

- Concrete Hardstanding
- Surface Water Pond, oval in shape the pond would be 15.35 metres in length and 10.1 metres in width, max 1.4 metres deep.

1.2 The existing dairy unit and heifer sheds sit on a ridge of land to the south of the application site. From this ridge the land gently slopes down to the north. The land is currently a field and the application site is adjacent to the existing Beef Unit which is to the west of the Public Right of Way and access road. There are 4 no. dwellings to the south east (within the college campus) of the application site (approx. 50 metres). The dwellings provide accommodation for teaching staff employed by the College. There is an existing access track to the east of the dwellings, car park and existing Beef Unit.

1.3 The proposed development does not comprise 'Schedule 1' or 'Schedule 2' development (The Town and Country Planning (Environmental Impact Assessment) Regulations 2017) where an Environmental Impact Assessment is required. It is the view of Officers that the proposed site is not within or adjacent to an environmentally sensitive area (as specified in the regulations) and taking into account the characteristics of the proposed development, the location of the development, and characteristics of the potential impact and the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment is not required.

1.4 During the application process a number of revised plans have been submitted in regards to finding an acceptable drainage scheme.

1.5 RELEVANT PLANNING HISTORY

- 17/00620/FULM - Erection of a silage clamp and silos (retrospective application) - Approved
 - 15/00378/FULM - Erection of a silage clamp and relocation of existing silos - Approved
 - 15/00425/FULM - Extensions to dairy unit and heifer shed to create a calf and sheep shed and general purpose farm building - Approved
 - 13/02946/FULM - Erection of educational and associated buildings and related parking, circulation areas and landscaping (for animal management centre, farm and equestrian purposes, 2 staff dwellings, animal housing), siting of animal shelters, silos and feed bins, erection of security fencing, formation of external equine training areas including polo field, formation of new access to York Road, reorganisation of existing access and parking areas, formation of
- Application Reference Number: 20/01923/FULM Item No: 3a

ponds, change of use of existing buildings, temporary student accommodation and providing glazed roof to existing quadrangle - Approved

- 13/02969/OUTM - Erection of educational and associated buildings and related parking, circulation areas and landscaping (for animal management centre, farm and equestrian purposes, 2 staff dwellings, animal housing), siting of animal shelters, silos and feed bins, erection of security fencing, formation of external equine training areas including polo field, formation of new access to York Road, reorganisation of existing access and parking areas, formation of ponds, change of use of existing buildings, temporary student accommodation and providing glazed roof to existing quadrangle - Approved

2.0 POLICY CONTEXT

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

SP2 Green Belt

SP6 Location strategy

GP1 Design

GP15A Development and Flood Risk

GB1 Development within the Green Belt

GB10 Major development sites in GB

ED5 Further and Higher Education Institutions

2.2 The Publication Draft York Local Plan (2018)

SS2 The Role of York's Green Belt

ED7 York College and Askham Bryan College

D1 Placemaking

GB1 Development in the Green Belt

ENV2 Managing Environmental Quality

ENV5 Sustainable Drainage

CC2 Sustainable design and Construction of New Development

2.3 Please see the Appraisal Section (5.0) for national and local policy context.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No objections to the proposed development form a highway point of view. The development appears to have less impact on the highway than that already secured in this location. It is possible that the construction phase of this application if built out may have an effect on the public right of way temporarily.

3.2 Understand the college is subject to a Travel Plan that has been secured on at least one application (ref 13/02946/FULM Condition 17), which has not yet been discharged. To our knowledge the last known highway correspondence relating to their submitted Travel Plan dated Sept 2014 was in March 2016 (available on the AOD/16/00081 file), which outlined advice in relation to submitting an acceptable Travel Plan for the site. To reiterate the requirement to satisfy the sustainable travel objectives outlined in the NPPF, request a conditions is applied required a Full Travel Plan.

3.3 Request an informative advising of the Public right of Way and that any diversion or stopping up of footpaths and bridleways (temporary or permanent) is subject to separate processes

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT)

3.4 The application site sits beyond the built extent of the campus and farm buildings, where it would be located on the edge of a large field of pasture. The existing car park and beef unit come forward (westwards) of this boundary, i.e. the latter construction has encroached into the adjacent field. The beef unit itself forms a hard edge as an existing extent of development where the campus meets the open countryside. The existing line of Birch trees along the western edge of the student car park, form a strong line and new boundary to this part of the field, both on plan and within views. Westfield Cottages then complete this edge before the heifer unit and dairy orientate the complex on an east-west axis.

