



## 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, 20 April 2017
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor, West Offices (F045)

### AGENDA

Would Members please note that the mini-bus for the site visits for this meeting will depart from Memorial Gardens at **10:00am on Tuesday 18 April 2017**

#### 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 - 20)

To approve and sign the minutes of the last meeting of the Planning Committee held on Thursday 23 March 2017.

### 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 19 April 2017**. 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.

#### **Filming or Recording Meetings**

Please note this meeting will be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officers (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at [http://www.york.gov.uk/download/downloads/id/11406/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)

### 4. **Plans List**

This item invites Members to determine the following planning applications:

**a) York St John University Playing Fields, Windmill Lane, York (16/02358/OUTM) (Pages 21 - 56)**

Outline application for residential development (circa 70 dwellings) with associated access and demolition of existing buildings.  
[Hull Road Ward] [Site Visit]

**b) Hall Farm, Strensall Road, York, YO32 9SW (16/02886/FUL) (Pages 57 - 72)**

Change of use of agricultural buildings to livery stables and caravan touring pitches including refreshment and toilet block. [Strensall Ward]

## 5. Urgent Business

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

### Democracy Officers

Catherine Clarke and Louise Cook (job share)

Contact details:

- Telephone – (01904) 551031
- Email [catherine.clarke@york.gov.uk](mailto:catherine.clarke@york.gov.uk) and [louise.cook@york.gov.uk](mailto:louise.cook@york.gov.uk)

(If contacting by email, please send to both Democracy Officers named above).

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

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

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

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**PLANNING COMMITTEE****SITE VISITS****TUESDAY 18 APRIL 2017**

<b>Time</b>	<b>Site</b>	<b>Item</b>
10.00	Minibus leaves Memorial Gardens	
10:15	York St John University Playing Fields (Adj. David Lloyd Centre), Hull Road	4a

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City of York Council

Committee Minutes

Meeting	Planning Committee
Date	23 March 2017
Present	Councillors Reid (Chair), Ayre (minutes 90-94), Cullwick (minutes 84-92), Cuthbertson, D'Agorne, Doughty, Funnell, Galvin, Looker, Richardson, Shepherd, Warters, Cannon (minutes 84-90 - as a substitute for Cllr Boyce) and Mercer (as a substitute for Cllr Dew)
Apologies	Councillors Derbyshire, Boyce and Dew

**84. Site Visits**

<b>Application</b>	<b>Reason</b>	<b>In Attendance</b>
Hall Farm, Strensall Road (16/02886/FUL)	To allow Members to familiarise themselves with the site which is located the Green Belt.	Councillors Cullwick, D'Agorne, Galvin, Mercer, Reid, Richardson and Shepherd.
Whitehall Grange, Wigginton Road (16/01446/OUTM)	To allow Members to familiarise themselves with the site which is located in the Green Belt.  As the officer recommendation was for approval and objections had been received	Councillors Cullwick, D'Agorne, Galvin, Mercer, Reid, Richardson and Shepherd.
Former Haymarket Car Park, Dundas Street (16/02801/FULM)	As the officer recommendation was for approval and objections had been received	Councillors Cullwick, D'Agorne, Galvin, Mercer, Reid, Richardson and Shepherd.

The Stables, Elvington Lane (16/01443/FUL)	To allow Members to familiarise themselves with the site which is located in the Green Belt.  As the officer recommendation was for approval and objections had been received	Councillors Cullwick, D'Agorne, Galvin, Mercer, Reid, Richardson and Shepherd.
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#### 85. **Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda.

Councillor Mercer advised that she had registered to speak on plans item 4a (The Stables, Elvington Lane, Elvington) as Ward Member and that, after speaking, she would withdraw from the debate and vote on this item.

#### 86. **Minutes**

Resolved: That the minutes of the last meeting held on 16 February 2017 be approved and then signed by the chair as a correct record.

#### 87. **Public Participation**

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

#### 88. **Plans List**

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following



planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

**89. The Stables, Elvington Lane, Elvington, York, YO41 4EH (16/01443/FUL)**

Members considered a full application by Mr and Mrs J Peel for the continued use of land as a Travelling Showperson's site for one family granted on appeal on 14<sup>th</sup> June 2011.

Officers advised that a letter of support from the Junior Vice President of the Showman's Guild for Great Britain had been forwarded to them by the applicant. This was circulated to Members and attendees at the meeting.

Representations were heard from six people in relation to the application.

Ken Guest, an adjacent neighbour, addressed the committee in objection to the application. He advised that the officer recommendation ignored planning policy and previous decisions taken by the council and that approving this application would be a breach of planning inspectorate 2011 ruling which granted a maximum 5 years temporary term and would set a precedent for other applications throughout the UK.

Martin Moorhouse, a neighbour of the applicant, then spoke, also in objection. He advised that the inspector had granted a temporary term of 5 years, in order to allow for the potential for alternative sites to be brought forward through the local plan process. He stated that, by next year, none of children would be of primary age, therefore the need for the children to attend the village school would no longer be a reason for needing to stay on the site.

Emma Peel, the applicant, addressed the committee in support of the application. She explained that her family were travelling showmen who had resided there since 2011 and travelled to many events on a regular basis. Her two 11 year old daughters had places at Fulford School from September 2017 and her 2 year old son currently attended the local nursery. She explained that, when permission was granted on appeal in 2011, the council had hoped to have allocated a site to show people

through the local plan process but this has been delayed. A 3 year extension would prevent them becoming homeless and would meet the needs of the local plan.

Julia Garnham, a neighbour and friend of the Peel family, also spoke in support of the applicant's case. She told members that since the family had moved onto the site they had integrated well into village and school life and the family was well liked in the village. She advised members that the site was kept tidy and only their own equipment was stored there advising that they didn't cause any harm or impact negatively on the countryside.

Ian Bailey, Chair of Elvington Parish Council, addressed the committee in objection. He advised that the parish council was rigorously proactive about protecting the greenbelt around the village and both the council and planning inspector had agreed that this was inappropriate development in the Green Belt. He stated that the council had had enough time to find an alternative site for show people and the site should now be returned to the Green Belt.

Councillor Mercer, Ward Councillor for Wheldrake also addressed the committee. She expressed disappointment that no other site had been forthcoming and reiterated that this was inappropriate development in the Green Belt and also raised issues in relation to road safety, drainage and flooding. She asked that if members were minded to approve the application, consideration be given to a condition to require suitable planting around the site to lesson the impact on neighbouring properties.

Members accepted that the Inspector's decision had been finely balanced but that he had made judgement of 5 years based on local plan process. However they noted that sites had still not yet been allocated formally in the local plan and this was the only site which was proposed for show people.

Members stressed the need to take account of needs of family as a whole. They expressed concern that the family could become homeless if this application was not approved, as there was no alternative site. They noted that the local community and primary school had welcomed the family into the village and that the family now had a third child so they would still have a need for primary education.

As circumstances had not changed with regard to possible sites since the inspector made his decision, Members were of the opinion that this application, for a further three years, should be approved.

With regard to the request for additional landscaping around the site, officers advised that there was a need to ensure the site was adequately landscaped but without excluding residents from society, and that the openness of site was part of the character of the area and should be retained as much as possible. Members felt that whether there was a requirement or not for additional landscaping could be discussed when the local plan was agreed.

Resolved: That the application be REFERRED to the Secretary of State, and, provided that the application is not called in for his own determination, DELEGATED authority be given to the Assistant Director for Planning and Public Protection to APPROVE the application subject to the conditions listed in the report.

Reason: Notwithstanding the Green Belt location of the site, the applicants' need for a site and the lack of alternative sites constitute very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. The granting of planning permission for a further three years accords with national planning policy in the NPPF and Planning Policy for Traveller Sites.

**90. Whitehall Grange, Wigginton Road, York, YO32 2RJ  
(16/01446/OUTM)**

Members considered a major outline application by Mr Richard Baines for the demolition of existing buildings, use of land as a car storage facility and erection of an office building.

Officers advised that the area shown on the submitted plan D138.L.10/E as being used for the storage of cars was for illustrative purposes only. It showed 1000 of the 2000 cars for which consent was being sought. They clarified that the full area to be used for the storage of cars was as shown shaded

light green. The car parking area immediately to the front and side of the proposed office building was for staff.

They advised that three further planning conditions were recommended to cover: the parameters of the office building and security gatehouse; details of Surfacing; and pasture to be retained.

Officers advised that the applicant had asked that certain conditions be amended in order to accommodate the likelihood of the development being carried out in phases. In particular that the use of the site for car storage could start before the construction/occupation of the office building. In response officers recommended that amendments be made to the following conditions: cycle parking; parking and manoeuvring; travel plan; landscape scheme; street furniture details; and lighting impact assessment.

Eamonn Keogh, the applicant's agent, addressed the committee in support of the application. He advised that very special circumstances had been accepted by officer and stated that:

- no other suitable sites were available in the urban area or elsewhere
- the scheme would include extensive new planting and the parking area would be divided by planting new hedgerows. The strip along the curtilage of the site would be retained.
- sustainable travel to and from the site by staff would be encouraged. Autohorn was in discussion with Roko about the use of footpath so they could link in with existing path.

Richard Baines, the applicant, then spoke in support. He advised that:

- he had started business with 9 cars and 3 staff and were an unknown brand. They now had a fleet of 2000 cars, 100 staff and considered themselves one of best employers in city, recently voted best socially responsible employer.
- The business needed space to grow and long term security. They were currently located in York Central which was to be developed. There was no space in York centre to expand and this was the only suitable available site.
- The proposals would tidy up and improve the site.

When asked by Members, the applicant agreed to consider keeping the one remaining World War II blast dispersal shelter earth bunding at the site.

In response to questions from Members, the applicant and agent provided the following information:

- Some of key customers are based at Clifton Moor. This site is conveniently located for them.
- At the current site, cars have to be offloaded outside the city centre and driven in. Moving to this site would mean that car transporters could deliver cars directly to the site and avoid the need for transporters to come into the city.
- They were willing to agree to maintain hedgerows at a certain height as part of landscaping scheme.
- Working on lighting scheme – lights would operate in similar way to Leeman Road site on sensors and would not be permanently switched on.
- 2000 spaces will not be needed immediately but probably within two years.

Councillor Shepherd moved, and Councillor D'Agorne seconded, a motion to refuse the application on the grounds that plans for storage of 2000 cars was too substantial on what they described as a green wedge which was a key part of the local plan. Whilst they accepted that the business needed to move out of the city centre, they raised concerns that it would set a precedent for green wedges and the local plan. On being put to the vote, the motion was lost.

Members acknowledged that the site was in the Green Belt but accepted that very special circumstances had been proven.

They noted that:

- they had heard reassurances with regard to the landscaping and lighting schemes.
- the proposed use for the site would tidy up the site and improve the landscape.
- the business needed flexibility with regard to capacity for cars due to the nature of business.
- this was a locally grown business who were an important part of city's economy who needed to move to have more space to grow. This was the only suitable site.
- Moving cars/transporters from city will make a difference

- They would like to see hedgerows maintained at suitable minimum height and the blast dispersal shelter retained.

It was agreed that if approved, condition 18 should be amended require hedges to be maintained at a certain height and that a condition be included regarding the retention of the dispersal shelter.

Councillor Cullwick then moved and Councillor Cuthbertson seconded, a motion to approve the application in line with the officer recommendation and it was:

Resolved: That the application be REFERRED to the Secretary of State, and provided that the application was not called in for his own determination, DELEGATED authority be given to the Assistant Director for Planning and Public Protection to APPROVE the application subject to the conditions listed in the report and the following additional and amended conditions, an amendment to Condition 18 regarding the height of hedges and a condition to require the retention of the dispersal shelter.

