



Notice of a public meeting of

Planning Committee

- To:** Councillors Reid (Chair), Derbyshire (Vice-Chair), Boyce, Ayre, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Richardson, Shepherd and Warters
- Date:** Thursday, 15 September 2016
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

Would Members please note that there is no mini-bus for the site visit for this meeting and that the site visit will commence at 10.00 am at Oliver House, Bishophill Junior.

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 - 12)

To approve and sign the minutes of the meeting of the Planning Committee held on Thursday 18 August 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 14 September 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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4. Plans List

This item invites Members to determine the following planning applications:

a) Yorwaste, Harewood Whin, Tinker Lane, Rufforth, York (16/00357/FULM) (Pages 13 - 48)

Construction of a waste transfer station with associated ancillary buildings, hardstandings, car parking and alterations to access [Rural West York]

b) Oliver House, Bishophill Junior, York YO1 6ES (15/02645/FULM) (Pages 49 - 68)

Demolition of existing building and erection of Retirement Living Housing for the elderly with associated communal facilities, landscaping and car parking [Micklegate] **[Site Visit]**

c) Land West Of Hagg Wood, Broad Highway, Wheldrake, York (16/01534/REMM) (Pages 69 - 84)

Reserved matters application for approval of access, appearance and landscaping for egg production building (following outline approval 15/02439/OUTM) [Wheldrake]

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:

- Telephone – (01904) 551031
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catherine.clarke@york.gov.uk

(When emailing please send to both email addresses)

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

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

Contact details are set out above.

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我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

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PLANNING COMMITTEE**SITE VISIT****TUESDAY 13 SEPTEMBER 2016**

Time	Site	Item
10:00	Meet at Oliver House, Bishophill Junior, York YO1 6ES	4b

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City of York Council

Committee Minutes

Meeting	Planning Committee
Date	18 August 2016
Present	Councillors Reid (Chair), Derbyshire (Vice-Chair), Boyce, Cullwick, Cuthbertson, Dew, Doughty, Funnell, Galvin, Richardson, Shepherd, Warters and Orrell (as a Substitute for Cllr Ayre)
Apologies	Councillors Ayre, D'Agorne and Looker

19. Declarations of Interest

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

Councillor Reid declared a personal and prejudicial interest in plans list item 4a (Coal Yard, Mansfield Street) as she had a business connection with the applicant's family. Councillor Reid left the room for consideration of this item and took no part in the debate or vote on this application.

Councillor Reid also declared a personal non-prejudicial interest in plans list item 4c (Herbert Todd and Son, Percy's Lane) as her son lived in an adjacent council flat.

20. Minutes

Resolved: That the minutes of the meeting held on 14 July 2016 be approved as a correct record and signed by the chair.

21. 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.

22. Plans List

Members 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.

**23. Coal Yard, 11 Mansfield Street, York, YO31 7US
(15/01571/FULM)**

Members considered a full application by Horwell Bros Ltd for the erection of a four storey block to provide student accommodation (84 units) following demolition of the existing building.

Officers advised that they had received a flood evacuation plan as set out in paragraph 4.44 of the report but as yet they were not fully satisfied with the details of the plan. They advised that they would like to seek a deferral in order that they could review the evacuation plan more clearly and then come back to Members at the next meeting.

Resolved:

That the application be deferred to a future meeting.

Reason:

To enable further liaison to take place between the applicant and officers in order to seek satisfactory details of a flood evacuation plan.

24. NFU Mutual Ins. Society Ltd, Zenith House, Clifton Park Avenue, York, YO30 5PB (16/00957/FUL)

Members considered a full application by Mr Mark Hanson for the formation of additional car parking spaces with associated lighting and security fence to the north boundary.

Officers advised that they had received two further consultation responses. Public Protection had advised that insufficient information had been submitted regarding the lighting. They

stated that information should include a site plan showing the lux levels from the lighting on different planes, ground level and 1.5 metres in height, which also included the location of properties within 100m of site, and that the lighting complied with the Institute of Lighting Professionals guidance on obtrusive lighting.

The Environment Agency noted that a Flood Risk Assessment had not been submitted but advised that they would have no objection to the proposed development provided there was no raising of ground levels and excess spoil was removed from the site. They also felt that the developer should produce/update a flood evacuation plan and that surface water run-off from the proposed development site should be managed using sustainable drainage techniques to ensure that flood risk was not increased either on-site or elsewhere.

Officers asked Members to note the following corrections to the report:

- In paragraph 4.9 reference is made to paragraphs 4.17 and 4.18 this should read 4.14 to 4.15.
- In paragraph 4.16 reference is made to paragraphs 4.33 and 4.37 this should read 4.30 to 4.34.
- Para 1.1 and 4.13: the number of trees to be removed for the southern most car park would be 5 (Horse Chestnut, Robina, Plane, Sycamore, and Beech) rather than 3.

Officers informed Members of the Court of Appeal's advice on the approach to be taken in determining applications for development which involved elements which were inappropriate development and elements which were appropriate in the Green Belt and the advice was that the correct approach was to consider and assess the whole of the development as inappropriate development.

It was noted that cars currently parked on the main access road and some members felt that expanding the car park by a small amount would help alleviate this problem and would not cause any harm to the greenbelt.

Councillor Galvin moved and Councillor Richardson seconded a motion to approve the application with the increased need for car parking being considered as very special circumstances, and a condition to protect trees and for the parking surface to be permeable. On being put to the vote this motion fell.

Members noted that the site already met the required standard for the number of parking spaces and that no increase in employment had been shown. They considered that the applicant had only offered very weak reasons for the need for more parking and suggested that a travel plan and analysis of travel to work should be carried out. Members felt that the proposals constituted inappropriate development in the greenbelt and that very special circumstances had not been demonstrated to justify the proposals.

Resolved:

That the application be refused.

Reason:

The considerations put forward by the applicant in support of the proposals do not clearly outweigh the harm to the Green Belt and other harm (harm to visual amenity and character of the area, unsustainable development) 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.

Development of the site would further erode the essential parkland landscape character of the business park and former hospital grounds and would result in visual harm and as such would be contrary to the NPPF and local plan policies relating to protection of the landscape and quality of the environment.

**25. Herbert Todd and Son, Percy's Lane, York, YO1 9TP
(16/01263/FULM)**

Members considered a full application by S Harrison Developments for the erection of two student accommodation blocks, part 3-storey, part 4 storey, comprising 106 units following demolition of existing buildings at Percy's Lane, York.

Officers provided an update on consultation responses which had been received from:

Public Protection: With regard to site remediation, officers had assessed the site investigation report which sufficiently informed the mitigation necessary to make the site fit for the proposed use. Therefore the requirement for a site investigation may now be omitted from proposed condition 4.

Highway Network Management: requested deferral based on reduction of cycle provision from 50% and the need for a plan showing the extent of adopted highway to be stopped up.

Officers drew members attention to paragraphs 4.45 and 4.46 of report which provided actual evidence of usage at adjacent similar developments which was shown to be much lower than 50%. They also advised that the applicant has confirmed pre-application approach to and agreement from Highways regarding the stopping-up of the segment of land on the corner of Percy's lane and Navigation Road.

Conservation Areas Advisory Panel: objected to this proposal on the grounds that it was not only over-development of the site but also that the building would dwarf and detract from the adjacent Grade I church.

A note on behalf of the Civic Trust was referred to and passed to officers by a representative of the Early Music Centre. The comments stated the Trust supported the student redevelopment but was opposed to the height of the development that would impact on the setting of St Margaret's Church and the conservation area. Design modification to reduce the height was suggested.

Officers advised that the following information should be added to Paragraph 4.10 after 2nd sentence "There were 20,005 students in FTE in 2013/14 and the figure is projected to grow in future. The universities provide accommodation for approx 6,000 students, the private sector will provide a further 2,447 spaces in purpose built accommodation when current schemes under construction are complete at Hull Road/Lawrence Street and George Hudson Street."

Officers advised of the following amendments to conditions and the requirement for a further condition as follows:

- Condition 2: PLY 3055 P13-04d to PLY 3055 P13-04c (cycle store roof to fall into the site so that the rainwater can be more easily managed).
- Condition 4: Amended to omit the site investigation requirement.
- Additional condition: Requirement for occupational management plan

Officers advised that at the site visit concerns had been raised about inadequate street lighting on Percy's Lane. Officers informed Members that there were 3 street lights already on Percy's Lane, with one removed when the Hotel Indigo had been developed. The development would increase activity and amenity lighting, with bulk head lights under the projecting bays. They advised that CCTV and lighting were proposed at the entrance to the amenity area, rear cycle storage area and refused storage area and it was noted that the Police Designing Out Crime Officer was content with the scheme as proposed.

Mr Paul Murphy addressed the committee on behalf of the National Centre for Early Music (NCEM). He expressed concerns over the height and massing of the development and the impact this would have on the setting of the church, which was a Grade 1 listed building. He went on to explain that in addition to the desire to preserve the existing roofline, the NCEM also had concerns about noise levels during construction and explained that the centre held an annual festival, which would be celebrating its 40th year in 2017, as well as hosting wedding receptions on Saturday afternoons throughout the year. He explained it was of great concern that building work would have a negative impact on these events. The NCEM hoped that there could be some agreement as to how to mitigate this and suggested that a condition could be added to prevent construction noise during the 9 days of the event and on Saturdays.

Mr Chris Hale, from S Harrison Developments, spoke on behalf of the applicant. He advised Members that there was still a significant need for purpose built student accommodation within the city, and stated that the development would be an improvement to the current site with the layout, scale and design compatible with the setting and in line with design advice. In response to the concerns raised by the NCEM he

expressed the developer's desire to minimise disruption and explained that the company had signed up to the 'Considerate Constructors Scheme' and would be monitored to ensure their compliance. He said that the developers hoped that the foundations would be complete by May 2017, which was before the NCEM festival was held, although this could not be guaranteed. In respect of the wedding receptions Mr. Hale explained that Saturday working would not be the norm but that, again, this was dependant on deadlines and he could not guarantee that no Saturday work would take place. He agreed to maintain a close dialogue with NCEM and other neighbours during the development.

Mr Hale referred to correspondence with officers in which the above had been explained and which referred to previous discussions with NCEM regarding their concerns. It was suggested by Members that the assurances offered in the correspondence be referred to in an informative.

Members agreed that there was a need for additional student accommodation and this could help prevent more family homes being lost to become HMOs. In response to concerns over the development being higher than the nearby church, Members acknowledged the need to use the whole of the site and to make best use of site which meant increasing the height of the proposed building. Members agreed that the statement submitted to the planning officer from the applicant regarding completion of foundations to avoid the Music Centre Festival in July 2017 and close liaison with neighbours during construction should form the basis of an informative to be added to the planning approval.

Resolved:

That the application be approved subject to the conditions listed in the report and the following amended and additional conditions and additional informative.

Amended Condition 2

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

Drawings PLY 3055

Site plans - P11-01C,

Floor plans - P11-04e, P11-05c, P11-06c, P11-07c, P11-08c,

Elevations and sections - P12-01c, P12-02c, P13-02c, P13-03c, P13-04d, P13-05c, P14-03b

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 4 (Land contamination)
Remediation Scheme

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

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

Additional Condition

An occupational management plan for the student accommodation shall be submitted and approved in writing by the Local Planning Authority prior to occupation (of the student accommodation). The development shall be occupied in accordance with the approved document at all times.

The occupational management plan shall include details of site operation/management, car parking, change over days, security measures, anti-social behaviour, maintenance, fire safety, and student liaison and community involvement. The plan shall detail how the operators of the student accommodation would be contactable should the need arise.

Reason: In the interests of the amenity of surrounding occupants.

