potentially high level of bus access. It would be far preferable to specify a maximum provision consistent with an acceptable Travel Plan (which appears not to have been submitted), and of perhaps 0.65 to 0.7.

Street layout

3.42 It would be preferable for residential streets to be designed in the main as play streets, with tightly controlled vehicle access and low maximum speeds. It is accepted that the link road will have to be designed to separate pedestrian, cycle and vehicle movements. The remaining residential streets are referred to as having shared space, but do not appear from the Design Statement to have been designed as such, and it appears that there will be vehicle access to all streets. There appears

to be no discussion of the need for play space for children on the site.

Bus services

3.43 The link road is designed to have a bus gate, yet no proposals are offered for the services which might use it. Wigginton Rd only has the hourly #40 service (with the 15 minute #6 joining at Crichton Avenue where it, like the #40, is heavily delayed with no priority. Haxby Rd has the 10 minute #1 and the 15 minute #5/5A. Were the bus gate to be placed at the Wigginton Rd end of the link road, with a signalised junction with queues on Wigginton Rd held at this point, it would be possible to route the #1, #5 and #5A through the site, providing a ten buses per hour service for the development, and ensuring that the services were not delayed. These are options to be considered by CYC, but the applicants should be required to develop a more aspirational approach to the provision of bus services.

PUBLICITY

3.44 There were 7 comments received as a consequence of publicity. Re-consultation was carried out when the proposed Wigginton Road access was revised (to include a pedestrian crossing); no further comments were received.

3.45 The points made were as follows -

Principle of re-development of the site

- Support for the re-development

Residential amenity

- Overlooking of Hambleton Terrace (south side of Sustrans route) when the trees are out of bloom due to the height of the proposed apartments.
- Loss of privacy due to tree removal.
- Proposed houses would lead to overlooking over houses on opposite side of Wigginton Road and their front gardens. The houses proposed on this side of the development are 4 or 3 storey in comparison to the 2 storey houses opposite.

Amenity / ecology

- Loss of trees and vegetation along the Sustrans route will have an adverse effect on ecological value. The cycle path is an important green corridor for wildlife (and people in this urban environment) and these proposals will significantly erode that.

- The restoration/enhancement of the wedge of Bootham Stray on the western end of the site is welcomed. The Strays are a key part of the history and identity of York as well as connecting the urban areas with the wider countryside.
- The communal gardens would be gated and therefore restricted to those residents that back onto it; so although the landscape master plan gives the impression of being very 'green' the scheme lacks much needed public open space for the number of people this high-density development (and the adjacent factory block) will bring to the area - the majority in flats. This would also have the benefit of providing for existing residents in the vicinity - for example, allotments are over subscribed in this area.
- Noise and parking problems a concern as a consequence of the proposed retail unit.

Highway Safety

- There is already very heavy traffic on Haxby Road and Wigginton Road especially at peak times. The addition of so many new homes will make an extremely bad traffic situation even worse. Wigginton Road is also difficult to cross for pedestrians and cyclists. There should be improved crossing facilities.
- The junction at Crichton Bridge already needs addressing as traffic turning right towards Crichton Avenue block other vehicles passing straight ahead and leads to a bottle neck further along which, more often than not, goes all the way past the railway track on Wigginton Road towards Clifton Moor. Creating a right turn lane at the bridge would alleviate some of this queuing traffic making it more free flowing.
- Lack of details of servicing arrangements for convenience store.
- The roads and parking bays around the new Rowntree Halt Square will make this space feel dominated by cars, unwelcoming and create conflicts between pedestrian/cyclists and drivers.
- All efforts should be made to make this whole development as 'car unfriendly' as possible, facilitated by massively restricted car parking to resident ratios. Current air pollution concerns in York, levels of traffic around Wigginton and Haxby Roads and climate change concerns make action on this large, exemplar site an imperative. Secure, covered cycle parking should be provided around the site at generous cycle to resident ratios, above and beyond standard levels.

4.0 APPRAISAL

KEY ISSUES

4.1 This application is in outline, with access being considered in detail. Details of appearance, landscaping, layout, and scale, are to be considered as part of future reserved matters applications. However the application contains includes master-planning drawings and a design strategy which will inform future development; this would be secured by condition.

4.2 The key considerations are the extent to which the proposed scheme is compliant with the NPPF and local policy with regards -

- Principle of the proposed development
- Design / Impact on the Nestle Rowntree Conservation Area
- Residential amenity
- Highway network management / Sustainable transport
- Provision of open space and sports facilities
- The natural environment
- Sustainability
- Flood Risk and Drainage
- Residential Amenity
- Land Contamination
- Education

ASSESSMENT

PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.3 Residential lead development of the site is consistent with NPPF policy, in particular sections 5 which relate to housing supply and section 11 which relates to making effective use of land and in particular meeting identified development needs on previously developed land.

4.4 Section 3 of the Local Plan 2018 details the spatial strategy for York and the key areas of change. Allocated housing sites over 5 ha in area each have their own policy. The Nestle South site is allocated for housing in policy SS15. The key principles for redevelopment of the site in SS15 are listed below and are discussed throughout this section of the report.

- i. Achieve high quality urban design which recognises the distinctive character of this part of the city and respects the character and fabric of the factory buildings of distinction including those on the Haxby Road Frontage including the library.
- ii. Conserve and enhance the special character and/or appearance of the Nestle/Rowntree Factory Conservation Area.

- iii. Provide a mix of housing in line with the Council's most up to date Strategic Housing Market Assessment.
- iv. Maximise accessibility and connectivity to the city centre and local area by pedestrian and cycle routes, including direct access from the site to the Foss Island Cycle Path which runs alongside the site boundary.
- v. Retain the mature trees along Haxby Road frontage and protect the setting of the site.
- vi. Maximise connectivity and linkages to surrounding green infrastructure including Bootham Stray.
- vii. Appropriate access from both Haxby Road and Wigginton Road along with associated junction improvements as necessary through Transport Assessment and Travel Plan. Access between Haxby Road and Wigginton Road will be limited to public transport and walking/cycling links only.
- viii. Address any implications relating to the Wigginton Road level crossing.

Whether the amount and type of housing proposed is policy compliant

4.5 Local Plan policy SS15 relates to the Nestle South site. The application site is phase 2 of this allocation. The allocation is for up to 600 dwellings. The policy states that in addition to complying with the policies within the Local Plan, the site must be master planned and delivered in accordance with identified key principles. The 3rd principle within the policy is to –

“Provide a mix of housing in line with the Council's most up to date Strategic Housing Market Assessment”.

4.6 The most up to date information on housing need is summarised in the Local Plan policy H3. The policy states that proposals for residential development will be required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city. This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people. It goes on to state that (in developments) the final mix of dwelling types and sizes will be subject to negotiation with the applicant. According to the SHMA a substantial amount of overall need (60%) is for 2 and 3 bed sized dwellings.

4.7 Policy H2 gives guidance on appropriate densities for housing sites. 50 dwellings per hectare is the target in the urban area, although a higher density can be appropriate at a site like this due to its proximity to public transport links. The policy goes on to state that on strategic sites specific master planning may override the approach in this policy, which should be used as a general guide. Delivering densities that support the efficient use of land requires good design that responds to its context, an appropriate mix of house types and should be informed by the local character of the area.

4.8 The application proposes up to 425 dwellings comprising 118 houses and 307

apartments which would be 78 dwellings per hectare. This density sits comfortably with policy H2, but is below the estimated yield of 600 dwellings in policy SS15.

4.9 The design and access statement advises that the scheme presented assumes the following dwelling sizes –

1-bed	16
2-bed	246
3-bed	117
4-bed	46

4.10 The Local Plan acknowledges that the site specific allocations are estimates and can be varied as a consequence of more detailed master-planning. At this site the lower yield than the allocation enables a mix of dwellings (houses and flats) that is broadly compliant with need, provision of an amount of amenity space that is policy compliant and as a consequence of community involvement the scale of buildings has been reduced on the west side of the site. These aspects of the scheme provide a valid justification for an overall number of dwellings that falls below the policy allocation of 600 dwellings.

Whether the proposed main town centre uses are suitable at the site, considering the impact on the vitality and viability of the city centre

4.11 Policy SS15 which relates to the site refers only to dwellings, unlike the original development brief which had aspirations for a mix of uses (in particular smaller business premises). As such, because the site is outside of the city centre a sequential test is required for the 'main town centre' uses proposed on site; the potential 1,000 sq m of commercial floor-space (A2 financial & professional and B1 business uses) and the 200 sq m convenience store.

4.12 National planning guidance in the NPPG advises that with regards the sequential test this should ensure that any proposed main town centre uses which are not in an existing town centre are in the best locations to support the vitality and vibrancy of town centres, and that no likely significant adverse impacts on existing town centres arise. The application of the test should be proportionate and appropriate for the given proposal and should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.

4.13 Local Plan policy R1: Retail Hierarchy and Sequential Approach states that the vitality and viability of the city centre, district and local centres and neighbourhood parades will be maintained and enhanced. The existing network will form the focal point for uses, services, and facilities serving the surrounding population. The policy goes on to state that in order to safeguard and enhance the established retail hierarchy any proposals for additional retail provision outside the defined city, district and local centres will be subject to the requirements set out in Policy R4.

4.14 Four of the key objectives of the 2007 Development Brief sought to provide employment opportunities on the site in order to replace any loss of jobs as a result of the closure of a number of Nestle buildings. The previous scheme was to provide almost 10,000 sq m of office space overall.

4.15 The amount of office space – 1,000 sq m is significantly less than the 10,000 sq m in the previous scheme. No undue harm on the city centre is anticipated and to resist the proposals based on the amount of office space proposed would be a significant deviation from the Council's original aspirations for the site as established in the 2007 development brief.

4.16 This scheme is predominantly residential. In addition to the 425 dwellings proposed there is permission for a further 258 in the converted former factory buildings. Given the population envisaged for this area the composition of uses is appropriate; they will help meet local need, contributing to reducing the need for travel and assist with place-making and giving the area distinctive character and sense of community.

4.17 The retail facility (convenience store) will be small scale (up to 200 sq m); this would allow a facility to meet local need, avoiding the need to travel; this is a sustainable approach and would have no material impact on retail elsewhere. There would not be a significant adverse effect on the vitality and viability of the city centres and other centres, considering local policies R1 and R4.

Community uses

4.18 The proposed development could generate the need for some 53 pre-school places. There is evidenced need for the proposed crèche, as a direct result of the development. This justifies the proposed use, as required under local plan policy HW4: Childcare Provision.

Application of policies relating to self build and traveller accommodation on strategic sites

4.19 Policies H4 and H5 of the emerging plan advise that on strategic sites developers will be required to make provision for the following –

- At least 5% of building plots to be offered to self builders or small /custom house builders subject to demand. Such plots can revert back to delivery through conventional methods if they have been reasonably marked without interest for 12 months.
- Provide either 2 pitches (either on or off site) or a commuted sum towards such for gypsies and travellers.

4.20 The scheme does not propose compliance with these policies on the following grounds -

- These policies carry limited weight at this time (as is explained in the NPPF) because they have been subject to objections as part of consultation on the emerging plan. They have not been tested at examination, considering their consistency with national policy and whether the impositions are based on a reasonably robust evidence base (as set out in sections 3 and 5 of the NPPF).
- The scheme has been worked up over the previous 12 months; before the Local Plan had member approval, and given the aforementioned levels of objection, it was unknown whether these policies would remain in the plan submitted for examination.
- The scheme proposes a mix of houses and flats, the arrangement of which are informed by a combination of design and viability. Only the housing plots could be allocated for self build. The proposals currently would delivery a policy compliant 20% affordable housing. This would need to be re-considered if policies H4 and H5 were imposed.
- The site has been designed in detail, with relatively fixed house types and a vernacular to be in harmony with the Nestle Rowntree Conservation Area. The provision of self build plots, or pitches, would more suitable at other strategic sites at the edge of the city without the design constraints present here.

4.21 Officers have sympathy with the fact that the site was acquired and the scheme carefully devised at a time when there was uncertainty as to whether these policies would be applicable. The policies do carry limited weight at this time and to impose them would likely have adverse consequences for the scheme, whether it would be the mix of housing proposed (i.e. more flats/fewer houses) or the level of affordable housing that could be realised. It would also delay decision making as the scheme would need to be reconsidered and viability reappraised, possibly re-negotiated. Overall there are reasonable grounds not to impose these policies in this case.

DESIGN / IMPACT ON THE NESTLE ROWNTREE CONSERVATION AREA

4.22 The National planning practice guidance advises that in assessment of design, consideration, where appropriate should be given to layout, form, scale, detailing and materials. It states well designed new or changing places should:

- be functional;
- support mixed uses and tenures;
- include successful public spaces;
- be adaptable and resilient;
- have a distinctive character;
- be attractive;
- encourage ease of movement

4.23 NPPF key guidance on design is summarised in paragraph 127. In addition to the above factors it states that proposals should create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

4.24 Within the Local Plan policy D1: Place-making expands upon the NPPG design principles and applies these to the York context. In addition to the aforementioned factors D1 also establishes the following requirements for proposals -

- Respect York's skyline by ensuring that development does not challenge the visual dominance of the Minster or the city centre roofscape.
- Respect and enhance views of landmark buildings and important vistas.
- Ensure proposals are not a pale imitation of past architectural styles.
- Demonstrate the use of best practice in contemporary urban design and place making.
- Integrate car parking and servicing within the design of development so as not to dominate the street scene.
- Create active frontages to public streets, spaces and waterways.
- Create buildings and spaces that are fit for purpose but are also adaptable to respond to change.
- Create places that feel true to their intended purpose.

4.25 Although the application is outline master-planning documents and a design strategy to ensure execution of the applicant's intent for the scheme (bearing in mind that phases of the scheme may be undertaken by different developers). These documents propose a layout, design and composition of uses that would accord with national and local policy.

Layout

4.26 The layout and composition of the site are structured and help give the development its own identity. The main street which runs from west to east will accommodate commercial uses at ground floor and beyond this is a network of more intimate residential streets. The layout draws attention towards focal points within the site and it allows views between the landscaping and public open spaces. This will help give the site identity and will provide legible and attractive routes for pedestrians and cyclists, following desire lines south towards the Sustrans route and the city centre, and encouraging recreation.

4.27 The landscaping strategy for the site illustrates the types of public and private open spaces. There will be public spaces of varying types, providing space for recreation, play and amenity. There will be private and semi-private spaces for residents. The design strategy explains how the community gardens will be managed and how they could be used flexibly.

4.28 The amended design strategy document shows how there will be a 6 m clearance between the apartment block on the east side of the site and the site boundary. The approved scheme to convert the retained factory building had a car park area to the rear and as part of that scheme there was a reasonable amount of landscaping, including tree planting within the car park, to allow for a reasonable outlook.

4.29 The stray land to the west of the site is currently secured by palisade fencing and has in the past been used for car parking. This scheme proposes soft landscaping of this space and re-establishing public access. This would mean the development would have adequate amenity space, based on local policy requirements, to serve the residents. This is a positive aspect of the scheme which is policy compliant and can be secured through condition, along with the developer being responsible for future maintenance/upkeep of the landscaping.

4.30 An updated landscaping plan of the main square (cocoa garden) has been provided. Vehicles will be discouraged, by design, and this gives pedestrian priority around the main public open space. Overall there is good permeability through the site for pedestrians and cyclists, providing attractive, legible and direct routes, from east to west between main areas of public open space and south, connecting into the Sustrans route via a square that would be provided at the site of the former rail halt.

4.31 Along the Sustrans route there would be some tree removal but overall the scheme is beneficial in this respect. The Sustrans route will be enhanced by this development that will positively engage with the route; main building elevations will overlook the route, giving natural surveillance and the proposed rail halt square will encourage connectivity. The application will also facilitate improved surfacing of the Sustrans route. Sustrans have been involved in the proposals and are in support of the scheme (as reported in section 3).

4.32 There will be tree planting, in particular along the 'main street', in public and semi-private open spaces within the scheme and the landscape buffer proposed at the north of the site to screen the development from the neighbouring factory. There will be over 100 extra trees on site as a consequence of the development. The scheme overall is consistent with local policy GI4: Trees and Hedgerows.

Building form and scale

4.33 The design statement, master-plan, section and landscaping drawings establish suitable parameters for development and a hierarchy of streets. These will inform the design of the public realm, space between buildings and building heights. The statement also establishes the requirement for active frontages, to provide lively spaces which benefit from natural surveillance.

4.34 The massing is detailed in the design statement and on the section drawings. These demonstrate that the former factory buildings will remain apparent and

dominant in their setting; the site would cause no harm to the character and appearance of the part of the Terrys/Nestle site that was designated as a conservation area in 2008. To be sympathetic to surrounding houses buildings will typically be 3 or 4 storey high along the south and west boundaries. Whilst this is taller than the neighbouring 2 storey housing this is an acceptable approach given the separation distances and intervening trees along the stray and Sustrans route. The exception to this massing is on the south side of the site between the former factory building and rail halt (as shown on site section C). Here a 5-storey block is proposed, which is justified in part on account of the scale of development historically in this area which was akin in height to the retained factory building. The building proposed would be some 12 m lower than the factory building and allows transition between the factory and proposed townhouses. Although this block would be twice the height of houses on Hambleton Terrace, buildings would be some 50 m apart. The section also shows the height of trees along the Sustrans route and that these would help screen the proposed development.

4.35 The views analysis provided demonstrates the development would cause no harm to the wider setting, including the setting of the Nestle/Rowntree Conservation Area and in views of the Minster. Despite its scale the development would not be unduly prominent in public views due to its location and screening afforded by the industrial scale buildings to the north and the east and trees to the west and the south. In terms of views out of the city from the Minster analysis shows the proposed development to be of a reasonable scale; the design statements also propose a modelled roofscape that will respect local character. Re-development could therefore be regarded an enhancement because it would help conceal views of the industrial factory buildings to the north.

Detailing & materials

4.36 Only design parameters are set in the literature provided with the application. Details and materials will be a reserved matter. However the design strategy expects the use of brickwork as a prominent material at street level and pitched roof forms which relate to surrounding terraces, with potentially more contemporary forms, referencing a more industrial vernacular, at focal points.

Car parking strategy

4.37 The scheme involves a variety of solutions to accommodate car parking, which follows best practice (as detailed in Building for Life which is national guidance on housing design). The approach will prevent car parking being unduly dominant over the setting.

4.38 The amount of car parking proposed is reasonable based on data for car ownership in the ward. Car club is an increasingly popular alternative to private car ownership; it will be encouraged and dedicated spaces on-site are anticipated.

Servicing and cycle storage

4.39 The scheme establishes an approach to bin storage that accords with best practice. These areas will be discreet and adequate in area, based on current local requirements from waste services and Building Regulations. The design and access statement acknowledges that cycle parking will be in accordance with local requirements. As such it will need to be covered and secure and integral to buildings. This detail will be secured through condition.

Crime Prevention

4.40 The layout comprises of perimeter blocks which are recommended in NPPG design guidance because they provide active frontages onto the street and allow for secure private amenity space within the blocks. The revised design strategy explains that typically dwellings will have 'defendable space' to the front.

RESIDENTIAL AMENITY

4.41 It is a core principle within the National Planning Policy Framework that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

4.42 The NPPF states decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

4.43 Minor modifications to the Publication Draft Local Plan were made 25 May 2018. One of the changes was the inclusion of the following text to policy D1: Place-making – "Ensure design considers residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing".

Surrounding occupants

4.44 The proposed buildings are set behind landscaping along Bootham Stray to the east and the Sustrans route to the south. The proposed dwellings will be taller than their neighbours; however due to the tree cover and separation distances between houses the proposed buildings would not be over-dominant and would cause no undue over-shadowing or overlooking.

- The relationship between the proposed 4-storey dwellings and houses opposite on Wigginton Road is shown on site section DD. This shows buildings would be some 65 m apart and intervening trees are of comparable height to dwellings.
- The relationship with houses along Hambleton Terrace is shown on site sections BB and CC. The height of buildings drops from 5 to 3 storey in height as they are positioned further from the retained factory building. The 5-storey block is justified in part on account of the scale of development historically in the same area which

was akin in height to the retained factory building. The building proposed would be some 12 m lower than the factory building and although twice the height of houses on Hambleton Terrace, the buildings would be some 50 m away. The section also shows the height of trees along the Sustrans route and that these would predominantly screen the proposed development. Towards the west side of the site proposed dwellings would be 3 storey and over 55 m from those on Hambleton Terrace.

Future occupants

4.45 The master-plan massing and distances plan illustrates the proposed separation distances between buildings. The internal spaces, as annotated on the plan, are reasonable in size. To allow for comparison the internal courtyard in Hungate phase 2 measures 22m by 33m. The taller blocks have their external amenity spaces at first floor level on the internal courtyard areas. The building blocks are of varying shape and scale and are arranged to ensure reasonable light gain (to buildings and amenity spaces) and avoid over-dominant development.

4.46 A condition will require that internal noise levels within buildings meet typical standards.

Community facilities

4.47 In accordance with the thrust of Local Plan policies HW2 – New Community Facilities, HW 4 – Childcare Provision and HW 7 – Healthy Places the site would provide a crèche with community space towards the centre of the site. It would have safe, easy to navigate and attractive public routes which encourage and support healthy and active lifestyles and time spent outdoors.

HIGHWAY NETWORK MANAGEMENT AND SUSTAINABLE TRAVEL

4.48 The NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location. Safe and suitable access to the site can be achieved for all users.
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

4.49 It also states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations”.

Promotion of sustainable transport modes

4.50 As required by the NPPF the scheme facilitates pedestrian and cycle movement through its layout and public realm design. There would be direct and attractive routes to and between the public open spaces within the site and out of the site to the south towards the city centre. A connection into and enhancement of the Sustrans route (improved surfacing) is also a significant component of the scheme. The way in which the development will interact with the route will make it more attractive for all users. The ‘main street’ will not be a through route for vehicular traffic and due to its design and use of materials, it will create a space pedestrians and cyclists can move through and between with relative ease.

4.51 Not providing a through route for private vehicles between Haxby Road and Wigginton Road is an NPPF compliant approach. This encourages more sustainable modes of travel. Modelling has demonstrated that the proposed scheme can be facilitated without undue impact on the highway network and also that if a through route for private vehicles were provided, then this would have a significant detrimental effect on the wider highway network, drawing in cross city traffic movements (this being contrary the councils long standing transport policies).

