



Notice of a public meeting of

Planning Committee

- To:** Councillors Reid (Chair), Derbyshire (Vice-Chair), Galvin, Ayre, Boyce, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Richardson, Shepherd, Looker and Warters
- Date:** Thursday, 14 July 2016
- Time:** 4.30pm
- Venue:** The Guildhall, York

AGENDA

Would Members please note that the mini-bus for the site visits for this meeting will depart from Memorial Gardens at 10:00am on Tuesday 12 July

1. **Declarations of Interest**

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

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

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

2. **Minutes** (Pages 3 - 38)

To approve and sign the minutes of the meeting of the Planning Committee held on 12 May 2016 and 8 June 2016.

3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm on **Wednesday 13 July 2016**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officers for the meeting, on the details at the foot of this agenda.

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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 https://www.york.gov.uk/downloads/file/6453/protocol_for_webcasting_filming_and_recording_council_meetingspdf

4. Plans List

This item invites Members to determine the following planning applications:

a) Sports Ground, White Rose Avenue, New Earswick, York (15/02446/FUL) (Pages 39 - 54)

Construction of two all-weather tennis courts and an all-weather multi-use sports court with associated perimeter fencing and 10 no. 8 m floodlight columns. [Site Visit] [Huntington/New Earswick Ward]

b) Red Lodge, Haxby Road, York (15/00758/FULM) (Pages 55 - 80)

Erection of 129 Extra Care Apartments (Class C3B) and 44 Care Suites (Class C2) and play area following demolition of Red Lodge, former library and tennis clubhouse buildings, external alterations to Folk Hall, construction of multi-use games area on recreation ground. [Huntington/New Earswick Ward]

c) The Folk Hall, Haxby Road, New Earswick, York (15/00865/LBC) (Pages 81 - 90)

Internal and external alterations including installation of lift and alterations to entrances and ramps. [Site Visit] [Huntington/New Earswick]

d) Land At Grid Reference 469030 444830, Church Lane, Wheldrake (16/00952/FUL) (Pages 91 - 108)

Erection of four seasonal tents utilising existing access, the creation and maintaining of a footpath link, and the incorporation of a habitat enhancement plan (resubmission). [Site Visit] [Wheldrake Ward]

e) Poppleton Garden Centre, Northfield Lane, Upper Poppleton, York, YO26 6QF(16/01251/FUL) (Pages 109 - 122)

Change of use of part of car park to a car wash facility including the siting of a storage container and the erection of a free-standing canopy, and fence and screening to boundary. (Part retrospective)
[Rural West York Ward]

f) Askham Bryan College, Askham Fields Lane, Askham Bryan, York, YO23 3PR (16/01095/FUL) (Pages 123 - 138)

Erection of 7no. animal shelters associated with Wildlife and Conservation Area and Animal Management Centre.
[Site Visit] [Rural West York Ward]

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

Democracy Officers:

Name: Louise Cook/Catherine Clarke (job-share)

Contact Details:

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(When emailing please send to both email addresses)

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

PLANNING COMMITTEE**SITE VISITS****TUESDAY 12 JULY 2016**

Time	Site	Item
10:00	Minibus leaves Memorial Gardens	
10:15	Folk Hall, New Earswick	4c
11:00	Sports Ground, White Rose Avenue, New Earswick	4a
11:35	Tesco Askham Bar - Comfort Break	
11:45	Askham Bryan College	4f
12:15	Ref 469030 444830, Church Lane, Wheldrake	4d

City of York Council

Committee Minutes

Meeting	Planning Committee
Date	12 May 2016
Present	Councillors Derbyshire (Vice-Chair, in the Chair), Galvin, S Barnes, Boyce, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Richardson, Shepherd, Warters and Hunter (as a Substitute for Cllr Reid)
Apologies	Councillors Reid and Ayre

97. Site Visits

Application	Reason	In Attendance
Plot 1B, White Rose Close, Nether Poppleton	As objections had been received and the officer recommendation was to approve	Cllrs Boyce, Cullwick, Dew, Galvin, Hunter, Richardson and Shepherd
Harewood Whin, Tinker Lane, Rufforth	As objections had been received and the officer recommendation was to approve	Cllrs Boyce, Cullwick, Dew, Galvin, Hunter, Richardson and Shepherd
York Racecourse	For Members to familiarise themselves with the site.	Cllrs Boyce, Cullwick, Dew, Galvin, Hunter, Richardson and Shepherd
Former Fire Station	As objections had been received and the officer recommendation was to approve	Cllrs Boyce, Cullwick, Dew, Galvin, Hunter, Richardson and Shepherd

98. Declarations of Interest

At this point in the meeting, members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda.

Cllr D'Agorne declared a personal and prejudicial interest in relation to plans item 4f (Fire Station, 18 Clifford Street) as a city of York council representative on the Fire Authority. He left the room during discussion of this item and did not take part in the vote on this application.

Cllr Richardson declared personal and prejudicial interest in plans item 4d (Poppleton Garden Centre, Northfield Lane, Upper Poppleton) as a member of the Foss Internal Drainage Board. He also declared a personal and prejudicial interest in relation to plans item 4f (Fire Station, 18 Clifford Street) as a City of York Council representative and Vice Chair on the Fire Authority. He left the room during consideration of both items and did not take part in the vote on either application.

99. Minutes

Resolved: That the minutes of the last meeting held on 21 April 2016 be approved as a correct record and signed by the Chair.

100. Public Participation

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

101. Plans List

Members then considered the following reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning applications, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

102. Yorwaste, Harewood Whin, Tinker Lane, Rufforth, York (16/00635/FUL)

Members considered a full application by Yorwaste Ltd for the variation of condition 1 (removal by 31 December 2017) of

planning permission 12/01378/FUL for compost pad extension to allow retention and continued use until 31st December 2030.

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

Reason: The existing composting pad has not exceeded its 70,000 tonne capacity during the period of operation and there has been no material change in planning circumstances over that period. The odour management plan has also been effective in dealing with the management of the composting process and any potential sources of nuisance. The proposed retention of the compost pad would comply with the requirements of paragraph 90 of the National Planning Policy Framework and would not give rise to any harm to the open character of the Green Belt. As such the proposal is felt to be acceptable in Green Belt terms.

103. Yorwaste, Harewood Whin, Tinker Lane, Rufforth, York (16/00357/FULM)

Members considered a major full application by Yorwaste Ltd for the construction of a waste transfer station with associated ancillary buildings, hard-standings, car parking and alterations to access.

Officers advised that since the committee report had been prepared, a further 18 letters of representation had been received, objecting to the development if the proposed access alterations to the junction of Tinker Lane with the B1224 Wetherby Road were not carried out as envisaged; on the grounds of the significant impact upon the amenity of residents within Rufforth village caused by the passage of heavy goods vehicles associated with the site.

Highways Officers noted that a detailed Stage One Safety Audit had been submitted although further details were required by conditions to achieve a satisfactory solution in respect of the proposed junction improvements.

The Flood Risk Management Team had stated that having carried out an assessment of the submitted details it had no

objections and was content that recommended Condition 20 would source proper drainage details.

Officers advised the committee that the applicant had asked for omission of condition 22 relating a BREAMM assessment and requiring a very good rating. The architect and a BREEAM Assessor stated that it would be difficult, if not impossible, to apply BREEAM to a Waste Transfer Station as many of the points did not apply, and those that did were largely covered by separate planning conditions.

Officers responded that it was recognised that the structure was effectively an enclosed, unlit and unheated space (similar to agricultural buildings that are exempt from Part L of the Building Regulations and not subject BREEAM assessment). Officers had therefore requested that a high-level completed BREEAM pre-estimator assessment be undertaken by a qualified assessor, to show what level (if any) can be achieved. This could not be undertaken prior to Committee, and so officers suggested that delegated authority be granted in respect of the amendment or deletion of the condition, depending on the outcome of the assessment condition. They therefore advised that the recommendation had been updated and they were now advising deferral of the scheme for completion of high level pre-estimator BREEAM assessment and completion of the 106 Agreement and then seeking delegated authority to grant permission with amended conditions from the highway authority and amended or deleted condition 22.

Mr P Rawlings, Chairman of the Neighbourhood Planning Group for Rufforth and Knapton addressed the committee. He reminded members of the history of the site, He noted that Harewood Whin had been identified in both the Waste and Mineral Joint Plan and the draft local plan as a strategic site for waste management but reminded members that it was in the greenbelt and therefore inappropriate for development unless special circumstances could be proved. He advised members that the Neighbourhood and Planning Group had resolved to work with Yorwaste to reach a solution which met the strategic needs whilst minimising the effects on the community. He addressed the policies of the emerging neighbourhood plan which set out certain criteria. He stated that physical alterations to the site should be made to stop lorries travelling to the site coming through Rufforth to/from Allerton Park and expressed the view that the alterations as proposed by Yorwaste, and

backed up the a 106 agreement, would protect the green belt around the site.

Mrs Anne Powell, Chair of Rufforth with Knapton Parish Council then advised the committee that Rufforth residents were extremely concerned about the number of HGVs who regularly used the main road through the village explaining that there were a number of narrow footpaths which caused concern for parents walking with young children. She noted that the proposed revisions to the site access and exit road were not shown on the most recent revised site plan. She stated that the parish council strongly opposed any further development on the site until the promised realignment of site entrance had been completed.

Officers explained that the site entrance would be altered to physically prevent HGVs turning right out of the site towards the village of Rufforth and thereby forcing them to turn left in the direction of the ring road. CCTV monitoring of the site entrance had been identified as the best option to prevent vehicles from travelling through Rufforth to reach the site which would be controlled through section 106 agreement.

Members agreed that it was important to make the site as good as possible for local residents. They did however express concern about the enforcement of preventing HGVs from accessing the site through Rufforth Village and suggested that CCTV footage could be shared if issues arose in the future.

Geoff Derham, Group Operations Director for Yorwaste, confirmed that it was currently their policy, which was strictly adhered to, that any driver driving through Rufforth without prior consent and notified to the parish council, would be treated as a disciplinary offence. He advised that Yorwaste had proposed the physical layout changes to the junction at their cost and that they had also proposed to the parish council that they made changes to the signage at Allerton Park to prevent vehicles from driving through Rufforth Village. He advised that they would continue with driver management and that, once Allerton Park was open, 95% of vehicles would be within their direct control. He confirmed that Yorwaste had a good relationship with both the Planning Group and the Parish Council.

Members felt that the Pre-estimator BREAMM assessment was not needed and advised that this proposed condition be removed.

Resolved: That delegated authority be given to the Assistant Director of Planning and Regeneration (in consultation with the Chair and Vice Chair of Planning Committee) to approve the application subject to:

i Satisfactory completion of a Section 106 Legal Agreement to secure:-

1. Agreement not to implement planning permission ref: 12/00908/FULM
2. The remaining land between the application site and the B1224 Wetherby Road remaining free from built development
3. Provision of an off road cycle route along the site frontage
4. CCTV control of the site access and

ii The conditions listed in the report, the additional conditions listed below and the deletion of condition 22 – BREAMM assessment.

Additional Condition

Within 3 months of planning permission being granted, detailed highway engineering drawings showing modifications to the junction of Height Lands Lane and B1224 Rufforth Road shall be submitted to the council. Such details shall incorporate measures to direct HGV traffic associated with the development to only undertake left turns from Height Lands Lane to B1224. The scheme will include any necessary traffic management, street lighting and CCTV.

Prior to the development hereby approved being brought into use the modified highway junction shall have been completed in accordance with the drawings which have been approved in writing by the Local Planning Authority.

Reason: in the interests of highway safety and residential amenity.

Additional Condition

A full 3 Stage Road Safety Audit carried out in accordance with advice contained within the DMRB HD19/94 or equivalent and guidance issued by the council, shall be required for the modification works to the junction of Height Lands Lane and B1224 Rufforth Road which seek to incorporate measures to direct HGV traffic associated with the development to only undertake left turns from Height Lands Lane to B1224. A Stage 1 of the Road Safety Audit shall be submitted to and agreed in writing by the Local Planning Authority prior to works commencing on site.

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

104. York Racecourse, Racecourse Road, Knavesmire, York, YO23 1EJ (15/02733/FUL)

Members considered a full application by the Racecourse for the construction of a single lane service road adjacent to the racing surface.

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

Reason: With regard to S72 and S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal does not cause any harm to either the adjacent Conservations Areas or the setting of listed buildings. The application site is within the general extent of the Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPPF, and by definition causes harm to the Green Belt. The road would result in harm to the openness and permanence of the Green Belt. Cumulatively the safety and recovery of riders and horses, the economic benefits to the city, the limited visual impact on the Knavesmire, the absence of any harm to the adjacent Conservation Areas and the absence of any harm to the setting of

the listed building are considered to amount to 'very special circumstances' to clearly outweigh the definitional harm to the openness and permanence of the greenbelt and any other harm, even when substantial weight is given to any harm to the Green Belt.

105. Poppleton Garden Centre, Northfield Lane, Upper Poppleton, York, YO26 6QF (16/00878/FUL)

Members considered a (retrospective) full application by Mr Ian Woods for the part use of the car park as a mobile storage unit for public use for bulk re sale or recycling of clothing, shoes and clothing accessories.

Officers advised the committee that there was an existing car wash and canopy adjacent to the proposed site, which did not have planning permission and was subject to a planning enforcement investigation.

Mr Ian Woods, the applicant, addressed the committee in support of the application. He advised that Smart Recycling allowed members of the public to recycle clothes for a cash reward. Employment would be provided for two people and would benefit York's economy. He advised that the location was sustainable with the Park and Ride scheme opposite, which in itself was a prominent building, and an established garden centre and car park. He advised members that there had been no public objections to the proposals.

Members noted that officers found the proposals to be harmful to the greenbelt and that very special circumstances needed to be demonstrated which outweighed the harm caused to the greenbelt.

Members acknowledged that if the applicant wished to put forward proposals to move the storage unit to a less prominent position in the car park which was further away from the footpath and the A59 then this would need to be considered through a new application.

Members agreed that the proposals constituted inappropriate development in the greenbelt and that very special circumstances had not been shown to justify the proposals.

They also agreed that the proposals would be unduly prominent and intrusive and would cause harm to the visual amenity and open character of the area and the setting of the A59 transport corridor.

Resolved: That delegated authority be given to the Assistant Director of Development Services, Planning and Regeneration (in consultation with the Chair and Vice Chair of the Planning Committee) to refuse the application following the conclusion of the statutory consultation period, subject to no new material planning considerations being raised within any consultation responses during this period, due to end on 16 May 2016

Reason: 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, the sprawl, merging and coalescence of development; and is harmful to the openness of the Green Belt. The considerations put forward by the applicant do not clearly outweigh the harm to the Green Belt and other harm (harm to visual amenity and character of the A59 transport corridor) 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 9 of the National Planning Policy Framework and policy YH9 of the Yorkshire and Humber Plan and also conflict with Draft Development Control Local Plan (2005) policy GB1: Development in the Green Belt.

In addition the proposed change of use of the land and the modular unit, by virtue of its location adjacent to a junction on the A59 transport corridor, would be unduly prominent and intrusive in the streetscene in addition to creating a cluttered appearance. As such the proposed development would fail to respect the character of the area and cause harm to the visual amenity and open character and therefore would conflict with Policy SP3 and GP1 of the City of York Council

Development Control Local Plan (2005) and contrary to the core principles and part 7 of the National Planning Policy Framework.

106. Plot 1B - Call Centre, White Rose Close, Nether Poppleton, York (16/00179/FULM)

Members considered a major full application by Mr Andrew Hodgson for the erection of a motor vehicle dealership with associated vehicle parking and display.

Officers advised that since the committee report had been prepared, a revised site plan has been submitted to address the concerns of Yorkshire Water in respect of the required stand-off from the high pressure water main and surface water sewer crossing the site. It demonstrated that the required stand off from built development, fencing and landscaping would be achieved in respect of the proposed development. This was now felt to be acceptable. Officers advised that Condition 2 should therefore be amended to accommodate 539-07 Rev E accordingly. They advised that no further comment had been received from Yorkshire Water.

Officers advised that further detailed clarification had been received from the applicant indicating that the site has been continuously advertised since 2006 but that no interest has been forthcoming in terms of any form of employment related development of the site. Forward Planning therefore indicated that the requirements of Draft Local Plan Policy had therefore been met and that they raised no objection to the proposal.

One Member raised concerns about the impact on the local surface water drainage network, in response to the concerns raised by the Internal Drainage Board in paragraph 4.10 with regard to increased water levels in the nearby water course. The council's drainage officer responded to these concerns, advising that the applicant had provided a comprehensive drainage design including surface water attenuation, comprehensive flood risk/drainage assessments and proposals for the use of permeable paving and restricted discharge.

One Member requested that an electric charging point be provided, to be consistent with what is provided by most garages selling electric vehicles. Mr Andrew Hodgson, the

applicant, had registered to speak at the meeting. He advised members that he was happy for an electric charging point to be installed on the premises.

Another Member suggested that that condition 5 (landscaping scheme) should be amended to require that landscaping scheme remained in place for the lifetime of the development rather than only 5 years as stated in the condition. This was supported by other members.

Resolved: That the application be approved subject to the conditions listed in the report and the amendments to condition 2 (plans) and condition 5 (landscaping scheme).

Amended Condition 2

The development hereby permitted shall be carried out in accordance with the following plans:-
Drawing Refs:- 539-07E; SK001 P1; SK002 P1; 539-01; 539-02; 539-03; 539-04; 539-05; 539-06.

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

Amended Condition 5

No development shall take place 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, shrubs and hard landscaping. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which during the lifetime 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.

Reason: It is accepted that this longstanding vacant site has been marketed unsuccessfully for the previously permitted employment use for a significant length of time, and that therefore it can be concluded having regard to the NPPF that there is no reasonable prospect of this allocated employment site being used for the employment use. The proposal would not materially harm local biodiversity and is acceptable in terms of its impact upon the local surface water drainage network and local public drainage infrastructure. The proposal is also felt to be acceptable in highway terms.

**107. Fire Station, 18 Clifford Street, York, YO1 9RD
(15/02155/FULM)**

Members considered a major full application by Mr David Chapman (DC Architecture) for the demolition of buildings in the conservation area and building works to create 7 dwellings and a restaurant (Class A3) with 7 flats above.

Officers advised that the recommendation in the report “to approve subject to completion of a section 106 agreement”, was incorrect as the application did not have to be referred to the Secretary of State, despite the objection from Historic England.

They advised that an updated Archaeology Written Scheme of Investigation (WSI) had been submitted which detailed the proposed mitigation & explained that the applicants would install a system which would collect and distribute rainwater to prevent water-logged deposits drying out.

A further objection from Historic England has been received dated 10.5.2016 advising that the application should be refused or deferred until the archaeology assessment (proposed in the WSI) had been conducted, the results understood & and the agreed mitigation strategy secured. Officers advised that the concerns Historic England had was that the heritage value of the archaeology that would be affected by the development was not yet fully understood. If post development monitoring were to indicate that deposits were degrading, then there was no proposal for excavation and, as such, the deposits would be lost

Officers advised that the following proposed additional conditions should be agreed if members were minded to approve the application:

- Protection of Buildings to be retained
- Exterior of 'lodge' to be recorded prior to demolition
- DRAINAGE
 - Drainage
 - Surface Water Discharge
- HIGHWAY MANAGEMENT
 - Removal of redundant crossings
 - Highway Improvement Works
 - HWAY31 – no mud on highway during construction
 - HWY40 – Dilapidation survey
- Approved Plans
- Cycle Parking

Officers advised that three further consultation responses had been received, from the conservation architect, Flood Risk Management Team and Highway Network Management, details of which were included in the officer update which has been appended to the agenda papers. Officers provided a response in relation to the issues raised in these consultation responses.

The Conservation Architect had submitted comments in relation to the lodge building, chapel and school room and the Clifford Street Extension. Officers concluded that they supported the scheme overall acknowledging that a convincing justification had been provided for demolition of the lodge building.

