



Notice of meeting of

East Area Planning Sub-Committee

- To:** Councillors Moore (Chair), Cregan (Vice-Chair), Douglas, Firth, Funnell, Hyman, King, Taylor, Vassie and Wiseman
- Date:** Wednesday, 19 December 2007
(Please note Wednesday meeting)
- Time:** 2.00 pm
- Venue:** The Guildhall, York

AGENDA

Site Visits for this meeting will commence at 10.00am on Tuesday 18 December 2007 at Union Terrace Car Park.

1. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Tuesday 18 December 2007 at 5.00pm.

3. Plans List

To determine the following planning applications related to the East Area.

a) **Helmsdale, York Road, Strensall, York YO32** (Pages 4 - 14)
5UN (07/02633/FUL)

Erection of 2 no. detached two storey dwellings after demolition of existing bungalow (resubmission) [*Strensall Ward*] **[Site Visit]**

b) **Brinkworth Rush, Elvington Airfield Network,** (Pages 15 - 26)
Elvington, York YO41 4AU (07/02015/FULM)

Erection of new production and warehouse building with car park extension (resubmission of 06/02059/FULM) [*Wheldrake Ward*] **[Site Visit]**.

4. Urgent Business

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

Democracy Officer:

Name: Sarah Kingston

- Telephone – (01904) 552030
- E-mail – sarah.kingston@york.gov.uk

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details set out above.

**EAST AREA PLANNING
SUB-COMMITTEE****SITE VISITS****TUESDAY 18 DECEMBER 2007**

TIME	SITE	
10:00 am	Meet coach at Union Terrace Car Park.	
10:20 am	Helmsdale, York Road, Strensall.	(3a)
11.20 am	Brinkworth Rush, Elvington Airfield.	(3b)

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- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
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Further information about what's being discussed at this meeting

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The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYGP1
Design

CYH4A
Housing Windfalls

CYHE3
Conservation Areas

CYGP10
Subdivision of gardens and infill devt

CYH5A
Residential Density

CYGP4A
Sustainability

3.0 CONSULTATIONS

Internal

3.1 City Development - The proposal is acceptable in policy terms if it is considered that the development would not be harmful to the character of the surrounding area. The proposed development is in compliance with parts a) and b) of Policy H4a (Housing Windfalls).

3.2 Highway Network Management - There are no highway objections to the principle of this development, however, it is noticed that proposed plot 1 does not have any on-site turning and the turning arm to plot two should be extended 2m in order to be practicable. It is a recommendation that, as York Road is a classified highway (C90) and the site lies within a double bend system with accompanying double white centre line road markings then any vehicle accessing the site should be capable of entering and leaving in a forward gear without the need to reverse into or from the public highway. Conditions recommended to be included with any approval.

3.3 Environmental Protection Unit - No objections to the application. However, a watching brief condition should be added to any approval in case of any historic contamination of the site and an hours of working condition should be attached to control demolition and construction work.

3.4 Urban Design and Conservation - This is a great improvement on the earlier scheme in terms of the design of the buildings, their disposition on site, and their

detailing. Therefore it is considered that it adequately preserves the character of the conservation area. The replacement of the front fence and hedge need to be tightly controlled and tree T2 retained where possible. PVC windows should be avoided if possible. The roof covering is not specified but should not follow the corrugated concrete tiles of Number 9, the preferred finish is flat red clay tiles as most other houses in the area have this.

3.5 Countryside Officer - Comments not received at time of writing the report.

External

3.6 Strensall and Towthorpe Parish Council - Object on the following grounds:

- The proposal includes the creation of a further access onto an already fast and dangerous stretch of road which has double white lines down the middle.
- The proposal is over-development and adjacent to a Conservation Area. This would be exacerbated by the proposal of building separate garages.
- The two previous reasons for refusal are supported by the Parish.

3.7 Foss Internal Drainage Board - The applicant states that surface water would be discharged to the main drains which is assumed to be the public sewer. The water company should be approached to confirm that this method of disposal is acceptable. It is also recommended that the applicant provide information as to the point of discharge of the sewer in order that the Board may comment on the suitability of the receiving watercourse. It is therefore recommended that conditions be attached to any approval to ensure these details are submitted and are acceptable.