4.52 Car parking spaces will be as follows

Houses – 144 spaces for the 118 houses

Apartments - 221 communal spaces for 307 flats (a ratio of 0.72 spaces per dwelling).

Short stay – 21

Dedicated car club – 4 spaces

4.53 The spaces for houses accord with the parameters for car parking in the 2005 Local Plan, which allows for 2 spaces for larger houses. The lower provision for the apartments correlates reasonably with car ownership levels for the area (the site is in the Guildhall Ward where census data shows 51% of residents don't own cars) and is

based on the developer's experience of apartment developments within reasonable distance of the city centre where car ownership tends to be lower. The scheme will facilitate the car club and this is a realistic alternative to private car ownership.

4.54 Options are available in terms of how the parking spaces would be managed, either by the developers or as part of a council resident parking scheme, with permits issued. This can be addressed through the submission of a parking strategy, to be secured through condition. A travel plan will be required through condition to deliver and manage sustainable travel measures and complemented through S106 obligation to offer the first residents either bus passes or money towards a bicycle.

Whether the site would have safe and suitable access

4.55 The proposed Wigginton Road access retains the design previously deemed to be acceptable. On Wigginton Road this adds a right turn lane into the site and pedestrian refuge points in the centre of the road to assist with crossing. Bus stops would be relocated, again as in the previous scheme. A condition would require these have a suitable specification including real time bus information. The access has been subject to a stage 1 safety audit and is deemed to be suitable on safety grounds; would not have an undue effect on traffic flow (as explain in the following paragraphs).

Impact on the highway network

4.56 Apart from the proposed works to Wigginton Road to facilitate the site access and provide better pedestrian crossing facilities it is deemed the highway network can accommodate the proposed development without further mitigation.

4.57 Trip generation rates have been calculated using the same method as was applied in the 2010 application. This scheme would generate 228 vehicular movements in the morning peak and 235 in the evening peak. When the remainder of Nestle South is factored in (conversion of the retained factory building to residential and convenience store) these increase to 336 and 343 respectively to be distributed between the two junctions (Haxby Road and Wigginton Road).

4.58 In comparison to the number of trips associated with the 2010 outline scheme -

- Vehicle flows onto Wigginton Road are very slightly higher. Two-way vehicle flows of 121 in the morning peak and 130 in the evening peak equal around 108% of the number of trips associated with the previous proposals.
- Vehicle flows onto Haxby Road are significantly lower. Two-way flows of 215 and 213 in the morning and evening peak hours respectively represent around 72% and 84% of the level accepted in 2010.

4.59 The assessment shows that the new junction to the Nestle site off Haxby Road, the Haley's Terrace Roundabout and the signalised junction at the connection between Haxby Road and Wigginton Road will not be adversely affected.

4.60 In terms of the Wigginton Road / Crichton Avenue junction, the analysis shows that in the peak AM and PM hours there is already queuing at this junction. This is a junction that is already been looked at strategically by the Council, as noted in policy T4 of the 2018 Local Plan which relates to highway network capacity improvements. The effect of the proposed development is to increase this by between 0.6% and 5.1%, which is a relatively small level of change and within day to day variations. The impact on this junction is modelled to be less than the 2010 scheme. The Civic Trust raised issue with delays the extra vehicular traffic could have for cyclists at this junction. In this respect cyclists have the option of using the existing cycle network (along the path on Wigginton Road and then onto the Sustrans route) to avoid this junction.

Impact on the level crossing

4.61 Network Rail asked for further information regarding the anticipated impact on the level crossing on Wigginton Road. This has been provided by the applicants. The change in traffic passing the crossing does not justify any works to improve safety at the crossing.

4.62 The level crossing is about 600m north of the proposed development access on Wigginton Road. It is provided with half-barriers, lights and alarms.

4.63 The ABC Rail Guide identifies the risk to individual users of the crossing to be Moderate although the collective risk including train staff and passengers was assessed as Very High. This assessment was made in August 2015 and at that time there had been no near-misses or accidents in the previous year nor any since. The report indicates 4 incidents of misuse in the previous year and 3 since the assessment.

4.64 The Crashmap website shows no personal injury collisions in the vicinity of the level crossing in the five years 2013 to 2017 inclusive.

Based on the risk assessment report made in 2015, it appears that incidents and accidents are rare, and this is confirmed by Crashmap. 4.65 The misuse rate of 3 or 4 per year, if proportionate to the traffic flows, might increase by about 1 every 3 years. However given that the vast majority of road users respect the dangers of level crossings and do not misuse these, the potential increase may not be that high.

Servicing arrangements

4.65 The layout has been designed bearing in mind the need to accommodate servicing vehicles and delivery vehicles for both the commercial uses and the apartments and so there will be adequate spaces for parking such vehicles and for

them to service the site in a forward gear. Full details would be provided at reserved matters stage.

PROVISION OF OPEN SPACE AND SPORTS FACILITIES

4.66 Section 8 of the NPPF establishes that planning decisions should aim to achieve healthy, inclusive and safe places and the importance for access to a network of high quality open spaces and opportunities for sport and physical activity. Local policies should identify the need for open space, sport and recreation and opportunities for new provision.

4.67 The local policies for provision of amenity and sports space are established in section 6 of the Local Plan – Health and Well-being.

4.68 Policy HW 3 states developments that place additional demands on existing built sport facilities will be required to provide proportionate new or expanded facilities, to meet the needs of future occupiers. Developer contributions will be sought to provide these additional facilities.

4.69 Policy GI 6 New Open Space Provision advises that all residential development should contribute to the provision of open space for recreation and amenity. Provision should be informed by existing provision in the area and local open space standards.

4.70 With the inclusion of the stray land the site would accommodate adequate open space / amenity space to meet the needs of future occupants, based on the proposed housing mix and local supplementary planning guidance (SPG) on open space. The space includes play facilities for children, semi-natural amenity space and space for recreation. The associated legal agreement will secure future maintenance of the on site open space.

4.71 A contribution is proposed towards off site sports and this has also been calculated using the SPG. The contribution would be secured through a 106 obligation and would go towards facilities in the local area. Officers have identified a number of clubs/facilities within 1.2 miles of the site where contributions could be used and these are based at New Earswick, Heworth, York City Knights and York Community and Gymnastics Foundation.

FLOOD RISK AND DRAINAGE

4.72 Local Plan policy ENV5 on sustainable drainage states that surface water flows from Brownfield sites should, where practicable, be restricted to 70% of the existing run off rate. For Greenfield sites surface water run off should be no higher than the existing rate prior to development, unless it is demonstrated this is impractical.

4.73 The York 2013 Strategic Flood Risk Assessment explains that existing run off rates are calculated as follows -

- Brownfield (i.e. previously developed) site = 140 l/s/ha
- Undeveloped (Greenfield) sites = 1.4 l/s/ha
- If no connected impermeable areas (if the site has no previous development i.e. Greenfield) then an Agricultural runoff rate of 1.4 l/s/ha shall be used.

4.74 At this site, whilst in planning terms it is 'Brownfield', the buildings were demolished nearly 10 years ago and at present there is no surface water run off connection. As such York Council drainage engineers position is that the 'Greenfield' rate should be applied. To accommodate this and the associated Yorkshire Water requirements, a further 210 m³ storage area would be required which would compromise the master plan.

4.75 When the site was originally considered for re-development it was agreed that the Brownfield run off rate could be used. The applicants are proposing a run off rate of 3.7 l/sec/ha; this is considerably less than what would be accepted for a 'Brownfield' site, but would not achieve a 'Greenfield' rate. It is also consistent with the agreed approach for the additional impermeable areas within the recent application for converting the factory building into apartments (where the car park will be created).

4.76 Officer's opinion is that the proposed run-off rate, which will be a reduction compared to historic run-off rates at the site prior to demolition, is reasonable overall. Because of the previously developed nature of the site and as buildings were cleared in anticipation of re-development, there are adequate grounds not to impose a rate which would be equivalent to that sought for a site which had never previously been developed.

THE NATURAL ENVIRONMENT

4.77 Relevant to this application NPPF policy on the natural environment is for planning decisions to -

- Protect and enhance valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)
- Minimise impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

4.78 The green corridor along the Sustrans route is important for local wildlife. There would be removal of vegetation here (including tree removal to accommodate the access onto the Sustrans route which is essential for the scheme), however it would remain as a green corridor and similar works have already been identified by Sustrans as part of their habitat management plan. The trees lost would also be compensated for; there would be an increase in trees overall, including tree planting at the north end

of the site.

4.79 The biodiversity associated with urban green spaces is very important. Often they represent the main contact with nature for the majority of people, and also provide valuable stepping stones for nature as part of wider ecological networks. The proposals to restore access to the stray land on the west side of the site and to utilise this as a semi-natural space are beneficial in this respect.

4.80 Planning conditions will be used to secure the landscaping of the stray and future management, and for habitat features for species such as birds and bats throughout the site.

SUSTAINABILITY

4.81 Section 2 of the NPPF explains how achieving sustainable development has 3 overarching objectives, these being economic, social and environmental. The scheme, in providing a mixed use development, which would meet the needs of its community, by providing predominantly the housing which has been identified in the local plan as being of most need means the economic and social aspects of sustainable development.

4.82 In terms of the impact on the environment the NPPF lists contributing to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.83 The impact on the natural, built and historic environment, making effective use of land and enhancing biodiversity has already been covered in this report; the scheme is policy compliant in respect of these matters.

4.84 With regards waste and pollution the design and access statement advises that in specifying materials for the construction of the proposed building, the design team will aim to minimise waste, for example by using standard sizes for products and materials will be selected with consideration to the BRE's green guide to specification. There will be a planning condition to manage construction and this covers noise and air pollution. With regards energy efficiency, in line with current best practice the aim is to reduce energy demand by providing energy efficient buildings rather than proposing any specific use of renewable energy. This approach does not conflict with policy; there are no policy requirements to commit to providing renewable energy

LAND CONTAMINATION

4.85 To comply with the NPPF and make the site suitable for its future use conditions are proposed to make the site suitable for its future use.

EDUCATION

4.86 As the application is in outline and the scheme would likely be developed in phases officers recommend that any demand for education provision is determined at each reserved matters application. This approach will ensure requirements are precise based on the size/type of dwellings proposed and current supply/demand of education facilities. The assessment would also be able to factor in the proposed crèche at the application site, when operational.

4.87 Based on the Councils formula the proposed development would generate the following demand for places -

Primary	60
Secondary	26
Pre-school	53

3.88 Based on current data contributions would be required towards pre-school and primary school only. However should the situation change, contributions would be used towards –

Primary - Yearsley Grove
 Secondary - Joseph Rowntree
 Pre-school - Funded places in the vicinity

5.0 CONCLUSION

5.1 The proposed development would provide a mix of housing reasonably in line with local need (i.e. predominantly 2 and 3 bed dwellings) and ancillary facilities that will help meet residents' daily needs in the interests of creating a sustainable community. The scheme will deliver affordable housing at a policy compliant 20%.

5.2 The development relates appropriately to the surroundings, including the adjacent conservation area, it has a well defined layout with a network and variety of green space and amenity space. The development is of scale that will relate acceptably to its surroundings; there will not be an undue impact on existing resident's amenity. The development can be accommodated by the highway network without significant effect.

5.3 The scheme accords with national advice on sustainable development, sustainable travel and design. This is a suitable scheme to re-develop this brownfield site efficiently and deliver housing in accordance with identified need. To provide adequate infrastructure to meet the needs of future occupants an associated legal agreement will also secure a contribution towards off site sports facilities and contributions towards education requirements; to be decided at reserved matters stage(s).

5.4 The planning obligations required (specified below) are compliant with the Community Infrastructure Levy Regulations in 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 to the development. Furthermore no more than 5 contributions will have been made towards the relevant infrastructure projects.

COMMITTEE TO VISIT

6.0 RECOMMENDATION:

Approve subject to Section 106 Agreement to secure the following planning obligations and subject to the conditions listed below -

- Affordable housing (20%, tenure in accordance with local policy)
- Off site sports (£222,159 (index-linked) to be used at the following facilities - Heworth Cricket club
Heworth Rugby club, New Earswick sports club, New Earswick & District Indoor Bowls club, York community and gymnastics foundation, York City Knights).
- Education (To be reviewed at each Reserved Matters stage. Contributions would be towards pre-school in catchment, Yearsley Grove Primary & Joseph Rowntree Secondary)
- Sustainable travel - first occupants to be offered £200 towards either bus pass or cycles
- Traffic Regulation Order of 5k (to cover internal layout and potential res-parking arrangements)
- Future maintenance of public open space (including stray land)

1 Time for development to commence

Application(s) for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of five 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.

2 Submission of reserved matters applications

Prior to the commencement of building works, reserved matters applications with fully detailed drawings illustrating all of the following details shall be submitted to and

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approved in writing by the Local Planning Authority:

- a) appearance
- b) landscaping;
- c) layout; and
- d) scale

Such reserved matters applications shall comply with the general design principles set out in the following documents:

The development shall be carried out in accordance with the approved details.

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) (Amendment) (England) Order 2006.

3 Approved plans

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

Site Masterplan
27050 (00)03 Y

Proposed highway works (Wigginton Road access)
67020-TA-001 REV C

Masterplan drawings
01 20D massing & separation distances
01 21D land uses
01 22D spatial connections
01 23D routes and streets
01 24D street hierarchy

Landscape masterplan by topia

Plan for cocoa gardens
T0015.SC.009-PL05

Site sections
27050(03)- 00B, 01B, 02B, 03B

Tree retention / removal plan
T0015.GA.001 PL06

Design and access statement - 27050(06)01 B

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Design strategy document - 27050(06)02 C

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority, to ensure there are suitable planning obligations and mitigation as a consequence of the development and that the housing proposed will be successful in meeting identified local need.

4 The development hereby permitted shall be carried out in adherence with the design parameters and principles as detailed within the following documents -

Design and access statement - 27050(06)01 B

Design strategy document - 27050(06)02 C

Reason: In accordance with design guidance in the NPPG, in the interests of good design; to ensure that the development is coherent and respects the adjacent conservation area due to the application being in outline form and as the scheme may be developed in phases and by multiple applicants.

5 Restriction of overall amount of development

The level of development within the site shall not exceed amounts stated within the submitted Design and Access Statement and Design Strategy (specified below) unless otherwise approved in writing as a non-material amendment by the Local Planning Authority.

425 dwellings comprising 118 houses and 307 apartments, dwelling sizes as follows -

16 x 1-bed
246 x 2-bed
117 x 3-bed
46 x 4-bed

- 1,000 sq m commercial floor-space (A2 financial & professional and B1 business uses),
- 600 sq m D1 non-residential institutions and D2 assembly & leisure use including a crèche (350 sq m) and a community building (250 sq m)
- 200 sq m convenience store.

Reason: To ensure the development contributes to meeting the housing needs of the city, does not harm the city centre retail area, provides an appropriate mix of uses and to ensure traffic generation is as predicted and modelled.

6 Phasing (to include delivery of public landscaping and site access points)

Prior to or concurrently with the first reserved matters application, a scheme detailing the sequential phasing of all aspects of the development, including the highway

network, landscaping and equipped children's play areas, the connection points onto the Sustrans route to the south of the site and landscaping of Bootham Stray, shall be submitted to and approved in writing with the Local Planning Authority.

The development shall be carried out in accordance with the approved phasing.

Reason: To ensure that the required infrastructure, open space, landscaping, and community works are provided at a time which meets the needs of future users and occupiers of the site.

7 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.

For noise details are required on the types of machinery to be used, including consideration of use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc. Where particularly noisy activities are expected to take place then details should be provided on mitigation 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 are required 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 may occur then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations.

With respect to dust mitigation, measures shall include, but would not be restricted to, means of keeping the highway clean, such as 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.

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 CEMP must include a site specific risk assessment of dust impacts in line with the

IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

For 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.

The CEMP shall provide a 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: The condition is required prior to commencement, considering NPPF paragraph 55, to manage and mitigate the impact of the construction phase of development.

8 Construction hours

Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays.

The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of local residents.

9 Dilapidation survey

Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Reason: The condition is required prior to commencement, considering NPPF paragraph 55, in the interests of the safety and good management of the public highway.

10 Site access

The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

Highway Works: Implementation of the access road / highways improvements as shown on the approved drawing 67020-SK001 rev A (which includes relocated footpaths, bus stops (to include BLISS real time display) and pedestrian crossing islands).

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

11 Road Safety Audit

A 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 67020-SK001 rev A, 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.

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

12 Land contamination - site investigation

Prior to commencement of construction, 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 is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- 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;
- 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.

13 Land Contamination - 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.

14 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.

15 LC4 Land contamination - unexpected contamination

16 Drainage

The development shall be carried out in accordance with the drainage scheme as detailed in the Flood Risk Assessment by EWE Associates Ltd (Report 2017/2193 Rev A dated 03/05/2018), unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage in accordance with policy ENV5 of the 2018 Draft Local Plan.

17 Drainage

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

18 Archaeology

A programme of post-determination archaeological evaluation is required on this site as follows -

- a) No archaeological evaluation or groundworks 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.
- b) 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 (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.
- c) 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.
- d) 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.

Reason: The site lies within an area of archaeological interest. An investigation is

required in accordance with Section 12 of NPPF 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.

19 Details required at Reserved Matters stage

The detailed drawings to be submitted for the approval of the Local Planning Authority under condition 2 shall include the following details:

- Existing and proposed ground levels and finished floor levels for each building.
- The position, design and materials of all means of enclosure.
- The design and materials of roads, footpaths, and hard landscaped areas, including connection points onto the Sustrans network and improvements to the Sustrans route (to include resurfacing works at both access points and widening of the Wigginton Road access).
- Samples of external materials
- Street furniture including lighting
- Refuse and recycling stores including appearance and materials
- Details of covered and secure cycle storage and visitor cycle parking facilities

The development shall be carried out in accordance with the approved details.

Reason: To ensure that sufficient information is submitted to determine any future reserved matters applications and so that the Local Planning Authority may be satisfied with the finished appearance.

20 Car parking strategy

Prior to, or concurrently with, the first reserved matters application, a car parking strategy for the development shall be submitted to and approved in writing by the Local Planning Authority and the development shall be operated in accordance with the approved strategy.

The strategy shall include the allocation and management of car parking facilities onsite. It may be updated in any subsequent reserved matters application where appropriate.

Reason: In the interests of good design to ensure that the development functions appropriately and in the interests of highway network management.

21 Brickwork to be approved

Sample panels of the brickwork to be used on each respective phase of the development shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork/ stonework and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works within that phase. These panels shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

22 External materials

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.

23 Landscaping

Any reserved matters applications regarding landscaping and layout shall include a survey, schedule and plan of all trees on the site and immediately adjacent to it in accordance with British Standard 5837. It will identify trees to be retained and to be felled. Where a tree is proposed for removal reasons shall be given.

The corresponding plan shall show the accurate location of the trunk (with reference number) and canopy spread of each tree in a north, east, south and west direction, and the recommended root protection area (RPA). The plans will also include details of the following where they occur near existing trees to be retained: existing and proposed levels; existing and proposed surfacing; locations of existing and proposed underground and overhead service runs. The reserved matters application shall ensure that the requirements of the root protection area of trees to be retained can be respected at all times before and during all development operations, and that the trees can be retained within a sustainable situation.

Reason: To ensure the retention and protection of existing trees that are desirable and suitable for retention before, during and after development and to allow an accurate assessment of the compatibility of the detailed development proposals with

existing trees that make a significant contribution to the amenity of the area and development.

24 Main Street (means to prevent through traffic)

Prior to completion of the 'main street' measures to prevent through vehicular traffic shall be submitted to and approved in writing by the LPA and installed in accordance with the approved details. Such measures shall remain operational at all times.

Reason: to promote sustainable travel, avoid any significant impacts from the development on the transport network and create places that are safe, secure and attractive in accordance with NPPF paragraphs 108, 110 and 111.

25 Children's Play Area (LEAP)

Prior to installation details of the equipped children's play area shall be submitted to and approved in writing by the Local Planning Authority. The area shall be constructed in accordance with the approved details.

Reason: To ensure adequate open space facilities for future occupants of the site, in accordance with section 6 – Health and Wellbeing and policy GI6 New Open Space Provision of the Local Plan and NPPF section 8 Promoting healthy and safe communities.

26 Works to Sustrans route

Prior to commencement of the relevant works a scheme detailing works along the Sustrans route (to the south of the site) shall be submitted to and approved in writing with the Local Planning Authority.

Unless otherwise agreed, the scheme shall detail - the works to trees on both sides of the track to create a more open aspect, improved surfacing at the Haxby Road and Wigginton Road access points and the widening and resurfacing of the spur section of path running between Wigginton Road and the development site access (from the Sustrans route). It shall also provide details of any new lighting (which shall include details of existing and proposed levels of lightspill).

The development shall be carried out in accordance with the approved details.

Reason: To promote sustainable travel and in the interests of good design in accordance with NPPF paragraphs 108, 110 and 127.

27 Landscape and Ecological Management Plan

A landscape and ecological management plan, covering Bootham Stray and habitats at the south end of the site, adjacent the cyclepath shall be submitted to, and be

approved in writing by, the local planning authority prior to the commencement of works in the relevant area.

The content of the plan shall include the following;

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, in particular given the proposed removal of vegetation at the south end of the site, and to be in accordance with Paragraph 175 of the NPPF (2018) to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.

28 Biodiversity Enhancement

Any submission of reserved matters shall incorporate details of what measures are to be provided within the design of the development for the creation of new wildlife features to secure net gains for biodiversity. These will include;

- bat roost and bird nesting features within new buildings and structures,
- native species rich landscaping scheme, and
- incorporation of areas of 'open mosaic habitat on previously developed land' where applicable. Features suitable for this habitat include green/brown biodiverse roofs.

Details will be submitted and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with these approved details.

Reason: In accordance with Paragraph 175 of the NPPF (2018) to encourage the

incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.

Informative: Nesting Birds

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.

Informative: Hedgehogs

The applicant is advised to consider using permeable fencing or leaving occasional gaps suitable to allow passage of hedgehogs. Any potential hibernation sites including log piles should be removed outside the hibernation period (which is between November and March inclusive) in order to avoid killing or injuring hedgehog.

Hedgehogs are of priority conservation concern and are a Species of Principal Importance under section 41 of the NERC Act (2006). An important factor in their recent population decline is that fencing and walls are becoming more secure, reducing their movements and the amount of land available to them. Small gaps of approximately 13x13cm can be left at the base of fencing to allow hedgehogs to pass through. Habitat enhancement for hedgehogs can easily be incorporated into developments, for example through provision of purpose-built hedgehog shelters or log piles.