Additional Informative

1. Demolition & construction

In order to prevent disturbance to local business it is recommended the programme of construction adheres to the following where possible -

- Pile foundation by best practical means considering avoidance of noise/vibration disturbance
- Foundations completed before the Early Music Centre Festival on 7-16 July 2017.
- Contractor to maintain close liaison with the NECM and other neighbours throughout the project timeframe.
- Any works undertaken outside typical working hours to only take place once the building is watertight and nearing the end of the project where fit-out works (a quiet activity) can be undertaken inside the building.

Reason:

The application site is underused and the proposed replacement student accommodation, which would achieve a BREAAAM rating of very good, would have a positive effect on the vitality of this part of the city centre. As such in principle the proposals are compliant with national and local policies on the vitality of city centres and housing. There would be a low adverse impact on the setting of the grade I listed church. This is less than substantial harm which, even when attaching significant weight to the desirability of preserving the setting of the church, as required by the 1990 act, would be clearly outweighed by the public benefits. Re-development would otherwise improve the character and appearance of the conservation area. The use of conditions can ensure the scheme accords with national and local planning policy in respect of amenity, risk from flooding and contamination, archaeology and the highway network.

26. 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 April and 30 June 2016 and provided them with a summary of the salient points from appeals determined in that period.

Officers advised that the first sentence of paragraph 4 of the report should refer to 1 April to 30th June 2016 and that the last sentence should state “dismissed” application and not “major” application.

Resolved:

That the report be noted.

Reason:

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

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 5.40 pm].

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development.

3.0 PROPOSED CYCLE TRACK

- 3.1 The proposal to construct a cycle track along the B1224 Wetherby Road frontage of the site was initially included within a previous proposal for the erection of an MRF building and a waste transfer station (ref:-13/00041/FULM) which was subsequently withdrawn. The purpose of the track was to separate pedestrians and cyclists from HGVs in the environs of the entrance to the site and to partially satisfy the aspirations of Rufforth and Knapton Parish Council to have a direct off-road route for cyclists and pedestrians to the edge of the City. At the same time that the road frontage track was being pursued another route running to the north of the site was also progressed and has now been constructed and is in use.
- 3.2 In view of this route now being in use the applicant has requested that the provision of a cycle track along the road frontage be reconsidered in respect of the requirements of Regulation 122 of the CIL Regulations, specifically bullet points a) and c) above.
- 3.3 Further detailed discussions have since been undertaken with Highways Officers, Public Rights of Way and Rufforth with Knapton Parish Council in respect of the proposed track. Highways Officers have confirmed that the track which would not at this time link into any other off road route would not materially impact upon the acceptability or otherwise of the proposal in Highways terms. Public Rights of Way have at the same time confirmed that whilst a separate road site route would in the long term be a an aspiration, the remaining elements that would be required do not form part of any spending programme and so would not be brought forward at any point in the foreseeable future.
- 3.4 Rufforth with Knapton Parish Council have also confirmed that whilst a road side route has been an aspiration, the recently constructed northern route fulfills required provision of a direct link through to the edge of the City and so the provision of a road side route would now to an extent be superfluous.

3.5 Looking at the wider development the provision of the recently constructed northern provides the required degree of separation between cyclists, pedestrians and other vehicles at the site entrance and the development is therefore acceptable in planning terms without it.

4.0 CONCLUSION

4.1 On 12 May 2016 this Committee resolved to grant planning permission for the erection of a waste transfer station with associated ancillary buildings, hard-standings, car parking and alterations to the point of access subject to the conclusion of a Section 106 Agreement. The draft Section 106 Agreement included provision for a cycle track running along the frontage of the site with the B1224 Wetherby Road. The applicant has subsequently sought to have this requirement re-considered in terms of the requirements of Section 122 of the CIL Regulations, which the provisions of Section 106 Agreement are required to meet.

4.2 Further re-examination of the requirement for a road side cycle track in consultation with Highways and PROW officers along with Rufforth and Knapton Parish Council indicates that it would not comply with the statutory tests for acceptable planning obligations set out at bullet points a) and c) of Regulation 122 of the CIL Regulations 2010. Officers do not consider that the removal of this obligation from the proposed Section 106 Agreement affects the planning balance of this planning application or that it should otherwise affect the resolution of the 12 May 2016 meeting. Approval without the requirement for a roadside cycle track is therefore recommended.

5.0 RECOMMENDATION

5.1 That PLANNING PERMISSION BE GRANTED subject to the conclusion of a Section 106 Agreement to include the matters referred to in the Minute of the 12 May 2106 meeting but without the requirement for the provision of a cycle way along the B1224 Wetherby Road frontage of the site and subject to the conditions set out in that Minute.

6.0 ANNEXES

- A - Detailed Committee Report Ref:- 16/00357/FULM
- B - Officer update to Committee Ref:- 16/00357/FULM
- C - Minute of meeting held on 12 May 2016 for application Ref 16/00357/FULM.

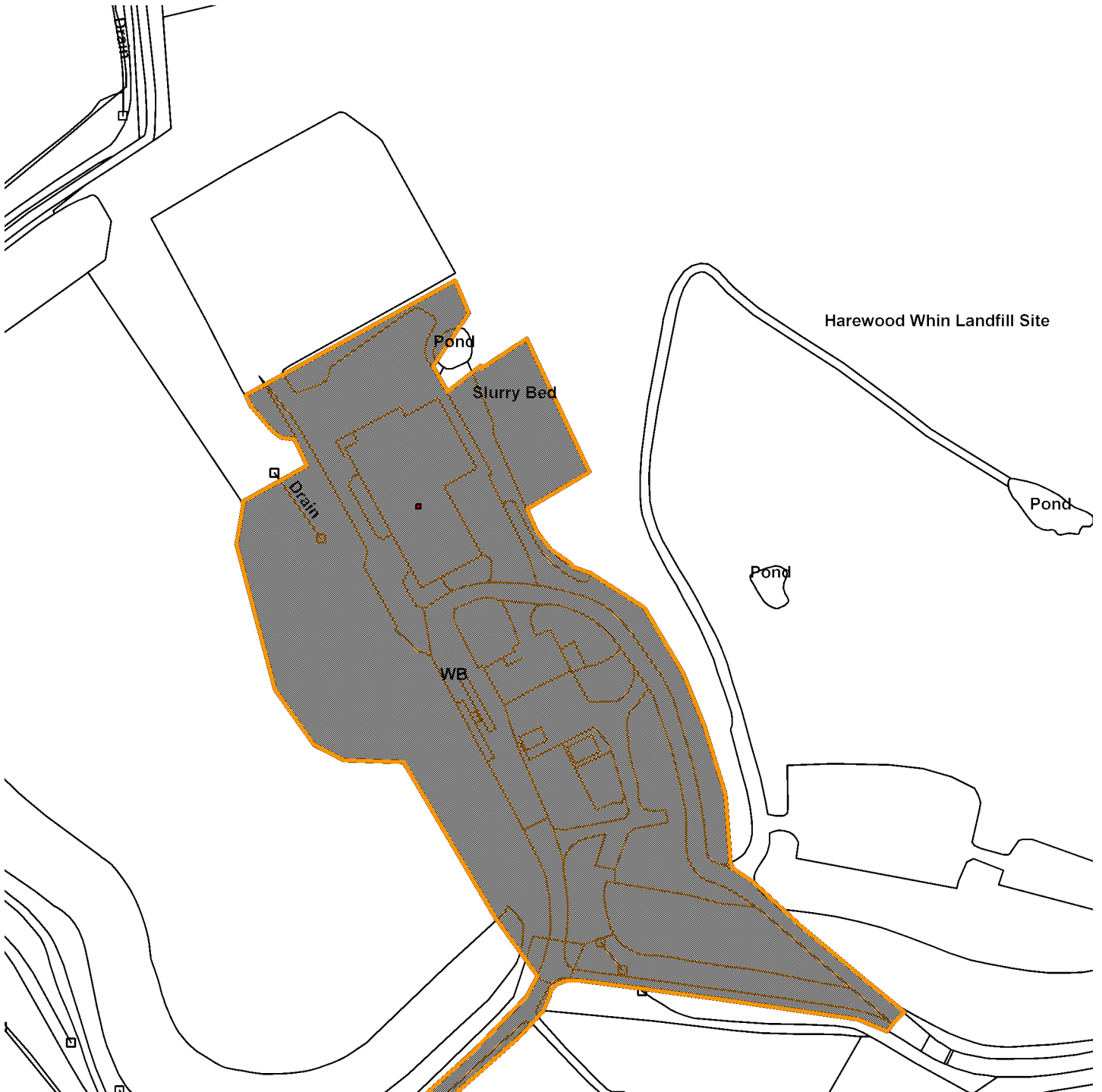
Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

16/00357/FULM

Yorwaste Harewood Whin Tinker Lane Rufforth



Scale : 1:2594

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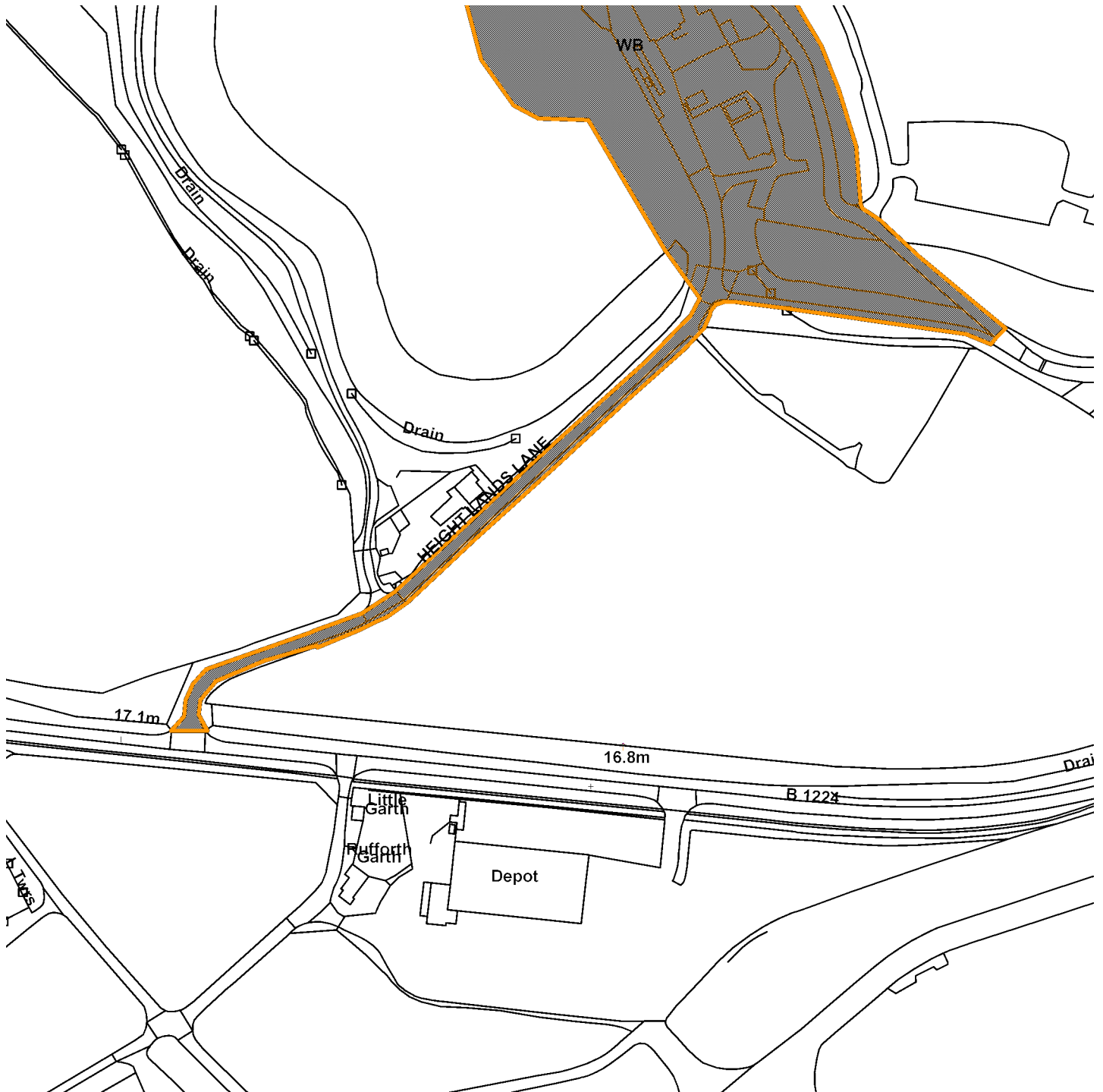
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Organisation	Not Set
Department	Not Set
Comments	Location Plan
Date	06 September 2016
SLA Number	Not Set

