

COMMITTEE REPORT

Date: 7 June 2018 **Ward:** Holgate
Team: Major and **Parish:** Holgate Planning Panel
 Commercial Team

Reference: 17/02906/FULM
Application at: Five Acres Site Adjacent Thrall Europa Holgate Road York
For: Use of land for operational railway purposes and
 construction of track fan to serve rail vehicle maintenance
 facility
By: Network Rail (Infrastructure) Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 5 April 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 The change of use of vacant land to operational railway use and the construction of a new railway track fan to serve an existing rail vehicle maintenance facility within existing workshop buildings.

1.2 The application site is part of a largely-rectangular plot of vacant land known as Five Acres. Road access is from Holgate Park Drive. The land has a history of railway use dating back to the late 19th century when it was used in connection with the manufacture of railway rolling stock at the adjacent carriage works (Holgate Depot). A track fan across the site provided direct access from the rail network into the carriage works. In the late 1990s carriage manufacturing and maintenance ceased due to lack of orders. The carriage works continued in railway use (now for maintenance of railway vehicles) but much of the adjacent railway land was sold off and redeveloped. The Five Acres site was cleared of railway infrastructure and left undeveloped pending consideration of access options into the York Central redevelopment site immediately to the north. After disposal of the surplus railway land rail access to the carriage works was (and still is) provided from the north east by means of a mechanical traverser. Railway vehicles approach via a railway siding along the north-east side of the buildings. From there the traverser carries the vehicles sideways, carriage by carriage, into the buildings.

1.3 Immediately to the north-east of the site is operational railway land; to the south east are the carriage works; to the south-west and north-west is a business park served by Holgate Park Drive.

1.4 The application site has been reduced in size since submission to exclude land not specifically required for the construction of the railway fan.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Contaminated Land GMS Constraints:

2.2 Policies - City of York Local Plan - Publication Draft 2018:

DP1 – York Sub Area

DP2 - Sustainable Development

SS4 – York Central

ENV3 – land Contamination

DP3 – Sustainable Communities

D1 – Placemaking

D6 – Archaeology

D2 – Landscape and Setting

ENV5 – Sustainable Drainage

2.3 Policies: City of York Development Control Draft Local Plan (2005)

CYE3a – Standard Employment Allocation

CYGP4a – Sustainability

CYGP6 – Contaminated Land

CYGP1 - Design

CYHE10 – Archaeology

CYGP9 - Landscape

CGP15a – Development and Flood Risk

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 No objection subject to conditions relating to noise levels and unexpected contamination.

Design, Conservation and Urban Design (Archaeology)

3.2 The site can be considered a site of archaeological importance. Groundworks may reveal or disturb archaeological features particularly relating to the 19th century railway. During the installation of the track fan it will be necessary to record any revealed features through an archaeological watching brief on all groundworks. Depending on what is proposed for the rest of the site archaeological evaluation and mitigation may be required.

Flood Risk Management

3.3 (1) To date insufficient information has been submitted by the applicant to demonstrate that the works would not have an unacceptable impact on the Holgate Beck culvert across the site. (2) permitted development rights should be removed for buildings and/or impermeable hardstandings on the site in the interests of sustainable drainage.

EXTERNAL

Holgate Planning Panel

3.4 No objections

Environment Agency

3.5 No objections. The development will require a permit from the Environment Agency for any works or structures within eight metres of the culverted section of Holgate Beck. In order to obtain a permit, the applicant will need to demonstrate that the works will not impact on the structural integrity of the culvert.

Neighbour Notification and Publicity

3.6 No responses.

4.0 APPRAISAL

4.1 MAIN ISSUES

- Local economy
- Use as operational railway land
- Character and appearance
- Neighbour amenity
- Flood risk and drainage
- Archaeology
- Public protection
- Environmental assessment

PLANNING POLICY CONTEXT

4.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. There is no development plan in York other than the saved policies of the Regional Spatial Strategy (the Yorkshire and Humber Plan) relating to the general extent of the Green Belt (the site is not on the Green Belt).

4.3 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

4.4 Although there is no formally adopted local plan the City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. It does not form part of the statutory development plan for the purposes of s.38(6) and its policies carry very limited weight. The policies of relevance to this application are listed at paragraph 2.3 of this report.