29 Travel Plan

Prior to occupation of the development a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details.

The travel plan shall follow the principles established in the submitted Transport Assessment and shall accord with the guidance detailed in the National Planning Policy Guidance.

The scope of the travel plan shall include specifically the following measures -

- Measures to facilitate and promote a car share / car club scheme (or equivalent)

on site (It is noted that the Transport Assessment proposes 4 car club spaces within the site).

- Management of car parking for the apartments
- Provision of electric vehicle charging facilities
- Cycle storage

Reason: to promote sustainable travel, in accordance with NPPF paragraphs 108, 110 and 111.

30 Electric vehicle facilities

Prior to occupation of the relevant building all in-curtilage allocated parking spaces shall incorporate a suitably rated electrical socket to allow a minimum 'Mode 2' charging of an electric vehicle using a standard 13A 3 pin socket and a 3m length cable (see notes for EV1 below)

Prior to occupation of the relevant buildings a minimum of 2% of each internal communal parking area shall incorporate facilities for charging electric vehicles. Charging points shall be for the exclusive use of zero emission vehicles (with appropriate bay marking and signage). The exact number of charging points, together with their position and specification should be first agreed in writing by the Council.

Reason: To provide facilities for charging electric vehicles in line with section 9 of the NPPF and CYC's Low Emission Strategy and Air Quality Action Plan.

Notes

For EV1 - Optionally, a suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to the standard 13A 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows faster charging of electric vehicles. Further advice can be provided by City of York Council's Public Protection team on request.

For EV2 - The number of charge points should be a minimum of 2% of the communal parking provision and rounded up to the nearest whole number of points. Charge points should be weatherproof, outdoor recharging units for electric vehicles with the capacity to charge at up to 7kw (32A). Groundworks and cabling should be sufficient to upgrade that unit and to provide for an additional recharging unit of the same specification in a nearby location.

All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

31 Noise levels in dwellings

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 LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework.

32 Hours of deliveries to commercial uses

Upon completion of the development, delivery vehicles and waste removal vehicles to the commercial premises shall be confined to the following hours:

Monday to Friday 08:00 to 18:00 hours

Saturday 09:00 to 18:00 hours and not at all on Sundays and Bank Holidays

Reason: To protect the amenity of occupants of the nearby properties from noise.

33 Plant & Machinery (commercial buildings)

Details of all machinery, plant and equipment to be installed in or located at the commercial premises, which is audible outside of the premises, 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.

INFORMATIVE: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 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.

Reason: To protect the amenity of nearby properties and the environmental qualities of the 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 (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: pre-application negotiations, sought further clarification regarding the proposals and through the use of planning conditions and legal agreement.

2. 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

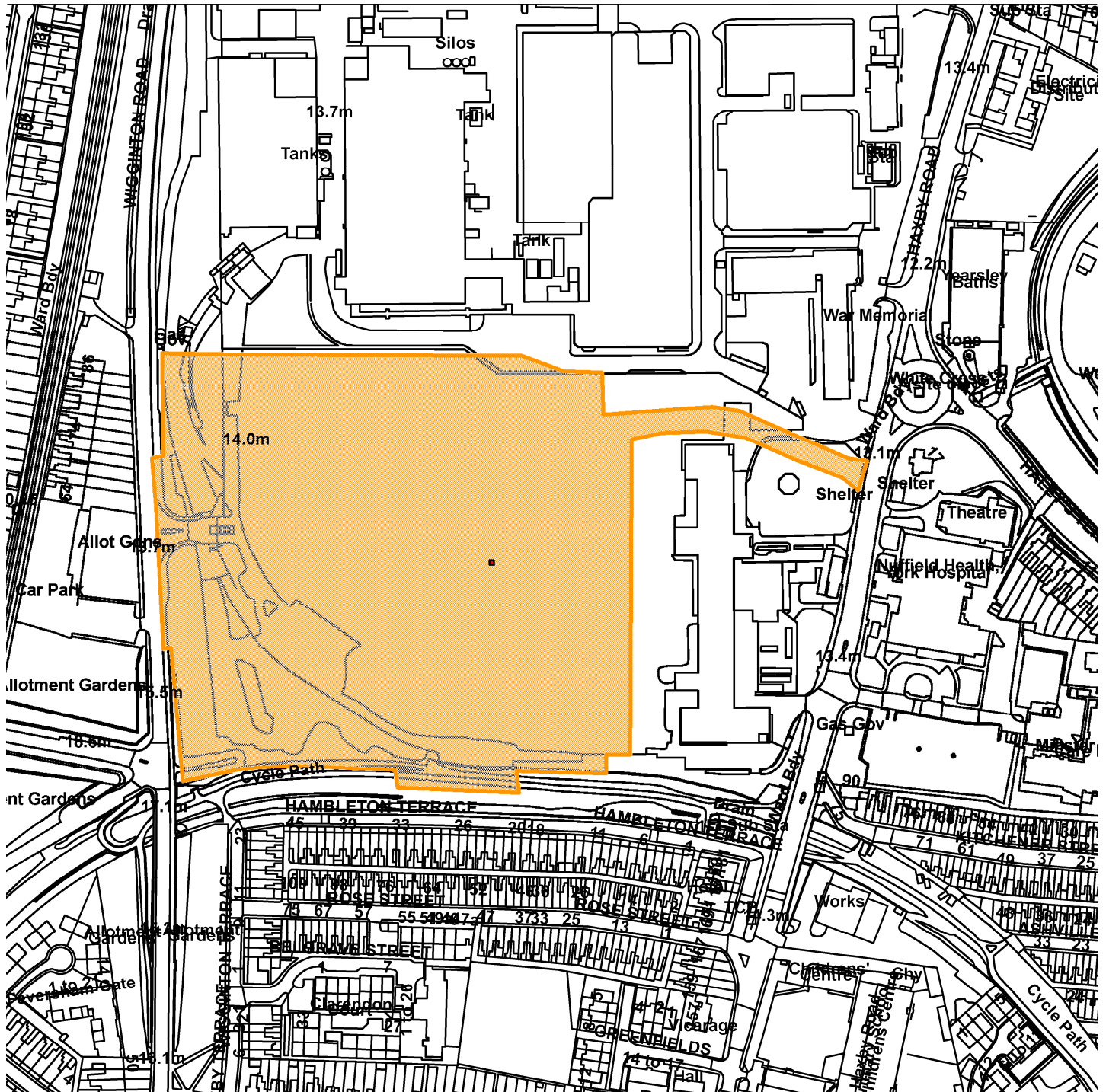
Tel No: 01904 551323

18/01011/OUTM

Land At Cocoa West, Wigginton Road



GIS by ESRI (UK)



Scale : 1:2981

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Organisation	City of York Council
Department	Economy and Place
Comments	Site Location Plan
Date	05 November 2018
SLA Number	

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COMMITTEE REPORT

Date: 15 November 2018 **Ward:** Rural West York
Team: Major and **Parish:** Hessay Parish Council
Commercial Team

Reference: 18/01023/FUL
Application at: Mapplefields, 5 Laburnum Farm Close, Hessay, York, YO26 8LG
For: Erection of stables in paddock
By: Mr Andrew Tullie
Application Type: Full Application
Target Date: 19 October 2018
Recommendation: Refuse

1.0 PROPOSAL

1.1 Planning permission is sought for 4 box pitched roof brick and tile stable block within an orchard/private grassed amenity area. No planning permission has been sought for the change of use of the grassed area for equestrian use. The applicant and agent have confirmed that they do not currently have horses/ponies however there is the intention to buy one horse/pony. Access to the site would be from Laburnum Farm Close

1.2 The proposed stable block would measure 16.4 metres by 8.7 metres the roof ridge would be 4.77 metres in height not including the clock tower and ventilation towers (total height 5.6 metres in height), there would be a covered walkway. It is unclear the surfacing of the area to the front/east of the stables. Each box would measure 3.85 metres by 6 metres. Two of the boxes are labelled for food, tack etc. The external finish to the proposed stables would be brick and timber cladding and rosemary tiles for the roof. No details have been provided for the parking of equestrian vehicles or the siting of the manure heap.

1.3 The site is within the general extent of the greenbelt. The site is within Flood Zone 1

1.4 Relevant Planning History

- 02/03698/FUL - Erection of 9 dwellings with associated access road, garages and parking - Approved

2.0 POLICY CONTEXT

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005:

- CYPSP2 The York Green Belt

Application Reference Number: 18/01023/FUL

Item No: 4c

- CYGP1 Design
- CYGP4A Sustainability
- CGP15A Development and Flood Risk
- CYGB1 Development within the Green Belt
- CYGB13 Sports facilities outside settlements

2.2 The Publication Draft York Local Plan

- SS2 The Role of York's Green Belt
- D1 Placemaking
- D2 Landscape and Setting
- D6 Archaeology
- D7 The Significance of Non-Designated Heritage Assets
- GB1 Development in the Green Belt
- GB2 Development in Settlements within the Green Belt
- ENV2 Managing Environmental Quality
- ENV5 Sustainable Drainage

2.3 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).

2.4 Please see the Appraisal Section (4.0) for national and local policy context.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 Do not envisage any implications to the highway network as a result of the proposed development.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.2 No objections.

FLOOD RISK MANAGEMENT TEAM

3.3 Object, on the lack of information. It has not been demonstrated that the site can be adequately drained.

PUBLIC PROTECTION

3.4 No objection, request condition to restrict the hours of construction.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

HESSAY PARISH COUNCIL

3.5 Object - the size and scale of the proposed development compared with the area of the paddock and the footprint of neighbouring properties.

3.6 The development would be in the Green Belt and no very special circumstances have been justified.

3.7 The development extends beyond the existing building line.

AINSTY INTERNAL DRAINAGE BOARD

3.8 The applicant requires prior consent from the Board for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

3.9 The proposed development 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. The intention is to dispose of the surface water via a soakaway. However the supporting information advises that should soakaways prove ineffective the surface water will discharge to "a drain to the north of the site". The Board is unclear regarding the nature, location, condition and ownership of the "Drain" that the applicant intends to discharge into. The Board advise that the applicant provide full details regarding the drain they intend to connect to including evidence of any necessary permission(s) and where that asset discharges to. The applicant would need to demonstrate that the site already drains to that facility. Where a connection to a watercourse is proposed then, in order to reduce the risk of flooding, the Board would want the rate of discharge constrained at the "greenfield" rate (1.4 l/s/ha), plus an allowance for any "brownfield" areas of the site which are currently impermeable (at the rate of 140 l/s/ha) less 30%. With storage calculations 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 event. All calculations should include a 20% allowance for climate change.

3.10 No objection to the development in principal but recommends that LPA require the applicant to provide a satisfactory drainage strategy and obtain any necessary consent before any approval is granted.

PUBLICITY AND NEIGHBOUR NOTIFICATION

3.11 Two Representations of Objection

- The development is within the green belt and does not meet any of the permitted exceptions. The 'private benefit' of the building does not outweigh the requirements of the Very Special Circumstances remit.
- The size and scale of the proposed building compared with the area of the paddock and footprint of neighbouring properties. This will have a significant impact on the openness of the greenbelt and could be viewed from a number of properties within the village. The size of the stables would mean they will be clearly visible from a number of properties within the village on both Laburnum Farm Close and also New Road and have an impact on both the view and light for those properties.
- The Laburnum Farm Close estate was intended as area of 'private dwelling' according to the covenants surrounding the properties, the addition of stables changes the land use from residential to agricultural due to the addition of animals which are not domestic (only domestic animals were intended when the original estate was developed according to the covenants).
- The additional traffic caused by proposed development will wear out the private roadway of Laburnum Farm Close at a more rapid rate than existing. This is funded and controlled by a number of homes under a management committee agreement and therefore bring additional costs. The increase in traffic will result in noise pollution in an area where there is a low base level of noise currently. This will also cause changes to the residential amenity of the area due to the changes in character of Laburnum Farm Close and surrounding area.
- The properties within the cul de sac are all within the original land footprint. Visually this is appealing from all angles including from the bungalows situated along New Road. The addition of the stables will compromise the visual appearance of the land footprint from all sides. The stables, while largely hidden from view of Maplefields will be in clear view of objectors property. It will impact upon the 'openness' of the green belt.
- The building would extend the village beyond its current footprint, outside of the current agreed building lines. The building would set a precedent for large scale buildings in other paddocks, which in time will change the character of the village.
- There is no identified plan for manure disposal. This would need to be considered from a health perspective but also from additional traffic required to meet this need.
- The inclusion of stables within the 'estate' is very likely to require use of and parking of commercial vans, trailers and other vehicles.

4.0 APPRAISAL

KEY ISSUES

- Planning policy
- Green belt
- Design and landscape considerations
- Impact to residential amenity
- Highways
- Drainage
- Consideration of very special circumstances

ASSESSMENT

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.

Publication Draft York Local Plan (2018)

4.2 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 as revised in July 2018, the relevant 2018 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).

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

4.4 The revised National Planning Policy Framework was published on 24 July 2018 (NPPF) and its planning policies are material to the determination of planning applications. It is against the NPPF (as revised) and the saved RSS policies relating to the general extent of the York Green Belt that this proposal should principally be assessed.

4.5 The NPPF sets out the presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 11 does not if specific policies in the NPPF indicate development should be restricted.

Draft Development Control Local Plan (2005)

4.6 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP 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 as revised in July 2018, although the weight that can be afforded to them is very limited.

OPENNESS AND PURPOSES OF THE GREEN BELT

4.7 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.

4.8 The proposed development is out with the Hessay settlement envelope shown in the proposal maps of the DCLP (2005). The 2018 Draft Plan does not make any such allocation and allocates the site as Green Belt.

4.9 The site was not identified in 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.

4.10 When the site is assessed on its merits it is concluded that whilst the York Green Belt has not yet been fully defined the site serves a number of Green Belt purposes, including assisting in safeguarding the countryside from encroachment. 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 (2018).

4.11 The application site and land to the east and west were not included with the red line of the location plan and development of planning permission 02/03698/FUL. As such it is not considered to be residential garden, and neither does it have the appearance of a garden. Its last known use is as agricultural land. Therefore any other use would require planning permission.

4.12 NPPF paragraph 145 states that the construction of new buildings is inappropriate in the Green Belt, save in the case of listed exceptions, including "the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments: as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it". Whilst stables could potentially fall within 'appropriate facilities' the proposed development by virtue of its scale together with the applicant confirming they do not currently own a horse, and their intention is to have only one horse, it is considered the proposed stable block is not 'appropriate facilities'. The current use of the land is not for equine purposes and neither has an application for a change of use of land to equestrian use been received.

4.13 Even if the proposed stable block was considered to be 'appropriate facilities', it would not fall within the exception in NPPF paragraph 145 as it does not preserve the openness of the Green Belt and it conflicts with the purposes of including land within the Green Belt.. The fundamental purpose of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The concept of 'openness' in this context means the state of being freed from development, the absence of buildings, and relates to the quantum and extent of development and its physical effect on the site. The proposed development would result in an increase in the built form and a coalescence of development and encroachment of development into the Green Belt therefore resulting in harm to the openness and permanence of the greenbelt.

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

Additionally, 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.

4.15 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. Whether very special circumstances exist is assessed at paragraphs 4.28 to 4.29 below.

DESIGN AND LANDSCAPE CONSIDERATIONS

4.16 Chapter 7 of the NPPF gives advice on design, placing great importance to the design of the built environment. At paragraph 64, it advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The advice in Chapter 7 is replicated in Draft Local Plan (2005) Policy GP1 (Design) and D1(Placemaking) of 2018 Draft Plan and, therefore, these policies are considered to accord with the NPPF. The policies require new development to respect or enhance its local environment and be of an appropriate density, layout, scale, mass and design compatible with neighbouring buildings and using appropriate materials

4.17 Hessay is predominantly a linear village with a primary frontage, where development is set further back this is the result of the redevelopment of farm complexes. The proposed pitched roof stable block would be constructed of bricks with timber boarding above with a rosemary tile roof with rooflights and a clock tower and ventilation towers. The proposed stable block would measure 16.4 metres by 8.7 metres, the roof ridge would be 4.77 metres in height (total height 5.6 metres in height with the clock tower and ventilation towers), and there would be a covered walkway. The extent of the proposed surfacing is unclear. Each box would measure 3.85 metres by 6 metres. The DEFRA minimum stable size recommendations are as follows: horses 3.35m x3.65m, large horses 3.65m by 3.65 x4.25m, ponies 3.05m x3.05m, large ponies 3.05m x3.65m, foaling box 4.25m by 4.25m.

4.18 The height, design, scale, and massing of the proposed building appears to be excessive for the proposed use and it would appear incongruous in this location, particularly as it would be relatively detached from the natural settlement envelope. In addition the parking of equine trailers, muck heaps, hay/straw storage (It is unlikely that the allocated stable would be used for this purpose given that the typical size of round bales) etc that would result from the proposed stable block would further impact the openness and permanence and visual amenity of the greenbelt.

4.19 The proposed building would be visible from the nearby dwellings but would also be partially visible from New Road (to the north of the village) and Main Street (to the west of the village). In allowing the development in this location there would

be the issue of precedent and would open up similar/neighbouring backland sites within the village to development, and the resulting alteration in character and impact on openness.

4.20 No lighting has been proposed as part of the application. However it is likely that this would be required and this would result in illumination beyond the natural pattern of development of the village and would be atypical and out of character.

4.21 Setting aside that the land does not have planning permission for an equestrian use and there is no record of it being applied for, the applicant has advised this is their only land. It has been confirmed that whilst the applicant does not currently own any horses/ponies, they intend to have one horse, although the supporting information states 2 potential horses. The supporting information would seem to indicate a personal use. The proposed building is considered to be of an excessive scale for one (or two) horses.

4.22 The DEFRA guidance for keeping horses sets out that one horse would require 0.5 - 1.0 hectares of grazing of a suitable quality if no supplementary feeding is being provided. The amenity land remaining once the stables and yard has been removed is 0.14ha, well below the guidance. If supplementary food was brought on the land there are still concerns that the space would not be sufficient to allow for the pasture management that would be required.

DRAINAGE

4.23 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) and Publication Draft York Local Plan (2018) Policy ENV5 (Sustainable Drainage) advise discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced.

4.24 The supporting information states they intend to dispose of surface water via a soakaway however no evidence has been submitted to indicate that they would work in this location. The supporting information states that if a soakaway is not feasible they would discharge the surface water to a ditch to the north of the site. No information has been received of the intended discharge rate. The Internal Drainage Board has advised that they would have demonstrate that the site already discharged to this ditch and the surface water would have to be discharged at a low flow rate, no information has been submitted. The applicant has not demonstrated that practical technical solution is available. As such no adequate surface water drainage system can be demonstrated. These matters are fundamental to the proper drainage of the site and, if planning permission were to be granted, should not be left to be dealt by planning conditions.

HIGHWAYS

4.25 The proposed building would be accessed an existing access. The Highways Network Management Team have confirmed that have no objections to the proposed access.

RESIDENTIAL AMENITY

4.26 The proposed would result in an increase of vehicular comings and goings to the site (food, bedding, manure removal, moving of potential horse), however it is not considered that this would result in undue disturbance and harm to the neighbouring amenity as to warrant refusal.

4.27 The land to the east and west of the site has previously been used as agriculture. The application site is close to a number of residential properties to the south. The proposed stables would be set 27 metres from the closest dwelling (4 Laburnum Farm Close) and 6 metres from the garden boundary. Public Protection has not expressed concerns regarding the proximity and the distance is considered to be sufficient to prevent harm to the residential amenity of the occupants of the nearby dwellings. However no details have been supplied of the where the manure would be sited however this could be sought via condition to ensure that it is a sufficient distance from the neighbouring dwellings and garden areas.

VERY SPECIAL CRICUMSTANCES - ASSESSMENT OF OTHER CONSIDERATIONS

4.28 Paragraphs 143-144 of the NPPF advise that permission should be refused for inappropriate development in the Green Belt unless other considerations exist that clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm, so as to amount to very special circumstances. Substantial weight is to be given to any harm to the Green Belt.

4.29 The applicant/agent has not put forward any considerations in favour of the development to clearly outweigh the identified harm to the Green Belt and other harms. Therefore, in light of the lack any benefits of the development identified by the applicant or by officers that would either individually or collectively clearly outweigh these harms, the very special circumstances necessary to justify the proposal do not exist.

5.0 CONCLUSION

5.1 The application site is located within the general extent of the York Green Belt and serves at least three of the Green Belt purposes. As such it falls to be considered under paragraph 143 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 is 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 the Green Belt purposes of preventing encroachment into the countryside and coalescence of development. 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 amenity and character and lack of adequate surface water drainage, identified in this report.

5.3 It is not considered that there are countervailing benefits arising from the proposal that clearly outweigh these harms so as to amount to very special circumstances necessary to justify an exception to Green Belt policy.

6.0 RECOMMENDATION: Refuse

1 The application site is within the general extent of the Green Belt as set out in Policy Y1 of The Yorkshire and Humber Plan - Regional Spatial Strategy. In accordance with paragraph 145 of the National Planning Policy Framework it is considered that the proposed development constitutes inappropriate development which, according to Section 13 of the Framework is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal conflicts with the essential characteristics of Green Belts (their openness and their permanence) and the purposes of including land within the Green Belt by resulting in encroachment of development into the countryside, and is harmful to the openness of the Green Belt. The Local Planning Authority has concluded that there are no other considerations that clearly outweigh the harm to the Green Belt and other harms (harm to the character and visual amenity, lack of adequate surface water drainage) when substantial weight is given to the harm to the Green Belt. As such very special circumstances do not exist to justify the proposal. The proposal is therefore contrary to Section 13 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) and Publication Draft York Local Plan (2018) Policy GB1 (Development in the Green Belt).

2 It is considered that the proposal would increase the dominance and presence of the built form on the land. The proposal by virtue of its relatively detached backland location would result in an incongruous form of development at odds with the prevailing linear character of the village. The proposed development would be visible from public realm and would be area to the detriment of the visual amenity and character of the village. As such, the proposal would fail to respect the

character of the area and fails to take the opportunities available for improving the character and quality of an area and would not respect or enhance the local environment, and therefore would conflict with contrary to Section 12 of the National Planning Policy Framework and Policy GP1 of the City of York Draft Development Control Local Plan (Approved April 2005) and Policies D1(Placemaking) and D2 (Landscape and Setting) of the Publication Draft City of York Local Plan 2018 which similarly expects proposals to respect or enhance the local environment.