#### Additional Conditions

##### 31. Parameters of the office building and security gatehouse

The dimensions of the approved office building shall not exceed 80m in length, 29m in depth and 11.3m in height as measured from existing ground level. The security gatehouse shall be single-storey and shall not exceed 40sqm in area. Before any works commence on the site a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: To establish existing ground level prior to any excavation or other groundworks; to avoid confusion in measuring the height of the approved

development; and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

### 32. Details of Surfacing

Notwithstanding the approved plans, within one month of planning permission being granted details of the proposed surfacing of the external areas shall be submitted in writing to the local planning authority for approval. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the surfacing is appropriate for the site in terms of durability and appearance, in order to protect the character of the area.

### 33. Pasture Land to be Retained

The areas along the eastern boundary shown as existing pasture on the approved plan D138.10 Rev.E shall be retained in their entirety as open pasture and shall not be used for any other purpose without the prior written approval of the local planning authority.

Reason: In the interests of the openness of the Green Belt and the visual amenity of the area.

### Amended Conditions

#### 6. Cycle Parking

Within one month of approval of reserved matters relating to the office building, details of the cycle parking areas, including means of enclosure, shall be submitted to the local planning authority for approval. The development shall be carried out in accordance with the approved details and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

### 7. Parking and Manoeuvring

Each the areas shown on the approved plans for parking, storage and manoeuvring of vehicles shall not be brought into use until they have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

### 9. Travel Plan

Prior to first occupation of the office building a full travel plan, in line with local and national guidelines, shall be submitted to the local planning authority for approval. The development shall be occupied in accordance with the aims, measures and outcomes of the approved travel plan.

Reason: To ensure that adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for those users.

### 18. Landscape Scheme

No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, stock size, density (spacing), and position of trees (including any existing trees that are shown to be retained), shrubs and other plants, means of protection, seeding mix, and sowing rate where applicable. It shall also include details of ground preparation and maintenance. The scheme shall be implemented within a period of six months of first occupation of the development. Any trees or plants that, during the lifetime of the development die, are removed or



become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site as the landscape scheme is integral to the amenity of the development.

### 19. Street Furniture Details

Prior to their installation, details of street lighting, signage, security cameras and any other external street furniture or ancillary structures shall be submitted to the local planning authority for approval. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the area and the openness of the Green Belt.

### 25. Lighting Impact Assessment

Prior to the installation of any external lighting a full Lighting Impact Assessment undertaken by an independent assessor shall be submitted to and been approved in writing by the Local Planning Authority. The report shall detail predicted light levels at neighbouring residential properties and contain the following as a minimum:

- Description of the proposed lighting: number of lighting columns and their height, and proposed lighting units including the access road
- Plan showing vertical illuminance levels (Ev), showing all buildings within 100 metres of the edge of the site boundary.

Thereafter the approved details shall be implemented to the satisfaction of the Local Planning Authority prior to the occupation of the

development and the lighting maintained in accordance with the specification.

Reason: To protect amenity of neighbouring occupiers and the character of the area.

Reason: On balance, the strong economic case for supporting the applicant's business and for releasing their Leeman Road premises for redevelopment, together with the absence of suitable alternative sites that could accommodate the particular needs of the applicant's business, are compelling reasons in favour of the application. Notwithstanding the substantial weight being given to the identified harm to the Green Belt and the other harm (to the landscape character and to the council's sustainable transport objectives) the economic benefits of the proposal amount to very special circumstances that clearly outweigh that harm and justify planning permission being granted.

**91. Brick Farm, Benjy Lane, Wheldrake, York, YO19 6BH (16/02583/FUL)**

Members considered a full application by Mr Raley for the siting of three grain silos to be converted for use as holiday accommodation.

Sam Harrison, the applicant's agent, addressed the committee in support of the application. He advised Members that there had been no objections from statutory consultees or members of the public. He expressed disappointment that they had not been made aware that there were issues at pre-application stage and questioned what officers would consider to be very special circumstances. He referred to other applications which had been approved in the Green Belt and stressed the need for small scale farms to be able to diversify.

Some Members acknowledged that farmers were being encouraged to diversify and it was suggested that the clear need for farmers to look at diversification could be considered as very special circumstances. They noted that the proposed new buildings would be located adjacent to agricultural buildings

and from a distance could be taken to be agricultural silos and felt that this was acceptable.

Other Members raised concern over the use of the proposed buildings and stressed the need to consider the ancillary uses around them including use of outside space and associated paraphernalia. They expressed the view that very special circumstances had not been demonstrated by the applicant.

Officers advised that, should Members be minded to approve this application, their recommended conditions would include: methodology to deal with unexpected contamination; an electrical recharge point; cycle and vehicle parking; landscaping; tree retention; lighting scheme; external finishes; holiday occupancy; removal and reinstatement; and application plans.

Resolved That the application be approved subject to delegated authority being granted to allow officers to formulate the wording of conditions as outlined above.

Reason: Notwithstanding the substantial weight being given to the identified harm to the Green Belt and the other harm to its openness, the proposal is considered necessary as a means of farm diversification to offset the impact of the declining farm income, which amounts to very special circumstances to clearly outweigh that harm, and justify planning permission being granted.

**92. Hall Farm, Strensall Road, York, YO32 9SW (16/02886/FUL)**

Members considered a full application by Mr Andrew Thompson for the change of use of agricultural buildings to livery stables and caravan touring pitches including refreshment and toilet block.

Officers advised that, in response to comments in the report on the trading position of the farm, they had received an email from the applicant's accountant to advise that the Mr Thompson, the applicant, had made trading losses in the last financial year.

Eamonn Keogh, the applicant's agent addressed the committee and provided the following information:

- no objections had been received from members of the public or statutory or internal consultees.
- the scheme would include the demolition of a significant number of buildings, including some silos, leading to a net loss of permanent built floorspace and improvement to openness of Green Belt.
- a comprehensive visual impact assessment had been submitted. The scheme would have a positive impact on the rural landscape due to proposed reduction in built form and enhancement of landscape features, introduction of new hedgerows and trees and general landscaping around proposed development site.
- caravan pitches would sit within the footprint of existing building and be seen against backdrop of retained buildings
- very special circumstances to overcome inappropriateness of Green Belt have been set out in the report.

Members discussed whether additional landscaping was required noting there was already some screening to the north of the site but that views of the site would be more prominent from New Earswick to the south so any additional landscaping should be concentrated here.

Councillor Doughty moved, and Councillor Looker seconded, a motion to approve the application. Members accepted the need for diversification and were comfortable with the equestrian proposals, and some members expressed support for the scheme on the basis of diversification. They accepted that there was a need to provide suitable sites for visitors to York with caravans and noted the benefits to the environment through the reduction of the built up area and increase in openness to the greenbelt.

However there was concern that very special circumstances had not been demonstrated. They did not feel that evidence had been put forward to support the need for more caravan pitches. Concern was also raised in relation to slow moving vehicles at a point in the road where the speed limit changed from derestricted to 30mph. They did not feel that the need to

diversify could in itself be considered as very special circumstances, but that individual cases for diversification should be made on financial grounds.

After further debate, members accepted the reasons put forward by the applicant but felt that these needed to be strengthened to include financial reasons to be able to be considered as very special circumstances. Councillor Galvin moved, and Councillor Ayre seconded, a motion to defer the application in order that the applicant be given additional time to put together stronger financial reasons to support very special circumstances.

Resolved: That the application be deferred for consideration at a future meeting.

Reason: In order that the applicant be given additional time to set out the financial reasons why the farm needed to diversify, which could be considered as very special circumstances to clearly outweigh the harm, and any other harm, for development in the Green Belt.

**93. Former Haymarket Car Park, Dundas Street, York (16/02801/FULM)**

Members considered a major full application by Vastint Hospitality for the erection of a five storey hotel (use class C1)

Officers advised that they had received a letter of objection from one of the neighbours who had attended the site visit but who was unable to attend today's meeting. Their main objections related to the scale of the proposed buildings and concerns around highway safety and traffic. This letter had been circulated to members in advance of the meeting.

Officers also advised that they had now received the Heads of Terms for the Sec 106 agreement from the applicant.

Officer recommended the following amendments to existing proposed conditions:

- Than an informative be added to Condition 4 (construction management) to set out more detail and an explanation on what would be expected from the developer in respect of construction management.

- Rewording of Condition 21 (plant and machinery) to give more clarity to the noise levels that the developer would be expected to meet.

Mr Andrew Finch, a resident of Hungate, addressed the committee in objection to the application. He raised concerns around the use of the land for a hotel, which he stated would lead to noise overnight and disruption which was currently not an issue with existing office use nearby. He also raised concerns of the aesthetics of the proposed building from the south/south east, and the need to maintain a visual corridor; and highway access especially in relation to East to West traffic, where there would be potential pedestrian/cyclist conflicts with vehicles loading and unloading.

Janet O'Neil, the applicant's agent, spoke in support of the application. She referred to the impact of the building on both Hungate, the Hiscox office and neighbours. She advised that guests of the 3\* hotel would arrive either by taxi or would walk from the station and stated that it was not anticipated that there would be a large number of coaches dropping off at/collecting from the hotel.

Members acknowledged residents' concerns regarding traffic at the back of the proposed development but noted that no objections had been raised by Highways. It was suggested that the solid hoarding could be replaced by mesh fence during construction to improve sight lines to reduce impact of traffic. Concern was raised again with regard to the impact of the proposed building on the setting of the grade 2 \* listed public house, but acknowledged that the site had been identified for development and outline permission had been granted and it had always been clear that there would be 4-5 storey building overshadowing the public house. Members commented that it was an innovative design and felt there were no reasons to refuse the application.

Resolved: That on completion of a S106 legal agreement to secure a contribution of £18,000 towards public realm improvements at Peasholme Green, DELEGATED authority be given to the Assistant Director, Planning and Public Protection to APPROVE the application subject to the conditions listed in the report and the amendments to conditions 4 and 21 as detailed above.

Reason: The scheme will regenerate part of the city centre in line with aspirations outlined in the 2005 and emerging draft Local Plans. The proposed use is acceptable in principle. The site is in an area where flood risk is high but the sequential and exceptions tests are passed and the development has been designed to be flood resilient. There would be no harm to heritage assets or their setting, to residential amenity or highway safety.

A section 106 agreement will secure a contribution of £18,000 towards public realm and pedestrian improvements on the opposite side of Peasholme Green.

#### **94. 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 October and 31 December 2016 and provided them with a summary of the salient points from appeals determined in that period.

Resolved: That the report be noted.

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

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 7.10 pm].

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**COMMITTEE REPORT**

**Date:** 20 April 2017                      **Ward:** Hull Road  
**Team:** Major and                              **Parish:** Hull Road Planning  
Commercial Team                              Panel

**Reference:** 16/02358/OUTM  
**Application at:** York St John University Playing Fields Windmill Lane York  
**For:** Outline application for residential development (circa 70 dwellings) with associated access and demolition of existing buildings.  
**By:** York St John University  
**Application Type:** Major Outline Application (13 weeks)  
**Target Date:** 24 April 2017  
**Recommendation:** Approve Subject to Section 106 Agreement

**1.0 PROPOSAL**

Outline permission is sought for the erection of circa 70 dwellings. All matters are reserved except for access. The application is accompanied by a masterplan, which is illustrative only. The application includes 1, 2, 3 and 4-bedroom houses and flats, all of which are indicated as being two storey. 30% of all house types would be affordable. The application site would be bounded to the north and east by a landscape buffer consisting of existing belts of mature trees, to the south by the existing David Lloyd Leisure Centre and to the west by Woodlands Respite Care Centre. A single access point would serve the site at the junction of Hull Road and Windmill Lane and the existing access road serving the leisure centre would split the site into two separate residential areas. Two existing buildings on site are also proposed to be demolished.