4.5 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy Framework (NPPF). It is against this Framework that the application proposal should principally be addressed. Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 14 states that there is a presumption in favour of development. Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187). Paragraph 17 lists twelve core planning principles that the Government considers should underpin plan-making and decision-taking. They include supporting sustainable development and encouraging the reuse of previously developed land.

LOCAL ECONOMY

4.6 The NPPF states that planning should operate to encourage and not act as an impediment to sustainable growth (paragraph 19). To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

4.7 The operational development mainly comprises the provision of a railway track fan which would provide direct access by railway vehicles into the northern part the carriage works. The current arrangement, by means of the mechanical traverser, is slow, complicated and limits the length and weight of vehicles that are able to enter the buildings. These factors constrain the full potential use of the site. The proposed track fan would, in essence, reinstate in part the practical, direct access that had existed prior to the 1990s. The improved rail access would: complement and improve the services and activities operating at the site; support the business which is a significant employer, make a significant contribution to the local economy; and support sustainable transport.

USE AS OPERATIONAL RAILWAY LAND

4.8 Although the operational works mainly comprise the track fan the application also seeks the change of use to railway operational land. This is significant because transport-related development by railway undertakers has the benefit of fairly extensive permitted development rights under Part 8(A) of the General Permitted Development Order. These rights include, for example, certain building types and outdoor storage. Some of these forms of development have the potential to be inappropriate for the Five Acres site. National planning policy guidance makes clear that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. In response to officer concerns the applicant has reduced the extent of the application site so that it now only includes the northern part of the Five Acres site, i.e. the area required for the track fan. The site now excludes the land closest to the adjacent business park (which did not exist when Five Acres was formerly railway land). Nevertheless the of the planning application should include consideration of other railway uses, permitted under Part 8, in case the track fan is no longer required at some future date.

CHARACTER AND APPEARANCE

4.9 The land to the north-east and south-east has a traditional railway character but the land to the north-west and south-west is a modern business park in a landscaped setting. The application as initially submitted sought change of use for the whole of the Five Acres site. Approval would have extended the railway use towards/into the business park, despite the application providing no indication of what this southern part of the site would be used for. Whilst the proposed track fan at the northern end of the site would be unlikely to harm the character of the business park some railway uses (permitted under the GPDO) could potentially be harmful if located on the southern part. In response to officer concerns the applicant has reduced the site area so that it now only occupies the northern part of the Five Acres site. This significantly reduces the likelihood of conflict.

4.10 A condition should be attached to planning permission requiring details of a landscaping scheme to be submitted for approval and implemented. The residual (southern) part of Five Acres, outlined in blue on the location plan, would remain vacant until a more appropriate use appears.

NEIGHBOUR AMENITY

4.11 The nearest neighbours are the occupiers of the office building approximately 50m from the application site. The nearest houses, which are on Poppleton Road, are at about 150m. The council's public protection officers have considered the submitted noise report and agree with its findings. The report notes that the track fan would reduce noise generated by the existing rail access to the carriage works because rail vehicles entering a large part of the carriage works would no longer have to be broken down into individual units. Instead they would be able to be

propelled straight into the depot buildings. This reduction in noise compared with the existing operations is welcomed. However, other potential rail activities on the site, which would be permissible under the GPDO, could affect the amenity of the locality. The applicant has measured the background noise level at seven positions around the site and has specified these levels in the submitted noise report. In order to protect neighbouring occupiers from any future noisy rail uses a condition should be attached to planning permission for the current application preventing activity on the site increasing background noise levels beyond those given in the submitted noise report.

4.12 The improved access to the sheds would not modify the operational periods of the depot. As in the current situation, some essential maintenance works of locomotives will have to be carried out during night time.

FLOOD RISK AND DRAINAGE

4.13 The site lies in flood zone 1 (albeit close to the boundary with flood zone 2) so the risk of flooding is low. The proposed tracks would be laid on ballast in a shallow excavation with a water-permeable geotextile membrane at its base so there would be no significant increase in surface water run-off. However, permitted development rights would allow certain other forms of development (such as impermeable hardstandings and/or some buildings) without the need for a planning application. Unless properly attenuated, these works could increase surface water run-off in nearby areas prone to flooding. Conditions should therefore be attached removing permitted development rights for such forms of development.