3 Insufficient information has been submitted with the application to demonstrate that an acceptable means of surface water drainage can be achieved in this location. As such the proposed development would conflict with paragraph 163 of the NPPF which states that Local Planning Authority should ensure that flood risk is not increased elsewhere. In addition, by virtue of the lack of information the proposal conflicts with Policy GP15a (Development and Flood Risk) of the City of York Development Control Local Plan (2005), Policy ENV5 (Sustainable Drainage) of the Publication Draft York Local Plan (2018) and Section 4.1.c of the City of York Council Strategic Flood Risk Assessment (2013).

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:

- Written to the applicant to explain the planning status of the site
- Requested further information

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: Victoria Bell Development Management Officer

Tel No: 01904 551347

18/01023/FUL

Mapplefields, 5 Laburnum Farm Close, Hessay



Scale : 1:1807

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Organisation	City of York Council
Department	Economy and Place
Comments	Site Location Plan
Date	05 November 2018
SLA Number	

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COMMITTEE REPORT

Date: 15 November 2018 **Ward:** Wheldrake
Team: Major and **Parish:** Wheldrake Parish
Commercial Team Council

Reference: 18/01219/OUTM
Application at: Land West Of Hagg Wood Broad Highway Wheldrake York
For: Land West Of Hagg Wood Broad Highway Wheldrake York
For: Variation of condition 20 of application 15/02439/OUTM to allow 16.5 m long articulated egg collection lorries to enter the site at all times and days with the exception of 08:20 to 09:30 on weekdays and 14:45 to 18:00 on weekdays and leave the site at all times and days with the exception of 08:20 to 09:05 on weekdays and 14:45 to 18:00 on weekdays.

By: Mr Chris Hobson
Application Type: Major Outline Application (13 weeks)
Target Date: 5 September 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to an existing large egg laying unit which houses around 32,000 hens. The site is accessed off Broad Highway along a track that is 500m long. The total distance from the egg unit to where Broad Highway joins North Lane is around 2.1 km.

1.2 The outline application for the egg laying unit was approved at Committee on 21 April 2016. The reserved matters application was approved at Committee on 15 September 2016. The outline application included the following condition (condition 20):

During the operation of the development, vehicular movements to and from the site shall take place as specified on page 8 of the submitted Design and Access Statement. Other than staff travelling to and from the site, there shall be no vehicles entering or leaving the site at the following times and days:-

Between 07:30 to 09:30 hours, and 14:45 to 18:00 on weekdays.
Saturdays, Sundays and Bank Holidays.

Reason: To ensure the site is appropriately managed, and to minimise the impact of traffic associated with the development on the amenity of residents and on the free flow of traffic along Broad Highway.

1.3 In respect to the size of vehicles, page 8 of the design and access statement referred to in condition 20 stated that egg collection would be by a 26 tonne rigid lorry. 26 tonne rigid lorries have a maximum length of 12m.

1.4 Through the course of assessing the application there have been several changes in the proposed description of the application. The original description was to remove condition 20 to allow no restrictions on vehicles entering and leaving the site.

1.5 The current proposals seeks to vary condition 20 to allow 16.5m long articulated egg collection lorries to enter the site at all times and days with the exception of 08:20 to 09:30 on weekdays and 14:45 to 18:00 on weekdays and leave the site at all times and days with the exception of 08:20 to 09:05 on weekdays and 14:45 to 18:00 on weekdays.

1.6 At the time the application was submitted it was indicated that the eggs that would be produced were being supplied for pharmaceutical use and would need to be transported to Liverpool. The applicant has stated that they are able to control lorry movements related to for example, the delivery of feed and the removal of waste with minimal impact on the running of the business. However, the applicant has stated that because the lorry that collects the eggs picks up eggs from another site in the same trip is difficult to always keep deliveries within the current allowed times. The lorry seeks to arrive at the egg unit early in the morning (06:00) and depart in advance of the 07:30 restriction - however, there have been occasions that the lorry has not been loaded by 07:30. If the lorry does not leave by 07:30, condition 20 would require them to stay on site until 09:30. The applicant has stated that this situation is unacceptable to their existing customer/hauliers.

1.7 There are two egg collections (by one lorry) from the site each week. Because of the limited shelf life of stored eggs the applicant has stated that a cycle of two week collection would typically lead to eggs being collected on a weekend on one occasion per month.

1.8 The application description was changed to make reference to the difference in lorry size and type on 23 October 2018 and neighbours, objectors and the parish re-consulted. The deadline for responses to be received is 13 November 2018. Responses received after publishing this report will be updated at committee along with any resultant changes considered necessary in the recommendation.

2.0 POLICY CONTEXT

2.1 National Planning Policy Framework (2018)

2.2 Publication Draft Local Plan (2018)

Policy T1 (Sustainable Places)
Policy D1 (Placemaking)

2.3 City of York Draft Local Plan (2005)

Policy T5 (Traffic and Pedestrian Safety).

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 No objections

Highway Network Management

3.2 It seems that the main reason the restrictive deliveries condition was included was to prevent possible conflicts at school drop-off and pick up times. Whilst it is considered the restrictions are excessive they are currently in existence and provide primarily a restriction on school times and, given the location, make some sense. In the light of the level of objections a restriction of just 1 hour between 8:30-9:30am could be beneficial?

EXTERNAL

Wheldrake Parish Council

3.3 Content with the lifting of the weekend restrictions but could not support the lifting of the morning restriction. Do not support the removal of the condition, but they would support a variation.

Neighbours and Publicity

3.4 68 Objections have been received from residents. 62 of the comments were received at the time the application was described as the removal of condition 20. Objectors were also re-consulted in respect to the revised proposal to just vary the lorry times to allow restricted morning and weekend deliveries for the egg collection. The change to condition 20 in respect to using a 16.5m long lorry was re-advertised and new site notices erected on 23 October. The consultation period expires on 13 November 2018 and any additional comments will be reported verbally.

3.5 All of the objections and comments that have been received at the date of publication of this report regarding the application are summarised below. It is not

considered that it can be assumed that because few objections have been received to the variation of the condition rather than its removal, people's concerns submitted in respect to the removal of the condition are no longer applicable.

Issues relating to Broad Highway and North Lane near the school

- Lorries are a hazard near the school due to the children and congestion and parked cars.
- Congestion and safety around the school and pre-school is of great concern and the school have initiated measures to discourage inconsiderate parking.
- The unit was only approved due to the traffic restrictions and nothing has changed, including the uses on Broad Highway and their operating times.
- Traffic is congested at 08:45-09:10 on school days.
- A playgroup is located on Broad Highway.
- Events at the sports grounds and village hall have insufficient off street parking.
- A mini bus parks on Broad Highway near the school.
- School buses waiting on North Lane would restrict movement of the lorry.
- Secondary school children are picked up at the corner by the school at 8.00 a.m.
- If lorries are inappropriate in the afternoon they should be inappropriate in the morning too.
- The planning officer should view the video online that shows the difficulties caused when a lorry exits Broad Highway into North Lane. (The 2:18 long video referred to can be seen on YouTube by entering the text 'Wheldrake articulated lorry near school')
- Large vehicles need to mount the curb to pass parked vehicles.
- Lorries swing onto the wrong side of North Lane when exiting Broad Highway.
- If allowed it will jeopardise the ability of children who live on Broad Highway to walk to school and the bus stop.
- The change is a huge and unnecessary risk and an accident waiting to happen.
- Please use a risk assessment based approach.
- Restrictions should be increased not reduced.
- Removing the restrictions may cause the death of a child.
- Many years ago on Boroughbridge Road a teenager travelling to Manor School was killed by a HGV.
- Children run in and out of the playground on Broad Highway.
- The street is already busy and challenging for children testing their independence.
- The stopping distance of a lorry is much longer than a car.
- If the application is to be approved a safe crossing should be provided on Broad Highway by the school.
- The police should be consulted regarding the proposal.

Highway safety Issues relating to Broad Highway as a whole and north of the recreational facilities.

- Broad highway is a narrow, ancient track used by cyclists, dog walkers, walkers and horse riders. Also used by people in wheelchairs.
- Broad Highway is busy at weekends with leisure users, children and people using the sports facilities, particularly in the summer.
- Most of Broad Highway is a single track with a 60mph speed limit and is not gritted or cleared of snow in winter.
- There are skid marks particularly near blind corners from large vehicles on Broad Highway which show the safety issues.
- The lane is used by tractors with trailers and sometimes combine harvesters and bottlenecks will occur with unsupervised reversing.
- Need to enforce and implement speed restrictions on Broad Highway.
- Broad Highway is a narrow road with blind bends.
- When cars come past, children have to get off their bikes and move into the verge.
- A 16.5m lorry would not be able to use the passing places.
- The road is not wide enough.

Comments regarding the operation of the egg unit

- If approved egg collections will be every weekend.
- Concerned that the change will also lead to more lorries going to the site.
- The business should change its logistic arrangements rather than the condition.
- Every road haulage company has the same potential tachograph problem due to traffic delays.
- Why are not eggs collected earlier if the 07.30 restriction is causing difficulties to the egg unit?
- Absurd to relax restrictions when the applicant is not complying with those that exist.
- Can not understand why a delay in collection would cause problems given the long sell by dates on eggs.
- The business owner knew of the restrictions prior to constructing the development and his business plan would have taken account of this.
- There are already on-going breaches of the restrictions on lorry times entering and leaving the premises. A video exists of a HGV servicing the plant at Saturday morning at 9:24.
- As eggs are collected by a local company can not understand why they can not be collected on time.

Comments regarding applicant's submission/justification.

- Statistics regarding crashes are low because of the restrictions in place.
- The applicant's transport note does not consider issues regarding the amenity of residents referred to in the reasons for the condition.
- The traffic assessment does not provide a true representation of the use of Broad Highway and was conducted in the middle of winter when recreational use would have been low. It does not indicate use by people on foot.

Comments made regarding character and the environment.

- Huge vehicles destroy verges.
- The large lorries scare horses.
- Traffic noise would harm sleep and the ability to work from home.
- Concerns regarding noise and fumes.
- Lorries passing by detract from the lovely village.
- Lorries cause light pollution and could change the heritage status of the conservation area and listed buildings. They could also damage foundations of older homes.
- Lorries travelling past at weekend will disturb sleep. All lorries that travel along Main Street are loud and fast.

Other Comments

- The proposal is in conflict with attempts to increase cycling at the school.
- The use should have taken place on an industrial estate.
- The applicant could have put in a separate track to by-pass the village.
- The restrictions were a good compromise.
- Even with the recent amendments it is unsuitable.
- Was unbelievable the unit was approved at all.
- See no reason to object to occasional weekend or Bank Holiday access.
- Any lifting of restrictions on Saturday should be before 07:00.
- The planning condition should be altered to refer to the times that Broad Highway can be used rather than entering or exiting the site, as nonsense without this.
- Lorries cause the road to deteriorate.
- North Lane is busy with a path only on one side.
- The lorries being used are 40 plus tonne lorries rather than 26 tonnes indicated in the design and access statement.
- Should put safety before profit.
- The council should have taken action in regard to the passing places not being put in prior to the construction and operation of the unit.

- Is this another case of York planning preparing to capitulate to big farming to the detriment of the people or is it more sinister and did planning give the 'nod' to Hobson's in respect to agreeing to later quietly remove the restrictions?
- There are also fast motorbikes at weekends and the potential for conflict between the two.

Julian Sturdy MP

The previous application caused much concern to residents and the restrictions were important. Broad Highway contains a school and play park. No material change has occurred within the village to justify the removal of the planning restriction and would like to place on record my opposition to the removal of condition 20.

4.0 APPRAISAL

4.1 Given that the application seeks to amend an approved scheme, the development itself has been judged to be acceptable in principle at an earlier date. Consideration of the current application therefore is not about the principle of the development, but is focussed on the proposed amendments and assessed in the light of current policy.

Key Issue

- Impact on the amenity of residents and the free flow of traffic on Broad Highway.

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. The relevant statutory 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 the general extent of the Green Belt.

National Planning Policy Framework

4.3 The revised National Planning Policy Framework (NPPF) was published in July 2018. 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.

4.4 Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

4.5 The site is located in the Green Belt, however the proposed changes to egg collection times (not numbers) are not considered to impact on any issues relating to the role of the Green Belt.

4.6 Paragraph 80 states that policies and decisions should help to create the conditions in which businesses can invest expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

4.7 Paragraph 91 states that decisions should aim to achieve healthy, inclusive and safe places. Paragraph 110 states that applications for development should create places that are safe, secure and attractive and minimise the scope for conflicts between pedestrians, cyclists and vehicles.

4.8 Chapter 15 relates to conserving and enhancing the natural environment. It states that decisions should contribute to and enhance the natural and local environment including minimising impacts on biodiversity.

Environmental Impact assessment

4.9 The 2017 Town and Country Planning (Environmental Impact Assessment) Regulations seek to protect the environment. The regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects. A screening opinion was sought in regard to the 2015 application for the egg unit. It was concluded that the impacts were not such to require an Environmental Statement. The variation to a condition requires the Local Planning Authority to carry out a new screening exercise for the development proposed. It is concluded that the impacts of the development, including the proposed variation of condition would not now require an Environmental Statement to be submitted.

Wheldrake Village Design Statement

4.10 The document was approved in March 2015 as a draft supplementary planning document to the emerging Local Plan and is a material consideration when assessing planning applications. Of relevance to the application are the following guidelines and issues:

- The importance of public rights of way to the quality of life of residents and the desire to see these improved.
- That access through the village by HGV's should be discouraged unless for local delivery purposes.
- The provision and maintenance of safe cycling and pedestrian routes within and beyond the village envelope should be considered (subject to funding availability).

Publication Draft Local Plan 2018

4.11 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 as revised in July 2018, the relevant 2018 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.

4.12 A number of policies and objectives in the plan priorities environments that encourage safe and attractive routes for walking and cycling. These include T1 (Sustainable Access) and D1 (Placemaking)

Development Control Local Plan (2005)

4.13 The Development Control Local Plan 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 though any weight attached to them is very limited. The most relevant policy is T5 (Traffic and Pedestrian Safety) which states that where appropriate traffic and pedestrian safety measures will be implemented particularly in residential areas and near schools to improve road safety for pedestrians and cyclists.

IMPACT ON THE AMENITY OF RESIDENTS AND THE FREE FLOW OF TRAFFIC ON BROAD HIGHWAY

4.14 Condition 20 was included on the planning permission to minimise the impact of traffic associated with the development on the amenity of residents and on the free flow of traffic along Broad Highway.

4.15 The variation seeks to change the limits on the time of the movement of egg collection lorries only. The number of lorry movements would not change. If approved the variation would differ from the existing arrangements in that the weekday morning restriction would be 45 minutes for leaving the site and 70 minutes for entering the site. The current restriction is 120 minutes for entering and leaving the site. It should be noted that the restriction relates only to entry and exit times to the unit and does not control the times that the vehicles travel on the public highway outside the site. Based on a speed of 20mph a lorry would typically take around 4 or 5 minutes to travel between the egg unit and North Lane. No changes are proposed to the 195 minute weekday evening restrictions.

4.16 The variation would also allow eggs to be collected on weekends and Bank Holidays when all lorry movements associated with the unit are currently restricted.

4.17 The time restrictions were put in place on the outline consent because of the recreational use of the single track Broad Highway by cyclists, walkers, and horse riders and also because it is the location of a Primary School, play area, sports facilities and pre-school play group.

4.18 In 2016 when considering the outline application for the egg unit officers raised no objections in regard to the movement of vehicles and the restrictions on lorry movement times were imposed by Members at Committee. Officers considered that the very low level of traffic associated with the development did not justify a restriction having regard to existing unrestricted traffic movement associated with other land uses served by the road. In the light of the existence of the conditions and expressed concerns of local residents, Officers do however consider that there is some justification for seeking to restrict movement at times when children are entering and leaving the primary school.

4.19 In the light of previous comments it is not considered officers could object to the current proposed change in time restrictions given restrictions will remain in place at peak times associated with travel to and from the primary school. It is not considered that the overall level of use of Broad Highway by the egg lorries is such that concerns regarding obstruction are unduly significant. The passing places required by the outline consent have now been installed.

4.20 Clearly there can be conflict between vehicles and pedestrians and cyclists at any time, however, this would be most sensitive and in respect to time periods most regularly occurring outside the school. Officers have sought for the morning restrictions for lorries to be kept in place to the extent that large lorries associated with the egg unit should not pass by when large numbers of children would be entering or leaving and parent's vehicle movements would be highest. The afternoon restrictions will remain in place. The case officer visited the site between 07.20 and 09:15 in the morning and it was noted that after the school start time of 08.55 there was very little activity on Broad Highway close to the school. Prior to

08.35 most visits to the school were car related, particularly staff arriving at the school and parents dropping off-children for the morning breakfast club/wraparound care. The restriction only relates to the time vehicles can enter or leave the unit. To discourage lorries passing by the school at peak times and waiting outside the unit the existing 9:30 restriction on arrival to the egg unit is retained. The egg collection lorry would have to arrive at the site by 8:20 to gain entry. In respect to exiting from the egg unit it would seem reasonable to just restrict this between 8:20 and 9:05 given there is no justification for a lorry to leave the site and wait up before passing the school.

4.21 As the morning restriction 'window' for egg collection lorries is proposed to be reduced there is concern that if in the future the school start time were changed the 'exclusion' period would no longer correspond with times that the area outside the school is busy. It is considered to ensure that the condition remains relevant and precise it is necessary to have a mechanism whereby the approved exit and entry times for egg lorries can be altered to reflect any new opening times at the school. This would not result in longer restriction periods for the egg unit or excessive monitoring by the operator and in the context is considered reasonable. Condition 2 relating to the proposed new egg collection times includes the requirement for the operator to submit a management plan for approval to the Local Planning Authority. This will set out the process they will use to check with the school prior to the start of each academic year whether any changes in school start times are proposed. It will also set out the processes and timescales to ensure that the necessary change in entry and exit times for egg collection lorries takes place.

4.22 Around 20 secondary school pupils are collected by bus from the corner of Broad Highway and North Lane at 08:00 on school days. It is not considered that a large lorry would prove an unacceptable hazard to children of secondary school age, including those that travel along Broad Highway. It would not be expected that a large articulated lorry collecting eggs would travel at high speeds. Speed bumps are located on Broad Highway close to the school. In addition, it is not considered that the change in the approved time of egg lorry collections would have a significant impact on the free flow of traffic on the highway network in and around the village.

4.23 It is noted that the design and access statement limits egg collections to two a week and the stated aim of the applicant is to still to seek collection early in the morning.

4.24 The applicant has stated that the change will typically see one lorry per month travelling to and from the unit on a Saturday or Sunday per month. It is not considered the impact in terms of the safety or enjoyment of other users of Broad Highway (in the context of the number and range of vehicles already using Broad Highway without restriction) is such to oppose very limited movement at weekends or bank holidays.

4.25 Since the egg unit has been open eggs have been collected by a 16.5m articulated lorry. This is in breach of condition 20. The design and access statement referred to in the condition stated that eggs would be collected by a 26 tonne rigid lorry (rigid lorries can be up to 12m long). It is understood that the larger lorry is used because the eggs are collected and taken to Liverpool from more than one site each day. It is noted that the design and access statement referred to the use of articulated transport for all other large vehicles related to the unit. This includes a 16.5m feed delivery lorry that visits each week and a tractor and trailer (length unspecified) that removes manure twice a week. Although clearly the lorry used to collect eggs is longer than the rigid lorry stated to be used, the width would be similar. In respect to manoeuvring, its articulated nature would allow relatively tight turning despite its length. It is not considered that the change in lorry size and type would cause unacceptable harm or could be reasonably opposed in the light of the approval of the same size and design of lorries for other haulage at the site. The outline application was approved subject to the requirement of the developer to provide two 12 metre passing places in the interest of the safe and free passage of highway users. These have now been provided and will help vehicles to wait off a greater section of the single track part of the route when large vehicles are approaching.

5.0 CONCLUSION

5.1 The application is submitted as a result of difficulties faced by the egg unit in ensuring that eggs are collected at a time that does not breach the 07:30 weekday limit for lorries leaving the site. In addition, the cycle of collections occasional requires a collection on a weekend.

5.2 The application proposes to change the current weekday morning collection for egg lorries so that no egg lorries would be permitted to leave the site between 08:20 and 09:05 or enter the site between 08:20 and 9:30 (the current restriction for arrivals and departures from the site is 07:30 - 09:30). It also proposes to remove the weekend and bank holiday restriction for egg collection lorries. Egg collections will remain at a rate of two lorries per week.

5.3 It is considered in the context of the low number of egg collections that will occur and the restrictions that will be in place at primary school start and finish times the variation of condition 20 is considered reasonable. It is noted that the egg collections in relation to the use are a very low proportion of the overall traffic movements on Broad Highway and that any users of the route would need to be aware that other motorised vehicles, including lorries and large agricultural vehicles can travel along the route at any time of the day or week.

5.4 It is not considered reasonable to oppose a change in egg collection vehicles from rigid lorries up to 12m long to 16.5m articulated lorries given such vehicles were considered acceptable for other deliveries and collections at the site.

5.5 The consultation deadline for the revisions to the delivery times and egg lorry size expires on 13 November. Any additional comments received will be reported to Committee along with any implications on the recommendation and suggested conditions.

6.0 RECOMMENDATION: Approve

1 Other than where varied by this planning permission, the building hereby permitted shall only be used in strict accordance with the operational information contained within the Design and Access Statement (including references to amount, use and access in pages 4 to 8) received by the Local Planning Authority on 30 November 2015. Any variations to the above mentioned operational information shall not be implemented without the prior written approval of the Local Planning Authority.

Reason: This condition is imposed in the interests of residential amenity to prevent odour and other nuisances from being caused to the occupiers of residential properties in the area, and for protecting nature conservation interests.

2 During the operation of the development, vehicular movements to and from the site shall take place as specified on page 8 of the submitted Design and Access Statement received by the Local Planning Authority on 30 November 2015.

Other than staff travelling to and from the site, there shall be no vehicles entering or leaving the site at the following times and days:-

Between 07:30 to 09:30 hours, and 14:45 to 18:00 on weekdays.

Saturdays, Sundays and Bank Holidays.