**2.0 POLICY CONTEXT**

2.1 The National and local planning policy context is explained and assessed at paragraph section 4.0 below. The relevant draft local planning policies are listed as follows:

2005 Draft York Local Plan (4th set of changes):

CYGP1      Design  
CYGP4A    Sustainability  
CYGP7      Open Space  
CYGP9      Landscaping  
CGP15A    Development and Flood Risk

HE10	Archaeology
CYNE1	Trees, woodlands, hedgerows
CYNE6	Species protected by law
NE7	Habitat Protection and Corridors
H2a	Affordable Housing
CYED4	Developer contributions to education facilities
L1c	New Open Space in Development
C6	Developer Contributions Towards Community Facilities

## 2.2 City of York Local Plan – Publication Draft 2014:

DP1	York Sub Area
DP2	Sustainable Development
DP3	Sustainable Communities
SS1	Delivering Sustainable Growth for York
H1	Housing Allocations
H2	Density of residential Development
H3	Balancing the Housing Market
H4	Housing Mix
H9	Affordable Housing
D7	Archaeology
GI2	Biodiversity and Access to Nature
GI4	Trees and Hedges
GI6	New Open Space Provision
T4	Strategic Highway Network Capacity Improvements
DM1	Infrastructure and Developer Contributions

## 3.0 CONSULTATIONS

INTERNAL

### **Housing Strategy and Development**

3.1 In accordance with Council Policy the proposal should provide 30% of homes on the site should be affordable with 70% of those being social rented and 30% being discount sale tenure. Standard advice in connection with pepper potting of the dwellings and provision being pro-rata has been given. The applicant has agreed to this provision which will be secured through a S106 agreement.

### **Public Protection**

3.2 No objections. Noise is not likely to be an issue which prevents development but an appropriate scheme to protect future residents from the existing noise drawn up, agreed and implemented. There is also the potential for additional road traffic noise

experienced by residents at the Hull Road end of Windmill Lane due to the traffic accessing the residential units. Conditions recommended.

3.3 Due to the number of dwellings the site would be considered a low risk site and would not require a formal air quality assessment. It is not considered that the site will present new opportunities for exposure as the new dwellings are well set back from Hull Road / Windmill Lane as a consequence of the protected tree line / green buffer.

3.4 Conditions should be attached regarding electric vehicle recharging points and unsuspected contamination.

### **Planning and Environmental Management - Forward Planning**

3.5 This site was originally submitted for consideration for development through the Local Plan Call for sites in 2012. This site was considered through the site selection process as site 138: York St Johns University Playing Fields. The outcomes of site assessment show that part of the site was removed for being designated open space. The remaining parcel was taken to Technical Officer Group but the outcome was that the site was rejected as a potential development site.

3.6 Site 138 was resubmitted for further consideration through the Preferred Options Consultation with further technical evidence. However, the outcomes of further assessment, published as part of the Further Sites Consultation, highlighted that the existing playing fields remained a showstopper for development at that time based on the evidence submitted.

3.7 Further evidence was submitted for consideration through the Further Sites Consultation (Summer 2014) in relation to the redevelopment of the site for either residential use or for Science Park uses as an extension to the existing science park following cease of use for university sports teams in 2015. A response was also received through the Further Sites Consultation from Sport England which confirmed that the replacement facilities at Haxby Road would meet both the quantitative requirements and also provide better quality provision including better management arrangements; No objection was raised by Sport England to the re-development of the site.

3.8 Site 138 was included within the Publication draft Local Plan (2014) in policy EC1: Employment Allocations as a general employment allocation (E15: Land at Hull Road) for 16,000sq.m /4ha of Research & Development uses (B1b/B1c) linked to the adjacent University of York Science Park.

3.9 Since the Publication Draft Local Plan (2014) further work has been undertaken to revise the portfolio of sites. The Preferred Sites consultation document (2016)

was approved by Members of the Local Plan Working Group (27/06/16) and Executive (30/06/16) and set out the draft portfolio of sites identified to meet need. The starting point for identified sites in this document was those included in the Publication draft Local Plan and further considerations were used to help identify which sites/ amended site boundaries as detailed in the Preferred Sites Document (2016) methodology.

3.10 This site (138) was reconsidered for its suitability against the updated suitability criteria and was included as a preferred housing allocation (H56) with an estimated yield of up to 190 dwellings. Science City Board and the University of York are not interested in delivering the site as an extension to the Science Park and the site is therefore undeliverable for that use. The site was therefore re-assessed for residential use.

3.11 The proposal for this site to be developed for residential development is supported as a potential allocation through the emerging Local Plan process. On this basis, no policy objection is raised for this application.

### **Planning and Environmental Management - Ecologist**

3.12 There are no statutory or non-statutory nature conservation sites on or immediately adjacent to the site and it does not fall into a Site of Special Scientific Interest (SSSI) Impact Risk Zone as identified by Natural England. The site itself does not occur within one of York's identified Green Corridors (which are not meant to be exhaustive) however alongside other areas of green space in the immediate area, it is linked to Walmgate Stray (Green Corridor 7) and to the open areas of the University of York's East Campus. The woodland on the eastern edge of the site is recorded as an area of Priority Habitat 'deciduous woodland' identified by Natural England in the national habitat inventories. Priority Habitats are defined in Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

3.13 The trees and buildings on site have been assessed for their potential to support roosting bats.

3.14 Evidence of hedgehogs using the site was recorded during the surveys. Hedgehogs are a species "of principal importance for the purpose of conserving biodiversity" covered under section 41 (England) of the NERC Act (2006). Whilst the development is unlikely to directly impact on this species it could erode the habitat available to them. The site was assessed as having value for woodland edge and urban bird species, with nesting potential for a range of bird families.

3.15 The area is likely to be already moderately lit due to Hull Road and the adjacent Sports Centre, but the shelter belts will provide dark corridors of value to

foraging/commuting bats and other nocturnal animals and this should be maintained through the implementation of a sensitive lighting scheme.

3.16 No objections subject to conditions: Biodiversity Method Statement and sensitive lighting scheme.

### **Planning and Environmental Management - Landscape Architect**

3.17 The existing mature woodland trees along Windmill Lane and Hull Road are subject to a tree preservation order reference TPO42. The revised scheme has pulled the development away from the trees resulting in less direct conflict between main garden use and trees; security is improved; the woodland is overlooked by house frontages; and the woodland becomes part of the amenity of the housing development rather than a separate entity. The gardens now no longer sit below the canopy of the trees.

3.18 The trees which line the existing approach to the leisure centre should be retained, with the exception of the Poplars.

### **Planning and Environmental Management - City Archaeologist**

3.19 The site is outside of the Area of Archaeological Importance but it is situated within a wider area which has produced vast archaeological evidence from all periods. Large scale excavations at Heslington East Campus revealed evidence for prehistoric and Romano-British occupation, an Anglian settlement is suggested by finds at Heslington Hill to the south-west of the site. The playing fields site appears to have been relatively undisturbed and used for agricultural purposes throughout the medieval and post-medieval period. In the 1930s the fields became used for recreational purposes. Given the location of the site and the relatively undisturbed nature of parts of it, it is likely that archaeological deposits may exist across the playing fields.

3.20 Conditions should be attached identifying the need for a geophysical investigation to be undertaken followed by targeted evaluation trenching.

### **School Services - PFI/Schools Contracts Officer**

3.21 A financial contribution of £215,935 is required. The calculations are based on current projected numbers and provision, which may be subject to change. The schools identified are Badger Hill Primary School and Archbishop Holgate's CE Secondary School.

### **Flood Risk Management Team**

3.22 Surface water drainage via soakaways is supported. Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. Condition should be attached.

### **Highway Network Management**

3.23 The level of traffic that could be anticipated to be generated by the development has been based upon trip rates proposed on another development in the city. The vehicular impact using these trip rates equates to 50 vehicular movements during the AM/PM peak network hours. The impact of this level of traffic will have a small detrimental impact on the operation of the signalised junction serving the site, in terms of small increases to existing queues during the peak periods.

3.24 The development will be served from the existing signalised access at the junction of Hull Road/Melrosegate. This existing access already serves the David Lloyd Club and is therefore considered suitable, in terms of geometry/layout to serve further development.

3.25 It is envisaged that the internal layout will be designed, constructed and offered for adoption as public highway under a Highways Act Agreement.

3.26 Research indicates that individuals are more open to behavioural change at key points in life such as moving home. The use of targeted initiatives (such as the provision of bus travel) at these key points can influence behaviour. Whilst it is accepted that not all residents will give up car use they may give up a 2<sup>nd</sup> or 3<sup>rd</sup> vehicle or use alternative modes of travel for shorter journeys.

3.27 Officers have requested contributions towards;

a) provision of 2x real time (BLISS) displays at the adjacent inbound/outbound bus stops (£10k each – total contribution £20k)

b) the choice to first occupiers of either bus travel (in the form of a carnet of day tickets) or cycle/cycle accessories. Such contribution to be £200 per first occupier.

Such contributions would be secured via a S106 Agreement.

### **Communities and Neighbourhoods - Public Health**

3.28 This site has 3 full size pitches, set out for football but also suitable for rugby.

The pitches are owned and managed by York St John University, though on going maintenance has been reduced since the University's pitches on Haxby Road came into operation. A community use agreement is in place which requires the pitches to be available for a minimum of 16 hours of community access per week, at a cost comparable to other pitches across the city.

3.29 The city's Open Space and Green Infrastructure Study shows Hull Road ward to have a deficiency in most typologies of open space. However, when the provision in Hull Road ward is combined with the provision in the former neighbouring Heslington and Osbaldwick Wards the local provision calculates that there is a surplus of amenity open space and sport provision but a deficiency in children's equipped play areas.

3.30 These calculations include a large swathe of amenity open space through the new University campus, which connects with the wooded area along this development site, to allow connectivity between Hull Road and Heslington ward. The Outdoor sports figures include the large area of sports playing fields at the University of York, which are well used by the university but to safeguard them for student use, have limited community access.

3.31 A development of this size would need to provide on site play facilities for children and ideally for teenagers. There is a local deficiency in provision of play facilities in both Hull Road and Heslington wards. The amenity open space should be provided centrally within the development, and offer appropriate provision for the local residents but also complementary provision to that surrounding the development. There is no indication that outdoor sports provision for the new development will be provided on site. If this is the case an off site contribution to increasing the carrying capacity of existing facilities in the area will be required. The applicant has indicated their willingness to transfer the community use agreement for the Hull Rd pitches to the Haxby Road site. This is welcome news and goes some way to safeguarding formal club access to pitches.

### **Communities and Neighbourhoods - Public Realm**

3.32 Having considered the location of the site and its proximity to the old Heslington ward an analysis of the open space needs by ward and both wards combined has been undertaken.

3.33 The initial shortfall stands in Hull Road Ward but when the surplus of open space in the old Heslington Ward is taken into account the situation changes as the combined effect is a net surplus of open space. No objections to the application are raised.

3.34 However, due to the shortfall of play areas across both wards it should be a

requirement of any approval that an equipped play area be provided within the development.

## EXTERNAL

### **Ouse and Derwent Internal Drainage Board**

3.35 The proposal will enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off from the site if this is not effectively constrained.

3.36 Soakaway testing has been undertaken and the outcome of the testing appears to indicate that soakaways will work at this site. The application also advises that a Main Sewer could be used to dispose of some of the surface water from the site. The Board is aware of a combined sewer, in the ownership of Yorkshire Water, in Windmill Lane to the east of the development site.

3.37 Where any discharge is to enter an ordinary watercourse or Board maintained watercourse within the Boards drainage district (either directly or indirectly via a third party asset), the Board would want to see the rate of discharge constrained and would not want the total rate to exceed the "greenfield" rate (1.4 l/s/ha) plus an allowance for any "brownfield" areas of the site which are currently impermeable and where there is positive drainage and a proven connection to the watercourse (at the rate of 140 l/s/ha, less 30%). Conditions are suggested.

### **Sport England**

3.38 No objections subject to the existing community use agreement being transferred from the Hull Road site to the Haxby Road site and secured through a S106 agreement.