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16/00357/FULM

Yorwaste Harewood Whin Tinker Lane Rufforth



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Organisation	Not Set
Department	Not Set
Comments	Location Plan
Date	06 September 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date:	12 May 2016	Ward:	Rural West York
Team:	Major and Commercial Team	Parish:	Parish Of Rufforth With Knapton
Reference:	16/00357/FULM		
Application at:	Yorwaste Harewood Whin Tinker Lane Rufforth York		
For:	Construction of a waste transfer station with associated ancillary buildings, hard-standings, car parking and alterations to access		
By:	Yorwaste Ltd		
Application Type:	Major Full Application (13 weeks)		
Target Date:	14 June 2016		
Recommendation:	Subject to submission of detailed drawings of the access/egress amendments and a satisfactory stage 1 safety audit, approve subject to Section 106 Agreement		

1.0 PROPOSAL

1.1 Harewood Whin comprises a waste disposal by landfill operation lying within the Green Belt to the north east of Rufforth village and to the west of the City Centre. Planning permission is sought for the erection of a Waste Transfer Station some 79 m x31 metres in area to be used for the bulking up and transference of materials to be used in the proposed Allerton Park Waste Incinerator. The application is subject to Environmental Impact Assessment as falling within Schedule 2 to the 2011 Town and Country Planning(Environmental Impact Assessment) Regulations.

1.2 Additionally the proposal seeks to rationalise the existing office and welfare accommodation and vehicle parking within the built foot print occupying the centre of the site. Alterations are also proposed to the site access road with the B1224 Wetherby Road to tackle the long standing amenity issue of Heavy Goods Vehicles accessing and egressing the site via Rufforth village. The applicant has also agreed as part of the development proposal to contribute towards the provision of a cycle track along the Wetherby Road frontage and to unilaterally revoke an extant planning permission for a biomass plant within the north western section of the site.

2.0 POLICY CONTEXT

2.1 RSS:- The general extent of the York Green Belt is defined within saved Yorkshire and Humber RSS Policies YH9C and Y1C as such Central Government Policy in respect of Green Belts as outlined in the National Planning Policy Framework applies.

2.2 Central Government Planning Policy as outlined in paragraph 87 of the National Planning Policy Framework indicates that inappropriate development within the Green Belt is by definition harmful to the Green Belt and should not therefore be approved other than in very special circumstances. Paragraph 88 establishes the weight to be given to a submitted case to establish "very special circumstances". This clearly argues that when considering a planning application Local Planning Authorities should ensure that substantial weight should 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 outweighed by other considerations.

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

2.3 The York Development Control Local Plan (4th Set of Changes) 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 limited except where in accordance with the National Planning Policy Framework.

STATUS OF THE EMERGING LOCAL PLAN:-

2.4 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 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.

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.

STATUS OF THE EMERGING LOCAL PLAN:-

2.5 The (Emerging) Publication Draft York Local Plan (2014) is currently not progressing through its statutory consultation. At the present early stage in the statutory process the emerging Local Plan policies carry only 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.

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.

3.0 CONSULTATIONS

INTERNAL:-

3.1 Public Protection raise no objection to the proposal subject to any permission being conditioned to secure mitigation of any land contamination along with control of any noisy plant or machinery.

3.2 Design, Conservation and Sustainable Development (Ecology) raise no objection to the proposal subject to any permission being conditioned to secure habitat enhancements around the site boundary.

3.3 Planning and Environmental Management raise no objection to the proposal as being necessary to secure the long term waste processing needs of the City subject to the amenity issues surrounding access by HGVs through Rufforth village being satisfactorily being resolved.

3.4 Highway Network Management raise concerns in respect of the proposed access improvements on the basis that the design of the existing access is technically acceptable, the adjoining section of Wetherby Road is not eligible for the imposition of a weight restriction, the amenity issue involving traffic through Rufforth village could be resolved by CCTV and the proposed access amendments may impede visibility for vehicles exiting the site. Concerns over clarity of layout for all highway users and potential confusion; risk of non compliance/abuse and overall highway safety are also raised. A Stage one Highway Safety Audit with associated drawings has been sought and commissioned in respect of the proposed layout which will be reported at the meeting.

3.5 Waste Services were consulted in respect of the proposal on 2nd March 2016. No response has been received at the time of writing.

3.6 Strategic Flood Risk Management were consulted in respect of the proposal on 2nd March 2016. No response has been received at the time of writing.

EXTERNAL:-

3.7 Rufforth with Knapton Parish Council raise no objection in principle to the proposal subject to additional landscaping being undertaken at the site boundary and the access from the site to Wetherby Road being designed to minimise the risk of heavy vehicles using the site accessing and egressing via Rufforth village.

3.8 Natural England raises no objection to the proposal.

3.9 The Environment Agency raises no objection to the proposal subject to suitable mitigation measures being provided to prevent ingress of landfill gas into the building complex.

3.10 Yorkshire Water Services raises no objection to the proposal.

3.11 The Foss (2008) Internal Drainage Board objects to the proposal on the grounds that insufficient information has been made available to assess the impact of the surface water flows from the development on Board maintained assets.

3.12 The Ainsty Conservation Trust was consulted in respect of the proposal on 2nd March 2016. No response has been forthcoming at the time of writing.

3.13 The York Gliding Club was consulted in respect of the proposal on 2nd March 2016. No response has been forthcoming at the time of writing.

3.14 The Rufforth Neighbourhood Planning Group raises no objection in principle to the proposal subject to the revocation of the existing permissions within the site outside of the existing developed foot print, the provision of additional landscaping at the site boundary to the south and south west and alterations to the site access to the B1224 Wetherby Road to tackle the existing amenity issue of heavy traffic using the site accessing and egressing via Rufforth village. Further amendments are at the same time suggested over and above those previously brought forward by the applicant.

3.15 Two letters of representation have been submitted in respect of the proposal expressing broad support conditional upon the design of the site access with the B1224 Wetherby Road being amended to deter Heavy Goods Vehicles from accessing and egressing via Rufforth village and thereby harming local amenity.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the open character and purposes of designation of the York Green Belt;
- Impact upon the safety and convenience of highway users on the local network;
- Impact upon the residential amenity of properties within Rufforth village and the surrounding area;
- Other Environmental Impact Assessment issues.

PLANNING POLICY CONTEXT:-

4.2 GREEN BELT:- Central Government Planning Policy as outlined in paragraphs 79 to 90 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. New built development is automatically taken to be inappropriate and therefore harmful to the Green Belt unless it comes within one of a number of excepted categories. Other development may only be permitted where a case for "very special circumstances" has been forthcoming. Paragraph 88 of the National Planning Policy Framework indicates that "very special circumstances" will only be held to exist where potential harm to the Green Belt and any other harm is clearly outweighed by other considerations.

4.3 WASTE PLANNING:- Central Government Planning Policy in respect of Waste Planning as outlined in the National Planning Policy Statement for Waste (October 2014) paragraph 4 urges Local Planning Authorities to give significant weight to the need to co-locate waste management facilities wherever possible and to have clear regard to the proximity principle so that waste facilities are located as close as possible to the areas where the waste is generated.

4.4 AMENITY:- Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Principles" urges Local Planning Authorities to give significant weight to the need to provide and safeguard a good standard of amenity for all new and existing occupiers of land and buildings.

4.5 ENVIRONMENTAL IMPACT ASSESSMENT:- The 2011 Town and Country Planning(Environmental Impact Assessment) Regulations through schedules 1 and 2 identify clear categories of development including waste management facilities which are likely to have significant non-local environmental effects. Schedule 3 and the accompanying Circular gives clear guidance as to how those effects can be assessed and mitigated against.

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

4.6 The application site comprises a waste management facility of long standing within the site of a former military airfield within the York Green Belt. The proposal represents a partial re-submission of an earlier proposal which was withdrawn following earlier serious concerns in terms of its impact upon the open character and purposes of designation of the York Green Belt. The current proposal envisages the construction of a large industrial shed type structure within the central previously developed section of the site together with the construction of a modular site office and welfare facilities to the south west along with the rationalisation of existing parking in two areas to the south and south west. Central Government Planning Policy in respect of Green Belts as outlined in paragraph 89 of the National Planning Policy Framework indicates that the partial or complete re-development of a previously

developed site whether vacant or in continuing occupation would not be inappropriate within the Green Belt providing it did not have a greater impact upon the openness or purposes of designation of the Green Belt. As such the proposal as amended is felt to be appropriate development within the Green Belt.

4.7 In terms of impact upon openness the proposal envisages the construction of a waste transfer station building aligned south east/north west partially on the site of the existing parking and office compound within the centre of the site. A new modular site office would be located directly to the south with a reconfigured car parking area directly to the west. Additional parking areas would be provided within the re-profiled tipped area to the west and adjacent to the access road to the south. A partially enclosed bale store along with a modular welfare building would also be provided within the existing built foot print to the north. The southern limit of development would be the subject of further landscaping to reinforce the existing mature planting. The elements of the proposed development would be largely incorporated within the existing developed built foot print within the centre of the site and would not be readily perceptible in long or short distance views from outside of the site. There would not therefore be any material harm to the open character of the Green Belt.

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

4.8 The operational waste management site has over a long period of time given rise to an amenity issue through the passage of heavy vehicles through Rufforth village. The application proposes a modification to the site access to ensure that Heavy Goods Vehicles using the site can not then turn right out of the site and travel through Rufforth village. This would then be combined with a CCTV system located at the site entrance to identify vehicles having travelled into the site from the direction of Rufforth and any vehicles that fail to observe the revised junction layout and then travel into the village. Concern has been expressed in relation to the possibility of vehicles entering the site from the direction of Rufforth village through the revised layout and suggested amendments have been put forward involving the location of movable barriers within the approach from Rufforth village. That would however place undue restrictions on other users of the access connected with the adjacent gun club and would also hamper the ability of the operator to move equipment on and off site for operational reasons. The proposed CCTV system is therefore felt to be the most appropriate means of controlling traffic entering the site from the Rufforth direction.

4.9 Other highway concerns have been expressed in terms of the principle of alterations to an access that is technically efficient in terms of its design to control heavy goods vehicle traffic from a B Class road which would not otherwise qualify for a weight restriction. Concern has also been expressed in terms of the safety of vehicles exiting eastwards through the amended layout towards the A1237 Outer

Ring Road in terms of visibility of on-coming traffic on Wetherby Road from the Rufforth direction, along with the risk of additional traffic waiting on the main road to enter the site and the need to light the access. However, whilst the current access may be technically workable and whilst the adjacent Wetherby Road may not qualify for a legal weight restriction in terms of heavy goods vehicles, there has been a long standing amenity issue in terms of volumes of heavy goods vehicles often at slow speeds using Rufforth village to access the waste management site. The access will be required to be lit in any event in order for the CCTV system to work effectively. At the same time the nature of the vehicles which use the site is such that they require to approach the access slowly and at times queue. In terms of the visibility concern the majority of vehicles using the amended access would be heavy good vehicles which sit much higher off the road and which in a number of cases have a wider field of vision. In order to firmly establish the suitability of the proposed layout a Stage One Highway Safety Audit of the proposed access arrangements has been sought and commissioned, the results of which will be reported to the meeting. Subject to the audit yielding a positive result the proposed amendments to the site access are therefore felt to be acceptable.