The Flood Risk Management Team confirmed that they did not object to the proposals but had recommended imposing the conditions listed above.

Highway Network Management requested a larger cycle store which was fit for purpose be required and that the traffic regulation order included the removal of future residents from the local residents parking scheme. Additionally it was proposed that one car parking space be lost close to the junction with Clifford Street and that conditions be added to remove any redundant dropped kerbs/crossing and to agree a method of works.

Mr Ian Milsted, Project Manager at York Archaeological Trust, addressed the committee. He provided members with a brief history of the site and advised that, to support the planning application, they had undertaken a programme of evaluation between July 2015 and February 2016. He explained the archaeological sequence identified during this evaluation and that the potential waterlogged organic archaeological deposits most likely dated from Roman to early medieval period. He advised that the impact of the proposals on these deposits would be minimal. He stated that the City of York Archaeologist supported the proposals but had advised that further evaluation work, to test further samples and monitor water levels, be undertaken as a non standard condition and in line with draft Historic England guidelines.

Janet O'Neil, of O'Neil Associates, the agent, spoke in support of the application. She advised Members that this was a challenging site to redevelop, which had been vacated by the fire service 2 years previously, and was in need of a new use. She asked Members to consider 3 main aspects:

1. flooding – development needed to be flood resistant hence, no habitable rooms on ground floor, windows blocked behind glass, floodgates, safe evacuation routes and the river front building designed not to leak.
2. Archaeology – need to preserve any archaeological remains where they lay and prevent further deterioration. Developer was willing to fully meet council's requirements as conditioned but it was not possible for clients to carry out 12 months monitoring before permission was granted as this would be outside their contact with North Yorkshire Fire Service
3. Design – this was a prominent site in the city centre. The architect had worked closely with officers and the final design represented a distinctive yet respectful scheme.

Some Members raised concerned about the introduction of the street trees shown in the plans which they felt were crammed in and created layout issues, expressing a preference to retain as much of the granite cobbles as possible instead of all the surface being in York Stone as proposed. Officers advised that the landscape architect would be reviewing the proposals but that it was possible to alter the landscaping condition to allow some flexibility while still ensuring good access along the street.

Resolved: That the application be approved subject to the conditions listed in the report, the additional conditions listed below and the completion of a Section 106 agreement to secure contributions towards education, open space and highways.

Additional Conditions:

Protection of buildings to be retained

Prior to works in the relevant area illustrated method statements which describe how the chapel and school room facades and the listed former friary wall would be retained and protected during construction shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in adherence with the approved measures.

Reason: To protect listed structures and structures which are proposed to be retained and make a positive contribution to the character and distinctiveness of the setting.

Exterior of 'lodge' to be recorded prior to demolition

Prior to its demolition the "lodge" building shall be subject to a level 1 recording in accordance with Historic England guidance - Understanding Historic Buildings: A guide to good recording practice February 2006. The record shall be submitted to and approved by the Local Planning Authority prior to demolition.

Reason: To record and enhance our understanding of the historic environment, in accordance with paragraph 141 of the National Planning Policy Framework.

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.

Drainage

No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

INFORMATIVE: 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.

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, 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 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

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

Surface water discharge

Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

INFORMATIVE: The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

INFORMATIVE: Flood warning service
Future occupants are advised to sign up to the Environment Agencies flood warning service.

HIGHWAY MANAGEMENT

Removal of redundant crossings

Prior to first use of the development hereby approved all existing vehicular crossings not shown as being retained on the approved plans shall be removed by reinstating the kerb to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

Highway improvement works

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 details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Highway works: Works as indicatively shown on the ground floor plan drawing including widening of existing footway to 3m, raising kerb to full height along the footway and the installation of dropped Yorkstone tactile crossing across Peckitt Street.

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

HWAY31 - No mud on highway during construction

HWAY40 - Dilapidation survey

INFORMATIVE: Highway management

Prior to works commencing the developer is advised to contact the council's highways department to agree the following items to minimise disruption on the highway network during construction -

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- how vehicles are to access and egress the site
- how pedestrians are to be safely routed past the site
- details of any implications to the highway of demolition and waste removal vehicle operation
 - where contractors will park to avoid affecting the highway

how large vehicles will service the site

- where materials will be stored within the site

Approved Plans

Condition to be updated, to incorporate latest set of plans which were received on the 9.5.2016

Cycle Parking

Condition to be varied to ensure cycle store for the apartments is of adequate size

Reason:

The scheme would deliver acceptable re-development of a significant previously developed site in the city centre. There would be a low level of harm (certainly less than substantial harm) to designated heritage assets (i.e. to the conservation area due to the loss of the lodge, and to the area of archaeological importance). The scheme would be safe from flood risk. Even when attaching great weight to this harm, the public benefits of the scheme as described above were considered in the planning balance to justify the identified harm, and to allow residential development in flood zone 3. Conditions were necessary to agree the detailed design and ensure the proposed mitigation against flood risk. Subject to the adherence to the planning conditions proposed there would be no adverse impact on residential amenity and highway safety.

108. Appeals Performance and Decision Summaries

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 January and 31 March 2016 and provided them with a summary of the salient points from appeals determined in that period.

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 F Derbyshire, Vice Chair in the Chair
[The meeting started at 4.30 pm and finished at 6.10 pm].

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Meeting	Planning Committee
Date	8 June 2016
Present	Councillors Reid (Chair), Ayre, Boyce, Cullwick, Cuthbertson, D'Agorne, Funnell, Richardson, Shepherd, Warters, Cannon (as a Substitute for Cllr Derbyshire) and Mercer (as a Substitute for Cllr Galvin)
Apologies	Councillors Derbyshire, Galvin, Dew and Doughty

1. Site Visits

Application	Reason	In Attendance
Huntington Stadium, Jockey Lane, Huntington	As objections had been received and the officer recommendation was to approve	Cllrs Cannon Cullwick, D'Agorne, Funnell, Reid, Richardson and Warters
Land Lying to the West of Metcalfe Lane, Osbaldwick	As objections had been received and the officer recommendation was to approve	Cllrs Cannon Cullwick, D'Agorne, Funnell, Reid, Richardson and Warters
York Designer Outlet, St Nicholas Avenue	As objections had been received and the officer recommendation was to approve	Cllrs Cannon Cullwick, D'Agorne, Funnell, Reid and Richardson.

2. Declarations of Interest

At this point in the meeting, members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda.

Councillor Ayre declared an interest in Plans list item 3a (Huntington Stadium, Jockey Lane, Huntington) as Executive

Member for Culture, Leisure and Tourism with responsibility for delivering the project. He took no part in the debate or vote on this application.

Cllr Cutbertson declared a personal and prejudicial interest in plans list item 3c (York Designer Outlet, St Nicholas Avenue) as he had a connection with Fulford Parish Council who had objected to the application. He left the room for consideration of this item and took no part in the debate or vote on this application.

Cllr Funnell declared personal non prejudicial interests in plans item plans item 3a (Huntington Stadium, Jockey Lane, Huntington) as a Trustee of Be Independent and in plans item 4b (Land Lying to the West of Metcalfe Lane, Osbaldwick) as the council's appointed representative on the Derwenthorpe Partnership Board.

3. Public Participation

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

4. Plans List

Members then considered the following reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning applications, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

4a Huntington Stadium, Jockey Lane, Huntington, York YO32 9JS (16/00484/FULM)

Members considered a major full application from Wrenbridge Sport York Limited and GLL for the variation of condition 2 of application 14/02933/FULM to allow minor material amendments to the approved drawings including an increase in the height and length of the commercial development building with alterations to internal layout and an increase in cinema and restaurant floorspace; alterations to the internal layout of the

East Stand and variations of permitted uses; and alterations to the internal layout and permitted uses within the Leisure Centre.

Officers provided an update and responded to two queries which had been raised at the site visit. Officers confirmed that roof heights of the three retail stores (M&S, Next and John Lewis) at the Vangarde development was 11.5m, as stated in the officer's report, which is measured from finished floor level to the top of the parapet.

With regard to sustainability issues and in response to a query as to whether the cinema building would have solar panels, officers advised that the Vangarde permission did not require solar panels but it did require at least 10% of the predicted energy requirements to be from low or zero carbon technologies. They explained that since then, national carbon/energy policies had undergone major changes by successive governments which included the scrapping of the government's zero carbon building policies. In order to conform to these changes the council had amended its Interim Planning Statement on Sustainable Design and Construction by removing both domestic and non-domestic standards including the requirement to generate a proportion of a development's energy demand from renewable sources.

Officers advised that, separate to these changes the stadium project team had carried out a study to assess the suitability of the proposed council-owned buildings (the hub, stadium and leisure building) for photo-voltaic (PV) panels. This study, completed in 2014, concluded that PV was not cost effective due to the costs of reinforcing the roof structures on these buildings and the falling tariffs available and the Stadium Project Board had consequently rejected the proposal.

Members were advised that Condition 15 of the 2015 planning permission for the stadium required details of the playing pitch to be submitted to and approved in writing by the local planning authority after consultation with Sport England. Sport England subsequently had written to the council to say that they would have no objection to the omission of the playing pitch condition as it was no longer necessary. The officers' report of the current application therefore stated that condition 15 is no longer applicable. However, in September 2015, details of the previous condition 15 were formally submitted and discharged. In order to be consistent with the other conditions that have been formally discharged officers recommended that condition

15 of the current application be included as detailed in the resolution below.

Officers explained that, at the committee site visit, a question had been asked as to whether the conditions of the previous 2015 consent (14/02933/FULM) would be included in an approval of the current application. This had been briefly addressed at paragraph 1.12 of the officers' report. For the avoidance of doubt officers confirmed that the new permission would describe the whole development and list all relevant conditions of the planning permission for which the amendment is being sought. All of the matters covered in the previous permission remained relevant and were being recommended for approval, some with minor amendments. Some of the conditions were likely to include matters covered by conditions of the July 2012 consent for the stadium and accompanying retail development (Vangarde). Nevertheless, that was an entirely separate application and any such conditions would only be included in an approval of the current application if they were justified.

Members questioned the proposed increased height of the light box and officers drew members' attention to the proposed condition which required details to be submitted for this. The issue of potential overshadowing of the sports pitch was also raised and officers responded to this. Members also requested confirmation of the lawfulness of the decision to assess the application through the Section 73 process and the legal officer confirmed that the proposed changes were not considered by officers as a fundamental change and they had confirmed they were happy to deal with through a section 73 rather than requiring a new application to be made.

Mr Daniel Brown, the planning consultant, with assistance from Paul Forrest, member of the Council's Stadium project team, addressed the committee. They confirmed that the pitch would be a reinforced grass pitch, details of which were still to be finalised, but that it would be the same as pitches which were used across the country. He advised that at some stadiums the stands were much higher than the proposals here and confirmed that although there would be some overshadowing, this was not significant.

Mr Chris Edgehill read out a statement on behalf of Honorary Alderman Brian Watson who had registered to speak at the

meeting but was unable to attend. It put forward the following points:

- Proposed changes should not be classed as minor alterations
- Condition 29 of previous application stated that the stadium should not be demolished until alternative facilities for knights games could be found – the stadium has been demolished and there was nothing in place after this season for the Knights.
- Paragraphs 3.4 and 3.5 contradicted each other. It was questionable how the proposed trees would alleviate the impact of the development.
- Large increase in cinema floorspace
- Traffic flows provided excluded Sundays but the shops were open on Sundays and the Knights played on Sundays.
- The number of parking spaces allocated to the sports clubs, next to the stadium, had been reduced by a half.

A suggestion was put forward that a condition be added to restrict illumination of the light box to the already approved height. Officers drew members attention to proposed condition 11 which required a full lighting impact assessment to be undertaken within 3 months of commencement of development and to be submitted to and approved by the local authority, and condition 16, and advised they were satisfied that these conditions were sufficient to control any potential impact.

It was also suggested that condition 3 (landscaping scheme) be amended to state that “any trees or plants which within the *lifetime of the development* of the development die, are removed or become seriously damaged or diseased shall be replaced.....” , rather than requiring replacements only within the first five years after completion of the development. There was general support for this proposal.

Resolved: That the application be REFERRED to the Secretary of State for Communities and Local Government and provided that the application is not called in for his own determination, DELEGATED authority be given to the Assistant Director of Development Services, Planning and Regeneration to APPROVE the application subject to the conditions set out in the report and the amendments to condition 3

(landscaping scheme) and condition 15 (playing pitch) below.

Amended Condition 3

Within three months of commencement of development a detailed landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which, *during the lifetime 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.

Amended Condition 15

The development shall be carried out in accordance with the playing pitch details approved by the Local Planning Authority on 6 October 2015 under application reference AOD/15/00338

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose.

Reason: The development as changed would have some impact on the highway network, parking, the city centre and the character and appearance of the development, all of which are capable of being examined through the Section 73 process. None of the proposed changes would result in a development that would be fundamentally substantially different from the approved description of the development. The scheme in this amended form is considered to be acceptable in planning terms.

4b Land Lying To The West Of Metcalfe Lane, Osbaldwick, York (16/00342/FULM)

Members considered a major full application by the Joseph Rowntree Housing Trust for the erection of 36 dwellings with associated roads and public open space (revised layout of part of phase 4 of the Derwenthope development) (resubmission)

Officers provided an update to Members. They advised that the National Grid had raised no objection as there were no apparatus recorded in the immediate vicinity.

They advised that Councillor Jenny Brooks, Councillor for Osbaldwick and Derwent Ward, had provided a written submission which was circulated to Committee Members. She raised the following points:

1. A construction traffic management plan must be agreed by CYC and the developers before any construction can start;
2. TV and speeding cameras must be installed and used for the duration of construction to ensure that JRNT/David Wilson Homes can properly enforce the construction traffic management plan;
3. Individual householders should be compensated for noise and inconvenience of having construction traffic so close to their homes;
4. Field 9 should be used for car parking, if used at all, as the amount of parking in other phases has proved inadequate;
5. Objection by Internal Drainage Board was being ignored – the development should have to meet IDB specifications or be refused.

In respect of the points raised by Councillor Brooks, officers advised that a condition could be attached to require a construction traffic management plan to be submitted for approval prior to the commencement of development of the revised Phase 4. Having considered points 2 and 3, officers did not feel that these matters could be imposed on the developer through specific obligations and conditions. The scheme was a revision to the approved phase 4 and would include a lesser number of houses and, as such, it would not be reasonable to require a higher provision of parking spaces than previously agreed. The Council's Flood Risk Management Team, as the

Lead Local Flood Authority, has considered the proposal and raised no objection on flood risk grounds.

They advised that Councillor Mark Warters, also a councillor for Osbaldwick and Derwent Ward, had submitted a series of photographs taken at different locations of the site and these were circulated to Members for their information.

Officers advised that a letter had been received from JRHT's ecology consultant providing further background about the presence of great crested newts at the site and surveys that had been undertaken. It confirmed that, following a visit on 3rd June, the pond remained unsuitable for great crested newts and provided a reasoned statement as to why it was considered unlikely that this species would be impacted by the development. The revised proposals for Phase 4, including the retention of the existing pond, most of Field 9 and a new pond, would benefit biodiversity by providing a suitable habitat for common amphibians. The Council's Countryside and Ecology Officer had considered the further information and was satisfied that this addressed any concerns regarding the potential presence of great crested newts.

In view of the above information, officers recommended an additional condition to cover a Construction Traffic Management Plan, as well as one to cover the requirement for an Ecological Design Strategy to be submitted, which was omitted from the original report.

With regard to the Section 106 Agreement, officers proposed a further obligation, that a payment is made to the occupier upon first occupation of each residential unit of a maximum of £160 towards car club incentives, including membership and drive time of the on site car club.

Joseph Rowntree Housing Trust had confirmed that it had no intention of building houses on the open land in the event that the power lines were undergrounded or taken down. As part of the community development of Derwenthorpe, the Trust had been liaising with residents about the best way of using this space. Suggestions have been as a wild flower meadow or community orchard/vegetable growing area. A mix of high quality open space was considered to be a big part of the ethos of Derwenthorpe by the Trust and it aimed to create a balanced community with good access to open space. Officers advised

that, if Members still had concerns about the future development of this land, which would require a separate planning permission, then a further clause could be added to the Section 106 agreement to require the land to remain as public open space.

Officers responded to questions raised regarding parking, potential for flooding during construction of the development and the route for construction traffic.

Mr Michael Jones addressed the committee on behalf of the Joseph Rowntree Housing Trust. He advised Members that approval of phase 4 of Derwenthorpe would result in 198 affordable homes in total representing over 40% affordable housing across the site with the council having 100% nomination rights ensuring those residents most in need would be given a high quality home. The homes would meet lifetime homes standards and the Trust was continuing to provide facilities and support to help foster a strong and inclusive community. Phase 4 would see the first bungalow provided on site, the vast majority of which would be affordable housing meeting a housing need which was rarely catered for. The homes would be built to high energy performance standards. He reminded Members that Derwenthorpe had been developed to include high quality outdoor space with a range of uses and the green wedge on the east edge of the site would provide publically accessible amenity space for use by the local community. The area of land to south would be enhanced with new planting and a pond for purposes of nature conservation. In response to concerns raised about potential for flooding, he advised that Derwenthorpe was sustainably drained with all surface water finding its way through a network of pipes into the 2 attenuation ponds, which discharge into Osbaldwick Beck at a controlled rate to ensure there is no increase in flood risk off site. The attenuation ponds had been severely tested during the record rainfall in November and December 2015 and had worked well and did not reach full capacity.

Members commented that this was an exemplary development. However they expressed disappointment that Joseph Rowntree Housing Trust had not been able to underground the power cables but noted this was not part of the outline permission. They also expressed some concern about the introduction of houses into what would have been a larger area for biodiversity, thus reducing the biodiversity aspect. Members acknowledged

the full and informative response which had been provided by the council's drainage officer in response to concerns which had been raised regarding flooding.

Members noted that the Section 106 agreement would cover affordable housing provision, education, off site sports provision and sustainable travel. Members agreed that it should be updated to require that the open land remained as public open space to ensure that the open land was not developed in future.

Members agreed that the landscaping condition should be amended to refer to the lifetime for the development rather than 5 years in respect of replacement planting.

It was also agreed that the construction management plan condition be amended to require that contact details were made publically available in order that residents could easily raise any concerns/issues they had during construction.

Resolved: That on completion of a S106 legal agreement to secure affordable housing provision, education, off site sports provision and sustainable travel, a payment towards car club membership as well as the requirement for the open land to remain as public open space, as agreed by Members, DELEGATED authority be given to Assistant Director, Development Services, Planning and Regeneration to APPROVE the application subject to the conditions listed in the report, the additional conditions listed below for a construction management plan (to be amended to require contact details to be made publically available) and an ecological design strategy, and subject to the landscaping plan condition being amended to refer to the lifetime of the development in respect of replacement planting.

Additional Condition (Construction Traffic Management Plan)

Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of preparatory and construction works shall be submitted to and approved in writing by the local planning authority.

Such a statement shall include at least the following information:

- the routing that will be promoted by the contractors to use main arterial routes and timings for construction vehicles to arrive/depart the site;
- where contractors will park;
- the location of alternative parking for school staff during the construction period when the on-site car park is not available;
- where materials will be stored within the site;
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be detrimental to the amenity of local residents, free flow of traffic or safety of highway users. The details are required prior to commencement in order to ensure that they are in force during the whole of the construction phase of the development.

Additional Condition (Ecological Design Strategy)

No development shall take place until an ecological design strategy (EDS) addressing the mitigation and enhancement outlined in *Derwenthorpe Revised Application Phase 4 – Ecological Conservation and Management Plan* by AECOM and dated June 2015 (Revision 3) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination, has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following;

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.

- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and comply with Section 11 of the NPPF.

Reason: It is considered that the other considerations set out in paragraphs 4.51 of the officer report together with mitigation of other harm through planning conditions, clearly outweigh the potential harm to the Green Belt, even when affording this harm considerable weight. This therefore amounts to the very special circumstances necessary to justify the otherwise inappropriate development.