With the exception of egg collection lorries up to 16.5m in length that shall enter the site at all times and days with the exception of 08:20 to 09:30 on weekdays and 14:45 to 18:00 on weekdays and leave the site at all times and days with the exception of 08:20 to 09:05 on weekdays and 14:45 to 18:00 on weekdays (The morning restriction is based on a 08:55 school start time at Wheldrake With Thorganby Church of England Primary School and the vehicular movement times to and from the site shall be changed in accordance with the process to be approved in the management plan below if the school start and finish time change following the approval of this permission).

b. Management Plan (wording to be reported at committee)

Reason: Reason: To ensure the site is appropriately managed, and to minimise the impact of traffic associated with the development on the amenity of residents and on the free flow of traffic along Broad Highway.

3 The development shall only be used for egg production in accordance with the submitted Design and Access Statement received by the Local Planning Authority on 30 November 2015 and for no other agricultural purpose, or for any other purpose permitted under Article 3 Schedule 2 Part 3 Classes Q to S of The Town and Country Planning (General Permitted Development) (England) Order 2015 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission from the Planning Authority by virtue of The Town and Country Planning (General Permitted Development) (England) Order 2015.

4 If any tree, hedge or shrub planted in the landscaping scheme approved with the original consents for the egg unit dies or is lost through any cause within the lifetime of the development it shall be replaced in the next planting season with others of similar size and species, unless alternatives are approved in writing by the Local Planning Authority.

Reason: To help integrate the building with its surroundings.

5 There shall be no external illumination other than that implemented in accordance with the previously approved details.

Reason: To avoid light pollution and harm to wildlife.

6 The approved cycle parking 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 All areas for the accommodation of delivery/service vehicles shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

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 (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve an acceptable outcome:

Negotiated a reduction in the proposed delivery time changes sought by the applicant.

Contact details:

Author: Neil Massey Development Management Officer (Mon/Tue/Fri)

Tel No: 01904 551352

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18/01219/OUTM

Land West of Hagg Wood, Broad Highway, Wheldrake



Scale : 1:2981

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Organisation	City of York Council
Department	Economy and Place
Comments	Site Location Plan
Date	05 November 2018
SLA Number	

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COMMITTEE REPORT

Date: 15 November 2018 **Ward:** Hull Road
Team: Major and **Parish:** Heslington Parish Council
Commercial Team

Reference: 18/01416/REMM
Application at: Land To The South Of Field Lane Heslington York
For: Reserved matters application for approval of siting, design, external appearance and landscaping to provide student accommodation (providing 1,480 bed spaces) including the provision of two colleges and residential blocks within a central green space, the realignment of Lakeside Way following outline permissions 15/02923/OUT.
By: University Of York And Graham Construction Limited
Application Type: Major Reserved Matters Application (13w)
Target Date: 22 November 2018
Recommendation: APPROVE

1.0 PROPOSAL

1.1 This application relates to development of student accommodation at the University of York East Campus located to the east of Heslington Village. The development is the 'Cluster 4' phase which is positioned to the western end of the campus in order to take advantage of the proximity to the facilities that are provided at the West Campus.

1.2 The East Campus has started to evolve with clusters 1 and 2 partly built out. Cluster 1 is currently the most westerly development on the site, providing academic departments and teaching buildings along with Goodricke College. Cluster 2, to the east provides other colleges, Langwith and Constantine. Cluster 3 at the eastern edge of the campus provides sports village and pitches.

1.3 East Campus was formerly agricultural fields with no special landscape quality. The future development of the site was to be provided within a parkland setting. Kimberlow Hill to the north was the subject of earth modelling works following construction of the Detention Basin. To the south, there is a man-made Lake. The Lake has altered in shape since the outline consent was granted and alongside its aesthetic purpose, it is a balancing regulator for drainage.

1.4 Outline consent for the development of the site as a campus for the University was allowed following a public inquiry (Ref: 04/01700/OUT and subsequently amended). Conditions on this consent notably condition 11 requires a Design Brief with Masterplan to allow the development of the site to evolve over time. Other conditions include a restriction on the maximum building height depending on the

zoning and a restriction of the developed footprint (including all buildings, car parks and access roads) of the allocated area to 23% total area.

1.5 In line with the outline consent and the approved design brief with masterplan, this is an application for reserved matters (siting, design, external appearance and landscaping) to provide student accommodation. Cluster four will be made up of two colleges; North and South colleges either side of a central amenity space. Following negotiations two student blocks have been removed from South College and positioned at the eastern end of the central amenity space area between the two colleges. All the buildings combined will provide 1,480 student bed spaces. This is an increase of 60 from the original proposal.

1.6 Officers are satisfied that the environmental information already submitted in respect of the development of the Heslington East Campus is sufficient to assess the environmental effects of this development. As such no addendum to the Environmental Statement has been sought. Nor does the submission include further information or any other substantive information that would require further publicity under the Environmental Impact Regulations 2011.

1.7 The University guarantees accommodation to all first year and foundation year students, including overseas students. Any vacancies are offered to returning students and the proposals will provide additional capacity for students to live on campus, rather than in private rented sector elsewhere in the City.

1.8 There are some changes to the previous Design Brief with Masterplan (2010) arising from the development of Cluster 4. This includes the realignment of a section of 'Lakeside Way' to a more northerly position. The road is suffering from defects with an engineering solution to realign this further away from the Lake. A section of Goodricke Way, where it follows the detention basin to the north and joining with Lakeside Way to the western end of Cluster 4 will be removed.

1.9 In addition, the previous Design Brief with Masterplan (2010) sought vistas either side of Cluster 1. The vistas were not an original feature in the outline consent. The western vista, between Cluster 4 and Cluster 1 will be removed and replaced by a central green space with an intention of creating a 'gateway' to the East campus.

1.10 Arrival from West Campus and Heslington village will be from Field Lane as existing. Lakeside Way is to be retained in its current form up to the point where Lakeside Way and Goodricke Lane (and the pedestrian links on the Pathway) meet. At this junction, a 'gateway' comprising of a circle of trees with landscape feature to be developed further is proposed.

1.11 The University has expressed a requirement for a single point of entry to each college to ensure safety and security for the proposed students and assist with their responsibility for student welfare. Both colleges will be accessed via a central hub.

1.12 Access to the detention basin and the Lake for both students and members of the public will be restricted. However, student occupiers shall have access to the water's edge via a boardwalk and deck.

1.13 Access from the central hub to the buildings within each college will be via canopy walkways, which is taken from the success of the canopy walkways provided in Campus West.

1.14 Cycle parking is proposed adjacent to the college hubs. The existing bus stop at along Lakeside Way will be retained as well as one near to the 'gateway entrance' to east campus.

North College

1.15 North College will provide 10 blocks of accommodation including a central hub (block 6) providing 870 beds in total and will be situated south of the detention basin.

1.16 The plans relating to North College have been developed further, in respect to ecology and include increased areas of bio-diverse planting along the edge of the detention basin and additional areas of marginal, marsh and meadow planting to encourage bio-diversity and discourage student access to the water; however a boardwalk leading to the water's edge is be provided.

South College

1.17 South College has been the subject to most of the revisions. It will now provide 8 blocks of accommodation including a central hub (block 15) providing 610 beds in total and will be situated north of the upper lake. Blocks 13 and 17 have been removed and the bed spaces incorporated into other blocks. This has enabled the position of the college to the lake's edge to be increased to circa 18m (Blocks 13 and 17 were originally on the Lake edge) and the massing of some of the residential blocks has reduced (No's 11 and 19 have been reduced to 3 storeys).

'Gateway Green'

1.18 Separating North and South colleges and between The Pathway and realigned Lakeside Way is an area referred to as 'Gateway Green'. This was originally intended as a future development site for academic buildings, however as the proposals have evolved to take into account the restrictions in building to the south of the realigned Lakeside Way, this area is now presented with two student residential buildings (blocks 21 and 22) to the eastern edge.

1.19 An existing service road will be extended and positioned along the eastern edge to the rear of these residential blocks, beyond which is the Robotic Lab building, which has an inactive frontage. The area in front of the two additional residential blocks, 'Gateway Green' will become an informal landscaped area providing space for events

and gatherings surrounded by perimeter gardens. Additionally, to the rear of block 22 will be a disabled access car park (providing 4 spaces to serve South College) and cycle store as well as a place at the end of the service road for deliveries/drop off for South College. Four disabled spaces to serve North College will be positioned to the west of Block 21.

Planning History

1.20 Substantial history relating to the development of the campus and other clusters, however the outline consents and other applications relevant to this application for reserved matters includes:

04/01700/OUT Outline application for development of a university campus; permitted 24 May 2007

08/00005/OUT increase building slab levels (building heights to remain unchanged); permitted 18 July 2008

15/02923/OUT increase the number of car parking spaces that can be accessed off Field Lane to a maximum of 450; permitted 23 March 2016

AOD/18/00196 Approval of condition 11-Variation of Design Brief and Masterplan

2.0 POLICY CONTEXT

2.1 Draft 2005 Development Control Local Plan

ED6	University of York Heslington Campus
ED9	University of York New Campus
GP1	Design
GP4A	Sustainability
GP9	Landscaping
NE2	River, Stream Corridors, Ponds and Wetland Habitats
HE11	Trees and Landscape

2.2 Publication Draft Local Plan 2018

DP1	York Sub Area
DP2	Sustainable Development
DP3	Sustainable Communities
SS1	Delivering Sustainable Growth for York
SS22	University of York Expansion (ST27)
ED1	University of York
ED3	Campus East
H7	Student Housing
D1	Placemaking

D2	Landscape and Setting
GI1	Green Infrastructure
GI2	Biodiversity and Access to Nature
GI4	Trees and Hedgerows
CC2	Sustainable Design and Construction of New Development

3.0 CONSULTATIONS

Design and Sustainability Manager

3.1 Substantial comments were made in respect to the approval of the Design Brief with Masterplan. In respect to this reserved matters and the detail design, there remain some issues that have not been adequately addressed.

3.2 This includes no change to the hierarchy of building gaps on the southern cluster to separate the hub element more and with this being public landscape except during the night. No accompanying change in the landscape design to facilitate/promote this access (paths etc) leading to a space at the rear of the hub. Such an approach would have enabled the public to have some remnant of the lakeside experience they currently enjoy.

3.3 The simplification of the canopy walkways as previously suggested does not appear to have been adopted.

3.4 Retain objection to the approach of creating large private student estates within a low risk university landscape. There has been an attempt to compromise on genuine public access around parts of Cluster 4.

Landscape Architect

3.5 In respect to the original scheme, the north and south colleges create substantial mass as a group of buildings in the landscape. Because of the quantity and regularity of their position and their proximity to both the Lake and Detention Basin, the development is somewhat imposing on the landscape and less of the landscape.

3.6 In respect to South College, the building line is particularly close to the lakeside edge and the central buildings are especially tight. The relationship between the buildings and the lake should be more obviously staggered in order to reflect the organic mature of the lake and allow the landscape to be the dominating force, rather than the buildings. A reduction in the density of south college would allow greater flexibility in the arrangement of buildings and their compositional relationship with the lakeside landscape.

3.7 The green space/future development site presents an opportunity to relocate some of the residential accommodation away from the lake edge.

3.8 The proposed straight realignment and grid-like development along Lakeside Way is at odds with the more naturalistic approach to the rest of this campus, and does not respond to the lakeside setting or topography of the transition landscape or the more organic flowing forms of the landscape elements and wider setting of the adjacent clusters.

3.9 Whilst the walkways make good links between buildings and carry the buildings through the landscape they need to be used sparingly. There are still too many walkways and as a result detract from and confuse the spatial quality and planting layouts and even the use of the courtyards.

3.10 There is a balance to be met between protecting the biodiversity value of the lakeside from footfall, and allowing people – residents, staff and visitors, to enjoy the natural environment of the lakeside setting and the attractive views afforded by it. The proposed development appears to present a limitation to both.

3.11 In respect to the revised proposals, in summary:

- The distance from the lake has improved although the rearrangement of buildings still presents quite a considerable solid mass to the lake.
- Concerns remain in respect to the amenity of Lakeside Way due to the tightness and length of uniform building facades which will appear somewhat monolithic along the street.
- There are still too many walkways within the courtyards.
- Within the given arrangement of buildings, the landscape design approach is good.

Ecologist

3.12 Completed in 2010, the lake at Heslington East is now a significant landscape feature. Its management has been very successful with the lake and surrounding areas providing habitats for biodiversity. Species-rich grassland and marginal vegetation has developed and notable species, particularly birds have colonised the site.

3.13 The density and proximity of the building to the lake edge in the original proposal would have resulted in the loss of species – rich grassland, disturbance to and potential loss of marginal aquatic vegetation, and birds during construction and throughout its operation. It is noted that the detention basin provides breeding and foraging habitat for Skylark, a bird classified as Red under the Birds of Conservation Concern 4: the Red List for Birds (2015).

3.14 Following receipt of revised plans, whilst there are still some buildings located to the south of the existing position of Lakeside Way, which acted as a buffer zone, they have been arranged so that they are an increased distance from the lake edge, creating an increased area for lakeside planting and would allowing a wider range of

habitats than the previous design layout would tolerate. These revisions will also enable the existing marginal vegetation to be retained.

3.15 The proposals include limiting or discouraging access through good landscape design to much of the lake edge, although it will still be part of the amenity space for the students living there.

3.16 The University has provided an approach and commitment through various management plans to manage other areas of grassland on Campus East for Skylark habitat (within the blue line boundary), which will be lost by the construction of the North College and central green space.

3.17 The revised plans do not accommodate the two Oak trees retained from the agricultural fields and these will be lost, as will the species-rich grassland south of Lakeside Way.

3.18 The revised landscape plan shows an increase of trees along the main lake edge; this is likely to be inappropriate as increased leaf litter in the lake could cause issues in the future from nutrient build up, however this can be addressed through planning condition. Planning conditions are recommended to be imposed to secure the specific ecological mitigation and to protect the lake edge during construction.

Highway Network Management

3.19 No response received to date.

Public Protection (PP)

3.20 Noise- Conditions 21 and 22 attached to the outline consent (15/02923/OUT) covers requirements in respect to noise levels for construction at specific locations as well as noise from plant/machinery. The methodology for these surveys outlined in the accompanying Cundall memorandum is accepted.

3.21 One area that has not been covered within previous reports is noise from student activity. Whilst the distance to neighbouring residential properties is 150m away and distance attenuation will reduce noise levels, it may also be appropriate that noise and anti-social behaviour from the site is controlled.

3.22 Air Quality- Initially recommended a number of parking spaces to be provided with Electric Vehicle Recharging Points. It has been established that other than the 8 disabled parking spaces provided, the outline consent secured a wider parking strategy for the campus.

3.23 Conditions are requested to deal with land contamination, piling and construction impacts via a Construction Environmental Management Plan (CEMP). However it is noted that these are covered under conditions in the outline consent.

Flood Risk Management Team (FRMT)

3.24 No objections in principle but conditions are recommended.

EXTERNAL

Heslington Parish Council

3.25 No response received to date.

Yorkshire Water

3.26 No objections, conditions are recommended.

Foss Internal Drainage Board

3.27 The Board has assets adjacent to the site in the form of various watercourses, which are known to be subject to high flows during storm events. If the Local Authority are satisfied with the on-site and technical aspects of drainage arrangements and the proposal will not increase the overall rate of discharge from the University, then we raise no objections to the drainage strategy.

Designing Out Crime Officer

3.28 A clearly defined single point of entry to each college and access control strategy is highly commended. The public open space is provided with good levels of natural surveillance from the accommodation blocks. This gives a sense of guardianship and can deter criminal and anti-social behaviour. Restricting access into the college courtyards create defensible private spaces and is commended. An access control strategy is recommended to be extended to the bike stores so that only students that have a cycle can gain access to a particular bike store. The stands within the stores should enable the cycle to be stored at two separate parts of the cycle.

York Ornithological Group

3.29 The plans relating to the construction of the North College is unlikely to have an adverse impact on the site's wildlife.

3.30 There are extensive areas of land on East Campus available for development that are of considerably less importance for wildlife. The area surrounding the Lake has developed into a very significant area for wildlife on the Vale of York and continues to improve as the lake matures.

3.31 The Group accept that the wildlife interest of the immediate footprint of the proposed South College is low. The problems arise from the proximity of the western edge of the footprint to the lake and associated riparian habitats. This will inevitable bring a combination of noise, light pollution and litter blocking a valuable wildlife corridor along the lake shore.

3.32 There are a number of bird species most likely to be adversely affected and the south west corner of the lake is most important on campus east for a wide range of scarce or rare migrants passing through in Spring/Autumn.

Yorkshire Wildlife Trust

3.33 The development will have significant impact upon birds including red list species (pochard and skylark), through the construction and operation, resulting in loss of habitat and potentially impact through noise and lighting. No suitable mitigation has been put forward and the proposal does not show how the development will result in net gain in biodiversity

3.34 Following revisions, the Trust is pleased to see that there is an improved layout which will have less impact on the areas of the site important for wildlife. Conditions are supported and the Trust's objection is now removed.

PUBLICITY AND SITE NOTICE

3.35 The application was publicised by both site and press notice. Three letters of objection have been received citing the following concerns:

- standard of life on Badger Hill has degraded as a result of the university/students (houses for student rent and not properly maintained, noise and rubbish, increase in parking)
- result in increase in traffic and parking-where will off-site parking be?
- the proposed buildings have the charm of lego bricks
- with a strong interest in bird watching and wildflowers, Campus East has been a success. The submitted reports do no detail the favoured/preferred locations of the habitats using the Lakes. The University now seems intent on destroying the habitats and biodiversity it has spent managing. The mitigation does not suffice for compensation for the destruction of these habitats. There is no need to build a new college abutting the main lake.

4.0 APPRAISAL

4.1 Key issues:

- Principle of student accommodation
- Design and scale
- Landscape

- Ecology
- Accessibility
- Sustainability
- Waste and Recycling
- Drainage
- Construction Impacts
- Amenity Impacts

National Planning Policy Framework (NPPF) (2018)

4.2 The revised National Planning Policy Framework (NPPF) (2018) was published on 24 July 2018 and sets out the government's planning policies for England and how these are expected to be applied. Paragraph 7 states that the planning system should contribute to the achievement of sustainable development. To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental.

4.3 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 policy Framework that the proposal should principally be addressed. The NPPF sets out the presumption in favour of sustainable development.

4.4 Section 6 of the Framework supports the Government's objective of significantly boosting the supply of homes. The size, type and tenure for housing need for different groups in the community, including students, should be assessed and reflected in planning policies.

4.5 Paragraph 127 (Section 12 Achieving well-designed places) seeks to ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

4.6 Section 15 states that planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 175 (a) states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

DRAFT DEVELOPMENT CONTROL LOCAL PLAN (DCLP) 2005

4.7 City of York Council does not have a formally adopted Local Plan. Nevertheless The City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) was approved for Development Management purposes (the DCLP).

4.8 The 2005 Draft Local Plan (DCLP) 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 (outlined in section 2 of this report above) are consistent with those in the NPPF, although it is considered that their weight is very limited.

4.9 Policy ED10 expects the University to accommodate any extra demand created by an increase in student numbers on their campuses or on land in their ownership, or control.

PUBLICATION DRAFT LOCAL PLAN 2018

4.10 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25th May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 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).

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

4.11 Students form an important element of the community and the presence of a large student population contributes greatly to the social vibrancy of the city and to the local economy. Both policies H7 and ED1 state that the University of York must address the need for any additional student housing which arises because of its future expansion of student numbers with policy ED1 specific to the University of York stating that provision is expected to be made on campuses in the first instance.

4.12 The development of Campus East is supported in Policy ED3 in accordance with the following parameters:

- the developed footprint (buildings, car parking and access roads) shall not exceed
- 23% of the 65ha area allocated for development;
- total car parking shall not exceed 1,500 spaces subject to reserved matters approval by the Council;

- the maintenance of a parkland setting;
- additional student housing shall be provided to cater for expansion of student numbers which is clearly evidenced in terms of demand. Any additional student housing provision on Campus West (over and above the existing 3,586 bed spaces) shall be taken into account when assessing need; and
- an annual student accommodation survey shall be submitted to the Council.

Principle

4.13 The principle of the use of the site as part of a new campus was accepted when the Secretary of State granted outline consent in 2007 (and subsequently amended). The development would be wholly situated within the allocated area in accordance with Plan C (i). The outline consent identified an allocated area of 65ha, with a condition (no.4) restricting the developed footprint (to include buildings, car parks and access roads) with this allocated area to 23% of the total area, which is approximately 14.94ha. The University/applicants have confirmed that the consented development within the allocated area to date totals 72.39sqm or 7.2ha.

4.14 Condition 4 of the outline consent restricts the developed footprint (including buildings car parks and access roads) to 23% of the allocated area. The development proposed will provide a net increase of developed footprint of 18,83sqm. The total development on East Campus, as a result of the development will total 91,228sqm or 9.12ha conforming to the requirements of condition 4 of the outline consent.

4.15 In addition, an updated version of the Design Brief including Masterplan has been approved by the Council (AOD/18/00196), which allows some changes to evolve over time.

Siting, Design and Scale

4.16 The siting and scale of the proposed development is guided by the conditions imposed on the outline consent. This includes zoning to distinguish areas of higher density with areas of lower density; the area of higher density is positioned to the north of the existing position of Lakeside Way and the lower density to the south. This is to achieve stepped development, from undeveloped land to the south increasing the height and density of the development as it moves northwards. Building heights are limited to 3 or 4 storeys, depending on the zone, which is set out in plan C(iii) of the outline consent so that they are contained within the mature tree canopy. The applicant has provided a building heights plan that identifies that the height of the proposed student residential blocks generally conform to the height parameters set out in the outline consent. It is noted that whilst there are limitations/controls set out in the outline consent to control density and height of development, both the north and south colleges seek up to nine buildings in total in addition to the two additional buildings at 'Gateway Green' and it is considered that the massing of development would be at a higher level than existing clusters already developed within the East

campus. However, as the proposals conform to the conditions of the outline consent, they are considered to be acceptable in this regards.

4.17 In design terms, the two colleges are designed with residential buildings set around single storey central hubs, with the layout based around courtyards and external spaces. Significant negotiations have been undertaken in respect to the position and proximity of the buildings within South College to the Lake. Amendments have been forthcoming with the density to the south of Lakeside Way substantially reduced. This has included two additional buildings positioned on 'Gateway Green' to ensure the level of accommodation to be provided by the two colleges is maintained. This has enabled the buildings to be set a greater distance away from the Lakeside edge, increasing the landscape area to and setting of the Lake. Overall there is a better transition from the open countryside at the south to the campus buildings to the north.