3.8 Yorkshire Water - Comments not received at time of writing the report.

3.9 Neighbours (Site notice expires 17.12.2007) - Two letters of objection received, these were from 4 Orchard Way and 4 Princess Road. Objections were raised to the proposed development on the following grounds:

- The two houses would be out of keeping with the character of the area;
- There have been land drainage problems in the area and the proposed development may lead to localised flooding;
- The proposed developments are likely to bring extra traffic which would lead to an increased road safety risk due to the application site being on an S bend;
- The plot is not large enough to support two dwellings and residents car parking spaces;
- Very little has changed since the previously refused application, highway and conservation issues have certainly not been satisfied;
- The plans are not accurate and do not reflect the true location of neighbouring properties;
- 9 windows would overlook the kitchen, conservatory, patio, and garden of 4 Princess Road, when this dwelling was proposed to be built it had to be significantly redesigned to avoid the same happening;
- If planning permission is granted existing planting on the boundaries would need to be retained and reinforced to reduce overlooking and give much needed habitat for wildlife.

4.0 APPRAISAL

4.1 Key Issues:

- Visual Impact on the Street Scene
- Impact on the Amenity of Neighbours
- Highway Safety
- Drainage

4.2 The application site is located within the defined urban settlement of Strensall. Helmsdale is adjacent to but not within Strensall Conservation Area. There are a variety of dwelling types and sizes within the area with densities varying greatly. The proposed development would involve the removal of a bungalow to make way for two two-storey dwellings with individual access points onto York Road. The existing bungalow is of no particular architectural merit and it is not considered that it contributes strongly to the character of the area. The proposed development would create two dwellings on a plot of approximately 0.14 hectares, this represents approximately 14 dwellings per hectare. This is considerably below the density of 30 dwellings per hectare that would generally be accepted in an urban area. However, given the lower density which is characteristic of this part of York Road it is considered to be reasonable. Therefore no objections are raised to the principle of developing this site for two dwellings.

4.3 One of the reasons for refusal of the previous two applications was the design and layout of the proposed dwellings. It was considered that the dwellings would appear cramped within the plot and this would harm the character and appearance of the area. Whilst the dwellings within this application do not have a substantially different footprint to those previously approved, it is considered that the design and layout has been much more carefully considered. The footprint level should be taken in context. The dwellings have been reduced in width at two storey level with the garages located to the rear of the dwellings in order to reduce their visual prominence. The dwelling on Plot 2 has been set back a little further from York Road again reducing the overall visual dominance of the proposed dwellings. At two storey level there would be a gap of almost 10 m between the two dwellings, this allows for each dwelling to be seen individually thus reducing the perceived intensity of development of the site. A gap of close to 6 m would exist between Plot 2 and the existing house at 9 York Road, again providing sufficient separation and visual break to maintain the detached and spacious character of the area.

4.4 The dwellings themselves are considered to have been well designed. Each dwelling is of individual design but they are considered to complement each other. The houses appear to have been well detailed with windows appearing well positioned and well proportioned. There is no one set design style within the area which should be followed, however the design of the proposed dwellings is considered to be simple and well proportioned which would complement the surrounding dwellings and the character of the area.

4.5 There is a good level of natural landscaping around the site which provides an attractive setting and protect the amenities of neighbours. An arboricultural report was submitted with the application which concluded that the majority of the trees on the site were relatively healthy and could be retained. A condition could be attached

to any approval to ensure they are retained if it was felt necessary. Helmsdale currently has a front boundary hedge, it is considered that this should be re-instated in order to maintain the character of the area once development has been completed.

4.6 Neighbour concerns have been raised regarding a loss of privacy from the proposed dwellings. This did not form a reason for refusal in the case of the previous two applications on this site and it is not considered that it would be reasonable to object on these grounds in the case of this resubmitted application. Regarding Plot 1 the dwellings which may be affected by the proposal are The Old Vicarage and 2 - 6 Orchard Way. There would be a minimum separation distance of approximately 30 metres between the new dwelling and these properties. This is considered a sufficient distance to maintain privacy levels. The dwelling would be positioned more than 10 m from the southern curtilage boundary which again is considered sufficient to provide adequate privacy within the rear gardens of properties in Orchard Way. The first floor window closest to this boundary would serve an en-suite bathroom and is shown as being obscure glazed on the submitted plans.

4.7 Regarding Plot 2, the distance from the proposed house to dwellings on Orchard way would be similar to that of Plot 1. The dwellings at 2 and 4 Princess Road are considered a sufficient distance away to avoid a significant loss of privacy through overlooking. Plot 2 only has one first storey window proposed for its side elevation facing 9 York Road and this would serve a bathroom. Overall it is not considered that either dwelling would lead to a significant loss of privacy for neighbours. Both dwellings would sit a distance away from neighbouring properties which is considered a sufficient separation distance within an urban area.

4.8 The Highway Network Management Team raised no objections to the proposed dwellings. Concern was raised regarding a lack of turning space for Plot 1 but it is considered that there is scope within the site to create an adequate turning space and it is therefore suggested that this is dealt with through a planning condition.