IMPACT UPON THE RESIDENTIAL AMENITY OF PROPERTIES WITHIN RUFFORTH VILLAGE AND THE SURROUNDING AREA:-

4.10 Concern has previously been expressed in relation to both noise and odour nuisance arising from waste management operations at the site over a long period. The submitted Environmental Impact Assessment identifies a continuing risk of harm in terms of noise and odour in relation to the closest residential properties if current best practise is not followed. The risks are however clearly capable of mitigation as with the existing open air composting and land-filling activities taking place at the site. The proposed processes taking place at the site would involve the unloading, sorting and batching of materials prior to their onward dispatch to the Allerton Park energy from waste facility. The operations would take place as part of a sealed system with no element of the sorting or processing taking place in the open air. Any noise or odour nuisance would therefore be minimal. In order to minimise any harm to amenity during the construction of the premises it is recommended that any permission be conditioned to require the submission and prior approval of a CEMP (Construction Environmental Management Plan) as well as a detailed lighting assessment.

OTHER ENVIRONMENTAL IMPACT ASSESSMENT ISSUES:-

4.11 In addition to issues of amenity, landscape and location the Environmental Impact Assessment also examined issues of water resources and flood risk, soils resource and agriculture , ecology, cultural heritage and lighting. In terms of water resources and flood risk the site lies to the south of a major water bearing aquifer and is within Flood Zone 1 and so is at the lowest deemed risk of flooding. The development is designed to channel any surface water discharges in to the existing

processing system for the wider site which is subject to a system of attenuation before release in to surrounding water courses. In terms of soils resource and agriculture the site is classified as Grade 4 in terms of the agricultural land use classification and contains several buried structures associated with the former military use, as such any impact upon local agricultural land quality arising from the proposal would be modest. In terms of ecology a series of bat and breeding bird surveys have been undertaken at the site and no evidence of material harm has been forthcoming. At the same time in terms of cultural heritage an archaeological desk top survey has been submitted which relates evidence of the former airfield use of the site but no remains of such significance as to merit recording or preservation in situ are identified as being present. In terms of lighting the overall site is subject to a lighting strategy which would also apply to the new built development with the proposed new landscape planting around the southern edge of the site further contributing to its mitigation.

SECTION 106 ISSUES:-

4.12 In order to secure the effective mitigation of the harm generated by the proposal the applicant has offered a number of items which may be effectively secured by means of Section 106 Agreement . They are summarised below and support is recommended to secure:-

- i) Agreement not to implement Planning Permissions 12/00908/FULM and 07/02914/FULM;
- ii) The remaining land between the application site and the B1224 Wetherby Road remaining free from built development;
- iii) Provision of an off road cycle route along the site frontage of Wetherby Road within the site across the site frontage;
- iv) CCTV control of the site access, and
- v) Commuted sum payment to enable the site access to be reconfigured to reduce the number of HGV movements through the village of Rufforth (in consultation with the Highway Officers).

5.0 CONCLUSION

5.1 The proposal is a revised partial re-submission of an earlier proposal that was withdrawn as a consequence of concerns in terms of its impact upon the openness of the Green Belt. The current proposal envisages the re-development of the existing built footprint within the restored area at the centre of the site with a modest expansion to the west to allow for additional car parking. The revised proposal is now therefore felt to be appropriate development within the Green Belt in terms of paragraph 89 of the National Planning Policy Framework. In view of the tightly configured location of the proposal within the centre of the site which is not readily perceptible in long or short distance views from outside of the site it is not felt that there would be material harm upon the open character of the Green Belt. Whilst

some concern has been expressed in terms of the proposed access amendments at the site, it is felt that in view of the long standing concern in terms of heavy traffic accessing the site via Rufforth village that the proposed works can be justified. Subject to detailed drawings demonstrating acceptable arrangements for left turn only exit and a satisfactory works being stage 1 safety audit being undertaken , the proposal is felt to be acceptable in planning terms and approval is recommended.

6.0 RECOMMENDATION: Subject to submission of detailed drawings of the access/egress amendments and a satisfactory stage 1 safety audit, approve subject to satisfactory completion of a Section 106 Agreement to secure:

- i) Agreement not to implement Planning Permissions 12/00908/FULM and 07/02914/FULM;
- ii) The remaining land between the application site and the B1224 Wetherby Road remaining free from built development;
- iii) Provision of an off road cycle route along the site frontage of Wetherby Road within the site across the site frontage;
- iv) CCTV control of the site access, and
- v) Commuted sum payment to enable the site access to be reconfigured to reduce the number of HGV movements through the village of Rufforth(in consultation with the Highway Officers).

And the following conditions:

- 1 TIME2 Development start within three years
- 2 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing Refs:- 5117 002C; 2015.2.37/1a Rev A; 2015.2.37/1D Rev A; 7566 AO52; 7566 AO53; 7566 AO56; 7566 AO60; 7566 AO61; 7566 AO71; 7566 AO72; 7566 AO73; 7566 AO75; 7566 AO80; 7566 AO55.

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

- 3 VISQ4 Boundary details to be supplied
- 4 VISQ7 Sample panel ext materials to be approved
- 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 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 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority

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

Reason: To protect the amenity of local residents

7 NOISE7 Restricted hours of construction

8 LC1 Land contamination - Site investigation

9 LC2 Land contamination - remediation scheme

10 LC3 Land contamination - remedial works

11 LC4 Land contamination - unexpected contam

12 Prior to the commencement of the development hereby authorised above foundation level a full Lighting Impact Assessment for all proposals involving floodlighting, must be undertaken by an independent assessor and approved by the Local Planning Authority (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
Application Reference Number: 16/00357/FULM Item No: 4b

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 development shall thenceforth be undertaken in strict accordance with the details thereby approved and shall be retained thereafter.

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

13 The development hereby permitted shall not be occupied/commence operation until the following biodiversity enhancements have been installed/constructed;

The felled trees will be used to create wood piles within the retained mixed plantation woodland;

Provision of three bat boxes within the retained mixed plantation woodland, the location to be determined by an ecologist; and

Provision of three bird nesting boxes with the retained mixed plantation woodland.

Reason: To ensure that there is a net gain in biodiversity in line with NPPF Section 11.

14 HWAY19 Car and cycle parking laid out

15 HWAY21 Internal turning areas to be provided

16 HWAY31 No mud on highway during construction

17 ENVA1 Surface water drainage through oil inter

18 ENVA2 Prevention of pollution - tanks etc

19 Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 , or any subsequent legislation revoking or re-enacting that Order, no fixed plant or machinery, buildings, structures or private ways, shall be erected, extended, installed or replaced at the

site, other than those expressly authorised by this permission without the prior written approval of the Local Planning Authority.

Reason: - To safeguard the character of the site in the interests of visual amenity and to secure compliance with Policy GB1 of the York Development Control Local Plan.

20 Piling or any other foundation design using invasive methods shall not be permitted other than with the express consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant risk to groundwater. The development shall be carried out in strict accordance with the approved details.

Reason: - To protect controlled waters.

21 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include:-

Surface water discharge to be regulated to the green field run-off rate from a 1 in 1 year storm with the on-site drainage system able to accommodate the storm water from a 1 in 100 event without harming neighbouring properties.

Such scheme shall be implemented before the construction of impermeable surfaces draining to the system unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To safeguard the water environment and to minimise flood risk.

22 Prior to the first operation of the building and plant hereby authorised, the developer shall submit a formal BREEAM assessment or equivalent, for the Design and Procurement stages for the building and plant hereby approved. All assessments shall be followed by a BREEAM Post Construction review to be submitted after construction at a time to be agreed in writing by the Local Planning Authority. All assessments shall confirm the minimum "Very Good" rating or equivalent, anticipated in the preliminary BREEAM assessment submitted with the application, and to be agreed in writing by the Local Planning Authority.

Reason: - In the interests of sustainable development, in accordance with the requirements of Policy GP4a) of the York Development Control Local Plan and the Council's Planning Guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

23 Prior to the commencement of development above foundation level full details of all measures to vent, disperse and prevent build up of any accumulation of landfill gas within the buildings hereby authorised, their foundations and immediate environs 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 authorised prior to being first brought into use.

Reason:- To prevent pollution of the surrounding environment.

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:

Clarification in respect of the proposed re-aligned access arrangement.

2. NESTING BIRDS:-

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

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

3. 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:

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Item No: 4b

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers' instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

Contact details:

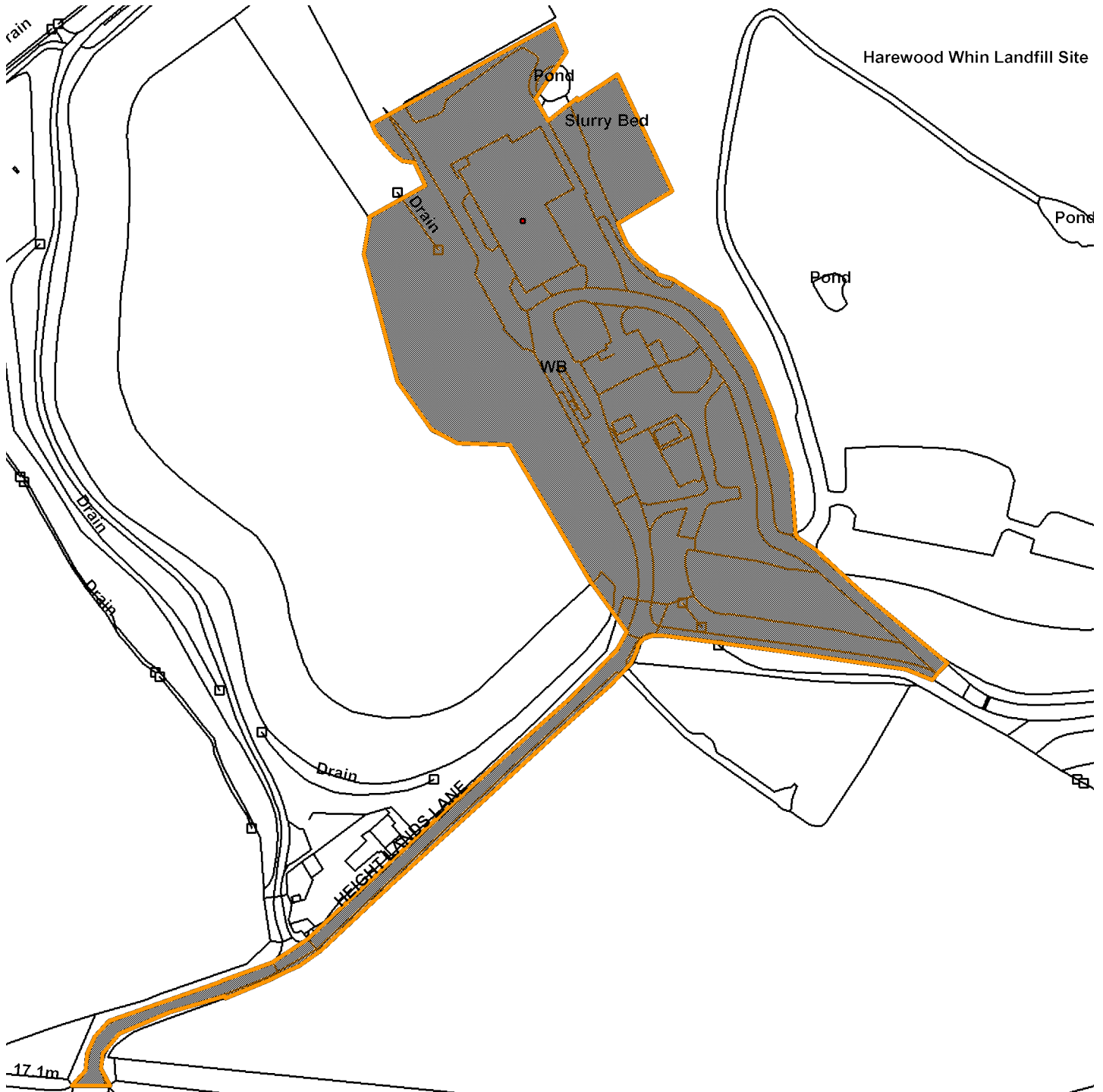
Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

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16/00357/FULM

Yorwaste, Harewood Whin Tinker Lane Rufforth



Scale : 1:2967

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	03 May 2016
SLA Number	Not Set

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16/00357/FULM Erection of a Waste Transfer Station with Ancillary Facilities on Land at Harewood Whin, Tinker Lane, Rufforth. Committee Update:-

Since the Committee Report was prepared a further 18 letters of representation have been received, objecting to the development in the event of the proposed access alterations to the junction of Tinker Lane with the B1224 Wetherby Road not being 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.