### **David Lloyd Leisure**

3.39 Objects on the following grounds:

- Already a deficiency in the provision of open space within the Urban East Ward
- Does not accord with Paragraph 74 of the NPPF
- Pitches may be surplus to requirement but benefit the local community
- Would not provide replacement facilities within easy access
- Allocated as open land in the 2005 Local Plan
- Brown field sites should be considered first



## **City of York Hockey Club**

### 3.40 Objects on the following grounds:

- Conflicts with national planning guidance
- Insufficient evidence has been submitted to justify the release of the site
- Haxby Road site was not developed to replace the Hull Road site
- Difficulty in hiring pitches at Haxby Road

## **Publicity and Neighbour Notification**

### 3.41 Forty nine responses received raising the following objections:

- Loss of wildlife
- Loss of a much utilised open area
- Loss of space for children in a urban area
- Replacement provisions are not local enough
- Already a shortage of playing fields within the area
- Loss of wildlife habitat
- Roads are already congested
- Will be student accommodation
- Potential to open up Windmill Lane as a through route
- May cause conflict with cyclists and additional vehicles
- Alterations to the road junction could result in conflicts
- Additional noise pollution from additional vehicular movements
- Additional vehicle emissions
- Loss of natural drainage
- Ambulance response station would be lost
- Would put added pressure on local health and education facilities
- Housing at Strensall and Fulford Barracks should be considered
- The tree belt should be retained
- The narrow site entrance would be unsuitable for construction traffic

## **4.0 APPRAISAL**

### 4.1 KEY ISSUES

- Principle of Development for Housing
- Trees and the Parkland Setting
- Demolition of existing buildings
- Recreation and Open Space
- Highways Issues

- Flood Risk and Drainage
- Neighbour Amenity
- Education Provision
- Bio-Diversity
- Archaeology
- Affordable Housing

## 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.

4.3 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. Whilst it does not form part of the statutory development plan for the purposes of s.38(6) its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are consistent with those in the NPPF. The most relevant Draft (2005) policies are listed and summarised at paragraph 2.2 of this report.

4.4 Paragraph 216 of the NPPF states that decision-takers may also give weight to relevant policies in emerging plans 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 this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

4.5 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was halted pending further analysis of housing projections. An eight week consultation on a further Preferred Sites document has concluded. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies carry very little weight in the Council's consideration of this application (in accordance with

paragraph 216 of the NPPF). The most relevant of the emerging policies are listed at paragraph 2.2 above.

4.6 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 and it is against this policy Framework that the proposal should principally be addressed.

4.7 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.

## THE APPLICATION SITE

4.8 The application site comprises of a 4.73ha parcel of land which includes sports pitches, tree belts protected by TPOs, two buildings and the central access road which serves David Lloyd Leisure Centre. The site lies between Hull Road, Windmill Lane, David Lloyd and Woodlands Rehabilitation Centre with access being taken from the existing junction onto Hull Road. A central access road, owned by the university, serving the leisure centre bisects the site leaving two separate areas which currently form the sports pitches. To the south western corner of the site lies a landscaped area which serves as an easement over an existing washout and provides informal pedestrian access to the University Science Park.

4.9 Mature trees bound the site to the north, east and west which allow public access via unmade paths. Two pedestrian links to the site are present through the tree belt. The land is mainly flat and lies within Flood Zone 1.

4.10 An existing s106 agreement is in place which allows for a minimum of 16 hours per week, including week day evenings (18:00 to 20:00) and weekends (09:00 to 12:00), of community use of the sports pitches. The pitches should be maintained by the University.

## PRINCIPLE OF DEVELOPMENT FOR HOUSING

4.11 Paragraph 14 of the NPPF says that Local Planning Authorities should positively seek to meet the development needs of their area. Paragraph 47 says that to boost housing supply local authorities should use their evidence base to ensure that the Local Plan meets the full, objectively assessed needs for market and affordable housing, including identifying sites which are critical to the delivery of the housing strategy over the plan period. Plans should be deliverable as set out in paragraph 173. Although the emerging Local Plan policies can only be afforded very limited weight in accordance with paragraph 216 of the NPPF, the evidence

base that underpins the emerging policies is a material consideration in the determination of this planning application.

4.12 The emerging Local Plan is progressing and consultation on the Preferred Sites ended on 12<sup>th</sup> September 2016. The Preferred Sites Consultation puts forward the Council's latest evidence base with respect of a Strategic Housing Market Assessment (SHMA) and Employment Land Review (ELR), a proposed portfolio of sites to meet the housing and employment needs of the city over the plan period along with an updated Local Development Scheme (LDS) setting out the timetable for the Local Plan.

4.13 The SHMA produced by consultants GL Hearn establishes the objectively assessed need (OAN) for York as 841 dwellings per annum. This work takes into account the Government's recent release of the 2014 based Sub-National Population Projections (SNPP) released by the Office for National Statistics (ONS) on 25th May 2016. This need will require land to be allocated for a minimum of 8,277 dwellings over the plan period (2012 to 2032) once completions, unimplemented permissions and a small site windfall allowance have been taken into account.

4.14 To satisfy the OAN the emerging City of York Local Plan Preferred Sites Consultation document, includes sufficient land to provide about 10,100 dwellings in total, which would effectively provide an approximate 2.2-year oversupply by year 15 of the plan period.

4.15 The Council does not currently have an NPPF compliant five-year supply of deliverable housing sites. However, considerable work on sites has been undertaken as part of the emerging Local Plan process, which has assessed over 800 sites submitted through the Call for Sites in 2012 and subsequent consultations using the Council's site selection methodology. This methodology is based on the Plan's spatial strategy which seeks to protect the city's unique heritage, environmental assets, avoid areas of high flood risk and locate development in areas that are accessible by sustainable modes of transport and have access to key services.

4.16 NPPF paragraph 49 says:

*"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

4.17 Paragraph 49 applies to the determination of this application because the Council does not have a 5 year supply of deliverable housing sites.

4.18 Where the Council cannot demonstrate a five year housing land supply, paragraph 14 of the NNPf states that applications should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits when assessed against policies in the Framework, taken as a whole, or specific policies in the Framework indicate that development should be restricted. This is known as the presumption in favour of sustainable development.

4.19 The application site has access to services and facilities along Hull Road and scored positively in the assessment mentioned in relation to objectives regarding health, education, transport and equality and accessibility. It was also considered that it would need to be demonstrated that the sports pitches could be satisfactorily replaced in a local area of benefit and would be equal in terms of quality, quantity and access.

4.20 The original allocation proposed 190 dwellings on the site. However, natural restraints in the form of the existing boundary tree belts significantly affect the level of appropriate development that can be accommodated, reducing it to circa 70 under the proposed scheme.

4.21 All schemes still have to be judged against the impact on the character of the area, the impact upon adjacent residents and any other material considerations. In this case the loss of the public open space and sports pitches which will be addressed further in the report.

#### TREES AND PARKLAND SETTING

4.22 The National Planning Policy Framework states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland unless the need for, and benefits of the development in that location clearly outweigh the loss (paragraph 118).

4.23 One of the key attributes of the site's setting is the mature bands of protected trees that bound the site with Hull Road and Windmill Lane. The site is located within Character Area 61 (University of York Campus) and is considered to be a key heritage asset and landscape feature that contributes to local distinctiveness.

4.24 As originally submitted the indicative plan identified a number of dwellings being located directly adjacent to the canopies or having back gardens projecting under the canopies. Concerns were raised that issues would arise where residents would request that the trees be removed due to lack of sun to gardens and property, heavy seasonal fall, trees blowing in the wind and perceived safety concerns. As such the indicative plan has been amended to show a reduction in the number of dwellings

from 77 to 70 and a redesigned layout. This now indicates the vehicular access to each of the two areas being located adjacent to the tree canopies with the dwellings being served off short cul-de-sacs. This results in all gardens and dwellings being approximately 20m away from the canopies of the protected trees and being separated by the access road. This places the canopy spread and root protection areas outside of individual private ownership, thereby protecting the trees from misplaced pruning, and garden structures, and paving etc. This arrangement also allows the public to enjoy the woodland either from the pavement, along a soft verge, or through the wood itself.

4.25 Access would be retained to these tree belts and it is proposed to secure this through the s106 agreement which would require a management plan for their future maintenance.

## DEMOLITION OF EXISTING BUILDINGS

4.26 The Pavilion, built in the 1930s is a brick two storey central structure with a clock and two wings, all shuttered against vandalism and set within a small garden. Immediately to the west are very modern brick single storey ancillary buildings currently used as store rooms by the grounds maintenance department of York St John University. A well kept hedge surrounds the building with a short flight of concrete steps down to the level of pitch 1.

4.27 The scheme seeks permission for the demolition of these existing building in order to facilitate the development. The site is not within a conservation area and the buildings are not listed. The site lies within the Character Area 61: University of York within the City of York Historic Characterisation Project. The building is not identified as a building of merit within the document. It is considered that the building is traditional in character and represents the history of the site and be capable of conversion. However, the applicant seeks permission to demolish the building and whilst this may be regrettable there is no policy which would necessitate retention. A condition would be imposed to undertake a historic record of the building prior to demolition.

## RECREATION AND OPEN SPACE

4.28 Paragraph 73 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational

provision is required. Planning Practice Guidance states that open space should be taken into account in planning for new development and considering proposals that may affect existing open space.

4.29 The requirement for open space in new development has been a long standing policy objective for the City of York, included in the Draft Local Plan Incorporating the 4<sup>th</sup> Set of Changes (Development Control Local Plan) 2005 (policy L1c) and the City of York Local Plan - Publication Draft 2014 (policy GI6).

4.30 The open space standards for new development are found in the evidence base study which sits behind the emerging Local Plan (Local Plan Evidence Base: Open Space and Green Infrastructure (Final Report September 2014)). This identifies that there is a shortfall in all types of open space apart from formal parks. The three types of public open space provision required by the draft local plan area outdoor sports facilities, amenity open space and children's play space.

4.31 The masterplan submitted with the application is indicative only. However, it has been agreed that an on site children's play area would be provided, which would measure 0.16ha. The plan indicates it being located centrally within the eastern section of the site and overlooked by residential properties. When using recommendations from the emerging Local Plan Evidence Base the number of houses proposed would generate a children's play space area of 0.086ha. As such the proposal clearly meets this requirement. This can be secured through a s106 agreement.

4.32 In addition large areas of open space are to be retained within the development. The woodlands would not be developed and access would be retained along the informal paths. The woodland running parallel to Windmill Lane provides 0.77ha of informal open space with further open space being provided to the south western part of the site which equates to an additional 0.77ha. Again, when calculating the provision of amenity space required on site it equates to 0.174ha and as such the proposal is clearly in excess of this figure.

4.33 The site area as a whole measures 4.73ha. The area to be developed, including access roads, calculates at 2.37ha. This equates to 50.1% of the site being developed with the remainder being retained as open space.

4.34 It is apparent that there is no scope to provide outdoor sports facilities on site and as such a financial contribution of £25,134 would need to be secured to fund the provision elsewhere. Officers will update members at Committee as to the use of the contribution and to confirm that this would be within the maximum pooling restriction requirements under Section 123 the CIL Regulations (i.e. no more than 5 contributions from section 106 agreements to be used for the same project).

4.35 Objections have been received on the basis that the loss of the playing fields would result in a loss of land for neighbouring residents to utilise for social purposes. Whilst this is appreciated, the site is within private ownership with formal access only required for the 16 hours a week under the s106 agreement. There are no legal rights of access outside of these hours.

4.36 The application proposed the loss of three sports pitches on site. Paragraph 74 of the National Planning Policy Framework allows existing open space to be built on where:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; **or**
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; **or**
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

4.37 The site is owned by York St John University and has historically been used as the University's sports pitches. However, the site is now surplus to the University's requirements, since the new facilities have been provided at Haxby Road, and all the University games are played there. The University states that they now no longer have the budget to maintain the pitches and has sought to redevelop the site through the emerging Local Plan Call in for Site process which, as already outlined, resulted in the site being allocated for housing as site H56.

4.38 The University states that all the groups that previously utilised the site have now either relocated or disbanded. The Council do not have any formal information to dispute this and as far as officers are aware no details of offers to purchase the site are available.

4.39 As part of the previous development of the site to provide the David Lloyd Leisure Centre (2001) a s106 agreement was signed stating that the playing fields should be made available for a minimum of 16 hours per week. The agreement sets out that the pitches should be managed by a Playing Fields Liaison Group, which would consist of one person nominated by the council and one by the Trustees, and maintained by the University. No details are available as to how pitches were managed and marketed for use under this agreement but it is agreed that groups other than the university utilised the site.