4.9 Drainage and flooding concerns have been raised regarding this site. The dwelling is situated within Flood Zone 1 as classified by the Environment Agency, indicating a low risk of flooding. Therefore a flood risk assessment was not required to be submitted with the application. In terms of drainage the Foss IDB were consulted and did not raise objections to the proposed development. Comments are yet to be received from Yorkshire Water, however they responded to the previous application and did not raise objections to the proposed development. Conditions were suggested which would ensure that adequate provision was made for foul and surface water drainage. It is considered that a solution is likely to be possible to any drainage issues on site.

4.10 The previous application was partially refused as a mix of dwelling sizes and types was not proposed. However, since this refusal an inspector concluded in considering a similar proposal that housing mix on smaller sites is not a significant issue. It was concluded that securing high quality development which respects the character of the area is more crucial in such cases. Both dwellings proposed would

contain 5 bedrooms and a study. The 2007 Housing Market Assessment has shown a demand for houses with 4 or more bedrooms.

4.11 A sustainability statement was not submitted with the application. However, it is considered that the dwelling is located within a sustainable location with good access to local services and facilities without the need to use a private motor vehicle. A condition can be applied to any approval to ensure the development is carried out to an Eco Homes standard of at least very good.

5.0 CONCLUSION

5.1 No significant harm subject to the imposition of appropriate conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Numbers C189/1, C189/2, C189/3, C189/4, C189/5, and C189/6 received by The CoYC on 07/11/07

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 VISQ7 Sample panel ext materials to be approv

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

Window materials, design, and opening

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

5 VISQ4 Boundary details to be supplied

6 LAND2 Retention of trees shown on plans

7 Prior to the commencement of development details of the front boundary hedge to be planted shall be submitted to and approved in writing by the Local

Planning Authority. The hedge shall be fully planted prior to the first occupation of the premises and shall thereafter be retained.

Reason: So that the Council may be satisfied with the appearance of the development.

8 At the soonest available opportunity, and in any event prior to the completion of the development, the developer shall submit a completed "Sustainable Design and Construction" statement for the development. The developer shall achieve an Ecohomes rating of at least "Very Good" or the equivalent standard under the Code for Sustainable Homes, and if this is not achieved, the developer shall demonstrate the changes that will be made to the development in order to achieve this standard.

Reason: In the interests of sustainable development.

9 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the City of York Draft Local Plan.

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

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

Reason: To protect the amenity of nearby residents

11 Notwithstanding the information contained on the approved plans, the ridge height of the approved development shall not exceed 8.3 metres, as measured from existing ground level. 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 and therefore 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.

12 HWAY10 Vehicular areas surfaced, details reqd

13 The development shall not come into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the verge to match adjacent levels.

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

14 HWAY19 Car and cycle parking laid out

15 HWAY22 Internal turning areas, details reqd

16 HWAY23 Vehicular sight lines protected

17 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

18 HWAY31 No mud on highway during construction

19 DRAIN1 Drainage details to be agreed

20 All drainage routes through the site shall be maintained both during the works on Site and after completion of the works. Provisions shall be made to ensure the upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as 'ridge and furrow' and 'overland flows'. The affect of raising site levels on adjacent property must be carefully considered and appropriate measures taken to negate influences.

Reason: To ensure that the proposed development does not adversely affect the effectiveness of drainage outside of the site.

21 All windows shown as being obscure glazed on the plans hereby approved shall be obscure glazed to a standard equivalent to Pilkington Glass Level 3 or above and thereafter retained.

Reason: In the interest of neighbouring amenities.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the street scene and the living conditions of neighbours. As such the proposal complies with Policies GP1, GP4A, GP10, H4A, H5A, L1C, and HE3 of the City of York Draft Local Plan.

2. INFORMATIVE:

The alternative arrangements for Condition 9 could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £7,776.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