4c York Designer Outlet, St Nicholas Avenue, York, YO19 4TA (16/00215/FUL)

Members considered a full application by Ms Maria Farrugia for the temporary use of the car park for the siting of an ice rink and funfair.

Officers clarified that the ice rink was 30m by 30 m and the cafe was now on the east side of the rink with the office and first aid areas being on the west side.

Officers advised that condition 3 should be amended to allow the opening of the event up to the 15th January. They also advised that condition 5 should be clarified so that it was clear that it related to the public address system and that condition 9 and 11 should also be clarified. They advised that a further condition covering music was also required.

A series of photographs submitted by Fulford Parish Council, showing car parking on the site on roads, grass verges and close to a mature tree, were circulated to Members of the Committee.

Maria Farrugia, the applicant, addressed the committee in support of the application. She advised that the event organisers had had an open dialogue with all interested parties, informing Members that Highways officers did not have any issues with the proposals and the parking was well managed by the Designer Outlet, with extra staff employed on peak days to manage the car parking. She explained that the event was hidden within the car park which was beautifully landscaped . She advised members that the event had been run since 2010 and that they worked closely with the Designer Outlet to ensure it was well managed.

Karin de Vries addressed the committee on behalf of Fulford Parish Council. She stated that the ice rink and funfair constituted inappropriate development in the green belt and therefore should only be approved if very special circumstances were proved. She did not feel that the considerations put forward by the applicant constituted very special circumstances. She stated that that the out of town location drew people out of the city centre and raised concerns in relation to issues with excessive parking on the site, unprecedented traffic movements, lighting and noise pollution.

Officers advised that their view was that the harm to the green belt was very limited, with only a very small impact on the openness of the greenbelt. Taking into account the considerations which the applicant had put forward (the ice rink being a significant tourist attraction for York, providing employment, providing opportunities for people with disabilities to enjoy a new activity, healthy family entertainment and having sustainable access), which could be considered as very special circumstances, it was felt that these were sufficient to outweigh the potential harm to the green belt.

Members considered the photographs which had been circulated by the Parish Council which showed parking around mature trees and on grass verges and some members expressed concern about potential damage to both trees and verges. However it was acknowledged that this could happen at

other times of the year such as bank holidays when the site was busier than during the period of the ice rink. They noted that only 100 parking spaces would be lost for the event which was only a very small proportion of the parking available on the site. They accepted that the protection of trees was not the responsibility of the applicant and had been advised that the Designer Outlet managed parking well and the parkland was immaculately kept by the Designer Outlet. They accepted that the Eye of York was not available for the ice rink and there were no other suitable city centre sites therefore this was best alternative location and only place for it in York.

Resolved: That the application be approved subject to the conditions listed in the report and the amended, clarified and additional conditions listed below.

Amended Condition 3

The use hereby approved shall not operate between 15th January and 31st October inclusive each year.

Reason: To safeguard the amenities of local residents, to ensure that the car park is available for the use of the retail outlet and in the interests of the visual amenity of the area.

Clarified Condition 5

No audio systems (Public Address system) associated with the development shall operate outside the hours of 09:15 and 19:30 hours, unless required for emergency purposes.

Reason: To safeguard the amenities of local residents

Clarified Condition 9

The funfair, including all rides and stalls located on the car park area between the entrance to designer outlet and the skating rink shall not operate outside the hours of 11:00 and 20:15 hours Mondays to Sundays.

Reason: To safeguard the amenities of local residents

Clarified Condition 11

The ice-rink, associated cafe and the plant and machinery required to operate the ice rink including the ice resurfacers and the outdoor heating units shall

not operate outside the hours of 09:15 and 21:30 hours Mondays to Sundays.

Reason: To safeguard the amenities of local residents.

Additional Condition (covering music)

Music played on the ice rink and at the funfair shall only be played during respective opening hours (9:15 and 21:30 and 11:00 to 20:15) and shall not be audible at the boundary of the nearest residential premises.

Reason: To safeguard the amenities of local residents.

Reason: For the reasons set out in paragraph 4.28 of the officer report, it is recommended that the application for the temporary use of the car park is granted on a permanent basis i.e. can take place each year between November and January indefinitely subject to the conditions of operation set out in the officer report.

It is considered that the other considerations put forward by the applicant together with the mitigation of other harm through the imposition of planning conditions clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm, and thereby amount to very special circumstances to justify the inappropriate development in the York Green Belt even when substantial weight is given to any harm to the Green Belt.

Cllr A Reid, Chair

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

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COMMITTEE REPORT

Date: 14 July 2016 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** New Earswick Parish Council

Reference: 15/02446/FUL
Application at: Sports Ground White Rose Avenue New Earswick York
For: Construction of two all-weather tennis courts and an all-weather multi-use sports court with associated perimeter fencing and 10 no. 8 m floodlight columns
By: Joseph Rowntree Housing Trust
Application Type: Full Application
Target Date: 14 July 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 The Sports Ground, White Rose Avenue, New Earswick comprises a substantial grass playing field with single storey existing brick built changing rooms, presently used for playing rugby, football and cricket on a site to the north west of New Earswick village. The site further lies within Flood Zone 2 and so is at a medium risk of flooding from riparian sources. The principal Scarborough to Leeds railway line lies to the North West. Planning permission is sought for the relocation of the existing tennis facilities comprising two formal tennis courts and an all weather multi-use sports court with ancillary ball protection fencing and flood lighting, to the site to facilitate the re-development of the Red Lodge Care Home site in the centre of New Earswick village. The scheme has been amended subsequent to submission to seek to achieve a design of ball fencing acceptable to Sport England, a statutory consultee.

2.0 POLICY CONTEXT

2.1 Paragraphs 4.2 to 4.8 below set out the local and national policy context relevant to this application.

3.0 CONSULTATIONS**INTERNAL:-**

3.1 Public Protection raise no objection to the proposal.

3.2 Flood Risk Management Team has no objections to the development in principle and requests condition and an informative relating to surface water drainage.

EXTERNAL:-

3.3 New Earswick Parish Council raise no objection to the proposal subject to the operating hours of the flood lights being strictly controlled by condition attached to any planning permission.

3.4 Network Rail raise no objection to the proposal subject to lighting of the tennis courts and works adjacent to the railway being strictly controlled by condition as part of any planning permission.

3.5 Sport England raise no objection to the scheme as amended subject to any permission being conditioned to secure the appropriate form of anti-ball netting.

3.6 New Earswick Tennis Club raise no objection to the proposal.

3.7 One letter of objection has been received in respect of the proposal expressing concern in relation to the separation distance between the facility and the village centre and the proximity of the site to the operational railway in respect of flood lighting.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 Key considerations include:-

- Planning Policy Context
- Impact upon the open character and purposes of designation of the Green Belt;
- Impact upon the operational railway;
- Suitability of the facilities as a replacement for the existing;
- Impact upon local flood risk.

PLANNING POLICY CONTEXT

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN (2005 4th SET OF CHANGES):-

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

STATUS OF THE EMERGING LOCAL PLAN:-

4.3 The (Emerging) Publication Draft York Local Plan (2014) is currently not progressing through its statutory consultation. At the present early stage in the statutory process the emerging Local Plan policies carry only very limited weight where relevant and in accordance with the terms of the National Planning Policy Framework. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

SAVED POLICIES OF RSS

4.4 The general extent of the York Green Belt is defined within saved Yorkshire and Humberside RSS Policies YH9C and YIC as such Central Government Policy in respect of Green Belts as outlined in the National Planning Policy Framework applies.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

4.5 The NPPF is the most up to date representation of key relevant policy issues and the proposal should principally be assessed against this Policy Framework.

4.6 GREEN BELT:- The general extent of the York Green Belt is defined within saved Yorkshire and Humberside RSS Policies YH9C and YIC as such Central Government Policy in respect of Green Belts as outlined in the National Planning Policy Framework applies. Central Government Planning Policy as outlined in paragraph 87 of the National Planning Policy Framework indicates that inappropriate development is by definition harmful to the Green Belt and should not therefore be approved other than in very special circumstances. Paragraph 89 sets out exceptions to definitional harm, including "provision of appropriate facilities for outdoor sport, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it." Paragraph 88 establishes that substantial weight must be given to any harm to the Green Belt. "Very Special Circumstances" will not be held to exist unless the potential harm by reason of inappropriateness and any other harm are clearly outweighed by other considerations. Policy GB1 of the (Emerging) Publication Draft Local Plan is also relevant in this respect.

SUITABILITY OF THE REPLACEMENT FACILITIES:-

4.7 Central Government Planning Policy as outlined in paragraph 74 of the National Planning Policy Framework indicates that existing open space, sports and recreational buildings and land including playing fields should not be built upon unless the loss resulting from the proposed development would be replaced by equivalent provision in terms of quality and quantity in a suitable location or the

development is for alternative sports and recreational provision, the need for which would clearly outweigh the loss. Policies CF2 (Built Sports Facilities) and G15 (Protection of Open Space and Playing Pitches) from the emerging Publication Draft Local Plan are also relevant in this respect although any specific weight afforded may be limited.

IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE YORK GREEN BELT:-

4.8 Whilst Policy GB1 of the emerging Local Plan can only be given very limited weight, it echoes the green belt policy in the NPPF, by setting out a firm policy presumption that planning permission for development within the Green Belt should 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 including agriculture and forestry. Central Government Policy as outlined in paragraph 79 of the National Planning Policy Framework establishes their fundamental characteristics as being their openness and permanence.

4.9 The proposal envisages the layout of two all weather tennis courts and a further all weather sports court suitable for use by 5 a side football and netball together with 3 metre high green powder coated steel boundary fencing, anti-strike cricket ball netting and 8 metre high floodlighting pylons. The facilities would be located within the New Earswick Sports Ground directly to the north east of the existing changing rooms used by the cricket and rugby clubs and directly to the north west of the cricket club practise area. The main York to Scarborough railway lies directly to the north. Paragraph 89 of the NPPF indicates that the provision of appropriate facilities for outdoor sport and recreation can be an exception to definitional harm to the Green Belt, providing that the openness of the Green Belt is preserved and there would not be a conflict with the purposes of including land within it.

4.10 The proposal is to accommodate the relocation of the New Earswick Tennis Club whose current premises are proposed to be incorporated into the wider Red Lodge Care Home re-development scheme in the centre of New Earswick village. The existing Club facilities are intensively used with players and teams competing in regional leagues. The proposed facilities would be of a standard comparable to that currently used by the club in the centre of New Earswick village although changing room facilities would have to be shared with the rugby/cricket clubs. As such the proposal is of a type that could fall within the exception outlined in paragraph 89 of the National Planning Policy Framework. However, the formalisation of the layout of the proposed courts together with the fencing and associated flood lighting would give rise to an impact upon the openness of the Green Belt in that area. But the elevated nature of the railway to the rear and the visual relationship with the changing room buildings would ensure that the impact is only of a modest nature

and the proposed fencing would be colour coated to enable it to blend in with the surrounding landscape over longer distance views This albeit modest harm to openness means that in policy terms, the proposal constitutes inappropriate development by definition in the Green Belt, and should be determined in line with paragraph 87 .

4.11 Very special circumstances are therefore required to be demonstrated that clearly outweigh the harm by reason of inappropriateness and modest harm to the openness of the Green Belt, and substantial weight should be given to the harm.. It is felt that the need to relocate a very well utilised tennis club that plays an important role in the development of the sport in the wider locality; in order to allow for the re-development of the Red Lodge site amounts to a viable case for very special circumstances that would override the harm arising to the Green Belt by reason of inappropriateness and modest harm to openness. The club are not a direct participant in the re-development process and are not a financial beneficiary. The alternative to the relocation would be a more long distance move out of the area or the closure of the club altogether both of which circumstances would be contrary to the requirements of paragraph 74 of the NPPF in respect of the re-development of existing sports facilities. A detailed and protracted site finding exercise has been undertaken in respect of the relocation and the requirements of the sport which has resulted in the current site being identified as the only viable location. The proposal is therefore felt to be acceptable in Green belt terms.

IMPACT UPON THE OPERATIONAL RAILWAY:-

4.12 The application site is located directly to the south east of the main York to Scarborough Railway and in view of the proposed provision of flood lighting gives rise to some concerns in terms of safety. The proposed columns would however be only some 8 metres high and would be of a lower strength than conventional street lights. The railway is elevated on an embankment as it passes the site of a comparable height to the columns and subject to any permission being conditioned to control the hours of operation and the direction of lighting any impact upon the functional operation of the railway should be acceptable.

SUITABILITY OF THE FACILITIES AS A REPLACEMENT FOR THE EXISTING:-

4.13 The New Earswick Tennis Club is to be relocated and the facilities re-provided to enable their existing site to be redeveloped as part of the wider Red Lodge Care Home re-development scheme a process which is wholly outside of their control and from which they derive no financial benefit. Paragraph 74 of the National Planning Policy Framework makes clear that such development should only be permitted where equivalent or better provision may be re-provided in terms of quality, quantity or location. The proposed scheme allows for co-location in association with other sports related facilities for the village in an easily accessible location. The courts that would be provided are to a more modern standard than the existing and following on

from a series of amendments to the design and layout to address concerns in terms of the relationship of the site to the adjacent sporting activities it is felt that the proposal would be acceptable in terms of the requirements of paragraph 74 of the National Planning Policy Framework.

IMPACT UPON FLOOD RISK IN THE LOCALITY:-

4.14 The application site lies partially within Flood Zone 2 and is therefore subject to a moderate risk of flooding as a consequence of a severe rainfall event. The proposed use is not however defined as being "more vulnerable" in terms of Environment Agency standing advice and it is complementary to the other activities presently taking place at the site. In order to effectively drain and to play to the required standard the playing surface must be fully permeable. At the same time there are no other properties or other uses in the direct vicinity that would be adversely affected by surface water run-off from the application site. Subject to any permission being subject to a detailed surface water drainage scheme the proposal is felt to be acceptable.

5.0 CONCLUSION

5.1 Planning permission is sought for the relocation of the existing tennis facilities comprising two formal tennis courts and an all weather multi-use sports court with ancillary ball protection fencing and flood lighting, to the site. The wider benefits to the community of co-locating with other sports and the relocation to enable continued provision of a well used tennis facility in New Earswick are considered to amount to very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness and modest harm to openness, even when affording substantial weight to that harm. The proposal therefore accords with Green Belt policies within the NPPF. At the same time the location of the facilities relative to the adjoining railway would not be such as to impact upon its operational effectiveness. The development is therefore felt to be acceptable in planning terms and approval is recommended.

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:-

Drawing Refs:- BA5167PRO; BA5167TS; T12545-04-P02; T12545-01-P03; T12545-001P02GA; T12545-03P02; T12545-05P02; T12545-05-P03.

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

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3 The courts hereby authorised shall only be used with flood lighting operational between 09.00 and 23:00 hours.

Reason: To safeguard the amenities of adjoining occupants and the open character of the Green Belt.

4 Development of the tennis courts (as contained with the plan edge red drawing number AA4761 2000, dated Dec 2014) shall not commence until a scheme setting out the details of the replacement tennis courts has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme shall include a timetable for implementation and completion of the replacement tennis courts. The approved scheme shall be implemented and complied with in full before the development upon the tennis courts is commenced.

Reason: To protect tennis courts from loss or availability of use and to accord with the paragraph 74 of the NPPF.

5 No development shall take place 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, shrubs and other planting. 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.

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

Before the commencement of development beyond foundation level, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

7 Prior to the commencement of the development hereby authorised beyond foundation level full details of all fencing including ball protection netting including colours, locations and methods of fixing shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved and shall be retained thereafter.

Reason:- To safeguard the open character of the Green Belt.

8 No development shall take place 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. The development shall thereafter take place in accordance with the approved details.

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

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

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

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

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Sought clarification in respect of the design and location of the proposed protective ball netting.

2. CONTROL OF POLLUTION ACT 1974:-

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 manufacturer's 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. NETWORK RAIL INFORMATIVE:-

By virtue of the proximity of the site to the railway line Network Rail have the following requirements:

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soak aways must be located so as to discharge away from the railway infrastructure.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Engineer.

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Engineer at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees - Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Acceptable:

Alder (*Alnus Glutinosa*), Aspen - Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Children's Play Areas/Open Spaces/Amenities

Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railings, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 2 metres and the fence should not be able to be climbed.

DRAINAGE INFORMATIVE

- i) The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.
- ii) The applicant should be advised that the Internal Drainage Board's prior consent is required 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.

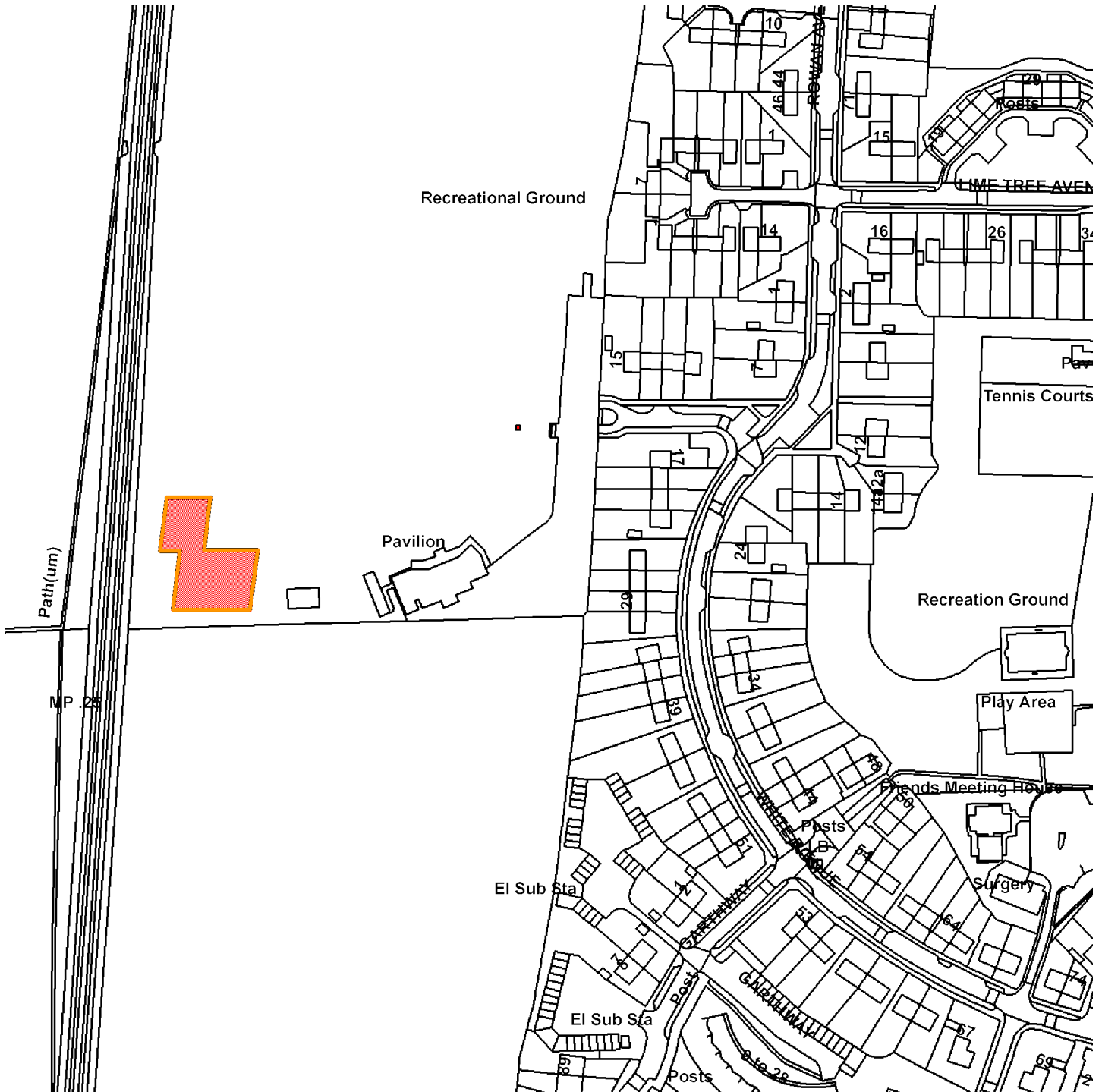
Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

Sports Ground White Rose Avenue

15/02446/FUL



Scale : 1:2196

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	04 July 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date: 14 July 2016 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** New Earswick Parish Council

Reference: 15/00758/FULM
Application at: Red Lodge Haxby Road York
For: Erection of 129 Extra Care Apartments (Class C3B) and 44 Care Suites (Class C2) and play area following demolition of Red Lodge, former library and tennis clubhouse buildings, external alterations to Folk Hall, construction of multi-use games area on recreation ground.
By: JRHT (the applicant)
Application Type: Major Full Application (13 weeks)
Target Date: 14 July 2016
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 Red Lodge comprises a four storey brick and curtain wall clad care home dating to the 1970s lying directly to the west of Wigginton Road within the New Earswick Conservation Area. Planning permission is sought for the construction of 44 care suites (Use Class C2) with a mix of 129 one and two bedroom extra care apartments (Use Class C3B), the re-location of an Multi-Use Games Area and external alterations to the Folk Hall on the cleared site of the care home, the existing library and New Earswick tennis club. Applications for Listed Building Consent for the alterations to the Folk Hall and planning permission for re-development of the tennis club are being considered elsewhere within this agenda. The proposal has been amended subsequent to submission to address design and amenity concerns.