3.5 Consideration must be given not only to the impact of the proposed development, but also the accumulative impact when added to other buildings introduced into the landscape in the last ten to twenty years including the beef unit and buildings on the horizon of Stock Hill. The proposed group of buildings and structures, in particular the Grower building, forms a sizeable footprint that would be placed upon existing pasture, and would represent a significant additional encroachment into the field and open landscape.

3.6 The agricultural form and rendering of the proposed buildings relates to the existing cattle buildings and are of a language that reflects their use. The proposed materials are of neutral tones.

3.7 No tree survey or arboricultural assessment has been submitted with the application. It appears that the line of Birch trees close to the eastern boundary of the application site would not be affected by the development. The intervening access track would provide some protection. The drainage runs also appear not to pose a significant threat to the trees. Assume that the site compound could be accommodated within areas of existing hard standing such as the student car park,

such that there would be no further disruption to the field beyond the confines of the proposed site layout.

3.8 The existing landscape is gently sloping so there would be some cut and fill to create a level platform, which would disrupt the natural, characteristic topography of the moraine. Not had sight of any levels drawings to show how this would manifest itself on the ground. But it is likely that there would be some steeply-sloping earth around the footings of the building – as can be seen in the landscape around the Beef unit, the manure heap, and the Heifer unit – both in terms of its engineered nature and the difference in vegetation that colonises it in contrast to the surrounding field.

3.9 Would be appropriate to add occasional stand-alone specimen trees and/or small groups of trees (suitably protected from grazing) to help sit the proposed buildings in their context and to subtly break up the overall mass, especially given the loss of space between the existing buildings; and also to distract the eye away from the earthworks around the footings and additional structures. Would help reduce the increasing mass of buildings as viewed in the landscape from York Road and the immediate footpaths. Such planting, in the form of hedgerow trees, stand-alone field trees, and small copses would be in keeping with the landscape character.

3.10 The shallow pitch of the straw barn roof lends itself to the creation of a living roof.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY OFFICER)

3.11 Preliminary Ecological Appraisal (PEA) report provided is up-to-date, well considered and provide an appropriate level of details, it is considered that the recommendations provided within the reports should be adhered to through conditions. The PEA report states that the site does not provide suitable habitat for great crested newts, however, highlights that other amphibians may be disturbed/harmed by the proposed works. Ecological enhancements have been recommended within the PEA report with the aim of providing biodiversity net gain post construction, these features include: bat boxes, bird boxes, hedgehog enhancements. Request following conditions; timing of the removal of hedgerows and trees; submission of amphibians method statement; Submission of biodiversity enhancement plan/drawing; To ensure the site remains attractive to bats and other light-sensitive wildlife, it is recommended that a sensitive lighting scheme be produced and submitted to the local planning authority for approval prior to any new lighting being installed on site.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.12 Askham Bryan College is situated within a late prehistoric - Romano-British elevated landscape. The proposed development site is within an area known as Barrow Fields which suggests the site of a possible Bronze Age round barrow/tumulus in the vicinity. No excavation has taken place on this field although data from the Portable Antiquity Scheme has located several Roman finds from this field. A geophysical survey has taken place ahead of the submission of this application. This has not revealed any obvious archaeological features other than remnants of ploughing (ridge and furrow).

3.13 An archaeological watching brief should take place during groundworks associated with this scheme given that it is within a relatively undisturbed area. Request is sought via condition

LEAD LOCAL FLOOD AUTHORITY

3.14 Flood Risk Engineer has witnessed a soakaway test and confirms due to subsoils being predominantly clay soakaways will not work in this location.

3.15 The revised Proposed Drainage Layout is generally acceptable. If planning permission is to be granted, request following conditions: drainage works shall be carried out in accordance with the details shown on the submitted Proposed Drainage Layout – Re: 00.20066-ACE-00-XX-DR-C-1001 Revision P11 dated 10th June 2021 by Adept; ensure the work to replace the full length of existing 100mm diameter pipe to its outfall and the rebuilding of the existing brick manhole is carried out possibly prior to development commencement or if not prior to any piped discharge of surface water from the development; require inspection of replacement pipe works. Request Informative advising a Section 50 license is required

PUBLIC PROTECTION

3.16 Due to the size of the development, it is recommended that controls are put in place to minimise noise, vibration and dust during construction, submitted Construction Environmental Management Plan is acceptable, seek condition that hours of construction are controlled.