4.40 As part of the current proposal, the applicant has agreed to provide the same level of access, as agreed under the original s106 agreement, to the new sports facilities at Haxby Road. This could be secured through a s106 agreement.



4.41 The NPPF states that existing open space can be developed where an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements. The applicant has confirmed that the sports pitches are now redundant in terms of the University use and are surplus to their requirements. The pitches are located within private land and as such general public access on a daily basis can not be considered.

4.42 The NPPF states that existing open space can be built on where the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. The transfer of the provisions of the current s106 agreement to the facilities on Haxby Road would clearly replace the existing playing fields with a better provision in terms of quantity and quality. The issue stands as to whether the provision of the replacement pitches is in a suitable location. Whilst the pitches are located some distance from the site it is considered that they are still accessible to potential teams that wish to utilise sports facilities.

## HIGHWAY ISSUES

4.43 The proposed development would be served via the existing signalled junction at Hull Road and Windmill Lane. No additional access to the site is proposed from Windmill Lane. The access through the site, which serves David Lloyd, is considered to be adequate to serve the development. The internal layout should be designed in accordance with Manual for Streets principles as a shared space. The layout should seek to restrain vehicle speeds to 20mph or below whilst also using design features to manage on-street parking. It should be offered for public highway under a Highways Act Agreement.

4.44 It is considered that the development would increase vehicular movement to and from the site at a level of 50 movements during the AM/PM peak network hours. This increase would have a small effect upon the signalled junction by way of a small increase to existing queues within the vicinity of the site.

4.45 The site is well served by public transport links and lies immediately adjacent to good cycle networks. It is considered that the site is sustainable in transport terms. The applicant has agreed to fund two BLISS real time bus displays to nearby in bound and out bound bus stop and provide funding for sustainable transport methods for first occupiers either through bus travel or cycle/cycle accessories. Officers will update members at Committee to confirm that this would be within the maximum pooling restriction requirements under CIL Regulations.

## DRAINAGE

4.46 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, make it safe without increasing flood risk elsewhere ( paragraph 100). The Environment Agency Flood Map for Planning demonstrates that the site is located in Flood Zone 1. The EA describes this Flood Zone 1 land as areas where flooding from rivers and the sea is very unlikely. There is less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year.

4.47 The site is considered to be about 7m below the highest flood levels of the nearest significant water course and therefore at very low risk of flooding. The site is not at risk of flooding from rivers or the sea.

4.48 Details submitted by the applicant demonstrate that existing surface water from the site discharges to the existing public sewer. Yorkshire Water has indicated that the local public sewer network does not have any capacity to accept additional surface water from the proposed site. As such it is proposed that surface water would discharge to soakaways. Permeability testing was undertaken and it has been established that the ground on site is suitable for the disposal of surface water with appropriately designed and detailed soakaway systems.

4.49 Yorkshire Water confirmed that the development should take place with separate systems of foul and surface water drainage. Foul water domestic waste should discharge to the 225mm diameter public combined sewer in Windmill Lane to the east and the 225mm combined sewer to the west. Details can be secured by condition.

## NEIGHBOUR AMENITY

4.50 Layout is a reserved matter, so the submitted masterplan is illustrative only and may change significantly. The presence of the substantial mature tree planting to the site boundaries results in a potentially limited impact upon neighbours' amenity. The vehicular access to the site only serves the existing leisure centre and as such additional vehicular movements would not result in additional noise disturbance to existing residential properties along Windmill Lane, with the exception of those located directly at the junction. David Lloyd Leisure has objected to the proposal in relation to policy implications only. It is considered that the development of the site for residential use would not have any direct impact upon the operation of the leisure centre. There is nothing about the size, character or location of the site that would prevent, in principle, the proposed number and type of dwellings causing a significant impact on local residents or the adjacent leisure centre.

## EDUCATION PROVISION

4.51 The development would generate the need for three additional places at Badger Hill Primary School, eight spaces at Archbishop Holgate's CE Secondary School and eight pre-school places. This equates to a financial contribution of £215,935 which the applicant has agreed and which would be secured through a s106 agreement. Officers are seeking confirmation that these contributions would be within the maximum pooling restriction requirements under the CIL Regulations and Members will be appropriately updated at Committee.

## BIO-DIVERSITY

4.52 The NPPF states that when determining planning applications local planning authorities should aim to conserve and enhance biodiversity. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss.

4.53 The main areas within the development in terms of bio diversity are the large tree belts lying along Hull Road and Windmill Lane which are subject to a tree preservation order (TPO42). The woodland on the eastern edge of the site is recorded as an area of Priority Habitat 'deciduous woodland' identified by Natural England in the national habitat inventories. These areas have been excluded from the development area. The grassland, hedgerows and sports pitches are of low conservation significance.

4.54 There are no statutory or non-statutory nature conservation sites on or immediately adjacent to the site and it does not fall into a Site of Special Scientific Interest (SSSI) Impact Risk Zone as identified by Natural England. The site was assessed for their potential to support roosting bats with the sports pavilion having medium potential, although none were recorded emerging from the building, and the trees having no potential due to their age.

4.55 Evidence of hedgehogs using the site was recorded during the surveys. A range of biodiversity enhancements have been proposed to the retained habitats and incorporated amongst the housing including bird boxes, bat boxes, hedgehog shelters, habitat piles and a tawny owl box. The existing woodland belt will be managed, new tree planting undertaken and wildflower grassland creation. A five year conservation management plan has been produced for the site and submitted with the application which outlines these enhancements. Implementing these enhancements will help to maintain the areas value as part of the local green infrastructure.

## ARCHAEOLOGY

4.56 The National Planning Policy Framework (NPPF) requires (at paragraph 128) that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Paragraph 129 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

4.57 The applicant submitted a desk-based assessment for consideration. This concluded that there is a high probability of medieval and later cultivation traces being present within the development area. While some of this may be preserved below ground in areas where the land surface has been raised for the playing fields, it is equally possible that some or all archaeology has been truncated or entirely removed as part of the same levelling activity. Conditions are proposed to secure a geophysical investigation over the playing field areas at the north and eastern parts of the site which should be followed by targeted evaluation trenching.

## AFFORDABLE HOUSING

4.58 The National Planning Policy Framework states that local planning authorities should set policies for meeting identified need for affordable housing on site. To that end the Council seeks to ensure that new housing development of 15 dwellings or more in the urban area will include affordable housing. The application is in outline only and does not include details of the housing mix and layout. However the applicant has agreed to provide 30% affordable housing. If outline planning permission were granted the mix and layout of the affordable units would be for agreement between the applicant and the council at a later date. Provision of affordable housing would be secured by a s.106 agreement.

## 5.0 CONCLUSION

5.1 The application site could appropriately provide up to 70 dwellings in a highly sustainable and accessible location. The scheme would not lead to unacceptable levels of traffic generation, affordable house would be provided in line with Council policy, as would financial contributions towards education and sports provision, which would be secured through a s106 agreement. Amenity space and an equipped children's play area would be provided on site and access would be retained to the belts of mature trees which bound the site.

5.2 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless **any** adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The scheme would result in some harm due to the loss of the sports pitches within this location. The Local Planning Authority has concluded that this is outweighed by the application's] benefits of providing housing in a sustainable location within defined settlement limits and with good access to public and sustainable transport links and services. This is in line with the NPPF which seeks to boost, significantly, the supply of housing and to deliver a wide choice of high quality homes.

5.3 Approval is recommended subject to completion of planning obligation to secure the following:

Trees :- Access and management plan for future maintenance of the tree belt that bounds the site with Hull Road and Windmill Lane

Open space: –

- a) Community use agreement for the University's facilities at the applicant's Haxby Road site
- b) On- site children's play area
- c) Contribution of £25,134 towards off site sports facilities if not provided on site.

Highways: –

- a) Provision of 2x real time (BLISS) displays at the adjacent inbound/outbound bus stops (£10k each – total contribution £20k) and
- b) The choice to first occupiers of either bus travel (in the form of a carnet of day tickets) or cycle/cycle accessories. Such contribution to be £200 per first occupier.

Affordable Housing: – on site provision of 30%

Education: - Financial contribution of £215,935 towards:

- a) three additional places at Badger Hill Primary School
- b) eight spaces at Archbishop Holgate's CE Secondary School
- c) eight pre-school places.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:**

Subject to confirmation that the contributions sought towards real time bus displays, open space and education provision are compliant with CIL Regulations, that the

application be APPROVED subject to satisfactory completion of a S106 legal agreement to secure:

Trees; Access and management plan for future maintenance of the tree belt that bounds the site with Hull Road and Windmill Lane

Open space;

- a) Community use agreement for the University's facilities at the applicant's Haxby Road site
- b) On- site children's play area
- c) Contribution of £25,134 towards off site sports facilities if not provided on site.

Highways;

- a) Provision of 2x real time (BLISS) displays at the adjacent inbound/outbound bus stops (£10k each – total contribution £20k) and
- b) The choice to first occupiers of either bus travel (in the form of a carnet of day tickets) or cycle/cycle accessories. Such contribution to be £200 per first occupier.

Affordable Housing ; on site provision of 30%

Education; Financial contribution of £215,935 towards:

- a) three additional places at Badger Hill Primary School
- b) eight spaces at Archbishop Holgate's CE Secondary School
- c) eight pre-school places.

AND SUBJECT TO the following conditions:

**6.0 RECOMMENDATION:** Approve subject to Section 106 Agreement

1 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details as approved:

Details to be submitted: appearance, landscaping, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used (hereinafter referred to as "reserved matters").

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (England) Order 2015.

2 The application for approval of all reserved matters referred to in Condition 1 above shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby

permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

3 The development hereby permitted shall be carried out in accordance with the following plans, insofar as it relates to vehicular access:

Y81:1037:07 Rev B received 5th April 2017

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

4 The number of dwellings at the site shall not exceed 70 units.

Reason: The impact of the development including the size of contributions sought through legal agreement has been assessed on the basis of up to 70 dwellings. A higher number of dwellings at the site would require further consideration of the acceptability of the scheme by the Local Planning Authority

5 VISQ8 Samples of exterior materials to be app

6 VISQ4 Boundary details to be supplied

7 HWAY1 Details roads, footpaths, open spaces req.

8 HWAY7 Const of Roads & Footways prior to occup

9 HWAY18 Cycle parking details to be agreed

10 HWAY19 Car and cycle parking laid out

11 HWAY40 Dilapidation survey

12 No development shall take place until a detailed acoustic report on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority.

The report shall include a scheme of noise insulation measures for all residential accommodation. The noise insulation measures shall be designed to achieve noise insulation to a standard that nuisance will not be caused to the occupiers of residential accommodation by noise from the following:-

- the noise impact of the A1079 Hull Road traffic;
- the operation of the existing leisure centre including plant and machinery, car-park noise and recreational noise;
- the noise impact from the Science Park, public protection is aware of refrigeration units and air conditioning units which are associated with the buildings on the Science Park, some of which run into the evening, these may have low frequency characteristics which means the noise will travel some distance from the noise source;
- the noise impact from the University buildings particularly the CHP boiler plant on the Science Park area, public protection is aware that there has been a low frequency noise source associated with these building which may impact on future residents of the site

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 8233: 2014 Sound Insulation and Noise Insulation for Buildings - Code of Practice.

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and to ensure that the internal LAFMax level during the night (23:00-07:00 hours) does not exceed 50dB(A) on any occasion or 45dB(A) on more than 10 occasions in any night time period. These noise levels shall be observed with all windows open in the habitable rooms or with windows shut and other means of ventilation provided.

Reason: In order to safeguard the amenities of future occupiers. The details are needed prior to the start of work as the acoustic report may require changes to the design details.

13 No development shall take place until a detailed acoustic report on the impact on the existing noise climate at the entrance to the development site has been submitted to and been approved in writing by the Local Planning Authority.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of Calculation of Road Traffic Noise 1988.