3. Demolition and Construction - Informative

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

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

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

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

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

(v) There shall be no bonfires on the site

4. If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

5. INFORMATIVE:

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

Vehicle Crossing - Section 184 - Mr Stuart Partington (01904) 551 361

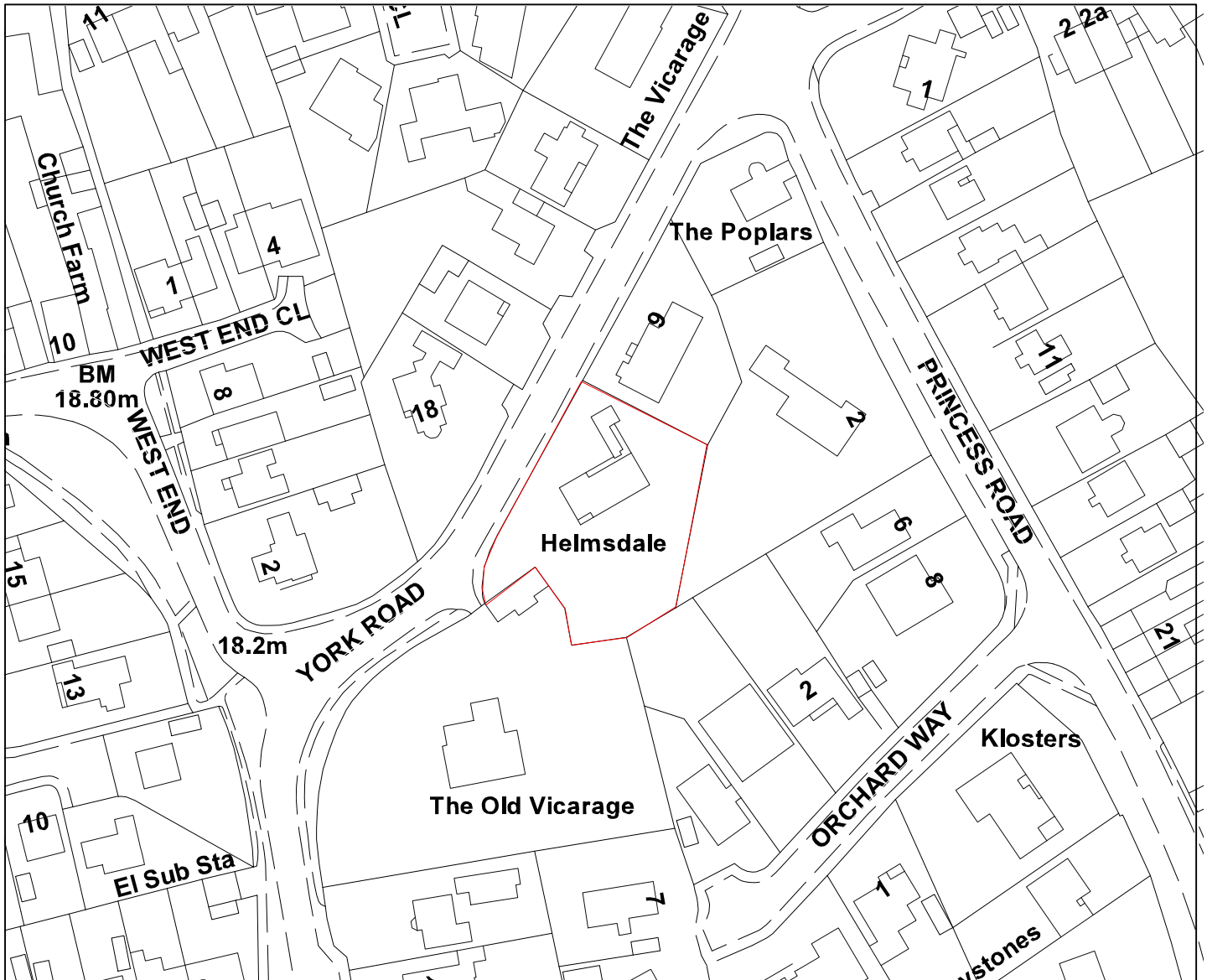
Contact details:

Author: Michael Jones Development Control Officer

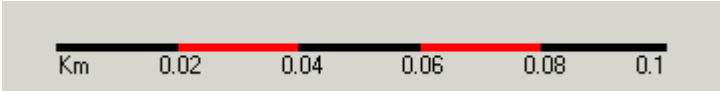
Tel No: 01904 551325

07/02633/FUL

Helmsdale York Road Strensall



Legend	



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Organisation	Not Set
Department	Not Set
Comments	
Date	10 December 2007
SLA Number	Not Set

CYNE2

Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE6

Species protected by law

CYGP4A

Sustainability

CYGP1

Design

3.0 CONSULTATIONS

3.1 INTERNAL.

3.2 Highway Network Management.

The proposed development would nominally double the size of the production unit / warehouse and would increase the workforce by only 30 persons from a base of 180 persons.

The site is not in a sustainable location in that it is approx. a mile from the nearest main road where bus services are approx every two hours and the nearest population centre, Elvington, is approx. 2 miles away.

The new car parking arrangements would cater for 67 cars.