2.0 POLICY CONTEXT

2.1 Please see 4.2 to

3.0 CONSULTATIONS

INTERNAL:-

3.1 Public Protection raises no objection to the proposal subject to any permission being subject to conditions to control noisy plant, the re-remediation of contaminated land and the submission of a CEMP.

3.2 Highway Network Management raise no objection to the proposal.

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3.3 Housing Strategy raise no objections to the proposal.

3.4 Planning and Environmental Management (Ecology) raise no objection to the proposal subject to adequate bat mitigation measures being put in place as part of the development.

3.5 Planning and Environmental Management (Landscape) raise no objection to the proposal subject to any permission being conditioned to secure further defensive planting and the protection of existing trees within the site.

3.6 Planning and Environmental Management (Conservation) raise no objection to the proposal subject to any permission being conditioned to secure the submission and prior approval of details of new architectural detailing and materials.

3.7 Sport and Active Leisure express concern as to whether the provisions for relocating New Earswick Tennis Club will be sufficient to overcome the harm caused to the sport being delivered in the locality caused by the loss of the facility in its existing location.

3.8 Strategic Flood Risk Management raise no objection to the proposal.

EXTERNAL:-

3.9 New Earswick Parish Council raise no objection to the proposal subject to pedestrian access through the site being appropriately secured, adequate provisions being made to relocate New Earswick Tennis Club and adequate measures being put in place to secure the residential amenity of neighbouring properties.

3.10 Sport England raises no objection to the proposal as amended.

3.11 The Foss Internal Drainage Board raises no objection to the proposal.

3.12 Yorkshire Water Services Limited raises no objection to the proposal.

3.13 The Environment Agency raises no objection to the proposal.

3.14 Historic England raises no objection to the proposal.

3.15 New Earswick Tennis Club raise no objection to the proposal as revised.

3.16 The York CAAP Panel raise no objection to the proposal.

3.17 New Earswick Quaker Meeting raises no objection to the proposal.

3.18 Councillor Keith Orrell objects to the proposal on the grounds of loss of open space, impact upon the residential amenity of neighbouring properties through the over-bearing nature of the proposed new building and the location of the MUGA and impact upon the visual amenity of the wider street scene.

3.19 Julian Sturdy MP raises no objection in principle to the redevelopment of the site but objects to the impact of the submitted proposal upon the New Earswick Conservation Area and the setting of the Historic Garden Village, loss of informal amenity open space and impact upon the residential amenity of neighbouring properties.

3.20 Councillors Carol Runciman and Chris Cullwick object to the proposal on the grounds of loss of informal open space, impact upon the residential amenity of neighbouring properties from the construction of the proposed MUGA and impact upon the residential amenity of neighbouring properties by virtue of the over-dominant and over-bearing nature of the principal development.

3.21 217 Letters of objection and 2 letters of support have been received in respect of the application. The following is a summary of the letters of objection:-

- Concern at loss of informal open space;
- Concern at impact upon the setting of the Historic Garden village and associated conservation area;
- Concern at impact upon the residential amenity of neighbouring properties through loss of light, noise and the overbearing nature of the development;
- Concern at the impact of the proposal upon local habitat and biodiversity;
- Concern at the loss of a formal children's play area;
- Concern at the impact of construction of the complex on the structural stability of neighbouring residential property;
- Concern at the proposed scale and density of the development;*
- Concern at the loss of the New Earswick Tennis Club from the village centre;
- Concern at the levels of traffic through the village during the construction period.

3.22 The following is a summary of the letters of support:-

- Support for the design of the new scheme;
- Support for the continued integration of residents into the wider community.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the character and appearance of the New Earswick Conservation Area;

- Impact upon the character, appearance and setting of New Earswick Folk Hall a Grade II Listed Building;
- Impact upon the residential amenity of neighbouring properties;
- Loss of Informal Open Space and a Children's Play Area;
- Loss of the existing Tennis Club premises;
- Provision of Affordable Housing/Nomination Rights.

PLANNING POLICY CONTEXT:-

Status of the York development Control Local Plan (2005 4th Set of Changes)

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

Status of the Emerging Local Plan:-

4.3 The (Emerging) Publication Draft York Local Plan (2014) is currently not progressing through its statutory consultation. At the present early stage in the statutory process the emerging Local Plan policies carry only very limited weight, where relevant and in accordance with the terms of the National Planning Policy Framework. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

National Planning Policy Framework

4.4 The NPPF is the most up to date representation of key relevant policy issues and the proposal should principally be assessed against this policy Framework.

Statutory Duty - Planning (Listed Buildings and Conservation Areas) Act 1990 (As Amended)

4.5 Section 66 requires the Local Planning Authority when determining planning applications for development that affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Case law has made clear that when deciding whether harm was outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm. There is a "strong presumption" against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to the desirability of

preserving the building. (E.Northants DC v Secretary of State for Communities and Local Government [2014] EWCA Civ137).

4.6 This means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the listed building is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

Statutory Duty - Planning (Listed Buildings and Conservation Areas) Act 1990 (As Amended)

4.7 Section 72 requires the Local Planning Authority when determining planning applications for development within a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Case law has made clear that when deciding whether harm to a Conservation Area was outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm. There is a "strong presumption" against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to maintaining the Conservation Area. (E.Northants DC v Secretary of State for Communities and Local Government [2014] EWCA Civ137).

Character and appearance of the conservation area

4.8 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Council "to have special regard to the desirability of preserving and enhancing the character and appearance of Conservation Areas. As a statutory duty any harm to the conservation area must be afforded considerable weight and importance when considering the planning balance and this is outlined below. Where any harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission. The presumption in favour of sustainable development set out at Para 14 of the NPPF does not apply in these circumstances.

4.9 Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to the desirability of sustaining and enhancing the significance of heritage assets and putting them to uses consistent with their conservation.

4.10 Policy D4 of the (emerging) Publication Draft Local Plan supports proposals if designed to conserve and enhance the Conservation Area whilst leaving its essential qualities unchanged. Whilst very little weight can be afforded to the emerging policy, it reinforces the need to have special regard to the desirability of preserving and enhancing the conservation area, in line with the statutory duty.

Impact upon the listed building

4.11 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Council to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." As a statutory duty, any harm to the listed building or its setting must be afforded considerable weight and importance when considered in the planning balance and this is outlined below. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission. The presumption in favour of sustainable development set out at Para 14 of the NPPF does not apply in these circumstances.

4.12 Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to ensuring the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and ensuring the desirability of new development making a positive contribution to local character and distinctiveness.

4.13 Policy D5 of the (Emerging) Publication Draft Local Plan supports proposals affecting Listed Buildings where accompanied by a clear evidence based justification and where the significance and heritage value of the building is maintained. Whilst very little weight can be afforded to the emerging policy at this early stage, it reinforces the need to have special regard to the desirability of preserving the listed building, in line with the statutory duty.

Impact upon residential amenity:-

4.14 Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy "Core Planning Principles" urges Local Planning Authorities to give special weight in determining planning applications to the need to provide and maintain a good standard of amenity for new and existing occupants of land and buildings.

Open space issues:-

4.15 Central Government Planning Policy as outlined in paragraph 74 of the National Planning Policy Framework indicates that existing open space, sports and recreational buildings and land including playing fields should not be built on unless the loss resulting from the development would be replaced by equivalent or better provision elsewhere.

APPRAISAL

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA:-

4.16 New Earswick village was laid out in the 1920s to serve the workforce of the nearby Rowntree confectionary factory as a reflection of the owner's Quaker philosophy. It was laid out according to innovative Garden City principles by the renowned early 20th Century urban designers Parker and Unwin with a standard palette of materials showing a heavy influence from the Arts and Crafts Movement with generous space standards between buildings and a high level of on-site and street landscaping. The area can be closely compared with Port Sunlight laid out by the Lever brothers at Birkenhead and Bourneville laid out by the Cadbury family in southern Birmingham. The Folk Hall which is itself Grade II Listed was designed to form the central focus of the layout.

4.17 Red Lodge was erected to the north of the Folk Hall in the 1970s up to 3 1/2 stories high, in a mix of brick and curtain wall cladding with a pattern of scale and massing not entirely sympathetic with the design and layout of the original Garden Village. The building does not now comply with Modern standards and the proposal envisages its replacement with a network of blocks of one and two bedroom "extra care" apartments to the west and north west of the existing site with a block of 44 extra care suites where care would be directly delivered to the most vulnerable directly to the west. This would include a specialist dementia care centre that would form part of the care provision for the wider area. Each block would be a mix of 2 1/2 and 3 1/2 storeys high in brick with a profiled metal standing seam roof arranged around a central area of informal open space. The existing library building would be demolished with the existing tennis club premises and children's play area relocated. The design of the scheme has been amended since submission to lessen the scale of the development and to re-align the location of the block directly to the west. As amended the pattern of scale and massing, layout and palette of materials of the surrounding development has been broadly respected.

4.18 In terms of its impact upon the character and appearance of the Conservation Area, the central role of the Folk Hall within the layout would be reinforced, the forms and idioms of the Arts and Crafts design of the wider village would be respected and the historical and communal significance of the village as a reflection of the ideals of the Rowntree family maintained. It is furthermore felt that the proposals would add a further character area of townscape to the Conservation Area in a location where it had previously been harmed. It is therefore felt that the requirements of Section 72 of the 1990 Planning (Historic Buildings and Conservation Area) Act would be complied with as the character and appearance of the Conservation Area would be preserved; and that the requirements of paragraph 134 of the NPPF that any material harm be balanced by significant public benefit would be satisfied. At the same time the proposed relocation of the MUGA would

have a broadly neutral impact upon the character and appearance of the Conservation Area by virtue of taking up an area of existing under-utilised open space. Less than substantial harm would be caused to the significance of the Conservation Area in this case, within the terms of paragraph 134 of the NPPF. This would be more than outweighed by the clear public benefit of enhancement to the provision of open space and sports facilities.

IMPACT UPON NEW EARSWICK FOLK HALL AND ITS SETTING:-

4.19 The Folk Hall comprises a Grade II Listed two storey render and half timber structure with Arts and Crafts detailing dating to the early 20th Century. It was designed to form a central focus to the Garden village with open space leading from the rear in a central spine through the settlement. This character has to some extent been eroded by the erection of the library and swimming pool buildings in the 1970s directly to its rear. The proposal involves the removal of the library building and the formalisation of the central zone of open space bounded by the new apartment blocks. It is felt that the removal of the library would significantly enhance the setting of the Listed Building and the reconfiguration of the landscaped area would restore it to its original function within the wider settlement.

4.20 A number of significant internal refurbishment works are proposed for the Folk Hall in terms of creating an enhanced cafe space and internal meeting and community rooms. These works are the subject of a separate Listed Building Consent application. It is also proposed as part of the scheme to remove and replace an existing external canopy dating to the 1980s and to provide a more up-to-date disabled access ramp. The proposed works would lead to less than substantial harm to the significance of the Listed Building in accordance with paragraph 134 of the NPPF and would return it along with its context to satisfying a central place within the wider Garden Village. Even when attaching significant weight to it, the harm is felt to be appropriately balanced by the wider public benefit of sustaining and enhancing its function with the range of new cafe and community uses proposed as part of the wider scheme. The proposal is therefore felt to be acceptable in terms of its impact upon the Listed Building and its setting.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

4.21 Concern has been expressed in terms of the impact of the proposal upon the residential amenity of neighbouring properties to the north and west of the site. Properties to the west and south west are generally single storey with those to the north a mix of two and three storey. The proposed development has been specifically set back from the properties to the west to lessen any sense of over-dominance, with the Care Home Garden with a significantly enhanced area of landscaping separating the scheme from properties to the south and south west. The staff and visitor parking area for the Care Home and apartment block 3

separates the scheme from properties to the north west. A further boundary landscape strip would be provided to the north and north west to further soften the relationship of the scheme to its wider surroundings.

4.22 In terms of separation distance the closest residential property is some 15 metres from the northern elevation of the Care Home with properties to the north and north west between 20 and 25 metres from the rear of the scheme. Such distances are felt to be acceptable in amenity terms and characteristic of the pattern of development within the wider area. The site layout reflects that of the wider garden village and whilst the scale of the new development is proportionally greater than that of the properties to the south and west the degree of separation is such that the proposed scheme would not be over-bearing or over-dominant in terms of the relationship with surrounding properties. The scheme has also been significantly amended to lower its height to two storeys with a single storey link block in the vicinity of the closest residential properties. The proposal is therefore felt to be acceptable in terms of its impact upon the residential amenity of neighbouring properties.

LOSS OF INFORMAL OPEN SPACE:-

4.23 Concern has been expressed in terms of the loss of the existing area of informal open space; a MUGA and a children's play area to the north west of the Folk Hall. The proposal envisages the erection of a replacement children's play area within the retained open space with a range of timber bespoke equipment along with the provision of a fenced MUGA to replace the existing, with basket ball hoops and modern layout at the village recreation ground to the north adjacent to New Earswick Primary School. The remainder of the retained open space would be heavily landscaped. The existing space consists of a large area of rough grassland used for informal meeting, play and dog walking with the remnants of an earlier landscaping scheme at the north western edge. In addition to formalising the existing situation the proposal would significantly reduce the physical extent of the available open space. Alternative provision in terms of play space has been made within the scheme in respect of equipment suitable for younger children with the MUGA giving alternative provision for elder children and adults elsewhere. Whilst the requirements of paragraph 74 of the NPPF and of Sport England, as a statutory consultee have been complied with there would be a detrimental impact upon the manner in which the informal space is presently used by local residents although not by virtue of any formal agreement with the landowner JRHT. It is felt on balance that the positive benefits associated with the re-development of the Folk Hall and the provision of the Red Lodge accommodation in a form more appropriate to current care standards and the design philosophy of the wider settlement would outweigh the harm that would result.

4.24 The MUGA would be provided on an alternative section of open space presently under-used adjacent to the primary school to the north. Whilst it lies within

the Conservation Area, its relocation would improve the condition of the area of open space and ensure that facilities of equivalent value are provided. Low level flood lighting would be provided although there would not be any material impact upon the residential amenity of neighbouring properties because of the distance involved and the level of landscaping present within the existing boundary treatment.

LOSS OF EXISTING TENNIS CLUB PREMISES:-

4.25 The proposed development would result in the loss of the existing New Earswick Tennis Club House and courts to the north west of the Folk Hall. The facilities are well utilised and of long standing. Central Government Planning Policy as outlined in paragraph 74 of the NPPF sets out a clear requirement in respect of loss of such facilities for the re-provision of equivalent or higher quality facilities on an alternative site. In the current case the provision of flood lit tennis courts to a Modern standard are proposed at the village sport field in association with the existing Rugby and Cricket Clubs. This is the subject of a separate planning application on the current agenda and is felt to be appropriate alternative provision.

PROVISION OF AFFORDABLE/HOUSING NOMINATION RIGHTS:-

4.26 The proposed development comprises a mix of one and two bedroom apartments (Use Class C3b) for those over 55 years of age and in need of care with a development of care suites for those in need of the level of care more usually associated with a Care Home(Use Class C2). As a consequence the self contained residential (C3(b)) element of the proposal is considered under general housing policies within the NPPF, taking into account the Strategic Housing Market Assessment, the evidence base underpinning the emerging local plan, and the Council's Interim Policy Thresholds to be considered against Policy H2a) of the 2005 York Development Control Local Plan and the associated Interim Policy Thresholds. Whilst the applicant proposes that the development is 100% affordable, it is nevertheless important that the type and method of securing affordable housing is achieved through an appropriate legal mechanism (S106/condition).

PROVISION OF FLEXIBLE EXTRA CARE HOUSING:-

4.27 The proposal envisages in association with the 44 Extra Care Units, a development of conjoined apartments which will have the fundamental characteristics of Use Class C3b) at the point of implementation. The development is further predicated upon an element of flexibility allowing for the possibility of conversion of the apartments from conventional residential accommodation where the occupants receive a fixed but low level of care by providers coming in from outside to the receipt of a higher level of care, including nursing care as a transitional arrangement before admission to a conventional care home. The novel and unique nature of the concept which does not sit squarely within the Use Class C3b) sets up a requirement for a clear and unambiguous definition as part of the

requested Section 106 Agreement in order that appropriate affordable provision and nomination rights can be secured.

4.28 It is felt that the apartment proposal falls within C3b) on the basis that it consists of single apartments occupied by individuals living together as a single household but in need of care. Each unit has a separate front door with dining, cooking and laundry facilities comprised in each unit. The units are secured in the same manner as conventional extra housing and whilst communal facilities are provided as part of the wider development they are physically divorced from the apartments.

RELATIONSHIP OF DEVELOPMENT PERMISSIONS:-

4.29 The proposal being considered forms the central element of the wider re-development scheme involving additionally internal works to the Grade II Listed Folk Hall and the relocation of New Earswick Tennis Club to the Sport Ground. It is felt that the substantial public benefit arising from the wider proposal provides a sufficient case of very special circumstances to justify the harm to the openness of Green Belt generated by the relocation of the Tennis Club as well as justifying the less than substantial harm caused to the interior of the Folk Hall. In view of the clear functional linkage relationship will need to be formally established by means of condition and within the Section 106 Agreement.

5.0 CONCLUSION

5.1 The proposal has been amended subsequent to the original submission to address design and amenity concerns.

5.2 It is felt that the proposal as amended would fulfil the statutory tests within Sections 66 and 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act of preserving and enhancing the Conservation Area in respect of both the new built development and the relocation of the MUGA as well as safeguarding the character and setting of the Listed Folk Hall building. A substantial public benefit arising from the wider proposal can also be demonstrated in each case to justify the less than substantial harm that would be caused by the development in respect of paragraph 134 of the NPPF. At the same time the residential amenity of the adjacent properties to the north and west would similarly be safeguarded. Whilst it is acknowledged that there would be some harm arising from the reconfiguration of the existing open space within the centre of the development it is felt on balance to be outweighed by the substantial public benefit arising from the redevelopment of the Red Lodge complex and the reconfiguration of the Folk Hall. Subject to completion of a S106 agreement to define and secure the affordable, flexible extra care concept within the C3(b) residential apartments and the Folk Hall and Tennis Club permissions being linked to the provision of the Care Home the proposal is felt

to be acceptable in planning terms and approval is recommended subject to appropriate conditions.

6.0 RECOMMENDATION: Approve subject to completion of a Section 106 Agreement which shall:

- define and secure 100% affordable extra care concept housing within the residential apartment building
- link the provision of replacement tennis facilities and works to the Folk Hall to the provision of the care home and residential flexible extra care building.