A detailed Stage One Safety Audit has been forthcoming although further negotiation is required to achieve a satisfactory solution in respect of the proposed junction improvements.

The recommendation is therefore amended to read:-

Defer pending

(a) the receipt of satisfactory detailed information in respect of highway safety for the junction alterations to provide for a no right hand turn exit from the site, and

(b) satisfactory completion of a Section 106 Legal Agreement to secure:-

- i) Agreement not to implement Planning Permission ref:- 12/00908/FULM**
- ii) The remaining land between the application site and the B1224 Wetherby Road remaining free from built development**
- iii) Provision of an off road cycle route along the site frontage**

iv) CCTV control of the site access and;

v) Commuted sum payment to enable access to be reconfigured to reduce the number of HGV movements through the village of Rufforth(in consultation with the Highway Officers).

The proposed junction improvements may alternatively be secured by a condition in the “Grampian” format (“no development may take place until...”) depending upon the final result of the requested Safety Audit.

On completion of (a) and (b) above, delegated authority be given to the Assistant Director of Planning and Regeneration to GRANT planning permission subject to the following conditions and any other conditions required as a result of the highway safety audit.

City of York Council

Extract from 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, Wartors 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.

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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COMMITTEE REPORT

Date: 15 September 2016 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 15/02645/FULM
Application at: Oliver House Bishophill Junior York YO1 6ES
For: Demolition of existing building and erection of Retirement Living
Housing for the elderly with associated communal facilities,
landscaping and car parking
By: McCarthy & Stone Retirement Lifestyles Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 18 September 2016
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 Oliver House comprises a substantial buff brick and concrete tile built former Elderly Person's Home occupying a prominent location within the Central Historic Core Conservation Area to the south west of Micklegate. The City Walls, a Scheduled Ancient Monument, lie directly to the south west and the Grade 1 Listed Church of St Mary's Bishophill Junior lies a short distance to the north east. Planning permission is sought for the redevelopment of the site to provide a 34 apartment retirement living complex for McCarthy and Stone. The proposal has been amended several times since submission to deal with conservation and residential amenity concerns.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core CONF

City Boundary York City Boundary 0001

2.2 Most relevant Policies within the Development Control Local Plan (2005 4th set of changes):-

CGP4 (a) – Sustainability

CGP15A - Development and Flood Risk

CYGP1 - Design

CYHE10 - Archaeology

CYH2A - Affordable Housing

CYHE2 - Development in historic locations

CYHE3 - Conservation Areas

3.0 CONSULTATIONS

INTERNAL:-

- 3.1 Public Protection raise no objection to the proposal subject to any permission being conditioned to require prior approval of any plant, that may be audible off site, details of remediation of land contamination and the submission of a Construction Environmental Management Plan.
- 3.2 Highway Network Management raise no objection in principle to the proposal but have expressed concern in respect of the manoeuvrability of vehicles within the site and the need to secure a Traffic Regulation Order for the site frontage. The application has subsequently been amended to address these concerns.
- 3.3 Public Realm (Strategy and Contracts) raise no objection to the proposal.
- 3.4 Planning and Environmental Management (Archaeology), raise no objection to the proposal subject to a detailed archaeological evaluation of the site being undertaken prior to construction work commencing.
- 3.5 Planning and Environmental Management (Ecology), raise no objection in principle to the proposal but raise concern that the existing building comprises a potential habitat for roosting bats. A detailed bat survey has subsequently been undertaken which demonstrates that no bats are present at the site.
- 3.6 Planning and Environmental Management (Conservation), raise no objection in principle to the proposal. The concerns in respect of the impact of the proposal upon the setting of the Church of St Mary Bishophill Junior is acknowledged and the character and appearance of the Conservation Area at the junction of Priory Street and Bishophill are acknowledged. However, it is felt that the proposed work would constitute less than substantial harm to the significance of both Conservation Area and the setting of the Listed Building and the removal of the current building which is taken to be a significant detractor from the character of the Conservation Area is felt to convey a degree of public benefit as required by paragraph 134 of the NPPF.

3.7 Strategic Flood Risk Management was consulted in respect of the proposal on 4th July 2016. Views will be reported orally at the meeting.

3.8 Housing Services raise no objection in principle to the proposal subject to the payment of a commuted sum in lieu of provision of affordable housing on site. This being assessed at a compromise figure of £850,000 based upon detailed discussions with the applicant in respect of viability and the provision of a supporting report by the District Valuer which indicated that the site could be developed viably to generate a sum of approximately £1 million in respect of commuted sums, objection would however be offered in respect of any lower figure.

EXTERNAL:-

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

3.10 The North Yorkshire Police Force Architectural Liaison Officer raises no objection to the proposal.

3.11 Micklegate Planning panel was consulted in respect of the proposal on 4th July 2016. Views will be reported orally at the meeting.

3.12 Historic England raises concerns in respect of the visual relationship between the proposed development the tower of St Mary Bishophill Junior and the nearby section of the City Walls. The visual relationship between the Walls and the Church Tower is of major importance both to the setting of the Listed Church and to the significance of the Conservation Area. It is felt that unless the section of the proposed building facing the City Walls along Priory Street is lowered then the significance of the Conservation Area and the setting of the Church would be seriously harmed and planning permission should be withheld.

3.13 York Civic Trust raises no objection in principle to the proposal but raises concerns in respect of the visual relationship of the proposal to the City Walls and to the tower of St Mary Bishophill Junior and the impact of its scale and massing upon the character of the adjacent section of the Historic Core Conservation Area.

3.14 25 Letters of objection have been received. The following is a summary of their contents:-

- Concern in respect of loss of residential amenity through overbearing impact, loss of light and privacy upon properties to the north east of the site in Priory Street and to the south of the site in Fairfax Street;

- Concern in respect of the impact of the proposal upon the character and appearance of the Central Historic Core Conservation Area, specifically in terms of its scale and massing relative to its surroundings;
- Concern in respect of increased on-street parking in surrounding side streets;
- Concern in respect of the impact of the proposal upon traffic generation and traffic flows in surrounding side streets;
- Concern in respect of the loss of residential amenity during the construction process through increased noise and vibration;
- Concern in respect of impact upon the setting of the City Walls and the setting of the Church of St Mary Bishophill Junior;
- Concern that the payment of a substantial commuted sum in respect of affordable housing may influence the grant of planning permission.

4.0 APPRAISAL

KEY CONSIDERATIONS

4.1 key considerations include:-

- Impact upon the setting of the Church of St Mary Bishophill Junior a Grade I Listed Building and the City Walls;
- Impact upon the character and appearance of the Central Historic Core Conservation Area;
- Impact of the proposal upon deposits of Archaeological Importance;
- Impact upon the residential amenity of neighbouring properties;
- Presumption in Favour of Sustainable Development;
- Provision of financial contribution towards off-site "affordable housing" by commuted payment;
- Impact upon the level of on-street parking and traffic flow in the surrounding area.

PLANNING POLICY CONTEXT

4.2 The National Planning Policy Framework (NPPF) is the most up-to date representation of key relevant policy issues (other than the Saved Regional Spatial Strategy Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be assessed.

STATUS OF THE EMERGING YORK LOCAL PLAN PUBLICATION DRAFT (2014)

4.3 Publication Draft York Local Plan (2014):- An eight week consultation on the Preferred Sites 2016 document and supporting evidence for the emerging City of York Local Plan started on 18 July 2016.

4.4 The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

4.5 Relevant emerging policies are as follows:

- D4 (Conservation Areas) and D5 (Listed Buildings).

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

4.6 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 where they are in accordance with the National Planning Policy Framework.

HERITAGE ASSETS; STATUTORY DUTY UNDER PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 (AS AMENDED) AND NATIONAL POLICY

4.7 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act") 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.

4.8 Section 72(1) of the 1990 Act requires the Local Planning Authority when determining planning applications to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

4.9 The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The application must be judged on this basis.

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 heritage asset is still to be given more weight than if it were simply a factor to be taken into account along with all other material considerations.

- 4.11 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings, conservation areas and scheduled monuments as “designated heritage assets”. Section 12 advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131 of the NPPF, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset’s significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness.
- 4.12 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.”
- 4.13 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.
- 4.14 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.”
- 4.15 Paragraph 135 requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining an application.

IMPACT UPON THE SETTING OF ST MARY BISHOPHILL JUNIOR AND THE CITY WALLS

- 4.16 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.

- 4.17 Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of 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.
- 4.18 Policy D5 of the emerging 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.
- 4.19 The Church of St Mary Bishophill Junior comprises a substantial Grade I Listed stone built structure dating from the medieval period with a narrow high tower constructed of largely reused Roman masonry dating to the period around AD1000 and as such it is the oldest continuously occupied building within the City. Recent research has furthermore suggested a function for the tower in the City's civic government and defence predating the City Walls in their current form. As such the visual and functional relationship between the Church tower and the City Walls is of substantial importance in terms of the significance of both. The existing building of Oliver House with its squat scale and massing, discordant, idiosyncratic siting and inappropriate palette of materials is moderately harmful to both.
- 4.20 Serious concerns have been expressed in relation to the degree of obstruction that the mass and roofs cape of the new building would give rise to in terms of views of the Church tower from the City Walls specifically the symbolically important belfry openings. In respect of the scheme as submitted the upper tier of apartments and specifically the resident's lounge would give rise to a significant degree of visual disruption between the two points. The scheme has been amended on several occasions since submission in order to address this issue, to lower the roof form and also to lessen the volume of the accommodation provided. It is felt that the proposals as most recently amended whilst causing a small degree of visual disruption in views from the Walls to the south west, now broadly maintain the significant relationship in terms of the setting of both monuments. Any harm to the significance of the setting in terms of paragraph 134 of the NPPF is now felt to be less than substantial and even when considerable weight and importance is attached to the harm, it is outweighed by the public benefit of the loss of the existing building and the re-establishment of a built form more correctly reflecting the grain and palette of materials of the surrounding townscape.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE CENTRAL HISTORIC CORE CONSERVATION AREA

4.21 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 paragraph 14 of the NPPF does not apply in these circumstances.

4.22 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.