It is not proposed to object to this application although it is not considered feasible to extend the public transport services into the site as it would detour the sparse service by approx. 2 miles. The operation is a continuous 24hr / 6 1/2 day process and therefore for the most part outside the operating times of the local bus service. However, the works have a well established workforce from around the local area and it is thought likely that some informal car sharing is already practiced but should be further encouraged by the inclusion of a suitable condition.

Cycling to work is considered largely impracticable and might only be feasible for employees who reside in Elvington in daylight / summer months due to a lack of street lighting on the B1228 and the distance involved but nevertheless it should be encouraged by the provision of covered and secure storage facilities for at least 12 cycles. 2 conditions are recommended including the requirement to submit a full company travel plan prior to the new building coming into operation.

3.3 Ecology Officer.

Although this application is slightly different to that previously discussed for this site, in ecological terms, the impact is the same and it was with great pleasure that I read the wildlife reports submitted with the application. These are thorough and provide all the information that is required and I agree with all the recommendations made.

The woodland itself is young with a limited understorey and almost no ground flora. As such the impact of its loss is much reduced and should largely be compensated for by the provision of additional native woodland planting. The location of the badger

sett is such as to be outside of any requirements for licensing and should also have a limited impact, even for foraging. Similarly for bats, the likelihood of there being a roost in the trees is small and the loss of dense young woodland, particularly in the centre of the wooded block, is also limited as the primary foraging areas will be on the edges and in more open rides. The loss of the oak and pond will have some effect but is likely to be very limited and compensated for in the longer term by the additional habitat proposed to be created adjacent to the existing Site of Importance for Nature Conservation (SINC).

The impact on birds will also be very limited and compensated for by the additional habitat created. Felling should be carried out in the winter prior to development starting so that there is no interference with breeding birds. This will fit in with mitigating for bats as well. If possible, if consent is granted then recommend that replacement planting is carried out in the first planting season following consent so that the new woodland is establishing as soon possible.

With regard to Great Crested Newts (GCN), concur with the findings and would agree that the population in the pond to be filled in is small and that the surrounding habitat is marginal. As such the mitigation proposed will adequately compensate for this loss and will provide a much better habitat for the local population. It will also considerably enhance the value of the nearby SINC by increasing the extent of the wildflower grassland and providing additional, and better wildlife ponds. The implementation of the pond infilling as a later phase will also enable the new habitat to be established prior to any relocation needing to be done.

Would recommend though that the habitat creation is implemented prior to any development work starting to give as long a period as possible for it to be established before it is required. The GCN guidelines suggest a year and so if this application is approved this year, then work should start immediately on the pond creation. One thing I would include though within their mitigation proposals is for the creation of suitable hibernacula for newts both within the remaining woodland and adjacent to the new ponds. An additional pond, or locating one of the two ponds proposed into the SINC area close to the existing landfill area would also be beneficial by providing a closer link to the known breeding pond and thus enhancing the habitat potential for the development of a good meta-population.

With regard to the wildlife enhancement/mitigation proposals, there will also be a need for subsequent management as this is as important as the creation. There would therefore also be a requirement for an agreed management plan. All of the above points can be covered by conditions.

Overall, in wildlife terms, the benefits to wildlife in this area far outweigh any losses and, other issues aside, would certainly be happy to support it.

3.4 Landscape Officer.

The area of woodland has been legitimately removed under a felling licence from the Forestry Commission prior to this application being submitted. This includes replacement woodland planting covering an equivalent area.

In terms of visual and landscape impact, the new development would be almost completely screened by the remaining woodland and hence would not be detrimental

to the open character of the greenbelt. The development site is also distant and not visible from any residential centres.

Nonetheless, I am concerned that a precedent might be set, whereby further woodland removal could occur under the same argument, resulting in a gradual depletion (or shifting by way of replacement planting) of the existing woodland. At a time when regionally and locally an increase in woodland is being promoted, the local authority should be looking to increase areas of woodland (particularly mixed woodland) rather than merely maintaining the status quo through replacement planting. Therefore should this development be allowed within the greenbelt I think compensatory measures should result in woodland gain, rather than mere replacement in an area that would have been planted up anyway.

Retention of existing woodland and increasing woodland cover is now encouraged within DEFRA's 'A Strategy for England's Trees, Woods and Forests', and in the 'Regional Forestry Strategy' for Yorkshire and the Humber region.

The existing remaining woodland and other copses/small areas of woodland in the local area, are part of the character of the landscape as seen within long distant views from the network of roads and public rights of way. The 'York Landscape Appraisal' by Environmental Consultancy University of Sheffield (ECUS) encourages planting of new broad-leaved woodland and the appropriate management of existing broad-leaved woodlands to ensure that they continue to make a valuable contribution to the character of the landscape (character type 4).