4.14 Holgate Beck runs across the site in culvert, south to north. As the lead local flood authority the council would want to ensure that the structural integrity of the culvert would not be harmed by the construction of the works. The Environment Agency requires that there be no buildings or other works within 8m of the culvert. The applicant has submitted some survey information showing the size and route of the culvert but the information is not conclusive. The view of officers is that the proposed works are likely to be sufficiently far from Holgate Beck culvert to ensure that there would be no impact upon it and its connections. Confirmation from the applicant has been sought. Members will be updated at the meeting.

ARCHAEOLOGY

4.15 The site can be considered a site of archaeological importance but, in relation to this application, the interest is likely to be limited to industrial archaeology related to the railway. Several buildings can be seen on the late 19th century ordnance survey plan of Five Acres. The majority of the tracks now proposed would be located on the site of 19th century railway lines but the southernmost of the proposed tracks would run through the site of former buildings including a drying shed. Groundworks associated with the proposal may reveal or disturb archaeological features particularly relating to the 19th century railway. During the

installation of the track fan it would be necessary to record any revealed features through an archaeological watching brief on all groundworks. This should be secured by a condition of planning permission.

LAND CONTAMINATION

4.16 The submitted contaminated land report and appendices show that the site has been used as railway land/carriage works since 1884. An intrusive site investigation revealed some small pockets of demolition rubble at the site, but none of the soil sampling results were found to exceed guideline values for commercial land use. An unexpected contamination condition should be attached to any planning approval in case contamination is detected during the development works.

ENVIRONMENTAL IMPACT ASSESSMENT

4.17 The local planning authority has taken into account the EIA regulations, National Planning Guidance, the documentation submitted with the application, consultation responses, the scale and characteristics of the development and knowledge of the site. The authority concludes that the development is unlikely to have significant environmental effects. Accordingly an EIA is not required.

5.0 CONCLUSION

5.1 The application is acceptable subject to the recommended conditions. The proposed change of use to operational railway is acceptable subject to removal of certain permitted development rights to limit surface water run-off and noise levels. The proposed improvements to access to the carriage works would: improve the services and activities at the site; support the business which is a significant employer, make a significant contribution to the local economy; and support sustainable transport. There would be no harm to the character of the area or neighbour amenity and any archaeology on the land would be protected by a watching brief. Confirmation is awaited from the applicant that the works would not affect Holgate Beck culvert, which crosses the site. The application accords with the national planning policy in the NPPF and relevant policies of the 2018 Draft Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Un-numbered revised site location plan dated 16/04/18

2018-NWR-131-DR-TR-1001/PO1Holgate Fan Permanent Way General Arrangement

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

3 The development shall not be brought into use until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area.

4 Within one month of commencement of development details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

5 No groundwork shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification approved by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Interest and the development may affect important archaeological deposits which must be recorded during the construction programme.

6 In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared, which shall be subject to the approval in writing of the Local Planning Authority. Following

completion of measures identified in the approved remediation scheme a verification report shall be prepared, which shall be subject to the approval in writing of the Local Planning Authority.

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

7 No activity on the site shall increase the background noise levels beyond those given in table 8 of the submitted Noise Impact Assessment Report numbered 17_06_52926/1_GT_1_Rev1 dated 24 November 2017

Reason: To protect the amenity of neighbouring occupiers.

8 Notwithstanding the provisions of Schedule 2, Part 8, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no building or impermeable hardstanding shall be constructed on the site without the prior approval of the local planning authority .

Reason: In the interests of satisfactory and sustainable drainage.

9 Unless otherwise approved in writing by the local planning authority, no building or other obstruction shall be located over or within 8.0 (eight) metres either side of the outside edge of the culvert which crosses the site, and within 3.0 (three) metres either side of the outside edge of any drainage connections which cross the site.

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

10 No new tree planting, shall be permitted over or within 8.0 (eight) metres either side of the outside edge of the culvert which crosses the site, and within 3.0 (three) metres either side of the outside edge of any drainage connections which cross the site.

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

7.0 INFORMATIVES: Notes to Applicant

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

In considering the application, the local planning authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. In order to achieve an acceptable outcome the local planning authority negotiated changes to the site area and attached appropriate conditions to the planning permission.

2. CONTROL OF POLLUTION

The developer's attention is drawn to the following:

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

b. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

c. Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions.

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

e. There shall be no bonfires on the site.

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