3.17 The applicant has submitted an Arc Environmental Phase 1 desk study ref 20-523 dated 4/9/20 and an Arc Environmental Ground Investigation ref 20-523 dated 8/10/20. These reports are considered to be acceptable. Request conditions for the reporting of unexpected contamination

3.18 The proposed development will be close to residential properties to the south east of the development however it is noted that these properties will be occupied by teaching staff and therefore will have an involvement and interest in the development. However it is still advised that procedures should be put in place to

minimise odour emissions from the development and therefore request a condition requiring details of the storage and disposal of manure

3.19 Request following condition: a lighting spillage plan to demonstrate the lighting levels in lux outside the boundary of the site.

PUBLIC RIGHTS OF WAY

3.20 Public Footpath, Askham Bryan No 7 runs between the two proposed development sites, linking the A64 and York Road. During the construction phase the safety of the public using the footpath should be a priority and may necessitate the temporary closure of the path. If the drainage works are going to directly affect the surface of the path, then we would request that contact be made with PROW team beforehand so that a de-lap survey can be undertaken. The surface of the path will be required to be made good to the satisfaction of PROW after any works. PROW team reiterate once again that the safety of authorised users of the right of way be ensured during any construction works.

EXTERNAL CONSULTATIONS

ASKHAM BRYAN PARISH COUNCIL

3.21 No objection to the above application subject to reassurances that there is indeed no visual harm (as suggested in paragraph 7.7 of the Planning Statement) and that there is no detrimental effect on the public right of way and that temporary closure of path number seven is only considered when all alternatives (such as alternative routes) have been fully considered.

ENVIRONMENT AGENCY

3.22 No comments received

YORKSHIRE WATER

3.23 No comments

AINSTY INTERNAL DRAINAGE BOARD

3.24 The proposed development ultimately appears to discharge into a watercourse. This watercourse is outside of our district. However, the Board's Assistant Engineer has previously stated that he is aware of a watercourse on the northern side of York Road which heads further north and eventually goes into culvert. He has said that he believes that this has been flooded in previous winters and that there may therefore be a blockage. Given this will be a "new discharge", we would want to ensure that the existing drain is not going into any blocked system. However, this

watercourse is outside of the Board's district so we will leave this to the Local Authority to ultimately decide how to proceed in this respect.

3.25 Discharge rate of 0.5 litres per second is proposed and agreed by the IDB. Whilst the Board is not the "approving authority" for flow control devices, we note that a flow control device which is intended to limit the discharge rate to 0.5 litres per second is proposed. Provided this flow control device does restrict the flows to 0.5 litres per second and the applicant will be putting the maintenance schedule in place, the Board has no objection to the proposal.

3.26 Surface water storage system - The Board notes that the applicant is proposing a pond for the surface water storage system. The proposal appears to be for this to accommodate a 1:100 year storm plus 40%. The Board is not the "approving authority" in this regard. Accordingly, provided the Local Authority are satisfied with the proposal as a long term sustainable solution, the Board have no objection to the proposal.

3.27 Request condition ensure SW drainage works are carried out in accordance with Drawing – "Proposed Drainage Layout – Beef Sheds" – Revision P11 and Calculations dated 6 April 2021

4.0 REPRESENTATIONS

4.1 Three representation of comments:

- Section 22 of the application form has been incorrectly completed – confirm that the site be seen from a public road or PROW. As a PROW runs directly alongside the proposed development.
- PROW Officer has stated the PROW may have to be closed for public safety whilst development takes place. Request a diversion be put in place instead of closure of PROW no 7, as this is a much used PROW by the public.
- Existing flooding issues from college onto neighbouring land, concerned proposal will exacerbate the issue

5.0 APPRAISAL

5.1 Section 38(6) of the Planning and Compulsory Purchase 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 Poppleton Neighbourhood Plan (2017), Rufforth Neighbourhood Plan (2018), Earswick Neighbourhood Plan (2019) and 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. The RSS defines the outer boundary of the Green Belt as being "about six miles" (10km) from York city centre. The site is approximately 6.4 km from the city centre.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

5.2 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF as revised in February 2019, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

DEVELOPMENT CONTROL LOCAL PLAN (2005)

5.3 The Development Control Local Plan Incorporating the Fourth Set of Changes was approved for development management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications. Where policies relevant to the application are consistent with those in the NPPF (as revised in February 2019), the weight that can be afforded to them is very limited.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.4 The revised National Planning Policy Framework was published February 2019 (NPPF) and its planning policies are a material consideration in the determination of planning applications. The NPPF sets out the presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 11 does not apply if the proposal does not meet restrictive policies concerning green belt.