3.5 City Development.

The site is within the Green Belt and so Local Plan policies GB1 and GB11 need to be applied. In terms of GB1, the proposed development could satisfy points a)-c) as it is within a wooded area and would therefore be screened from the open Green Belt and as it is a fair distance from the City of York, it is unlikely to prejudice the setting and special character of the city. However, the proposed use is not identified as being appropriate development in line with PPG2. The applicant has suggested that the evidence provided indicates that the proposed development could be approved under special circumstances because of its benefit to York's rural economy.

The proposed parking area for 59 cars would require a large area of hard standing that would impact negatively on the character of the Green Belt and surrounding landscape.

Policy GB11 applies directly to proposed employment developments outside settlement limits. The proposal does not comply with a) as it does not involve the re-use of an existing building and the proposed new building is as large as the existing building and can not therefore be classed a "small scale extension". The applicant states that the business does make a contribution to the rural economy however, it needs to be decided whether this factor outweighs the importance of Green Belt.

Sustainability/Accessibility

The location of the proposal, in a rural area of the city, away from public transport routes and not within easy walking distance of any settlements, is not sustainable

and does not comply with policy GP4a. The Design and Access statement states that it is not feasible to devise a travel plan in view of the dispersed catchment and pattern of working; this confirms the poor location of the proposal.

The proposed extension of the business could mean an increase in the number of HGV trips which again, due to the location, would not contribute to the Council's overall sustainability targets.

3.6 Environmental Protection Unit.

The existing factory is a print works which is regulated by a permit issued by EPU under the Pollution Prevention and Control Act 1999. The permit has conditions on it which regulate emissions to land, air, water, noise, waste production, raw material usage, heat and energy usage. It is likely that the proposed building would also fall under the requirements of this legislation and so the operator would have to seek a variation to their permit to accommodate the new building, should the operator fail to apply for such a variation there is enforcement action available to this unit for failure to comply with the provisions of the Act. Therefore this unit has no objection to make to this proposal as there are no receptors nearby and the pollution legislation places strict requirements on the applicant. Should permission be granted a condition to control any suspect contamination found on the site during work is recommended.

3.7 Elvington Parish Council.

No objections.

3.8 Third parties.

2 items of correspondence received. However, one of these is from Solicitors representing the owners of the adjacent land and relates to land ownership issues, in particular the claim that part of the land shown to be developed is not within the ownership of the applicant, nor is land from which access will be taken. However, this is a legal matter between the two parties and is not a planning issue. Even if planning permission were to be granted, this does not supersede rights of ownership. If the parties cannot reach an agreement on this then the planning permission could not be implemented.

The 2nd letter made the following comment:

i) Object due to the increase of HGV's on the B1228. The B1228 is not maintained to a satisfactory level by York Council, therefore an increase in traffic will only deteriorate the road to an unacceptable level.

4.0 APPRAISAL

4.1 KEY ISSUES.

- Green Belt
- Highways and Sustainability.
- Habitat protection.

4.2 The key issue here is relates to the location of the site in the Green Belt. There are no highway or ecology objections raised by officers and members are referred to

their detailed comments at para's 3.3 and 3.4 above. There are no residential properties close to the site and therefore no loss of residential amenity is envisaged.

Green Belt.

4.3 The application site is wholly contained within the Green Belt. The application is for the erection of a new warehouse of approx. 2320sqm adjacent to the existing complex of buildings which occupy a gross floorspace of 5300sqm, an area which includes earlier extensions.

4.4 Key Green Belt local plan policies applicable to this application include GB1 (Development in the Green Belt) and GB11 (Employment development outside in the Green Belt). These policies largely reflect national guidance contained in Planning Policy Guidance Note 2 ("Green Belts") (PPG2). and set out the forms of development that are acceptable in the Green Belt. These include uses in connection with agriculture and forestry, essential facilities for outdoor sport and recreation, the limited extension, alteration or replacement of existing dwellings and the limited infilling or redevelopment of major existing developed sites as identified in local plans. This site is not an identified major developed site. Therefore the proposed development is an inappropriate form of development in the Green Belt as defined by PPG2.

4.5 There is a general presumption against inappropriate development in the Green Belt. Inappropriate development should not be approved except in very special circumstances and it is for the applicant to prove why permission should be granted in these circumstances (paras 3.1 and 3.2 of PPG2). Para 3.2 goes onto say that 'Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'. Therefore the key test in this case is whether very special circumstances exist which would outweigh this harm.

4.6 Policy GB11 of the draft local plan refers to employment development in the Green Belt and states that this form of development would be appropriate in the Green Belt providing it is for a small scale extension to an existing building. This development almost doubles the size of the existing building and cannot be considered small scale.