4.23 Policy D4 of the emerging 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.

4.24 The Central Historic Core Conservation Area in the vicinity of the proposal comprises a mix of densely developed brick built housing of early 19th Century date leading out from the City Centre a short distance to the north east. Elements of the much earlier Medieval pattern of development also survive in respect of the remains of Holy Trinity Priory to the north and north east, the Church of St Mary Bishophill Junior to the north east and the City Walls themselves to the west and south west. The application site has been specifically identified in the Central Historic Core Conservation Area Character Appraisal as being a major detractor, in terms of its bulk, relationship to the street frontage and the highly idiosyncratic palette of materials adopted for its construction. It is furthermore specifically harmful and discordant in terms of its visual relationship with the City Walls, the early 19th Century St Clements Congregational Chapel to the north west and the middle distance view to Micklegate itself to the north.

4.25 The proposal would restore a more accurate and faithful relationship of building to street frontage with the use of a palette of materials, pattern of fenestration and roof forms more suitable for the surrounding area. Concern has been expressed in terms of the impact of the scale of the proposed development

upon the character and significance of the Conservation Area. The scheme has however been amended to adjust the roof form and pattern of fenestration to mirror as far as practicable the pattern of the terraced housing lining Priory Street directly to the north and to the south west where the development bounds the lower rise properties of Fairfax Street the scale and massing has been stepped down. It is felt that this creates a more visually and historically respectful built form than the existing and that whilst the proposal would give rise to less than substantial harm to the significance of the Conservation Area this would be off set in the planning balance by the correction of the existing situation even when considerable importance and weight is attached to the harm. It is felt that the removal of the building, which has been identified in both the Central Historic Core Conservation Area Character Appraisal and the 1974 Bishophill Conservation Strategy as a significant detractor would amount to a substantial public benefit in line with paragraph 134 of the NPPF.

IMPACT UPON DEPOSITS OF ARCHAEOLOGICAL IMPORTANCE

4.26 The application site lies within the confines of what was the Roman civilian trading settlement directly to the west of the centre of local government and military garrison, and a short distance from the west gate leading to the town of Calcaria (Tadcaster). In the 1970s significant evidence of Early Medieval trading and industrial development was identified to the north and east and significant evidence still survives of Later Medieval urban development lining Micklegate directly to the north. The site furthermore lies within the confines of the statutory Area of Archaeological Importance. Trial sampling has been undertaken within the exposed areas of the site which has identified evidence of a depth of Medieval garden soil overlying a substantial well constructed Roman building sections of which would have to be excavated in order for the development to be implemented along with the foundations being specifically designed to accommodate preservation of the bulk of the building in situ. As such the proposal is felt to be acceptable in archaeological terms providing the minimum amount of disturbance is undertaken and the foundations are designed appropriately. This may be conditioned as part of any planning permission.

PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

4.27 The NPPF establishes that sustainable development should be seen as golden thread running through both plan-making and decision taking. In broad terms, the effect of national planning policy as outlined in paragraph 49 of the NPPF is that when relevant policies for the supply of housing are out of date, planning application for housing should be considered within the context of the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF. However, paragraph 14 indicates that the presumption should not be applied if specific policies indicate that development should be restricted and footnote 9 refers by way of example to policies relating to heritage assets. The

site does occupy a significant and prominent location within the Central Historic Core Conservation Area and the settings of the City Walls and the Church of St Mary Bishophill Junior both Grade I Listed Buildings. As such, in accordance with foot note 9 to paragraph 14 of the NPPF the presumption in favour of sustainable development does not apply in this case. Instead, it is necessary to judge this application against, amongst other things, paragraph 134 of the NPPF which is considered earlier in this report.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

- 4.28 Central Government planning policy as outlined in paragraph 17 "Key Planning Principles" of the National Planning Policy Framework urges Local Planning Authorities to safeguard a good standard of amenity for new and existing occupiers of land and buildings. Particular concern has been expressed by residents of Fairfax Street to the south west of the site in terms of the potential for loss of privacy through overlooking as well as a loss of residential amenity by virtue of the physically overbearing nature of the development. Since submission the proposal has been substantially amended to lower its scale as it meets the rear of properties aligned on Fairfax Street. The principal living areas of the apartments at the south western edge of the site have also been realigned to ensure that principal living areas are no longer lit by windows overlooking the adjacent properties with only a stair landing window facing the adjacent properties at a distance of 10 metres. The gable of the two storey section of the apartments at the southern edge of the development lies closer to the adjacent property at the junction of Fairfax Street and Priory Street. That property is however aligned north east /south west with the principal living windows located away from the application site. Any impact upon the residential amenity of occupiers would therefore be modest and the relationship is highly characteristic of the pattern of development in the wider area.
- 4.29 Separation distances to the Local Authority housing to the north east are more significant and reflective of the existing pattern of development with the closest distance some 11 metres frontage to gable. The adjacent properties would overlook the amenity area associated with the new development as at present and there would not be any issue of mutual overlooking or any harm to amenity by virtue of the scale of the new development being overbearing. In broad terms the relationship of the proposal to the surrounding area is reflective of broader relationships within the established pattern of development and it is felt would not materially harm the residential amenity of neighbouring properties. Concern has also been expressed in relation to piling for foundations close to properties on Fairfax Street to the south. The detailed foundation design will however be the subject of a requirement for prior approval by condition in order to safeguard the significant archaeological

remains in the area. The requirements of paragraph 17 of the National Planning Policy Framework can therefore be complied with.

COMMUTED SUM PAYMENTS

- 4.30 The proposed development triggers a requirement for the payment of commuted sums to secure a Traffic Regulation Order for the surrounding side street (approximately £6,000) and for the provision of affordable housing in line with the Authority's adopted Interim Target for brown field sites of 20%. In view of the specialist nature of the development it is accepted that on-site provision of affordable housing would not be feasible so negotiations have taken place on the basis of the payment of a commuted sum secured by a Section 106 Agreement. After a protracted period of negotiation a compromise sum of £850,000 was sought in this case to secure compliance with the adopted Interim Policy Target in this case. The contributions sought are required to comply with the statutory tests for planning obligations set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 such that they are (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.
- 4.31 Following an independent appraisal by the District Valuer the applicant has offered a contribution of £570,000 to cover all commuted sum requirements based upon the very particular circumstances of the site and the manner required to develop it. A report has been submitted by the District Valuer which identifies that with an 18% developer profit and subject to a strict range of permutations relating to the construction method including the cost of demolition and the foundation design, that a sum in the region of £1million could be made available in respect of the required commuted payments. The applicant however contests the suggested profit level in view of the very specialist nature of the development. At the same time attention is drawn to significant concerns in relation to the assumptions surrounding construction costs which are unrealistically low in respect of the foundation design and execution and make no allowance for the specialist design work which will be required to accommodate the significant archaeological deposits which have been identified across the site, the full extent of which will only become known subsequent to demolition.. It can therefore be argued that a requirement for a commuted payment based upon the DVA report would not be compliant with Regulation 122 c) of the CIL Regulations in this case as assumptions made in respect of elements of the construction cost are clearly unreasonable. In the circumstances it is therefore recommended on balance that the total sum of £570,000 offered by the applicant should be accepted and secured by means of a Section 106 Agreement to provide that £6,000 would be applied by the Council towards the making of a TRO and £564,000 would be applied by the Council towards the provision of off-site affordable housing.

The final detail of the apportionment would be agreed through a Section 106 Agreement. The applicant has also agreed to stage the required payments through the construction process.

IMPACT UPON PARKING AND TRAFFIC FLOW IN THE LOCALITY

4.32 Concerns have been expressed in respect of the impact of the proposal upon levels of traffic generation and on-street parking within a sensitive area close to the City Centre. The proposal is however sustainably located in relation to public transport routes along with shops and facilities that residents would access. At the same time the proposed level of on-site parking would comply with the adopted maximum parking standards. Information submitted by the applicant indicates a low level of on-site parking requirement and consequent vehicle trip generation. The proposal is therefore felt to be acceptable in highway terms.

SUSTAINABILITY

4.33 Policy GP4 (a) of the York Development Control Local Plan requires that new development should clearly demonstrate how it complies with the principles of sustainable development.

The application site lies in a sustainable location with easy access to shops and services within the City Centre and key public transport routes. The proposed building complex has been designed on a “fabric first” basis to minimise the use of embodied energy and will include cycle and scooter provision to minimise car usage. A detailed Building for Life Pre-Construction Report has also been submitted which clearly demonstrates that the development would comply with the requirements of Policy GP4a) of the Development Control Local Plan.

5.0 CONCLUSION

5.1 The amendments to the scheme are felt to satisfactorily address the previous concerns in respect of the relationship of the building to the setting of the Church of St Mary Bishophill Junior and the City Walls as well as the character and appearance of the Historic Core Conservation Area with the loss of the existing building amounting to a significant public benefit to outweigh the less than substantial harm to the significance of these designated Heritage Assets even when considerable importance and weight is attached to the harm. At the same time the adjustment to the scale and massing of the development as it approaches properties in Fairfax Street would effectively address concerns in relation to residential amenity.

5.2 The proposal generates a requirement for the payment of a commuted sum in lieu of the provision of on-site affordable housing.

The applicant has identified a significant viability issue in terms of the manner in which the sum has been calculated through the costs of demolition and the need to establish a bespoke foundation design and construction method to protect important buried archaeological remains. In order to comply with Regulation 122 c) of the CIL Regulations it is therefore recommended that their suggested compromise commuted sum payment of a total of £570,000 towards a TRO and the provision of off-site affordable housing be agreed to and secured by means of a Section 106 Agreement. The scheme as a whole is therefore felt on balance to be acceptable in planning terms and approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to prior completion of a Section 106 Agreement and the following conditions:

- 1 TIME2 Development start within three years
- 2 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing Refs:-NE-2118-03-AC-010 Rev C; 05108_Visibility Loss Plan-15 08 16;
NE_2118_01_AC_003_ARTISTS IMPRESSION_SHEET 1_REV E;
NE_2118_01_AC_004_ARTISTS IMPRESSION_SHEET 2_REV E;
NE_2118_01_AC_005_ARTISTS IMPRESSION_SHEET 3_REV E;
NE_2118_01_AC_006_ARTISTS IMPRESSION_SHEET 4_REV E;
NE_2118_01_AC_007_ARTISTS IMPRESSION_SHEET 5_REV E;
NE_2118_01_AC_007_ARTISTS IMPRESSION_SHEET 5_REV E;
NE_2118_01_AC_008_ARTISTS IMPRESSION_SHEET 6_REV E;
NE_2118_01_AC_009_ARTISTS IMPRESSION_SHEET 7_REV E; NE-2118-04-HE-001; NE-2118-04-HE-002; NE-2118-04-HE-003; NE-2118-03-AC-016-BLOCK 1-DETAIL ELEVATIONS AND SECTIONS_REV E; NE-2118-03-AC-017-BLOCK 2-DETAIL ELEVATIONS AND SECTIONS_REV E; NE-2118-03-AC-018-BLOCK 3-DETAIL ELEVATIONS AND SECTIONS_REV E; NE-2118-03-AC-019-BLOCK 4-DETAIL ELEVATIONS AND SECTIONS_REV E; NE-2118-03-AC-020-BLOCK 5-DETAIL ELEVATIONS AND SECTIONS_REV E; NE-2118-03-AC-021-BLOCK 6-DETAIL ELEVATIONS AND SECTIONS_REV E.