Reason: In order to safeguard the amenities of existing occupiers adjacent to the new access road. The details are needed prior to the start of work as the acoustic report may require changes to the design details.

14 Electric vehicle recharge points will be required at all properties that include off-street parking as follows (one recharge point per property).

- For all garage spaces - Prior to first occupation of the dwelling the applicant shall install a three pin 13 amp electrical socket in the garage which is in a suitable location to enable the charging of an electric vehicle using a 3m length cable.

Note: Any socket provided must comply with BS1363 or an equivalent standard, Building Regulations and be suitable for charging electric vehicles.

- For all driveways - Prior to first occupation of the dwelling, the applicant shall install a three pin 13 amp external electrical socket which is suitable for outdoor use. The socket shall be located in a suitable position to enable the charging of an electric vehicle on the driveway using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles, contaminated land

15 No development shall take place until a Construction Environmental Management Plan (CEMP), to outline measures to minimise emissions to air and restrict them to within the site boundary during the construction phases has been submitted to and approved in writing by the local planning authority. Measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. The plan should also provide detail on the management and control processes. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>

The development shall be carried out in accordance with the CEMP as approved by

the local planning authority.

Reason: to safeguard the amenities of the existing residential occupiers and those as they move onto the site.

16 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved in writing by the Local Planning Authority prior to works starting on site. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

17 Prior to development commencing, 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 submitted to 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.

18 Prior to first occupation or use, the approved remediation scheme referred to in condition 15 must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by 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.

19 In the event that previously unidentified 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 shall be prepared and approved in writing by 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 prior to development recommencing on site.

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.

20 The first reserved matters application shall include a detailed landscape scheme showing both soft and hard landscape proposals that shall include the following information: the species, stock size, density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate and mowing regimes where applicable; types and heights of boundary treatment such as fencing, railing, hedging; paving materials; street furniture; layout of equipped areas of play. The trees alongside the existing access road shall be retained or replaced with a suitable species in the same or similar location and incorporated in to the proposed landscape scheme. The boundaries of ownership and responsibilities for landscape maintenance following completion, sales and/or hand over should be clear from the landscape scheme. The scheme will also include details of ground preparation. This

scheme shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within a period of ten years from the substantial completion of the planting, 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. This also applies to any existing trees that are shown to be retained within the approved landscape scheme. Any works to existing trees that are protected by a tree preservation order (TPO) or are in a conservation area, are subject to local authority approval and notification respectively within and beyond this ten year period.

Reason: The landscape proposals are integral to the function, character and amenity of a development; and as such are an essential component when giving the detailed development proposals due consideration, since the landscape scheme is integral to the amenity of the development.

21 The first reserved matters application shall include an Arboricultural Method Statement (AMS) regarding protection measures for the adjacent woodland and other existing trees shown to be retained on the approved drawings. This statement shall include details and locations of protective fencing, site rules and prohibitions, phasing of works, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials, locations and means of installing utilities, location of site compound, and marketing suite. A copy of the document will be available for inspection on site by the Local Planning Authority at all times. The development shall be carried out in accordance with the approved AMS..

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development.

22 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works for the site has been submitted to and approved in writing by the Local Planning Authority.[The scheme shall include details of future management and maintenance to ensure it remains effective for the lifetime of the development]. The approved scheme shall be implemented before the development is brought into use [and shall be managed and maintained in accordance with the approved details for the lifetime of the development].

The following criteria should be considered:

Any proposal to discharge surface water to a watercourse from the redevelopment

of a brownfield site should first establish the extent of any existing discharge to that watercourse.

- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

Reason: To ensure that the existing system is capable of accepting additional flows and provide an adequate method of surface water disposal.

23 Prior to occupation a sensitive lighting scheme shall be submitted to and approved in writing by the local planning authority. The strategy shall;

- i. Identify those areas/features on site that are particularly sensitive for wildlife.
- ii. 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 there will not be a negative impact on wildlife.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy prior to first occupation and these shall be maintained thereafter in accordance with the strategy.

Reason: To contribute to and enhance the natural and local environment by encouraging good design to limit the impact of light pollution from artificial light on nature conservation in line with the NPPF.

24 No development shall take place (including any demolition, ground works, site clearance) until a method statement for the demolition of the sports pavilion (in relation to bats), creation of new wildlife features (including bird boxes, bat boxes, hedgehog shelters, habitat piles and a tawny owl box), woodland management and wildflower planting/establishment has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- i. purpose and objectives for the proposed works;
- ii. Updated bat surveys if work commences after July 2017;
- iii. detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- iv. extent and location of proposed works shown on appropriate scale maps and plans;
- v. timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- vi. persons responsible for implementing the works;
- vii. initial aftercare and long-term maintenance (where relevant);
- viii. disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To contribute to and enhance the natural and local environment by encouraging good design to limit the impact of the development on nature conservation in line with the NPPF.

25 A programme of post-determination archaeological geophysical survey and evaluation trenching is required on this site as this was unable to be carried out at pre-determination stage.

The archaeological scheme comprises 3-5 stages of work. Each stage shall be completed and approved by the Local Planning Authority (LPA) before it can be discharged.

- i. No archaeological geophysical survey or evaluation shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI

should conform to standards set by the Chartered Institute for Archaeologists.

- ii. The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (i) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- iii. A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.
- iv. Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. It should be understood that there shall be presumption in favour of preservation in-situ wherever feasible.
- v. No development shall take place until:
  - details in (iv) have been approved in writing by the local planning authority and implemented on site
  - provision has been made for analysis, dissemination of results and archive deposition has been secured
  - a copy of a report on the archaeological works detailed in Part (iv) should be deposited with City of York Historic Environment Record within 6 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 12 of NPPF.

Reason: The site lies within an Area of Archaeological Interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

26 No work 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 in writing 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.

27 A programme of archaeological building recording, specifically a written description and photographic recording of the standing building to Historic England Level of Recording 2 is required for this application.

The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be discharged.

- i. No demolition/development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by the Chartered Institute for Archaeologists.
- ii. The programme of recording and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- iii. A copy of a report and archive images shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 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 12 of NPPF.

Reason: The building on this site is of archaeological interest and must be recorded prior to demolition.

## **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) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

- Request revised plans and further information
- Section 106 Legal agreement
- Use of conditions

2. Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

3. 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.

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

## 5. Development Informative

The developer's attention should also be drawn to the following which should be attached to any planning approval as an informative.

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

hours:

- ii. Monday to Friday 08.00 to 18.00
- iii. Saturday 09.00 to 13.00
- iv. Not at all on Sundays and Bank Holidays.
  
- v. 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".
  
- vi. Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions.
  
- vii. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturer's instructions.
  
- viii. There shall be no bonfires on the site
  
- ix. The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, Fax 01274 303 047) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

6 Construction Environmental Management Plan (in relation to condition 14):-

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. 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. 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. 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 whether or not artificial lighting will be provided on site during the development of the site and also include hours of operation. Mitigation measures to ensure that there is no loss of amenity to neighbours due to light pollution should also be detailed.

In addition the CEMP shall set out details of the 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.

**Contact details:**

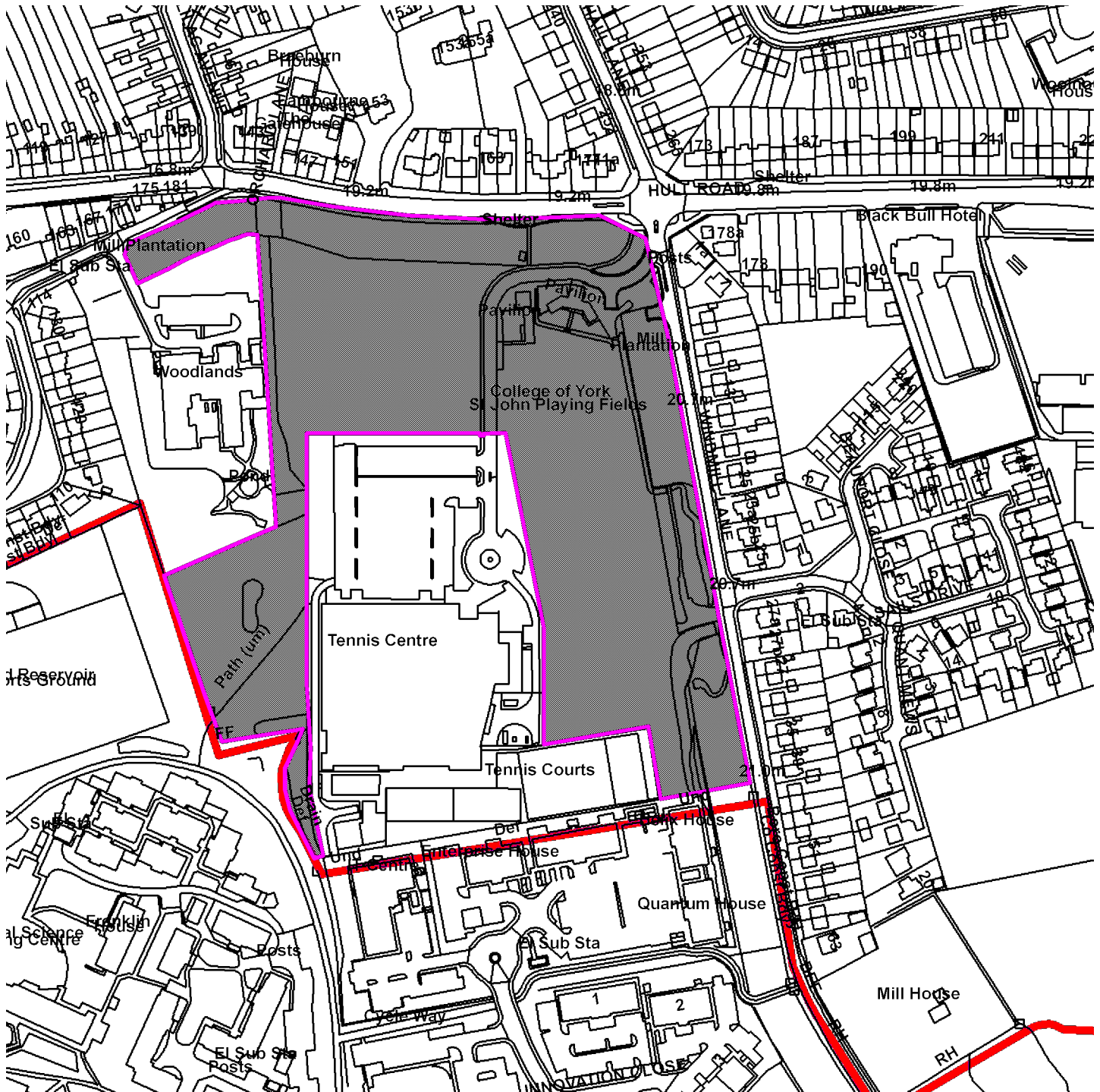
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16/02358/OUTM

York St John University Playing Fields, Windmill Lane, York



Scale : 1:2995

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	10 April 2017
<b>SLA Number</b>	Not Set

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**Planning Committee 20<sup>th</sup> April 2017**

**Agenda Item 4a - Officer Update**

16/02358/OUTM: York St John University Playing Fields, Hull Road.

**Pooling of Contributions Restrictions under Community Infrastructure Levy (CIL) Regulations**

Outdoor Sports Facilities - Financial contribution for outdoor sports facilities would go towards funding pitch drainage works at Osbaldwick Sports Club. One contribution has been made to this project from phase 4 of the Derwenthorpe development and as such it is CIL Regulations compliant. Feasibility work for this project has been undertaken and costs for the scheme are in the region of £80k. The project will improve the playing surface for both summer and winter sports and will increase the capacity for sport on the site.

Education - The identified projects for both are Internal Adaptations Badger Hill or Archbishop Holgate's as no further extension is possible, so will be adaptations to comply with schools legislation & curriculum requirements at the time of the development to accommodate the anticipated pupils. There are no records of Section 106 or other planning obligations for either since 2010, so zero pooling counts for both.