4.7 Essentially the very special circumstances advance by the applicant relate to the ambition to expand the business to the benefit of the local economy. Built around this basic premise is the need to improve existing storage capacity in order to accommodate a new 3rd press which has been ordered and to ultimately separate the production and storage arms of the business. This would consequently make the current operation more streamlined and productive and enable the company to handle an increased turnover. This is considered by the applicant essential for the future competitiveness of the company. They further state that in order to enable the proper operation of the new press, additional paper storage is required and cannot be provided within the existing buildings as they are already over-utilised. Off site storage has apparently been attempted previously but has not been satisfactory, resulting in extra traffic movements and poor productivity. The company are

successful and are seeking to expand by installing a third press. It is envisaged that a further 30 people will be employed as a result of the proposed expansion.

4.8 The applicant states that the presses occupy a large floor area, each press being approx. 50 metres long, 5 metres wide and 5 metres high. The machines have a high capacity. The paper required is supplied in tonne rolls and therefore must be in the vicinity of the rear end of the machine. Following printing, the printed sheets then pass through to the finishing department for trimming, folding and binding and this is currently creating a bottleneck as pallets of paper have to be stored waiting to be processed. Despite occupying floorspace of over 5000sqm the applicant states that paper is currently stored where available space allows and from photographic evidence submitted with the application, and from having visited the site, it is certainly the case that space seems quite short with pallets stored across the building. Plans have also been submitted to show the route that fork lift trucks take within the building and this is acknowledged to not be as productive as perhaps it could be.

4.9 The important question however is whether the above constitutes very special circumstances which would outweigh the harm by virtue of the inappropriateness of the proposed new building. In its own right, the expansion of a business and the creation of new jobs, whatever the benefit this may have on the local economy, would not normally constitute very special circumstances, nor would the fact that a business is not as productive as it could be due to a lack of proper storage space. However, there are several other issues that must be considered in this case. As well as the above, the health and safety issues associated with the existing arrangement and the impact this currently appears to have on productivity must be considered and the impact this may have on the long term future of the business, given that it employs 180 people. Even if the lack of space argument is accepted, the key question still remains as to whether the building proposed needs to be so large.

4.10 The supporting text to Policy GB11 recognises that established industrial / business operations already exist within the open countryside around York and these make a contribution to the local rural economy and it is generally accepted that small scale expansions of existing buildings could be acceptable as an alternative to relocating to a larger site or premises elsewhere. Although this development is certainly not small scale, this has to be weighed against the fact that the type of business operated from this building cannot be easily relocated due to its size and the industrial processes involved. It is unlikely that there are any other existing sites within the York area which could accommodate this use either in terms of size or potential impact on amenity. Given the stated constraints under which the site is currently operating, the applicant has indicated that the business may have to relocate elsewhere, with the company's other site in Northampton being cited as a possible alternative.

4.11 The Council have asked for information to prove that the proposed building needs to be as large as shown and some justification for this has been submitted including photographs, a written justification and internal diagrams of the building. Whilst the building does appear very large, a reasonably compelling case has been put together and in the absence of an intimate knowledge of the printing industry it is

difficult for objections to be raised on these grounds. However, it is clear that the new building is linked as much to expansion plans as it is to making the existing operation more streamlined and productive. If this was the only requirement then it is unlikely that a building of this size would be required. As previously stated, large scale expansion of existing businesses is not in itself a reason that would constitute 'very special circumstances'.

4.12 However there are a range of issues which need to be considered in this case including the future of the plant, the safeguarding of existing jobs which support the local economy, health and safety concerns associated with the existing arrangement and the fact that relocation of this well established business within the York area would be almost impossible given the amount of land required. Having a storage use offsite is also not considered a feasible option. Having visited the site, it is clear that there is a storage problem within the existing building which is impacting on the proper functioning of the business as well as an occasional backing up of lorries on the access road down to the site, another issue which would be improved if this development went ahead. Therefore, officers consider that on balance there is justification for a development of this type that would amount to very special circumstances.

4.13 Having established a need for an extension, the next assessment has to be whether the size of the building is commensurate with the alleged need and this is a finely balanced argument. Whilst it has to be acknowledged that the development is large scale, the information submitted regarding the amount and size of the paper reels required to feed the presses and the industrial process subsequently undertaken appears, on balance, to justify the size of the building proposed.

4.14 Whilst in itself not an issue when assessing harm by inappropriateness and the consideration of very special circumstances, the proposed new building will be behind the existing building in a space left by the felling of part of the adjacent woodland. Remaining woodland remains on the far side of the building to the north. The new building will therefore not be clearly visible from any public views. In this regard it is considered that impact on the openness of the Green Belt would be limited.