1 TIME2 Development start within three years

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

Drawing Refs:- 2575 15 Rev A; 13D; 16 A; 2083A; AA4761 2014 B; AA4761/2063 Rev A; BA4822AIA 3; BA4822AIA4; AA4761 2066D; AA4761 2067D; 2062 Rev E; 2575/1 10D; 03746-0511A; AA47612040D; 2081A; AA47612010F; AA47612011F; AA47612015 Rev B; AA47612016B; AA47612030D; AA4761200A; AA47612045A; AA47612021;

AA47612031; AA47612041; AA47612050; AA47612051. AA47612060 G ground floor;

AA47612061 D first floor; AA47612062 F demol plan grd; AA47612063 C demol plan fst; AA47612066 E elevs 1

AA47612067 E elevs 2

AA47612068 C works to ground floor

AA47612069 works to first floor

AA47612070 internal and external doors

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

3 VISQ8 Samples of exterior materials to be app

4 VISQ7 Sample panel ext materials to be approv

5 VISQ4 Boundary details to be supplied

6 No development shall take place until there has been submitted and approved
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in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees, shrubs and hard landscaping. 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.

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

Before the commencement of development, including demolition, building operations or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

8 Unless otherwise agreed in writing with the Local Planning Authority, prior to commencement of development the developer shall submit in writing and be approved by the local planning authority a formal pre-design BREEAM assessment for the design and procurement stages of the development. The developer shall submit a further BREEAM assessment after construction, at a time to be agreed in

writing by the local planning authority. The developer shall submit a completion assessment when issued by the BRE. All assessments shall confirm the minimum 'Very Good' rating anticipated in the preliminary BREEAM assessment submitted with the application

Reason - To ensure the development complies with the principles of sustainable development

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

For each of the approved building types large scale details (1:20 & 1:5 as appropriate) of new buildings shall be provided as follows:

- i) Typical bays shall be identified for detailed design development. Large scale details shall be provided illustrating plan, section and elevation of a bay
- ii) Main entrance areas
- iii) Gable ends
- iv) Eaves and dormer and other special roof conditions
- v) Canopies including any typical details where attached to buildings
- vi) Details of external doors, windows and roof lights shall be provided.
- vi) Details of external plant, flues, vents, grills shall be provided in context, including any proposed measures for their screening or disguising. Full details of external plant and/or compounds related to the energy centre shall also be provided.

Reason: So that the Local Planning Authority may be satisfied with these details and to secure the character and appearance of the New Earswick Conservation Area.

10 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewer, which crosses the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

11 No new tree planting, shall be permitted over or within 5.0 (five) meters either

side of the centre line of the sewer, which crosses the site.

Reason: In order to protect the structural integrity of the pipe from tree root infestation.

12 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.

13 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

i) 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 (SuDs). Consideration should be given to discharge to soak away, 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 to discount the use of SuDs.

ii) If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven 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 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas are not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

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

14 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal

15 The development hereby permitted shall be implemented in accordance with the scheme of mitigation set out in Section 7.6.2 Method Statement of the Extended Phase 1 Habitat Survey, June 2015 by Wold Ecology Ltd in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

Reason: - To safeguard the habitat of a protected species

16 If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of the planning consent, the approved ecological measures secured through Condition 15 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of bats and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason:- To secure the habitat of a protected species

17 HWAY14 Access to be approved, details reqd

18 HWAY18 Cycle parking details to be agreed

19 HWAY19 Car and cycle parking laid out

20 HWAY40 Dilapidation survey

21 The development shall not be first occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb and footway to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

22 Prior to the commencement of any works on the site, a detailed method of

works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include at least the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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

23 No part of the site shall be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The Full Travel Plan should be developed and implemented in line with local and national guidelines and the submitted Interim Travel Plan dated December 2014. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of first occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with local and national highways and planning guidance, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

24 Prior to commencement of the development, an Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the 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.

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to

lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

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

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

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.

In addition to the above I would also expect the CEMP to 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.

Reason. To protect the amenity of local residents

25 All construction and demolition works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason. To protect the amenity of local residents

26 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at the boundaries of the nearest residential properties when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels ($L_{Amax}(f)$) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. 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.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level 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. Whilst it is acknowledged that at background levels of less than 30dB(A) use of BS4142 is inappropriate, EPU consider that in such circumstances the combined rate level of plant inclusive of any character correction should not exceed 30dB(A).

REASON: To protect the amenities of adjacent residents

27 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Note: It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with Annex C of the DEFRA guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozon treatment, or odour neutraliser, and include details on the predicted air flow rates in m^3/s throughout the extraction system.

Reason: To protect the amenity of future residents and nearby properties.

28 A full Lighting Impact Assessment for all proposals involving floodlighting, must be undertaken by an independent assessor (not the applicant or the lighting provider), and should include:

- A description of the proposed lighting: number of lighting columns and their height, and proposed lighting units.
- Proposed level of lighting
- Drawings showing the illuminance levels (separate drawings for each item listed):
- Plan showing horizontal illuminance levels(E_h), showing all buildings within 100 metres of the edge of the site.
- Plan showing vertical illuminance levels (E_v), showing all buildings within 100 metres of the edge of the site.
- Specification of the Environmental Zone of the application site, as defined in The Institution of Lighting Professionals' Guidance Notes for the
- Reduction of Light Pollution.
- A statement of the need for floodlighting.

Note : E_v is the average vertical illuminance, which is a measurement of the quantity of light at height of 1.5 metres above the ground.

E_h is the average horizontal illuminance, which is a measurement of the quantity of light falling on a horizontal plane.

The assessment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development above foundation level. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: To protect the amenity of future residents and local businesses.

29 LC1 Land contamination - Site investigation

30 LC2 Land contamination - remediation scheme

31 LC3 Land contamination - remedial works

32 LC4 Land contamination - unexpected contam

33 . Prior to the first occupation of the accommodation, the Owner will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Plan that will detail the maintenance, servicing, access and bay management arrangements for each Electric Vehicle Recharging Point for a period of 10 years which will ensure the Points are fit for the purpose of charging electric vehicles.

Notes: Electric Vehicle Recharging Point means a free-standing, weatherproof, outdoor recharging unit for electric vehicles with the capacity to charge at 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

34 Before occupation of the residential care suites, two (2) electric vehicle charge points shall be provided in a position to be agreed in with the Local Planning Authority. Electric vehicle recharge points should be in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Also, to prepare for increased demand in future years, appropriate cable provision should be included in scheme design and development in agreement with the Local Planning Authority.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

35 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority all tree planting details. Where trees are to be located within paved areas, the planting details shall accommodate suitable soil volumes underneath porous surfacing so that the trees have the capacity to survive and thrive.

Reason: To ensure that the trees are able to perform as intended within the approved landscape scheme.

36 Prior to the commencement of the development hereby authorised above foundation level full details of the proposed MUGA (Multi-Use Games Area) shall be submitted to and approved in writing by the Local Planning Authority. Such details

shall include:-

- i) full details of all lighting including type of fitting, location, intensity and hours of operation;
- ii) full details of all proposed gates and fencing, with heights, locations and finishes;
- iii) full details of the proposed terms of operation of the Games Area including management and hours of operation.

The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:- To safeguard the residential amenity of neighbouring properties and to safeguard the character and appearance of the New Earswick Conservation Area.

37 The premises shall be used only as a Care Suites within Use Class C2 with associated apartments Use Class C3b) for those in need of some care for persons who have attained the age of 55 years or over and shall not be used for any other purpose , including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: The nature of the development as a development of care suites (Use Class C2) with associated apartments (Use Class C3b) ensures that the lack of provision for on-site affordable housing and the level of contributions towards off-site open space and affordable housing provision does not comply with policies H2a, H3c, L1c and GP13 of the York Development Control Local Plan(2005 4th Set of Changes) and paragraphs 50 and 203 of the National Planning Policy Framework.

38 No development shall take place until such time as the replacement tennis facilities the subject of planning permission 15/02446/FUL have been fully constructed and made first available for use.

Reason:- To secure compliance with paragraph 74 of the National Planning Policy Framework

7.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs

186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- i) Sought clarity in respect of the arrangements for relocation of the New Earswick Tennis Club and the associated timescale;
- ii) Sought clarification in respect of the nature of the residential element of the scheme and the levels of care required to be provided to residents.

2. LANDSCAPING:-

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

3. HIGHWAY WORKS:-

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

Works in the highway - Section 62 - Stuart Partington (01904) 551361

4. UTILITIES:-

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

Contact details:

Author: Erik Matthews Development Management Officer
Tel No: 01904 551416

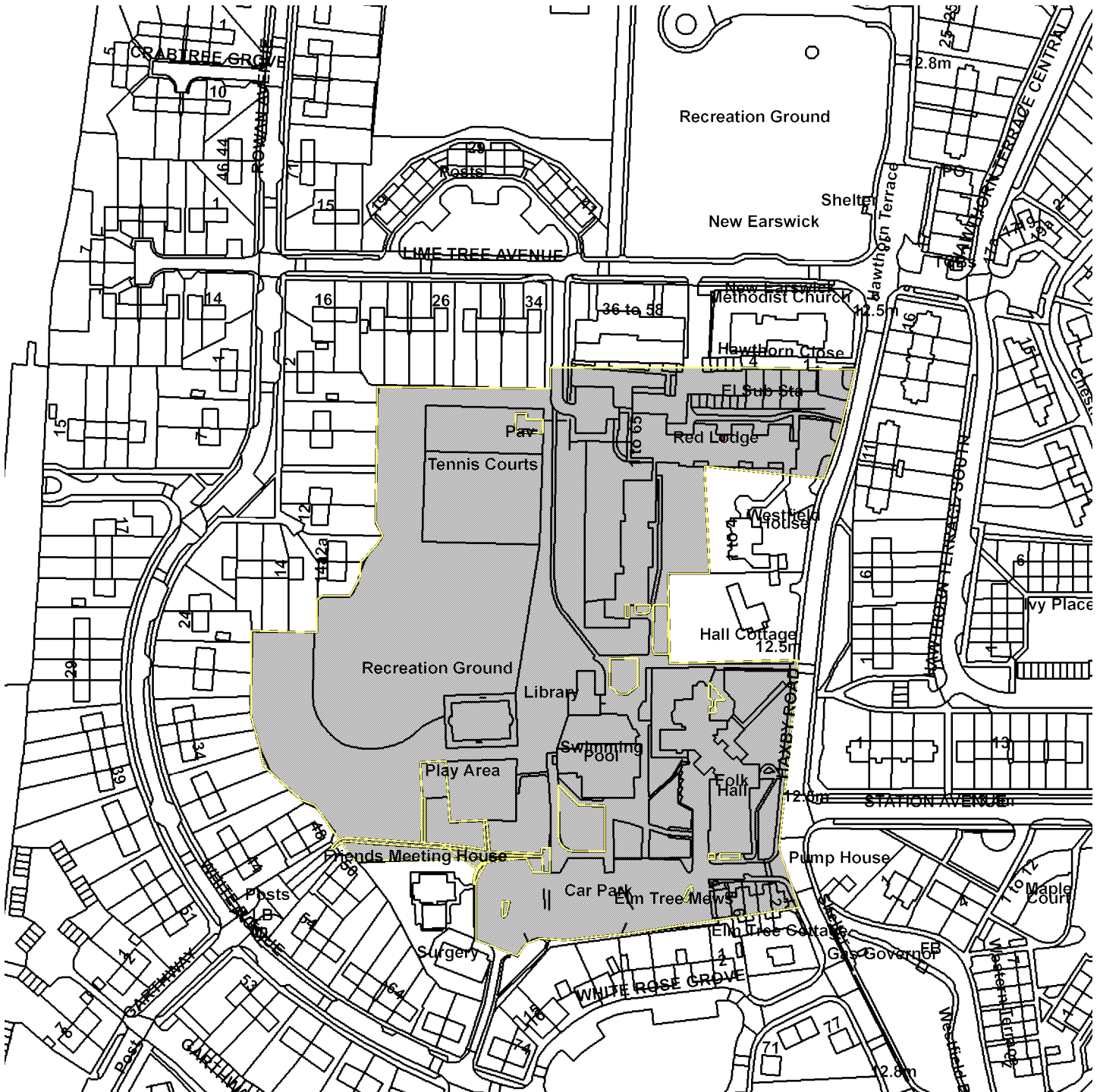
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Red Lodge Haxby Road

15/00758/FULM



GIS by ESRI (UK)



Scale : 1:2196

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	04 July 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date: 14 July 2016 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** New Earswick Parish Council

Reference: 15/00865/LBC
Application at: The Folk Hall Haxby Road York YO32 4AQ
For: Internal and external alterations including installation of lift and alterations to entrances and ramps
By: Joseph Rowntree Housing Trust
Application Type: Listed Building Consent
Target Date: 30 November 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The Folk Hall New Earswick comprises a Grade II Listed two storey brick and render early 20th Century building centrally located within the New Earswick Conservation Area. Listed Building Consent is sought for a series of internal alterations including the formation of a restaurant and performance space, with first floor activity area together with the reconfiguration of the main entrance exterior. The application has been amended since submission to simplify the internal layout avoiding the removal of internal walls within the former caretaker's flat, alter the fenestration material and alter the plant room location. The details have subsequently been further amended to retain a greater range of the original internal detailing and to return the ground floor to a closer interpretation of its original design layout.

2.0 POLICY CONTEXT

2.1 Please see paragraphs 4.2 to 4.4 of Appraisal section for national and local policy context.

3.0 CONSULTATIONS

INTERNAL:-

3.1 Planning and Environmental Management raise no objection in principle to the proposal but express concerns in relation to the level of detail expressed within the application and level of loss of original detailing from the ground floor. The application details have subsequently been amended to address these concerns.

EXTERNAL:-

3.2 Historic England raises no objection to the proposal.

3.3 New Earswick Parish Council raises no objection to the proposal.

3.4 The York CAAP panel raises no objection to the proposal.

3.5 One letter of objection has been received in respect of the scheme as originally submitted which envisaged removal of a significant number of walls at first floor level in the area of the former caretaker's flat. This element of the scheme has now been removed.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 key considerations include:-

- Impact upon the historic character and integrity of the Listed Building.

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN (2005 4th Set of Changes).

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions although it is considered that their weight is very limited except where in accordance with the National Planning Policy Framework. Policy HE4 of that Plan states that consent will only be granted for internal or external alterations; where there is no adverse effect on the character, appearance or setting of the building :

EMERGING LOCAL PLAN POLICY

4.3 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, has been halted pending further analysis of housing projections. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. Policy D5 of that Local Plan States:-

“Proposals affecting the special architectural or historic interest of listed buildings (designated heritage assets) will be supported where they:

- i. sustain the significance and heritage values of the building; and
- ii. are accompanied by an evidence based heritage statement and justification.”

National Planning Policy Framework (NPPF)

4.4 Section 12 of the NPPF, notably paragraphs 132 to 134. The NPPF classes listed buildings as “designated heritage assets”. The NPPF advises on heritage assets as follows:

4.5 Paragraph 132 advises that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be” ... “As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”

4.6 Paragraph 133 advises that “Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of four specified criteria apply

4.7 Paragraph 134 advises that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.”

STATUTORY TESTS

4.8 Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority when determining applications for listed building consent that affect a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.9 Case law has made clear that when deciding whether harm to a listed building or its setting is outweighed by the advantages of a proposed development, the decision-maker must give particular weight to the desirability of avoiding such harm. There is a “strong presumption” against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to the desirability of preserving the building.

4.10 This means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the listed building is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

IMPACT UPON THE HISTORIC CHARACTER AND INTEGRITY OF THE LISTED BUILDING:-

4.11 BUILDING SIGNIFICANCE:- The Folk Hall was built in 1907 to an "Arts and Crafts" Design as a purpose built community hub for newly created model village erected for the workforce of the Rowntree factory to the south west. The building was subsequently found to be inadequate in terms of size for the demands being placed upon it and was extended in 1935 to the designs of Barry Parker. The building is to a traditional design with the use of low pitched Rosemary tiled roofs and white render. It was focussed around a series of open meeting and performance spaces in the manner of a traditional village hall which have in part been subdivided in recent years to provide meeting rooms, administrative offices and a cafe.

4.12 THE PROPOSAL:- It is proposed to reconfigure the Haxby Road frontage of the site to create a formal reception area as well as to reconfigure the internal spaces to more clearly reflect modern requirements. This includes the formation of a restaurant sharing kitchen facilitates with the existing kitchen, the installation of a lift to access the first floor, the formation of a series of different sized activity spaces on the lower ground and first floors and the formation of a purpose designed local history/reminiscence area on the first floor. Each of the proposed alterations would be geared to the on-going requirements of the site and to secure the future of the building within a key location within the "model village".

4.13 ASSESSMENT OF IMPACT:- The proposed internal alterations which are modest in overall scale and impact would sustain, the historic, communal and aesthetic significance of the building. The evidential significance illustrated by the central hall space would to an extent be enhanced by the removal of a number of unsympathetic recent accretions. The character of much of the internal space including the areas to be converted to activity spaces is quite plain and impact upon their character would be modest in terms of the scheme as amended.

4.14 Alterations to the character of a listed building require justification. In this instance justification for the extent of the alterations required lies in a lack of recent investment and the need to ensure that the building is fit for the purpose of serving the needs of the local community for the foreseeable future. The provision of a more formal approach as envisaged within the original design together with a clearly defined reception area would give rise to significant public benefit in promoting increased usage of the complex. The proposed lift would be centrally located in an area that has previously been the subject of significant alteration in the 1970s any resulting harm and loss of significance would therefore be minimal. The scheme as initially submitted envisaged the replacement of the existing metal framed windows with upvc replacements for maintenance reasons. This element of the scheme has now been withdrawn and the windows would be replaced by conventional metal units. At the same time the scheme as originally submitted envisaged the removal of a significant number of internal walls within the area of the former caretaker's flat at

first floor level. This element of the proposal which would have been highly damaging to the character and significance of the building has now been removed in order to deal with Conservation concerns.

4.15 In terms of the ground floor the metal canopy overhanging the main entrance dating to the early 1980s would be removed and the surround made good. The internal bar area and servery would be refurbished with the internal terracotta skirting and decorative beam brackets retained. The two surviving internal fireplaces would be retained and refurbished and the existing moulded door surrounds would be retained with sympathetic replacements for existing doors where required. The west wing of the Folk Hall which is at present under utilised would be used as the kitchen to supply the new cafe/restaurant and enhanced entertainment use. The interior of the original hall would be opened out to return it as closely as possible to the original design concept with access to the proposed Arts and Crafts garden to the rear. A series of modern partitions would be removed from the interior and a free standing canopy would be erected allowing for all weather access between the re-constructed care home and apartments and the proposed catering facilities. Works to the first floor would be more limited involving the removal of two toilets of modern construction and the removal of a series of recent stud partitions and associated doorways.

4.16 In terms of impact upon the Listed Building the proposed works would only give rise to minimal harm, and in terms of paragraphs 131 to 134 of the National Planning Policy Framework would amount to less than substantial harm. The return of the Folk Hall to something more nearly approximating to its original Arts and Crafts Parker and Unwin design concept with a new role as a central community focus for the proposed care home and apartment complex replacing Red Lodge would provide a suitable degree of public benefit to justify the proposed works, even when attributing considerable importance and weight to the minimal harm caused to the listed building, in accordance with the statutory test set out at s16(2) of the 1990 Act.

5.0 CONCLUSION

5.1 The Folk Hall New Earswick comprises a Grade II Listed two storey brick and render early 20th Century building centrally located within the New Earswick Conservation Area. Listed Building Consent is sought for a series of internal alterations including the formation of a restaurant and performance space, with first floor activity area together with the reconfiguration of the main entrance exterior. The proposed works would cause less than substantial harm to the significance of the property with a series of modern doors and partitions removed from the ground floor, the removal of an insensitive modern external canopy, the reuse of the west wing as a catering kitchen to underpin the proposed entertainment use and the provision of accessible routes into the building from the site frontage and from the proposed care home and apartment complex to the rear. The re-creation of the

Parker and Unwin design concept together with the establishment of a role for the hall as a community focus for the proposed re-constructed Red Lodge scheme would provide a suitable degree of public benefit to justify the proposed works, even when attributing considerable importance and weight to the minimal harm caused to the listed building and approval is therefore recommended.