Highways – Proposed funding is within the 5 pooled contributions permissible under the CIL Regulations.

**Two further objections** raising the following point:

- Internal access points within the site are not safe
- Unacceptable increase in traffic along Hull Road
- St Johns University should maintain the land to allow it to be used as sports facilities/recreation
- Sports facilities at Haxby Road are not a reasonable trade for families with children who want to play on the site
- Noise and light pollution will scare wildlife away
- The character of the neighbourhood will be lost

### **Issues Arising from Committee Site Visit**

Trees to Woodlands Rehabilitation Centre: Permission was granted in August 2016 for an extension to the existing facility. A number of trees would be removed from within the site but not along the boundary. Replanting would take place which is covered by the approval for the extension.

Pre-school Nursery Places: Financial contributions in connection with pre-school nursery places would be spent on sites within 1.5km of the development as opposed to city wide.

Air Quality Monitoring: Equipment is located on a lamp post along Tang Hall Lane as well as one eastbound and one westbound along Hull Road. The results taken over the last three years indicate levels well below actionable levels in terms of air quality.

Highway Network Management: The impact that the additional vehicular traffic (predicted to be generated by the 70 residential units) will have on the performance and operation of the Hull Road/Tang Hall Lane junction is quite small and not considered to be unusual in the context of the urban environment. The supporting information (in accord with nationally approved Department for Transport specifications) has assessed the current traffic situation without the development, including validation of timings, overall flows and queue lengths.

The 'with' development scenario (modelled at 2021) shows that the difference in queue lengths will be in single figures, with a maximum additional queue of 5 vehicles, on the Hull Road approach from the east direction in the morning peak hour (0745-0845). Other arms of the junction including the site access will see changes less than this. The development of 70 units will generate less than 40 additional vehicle movements (that's in and out) in both peak hour periods (and much less in between). The average 'green' time on each cycle of the traffic lights is 19 seconds on the access/Tang Hall Lane arm and as such with over 30 cycles per hour this equates to only a very small number of vehicles added to the current demand and hence the reason for the predicted marginal growth in expected queues and overall delay.

(For comparison total 2 way flows on Hull Road (east) are in the region of 1700 vehicles in the AM peak hour).



**COMMITTEE REPORT**

**Date:** 20 April 2017                      **Ward:** Strensall  
**Team:** Major and                              **Parish:** Earswick Parish Council  
Commercial Team

**Reference:** 16/02886/FUL  
**Application at:** Hall Farm Strensall Road York YO32 9SW  
**For:** Change of use of agricultural buildings to livery stables and caravan touring pitches including refreshment and toilet block  
**By:** Mr Andrew Thompson  
**Application Type:** Full Application  
**Target Date:** 21 April 2017  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 The application was presented to the main committee on 23rd March with a recommendation for refusal. The committee agreed that the application should be deferred pending further information on operation of the proposed business and details of the financial circumstances of the existing business. Further information has been received from the applicant and is reported in paragraphs 4.19, 4.20, 4.21, 4.22 and 4.23.

1.2 The proposal is for change of use of the existing pig farm to an equestrian use. About half of the existing buildings will be retained and converted into loose boxes, and associated storage uses. A building will be retained for use as a reception area and another replaced by a similarly sized building and used as a toilet and kitchen block for the proposed touring caravan pitches. These caravan pitches will be situated within the existing built form of the site in an area where the existing buildings will be demolished. Further demolition will allow for construction of a dressage arena, exercise yard and horse walker as well as parking for 24 cars. Landscaping will be introduced around the site.

1.3 The site is within the general extent of the Green Belt. It is accessed off a single track road from Strensall Road which leads down to the farm buildings. These are tightly grouped together and are a selection of buildings and silos. The notable feature is that the buildings are fairly low in height for agricultural buildings. Currently the South of the site is identified by a row of straw bales piled three high but there is otherwise little boundary treatment around the site.

1.4 The character of the area is rural and agricultural and marks a distinct change from the modern housing on the edge of Earswick. The land is very flat with large

fields with some hedges on boundaries. The site itself goes down to the River Foss with the areas closest to the river being in Flood Zones 2 and 3.

## **2.0 POLICY CONTEXT**

2.1 See Appraisal

## **3.0 CONSULTATIONS**

### **INTERNAL**

#### Public Protection

3.1 No objections. The site has been subject to some complaint regarding alarms and occasional odour and therefore the change of use is likely to result in some improvement in amenity to neighbouring residents. Conditions are recommended in the case of contamination being discovered during construction, to control hours of demolition and construction and for the installation of an EV charging point.

#### Highways Network Management

3.2 No objections. A new access has been proposed approximately 30m from the existing. This will provide better visibility and is acceptable. It is not considered that the proposed use will result in any material increase in traffic above that of the existing farm use. The site is reasonably sustainable with bus stops on Strensall Road linking the site to the city centre and a footpath on Strensall Road linking the site to local services in Strensall. Conditions are recommended including one to agree details of the access road which can be reduced in width to single track with passing places after an initial two way road.

#### Planning and Environmental Management (Landscape)

3.3 The arrangement of buildings and silos are exposed to views along Strensall Road, but are of a character that is fitting to the rural location and medium-large field pattern. The various buildings/structures create an interesting juxtaposition of functional forms and fabrics. The south east corner of the site is currently partly concealed by stacked, round, straw bales. The proposed landscape mitigation includes the planting of hedgerows along boundaries where there are currently none; the gapping up of existing hedgerows; and the addition of new hedgerow trees, thereby restoring and supplementing existing landscape features that are typical for the area and the local landscape character. The resulting additional vegetation would provide a degree of screening, and would provide an appropriate setting for the development, as well as providing a more attractive draw to the eye than at present. The proposed development would be contained within the confines of the existing building complex. The caravans are the only items within the proposed development that would not be in keeping with the existing character. Nonetheless the number of caravans is limited (in accordance with draft policy), and would be closely associated with the remaining buildings. Thus there is no

encroachment into the adjacent fields. Furthermore, there remains a good distance between Strensall Road; and the landscape mitigation would provide some screening/distraction from the caravans. Therefore the change in landscape character threatened by the introduction of 17 caravans is not significant. Topography and distance protects views from the RPOW alongside the opposite bank of the Foss. Conditions recommended.

#### Planning and Environmental Management (Ecology and Countryside)

3.4 There are no statutory or non-statutory nature conservation sites on or immediately adjacent to the site however the site is within the Regional Green Corridor No.3 (The River Foss). The corridor is important for the movement of wildlife into the urban area. A bat survey of the buildings was undertaken and it was established that bats were no longer using the buildings. A condition is recommended to mitigate for loss of bat roosting opportunities.

#### Flood Risk Management

3.5 No comments received.

### EXTERNAL

#### Foss Internal Drainage Board

3.6 No objection to the principle of the development and conditions are recommended.

#### Environment Agency

3.7 No objection as the buildings are within Flood Zone 1.

#### Earswick Parish Council

3.8 No objection to the proposal but enquire what measures will be taken to ensure highway safety on Strensall Road in relation to slow moving traffic and horses.

#### Publicity and neighbour notification

3.9 The National Farmers' Union have made representation in support of the application citing that the farmer wishes to diversify his business which will allow the family to support the wider economy.

## **4.0 APPRAISAL**

### 4.1 KEY ISSUES

- Policy context
- Principle of the development - Assessment of harm to Green Belt
- Other considerations - Business need; neighbouring amenity issues; impact on visual amenity and openness.

## POLICY CONTEXT

### Development Plan

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

### Local Plan

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. Policy V5 refers specifically to caravan sites. The policy reads:

Planning permission for new (or extensions to existing) caravan / camping sites outside defined settlement limits will be granted provided:

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

### Emerging Local Plan

4.4 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was halted pending further analysis of housing projections. An eight week consultation on a further Preferred Sites document has concluded. Recently, however,

announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. 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.

The National Planning Policy Framework NPPF

4.5 The 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.

4.6 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. Your officer's view is that this presumption does not apply to this proposal as the site lies within the general extent of the Green Belt as identified in the RSS and therefore justifies the application of the more restrictive policies in Section 9 to the NPPF.

GREEN BELT

4.7 As noted above, saved Policies YH9C and Y1C of the Yorkshire and Humberside Regional Strategy define the general extent of the York Green Belt and as such Government Planning Policies in respect of the Green Belt apply. Central Government Planning Policy as outlined in paragraphs 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.

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

The Green Belt serves 5 purposes:

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

4.9 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 90 does allow certain types of development including the re-use of buildings provided they are of permanent and substantial construction.

#### PRINCIPLE OF THE DEVELOPMENT ASSESSMENT OF HARM TO GREEN BELT

4.10 There are three distinct elements to the proposal - the re-use of some of the farm buildings as livery stables; construction of horse exercise areas, toilet block and parking spaces; and the construction of touring caravan pitches.

4.11 Considering these elements in order, the re-use of the farm buildings is considered to comply with Green Belt policy. The NPPF allows for the re-use of buildings provided they are of permanent and substantial construction. Officers do not contest that these buildings are other than permanent in construction and are therefore suitable for re-use. The NPPF (para.89) also allows for appropriate facilities for the provision of outdoor recreation provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The stabling is proposed within existing buildings and as such is considered to have little impact on openness. The 5 purposes of including land in the Green Belt are stated in para.4.8 above and, as a result of the conversion of existing buildings, it is again considered that this element of the proposal is acceptable in principle.

4.12 The second element of the scheme is the construction of ancillary horse exercise yards to the south of the site, toilet block and a parking area to the west. The applicant has confirmed that these will be surfaced in rubber chippings with timber fences. No floodlighting is proposed. Again, para.89 of the NPPF is relevant which allows for appropriate facilities for the provision of outdoor recreation provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The applicant has confirmed that much of this area of the site is already hard-surfaced and therefore the change of surfacing will have little impact on openness. The toilet block replaces a similarly sized farm building and is therefore considered to have little impact on openness. The parking spaces are within an area that currently comprises a number of small buildings and some hardstanding and are to serve the stables. As the vehicles will be parked for a relatively short length of time as well as being landscaped, it is considered that the impact on openness will be small. The only potential element of this part of the scheme to impact on openness is the addition of fencing but, as this area of the site is already surrounded by tall straw bales, it is unlikely that their replacement with fencing will have any greater impact on openness. It is therefore considered that the proposed dressage arena, exercise yard, toilet block and horse walker are acceptable in principle.

4.13 The final element of the scheme is the touring caravan pitches. As a caravan is not a building, the proposal constitutes a change of use of the land from agricultural use to touring caravan pitches. As the Framework makes no provision for changes in the use of land, as one of the other forms of development specified in paragraph 90, the proposal would therefore amount to inappropriate development in the Green Belt. The NPPF states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. Substantial weight should be attached to the harm arising due to the inappropriate nature of the proposed caravan pitches.

4.14 The caravan pitches are also not considered to contribute to the five purposes of including land within the Green Belt by failing to safeguard the countryside from encroachment. While it is appreciated that all proposed development is within the existing development footprint, the site is currently agricultural in its character. It comprises of low level buildings in predominantly dark colours. The introduction of up to 17 caravans and vehicles into the landscape will appear alien and out of keeping with the rural character of the area. While the pitches do not intrude in to the undeveloped fields around the buildings and new landscape planting is proposed it is not considered that this will be sufficient to ensure the caravans are not excessively prominent. The area around the site is flat with large unbroken fields providing clear views of this side of the site from Strensall Road. The addition of the caravan pitches with their associated caravans and vehicles will be a visual intrusion in to the landscape changing the character of an area that is clearly agricultural at present.

4.15 The proposal includes changes to the access point to move it from the existing position South along Strensall Road towards the city centre. This allows for better visibility when exiting the site but results in a larger access road and visibility splay which will impact on openness. The proposed plan shows a two way road for the entire length of the drive which would have a significant impact on openness however highways officers have indicated that this is not required and, after an initial two way stretch, the drive could be narrowed to single track with passing places. These details could be controlled via a planning condition if the scheme were to be approved.