ASKHAM BRYAN PARISH PLAN

5.5 The Askham Bryan Parish Plan (2006) discusses the College site and its importance to the area. The design guidelines set out in the Plan refer to the setting

of the village and the retention of the agricultural character of the village and there is little mention of the college site.

OPENNESS AND PURPOSES OF THE GREEN BELT

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

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

In line with the decision of the Court in *Wedgewood v City of York Council* [2020], and in advance of the adoption of a Local Plan, decisions on whether to treat land as falling within the Green Belt for development management purposes should take into account the RSS general extent of the Green Belt, the 2005 DCLP, the 2018 Draft Plan, insofar as can be considered against paragraph 48 of the NPPF (2019) and site specific features in deciding whether land should be regarded as Green Belt.

5.7 The site is located within the general extent of the York Green Belt as described in the RSS. In addition to the saved policies YH9(C) and Y1 (C1 and C2) of the Regional Spatial Strategy which relate to York's Green Belt, the site is identified as falling within greenbelt in the proposals maps of the Development Control Local Plan (2005) and emerging Local Plan (2018). The campus is identified as a "major developed site in the Green Belt" within Policy GB10 the Development Control Local Plan (2005). This policy states that the preferred use of the site is for education. The proposed development falls within the developed site envelope shown in the proposal maps. This Local Plan has not been adopted and the NPPF does not make reference to major developed sites, it is considered that the major developed site envelope can be given only very limited weight when considering this application.

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

5.9 Additionally, when the site is assessed on its merits it is concluded that it serves two Green Belt purposes, namely assisting in safeguarding the countryside from encroachment and helping to preserve the setting and special character of York. As such, the site should be treated as lying within the general extent of the York Green Belt and the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF.

5.10 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF paragraph 145 states that the construction of new buildings is inappropriate in the Green Belt, save in the case of a list of exceptions including: buildings for agriculture. The proposed development does not fall within the exceptions set out in paragraph 145 of the NPPF, because the 'agricultural' building is considered to be an educational building as that is its main purpose. The proposal is not considered to fall within limited infilling exception (Para 145 (g) of the NPPF. The site is not previously developed land, the proposed development would be outside of the existing college envelope and would have a greater impact on the openness of the Green Belt it is not considered to fall within this exception. Therefore the proposed building is inappropriate development in the Green Belt.

5.11 The application site is on the western edge of the college campus and farm complex. The proposed development by virtue of the structures would result in an increase in the built form and coalescence of development and encroachment of development into the Green Belt therefore resulting in harm to the openness and the permanence of the greenbelt.

5.12 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition the proposed development is considered to result harm to the openness and permanence of the green belt. The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

DESIGN AND LANDSCAPE CONSIDERATIONS

5.13 Chapter 12 of the NPPF gives advice on design, placing great importance to the design of the built environment. At paragraph 130, it advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The advice in Chapter 12 is reflected in DCLP policy GP1 (Design) and 2018 Draft Local Plan policy D1 (Placemaking) and, therefore, these policies are considered to accord with the NPPF. The policies require new development to respect or enhance its local environment and be of an appropriate density, layout, scale, mass and design compatible with neighbouring

buildings and using appropriate materials. The proposed building is considered to have a neutral impact on the appearance of the site as a whole and the character of the surrounding area.

5.14 The existing farm buildings are directly visible across pasture land from the western approach along York Road. The linear groups of trees provide some screening of the campus buildings beyond the farm and provide a backdrop to the existing beef unit and other farm buildings. The spaces between the existing buildings allow the landscape to filter between them. The introduction of the proposed buildings would reduce this porosity; it would block views through to the trees and present a more solid mass.

5.15 The development would come further forward into the large field of pasture than the existing beef unit. However it would be seen within the context of the beef unit and the other agricultural buildings on the ridge within close this view. The exposure of the proposed development to York Road would be emphasized by the natural rise in the topography of the land.