6.0 RECOMMENDATION: Approve

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

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

Drawing Refs:- 2575/1 11 E; AA4761-2060E; AA4761-2068E; AA4761-2062D; AA4761-2066D; AA4761-2061D; AA4761-2063C; AA4761-2067D.

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

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

i) Full details including sections at 1:10 of the proposed fenestration units;

ii) Full details including sections at 1:20 of the proposed reception area ;

iii) Full details of all new areas of internal and external glazing including any faceting;

iv) Full details of the proposed treatment of the internal lift shaft and plant area including sections at 1:20;

v) Full details of the proposed external ramp and canopy including finishes and sections at 1:20;

vi) Full details of the treatment of the retained skirting and timber door surrounds;

vii) Full details including sections at 1:20 and finishes for the retained fireplaces.

Reason: So that the Local Planning Authority may be satisfied with these details.

7.0 INFORMATIVES:

Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

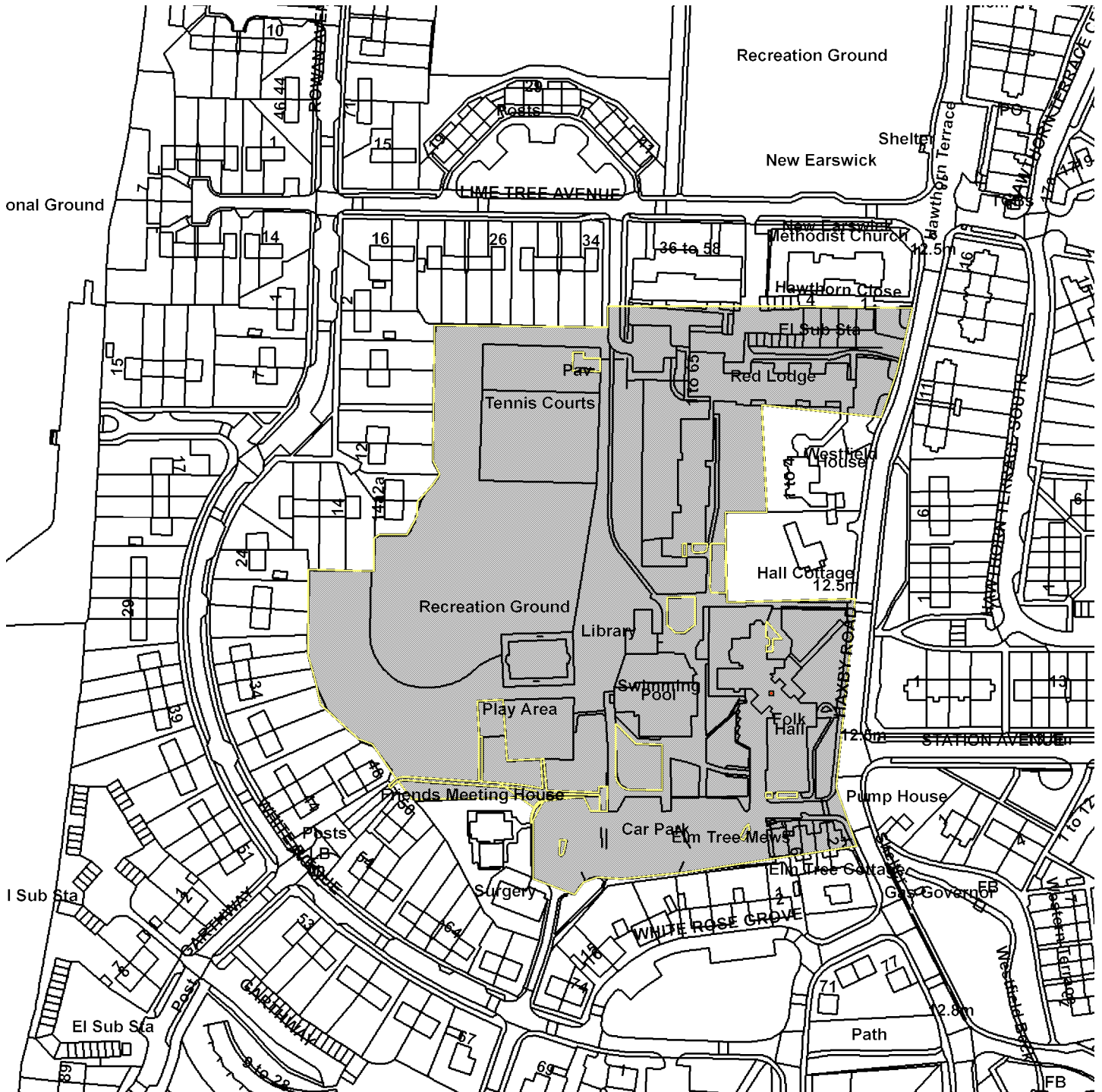
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The Folk Hall Haxby Road

15/00865/LBC



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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	04 July 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date: 14 July 2016 **Ward:** Wheldrake
Team: Major and **Parish:** Wheldrake Parish
 Commercial Team Council

Reference: 16/00952/FUL
Application at: Land At Grid Reference 469030 444830 Church Lane Wheldrake
York
For: Erection of four seasonal tents utilising existing access, the
creation and maintaining of a footpath link, and the incorporation of
a habitat enhancement plan (resubmission)
By: Derwent Valley Glamping
Application Type: Full Application
Target Date: 18 July 2016
Recommendation: Refuse

1.0 PROPOSAL

1.1 This is the resubmission of a full application for the change of use of land to allow the siting of four seasonal tents (described in some of the submitted documentation as Yurts) on land at Church Lane Wheldrake. Members may recall that a similar application was considered, and refused, for the development in March 2016.

1.2 The site comprises an area of land located between Church Lane and the Lower Derwent Valley Nature Reserve. To the west of the site is a public footpath and Church Lane. Natural England offices are located on the site's south side. The Lower Derwent Valley Nature Reserve is located on the east side of the site. The Lower Derwent Valley National Nature Reserve (NNR) is a designated Ramsar site, Special Protection Area (SPA), Special Area of Conservation (SAC) as well as the Derwent Ings Site of Special Scientific Interest (SSSI).

1.3 The application site is an area of grass land which is raised above the level of the reserve but slightly below road level. The land area is approximately 2 Ha of which the applicant considers that 0.1 Ha will be covered by the development. The development is for the siting of four tents, termed yurts because the tents are to be placed on the land continuously for a 17 week period each year, will be serviced with bathrooms and kitchens and appropriately furnished to provide ready accommodation for visitors. The timing of the 17 week period has been specified as June to October (originally proposed as May to September). The application includes the provision of car parking facilities. An existing access into the site will be utilised to provide vehicular access to the site. The red line area of the application has been confined to the area of each tent structure and the car parking area although the whole of the 2 Ha site is within the applicant's ownership. The

description of development also refers to the creation of a footpath on the west side of the site. This path is already constructed and is proposed as a public access extending an existing footpath to the south of the site. Habitat enhancement proposals include bat, bird and barn owl boxes within the site.

1.4 Information with the application clarifies that:-

- The season for the tents runs between June and October.
- Construction and removal of the tents will be two days before and after the season.
- Toilets and showers will be in the tents and will discharge to sewers under the site
- Cooking facilities restricted to hob in tent and BBQ on patio
- No lighting required other than small light in tent
- Electricity will be provided as on other camp sites via pole outside tent
- There will be two people per tent
- Dogs camp fires and additional tents are not permitted to comply with Natural England's requirements
- A small chiminea would be used in each tent as a heat source
- Noise would be enforced through strict rules at the time of booking
- The grass around the tents would be maintained by hand mower once a week
- Mitigation of ecology through ecology mitigation and enhancement submission
- The site would work in close collaboration with Natural England

1.5 The images as part of the original submission indicate that the tents are to be 5 metres by 7.5 metres and 3.5 metres in height.

1.6 The applicant confirms that the footpath can be maintained and provided for public use. A condition requiring the footpath's retention would be acceptable.

PLANNING HISTORY

1.7 Permission was refused for the same development in March 2016 (Planning reference 15/02885/FUL). The reasons for refusal were related to the site's location within the Green Belt and concerns about the details of the scheme to meet the requirements of the Habitat Regulations.

2.0 POLICY CONTEXT

Please see section 4 paragraphs 4.2 to 4.16 of this report for the relevant national and local planning policy context.

3.0 CONSULTATIONS

INTERNAL

3.1 HIGHWAY NETWORK MANAGEMENT - Require confirmation that the area between the highway and the sit will be paved and that adequate turning can be provided within the site.

3.2 PLANNING AND ENVIRONMENTAL MANAGEMENT (ECOLOGY AND COUNTRYSIDE OFFICER) - If all the mitigation measures suggested in the application were adequately implemented then it is considered that there would not be a likely significant impact on the European site from the proposed development alone, or in combination. No other plans or projects that might act in combination with this project have been identified. It would be preferable for the details of the mitigation measures above to be submitted and agreed prior to determination to remove any uncertainty and the need for an excessive number of planning conditions. Information should be presented in one or two documents and drawings, for example a Landscape and Ecological Management Plan (as per British Standard BS42020:2013) which the delivery of can be secured through a planning condition.

3.3 PUBLIC RIGHTS OF WAY - Public Footpath, Wheldrake No 2 (6/2/10) is not currently available on its definitive line, being obstructed by thick hedging within the verge of the adopted highway (Church Lane). Historically, walkers have used a field entrance further north, where up until 2011/12 there used to be a way-marked stile and Public Footpath finger post giving access to the field in question. Once over this stile, walkers used to walk across the field towards the drain to the east and then to the bridge across it to the Nature Reserve, or link in with the riverside footpath.

3.4 The path provided by the applicant does provide a valuable link between the definitive line of footpath 6/1/10 and 6/2/10, taking walkers off the busy road. Given that the path is bounded by hedging on one side and barbed wire on the other, the footpaths officer does not believe however that the current width of the path is wide enough to allow two people to pass comfortably. Seasonal growth from the hedge would further narrow the available width. Additionally, the applicant would be liable should anyone injure themselves or damage their clothing on the barbed wire; if the path were a public right of way, the barbed wire would be considered to be a statutory nuisance. It is therefore recommend that if the application is granted the path should be made wider (2 metres min.). The sections of the path that are prone to mud would also need to be improved, especially given the adjacent barbed wire and the slipping hazard the surface presents. If the above issues were addressed, the footpath officer would have no objections to the proposed development.

EXTERNAL

3.5 WHELDRAKE PARISH COUNCIL - Object to the development as it is not exceptional development in the Green Belt. Concerned about the proposed site and its close proximity to the International Nature Reserve.

3.6 YORKSHIRE WILDLIFE TRUST - The Habitats Regulations Assessment by Wold Ecology is thorough and the Trust is prepared to remove the holding objection to the application. The development is unlikely to cause a Likely Significant Effect (LSE). However the Trust is concerned that if permission is given it is possible that this could create a precedent and lead to other similar developments and cumulative impacts on the SPA and SAC. The opening dates for the development are not yet clear. If the tents were to be occupied in May as suggested there would be a clear possibility of nesting birds being disturbed. Also the Habitat Enhancement Plan is very limited on detail and the Trust would expect this to be improved.

3.7 NATURAL ENGLAND - Having reviewed the Habitats Regulations Assessment submitted by the applicant, we are satisfied that the proposal, if carried out in accordance with the details submitted, is not likely to have a significant effect on the Lower Derwent Valley SPA / SAC / Ramsar site. We would advise that any planning permission granted should be temporary in the first instance and subject to review.

3.8 Three letters of objection have been received covering the following points:-

- Site is adjacent to the nationally important Lower Derwent Valley National Nature Reserve and is likely to cause considerable noise and other disturbance to this vitally important wildlife resource.
- Objector has regularly seen barn owls hunting over the field proposed for the development and concludes that the field is an important resource for hunting barn owls.
- The field is an important habitat for voles and other small mammals (on which the barn owl depends).
- Yorkshire's barn owl population is vulnerable and the Yorkshire Wildlife Trust has recently run a campaign to highlight its plight.
- The proposed habitat enhancement plan is not realistically going to offset the impact of the noise and disturbance from this site to local wildlife.
- The glamping site will disrupt the conservation work of the adjacent Natural England Offices.
- Glamping will cause disruption, confusion and distress to species in an otherwise quiet area at night.
- The barn owl is protected under Schedule 1 of both the Wildlife and Countryside Act, 1981
- The proposal is a further attack on Green Belt.
- Claimed that the occupants will be high-end people but this does not stop them from getting drunk and making noise.
- The site will only be policed by the applicant who has a vested interest in not reporting issues at the site.
- Light from headlights and torches can be as bad as floodlighting in this location.
- The ecology report author claims to have been at the site at 2:30pm but could not have been because was concluding a visit on another site. The ecology report was

undertaken in December which according to Natural England is not an appropriate time for most reports.

4.0 APPRAISAL

4.1 Key Issues:-

- Principle of the development in the Green Belt
- Character and appearance of the area
- Habitat Regulation Assessment
- Access and parking Arrangements
- Drainage
- Other considerations - very special circumstances

PLANNING POLICY

4.2 The site is located within the general extent of the Green Belt on the south side of York.

National Planning Policy Framework

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

4.4 The core planning principles in paragraph 17 of the NPPF says planning should support economic growth; among other things protect the Green Belt around urban areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities and contribute to conserving and enhancing the natural environment.

4.5 Section 3 of the NPPF says that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

4.6 Section 9 of the NPPF says that the essential characteristics of Green Belts are their openness and their permanence (para.79). One of the five purposes of including land within the Green Belt is to assist in safeguarding the countryside from encroachment (Paragraph 80). Once defined Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and

recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land (para.81).

4.7 Paragraph 109 says that the planning system should contribute to and enhance the natural and local environment and soils by protecting and enhancing valued landscapes, recognising the wider benefits of ecosystem services and minimising impacts on biodiversity. Paragraph 118 seeks to conserve and enhance biodiversity; it says that development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect should not normally be permitted. Paragraph 119 confirms that the presumption in favour of development at Paragraph 14 of the NPPF does not apply to sites requiring assessment under the Birds or Habitats directives.

4.8 The NPPF says at Annex 1, paragraph 216, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Weight may also be given to relevant policies in emerging plans according to the stage of preparation

Development Plan

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

Local Plan

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

4.11 The relevant policies applicable to this application include: GP1: 'Design' which requires that development among other things respects or enhances the local environment; policy V1 'visitor related development' encourages appropriate visitor

related development, V5 'caravan and camping sites', GB1 'Development in the Green Belt' and policy NE4a 'International and National Nature Conservation Sites'.

4.12 Policy GB1 says that planning permission for development will only be granted where 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 development would not prejudice the setting and special character of York. Policy V5 says that planning permission for new caravan/camping sites outside settlement limits will only be granted provided:

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

4.13 Policy NE4a says that where development could have an adverse effect, directly or indirectly, on an international or national nature conservation site it will only be permitted where the reasons for the development clearly outweigh the special nature conservation value of the site.

Emerging Local Plan

4.14 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, has been halted pending further analysis of housing projections. Since then officers have initiated a work programme culminating in a "Local Plan – Preferred Sites 2016" document and other supporting technical documents. Members have approved this document for consultation to commence in July 2016. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight is limited. The most relevant of the document's policies is policy EC6 which says that York's rural economy will be sustained and diversified through, among other things, permitting camping and caravan sites for holiday and recreational use where proposals can be satisfactorily integrated into the landscape without detriment to its character, are in a location accessible to local facilities and would not generate significant volumes of traffic. Seasonal occupancy should be conditioned on visitor accommodation.

Wheldrake Village Design Statement

4.15 The Wheldrake Village design statement sets out characteristics of the setting of the village. In noting the key characteristics of the village setting it says (page 11) that the village is approached from open countryside on all routes and that grass verges and hedgerows beautify the approach roads. Key issues include the need for connections between public footpaths and the lack of circular walks. Guidelines say that the open character of the Green Belt should not be affected and for the design of development seek to protect verges and the International and national nature conservation designations should be strictly enforced.

4.16 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy Framework (NPPF). It is against this Framework that the application proposal should principally be addressed.

ASSESSMENT

4.17 The site is located within the general extent of the Green Belt as described in the RSS; is shown as being within Green Belt on the proposals map in the DCLP and retained within the Green Belt in the emerging Local Plan.

4.18 Although paragraph 14 of the NPPF sets out a presumption in favour of sustainable development, in accordance with the footnote referenced within paragraph 14 the presumption in favour of sustainable development does not apply in Green Belt locations.

4.19 Paragraph 89 and 90 of the NPPF set out those developments that may be considered exceptions to inappropriate development in the Green Belt. Paragraph 89 refers to exceptions for new buildings; as the proposal does not relate to new buildings this paragraph is not relevant. Paragraph 90 lists other development that may be considered as not inappropriate. This does not include the change of use of land. It is Officers opinion that the change of use of the land to seasonal camp site does not fall within any of the exceptions to inappropriate development in paragraphs 89 and 90. It therefore constitutes inappropriate development within Green Belt. Paragraph 87 says that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 says that substantial weight should be given to any harm to the Green Belt and that '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.

Openness

4.20 Paragraph 79 establishes that openness is an essential characteristic of Green Belt. The proposal will necessitate the improvement of the vehicular access into the site, will necessitate the provision of some hard standing, which would be there permanently and would introduce canvas tents and decked areas which would be there for a portion of each year. Additionally during the time that the site is unoccupied the infrastructure associated with the provision of electricity and drainage turning areas for vehicle and the formalisation of the access entrance with new hardsurfacing would remain. Although the site has established boundaries to the road frontage, the land is very open to its eastern and southern side and the footpath along the western side of the site. It is Officers' opinion that the combination of the visibility of the site, the necessary parking areas and access improvements (likely to be permanent) and the additional traffic movements means that the development would reduce the openness of the Green Belt as more of the site would appear developed.

Purposes of Green Belt

4.21 The purposes of Green Belt set out in paragraph 80 of the NPPF are to check 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 use of derelict or other urban land. Officers consider that in this relatively isolated location the addition of tents and ancillary works would appear intrusive and so would conflict with the purpose of safeguarding the countryside from encroachment.

CHARACTER AND APPEARANCE OF THE AREA

Visual Amenity

4.22 The site is located next to Church Lane; adjacent to the lane is a substantial tree belt which shields much of the site from the road although the existing access point from the road has been cleared and opened up somewhat since officers visited the site as part of a pre-application submission and for the previous application. The site's eastern and southern sides are open to the nature reserve and to the Natural England Offices. There is a public right of way on the southern side and a raised platform on the Natural England site from which you can view the nature reserve. In addition the footpath that runs next to the tree belt on the west side is open to the land and the reserve beyond. From all these vantage points the site is very visible and in fact provides an integral part of the overall experience of the views to and from the nature reserve. In Officers opinion the introduction of development on to the field would seriously diminish the setting of the nature reserve as experienced by visitors.

Noise and Disturbance

4.23 The applicant has clarified a number of points since submitting the application. In the main the protection of the site from noisy visitors is to be controlled by a set of rules the details of which will be provided to visitors when booking the accommodation. In addition to this it is indicated that the tents will be limited to two occupants, each tent will be lit by a single light, heating will be provided via a chiminea and cooking will be by barbecue on patio areas and in the tent on a hob.

4.24 The additional tent elevations provided as part of the original submission do not reflect these submitted details. The images show a bedroom with four beds and significantly more than one light, the cooking facilities and level of comfort within the tents suggest that the appearance of the units will be much more imposing than the description suggests this has not been clarified as part of the new submission. In any case in Officers opinion the use of chimneys and barbeques and the provision of facilities to make the best use of outside space does not lend itself to the maintenance of a tranquil atmosphere as one would currently experience late in the evening at this site.