#### OTHER CONSIDERATIONS VERY SPECIAL CIRCUMSTANCES

4.16 As stated above, the NPPF clarifies that the form of development proposed constitutes inappropriate development within the Green Belt and should therefore only be approved in very special circumstances. The applicant has therefore provided the following statement detailing factors to amount to very special circumstances:

- The caravan pitches will lie entirely within the footprint of existing buildings. As shown on the attached Site Plan (HF-S-001-2b) the scheme will involve the removal of 23 agricultural buildings, including 2 visually prominent silos. This will result in a 1214m<sup>2</sup> reduction in built up area. The caravan pitches, even when fully occupied, will result in a far greater sense of openness than the existing cluster of run-down agricultural buildings. The proposed scheme will therefore have a positive impact on the visual qualities of the green belt, which would not be the case if the existing buildings were to be re-used or re-developed.
- The existing pig farm is a source of odour and noise from alarms, which has given rise to a number of complaints as stated in the Public Protection Officer comments. The Officer has confirmed that the change of use would likely have a positive impact on the amenity of the nearby residential properties.
- There are no existing equestrian liverys in the York area which enable horse owners to camp on-site. The proposed scheme will therefore serve to diversify and improve the tourism offer in York. Paragraph 28 of the NPPF supports the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
- The owners are finding it increasingly difficult to maintain a viable business given the competitive market conditions they currently operate in. This change of use will provide continued employment on the site for Mr Thompson and his daughter and will contribute to sustainable economic growth in a rural area as supported in NPPF Paragraph 28.

4.17 It is noted that the caravan pitches are entirely within the existing footprint of the site but this does not alter the fact that the change of use of land within the Green Belt constitutes inappropriate development which is by definition harmful. The impact on the character of the area and the consequent substantial harm identified as a result of this impact has been discussed above. In relation to the visibility and prominence of the caravans in the landscape it should be noted that the text associated with policy V5 of the DCLP suggests that 'The essential screening of sites should consist of already well established tree cover and any new planting should only be necessary to reinforce existing cover.' The very flat and open nature of the site will result in the caravans being highly visible and it would be a number of years before the proposed planting provided any practical screening. The caravans will be seen from Strensall Road with the backdrop of the retained buildings but this gives little of the natural enclosure which would usually be expected when considering new caravan sites.



4.18 It is accepted that there is some small benefit from the loss of the noise and odour disturbance to local residents as a result of the site. This is however given only limited weight as it is not considered unusual to expect animal odours within the countryside and public protection officers have confirmed that this is only an occasional problem.

4.19 Since the previous committee meeting the applicant has provided a letter from their accountant indicating that the business has experienced trading difficulties for several years. The overall figures have been provided but the applicant has requested that these remain confidential to protect his ongoing business. Information has also been provided by the National Farmers Union on the pressures facing pig farmers at the present as a result of an increase in imported meat and poor exchange rates.

4.20 Additional information has further been provided about the relationship of the caravan park and equestrian centre. This indicates that the caravan park is intended to be a general use caravan park not one exclusively associated with equestrian activities (and, in fact, it would be difficult to condition such a use). The intention is that the caravan park provides an additional source of income to provide additional financial security for the livery stables. The intention is to allow for equestrian based holidays where customers arrive with their horse to use the facilities at the centre or to take their horse to equestrian events or trekking trails in the area. It is not envisaged that trekking will take place along roads around the site nor will it be encouraged. The applicant also intends to have horses for rent as well as a horse box, and towing vehicle, as required. Attention is drawn to a centre near Easingwold which offers equestrian based holidays.

4.21 Given this information about the operation of the site, it would seem likely that there is potential for significant numbers of large vehicles (horse boxes, trailers, motorised horse box/ accommodation) parked on the site in addition to the caravans and associated towing vehicles. The addition of large numbers of vehicles associated with the equestrian centre will intrude in the landscape and, as a result of their scale, these vehicles will be difficult to screen with the proposed new planting. Officers are not convinced that these vehicles can be accommodated on site without considerable harm to the character of the landscape.

4.22 The applicant also draws attention to the supporting text of policy V5 which states '*Although the majority of the local plan area is designated as Green Belt, it is considered that small-scale proposals for touring caravans or tents which do not involve the erection of permanently sited ancillary buildings other than toilets/ washrooms and site offices are unlikely to compromise Green Belt objectives and may be acceptable provided that they meet other criteria in policy V5*'. They contend that the proposal meets all the criteria of V5 and as the caravan park will be located on the site of permanent buildings, the impact on the openness of the Green Belt will

be positive, or at worst neutral. The caravan park will be closed from November to March further reducing the impact on openness.

4.23 Officers do not contend that the proposal is contrary to policy V5 however it will fail to meet one of the five purposes of the Green Belt in that it will not safeguard the countryside from encroachment. Para. 4.14 above clarifies this and officers would reiterate that the additional information provided by the applicant only confirms the number of vehicles, horse boxes, trailers and caravans which would potentially be parked on the site. The proposed landscape scheme will do little to hide this and, while it is accepted that these are not permanent structures, they will appear alien in the landscape and result in an unwelcome visual intrusion in to this area of countryside which marks the change from the urban area to the more rural and village character of the outer edges of the authority.

4.24 The NPPF does support sustainable rural tourism and leisure developments but these should respect the character of the countryside. As stated above, officers would argue that the introduction of touring caravans in to an otherwise agricultural landscape does not respect the character of this part of the city. The NPPF goes on to say that local plans should support the provision and expansion of tourist and visitor facilities where identified needs are not met by existing facilities. The applicant has failed to indicate whether there is any lack of touring caravan pitches in the locality but has relied on the argument that they intend to target a specialist market for equestrian tourism without any evidence to lend weight to their proposals.

## **5.0 CONCLUSION**

5.1 The site lies within the general extent of the Green Belt as identified in the RSS to which S38 of the 1990 Act applies. Having regard to the purpose of the RSS policies it is considered appropriate and justified that the proposal is therefore assessed against policies in the NPPF relating to protecting the Green Belt.

5.2 The NPPF indicates that very special circumstances necessary to justify inappropriate development in the Green Belt cannot exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The NPPF also states that in the planning balance substantial weight should be given to any harm to the Green Belt. In this case, harm has been identified by way of inappropriateness of the touring caravan pitches. The presumption against inappropriate development in the Green Belt means that this harm alone attracts substantial weight. Additionally, the touring caravan pitches would reduce the openness of the Green Belt as a result of the introduction of touring caravans within an otherwise rural landscape when the most important attributes of Green Belts are their openness and permanence. The touring caravan pitches would also undermine one of the purposes of including land within the Green Belt by failing to safeguard the countryside from encroachment.

The harm to the Green Belt is added to by the harm to the character and appearance of the area.

5.3 The applicant has put forward a number of factors to demonstrate very special circumstances which include the proposal being within the existing development footprint; it is less visually impactful development than the current use; a reduction in noise and smell disturbance to nearby residents; farm diversification and assisting tourism; and retaining a viable business for the owners. Additional information has been provided following the committee meeting of 23<sup>rd</sup> March but officers do not consider that these factors, individually or cumulatively, are sufficient to clearly outweigh the harm identified to the character and visual amenity provided by the rural landscape and the substantial weight to be attached to the harm to the Green Belt.

5.4 Consequently the very special circumstances necessary to justify the development do not exist.

## **6.0 RECOMMENDATION: Refuse**

1 It is considered that the proposed touring caravan pitches constitute inappropriate development in the Green Belt as set out in Section 9 of the National Planning Policy Framework. As such, the proposal results in harm to the Green Belt, by definition, and harms the openness of the Green Belt and conflicts with the purposes of including land within it by failing to safeguard the countryside from encroachment. Additional harm has also been identified as a result of the impact of the introduction of touring caravans in to an otherwise rural landscape. The circumstances put forward by the applicant do not clearly outweigh this harm and therefore do not amount to the very special circumstances necessary to justify the development for the purposes of the NPPF. The proposal is, therefore, considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt Land'.

### **Contact details:**

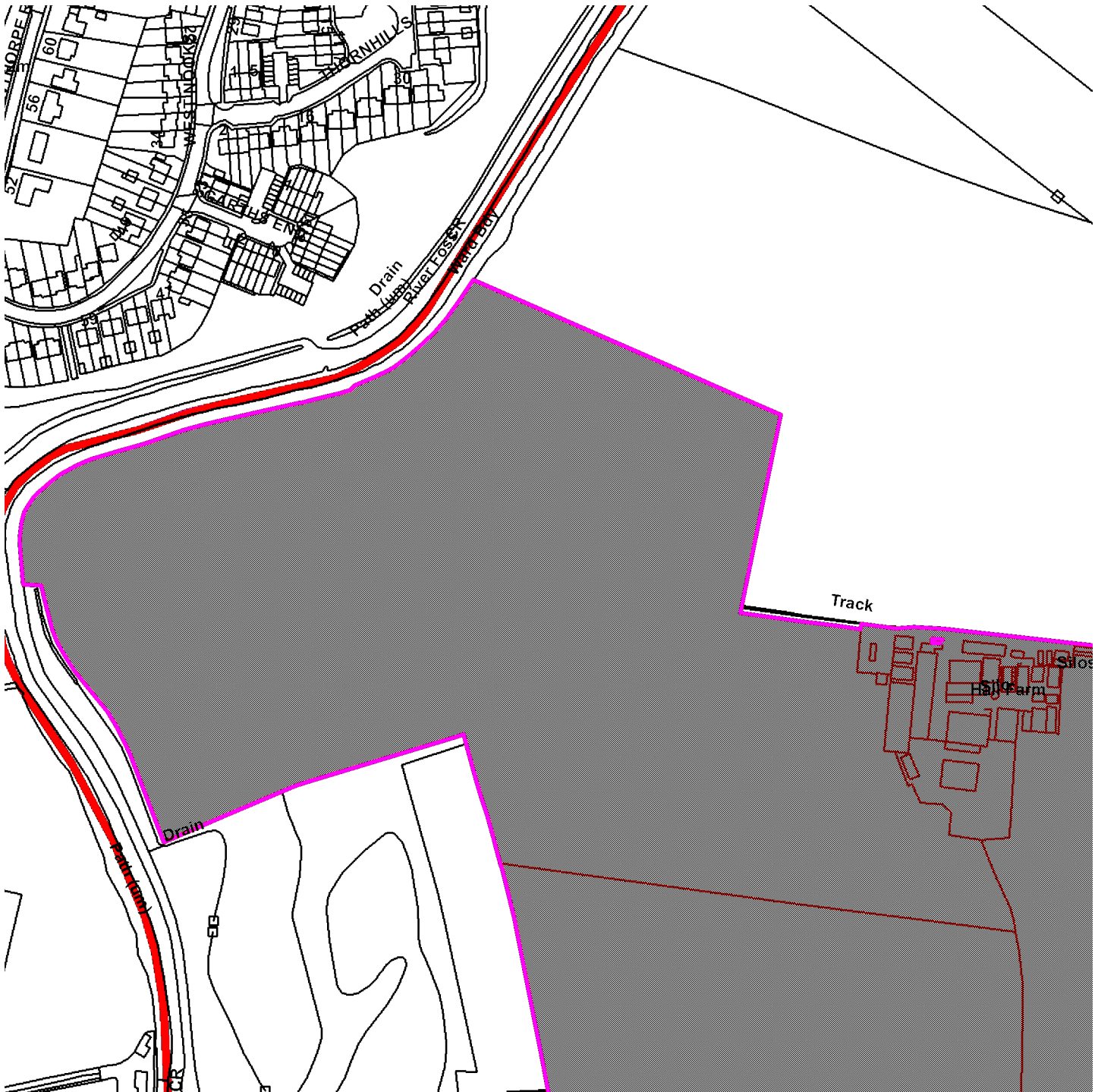
**Author:** Alison Stockdale Development Management Officer (Wed - Fri)

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Touring caravan pitches and livery stables, Hall Farm, Strensall Road



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<b>Date</b>	10 April 2017
<b>SLA Number</b>	Not Set

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