5.16 A public right of way (PROW) follows the north-south track that runs close to, and parallel with the eastern boundary of the application site. From here there are direct views of the existing agricultural buildings, including some semi-detached brick cottages which altogether read as an established, large, operating farm, which directly abuts a campus-style range of buildings and landscape to the east. A second public right of way follows a parallel north-south route from York Road to the A64 to the west of the application site, along the other side of the field. The proposed development would introduce further closure to views from both footpaths, essentially closing the gap between the cottages and the existing beef unit. The proposed buildings would appear as a component of a large complex of productive agricultural buildings, so to this end would not be out of place, however the additional development would increase the perception of scale of the working farm given the quantity and spread of related buildings seen in turn as the viewer travels through the landscape along either footpath.

5.17 The buildings subject of the current application would be visible however it would be of an agricultural appearance and would be visible against the context to the existing farm complex. From the wider greenbelt it would have the appearance of a farm. However the proposed group of buildings and structures form a sizeable footprint that would be placed upon existing pasture, and would represent a significant additional encroachment into the field and open landscape. The additional development would increase the perception of scale of the working farm given the overall quantity and spread of related buildings. The proposals are considered to result in harm to the visual amenity and character of the area.

5.18 If the proposed development was considered to be acceptable the recommendations of the Landscape Architect to add specimen trees and/or small

groups of trees to help sit the proposed buildings in their context and to subtly break up the overall mass are considered relevant. Whilst not removing the harm, additional trees would help to provide some mitigation and are considered to be necessary and can be sought via condition. As this is a rural area and visible from a distance it is considered necessary to condition a lighting scheme to prevent disturbance and a negative impact to visual amenity and character of the area.

RESIDENTIAL AMENITY

5.19 The NPPF seeks a good standard of amenity for all existing and future occupants, and that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are sympathetic to local character and history, including the surrounding built environment and landscape setting. Policy GP1 of the 2005 Development Control Draft Local Plan and policies D1 and ENV2 of the 2018 Draft Local Plan seek to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

5.20 The proposal is close to a number of dwellings within the college campus. Officers understand that college staff occupy these dwellings. A Construction and Environmental Management Plan accompanies the application and this would protect some of the amenities of those occupants during the construction process, a condition is required to ensure compliance. In addition it is considered necessary to condition submission of details of the manure management to ensure adequate residential amenity. It is considered necessary to condition details of the lighting, to prevent disturbance.

ECOLOGY

5.21 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities to have regard, in the exercise of the functions, to the purpose of conserving biodiversity. Paragraph 170 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by, inter alia, minimising impacts on and providing net gains for biodiversity. Draft Local Plan policies reflect this advice in relation to trees, protected species and habitats.

5.22 The NPPF advises that if significant harm to biodiversity from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. An ecological assessment has been submitted to support this application. 5.33 The assessment has been reviewed by the Ecology Officer who agrees with the consultation of the report it is considered that the recommendations provided within the report should be adhered to through the implementation of conditions.

DRAINAGE

5.34 The site is within Flood Zone 1. The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan Policy GP15a (Development and Flood Risk) and Publication Draft York Local Plan (2018) Policy ENV5 Sustainable Drainage) advise discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced.

5.35 The site is within Flood Zone 1. Revised plans have been submitted showing an adequate drainage scheme including the replacement of existing drainage infrastructure. It is considered necessary to condition that these works take place.

5.36 The proposed drainage works may temporarily affect the Public Right of Way that runs north south through the site. However the works should not result in the permanent cessation of the PROW. Any temporary closure will require separate consent to be sought from the Public Rights of Way team.

VERY SPECIAL CIRCUMSTANCES

5.37 The proposed facilities are required for the college to expand and compete, and improve existing courses; this is supported by local and national policy. The new facility is required to ensure the students are taught using the latest technologies, thus producing an increasing number of skilled technically qualified graduates. Askham Bryan College already offers courses in the rearing of beef. The proposed development would therefore provide facilities for a larger herd of cattle and also to create agricultural buildings that can accommodate new farming technology in order to expand the quality and variety of educational opportunities offered by the College. The new beef rearing unit is to be located adjacent to the existing beef shed and to the west of the access track in order to maintain division between the farm buildings associated with the keeping of the cattle and then the teaching facilities. This is required for health and safety and bio-safety requirements. The position of the beef unit to the west of the existing beef shed will allow the dirty farm functions to be separated from the main Campus by the existing access track. The clean teaching facilities are then located to the east of the beef unit and served by a separate access. Although the development is part of an educational establishment, it is agricultural in appearance and use and the further investment helps to secure the long term future as an educational and employment centre. The proposal is unlikely to set a precedent for other development within the Green Belt.