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 approved

- 5 No development shall take place until there has been submitted to 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 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 Large scale details (1:20 and 1:5 with specifications as appropriate) 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.

a) Special eaves and verge conditions (including gutters and outfalls)

b) Main entrance including, canopy/framing, windows, doors and threshold condition.

c) Dormer windows

d) Bay windows

e) External protective guarding to doors and windows (guarding must be set back within the opening to preserve the depth of reveal)

f) Windows incorporating louvers (notwithstanding the submitted details)

g) Other external doors

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

7 ARCH1 Archaeological programme required

8 ARCH3 Foundation design required

9 EPU1 Electricity socket for vehicles

10 LC1 Land contamination - Site investigation

- 11 LC2 Land contamination - remediation scheme
- 12 LC3 Land contamination - remedial works
- 13 LC4 Land contamination - unexpected contamination
- 14 Before the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. It shall include for the provision of a dilapidation survey of the highways adjoining the site. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To safeguard the amenity of residential occupants in the surrounding area,

- 15 NOISE7 Restricted hours of construction
- 16 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 (LA max (f)) and average sound levels (LA eq), 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 amenity of local residents.

17 HWAY18 Cycle parking details to be agreed

18 HWAY19 Car and cycle parking laid out

19 HWAY40 Dilapidation survey

20 The premises shall be used for Later Living Retirement Housing (Category 2) for those aged 60 years and over and for no other purpose, including any other purpose in Class C3 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 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 Later Living Retirement Housing means that the mix of unit sizes, 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 Development Control Local Plan and paragraphs 50 and 203 of the National Planning Policy Framework, as such the occupation of the development for general market housing would be inappropriate.

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 a series of design amendments to deal with concerns in respect of impact upon a series of designated Heritage Assets and the residential amenity of neighbouring properties.
- ii) Sought to achieve the payment of a satisfactory commuted sum in lieu of the provision of affordable housing on site.

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 manufacturers' instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

3. 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:

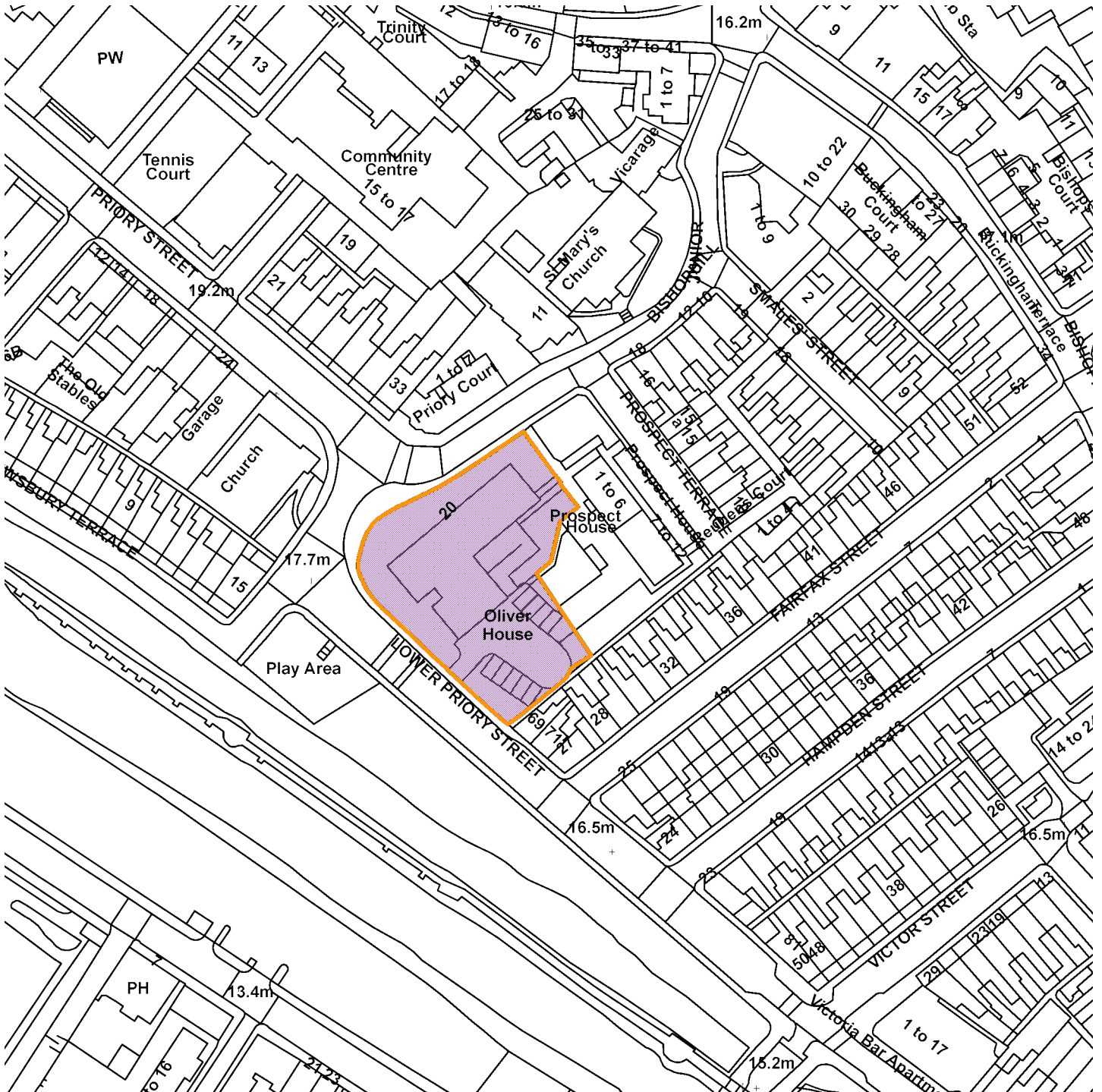
Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

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15/02645/FULM

Oliver House Bishophill Junior York



Scale : 1:1297

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Organisation	Not Set
Department	Not Set
Comments	Location Plan
Date	06 September 2016
SLA Number	Not Set

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1.5 The buildings and structures approved in April include a large unit to house the birds and pack and store eggs, two feed bins and a trailer canopy. Their maximum height would be 6.8m. The main building (the egg laying unit) is proposed to be 131m long by 23m wide. The longest elevation would run parallel with Hagg Wood. The building would have a ridge height of 6.8m and eaves height of 3.8m.

1.6 The buildings are reached via a track from Broad Highway. Broad Highway is around 530m from the application site.

2.0 POLICY CONTEXT

2.1 Draft Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies:

City of York Draft Local Plan adopted for Development Control purposes (2005) (DCLP). Relevant policies:

CYGP15 - Protection from flooding

CYGB1 - Development within the Green Belt

CYGP1 - Design

CYGP4 - Environmental sustainability

CYGP9 - Landscaping

CYNE1 - Trees, woodlands, hedgerows

CYNE5A - Local Nature Conservation Sites

CYNE6 - Species protected by law

City of York Council Emerging Local Plan Publication Draft (2014)

3.0 CONSULTATIONS

3.1 INTERNAL

Rights of Way Officer

3.2 No objections. The track linking Broad Highway to the proposed facility is part of the Wilberforce Way which is well used. The proposal to surface the track and increase its width to 5m is considered acceptable from a public rights of way perspective.

3.3 The surfacing details are acceptable and the planting does not conflict with the public right of way. It is advised that signage is erected clarifying the use of the route by vehicles and pedestrians.

Planning and Environmental Management - (Landscape)

3.4 No objections to proposed planting scheme subject to slight modifications in species mix and clarification that no requirement to import soil.

Planning and Environmental Management - (Ecology and Countryside)

3.5 No objections. The loss of hedgerow at the entrance to the site is relatively small and compensated for by additional planting elsewhere in the site.

Highway Network Management

3.6 Raises no objections

EXTERNAL

Wheldrake Parish Council

3.7 Object:

- No detail has been provided on the surfacing of the footpath.
- The fencing and landscaping will encroach on the western end of the public footpath.

Residents

3.8 13 letters have been received objecting to the proposal. The issues raised are summarised below:

- Hagg Wood is a commercial timber plantation and will be felled one day. Conifers should be planted on the eastern side of the buildings to screen them.
- Concerned in respect to the impact of the access route on the footpath.
- Concerns in respect to the impact of odours from the facility on the future wellbeing/popularity of Swallow Hall golf club/tourist accommodation and other tourist facilities in the area. Could lead to jobs being lost.
- Concern re the impact of heavy vehicles on the safety of users of Broad Highway and the public right of way leading past the units.
- The proposal is out of scale with the locality.
- The site is closer to residential units than previously stated.
- Concerns over impact on badgers and inadequate consideration given to the animals.
- The ecology report is insufficient.
- As the unit is for the pharmaceutical industry additional security such as high fencing will be needed.
- No information submitted regarding passing places.
- The number of rats and foxes will increase.
- The access route past schools is dangerous.
- The Environmental impact will be significant and has not been properly assessed.
- Lack of detail with application.
- The highway access will harm Broad Highway verges candidate SINC.
- The access will damage drainage channels opposite.
- There should be a full ecology survey of protected species and the impact that the access track has on them.
- There is inadequate screening from Wheldrake and Swallow Hall.

- Have the Council fully investigated the local impact of pharmaceutical based egg businesses.

3.9 Officer comment; Some objections raise issues which were considered by Members when assessing the outline application and which are not relevant to the consideration of the reserved matters application. These issues include the use of Broad Highway by heavy vehicles and the impact of odours from the facility.

4.0 APPRAISAL

MATTERS FOR DETERMINATION

4.1 The principle of the erection of an egg laying unit to house 32,000 birds on this site has previously been assessed and accepted through the outline planning permission granted in April 2016. This permission also approved the scale and footprint of the building and the site layout, including routes and open spaces within the development. Accordingly these matters are not for consideration here. The assessment of this application can only focus on the reserved matters that form the current application, specifically details relating to access, appearance and landscaping,

KEY CONSIDERATIONS

4.2 key considerations relate to the acceptability of the following areas:

- The impact on highway safety.
- The impact on the appearance of the surrounding area including the Greenbelt.
- The impact on wildlife and the environment.
- The impact on public rights of way.

4.3 These issues are considered within the assessment of the 3 separate matters that are the subject of the reserved matters application for determination (access, appearance and landscaping).

PLANNING POLICY

Development Plan

4.4 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

4.5 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.

Emerging Local Plan

4.6 An eight week consultation on the Preferred Sites 2016 document and supporting evidence for the emerging City of York Local Plan started on 18 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. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

Wheldrake Village Design Statement

4.7 This document was approved in March 2015 as a draft supplementary planning document to the emerging plan and is a material consideration when assessing planning applications. The future of the countryside around the village is considered in the document. Of relevance to the proposal are the following guidelines and issues:

- The importance of Public rights of way to the quality of life of residents and the desire to see these improved.
- Wildlife and bio-diversity is important.
- Landscape design is important and the planting of native trees should be encouraged.
- Development should not detract from the Greenbelt or setting of the village.

National Planning Policy Framework

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

4.11 AMENITY ISSUES: - Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Principles" urges Local Planning Authorities to give significant weight to the need to provide and safeguard a good standard of amenity for all new and existing occupiers of land and buildings.

4.12 RURAL ECONOMY: - Central Government Planning Policy as outlined in paragraph 28 of the National Planning Policy Framework urges Local Planning Authorities to support the development and diversification of agricultural and other land based rural businesses as well as supporting sustainable rural leisure developments which benefit rural communities and respect the character of the countryside.

4.13 HABITAT AND BIODIVERSITY: - Central Government Planning Policy as outlined in paragraph 118 of the National Planning Policy Framework indicates that Local Planning Authorities should seek to conserve and enhance biodiversity by ensuring that planning permission is not granted for development that would result in the loss of biodiversity unless clear public benefits can be demonstrated that outweigh the harm caused by the loss.

4.14 ENVIRONMENTAL IMPACT ASSESSMENT: - The Local Planning Authority has issued a screening opinion on the reserved matters application for likely significant effects on the environment. It is not considered that an Environmental Impact Assessment is required.