4.18 Access to the residential buildings from the central hub will be via canopy walkways, which is a successful design feature of Campus West. The canopy walkways however, in the context of the site are considered to clutter the courtyards and spaces between the residential buildings. Due to the arrangements of different accommodation type with each block, there could be up to three separate entrances to each building, each one being served by the canopy walkways. There has been some simplification of the walkways within the South College, most notably due to the rearrangement/reduction of the buildings that are positioned nearest to the Lakeside edge to address the ecology impacts. However, there has been little attempt to simplify the canopy walkways to North College. Whilst Officer's have attempted to resolve through discussions, the canopy walkways would be seen within the wider courtyard landscaping and would have limited impact from wider views. Further details are required of this feature and other hard landscaping features by condition.

4.19 Additional concerns in respect to the design of the South College include the position of buildings to Lakeside Way and the spacing between them. The provision of a hierarchy of building gaps is to separate and reinforce the central hub element more, with this being the main focus of the College. The gaps between buildings would have enabled the public to have some remnant of the lakeside experience they currently enjoy. One significant change from the existing residential colleges that have been developed to the eastern end of the campus is the restriction of public access around the individual buildings. It is intended that both North and South College will be enclosed via a number of measures including perimeter gates between buildings, and other well placed planting and hard landscaping measures. The University advise that there is growing concern for student welfare to adopt this approach. This approach is supported by the Designing out Crime Officer creating defensible spaces. Whilst the public can currently access the Lake and surrounding areas, retaining this accessibility is at odds with enhancing the natural biodiversity and habitats that have been created and established. It is acknowledged that there has been an attempt to compromise on genuine public access around parts of Cluster 4. Public access will be retained across Campus East, outside of building curtilages.

4.20 The buildings will be constructed using pre-fabricated panels that would enable high quality brick patterns and ventilation grilles to be incorporated into the building's facades. The buildings will have similar design features incorporated into them including horizontal stone banding running along the faces at each floor level, floor to floor windows, recessed from the façade to provide depth. Projecting brick courses as well as patterned grilles and brise soleil (as part of the environmental control strategy) will be incorporated into the buildings facades to add variety and interest. The two colleges will have differing themes; with the north college taking inspiration from the surrounding woodland and the south college to represent a lakeside theme. These inspirations will be reflected in the material palette, which shall be developed further through the condition. The design of the two buildings within the 'Gateway Green' are less advanced than the two colleges and are likely to continue the elevation treatment, however the detailed design can be developed through condition. The two colleges and two additional blocks on 'Gateway Green' will result in a high quality design in accordance with the principles established in the masterplan as part of the design brief and in line with the outline consent. Conditions shall ensure that sample panel, for each type of brickwork, including mortar, pointing and concrete relief in the proposed colour and finish, of a suitably large size so all elements can be judged together is submitted and agreed.

4.21 The North College predominately contain four storey buildings; the central hub is single storey. The buildings in this part of the campus will be no higher than 24m which accords with Plan C (ii) submitted as part of the outline, which required buildings in this locality to be no higher than 25m. South College contains buildings of four storey (23m) (the central hub being single storey) along the realigned Lakeside Way, with the buildings set behind reducing down to three storeys and being 20m or 19m high). Plan C (ii) detailed that building heights in this locality restricted to 21m. The buildings heights therefore conform to the outline consent .

Landscape

4.22 The revised Design Brief with Masterplan has removed the western vista, between the area allocated as Cluster 4 and Cluster 1. The vistas were developed through the master-planning process rather than being established through the outline consent. Thus, its loss is not considered to be so detrimental to the wider landscape of the Campus and other planting and detailed design will be incorporated into the development to address this loss.

4.23 Within the colleges and between the residential buildings, the landscape design approach with courtyards and soft landscaping, the design approach is acceptable and would complement the parkland setting of the campus and settings of the Lake and Detention Basin.

4.24 The proposals would result in the loss of 2no. Oak trees. There has been little attempt to incorporate these into the landscape proposals; however it is likely that

nearby development would have a detrimental impact upon the continued growth. It is unfortunate that the trees could not be retained and incorporated within the development, however they are not protected and the proposals demonstrates opportunities for additional planting to outweigh the loss of these trees. The applicant has also indicated that the felled trunks will be placed in the woodland that backs onto the northern edge of Campus East, or placed to the south of the Lake to retain invertebrate habitats.

Ecology

4.25 The Lake, whilst being man-made, has been established for 10 years and the management practises employed by the University have resulted in a successful habitat for biodiversity. There are species-rich grassland and marginal vegetation to the Lakeside edge in addition to breeding and foraging habitat to the Detention Basin that supports birds classified on the 'red list' meaning that they are of the highest conservation priority. The importance of this habitat and the ecology of this part of Campus East is reinforced by the objections from wildlife bodies and interested individuals.

4.26 The amendments to the scheme have sought to increase the areas of enhanced bio-diverse landscapes, particularly to the Detention Basin (with marginal, marsh and meadow planting) to contribute to more specific ecological mitigation. In respect to the South College, residential blocks have been removed from the Lake edge; the distance between the Lake edge and the nearest residential block is now circa 18m. The area between the Lake and the buildings will be enhanced by introducing native species. The potential direct impacts arising from construction following the position of the buildings now they are positioned further from the Lake would be reduced.

4.27 The applicant has provided a number of mitigation measures and the University is committed to managing this area currently, and in the future. Limiting or discouraging access through good landscape design to much of the lake edge is welcomed to continue to enhance the biodiversity of the Lake and Detention Basin. A construction environmental management plan (CEMP) was secured at outline stage (condition No. 14) and will have to be complied with. However the site specific impacts warrant conditions to minimise construction impacts upon ecology and biodiversity at the development site and to ensure that there is effective future management of these areas.

Accessibility and Parking

4.28 Access to East Campus is as existing; bus service, pedestrian and cycle routes via Lakeside Way, accessed from Field Lane to the west as well as vehicular access and bus service, pedestrian and cycle routes from Kimberlow Lane to the east of the campus.

4.29 The proposals involve the re-alignment of Lakeside Way, to a more northerly position; however there is to be no change to access along Lakeside Way and no objections are raised to this. Additionally, a section of Goodricke Lane, which currently follows the southern outline of the Detention Basin will be removed after the Baird Lane junction. Baird Lane will be utilised for servicing vehicles.

4.30 The Pathway, which provides pedestrian and cycle route through the campus from West to East will be retained. However it is noted that given the position of the accessible car parking spaces to serve North College within the 'Gateway Green' part of the development, vehicles will have to use part of The Pathway to access them. Whilst their re-location has been considered, in order to avoid vehicular and pedestrian conflict, any new position is limited due to the requirement for the accessible parking spaces to be positioned 50m from the central hub. Whilst this is not ideal, consideration has been given to the low number (4) of vehicles that could potentially require access along The Pathway in this manner.

4.31 The development itself, and agreed at outline stage is a car free development. This reserved matters application reinforces this. Vehicular access to the site would be restricted to service traffic, emergency vehicles and students with a disabled parking permit. A total of 8 accessible parking spaces will be provided in Cluster 4. The East Campus is highly accessible by sustainable transport modes; a bus service from the City as well as a shuttle between the two campuses and a range of pedestrian and cycle routes.

4.32 In respect to car parking and particularly the impact on surrounding residential areas, the University encourages students not to access the campus in private vehicles, inline with their travel plan. There are existing pay-and-display car parks available on the periphery of the campus and surrounding residential areas are part of the Council's residential permit scheme. In line with the outline consent, the University undertake annual surveys of traffic flows.

Sustainability

4.33 In line with condition 29 of the outline consent, the application is accompanied by a sustainability statement. This statement demonstrates conformity with the approved sustainability strategy. The strategy set out in the approved Design Brief states that the applicant is committed to achieving BREEAM 'excellent' but will achieve BREEAM 'very good' as a minimum at Heslington East.

4.34 The student residences will be connected to the University of York's site wide district heating. The University's district heating is generated partially by low carbon sources (Combined Heat and Power) and by renewable energy (biomass boiler) and will be used to supply the hot water to the development and the heating to the hub buildings.

Waste and Recycling

4.35 The separation of general waste from recyclable material will be undertaken by students at source. All cluster kitchens will have four separate bin types for food waste, dry mixed recycling, glass recycling and general waste. Larger waste stores providing 1100ltr Eurobins will be provided within two buildings in each of the College's. A licensed Waste contractor will transfer the waste from the site, as currently happens at the remainder of the campus.

Drainage

4.36 Drainage from Cluster 4 will follow the existing drainage strategy for the remaining campus with surface water discharging to the Lake. The Lake was constructed to provide sufficient capacity for Campus East, as developed, and therefore an increase to the attenuation volume of the Lake is not required.

4.37 Surface water on Campus East is drained via a series of filter drains leading to swales that discharge to the Lake. There is also some piped discharge of surface water to the Lake. Foul water drains to the public sewers at Baird Lane. This drainage strategy shall continue with the development of Cluster 4 and no objections have been raised from the Council's Flood Risk Management Team, nor Yorkshire Water and conditions shall enable a drainage strategy to be developed.

Construction Impacts

4.38 Whilst the development site is located 150m from the nearest neighbouring areas, there are other existing student colleges' located to the east of academic buildings, and the construction of the development if not managed carefully, could impact upon their residential amenity, as well as restrict access to teaching areas. Conditions imposed on the outline consent require monitoring and the control of noise from specific locations as well as noise from plant/machinery. The methodology in respect to the noise assessments to be submitted as part of discharging these conditions is accepted by Public Protection. Further, the control of construction impacts will be controlled by a Construction Environmental Management Plan (CEMP) secured at outline stage.

4.39 The residential buildings will be constructed by pre-fabricated panels, which would be constructed off-site and then brought to the site and fitted together. This method of construction would reduce the number of vehicle movements bringing building materials to the site, as well as reduction to waste generation with minimal excavated material.

Amenity Impacts

4.40 Across Cluster 4 there will be 1,480 bed spaces, split between 870 beds in North College, 610 beds in South College and 120 beds in Blocks 21 and 22. Each college

has a number of external courtyard areas and in addition to the 'Gateway Green' which will provide events and informal meeting spaces. The University has a duty and interest to manage the facilities and users of the campus and have management strategies in place to deal with excessive noise, anti-social behaviour emergency and security, maintenance and access control. Therefore, in line with previous residential colleges within Campus East, it is not considered necessary to require a student management plan.

5.0 CONCLUSION

5.1 The principle of the use of the site as part of a new campus was accepted when the Secretary of State granted outline consent in 2007 (and subsequently amended). The application will comply with the requirement for the developed footprint not to exceed 23% of the total area. This reserved matters application is also in line with the updated Design Brief including Masterplan and generally the buildings heights will be contained within the mature tree canopy and conform to the height parameters set out in plan C(iii) of the outline consent. The outline consent also imposed a number of conditions, relating to construction noise, plant and machinery, sustainability requirements whilst also establishing highways and drainage strategies, which this application will conform to.

5.2 The provision of student accommodation on campus is supported by emerging policies (Publication Draft Local Plan 2018) H7, ED1 and ED3 whilst also complying with policy ED10 of the DCLP2005.

5.3 Throughout the application, negotiations and discussions have been undertaken in order that the proposed development addresses the concerns in respect to mitigating harm to the biodiversity and ecology at the Lake. This has resulted in revisions to the position and density of development at South College; the residential blocks have been removed from the Lake edge and this will allow increasing areas of specific ecological mitigation. Whilst concerns have been raised through the application in regards to restricting public access to the Lake, which they can currently do at the moment, this has had to be balanced with the ecological enhancements.

5.4 Wider development impacts are controlled via conditions imposed on the outline consent, with specific conditions to the development of student accommodation recommended. These include a construction environmental management plan (CEMP) to minimise construction impacts, hard and soft landscaping scheme including management of the biodiversity of the site.

5.5 In conclusion, it is considered that the proposed scheme would not have adverse impact that would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations. The proposal is thus sustainable development for which the NPPF carries a presumption in favour. As such, the proposal is considered to accord with national guidance in the NPPF and

the Draft Development Control Local Plan Policies subject to other relevant conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

5922-SRA-01-00-DR-A-20-800 P04 Block 01 - Proposed Ground Floor General Arrangement

5922-SRA-01-01-DR-A-20-801 P04 Block 01 - Proposed First Floor General Arrangement

5922-SRA-01-02-DR-A-20-802 P04 Block 01 - Proposed Second Floor General Arrangement

5922-SRA-01-03-DR-A-20-803 P04 Block 01 - Proposed Third Floor General Arrangement

5922-SRA-01-RF-DR-A-20-804 P03 Block 01 - Roof Plan - Proposed Planning GA

5922-SRA-01-ZZ-DR-A-20-850 P03 Block 01 - Proposed General Arrangement Elevations - Sheet 1

5922-SRA-01-ZZ-DR-A-20-851 P03 Block 01 - Proposed General Arrangement Elevations - Sheet 2

5922-SRA-02-00-DR-A-20-800 P04 Block 02 - Proposed Ground Floor General Arrangement

5922-SRA-02-01-DR-A-20-801 P04 Block 02 - Proposed First Floor General Arrangement

5922-SRA-02-02-DR-A-20-802 P04 Block 02 - Proposed Second Floor General Arrangement

5922-SRA-02-03-DR-A-20-803 P04 Block 02 - Proposed Third Floor General Arrangement

5922-SRA-02-RF-DR-A-20-804 P03 Block 02 - Roof Plan - Proposed Planning GA

5922-SRA-02-ZZ-DR-A-20-850 Elevations - Sheet 1	P03	Block 02 - Proposed General Arrangement
5922-SRA-02-ZZ-DR-A-20-851 Elevations - Sheet 2	P03	Block 02 - Proposed General Arrangement
5922-SRA-03-00-DR-A-20-800 Arrangement	P04	Block 03 - Proposed Ground Floor General
5922-SRA-03-01-DR-A-20-801 Arrangement	P04	Block 03 - Proposed First Floor General
5922-SRA-03-02-DR-A-20-802 Arrangement	P04	Block 03 - Proposed Second Floor General
5922-SRA-03-03-DR-A-20-803 Arrangement	P04	Block 03 - Proposed Third Floor General
5922-SRA-03-RF-DR-A-20-804 GA	P03	Block 03 - Roof Plan - Proposed Planning
5922-SRA-03-ZZ-DR-A-20-850 Elevations - Sheet 1	P03	Block 03 - Proposed General Arrangement
5922-SRA-04-00-DR-A-20-800 Arrangement	P04	Block 04 - Proposed Ground Floor General
5922-SRA-04-01-DR-A-20-801 Arrangement	P04	Block 04 - Proposed First Floor General
5922-SRA-04-02-DR-A-20-802 Arrangement	P04	Block 04 - Proposed Second Floor General
5922-SRA-04-03-DR-A-20-803 Arrangement	P04	Block 04 - Proposed Third Floor General
5922-SRA-04-RF-DR-A-20-804 GA	P03	Block 04 - Roof Plan - Proposed Planning
5922-SRA-04-ZZ-DR-A-20-850 Elevations - Sheet 1	P03	Block 04 - Proposed General Arrangement
5922-SRA-04-ZZ-DR-A-20-851 Elevations - Sheet 2	P03	Block 04 - Proposed General Arrangement

5922-SRA-05-00-DR-A-20-800 Arrangement	P04	Block 05 - Proposed Ground Floor General
5922-SRA-05-01-DR-A-20-801 Arrangement	P04	Block 05 - Proposed First Floor General
5922-SRA-05-02-DR-A-20-802 Arrangement	P04	Block 05 - Proposed Second Floor General
5922-SRA-05-03-DR-A-20-803 Arrangement	P04	Block 05 - Proposed Third Floor General
5922-SRA-05-RF-DR-A-20-804 GA	P03	Block 05 - Roof Plan - Proposed Planning
5922-SRA-05-ZZ-DR-A-20-850 Elevations - Sheet 1	P03	Block 05 - Proposed General Arrangement
5922-SRA-05-ZZ-DR-A-20-851 Elevations - Sheet 2	P03	Block 05 - Proposed General Arrangement
5922-SRA-06-00-DR-A-20-800 Arrangement (Hub)	P03	Block 06 - Ground Floor General
5922-SRA-06-RF-DR-A-20-801 Planning GA	P03	Block 06 (Hub) - Roof Plan - Proposed
5922-SRA-06-XX-DR-A-20-850 Elevations	P03	Block 06 (Hub) - Proposed Planning
5922-SRA-07-00-DR-A-20-800 Arrangement	P04	Block 07 - Proposed Ground Floor General
5922-SRA-07-01-DR-A-20-801 Arrangement	P04	Block 07 - Proposed First Floor General
5922-SRA-07-02-DR-A-20-802 Arrangement	P04	Block 07 - Proposed Second Floor General
5922-SRA-07-03-DR-A-20-803 Arrangement	P04	Block 07 - Proposed Third Floor General
5922-SRA-07-RF-DR-A-20-804 GA	P03	Block 07 - Roof Plan - Proposed Planning

5922-SRA-07-ZZ-DR-A-20-850 Elevations - Sheet 1	P03	Block 07 - Proposed General Arrangement
5922-SRA-07-ZZ-DR-A-20-851 Elevations - Sheet 2	P03	Block 07 - Proposed General Arrangement
5922-SRA-08-00-DR-A-20-800 Arrangement	P04	Block 08 - Proposed Ground Floor General
5922-SRA-08-01-DR-A-20-801 Arrangement	P04	Block 08 - Proposed First Floor General
5922-SRA-08-02-DR-A-20-802 Arrangement	P04	Block 08 - Proposed Second Floor General
5922-SRA-08-03-DR-A-20-803 Arrangement	P04	Block 08 - Proposed Third Floor General
5922-SRA-08-RF-DR-A-20-804 GA	P03	Block 08 - Roof Plan - Proposed Planning
5922-SRA-08-ZZ-DR-A-20-850 Elevations - Sheet 1	P03	Block 08 - Proposed General Arrangement
5922-SRA-09-00-DR-A-20-800 Arrangement	P04	Block 09 - Proposed Ground Floor General
5922-SRA-09-01-DR-A-20-801 Arrangement	P04	Block 09 - Proposed First Floor General
5922-SRA-09-02-DR-A-20-802 Arrangement	P04	Block 09 - Proposed Second Floor General
5922-SRA-09-03-DR-A-20-803 Arrangement	P04	Block 09 - Proposed Third Floor General
5922-SRA-09-RF-DR-A-20-804 GA	P03	Block 09 - Roof Plan - Proposed Planning
5922-SRA-09-ZZ-DR-A-20-850 Elevations - Sheet 1	P03	Block 09 - Proposed General Arrangement
5922-SRA-09-ZZ-DR-A-20-851 Elevations - Sheet 2	P03	Block 09 - Proposed General Arrangement

5922-SRA-10-00-DR-A-20-800 Arrangement	P04	Block 10 - Proposed Ground Floor General
5922-SRA-10-01-DR-A-20-801 Arrangement	P04	Block 10 - Proposed First Floor General
5922-SRA-10-02-DR-A-20-802 Arrangement	P04	Block 10 - Proposed Second Floor General
5922-SRA-10-03-DR-A-20-803 Arrangement	P04	Block 10 - Proposed Third Floor General
5922-SRA-10-RF-DR-A-20-804 GA	P03	Block 10 - Roof Plan - Proposed Planning
5922-SRA-10-ZZ-DR-A-20-850 Elevations - Sheet 1	P03	Block 10 - Proposed General Arrangement
5922-SRA-10-ZZ-DR-A-20-851 Elevations - Sheet 2	P03	Block 10 - Proposed General Arrangement
5922-SRA-11-00-DR-A-20-800 Arrangement	P04	Block 11 - Proposed Ground Floor General
5922-SRA-11-01-DR-A-20-801 Arrangement	P04	Block 11 - Proposed First Floor General
5922-SRA-11-02-DR-A-20-802 Arrangement	P04	Block 11 - Proposed Second Floor General
5922-SRA-11-RF-DR-A-20-803 GA	P04*	Block 11 - Roof Plan - Proposed Planning
5922-SRA-11-ZZ-DR-A-20-850 Elevations - Sheet 1	P03	Block 11 - Proposed General Arrangement
5922-SRA-11-ZZ-DR-A-20-851 Elevations - Sheet 2	P03	Block 11 - Proposed General Arrangement
5922-SRA-12-00-DR-A-20-800 Arrangement	P04	Block 12 - Proposed Ground Floor General
5922-SRA-12-01-DR-A-20-801 Arrangement	P04	Block 12 - Proposed First Floor General

5922-SRA-12-02-DR-A-20-802 Arrangement	P04	Block 12 - Proposed Second Floor General
5922-SRA-12-03-DR-A-20-803 Arrangement	P04	Block 12 - Proposed Third Floor General
5922-SRA-12-RF-DR-A-20-804 GA	P03	Block 12 - Roof Plan - Proposed Planning
5922-SRA-12-ZZ-DR-A-20-850 Elevations - Sheet 1	P03	Block 12 - Proposed General Arrangement
5922-SRA-12-ZZ-DR-A-20-851 Elevations - Sheet 2	P03	Block 12 - Proposed General Arrangement
5922-SRA-14-00-DR-A-20-800 Arrangement	P04	Block 14 - Proposed Ground Floor General
5922-SRA-14-01-DR-A-20-801 Arrangement	P04	Block 14 - Proposed First Floor General
5922-SRA-14-02-DR-A-20-802 Arrangement	P04	Block 14 - Proposed Second Floor General
5922-SRA-14-03-DR-A-20-803 Arrangement	P04	Block 14 - Proposed Third Floor General
5922-SRA-14-RF-DR-A-20-804 GA	P03	Block 14 - Roof Plan - Proposed Planning
5922-SRA-14-ZZ-DR-A-20-850 Elevations - Sheet 1	P03	Block 14 - Proposed General Arrangement
5922-SRA-15-00-DR-A-20-800 Arrangement (Hub)	P03	Block 15 - Ground Floor General
5922-SRA-15-RF-DR-A-20-801 (Hub)	P03	Block 15 - Roof Plan General Arrangement
5922-SRA-15-XX-DR-A-20-850 Elevations	P03	Block 15 (Hub) - Proposed Planning
5922-SRA-15-XX-DR-A-20-851 Elevations Sheet 2 of 2	P01	Block 15 (Hub) Proposed Planning