5.38 The nature of the use of the proposed buildings and its integral function with the rest of the agricultural college would make it impracticable to site the development elsewhere off campus in a non green belt location.

6.0 CONCLUSION

6.1 The application site is located within the general extent of the York Green Belt and serves two Green Belt purposes. As such it falls to be considered under paragraph 143 of the NPPF which states inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, are clearly outweighed by other considerations. National planning policy dictates that substantial weight should be given to any harm to the Green Belt.

6.2 In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green belt when one of the most importance attributes of Green Belts are their openness and the proposal would undermine at least two of the five Green Belt purposes. Substantial weight is attached to the harm that the proposal would cause to the Green Belt. The harm to the Green Belt is added to by the harm to the visual character and amenity identified in the report

6.3 It is considered that the economic and educational benefits, together with the location constraints identified in paragraphs 5.37 and 5.38 are considered to be cumulatively 'very special circumstances' that clearly outweigh the definitional harm to the green belt, the harm to the openness and permanence of the green belt and the harm to the visual character and amenity arising from the proposed development.

6.4 Approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 (application received before 21 April 2021) and the application not being called in by the Secretary of State for determination. The application is required to be referred to the Secretary of State as the development is considered to be inappropriate development in the Green Belt, and the proposed 3 no. buildings would create floor space (1116.22sq.m) which is in excess of the of the 1000 sq.m floor space threshold set out in the Direction.

7.0 RECOMMENDATION: That delegated authority to be given to the Head of Development Services to :

- i. refer the application to the Secretary of State for Communities and Local Government under the requirements of Section 77 of the Town and Country Planning Act 1990, and should the application not be called in by the Secretary of State, then APPROVE the application subject to
- ii. The conditions set out in this report with the Head of Development Services granted delegated powers to determine the final detail of the planning conditions

1 TIME2 Development start within three years

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

Drawing Number PP001 Revision 04 'Site Layout Plan' received 23 February 2021;
Drawing Number PP002 Revision 04 'Block Plan' received 23 February 2021;
Drawing Number PP003 Revision 03 'Site Sections' received 23 February 2021;
Drawing Number PP100 Revision 04 'Grower Building Plans & Elevations' received 23 February 2021

Drawing Number PP101 Revision 03 'Calf House Plans & Elevations' received 19 October 2020;

Drawing Number PP102 Revision 02 'Straw Barn Plans & Elevations' received 19 October 2020;

Drawing Number PP103 Revision 03 'Farmyard Manure and Water Tanks' received 23 February 2021;

Drawing Number EX001 Revision 03 'Site Location Plan' received 23 February 2021;

Drawing Number 00.20066-ACE-00-XX-DR-C-1001 Revision P11 received 10 June 2021;

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 hereby approved shall be constructed in full accordance with Drawing Number 00.20066-ACE-00-XX-DR-C-1001 Revision P11 'Proposed Drainage Layout - Beef Sheds' received 10 June 2021. This shall include the replacement of the full length of existing 100mm diameter pipe to its outfall and the rebuilding of the existing brick manhole. This work shall take prior to any piped discharge of surface water from the development and no buildings (hereby approved) shall be brought into use until the approved drainage scheme have been fully completed and implemented.

The Local Planning Authority shall be advised (at least 2 weeks) prior to the works to the replacement pipeworks, to allow for the inspection of the works.

Reason: To ensure that the proposed development is properly drained and constructed in full accordance with the submitted drainage scheme.

4 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief is required on this site. Each stage shall be completed and agreed by the Local Planning Authority before it can be approved.

(i) The site investigation and post-investigation assessment shall be completed in

accordance with the programme set out in the approved Written Scheme of Investigation (WSI) (dated April 2021)(received 20.04.2021) and the provision made for analysis, publication and dissemination of results and archive deposition secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

(ii) A copy of a report shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 2 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 16 of NPPF.

Reason: The site lies within an area of archaeological interest and the development may affect archaeological deposits which must be recorded prior to destruction.

5 The demolition and construction works shall be carried out in full accordance with the Construction Environmental Management Plan (received 20.04.2021). All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

If piling is proposed, 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 CEMP.