Habitat Protection.

4.13 The loss of the woodland was agreed by the Forestry Commission through the granting of a felling license back in 2005 and this felling has already taken place. It is believed that a condition of that approval was the replanting of a similar area of trees elsewhere, believed to be close by on the site of a former landfill site. Notwithstanding the comments of the Landscape Architect that such a development should ideally result in woodland gain, this is not in the control of the Local Authority as the decision to fell the trees was taken by another body under the terms of their own legislation.

4.14 The pond standing within the application site is to be relocated and the resident Great Crested Newts relocated in accordance with an agreed mitigation scheme. The detailed comments of the ecology officer are at para.3.4 above but no objections are raised as the replacement pond and habitat is considered to be an improvement over the existing situation. The only real issue with this is the timing and details of

how this relocation will be managed and conditions are recommended to control this. Further information is awaited on this matter before the wording of conditions can be finalised and this will be updated at the meeting.

Sustainability.

4.15 The site is in an unsustainable location with no public transport connection and as commented by the Highways officer, no realistic connection to the local bus service. Was this not an existing established use then this would have been a key issue which given the size of the enterprise would have given officers significant concerns. However, given that the use is mainly a consolidation of the existing enterprise there is already a quite a lot of traffic using the road, including HGV's. Although this development will lead to some expansion of the company with a potential extra 30 staff employed, officers consider that any anticipated increase in traffic is unlikely to be so significant as to warrant refusal on sustainability grounds. As for the construction of the building, the application was submitted prior to the recent sustainability guidance being adopted by the Council. A standard BREEAM condition is therefore recommended.

5.0 CONCLUSION

5.1 The proposed new building is large and constitutes inappropriate development in the Green Belt and is therefore by definition harmful to the Green Belt. In such circumstances the onus is on the applicant to prove that very special circumstances exist which would outweigh this harm. The main reasons offered by the applicant to prove this are the need to improve the productivity of the business by overcoming existing problems with capacity, in particular with regard to storage and the need to expand what is a successful business.

5.2 The creation of additional jobs and the impact this will have on the economy, whilst welcome, is not generally a reason in itself that would constitute very special circumstances. However, it is the opinion of officers that the expansion will also lead to the consolidation of the existing business and jobs, which otherwise could be threatened and this is considered to be a material consideration. There are also clear issues with existing productivity and storage which could be improved and this can probably only be effectively resolved by extending the building.

5.3 There is a significant issue over the size of the proposed new building but the applicant has submitted information in support of this and it is difficult for officers to question this perceived operational need. Therefore, whilst it is a finely balanced argument, officers consider that the applicant has demonstrated that, for a combination of reasons outlined above, very special circumstances do exist which outweigh the harm by inappropriateness and that planning permission should be granted.

5.4 If members were minded to approve the application, it must be referred onto the Sec. of State as the proposal constitutes a departure from the Development Plan as the building is over 1000 sq metres and is deemed to be inappropriate development in the Green Belt. Under the terms of the Green Belt Direction January 2006, this requires referral.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve after referral to Sec. of State

1 TIME2 Development start within three years

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

- 5747 (SK) 03 Rev. D
- 5747 (SK) 04 Rev. B
- 5747 (SK) 05 Rev. B

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 VISQ1 Matching materials

4 HWAY18 Cycle parking details to be agreed

5 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles 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.

6 Prior to the occupation of the site, a full company travel plan shall have been submitted and approved in writing by the Local Planning Authority. The travel plan shall include those measures that will be carried out by the occupier to reduce dependence on the private car and encourage sustainable means of travel to and from the site. Within 12 months of occupation of the site a first year staff travel survey shall have been submitted to and approved in writing by the Local Planning Authority. Results of the yearly staff travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason. To ensure the development complies with advice contained in PPG13 - Transport, and in Policy T20 of the City of York Deposit Draft Local Plan, and to ensure that adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with the provision of parking on site for these users.

7 Any suspect contaminated materials detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further

development of the site.

Reason: For the protection of human health and the wider environment.

8 The developer shall aim to achieve a BREEAM "very good" assessment standard for the development unless otherwise agreed in writing by the Local Planning Authority. Prior to the commencement of any works on the site, the developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and the standard to which this relates.

Reason: In order to ensure that the proposal complies with the principles of sustainable development

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the Green Belt, the protection of protected species and sustainability. As such the proposal complies with Policy E8 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GB1, GB11, NE1, NE2 and NE6 of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

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