5922-SRA-16-00-DR-A-20-800 Arrangement	P04	Block 16 - Proposed Ground Floor General
5922-SRA-16-01-DR-A-20-801 Arrangement	P04	Block 16 - Proposed First Floor General
5922-SRA-16-02-DR-A-20-802 Arrangement	P04	Block 16 - Proposed Second Floor General
5922-SRA-16-03-DR-A-20-803 Arrangement	P04	Block 16 - Proposed Third Floor General
5922-SRA-16-RF-DR-A-20-804 GA	P03	Block 16 - Roof Plan - Proposed Planning
5922-SRA-16-ZZ-DR-A-20-850 Elevations - Sheet 1	P03	Block 16 - Proposed General Arrangement
5922-SRA-18-00-DR-A-20-800 Arrangement	P04	Block 18 - Proposed Ground Floor General
5922-SRA-18-01-DR-A-20-801 Arrangement	P04	Block 18 - Proposed First Floor General
5922-SRA-18-02-DR-A-20-802 Arrangement	P04	Block 18 - Proposed Second Floor General
5922-SRA-18-03-DR-A-20-803 Arrangement	P01	Block 18 - Proposed Third Floor General
5922-SRA-18-RF-DR-A-20-804 GA	P04*	Block 18 - Roof Plan - Proposed Planning
5922-SRA-18-ZZ-DR-A-20-850 Elevations - Sheet 1	P03	Block 18 - Proposed General Arrangement
5922-SRA-18-ZZ-DR-A-20-851 Elevations - Sheet 2	P03	Block 18 - Proposed General Arrangement
5922-SRA-19-00-DR-A-20-800 Arrangement	P04	Block 19 - Proposed Ground Floor General
5922-SRA-19-01-DR-A-20-801 Arrangement	P04	Block 19 - Proposed First Floor General

5922-SRA-19-02-DR-A-20-802 Arrangement	P04	Block 19 - Proposed Second Floor General
5922-SRA-19-RF-DR-A-20-803 GA	P04	Block 19 - Roof Plan - Proposed Planning
5922-SRA-19-ZZ-DR-A-20-850 Elevations - Sheet 1	P03	Block 19 - Proposed General Arrangement
5922-SRA-19-ZZ-DR-A-20-851 Elevations - Sheet 2	P03	Block 19 - Proposed General Arrangement
5922-SRA-20-00-DR-A-20-800 Arrangement	P04	Block 20 - Proposed Ground Floor General
5922-SRA-20-01-DR-A-20-801 Arrangement	P04	Block 20 - Proposed First Floor General
5922-SRA-20-02-DR-A-20-802 Arrangement	P04	Block 20 - Proposed Second Floor General
5922-SRA-20-03-DR-A-20-803 Arrangement	P01	Block 20 - Proposed Third Floor General
5922-SRA-20-RF-DR-A-20-804 GA	P01	Block 20 - Roof Plan - Proposed Planning
5922-SRA-20-ZZ-DR-A-20-850 Elevations - Sheet 1	P03	Block 20 - Proposed General Arrangement
5922-SRA-21-00-DR-A-20-800 Arrangement	P01	Block 21 - Proposed Ground Floor General
5922-SRA-21-01-DR-A-20-801 Arrangement	P01	Block 21 - Proposed First Floor General
5922-SRA-21-02-DR-A-20-802 Arrangement	P01	Block 21 - Proposed Second Floor General
5922-SRA-21-03-DR-A-20-803 Arrangement	P01	Block 21 - Proposed Third Floor General
5922-SRA-21-RF-DR-A-20-804 GA	P01	Block 21 - Roof Plan - Proposed Planning

5922-SRA-21-ZZ-DR-A-20-850 Elevations - Sheet 1	P01	Block 21 - Proposed General Arrangement
5922-SRA-22-00-DR-A-20-800 Arrangement	P01	Block 22 - Proposed Ground Floor General
5922-SRA-22-01-DR-A-20-801 Arrangement	P01	Block 22 - Proposed First Floor General
5922-SRA-22-02-DR-A-20-802 Arrangement	P01	Block 22 - Proposed Second Floor General
5922-SRA-22-03-DR-A-20-803 Arrangement	P01	Block 22 - Proposed Third Floor General
5922-SRA-22-RF-DR-A-20-804 GA	P01	Block 22 - Roof Plan - Proposed Planning
5922-SRA-22-ZZ-DR-A-20-850 Elevations - Sheet 1	P01	Block 22 - Proposed General Arrangement
5922-SRA-ZZ-00-DR-A-00-802	P03	Proposed Site Plan
5922-SRA-ZZ-00-DR-A-00-820	P03	Proposed Ground Floor Masterplan
5922-SRA-ZZ-01-DR-A-00-821	P03	Proposed First Floor Masterplan
5922-SRA-ZZ-02-DR-A-00-822	P03	Proposed Second Floor Masterplan
5922-SRA-ZZ-03-DR-A-00-823	P03	Proposed Third Floor Masterplan
5922-SRA-ZZ-RF-DR-A-00-824	P03	Proposed Roof Masterplan
5922-SRA-ZZ-XX-DR-A-00-810 Views	P03	Proposed Key Elevations, Sections and
5922-SRA-ZZ-XX-DR-A-00-811	P03	Proposed Levels and Building Heights Plan
5922-SRA-ZZ-XX-DR-A-00-850	P03	North College Site Elevations
5922-SRA-ZZ-XX-DR-A-00-851	P03	South College Site Elevations
5922-SRA-ZZ-ZZ-DR-A-90-205 and Fall Direction	P01	North and South College(s) Canopy Type
38824-LPL-00-DR-L-001	P04	Illustrative Landscape Masterplan
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38824-LPL-00-DR-L-004	P05	Hard and Soft Landscape Plan
38824-LPL-00-DR-L-009	P05	Proposed Landscape Levels Plan
38824-LPL-00-DR-L-023	P06	North College - Hard and Soft Landscape Plan
38824-LPL-00-DR-L-024	P04	South College - Hard and Soft Landscape Plan
38824-LPL-00-DR-L-025	P02	Gateway Green - Hard and Soft Landscape Plan
38824-LPL-00-DR-L-050	P02	Biodiversity measures
38824-LPL-ZZ-DR-L-100	P03	GA Sections
38824-LPL-ZZ-DR-L-101	P02	Long Site Section
38824-LPL-ZZ-DR-L-112	P02	South College Lakeside Sections
38824-LPL-ZZ-DR-L-114	P02	North College Lakeside Sections

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

2. Before commencement of development, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (biodiversity) shall include:
- a) risk assessment of potentially damaging construction activities
 - b) identification of 'biodiversity protection zones'
 - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
 - d) the location and timing of sensitive works to avoid harm to biodiversity features
 - e) responsible persons and lines of communication
 - f) use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The site is a constrained site in terms of its position adjacent to the Lake and Detention Basin edge which has an ecological value. The CEMP (Biodiversity) is required to minimise the impact of demolition, site preparation and construction on habitats and wildlife.

- 3 Notwithstanding the approved plan, details and sample panels of the external materials to be used for:

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Item No: 4e

- i. North college
- ii. South college
- iii. Blocks 21 and 22

shall be submitted within three months of the commencement of that part of the development. Development shall be constructed in accordance with the approved materials.

Sample panels shall be built for each type (brickwork and pre-cast concrete) in the proposed mortar and pointing including all bonding patterns and built to measure 1.1m x 0.8m.

The decorative concrete relief work should be provided as a sample panel of sufficient size to judge the overall effect of the repetition of the design.

Samples are to be agreed together so that they can be judged together.

Reason: In the interest of achieving a visually cohesive appearance to accord with policy GP1 of the Draft Development Control Local Plan 2005 (incorporating 4th set of changes), Policy D2 of the Publication draft Local Plan 2018 and the NPPF.

4 Notwithstanding what is shown on the approved plans, prior to the construction above foundation level of:

- i. North college
- ii. South college
- iii. Blocks 21 and 22

A detailed landscaping scheme shall be submitted in writing to the Local Planning Authority. For each point part of the development (i-iii) the landscaping scheme shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants, seeding mix, sowing rate, hard landscaping materials, lighting, means of enclosure and street furniture, including the canopy walkways. The approved scheme shall be implemented within the first planting season prior to occupation of the college and/or blocks to which it relates. Any trees or plants which within a period of five years from the substantial completion of the planting and 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 the Local Planning Authority agrees alternatives in writing.

For points i (North College) and ii (South College) the detailed landscaping scheme shall include an ecological design strategy (EDS) addressing mitigation for breeding birds using the lakeside habitat (such as Reed Warbler (*Acrocephalus scirpaceus*), Reed Bunting (*Emberiza schoeniclus*) and Pochard (*Aythya farina*), and ground nesting birds (Skylark *Alauda arvensis*) using the grassland in line with British

Standard 42020:2013 Biodiversity - Code of practice for planning and development.

Reason: In the interests of achieving variety, suitability and disposition of species within the entire site, along with ensuring that any hard landscaping is visually cohesive and to mitigate impacts on protected and notable species of birds, both being integral to the amenity of the development in accordance with policy GP1 of the Draft Development Control Local Plan 2005 (incorporating 4th set of changes), Policy D2 and GI2 of the Publication draft Local Plan 2018 and the NPPF.

5 Notwithstanding what is shown on the approved plans, prior to the construction above foundation level of:

- i. North college
- ii. South college
- iii. Blocks 21 and 22

details of cycle parking and means of its enclosure, where relevant, shall be submitted in writing to the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the college and/or blocks to which it relates. These facilities 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.

6 No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre lines of each of the 180mm rising mains i.e. a protected strip widths of 6 metres per sewer, that cross the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

7 Notwithstanding what is shown on the approved plans, detailed scaled drawings to show how the buildings will incorporate for all Mechanical and Electrical (M&E) plant, flues or permanent access installations for:

- i. North college
- ii. South college
- iii. Blocks 21 and 22

shall be submitted within three months of the commencement of that part of the development. Development shall be constructed in accordance with the approved plans.

Reason: In the interest of achieving a visually cohesive appearance to accord with policy GP1 of the Draft Development Control Local Plan 2005 (incorporating 4th set of changes), Policy D1 of the Publication draft Local Plan 2018 and the NPPF.

8 Notwithstanding what is shown on the approved plans, detailed scaled drawings of the locations and appearance of all perimeter gates for:

- i. North college
- ii. South college
- iii. Blocks 21 and 22

shall be submitted within three months of the commencement of that part of the development. Development shall be constructed in accordance with the approved drawings and operated in accordance with the agreed timing schedule.

Informative: The plans should specify which gates shall be open during the day. And specify the timing of the open access for the perimeter gates.

Reason: The public currently benefit from the full visual amenity and partial physical access to a unique and important part of the whole lakeside experience. The above limited access partially mitigates for this loss, whilst maintaining security concerns to an acceptable level.

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 (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Negotiation and discussion in respect to minimising the impact upon biodiversity at the edge of the Lake.
- Negotiation and discussion regarding the proximity and density of buildings to south college.
- Negotiation regarding conditions in order that the number of pre-commencement conditions is limited and ensuring their wording so that details can be provided at the implementation of the relevant parts of the development, rather than at the out-set.

2. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to; failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) 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.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

3. 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: Lindsay Jenkins Development Management Officer

Tel No: 01904 554575



Campus East

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COMMITTEE REPORT

Date: 15 November 2018 **Ward:** Wheldrake
Team: Major and **Parish:** Elvington Parish Council
 Commercial Team

Reference: 18/01786/FUL
Application at: Elvington Water Treatment Works Kexby Lane Elvington
York
For: Erection of plant building used for the preparation of calcium
hydroxide.
By: Yorkshire Water Services
Application Type: Full Application
Target Date: 10 October 2018
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 Daubey 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 a building to contain new apparatus related to the preparation of calcium hydroxide. 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 with a tower sitting on a larger base. The tower part of the structure is proposed to be 20 metres tall. It would be located around 440m from the nearest home. The tower was initially proposed to be 28 metres high, however, revisions have been received reducing the scale. The existing silos that serve a similar role and will become redundant if the new development takes place are not proposed to be removed in the foreseeable future.

RELEVANT HISTORY

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

1.4 In 2008 (07/02915/FUL) planning permission was granted for the erection of a 50m high environmental monitoring mast and associated guy ropes for a temporary period of 18 months.

1.5 In 2015 (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 the site but outside the fenced enclosure of the works. This has not been implemented to date. The permission expires in April 2019.

2.0 POLICY CONTEXT

2.1 National Planning Policy Framework (2018)

2.2 Publication Draft Local Plan (2018)

Policy SS2 The Role of York's Green Belt.
Policy GB1 Development in the Green Belt
Policy D1 Placemaking
Policy D2 Landscape and Setting

2.3 City of York Draft Local Plan (2005)

Policy GB1 Development in the Green Belt.

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.

EXTERNAL

Parish Council

3.4 The following comments were received in respect to the revised scheme for a 20 m high building: We have no objections - but would wish to have a condition imposed which maximises the additional screening measures to the southern boundary, as offered by Yorkshire Water.

Civil Aviation Authority

3.5 No comments received.

Natural England

3.6 No comments received.

Neighbours and Publicity

3.7 One objection was received stating that a 28m high building would be an eyesore in the Green Belt and too close to the village of Elvington.

4.0 APPRAISAL

4.1 Key Issues

- Acceptability within the Green Belt
- Visual Impact
- Highways
- Impact on wildlife and ecology
- Flood risk

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. The retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS"), saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013 have statutory status as development plan. Policies YH9(C) and Y1(C1 and C2) set the general extent of the Green Belt around York with an outer boundary about 6 miles from the City Centre. The application site falls within the general extent of the Green Belt.

National Planning Policy Framework

4.3 The National Planning Policy Framework (NPPF) was published in July 2018. 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.

4.4 Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and

environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

4.5 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 when considering any 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 to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

4.6 Paragraph 163 states that when determining applications it should be ensured that flood risk is not increased elsewhere.

4.7 Chapter 12 relates to achieving well designed places. Paragraph 127 (b) states that decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Publication Draft Local Plan 2018

4.8 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 as revised in July 2018, the relevant 2018 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.

4.9 Policy SS2 'The Role of York's Green Belt' states that the primary purpose of the Green Belt is to safeguard the setting and special character of York and delivering the Local Plan Spatial Strategy. It states that new building is inappropriate unless for one of the exceptions set out on Policy GB1.

4.10 Policy GB1 'Development in the Green Belt' sets out the circumstances in which development in the Green Belt will be granted. It refers to the need to protect openness and the special character and setting of York.

4.11 Policy D1 'Placemaking' sets out design criteria. It includes the requirement that York's skyline and the dominance of the Minster is respected.

4.12 Policy D2 'Landscape and Setting' sets out criteria for assessing applications relating to landscape and has a particular relevance to proposals in the countryside. Criteria include issues of character, bio-diversity, habitats, the importance of trees and impacts on light pollution.

4.13 It is considered that the policies referred to above are in general conformity with the NPPF.

Development Control Local Plan (2005)

4.14 The Development Control Local Plan 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 though any weight attached to them is very limited.

OPENNESS AND PURPOSE OF THE GREENBELT

4.15 The site is located within the general extent of the York Green Belt as described in the RSS. In the emerging Local Plan and DCLP (2005) it is also designated as Green Belt. The construction of new buildings within the Green belt is inappropriate and should be resisted. Paragraph 145 and 146 sets out forms of development that are not inappropriate. It is not considered that buildings for the treatment of water falls into any of the categories within paragraphs 145 and 146. Even if it were it would need to be the case that any buildings or structures would preserve openness.

4.16 The proposed building would be 20 metres high. Although reduced from the 28 metres initially proposed it is considered that its height is such it is inappropriate and by definition harmful to the Green Belt and should not be approved except in very special circumstances.

4.17 Paragraph 144 of the NPPF states that 'very special circumstances will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.' Other harm includes non-green belt considerations. Whether very special circumstances exist is essentially a 'planning judgement', but circumstances need to be very special and therefore not frequently found.

4.18 There are two existing silos on the site which will become redundant if the scheme is implemented. They are attached to each other and are 20 metres in height. The applicant has stated that the silos cannot 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. Because it

is not possible to predict when they will be capable of being re-moved it is not considered a sufficiently precise condition could be imposed regarding this matter. Issues of openness and the existence of very special circumstances should be based on the assumption that the new building is additional to the existing silos.

4.19 In assessing whether very special circumstances exist, regard is given to the fact that 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. Issues regarding whether very special circumstances exist to justify approving the application are considered in the conclusion.

VISUAL IMPACT

4.20 It is not considered that the footprint of the proposed building is unduly significant taking account of the developed nature of the site. The key issue is its height and impact on the open character of the landscape. The building will clearly impact on visual openness. Green Belt policy relates to openness rather than the visual appearance of the building and its setting in the landscape. Visual impacts and the character of the landscape should be considered within the balance of factors when assessing whether very special circumstances exist.

4.21 The applicant has submitted a visual impact assessment for the new building. 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 averse. They conclude that planting and new bunding associated with earthworks can be used to help limit these negative impacts. In respect to the impact on homes it should be noted that the distance between the 20m tall building and the back of the nearest houses is in excess of 400m.

4.22 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 another structure of a similar scale. A view of the site is, 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. The simple form of the structure (grey colour

and lack of windows) would be such that it would not 'stand out' in the rural landscape. The building is not of a height or location to effect the setting or special character of York.

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

4.24 The Visual Impact Assessment advises that additional planting and earthworks (as appropriate) be provided to mitigate impacts and this is recommended by condition.

HIGHWAYS

4.25 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.

IMPACT ON WILDLIFE AND ECOLOGY

4.26 Paragraph 174 of the NPPF sets out the importance of protecting and enhancing biodiversity and geodiversity. It states that if significant harm to biodiversity from development can not be avoided or mitigated then planning permission should be refused. 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 and/or 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. The applicant's appraisal does not indicate any harm would be caused to wildlife.

FLOOD RISK

4.27 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.

5.0 CONCLUSION

5.1 The use and scale of the proposed building is such that it is inappropriate development in the Green Belt. It 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.

5.2 In assessing whether very special circumstances exist, significant regard is given to the fact that the site is an established water treatment plant which supplies around a third of Yorkshire Water's drinking water. The site is located wholly in the Green Belt. The proposed building cannot be located outside the Green Belt. The applicant states that the building is essential in respect to improvements to ensure a sustainable, resilient water supply, essential for public health and to assist in facilitating growth within the York area and in the works' wider supply area. Although the structure is tall it is not considered unduly intrusive. Its scale has been reduced from the original submission and its height reflects that of the existing silos on the site. It is considered that the particular circumstances relating to the pressing need for the building and the inability to re-locate it outside the Green Belt does amount to very special circumstances which would clearly outweigh the harm to the Green Belt and local landscape.

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 and other submitted details:-

Block and location plan Q0532 rev C2.

Elevation 1 Q0532 Rev C2.

Elevation 2 Q0532 Rev C2.

Elevation 3 Q0532 Rev C2.

Elevation 4 Q0532 Rev C2.

Preliminary Ecological Appraisal dated 15 June 2018.

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 Council's 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 development shall not be brought in to use until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs and any earthworks. This scheme shall be implemented within a period of six 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: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area.

7.0 INFORMATIVES:

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

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

Height of structure reduced and visual impact assessment requested.

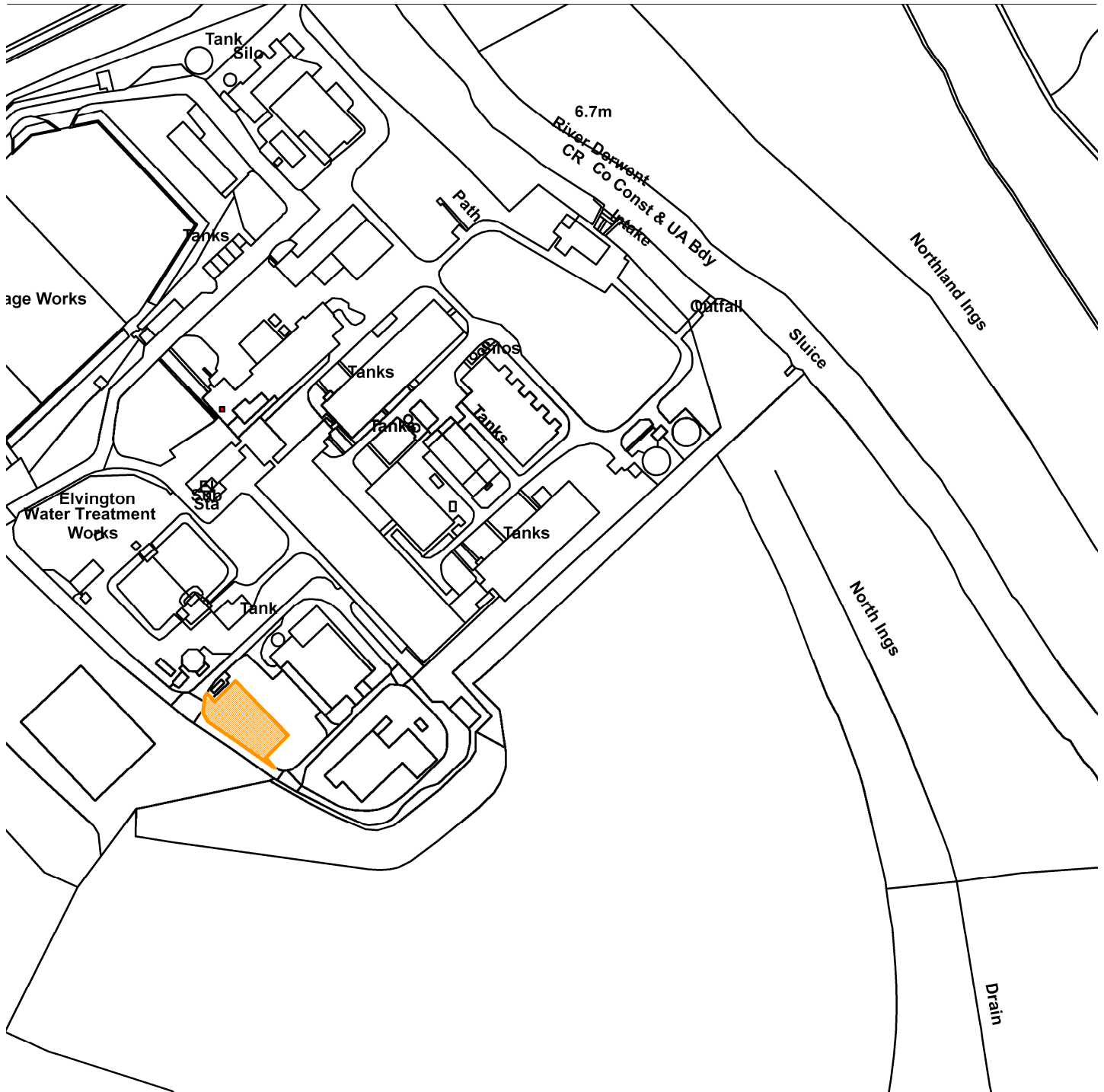
Contact details:

Author: Neil Massey Development Management Officer (Mon/Tue/Fri)

Tel No: 01904 551352

18/01786/FUL

Elvington Water Treatment Works, Kexby Lane, Elvington



Scale : 1:2951

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Organisation	City of York Council
Department	Economy and Place
Comments	Site Location Plan
Date	05 November 2018
SLA Number	

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COMMITTEE REPORT

Date: 15 November 2018 **Ward:** Strensall
Team: Major and **Parish:** Earswick Parish Council
Commercial Team

Reference: 18/01979/FUL
Application at: Hall Farm Strensall Road York YO32 9SW
For: Demolition of the existing agricultural buildings and change of use of the land to provide 17no. touring caravan pitches between April and October each year, and associated refuse storage and shower and w/c facilities.
By: Mr Andrew Thompson
Application Type: Full Application
Target Date: 23 October 2018
Recommendation: Refuse

1.0 PROPOSAL

1.1 The proposal is for the demolition of some of the existing agricultural buildings on site and a change of use of the land to provide 17 touring caravan pitches. These will be available between April and October annually. A refuse compound will be provided. Toilet and shower facilities will be accommodated within an existing building.