Reason: To protect the amenity of the locality

6 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	0800 to 1800 hours
Saturday	0900 to 1300 hours

Not at all on Sundays and Bank Holidays

Reason: To protect residential amenity

7 The buildings shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscape mitigation scheme (particularly to the north and west of the proposed development) which shall include the species, stock size, and position of trees and shrubs, and means of support and protection from grazing livestock and wildlife, and management operations to establish the trees. 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 substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the disposition of species in the vicinity of the development in order to provide landscape and visual mitigation for the development.

8 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

Informative: 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.

9 Works which include site and vegetation clearance shall commence under the supervision of an ecological clerk of works (ECoW) to oversee the Amphibian Method Statement set-out in section 8.3.5 of the Preliminary Ecological Appraisal, Wold Ecology Ltd., July 2020.

Reason: To limit harm, injury and disturbance to amphibians on site.

10 Prior to the first occupation of the buildings a biodiversity enhancement plan/drawing shall be submitted to, and be approved in writing by, the local planning authority. The content of the plan shall include the recommendations set-out in the Preliminary Ecological Appraisal, Wold Ecology Ltd., July 2020. The development shall be in full accordance with these approved details and be implemented prior to the first occupation of the buildings.

The plan/drawing must include:

- o Detailed plan/drawings showing product specifications of the enhancement features.
- o Proposed locations of features/boxes.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 175 d) of the NPPF (2019) to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.

11 Prior to the installation of any new external lighting, a 'lighting design scheme for biodiversity' for the entire site shall be submitted to and approved in writing by the local planning authority.

The scheme shall:

- o Demonstrate that it has taken account of the recommendation set out in section 8.2.4.4 of Preliminary Ecological Appraisal provided by Wold Ecology Ltd, July 2020.
- o Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb light-sensitive wildlife, such as bats.

Details of the height, type, position, angle and spread of any external lighting shall be submitted to and approved in writing by the Local planning authority prior to the development hereby permitted being brought into use. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area.

Reason: To maintain the favourable conservation status of bats. To protect residential amenity. To protect visual amenity and character of the rural area

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13 Before the use hereby authorised is commenced, a scheme for the storage and disposal of manure shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented and adhered to for the lifetime of the development once the use hereby authorised has commenced. The standards of the DEFRA code of practice Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers (the 'CoGAP') should be adhered to at all times.

Reason: To protect residential amenity

14 Prior to start of the approved drainage works on site a dilapidation survey of the Public Right of Way (2/7/10) adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and good management of the public right of way.

8.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Request additional information
- Request revised plans
- Use of conditions

2. PROW INFORMATIVE

The owner/developer are advised that the development at construction phase may have an effect on the adjacent Public Footpath (code 2/7/10). The granting of planning permission does not give authority to temporarily divert or stop up a public footpath or bridleway. The diversion or stopping up of footpaths and bridleways (temporary or permanent) are subject to separate processes which must be carried out before the paths are affected by the development. Please contact:

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3. WORKS WITHIN THE ADOPTED HIGHWAY

The applicant should be advised that the City of York Council as the Highway Authority consent (under a Section 50 Licence) is required (outside the planning process) for any works within the adopted highway.

4. INTERNAL DRAINAGE BOARD INFORMATIVE

Under the Land Drainage Act 1991 and the Boards' byelaws, the Board's prior written consent (outside of the planning process) is needed for:-

- (i) any connection into a Board maintained watercourse, or any ordinary watercourse in the Board's district.
- (ii) any discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district. This applies whether the discharge enters the watercourse either directly or indirectly (i.e. via a third party asset such as a mains sewer).
- (iii) works within or over a Board maintained watercourse, or any ordinary watercourse in the Board's district - for example, the creation of an outfall structure (including those associated with land drainage), bridges, culverting etc.

Please note that the Board does not, generally, own any watercourses and the requirement for you to obtain the Board's consent is in addition to you obtaining consent from any land owner or other authority to carry out the relevant works. Full details of the Consent process can be found on our website:-

<http://www.yorkconsort.gov.uk>

5. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

- (a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

- (b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for

"Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

(f) There shall be no bonfires on the site

6. COAL AUTHORITY: DEVELOPMENT LOW RISK AREA - STANDING ADVICE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Contact details:

Case Officer: Victoria Bell

Tel No: 01904 551347