4.25 Overall it is considered that the proposal would not be compatible with the prevailing character of the area, would detracting from the open rural setting of the nature reserve and would cause significant harm to the character and appearance of the area. This is contrary to the core planning principle of the NPPF of recognising the intrinsic character and beauty of the countryside and GP1 of the DCLP which similarly expects proposals to respect or enhance the local environment.

Sustainability

4.26 It is an accepted principle that visitors to caravan and camping sites are more likely to arrive by car. The site is close to the village of Wheldrake and although there is a public footpath along part of the site towards the village there is limited footpath access to the village along the road and no dedicated cycle routes. Access to the city is via an infrequent bus service. The site has a moderate level of sustainability but overall it is considered that visitors to this site are likely to access services within the village and within York using their cars.

HABITAT REGULATIONS ASSESSMENT

4.27 The Lower Derwent Valley National Nature Reserve as a European protected site is afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). Under the Habitat Regulations the Council as the competent authority must make a judgement under Regulation 61 and 62 as to the 'likely significant effect', if any, of the scheme on the European designated sites before permission is granted The project is not directly

connected with or necessary to the management of any European site and therefore a Habitat Regulation Screening opinion will need to be made by the Local Planning Authority. The Extended Phase 1 Habitat Survey report states that the proposed development has the potential to cause disturbance and displace wintering birds and breeding birds (including Schedule 1 listed species). Further to this report (and the previous planning application) a screening assessment to examine the potential impacts of the proposed development has been undertaken by the applicant's appointed ecologists. Only mitigation measures and not compensatory measures should be taken into account when considering the likelihood of a significant effect on a European site. Without mitigation there would be a likely significant impact on the Lower Derwent Valley from habitat/species disturbance.

Mitigation and Compensation

4.28 Summary of mitigation proposed (avoidance and reduction measures):

- Infill hedgerow planting on all four boundaries, as shown on DPA Site Layout Plan. This would need to be implemented prior to commencement of development and allowed to grow and be managed as a tall hedgerow.
- Restriction on timing of activities. Commencement in May would make the development unacceptable as the bird species which are qualifying species of the SPA would be most vulnerable to disturbance in winter, and April to late May when they are breeding.
- Restrictions on activities at the site e.g. no dogs, no campfires, noise levels, lighting level.
- Signage and educational information for customers.

4.29 A Construction Environmental Management Plan (CEMP) implemented throughout the preliminary construction period e.g. construction of car parking area, connection of sewage and mains water points, would avoid and reduce impacts on the Lower Derwent Valley.

4.30 Compensation proposed (outlined on the draft Habitat Enhancement Plan):

- Bat and bird boxes in boundary vegetation;
- Barn owl box;
- Wildflower meadow; and
- Rough grassland/native vegetation.

4.31 If all of the mitigation measures above were adequately implemented then it is considered that there would not be a likely significant impact on the European site from the proposed development alone, or in combination. No other plans or projects that might act in combination with this project have been identified.

4.32 Natural England has requested that temporary planning permission is given in order that in the event of unanticipated disturbance issues the scheme can be re-visited.

4.33 Paragraph 119 says that the presumption in favour of development does not apply where development requiring an appropriate assessment under the Birds or Habitat Directives is being considered, planned or determined. The advice of the Ecology Officer is that with the mitigation proposed in place there would not be an impact on the reserve; the application is therefore considered to comply with the requirements of paragraph 118 which seek to conserve and enhance biodiversity. A temporary permission is suggested and conditions to secure the mitigation and compensation proposed would be required.

ACCESS AND PARKING ARRANGEMENTS

4.34 Highway Network Management require additional information about how vehicles will turn in the site and about the construction of the vehicular entrance. Were the application to be supported in principle appropriate conditions could secure the required detail.

FLOODING/DRAINAGE

4.35 The site is bounded by flood zone 3 to the east and is partly located within flood zone 2 along the eastern side of the site. The location of the tents as shown on the submitted site location plan indicates that the tents will be placed in areas of the site that are in Flood Zone 1, low risk. Although Camp sites are classed as more vulnerable uses in the Flood Risk Vulnerability Classification set out in the National Planning Policy Guidance (NPPG) as the tents are located in areas of the site in flood zone 1 the development should not suffer from river flooding.

4.36 The comments of the Flood Risk Management Team on the drainage proposals for the site are awaited.

OTHER CONSIDERATIONS - VERY SPECIAL CIRCUMSTANCES

4.37 It is the Applicant's view that the proposed development is appropriate development in the Green Belt. For the reasons set out in Paragraph 4.17 to 4.21 above Officers do not agree.

4.38 The applicant has set out a number of issues within his statement that he considers weigh in favour of the development these are:

- A positive impact on tourism in the area
- Benefits to the rural economy through the provision of new jobs

- Opportunity to bring revenue to the adjacent Natural England who own and maintain the adjacent Ings
- Provision of a footpath link along the western side of the site
- Habitat enhancements

TOURISM

4.39 On a general level it is accepted that tourism facilities benefit the rural economy. Local shops and pubs can benefit and there may be increase spend associated with visitors to York. The amount of benefit to the rural economy is limited because the number of tents proposed is small and is not quantified within the submitted information. However a small amount of benefit to the rural economy through the additional provision of facilities is considered to be associated with the use.

NEW JOBS

4.40 The agent suggests that the siting of the tents for the 17 week period will provide two full time and two part time jobs. When asked to provide further evidence of the number of jobs required none has been forthcoming. Officers consider that a use that operates for 17 weeks of the year with a week of preparation either side of opening is unlikely to generate the quantity of jobs suggested. A small amount of weight is however attached to job creation at a general level as it is accepted that new employment could be created.

NATURAL ENGLAND

4.41 Natural England has provided advice on the detail of the scheme requesting that the application be granted on a temporary basis only. Their response does not detail any benefits to their own operation on the adjacent site. The applicant says that the use will bring additional visitors to Natural England's site but does not say how this will equate to additional revenue. It is noted that objectors say that the siting of the development will impact on barn owls and on their enjoyment of the site. Thus there may be a balance between lost and gained visitors. It is not clear that there would be any benefits to Natural England associated with the development.

PROVISION OF A FOOTPATH LINK

4.42 The footpath link on the western side of the site is provided and is welcomed as an addition to the network of footpaths in the area. The link is already in place. Members will note that the footpath officer considers that the provided footpath is substandard in width and requires some maintenance but acknowledges its benefits as a link between two existing footpaths. Natural England as part of their response has not indicated that the link is of particular importance to their operation. This is

not to take away from the efforts of the land owner in providing a length of dedicated footpath along the side of his land more that its benefits have not been supported by Natural England; it does not meet width and design standards and increases the visibility of the site and the proposed scheme. On balance therefore the provision of the link is not considered to be a benefit of the proposed scheme.

HABITAT ENHANCEMENTS

4.43 The site already provides an open undisturbed setting for the adjacent reserve, the provision of habitat enhancement is to offset harm associated with the development on existing wildlife it is not considered a benefit of the scheme.

4.44 In officers opinion the very special circumstances put forward by the applicant are not individually or cumulatively sufficient other considerations to clearly outweigh the definitional harm to the Green Belt arising from inappropriate development and other harm (that is harm to the purposes of Green Belt and to openness and harm to the character and appearance of the area through visual impact and noise and disturbance) identified in this report. As advised by paragraph 87 and 88 of the NPPF development that is harmful to the Green Belt for which there are no very special circumstances should not be approved.

5.0 CONCLUSION

5.1 The application site, undeveloped land to the east of Church Lane Wheldrake, is considered to be within the general extent of the Green belt as defined in the RSS. The erection of tents on a seasonal basis with associated car parking on the site is considered to be inappropriate development in the context of section 9, paragraph 89 and 90 of the NPPF.

5.2 The NPPF confirms at paragraph 87 that inappropriate development is by definition harmful to the Green Belt. Paragraph 88 says substantial weight would need to be given to harm by reason of inappropriateness and any other harm. Very special circumstances will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

5.3 In officers opinion the other considerations put forward by the applicant as very special circumstances ; a positive impact on tourism in the area, benefits to the rural economy through the provision of new jobs, opportunity to bring revenue to the adjacent Natural England who own and maintain the adjacent Ings, provision of a footpath link along the western side of the site and habitat enhancements, are not sufficient other considerations to clearly outweigh the definitional harm and other harm (that is harm to the purposes of Green Belt and openness, harm to the character and appearance of the area through visual impact and noise and disturbance) identified in this report. As advised by paragraph 87 and 88 of the

NPPF development that is harmful to the Green Belt for which there are no very special circumstance should not be approved.

5.4 The details provided are sufficient to make an assessment under the Habitat regulations and it is concluded that if all of the mitigation measures proposed were adequately implemented then there would not be a likely significant impact on the European site from the proposed development alone, or in combination. The assessment is on the basis that no tents will be on site during the nesting season (May).

6.0 RECOMMENDATION: Refuse

1 Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. The site is identified as Green Belt in the City of York Development Control Local Plan (Approved April 2005). It is considered that the proposed development constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework which is by definition harmful to the Green Belt. No 'very special circumstances' have been demonstrated that would clearly outweigh harm to the Green Belt by reason of inappropriateness and any other harm, including harm to the purposes of Green Belt and openness and harm to the character and appearance of the area through visual impact and noise and disturbance). The proposal is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land', guidance within National Planning Practice Guidance (March 2014) and Policy GB1 of the City of York Development Control Local Plan (April 2005).

7.0 INFORMATIVES:

Contact details:

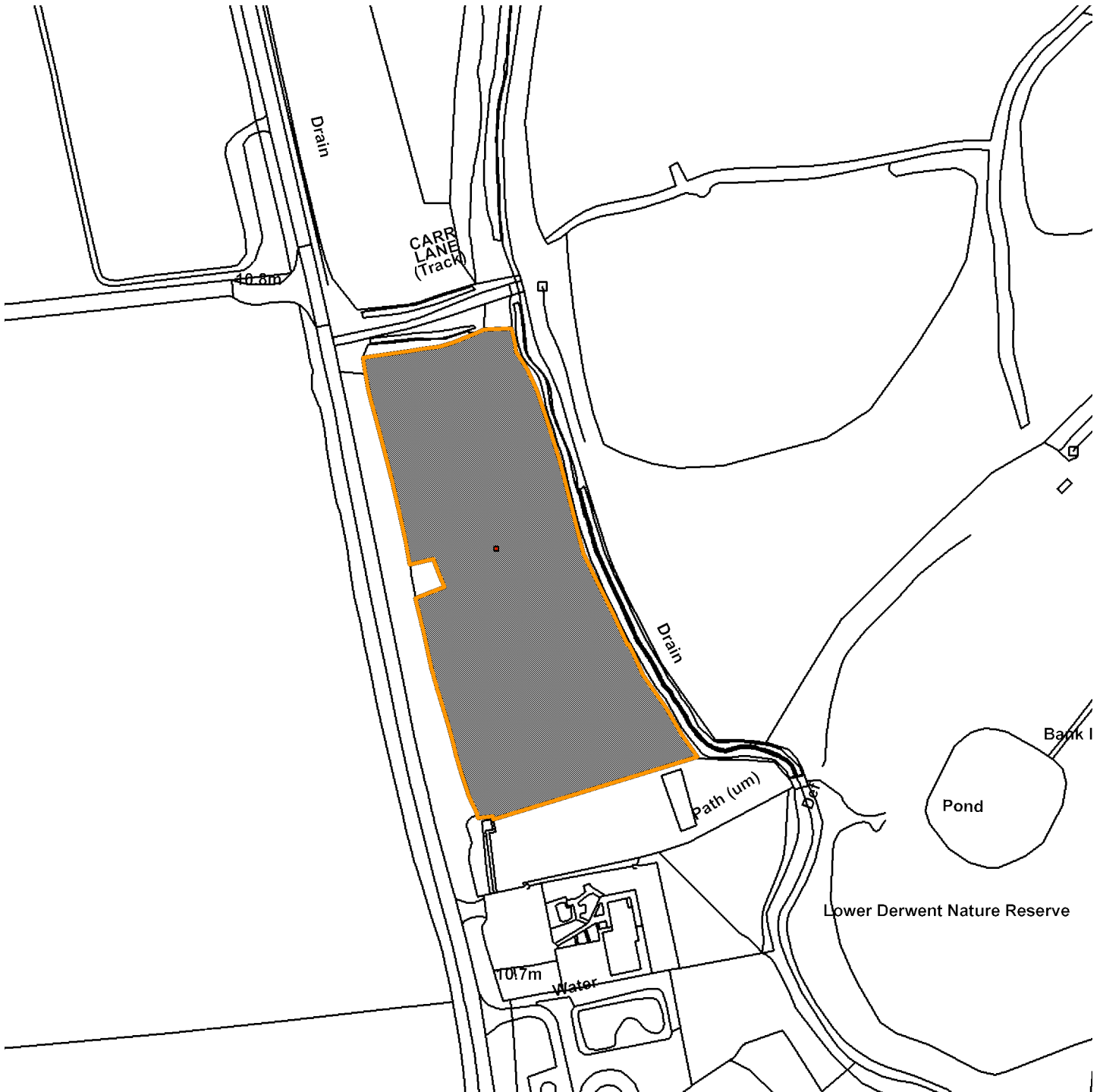
Author: Diane Cragg Development Management Officer (Mon-Thur)

Tel No: 01904 551351

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16/00952/FUL

Land At Grid Reference 469030 444830 Church Lane, Wheldrake



Scale : 1:2049

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	04 July 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date: 14 July 2016
Team: Major and Commercial Team
Ward: Rural West York
Parish: Upper Poppleton Parish Council

Reference: 16/01251/FUL
Application at: Poppleton Garden Centre Northfield Lane Upper Poppleton York YO26 6QF
For: Change of use of part of car park to a car wash facility including the siting of a storage container and the erection of a free-standing canopy, and fence and screening to boundary. (Part retrospective)
By: Mr James Edwards
Application Type: Full Application
Target Date: 18 July 2016
Recommendation: Refuse

1.0 PROPOSAL

1.1 Planning permission is sought for the change of use of part of the car park for the siting of a storage container in association with a car washing business together and the erection of a canopy. A 1.9 metre high fence together with planting to create screening is proposed along to the boundary with the road junction. The site is in the north western corner of the garden centre car park adjacent to the junction of the junction of the A59, Northfield Road and Station Road.

1.2 The single storey storage container measures 2.3 metres by 5.7 metres, and 2.5 metres in height. The canopy is 4.5 metre by 7.1 metres; the canopy and the supporting frame are 3 metres in height. The canopy and storage unit are in a red finish. The business would create 3 full time positions and 12 part time positions (a total 4 full time equivalent positions).

1.3 The business is separate to the garden centre.

1.4 The application is partly retrospective: the storage container and canopy are on site.

1.5 The site is within the general extent of the greenbelt and is within Flood Zone 1. The proposed site sits outside the settlement envelope of Poppleton. The A59 is one of the main transport routes into the site.

2.0 POLICY CONTEXT

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

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT –

3.1 Raises no objection to the proposed development Car parking, access and layout as shown on the drawings will not cause detriment to other highway users, due to the nature, location and scale of the development proposed. It has however been brought to our attention that the operation has been obstructing the highway by using a fire hydrant located on the adjacent footpath with makeshift barriers on the public highway as a water supply. This is not detailed on the submitted plans. A private source of water should be obtained should the development be allowed.

3.2 A standard condition and an informative are suggested.

FLOOD RISK MANAGEMENT TEAM

3.3 It is imperative that surface water run-off from areas used for and immediately adjacent to vehicle washing facilities and/or similar areas where detergent is likely to be used is not discharged to any public surface water sewer network or watercourse. Surface water from such areas must pass through an oil, petrol and grit interceptor of adequate design before discharge to the public foul or combined sewer network. A trade effluent consent may be required for Yorkshire Water.

PUBLIC PROTECTION

3.4 There are no hours of operation proposed. Should permission be granted, would request that the hours be restricted as the 24 hour use of a vehicle wash station could adversely affect the residents. Should permission be granted would suggest that the hours be restricted to the same as the park and ride, this will allow those using the Park and Ride to use the facility but would prevent trucks or other late night travellers using the facilities if they were open 24 hours.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

UPPER POPPLETON PARISH COUNCIL

3.5 No objections

YORKSHIRE WATER

3.6 States there is a 150mm diameter public foul sewer recorded to cross the red line boundary, it is unlikely to be affected by the building over proposals. Trade effluent may only be discharged to sewer with the prior consent of Yorkshire Water.

Surface water from such areas must pass through an oil, petrol and grit interceptor/separator of adequate design before discharge to the public foul or combined sewer network.

AINSTY INTERNAL DRAINAGE BOARD

3.7 No objections. The board does have assets adjacent to the site in the form of Station Road Dyke: this watercourse is known to run at high capacity during storm events

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

3.9 The board notes that this application is for the creation of a car wash facility, as the site is brownfield location the proposed development is likely to make limited difference to the rate of surface water run-off from the site

3.10 Important that the water discharge resulting from the cleaning of cars should be effectively constrained and disposed of appropriately and should not be allowed to contaminate the surface water from the site

3.11 3 REPRESENTATIONS OF OBJECTION summarised as follows:-

- Proposed storage container and canopy is visually intrusive and not compatible with the environment, the proposed fence would compound the issue
- Proposed fence would impede views of the traffic movements around the junction
- Concerns regarding the disposal of the contaminated water. Existing problems regard drainage at the junction
- The car wash facility should be sited closer to the garden centre building
- Greenbelt, outside village envelope of Poppleton, A59 is one of main transport corridors into the city
- Electricity has been installed and drainage has been connected to the main drain that crosses the car park, which may not have consent from the appropriate parties. There are existing flooding issues on Station Road because of this drain. Water appears to be taken from a hydrant on the footpath alongside the A59. This restricts access to the pavement. The tap often leaks badly onto the footpath and the road, causing black ice at times during the winter.
- This is the second retrospective development that the Garden Centre has allowed potentially with knowledge that planning permission has not been sought. This may suit their long term plan for the use of the site as alight industrial/employment site.

- The modular unit used by a cloths recycling business (16/00878/FUL) was refused planning permission
- Contrary to Policy SP3
- No justification for green belt location rather than a urban location
- Station Road suffers drainage problems, which have been exacerbated by the runoff from the this business

4.0 APPRAISAL

RELEVANT SITE HISTORY:-

4.1 16/00878/FUL - Part use of car park as mobile storage unit for public use for bulk re sale or recycling of clothing, shoes and clothing accessories (retrospective) - Refused by Main Planning Committee (12.05.2016) on greenbelt and visual amenity grounds

4.2 KEY ISSUES:-

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

PLANNING POLICY

Development Plan

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

Local Plan

4.4 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the

DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

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

4.6 Policy SP2 'The York Green Belt' states that the primary purpose of the green belt is to safeguard the setting and historic character of the city. Policy SP3 'Safeguarding the Historic Character and setting of York' states high priority will be given to the historic character and setting of York, particularly the protection of main gateway transport corridors into York from development which, cumulatively, could have an adverse impact on the setting of the corridor and surrounding environment (d). The general aim of the policy - take account of the different roles and character of different areas - is considered to be in line with the NPPF.

Emerging Local Plan

4.7 The planned consultation on the Preferred Sites for the emerging City of York Local Plan will go before Executive on 30 June, following a meeting with the Local Plan Working Group on 27 June. If approved, the proposals will then be subject to an eight-week public consultation starting in July. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Plan is a material consideration.

4.8 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

4.9 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. This presumption does not apply in Green Belt locations.

4.10 The National Planning Practice Guidance (NPPG) explains how weight may be given to policies in emerging plans. Arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably

outweigh the benefits, taking the policies in the NPPF and any other material considerations into account.

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

4.12 The Poppleton Neighbourhood Plan is at an early stage; pre-submission consultation has been undertaken. Whilst the weight given to such a report grows as it passes each consultation stage, the weight that can be given to the plan is currently very limited.