1.2 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. There is some new tree planting to the East of the site.

1.3 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.

PLANNING HISTORY

16/02886/FUL - Change of use of agricultural buildings to livery stables and caravan touring pitches including refreshment and toilet block - Refused

17/01788/FUL - Change of use of agricultural buildings and adjacent land to livery stables – Approved

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

Emerging Local Plan

D1 Placemaking

GB1 Development in the Green Belt

EC5 Rural Economy

Development Control Local Plan (DCLP) 2005

GP1 Design

V5 Caravan/ camping sites

GB1 Development in the Green Belt

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 No objections, subject to conditions.

Flood Risk Management

3.2 Insufficient drainage details have been provided. Further information about existing and proposed situation is required.

EXTERNAL

Foss Internal Drainage Board

3.3 No objection in principle, subject to conditions.

Earswick Parish Council

3.4 No objections subject to retention of the 40mph speed limit currently on trial along this stretch of Strensall Rd.

Neighbour notification and publicity

3.5 No comments received.

4.0 APPRAISAL

4.1 KEY ISSUES

- Policy context
- Principle of the development - Assessment of harm to Green Belt
- Character and appearance
- 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 the 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 as revised in July 2018, although the weight that can be afforded to them is very limited.

Policy V5 refers specifically to caravan sites.

Emerging Local Plan

4.4 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 as revised in July 2018, the relevant 2018 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).

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

Policies GB1 'Development in the Green Belt' and EC 5 'Rural Economy' are relevant.

National Planning Policy Framework (2018)

4.5 The revised National Planning Policy Framework was published on 24 July 2018 (NPPF) and its planning policies are material to the determination of planning applications. It is against the NPPF (as revised) and the saved RSS policies relating to the general extent of the York Green Belt that this proposal should principally be assessed.

GREEN BELT

4.6 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 133 to 141 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.

4.7 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.

4.8 The NPPF (paragraph 143) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very

special circumstances. Paragraph 146 allows for certain forms of development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These forms of development include, at para.146e, material changes in the use of land (such as changes of use for outdoor sport or outdoor recreation, or for cemeteries and burial grounds).

PRINCIPLE OF THE DEVELOPMENT ASSESSMENT OF HARM TO GREEN BELT

4.9 A caravan is a temporary structure, therefore the proposal constitutes a change of use of the land from agricultural use to touring caravan pitches. The NPPF 2018 makes provision for a material change of use in land such as changes of use for outdoor sport or outdoor recreation or cemeteries however the siting of caravans is not considered to constitute outdoor sport or outdoor recreation and the proposal therefore does not fall within any of the exceptions identified within para.146 of the NPPF and is inappropriate by definition.

IMPACT ON OPENNESS

4.10 The proposal results in the removal of 945m² of agricultural buildings and their replacement with 17 touring caravan pitches, a refuse store and hardstanding for parking. While it is appreciated that all proposed development is within the existing development footprint, the site is currently agricultural in its appearance, with little change in character anticipated as a result of the approved change of use given the retention and re-use of the buildings. The site comprises of generally 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. Para.141 of the NPPF requires that local planning authorities should plan positively to retain and enhance landscapes, visual amenity and biodiversity within Green Belts. There is a clear visual aspect to openness, not just a spatial one, and it is maintained that the proposal will impact detrimentally on openness as a result of its impact on visual amenity.

4.11 Since the previous applications, the emerging Local Plan has been submitted for examination. The site is within an area identified for preventing coalescence within the Local Plan (Figure 3.1). Text in para. 3.5 identifies that technical work carried out by the Council identifies areas of land outside the built up areas that should be retained as open land as they prevent communities within the environs of York from merging in to one another and the city.

CHARACTER AND APPEARANCE

4.12 The impact of the proposal on the openness has been discussed above. It is also noted that the proposal encroaches in to the open fields around the site. To the East of the farm buildings, a landscape buffer has been formed with tree planting and timber fencing. This reduces the visual separation between the site and the

highway. A refuse collection area and servicing points for caravans will further intrude into the character of the rural landscape.

4.13 The applicant highlights a suggested fallback position following on from previous assessment of the agricultural buildings as dark in colour, and therefore less visually intrusive than caravans. They suggest that the existing buildings could be painted in any colour and could thereby become equally visually intrusive as the proposed caravans. Officers note that this could occur but do not consider that it represents a realistic fall back. Concern about the visual impact of the caravans related both to their colour and also to their alien form, whereas changing the colour of the existing buildings would not alter their agricultural form.

4.14 It is also noted that an area of parking has been approved in relation to the approved equestrian activity. While it is recognised that overnight parking in this area has not been controlled, the permanent storage of equestrian-related vehicles in this area, beyond those directly associated with the livery business, would constitute a change of use. As such it is considered unlikely that there would be permanent parking of large numbers of vehicles in this area. The caravan pitches however are designed for overnight parking of caravans and associated vehicles from April to October and would have a more significant impact on visual amenity.

VERY SPECIAL CIRCUMSTANCES

4.15 Officers note that planning permission has been granted for the change of use of some of the existing agricultural buildings on the West side of the site to equestrian use with associated parking, dressage arena and exercise yards but do not consider that this provides justification for the proposed caravan pitches. The approved development was considered to comply with Green Belt policy unlike the current proposal.

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 put forward the following very special circumstances:

- Para.141 of the NPPG identifies the need to plan positively to enhance the beneficial use of the Green Belt. The proposal provides opportunities for people to access the Green Belt for outdoor sport/ recreation; enhance the landscape/ visual amenity; and improve damaged/ derelict land.
- Benefits to the rural economy. The proposal is to provide caravan pitches associated with the equestrian facilities to cater for an increasing trend for equestrian based holidays. There are no existing equestrian liveries 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 83 of the NPPF supports the sustainable growth and expansion of

all types of business in rural areas; development and diversification of agricultural and other land-based rural business; sustainable rural tourism and leisure developments which respect the character of the countryside.

- Policy EC5 of the 2018 Draft Plan states that 'York's rural economy will be sustained and diversified through ...permitting camping and caravan sites for holiday and recreational use where proposals can be satisfactorily integrated in to the landscape without detriment to its character, are in a location accessible to local facilities and within walking distance of public transport to York, and would not generate significant volumes of traffic'. The site is in a sustainable location on a bus route and trees provide good screening. In the supporting text to the policy paragraph 4.16 explains that the reuse of farm buildings for business and leisure activities can bring jobs to the rural economy. Para. 4.17 indicates that there is pressure for tourist related uses in the rural area and encourages the development of small scale camping and caravan sites which are unobtrusive in the landscape

4.17 The text associated with policy EC5 indicates that the policy intended to support and be flexible to the needs of those who rely on the land-based economy. Para. 4.17 of the supporting text to policy EC5 goes on to say that camping and caravanning sites can seriously harm the landscape if they are insensitively located; all proposals will be expected to be unobtrusive within the landscape and be in keeping with the character of the rural area. An impact on the character of the landscape has been identified and the proposal is considered to be obtrusive in the landscape. It is considered that in accordance with paragraph 216 of the NPPF, in taking account of the advanced stage of preparation of the 2018 Draft Plan, the lack of significant objection and the degree of consistency with the NPPF policy EC5 carries limited weight. It is further considered that compliance with the policy would not over-ride the need to comply with national Green Belt policy given the limited weight which can be afforded the emerging Local Plan.

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 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 a predominantly 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 to clearly outweigh these harms, which include benefits to the rural economy and contribution to the sustainability of the local economy as identified in policy EC5 of the emerging Local Plan, 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 13 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 a predominantly rural landscape. The other considerations put forward by the applicant do not clearly outweigh these harms 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 113'Protecting Green Belt land'.

7.0 INFORMATIVES:

STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

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

Considered the proposal in relation to relevant national and local policy.

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

Contact details:

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18/01979/FUL

Hall Farm, Strensall Road, Earswick



Scale : 1:2259

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Organisation	City of York Council
Department	Economy and Place
Comments	Site Location Plan
Date	05 November 2018
SLA Number	

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Planning Committee**15 November 2018**

Joint Report of the Assistant Director Planning & Public Protection and
Assistant Director Legal and Governance

**Amendments to the Terms of Reference of the Planning Committee and
Delegation to Officers****Summary**

1. The Terms of Reference of the Planning Committee and Planning Area Sub Committee within the Constitution reserve certain matters to the Committees. Unless so reserved, planning matters are delegated to the Corporate Director of Economy and Place or Assistant Director Planning & Public Protection
2. It is recommended that alterations to the wording of the Terms of Reference are made to provide more clarity in the interpretation of the delegation, and to update it specifically in relation to S96A non-material amendments and S73 extension of time applications. In addition, an amendment is proposed so that the Main Planning Committee only reserves applications in the Green Belt where they are recommended for approval. This would assist in more timely decision making in respect of certain consents and applications, and therefore it is requested that Planning Committee consider recommending these changes to Full Council.
3. This Report therefore proposes that changes to the Planning Committee and Planning Area Sub Committee's terms of reference and consequent delegation to Officers are referred to Full Council for approval to:
 - (i) enable Officers to determine requests for non-material amendments to planning applications under Section 96A of the Town and Country Planning Act 1990 (as amended);

- (ii) enable Officers to refuse planning permission for any non-residential or domestic application for which there is a policy presumption against development in the Green Belt; and
- (iii) enable the Corporate Director of Economy and Place or Assistant Director Planning & Public Protection to approve variations of a minor nature to planning agreements relating to planning applications reserved to the Planning Committee or Area Sub Committee.

Recommendations

4. The Planning Committee is asked to:

- 1) Refer the amendments to the Council's Constitution shown at Annex 2 be referred to Full Council for approval to :
 - (i) enable Officers to determine requests for non-material amendments to planning applications under Section 96A of the Town and Country Planning Act 1990 (as amended);
 - (ii) enable Officers to refuse planning permission for any non-residential or domestic application for which there is a policy presumption against development in the Green Belt; and
 - (iii) enable the Corporate Director of Economy and Place or Assistant Director Planning & Public Protection to approve variations of a minor nature to planning agreements relating to planning applications reserved to the Planning Committee or Area Sub Committee.

Reason: To provide more clarity in the interpretation of the delegation, and to update it specifically in relation to S96A non-material amendments and S73 extension of time applications. In addition, an amendment is proposed so that the Main Planning Committee only reserves applications in the Green Belt where they are recommended for approval. This would assist in more timely decision making in respect of certain consents and applications, and therefore it is requested that Planning Committee consider recommending these changes to Full Council.

Background

5. All delegated decisions must be in compliance with the Council's Constitution.
6. The Council's Constitution at Section 3D Paragraph 10.3 states that:

“ An Officer may not exercise a power in respect of a planning matter where the power to take the particular decision is specifically delegated under this Constitution to the Planning Committee or Planning Sub Committee”.
7. In order to give effect to the delegation to Officers it is therefore necessary to amend the Terms of Reference of the Planning and Planning Area Sub Committee within the Constitution.
8. The planning matters that are specifically delegated to the Planning Committee are set out at Annex 1, and the proposed amendments shown in tracked changes at Annex 2.

Consultation

9. There has been no external consultation.

Analysis

10. As well as providing clarity of interpretation, the proposed changes are intended to maximise use of Planning Committee time to focus on major applications. It is anticipated that the changes will also lead to determination of inappropriate applications within the green belt in a more timely fashion through delegation.
11. The changes do not prevent a Member from requesting an application to be brought to the relevant Committee, in accordance with the process set out in the present Constitution, but will provide Officers with the ability to determine using delegated powers should there be no request for an application within the green belt to proceed to Committee.
12. Members are asked to consider whether to recommend the proposed changes to Full Council.

Council Plan

13. A focus on frontline services - This recommendation should increase efficiency in determining planning applications.

Implications

14. The following implications have been assessed:
 - **Financial** – N/A
 - **Human Resources** – N/A
 - **One Planet Council / Equalities** – N/A
 - **Legal** – N/A
 - **Crime and Disorder** – N/A
 - **Information Technology (IT)** – N/A
 - **Property** – N/A
 - **Other** – None

Risk Management

15. There are no known risks associated with this recommendation.

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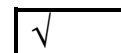
Report
Approved



Date 7 November 2018

Wards Affected:

All



For further information please contact the author of the report

Annexes

Annex 1 - Extract from **Current** Section 3D Responsibility for Functions – Constitution (Planning matters that are specifically delegated to the Planning Committee)

Annex 2 - **Proposed** amendments to Section 3D Responsibility for Functions – Constitution (Planning matters that are specifically delegated to the Planning Committee)

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Extract from Current Section 3D Responsibility for Functions – Constitution (Planning matters that are specifically delegated to the Planning Committee)

1 Planning Committee

1.1 Purpose

To consider and determine applications for planning permission and other related consents, arising under the Town and Country Planning Act and associated legislation as set out in Part A of Schedule 1 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 as amended, which have not been delegated to the Planning Area Sub-Committee or to officers.

1.2 Functions

To approve (other than repeat or Section 73 applications involving minor modifications or extensions of time) or refuse, applications for planning permission and other related consents under the appropriate legislation in accordance with the following criteria :

(a) Outline planning applications for:

- i. residential development on sites over 1.0 hectare in area and
- ii. non-residential development on sites over 1.5 hectares in area.
- iii. 40 dwellings or more

(b) Full detailed, or reserved matters applications for:

- i. residential development (including conversions/changes of use) of 40 dwellings or more and.
- ii. non-residential development, including extensions and changes of use, of over 3,000 square metres gross floor space.

(c) Any application or proposal which raises significant strategic or policy issues for the city.

(d) Any non-residential or domestic application for which there is a policy presumption against development in the Green Belt.

(e) Changes of Use of land of 5.0 hectares or more

(f) Any application that the Corporate Director Economy and Place or the Assistant Director (Planning and Public Protection) considers should be presented to the Planning Committee for decision.

To enter into Section 106 Agreements, in respect of proposed developments which fall within the scope of the Planning Committee to determine

The renewal, modification and revocation of planning permissions and other related consents and agreements.

2 Planning Area Sub-Committee

2.1 Purpose

To consider and determine applications for planning permission and other related consents, arising under the Town and Country Planning and associated legislation as set out in Part A of Schedule 1 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 as amended, which have not been delegated to the Planning Committee or to officers.

2.2 Functions

To approve (with or without conditions), or refuse, applications for planning permission and other related consents under the appropriate legislation in accordance with the following criteria:

(a) Outline planning applications for :

- i. residential development on sites between 0.5ha and 1ha in area.
- ii. for non-residential development on sites between 1ha and 1.5ha in area.

(b) Full detailed or reserved matters applications for

- i. residential development (including conversions/changes of use) between 10 to 39 dwellings.
- ii. non-residential development (including extensions and changes of use), of between 1,000 and 3,000 square metres gross floor space.

(c) Changes of Use for 1.0 hectares and less than 5.0 hectares of land.

(d) Any application which would otherwise be “delegated” to officers which a Councillor requests should be the subject of consideration by the Planning Area Sub-Committee and which has been agreed for call-in by the Assistant Director in consultation with the Chair and Vice-Chair (the request to bring an application to the Planning Area Sub-Committee must be made in writing to the Corporate Director Economy and Place or the Assistant Director (Planning and Public Protection) within the consultation period and include the planning reason(s) for the request.)

(e) Any application which would otherwise be “delegated” to officers for determination for which the applicant is:-

- i. a serving Councillor of the City Council or the spouse/partner of a Councillor;
- ii any Chief Officer or senior manager, or the spouse/partner of such an employee;
- iii Any staff member within the Development and Regeneration Planning and Environment, or the spouse/partner of such an employee, or employee who has been actively involved planning negotiations or the spouse/partner of such an employee.

(f) Applications submitted by or on behalf of the Council for its own developments except for the approval of Minor or Other category developments to which no objection has been received.

(g) Any application that the Corporate Director Economy and Place or the Assistant Director (Planning and Public Protection) considers should be presented to the Planning Area Sub-Committee for decision.

(h) To enter into Section 106 Agreements (in respect of proposed developments which fall within the scope of the Planning Area Sub-Committee to determine).

(i) The renewal, modification and revocation of planning permissions and other related consents and agreements.

Proposed amendments to Section 3D Responsibility for Functions – Constitution (Planning matters that are specifically delegated to the Planning Committee)

1 Planning Committee

1.1 Purpose

To consider and determine applications for planning permission and other related consents, arising under the Town and Country Planning Act and associated legislation as set out in Part A of Schedule 1 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 as amended, which have not been delegated to the Planning Area Sub-Committee or to officers.

1.2 Functions

To approve or refuse, -(other than applications and other related consents that constitute repeat or variations involving minor modifications or non-material amendments Section 73 applications involving minor modifications or extensions of time) or refuse, applications for planning permission and other related consents under the appropriate legislation in accordance with the following criteria :

(a) Outline planning applications for:

- i. residential development on sites over 1.0 hectare in area and
- ii. non-residential development on sites over 1.5 hectares in area.
- iii. 40 dwellings or more

(b) Full detailed, or reserved matters applications for :

- i. residential development (including conversions/changes of use) of 40 dwellings or more and.
- ii. non-residential development, including extensions and changes of use, of over 3,000 square metres gross floor space.

(c) Any application or proposal which in the opinion of the Director or Assistant Director of Planning and Public Protection raises significant strategic or policy issues for the city.

~~(d) Any non-residential or domestic application for which there is a policy presumption against development in the Green Belt.~~

(d)e) Changes of Use of land of 5.0 hectares or more

(e)f) Any application that the Corporate Director Economy and Place or the Assistant Director (Planning and Public Protection) considers should be presented to the Planning Committee for decision.

To approve any non-residential or domestic application for which there is a policy presumption against development in the Green Belt

To enter into, renew, modify or revoke Section 106 Agreements in respect of proposed developments which fall within the scope of the Planning Committee to determine unless in the opinion of the Corporate Director Economy and Place or the Assistant Director (Planning and Public Protection) it is a minor modification.

The ~~renewal~~, modification and revocation of planning permissions and other related consents which fall within the scope of the Planning Committee to determine. ~~and agreements.~~

2 Planning Area Sub-Committee

2.1 Purpose

To consider and determine applications for planning permission and other related consents, arising under the Town and Country Planning and associated legislation as set out in Part A of Schedule 1 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 as amended, which have not been delegated to the Planning Committee or to officers.

2.2 Functions

To approve (with or without conditions), or refuse, applications for planning permission and other related consents (other than applications and other related consents that constitute repeat or variations involving minor modifications or non-material amendments) under the appropriate legislation in accordance with the following criteria:

(a) Outline planning applications for :

i. residential development on sites between 0.5ha and 1ha in area.

ii. for non-residential development on sites between 1ha and 1.5ha in area.

(b) Full detailed or reserved matters applications for

i. residential development (including conversions/changes of use) between 10 to 39 dwellings.

ii. non-residential development (including extensions and changes of use), of between 1,000 and 3,000 square metres gross floor space.

(c) Changes of Use for 1.0 hectares and less than 5.0 hectares of land.

(d) Any application which would otherwise be “delegated” to officers which a Councillor requests should be the subject of consideration by the Planning Area Sub-Committee and which has been agreed for call-in by the Assistant Director in consultation with the Chair and Vice-Chair (the request to bring an application to the Planning Area Sub-Committee must be made in writing to the Corporate Director Economy and Place or the Assistant Director (Planning and Public Protection) within the consultation period and include the planning reason(s) for the request.)

(e) Any application which would otherwise be “delegated” to officers for determination for which the applicant is:-:

i. a serving Councillor of the City Council or the spouse/partner of a Councillor;

ii any Chief Officer or senior manager, or the spouse/partner of such an employee;

iii Any staff member within the Development and Regeneration Planning and Environment, or the spouse/partner of such an employee, or employee who has been actively involved planning negotiations or the spouse/partner of such an employee.

(f) Applications submitted by or on behalf of the Council for its own developments except for the approval of Minor or Other category developments to which no objection has been received.

(g) Any application that the Corporate Director Economy and Place or the Assistant Director (Planning and Public Protection) considers should be presented to the Planning Area Sub-Committee for decision.

~~(h) To enter into, renew, modify or revoke Section 106 Agreements in respect of proposed developments which fall within the scope of the Planning Area Sub Committee to determine unless in the opinion of the Corporate Director Economy and Place or the Assistant Director (Planning and Public Protection) it constitutes a minor modification.~~

~~The modification and revocation of planning permissions and other related consents which fall within the scope of the Planning Area Sub Committee to determine To enter into Section 106 Agreements (in respect of proposed developments which fall within the scope of the Planning Area Sub-Committee to determine).~~

~~(i) The renewal, modification and revocation of planning permissions and other related consents and agreements.~~