MEANS OF ACCESS

4.15 The means of access relates to routes between the egg production buildings and Broad Highway. It is not within the remit of the reserved matters application to re-visit the merits of the wider transport issues relating to the proposal, including the use of Broad Highway by heavy vehicles. Controls relating to the times that large vehicles can access the site and the implementation of passing places on Broad Highway are covered by the outline permission.

4.16 An agricultural track runs between the application site and Hagg Wood. The section of track immediately to the north of Hagg Wood is also a public right of way. This route carries on westwards and is part of the Wilberforce Way. The most easterly section of track that runs across a field within the applicant's ownership close to Broad Highway is not a public right of way. The public right of way connects with Broad Highway to the east by detouring through a 'dog legged' road that runs past a small group of homes to the south (Hagg Wood Walk).

4.17 The reserved matters propose to upgrade and widen the track from around 2m to 5m with two passing points. The proposed construction is a base of hardcore and stone topped with tarmac planings which will be rolled to create a smooth surface. At the access point with Broad Highway the track will be widened to 7.3m and appropriate visibility splays incorporated. A small section of hedgerow (approximately 1.5m either side of the existing gate) will be lost to create the widened access.

4.18 It is not considered that the widened and improved access route will detract from its use as a public right of way. Its width is such that vehicles can pass pedestrians using it. Condition 4 proposes that signage is erected at either end adjacent to the public right of way warning pedestrians and drivers of the shared use by vehicles and pedestrians. The existing unmade route does get very muddy during wet weather and the surfacing will make it easier for people to travel along the route during the winter months.

4.19 It is not considered that the hard surfacing works and slight loss of hedgerow will harm biodiversity when balanced against the gains from the additional landscaping required to soften the impact of the proposed buildings. The actual upgraded access will not detract from wildlife - most concerns regarding the impact of new or upgraded routes relate to conflicts between animals and

vehicles, however, the proposed usage by vehicles at the application site is so low this will be extremely limited.

4.20 The hard surfacing works will formalise an unmade route and have a modest impact on the character of the area. The route will not be lit and the level of usage by vehicles is not such that noise or the appearance of moving vehicles would impact on character. The flat terrain and hedgerow boundary with Broad Highway is such that the actual new road surface will not be clearly visible from the wider surrounding area.

4.21 Issues relating to the impact on the Green Belt, including the impact of the access were considered in full in the outline application. It is not considered that any details submitted with the reserved matters raises issues that conflict with the assessment of the impact.

APPEARANCE

4.22 The overall scale and form of the buildings on site was approved in the outline consent. The reserved matters application only relates to the materials used to construct the buildings and structures.

4.23 The buildings are intended to be clad in polyester coated profile sheets in Juniper green (dark green) and the feed bins are proposed to be constructed of Juniper coloured plastic. This is considered appropriate for agricultural buildings. The use of a dark green colour rather than grey is appropriate given the buildings' location adjacent to Hagg Wood. The scale of the building is not changed from that approved at outline – the proposed colour of the building is not considered to impact negatively on the Green Belt.

LANDSCAPING

4.24 The reserved matters covers soft landscaping within and around the proposed buildings. A hedgerow is proposed completely around the buildings. Within the hedgerow at intervals of around 10-15m tree planting is included. The trees are intended to be a combination of Scots Pine, Sweet Cherry and English Oak. They will need to be thinned out in future years. Inside the line of the hedgerows a decorative mix of shrub planting is proposed along with grassed areas. Subject to a slight change in planting specification shown on the revised plans the Council's landscape architect is satisfied with the scheme. The Council's nature conservation officer has no objections. It is considered that the planting will help to satisfactorily soften the building's appearance in the landscape, including views from Wheldrake and nearby public right of ways.

4.25 In the report relating to the outline application it was stated that the development would not detract unduly from the visual character of the local area providing suitable landscaping is provided adjacent to the development. The landscaping is vegetation appropriate to context and does not raise new Green Belt issues not examined at outline stage.

4.26 The drawings originally submitted with the reserved matters application indicated that the public right of way would be 'blocked' by the planting scheme. This has now been verified. The planting will not impeded the public right of way. It was the case that the line of the public right of way had not been clearly annotated on the originally submitted site plan.

5.0 CONCLUSION

5.1 The principle of the proposed development has been accepted by the grant of outline consent 15/02439/OUTM and this application seeks approval for the reserved matters solely relating to appearance, landscaping and access.

5.2 It is considered that the proposed details submitted with the application are acceptable in respect to key issues including the impact on public rights of way, highway safety and the character and appearance of the countryside and Green Belt. It is considered that there are not any reasons to withhold the grant of reserved matters approval.

5.3 It is considered that the application, subject to the suggested conditions complies with relevant advice in the National Planning Policy Framework and guidance in the Wheldrake Village Design Statement. In addition, it is considered acceptable in respect to policies of the Local Plan, particularly GP1 (Design), GB1 (Development in the Green Belt) and NE1 (Trees, Woodlands and Hedgerows).

6.0 RECOMMENDATION: Approve

- 1 The development hereby permitted shall be carried out in accordance with the following plans and documents:-
 - Elevation drawing received by the Local Planning Authority on 23 June 2016.
 - Revised access detail plan dated August 2016 received by the Local Planning Authority on 20 August 2016.
 - Revised site Plan received by the Local Planning Authority on 20 August 2016.

- Revised site layout plan dated August 2016 received by the Local Planning Authority on 01 September 2016.
- Landscape proposals plan Revision A received by the Local Planning Authority on 31 August 2016.
- Landscape specification A received by the Local Planning Authority on 30 August 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 The approved landscaping scheme shall be implemented within 8 months of occupation. If any tree or section of hedge planted dies or is lost through any cause within the lifetime of the development it shall be replaced in the next planting season with others of similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: To help integrate the building with its surroundings.

- 3 The building shall not be occupied until the highway and public right of way works shown on the approved plans have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be maintained and retained as approved.

Reason: In the interests of highway safety and to ensure that the public right of way is retained.

- 4 Prior to the commencement of development, a management and signage plan relating to the design of the access route linking Broad Highway with the egg production unit buildings shall be submitted to and agreed in writing by the Local Planning Authority. It shall thereafter be implemented and managed as agreed.

The Management plan shall relate to the following areas:

- Voluntary speed limits.
- The provision of signage for pedestrians and vehicle users.
- The design of passing places.
- The need for fencing and gates.

Reason: In the interests of the safety of all users of the route.

- 5 The landscaping scheme shall not involve any material raising of ground levels on the site.

Reason: For the avoidance of doubt.

- 6 The fence erected as part of the approved hedge works shall not exceed 1m in height.

Reason: To protect the openness of the Green Belt

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) 2015 (or any order revoking, re-enacting or modifying that Order) including class A of Part 2 no fences or other means of enclosure shall be erected at the site other than those expressly authorised by this permission.

Reason: To protect the appearance of the countryside.

8. The proposed access road linking Broad Highway with the egg production unit buildings shall be constructed of a 200mm base course of hardcore, topped with 60mm of graded stone. The wearing course for the road surface shall be 40mm of tarmac planings rolled and compacted to create a smooth surface.

Reason: For the avoidance of doubt and to ensure that it is fit for purpose.

7.0 INFORMATIVES:

Notes to Applicant

1. For Information - Public right of way.

The landowners/applicant should be aware that they are dedicating the extra width of the access road as public footpath. If there are any queries regarding this matter please contact the Council's Definitive Map Officer. It should be noted that the maintenance of the new surface will be the responsibility of the landowner, not the highway authority and the surface should be maintained to a standard that is suitable for walkers as well as vehicles.

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

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

Additional details sought in respect to landscaping.

Contact details:

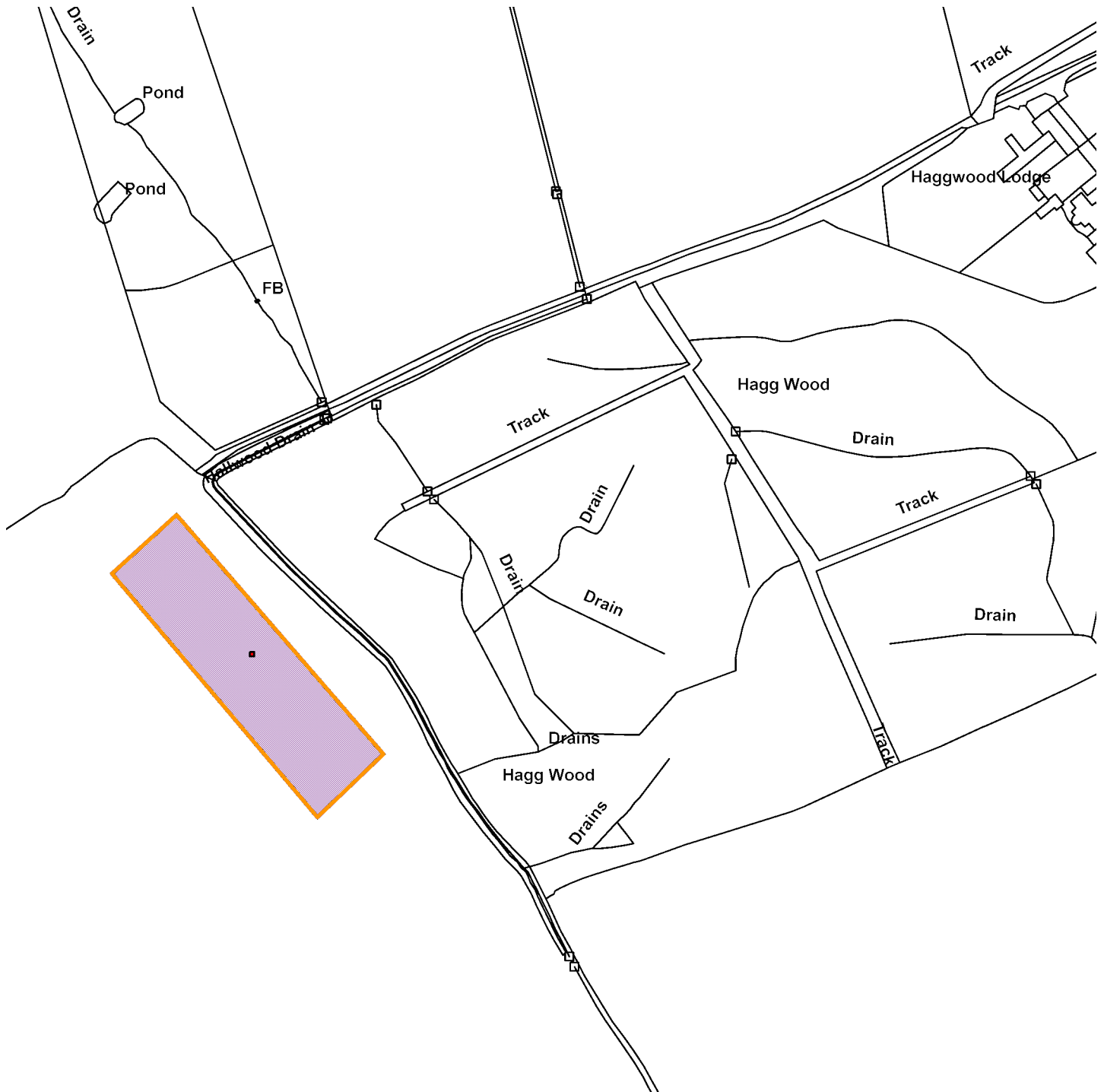
Author: Neil Massey Development Management Officer (Mon/Tue/Fri)

Tel No: 01904 551352

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16/01534/REMM

Land West Of Hagg Wood Broad Highway Wheldrake



Scale : 1:2594

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Organisation	Not Set
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