4.13 The Poppleton Village Design Statement was adopted as supplementary planning guidance in 2003 following consultation. It has a number of relevant design guidelines including: Any further commercial and industrial development within or within direct influencing distance of Poppleton should be well screened and not exceed existing height. The attractive green corridor approach to York along the A59 should be protected and development along this road should be discouraged.

GREEN BELT STATUS OF THE SITE

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

4.15 Additionally, when the site is assessed on its merits (in paragraphs 4.16 to 4.20 below) it is concluded that whilst the York Green Belt has not yet been fully defined, the site falls within the general extent of the Green Belt and serves a number of Green Belt purposes. As such, the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF at this time.

OPENNESS AND PURPOSES OF THE GREEN BELT

4.16 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.

4.17 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF paragraph 89 states that the construction of new buildings is inappropriate in the Green Belt, save in the case of a list of exceptions. The wider site is used as a garden centre and the proposed site is within the car park. As such the site is considered to be previously developed. However by virtue of the proposed location of the site, unit and canopy: set away from the building, it appears detached, and so it has a greater impact on the openness of the greenbelt and purposes of including land within it than the existing development. Therefore the proposed change of use of the land for the stationing of a storage container together with the erection of the canopy does not fall within the exceptions of paragraphs 89 and 90. The change of use is therefore inappropriate development in the Green Belt. The proposed development by virtue of the use and structures would result in an increase in the built form and a coalescence of development and encroachment of development into the Green Belt in a particularly prominent location adjacent to a main transport route into the city therefore resulting in harm to the openness and permanence of the greenbelt.

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

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

4.20 In general terms, it is not appropriate to assume every piece of land within the general extent of the Green Belt should necessarily be considered as Green Belt, rather each case should be considered on its own merits. The car park acts as a visual buffer between the village of Poppleton and the development to the south, and thus contributes to the aim of preventing the encroachment, sprawl and coalescence of development and therefore maintaining the essential Green Belt characteristics of openness and permanence. Additionally, the site can not reasonably be considered to be close to the inner boundaries of the greenbelt because there is a clear gap created by fields between Acomb and Poppleton.

These fields have been considered through the site selection process for the LDF and the emerging Local Plan. However they did not progress as they were assessed as having importance in the setting and special character of the city. As such it is considered that the application site should be treated as falling within the general extent of the Green Belt.

4.21 The fundamental purpose of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The proposal gives rise to harm to the green belt by reason of inappropriateness which should not be approved except in very special circumstances. The proposal would result in harm to the openness and permanence of the Green Belt. It also conflicts with the Green Belt purposes of preventing encroachment into the countryside and coalescence of development. The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

ASSESSMENT OF THE CONSIDERATIONS FORWARDED BY THE APPLICANT

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

- Appearance is compatible with surroundings
- Economic Benefit

APPEARANCE AND COMPATIBILITY WITH SURROUNDINGS

4.23 The proposed site is within a car park of the garden centre to the east, to the south is a restaurant, to the west are Northfield Lane and the recent park and ride development, and the village of Poppleton to the north.

4.24 The applicant argues that the proposed development shares the contemporary aesthetics of cars and the nearby industrial style buildings and fits comfortably within its setting and with the screening would be well concealed. The applicant considers that proposed development in keeping with the surrounding context which is dominated by traffic

4.25 When travelling along the A59 in an east-west direction, the proposed site is at a point where the landscape around the road opens out with wide views of the open landscape, and it is against this backdrop that the unit is viewed. The proposed storage container and canopy create a cluttered appearance adjacent to a relatively complicated road layout (with large number of associated signs and signals). By virtue of its close proximity to the road the proposed development is prominent and jarring within the streetscene, particularly as the existing development on this side of the road is significantly set back. Whilst the site is a car park, the proposed storage

container and canopy are larger than the parked vehicles. Any parked vehicles are there during opening hours only while the proposed storage container, canopy and fence unit would be permanently located. The proposed unit creates a solid block in an area of general open character. The proposed red colour of the storage container and the canopy does little to reduce the prominence of the proposed development. It is considered that proposed 1.9 metre high fence (40 metres in length) sited parallel to boundary of the car park and the highway would not overcome the harm of the proposed location; rather it would significantly compound the visual prominence and bulk of the development. Planting is proposed in the gap between the proposed fence and the boundary however this is considered to provide little in the way of screening as the container, canopy, and fences would still be visible. Deciduous planting would provide little screening during the 6 months of the year and evergreen planting has the potential to appear overtly urban and potentially bring further attention to the proposed development. For these reasons no weight can be given to the applicant's justification.

4.26 The proposed use, storage container, canopy, and screening would not be compatible with the prevailing character of the area. The proposal introduces development adjacent to the road and would result in a reduction in the quality of the landscape. The proposed development is considered to result in significant other harm in addition to the inappropriateness of the development in the greenbelt.

4.27 Please note the modular building currently sited within the car park has recently had planning permission refused (16/00878/FUL) at Main Planning Committee (12.05.2016) and is the subject of enforcement action.

ECONOMIC BENEFIT

4.28 The applicant states that the proposal is sustainable development on the grounds of job creation; and customers using the facility are making shared journeys to the garden centre or park and ride. The NPPF states that planning policies should support economic growth in taking a positive approach to sustainable new development. Nevertheless, this policy does not outweigh green belt policy, as the presumption in favour of sustainable development does not apply to sites within the green belt.

4.29 The applicant states there would be no significant increase in additional journeys as a result of the proposal as people using the facility are making journeys to the garden centre or the nearby park and ride. Whilst it is acknowledged there may be shared/connected trips, it is also likely that people would make single purpose trips to the facility which is sited outside of the urban area, as such the sustainability of the location is questionable, and as such very little weight can be given to this justification. No evidence of consideration of other sites has been submitted. No justification has been submitted as to why the proposed unit is

required to be located on this particular site in the greenbelt rather than a site within the urban area closer to larger residential population.

4.30 The proposed development would create an economic benefit to the adjacent garden centre by virtue of rent and footfall. The rent would benefit the garden centre and there may be some limited increase in footfall to the garden centre. However this economic advantage is considered to be relatively minor and have very little weight.

4.31 The proposed development would create 4 full time equivalent jobs. Individually or cumulatively the aforementioned 'economic benefit' is considered to have very little weight and provide very little benefit to the city.

IMPACT ON RESIDENTIAL AMENITY

4.32 Opening hours have not been specified in the application form. By virtue of the distance from the nearby dwellings it is not considered that the proposed development would result in disturbance or harm to residential amenity.

DRAINAGE

4.33 The applicant is proposing to dispose of the contaminated water via a new drain and interceptor underneath the car park that will lead to an existing foul sewer running underneath the site. This drainage method does not appear to be currently in place, from a site visit it appeared that the waters were running into the surface water gullies (which would not be permitted). The disposal method of the contaminated waters into a foul sewer will potentially require a trade effluent consent from Yorkshire Water.

TRAFFIC, HIGHWAY, PARKING AND ACCESS ISSUES

4.34 The proposed development results in a small loss of parking spaces. The garden centre has a generous number of vehicle parking spaces and it is considered that that demand for all of the parking spaces is limited as such the reduction in number is not considered to result in on-street parking or harm.

5.0 CONCLUSION

5.1 The application site is located within the general extent of the York Green Belt and serves a number of Green Belt purposes. As such it falls to be considered under paragraph 87 of the NPPF which states inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations (harm to visual amenity and character of

the A59 transport corridor). National planning policy dictates that substantial weight should be given to any harm to the Green Belt.

5.2 In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on openness and that the proposal would undermine two of the five Green Belt purposes. Substantial weight is attached to this harm which the proposal would cause to the Green Belt. Planning permission should only be granted if the potential harm caused to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. It is only if those 'other considerations' are of sufficient weight that very special circumstances will exist. It is the cumulative weight of these other factors that matters; they do not individually need to be 'very special' in their own right.

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

- Appearance, compatible with surroundings
- Economic Benefit

5.4 The Local Planning Authority has carefully considered the justification put forward by the applicant in support of the proposals and, having weighed these considerations against the harms that have been identified, has concluded that these considerations do not individually or cumulatively clearly outweigh these harms. It is concluded that very special circumstances do not exist to justify the proposal.

6.0 RECOMMENDATION: Refuse

1 The application site is within the general extent of the Green Belt as set out by Policy Y1 of The Yorkshire and Humber Plan - Regional Spatial Strategy. In accordance with paragraph 89 of the National Planning Policy Framework it is considered that the change of use of the site for a car wash facility with associated storage container, canopy, and screening constitutes inappropriate development which, according to Section 9 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, the sprawl, merging and coalescence of development; and is harmful to the openness of the Green Belt. The Local Planning Authority has carefully considered the justification put forward by the applicant in support of the proposals but has concluded that these considerations do not clearly outweigh the harm to the Green Belt and other harm (harm to visual amenity and character of the A59 transport corridor) 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 9 of the National Planning Policy Framework and policy YH9 of the Yorkshire and Humber Plan and also conflict with Draft Development Control Local Plan (2005) policy GB1: Development in the Green Belt.

2 The application site is in an area which is open in character and appearance and contributes to the character and setting of the A59 transport corridor. The proposed change of use of part of car park to a car wash facility including the siting of a storage container and the erection of a free-standing canopy, and fence and screening to boundary, by virtue of its location adjacent to a junction on the A59 transport corridor, would be unduly prominent and intrusive in the streetscene in addition to creating a cluttered appearance. As such the proposed development would fail to respect the character of the area and cause harm to the visual amenity and open character and therefore would conflict with Policy SP3 and GP1 of the City of York Council Development Control Local Plan (2005) and contrary to the core principles and part 7 of the National Planning Policy Framework.

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:

- Considered the applicant's submissions in support of the application.

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

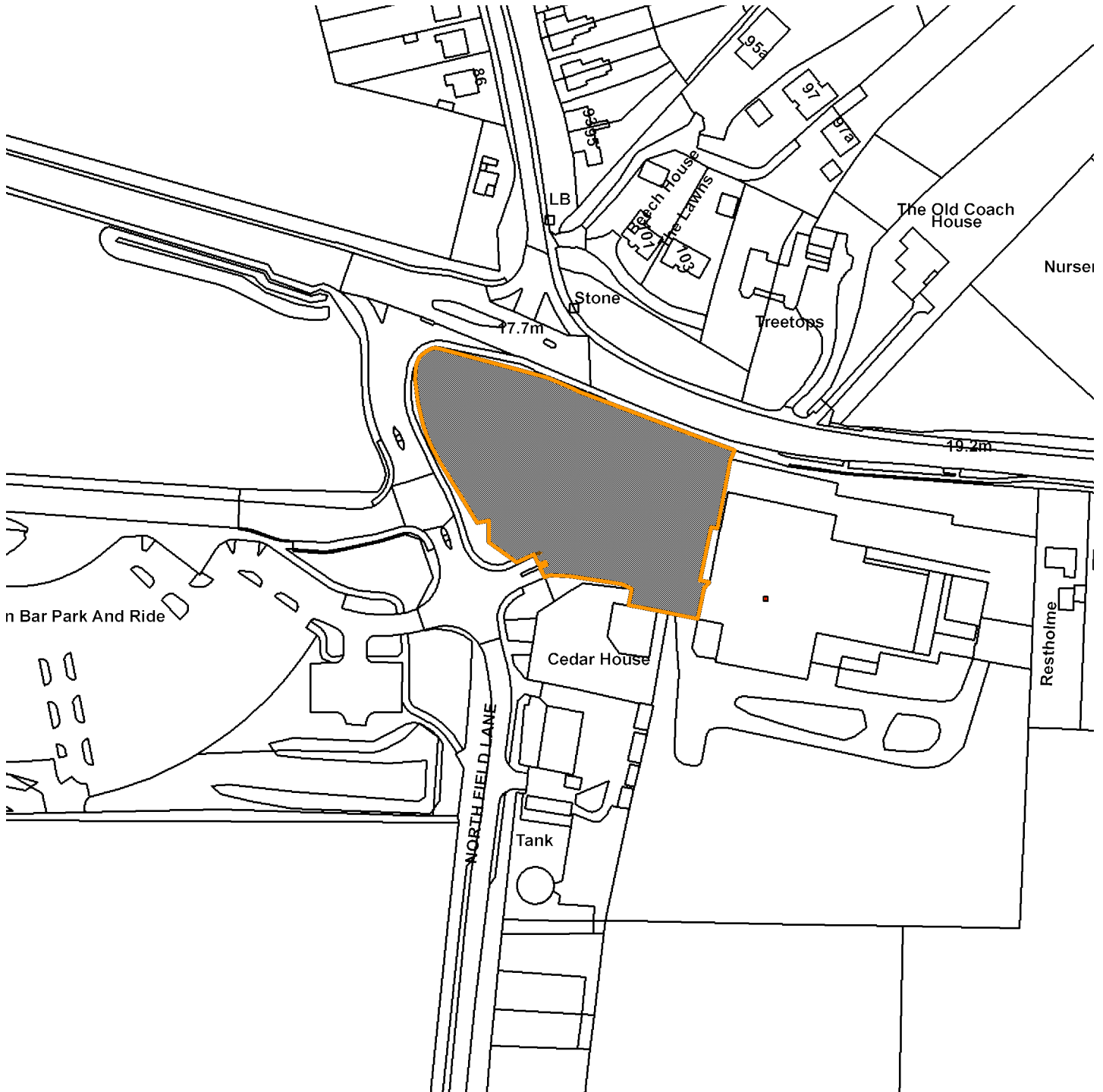
Contact details:

Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

16/01251/FUL

Poppleton Garden Centre, Northfield Lane, Upper Poppleton



Scale : 1:2049

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	04 July 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date: 14 July 2016
Team: Major and Commercial Team
Ward: Rural West York
Parish: Askham Bryan Parish Council

Reference: 16/01095/FUL
Application at: Askham Bryan College Askham Fields Lane Askham Bryan York YO23 3PR
For: Erection of 7no. animal shelters associated with Wildlife and Conservation Area and Animal Management Centre
By: Askham Bryan College
Application Type: Full Application
Target Date: 18 July 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks planning permission for 7 no. animal shelters within the 'Wildlife and Conservation Area' of Askham Bryan College. Together with a walled enclosure and fenced enclosure to the south of the Animal Management Centre 1. All the proposed shelters would be sited within or adjacent to the animal enclosures that were granted planning permission in applications 13/02946/FULM and 16/01167/NONMAT.

1.2 The 2 no. shelters (3) adjacent to the Native Species pond are sited on a large stepped area of decking. Each of the pitched roof shelters would measure 4.4 metres by 6.9 metres by 3.4 metres in height. The timber posts would support the roof which is finished in grey glass fibre shingles. This aspect of the application is retrospective.

1.3 The 1 no. shelter to enclosure (4) for primates would measure 4 metres by 6 metres and would be 2.6 metres in height. The building would be clad in timber, with brown glass fibre shingles to the roof.

1.4 The pitched roof shelter (7) would be used as a Primate House. The building would measure 19 metres by 6 metres and would be 3.4 metres in height. The external finish would be timber with viewing windows, and dark brown fibre cement sheeting to the roof with translucent GRP rooflights. The building would be sited to the south of Rosedale House and north of the primates and lemurs enclosures.

1.5 The pitched roof shelter within Enclosure 11a and b (species such as burrowing owls and squirrels) would measure 5 metres by 8 metres and would be 2.8 metres in height. The external walls of the building would be finished in timber, and brown glass fibre shingles to the roof.

1.6 The above shelters are within the arboretum.

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

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

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

2.0 POLICY CONTEXT

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

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

LANDSCAPE ARCHITECT - No comments received

ECOLOGY OFFICER

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

ARCHAEOLOGY

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

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

FLOOD RISK MANAGEMENT TEAM

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

EXTERNAL CONSULTATIONS/REPRESENTATIONS

ASKHAM BRYAN PARISH COUNCIL

3.4 No objections

AINSTY INTERNAL DRAINAGE BOARD

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

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

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

3.8 Seek drainage scheme via condition.

4.0 APPRAISAL

RELEVANT SITE HISTORY:-

- 16/01167/NONMAT - Non material amendment to permitted application 13/02946/FULM to amend siting of fenced enclosures - Approved
Application Reference Number: 16/01095/FUL Item No: 4f

- 13/02946/FULM - Erection of educational and associated buildings and related parking, circulation areas and landscaping (for animal management centre, farm and equestrian purposes, 2 staff dwellings, animal housing), siting of animal shelters, silos and feed bins, erection of security fencing, formation of external equine training areas including polo field, formation of new access to York Road, reorganisation of existing access and parking areas, formation of ponds, change of use of existing buildings, temporary student accommodation and providing glazed roof to existing quadrangle - Approved

KEY ISSUES:-

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

PLANNING POLICY

- Development Plan

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

- Local Plan

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

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

4.4 Policy SP2 'The York Green Belt' states that the primary purpose of the green belt is to safeguard the setting and historic character of the city. Policy SP3 'Safeguarding the Historic Character and setting of York' states high priority will be given to the historic character and setting of York, particularly the protection of main gateway transport corridors into York from development which, cumulatively, could have an adverse impact on the setting of the corridor and surrounding environment (d). The general aim of the policy - take account of the different roles and character of different areas, - is considered to be in line with the NPPF.

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

- Emerging Local Plan

4.6 The planned consultation on the Preferred Sites for the emerging City of York Local Plan will go before Executive on 30 June, following a meeting with the Local Plan Working Group on 27 June. If approved, the proposals will then be the subject of public consultation for an eight-week period starting in July. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. The evidence base underpinning the emerging Plan is however capable of being a material consideration.

4.7 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out the Government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

4.8 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. This presumption does not apply in Green Belt locations.

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

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

GREEN BELT STATUS OF THE SITE

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

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

OPENNESS AND PURPOSES OF THE GREEN BELT

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

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

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

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

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

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

4.18 The fundamental purpose of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The proposal gives rise to harm to the green belt by reason of inappropriateness which should not be approved except in very special circumstances. The proposal would result in harm to the openness and permanence of the Green Belt. It also conflicts with the Green Belt purposes of preventing encroachment into the countryside and coalescence of development. The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the

potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

ASSESSMENT OF THE CONSIDERATIONS FORWARDED BY THE APPLICANT

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

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

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

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

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

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

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

DESIGN AND LANDSCAPE CONSIDERATIONS

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

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

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

DRAINAGE

4.27 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan policy GP15a: Development and Flood Risk advises discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced. The intention is that the proposed method of surface water drainage would be soakaways, however the submitted report refer to the development proposed in 13/02946/FULM. It is considered that a suitable drainage scheme can be sought a condition

ARCHAEOLOGY

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

5.0 CONCLUSION

5.1 The application site is located within the general extent of the York Green Belt and serves a number of Green Belt purposes. As such it falls to be considered under paragraph 87 of the NPPF which states inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm(harm to visual amenity of open area adjacent to the A64) are clearly outweighed by other considerations. National planning policy dictates that substantial weight should be given to any harm to the Green Belt.

5.2 In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on openness and that the proposal would undermine two of the five Green Belt purposes. Substantial weight is attached to this harm which the proposal would cause to the Green Belt. Planning permission should only be granted if the potential harm caused to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. It is only if those 'other considerations' are of sufficient weight that very special circumstances will exist. It is the cumulative weight of these other factors that matters; they do not individually need to be 'very special' in their own right.

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

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

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

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

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

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

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

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

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

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

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

2 TIME2 Development start within three years

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

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

INFORMATIVE

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

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

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

If SuDs methods can be proven to be unsuitable then must be attenuated to the existing Greenfield rate (based on 1.40 l/s/ha). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

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

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

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

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

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

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

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

timescale.

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

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

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Request revised plans
- Use of conditions

7.0 INFORMATIVES:

Contact details:

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Wildlife And Conservation Area Askham Bryan College



Scale : 1:2254

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	04 July 2016
SLA Number	Not Set

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