



Notice of meeting of

East Area Planning Sub-Committee

To: Councillors Hyman (Chair), Cregan (Vice-Chair), Douglas, Firth, Funnell, King, Moore, Orrell, Taylor and Wiseman

Date: Thursday, 9 April 2009

Time: 2.00 pm

Venue: The Guildhall, York

AGENDA

If Members have any queries regarding Agenda Item 5, please email or telephone Mandy Swithenbank or Alan Kendall by Tuesday 7 April at 5pm.

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. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of agenda item 5 on the grounds that it contains information classed as exempt under Paragraphs 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

3. 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 **Wednesday 8 April 2009 at 5pm.**

4. Plans List

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

**a) Former Piggeries Rear Of Willow Court, (Pages 5 - 19)
Main Street, Holtby, York. (08/01446/FULM)**

Major full application for the change of use and conversion of existing redundant buildings at former pig farm to Class B (storage and distribution), along with associated access, landscaping and parking. [Derwent Ward] **[Site Visit]**

**b) Land To The West Of Metcalfe Lane, (Pages 20 - 29)
Osbalwick, York.**

A full application for the erection of a two storey building containing a single storey plant room and two storey ancillary community facility with separate foul water pumping station and access road. [Osbalwick Ward]

**c) Telecommunications Installation including (Pages 30 - 36)
12m High Pole with 3no Antenna
(perpendicular design with overall height
of 14.2m) and Associated Ground
Equipment (revised mast design).**

This is an application for prior notification under the terms of Part 24 to Schedule 2 of the Town and Country Planning (General permitted Development) Order 1995 (as amended), seeking a decision as to whether approval of siting and appearance is required for a telecommunications base station, and for that approval to be granted. [Hull Road Ward] **[Site Visit]**

5. Enforcement Cases - Update. (Pages 37 - 121)

The purpose of this report is to provide Members with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

6. Urgent Business

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

Democracy Officer:

Name: Laura Bootland

- Telephone – (01904) 552062
- E-mail – laura.bootland@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****Wednesday 8 April 2009**

TIME	SITE
10:00	Depart Union Terrace Car Park
10:15	Willow Court, Holtby. (4a)
10:45	Bus Shelter adjacent to 289 Hull Road (4c)

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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
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COMMITTEE REPORT

Committee: East Area
Date: 9 April 2009

Ward: Derwent
Parish: Holtby Parish Council

Reference: 08/01446/FULM
Application at: Former Piggeries Rear Of Willow Court Main Street Holtby York
For: Change of use and conversion of existing redundant buildings at former pig farm to class B8 (storage and distribution) along with associated access, landscaping and parking
By: Mr Chris England
Application Type: Major Full Application (13 weeks)
Target Date: 18 September 2008

1.0 PROPOSAL

1.1 The proposal is the change of use of dilapidated pig-rearing buildings to commercial storage (the industrial uses proposed initially have been deleted from the application). None of the buildings would be extended but they would all need building works to bring them up to the required standard. A communal toilet block would be constructed to serve the development. Other proposed works include new hardstandings, turning areas, parking spaces, accessways, fencing, external lighting, cycle parking, drainage and landscaping. The existing access from Holtby Lane would be improved. Some of the buildings on the site would be demolished, either because they are unsuitable for conversion or would have to be removed to provide adequate parking, loading and circulation space.

1.2 Planning History

The site was used for pig rearing from the 1970s until 2000. Since then the site has been vacant.

In July 2000 the council refused outline consent for redevelopment to provide 15 dwellings on the site, mainly because of conflict with green belt policy and the over-dependence of the location on the private car.

In August 2000 an application was submitted for the change of use of the buildings to general industrial, warehousing and storage. Following discussions with officers, who indicated they did not consider the buildings suitable for such uses, and receipt of consultation responses, the application was withdrawn.

In July 2001 planning permission was sought for the redevelopment of the site to provide eight 'work from home' units. Members were minded to grant planning permission for the proposal. The application was called in by the Secretary of State. The inquiry Inspector recommended refusal, mainly due to impact on the openness of the green belt. Other reasons included harm to the visual appearance of the site/area, limited employment benefits, high reliance on private motor vehicles, increase in traffic, poor location in terms of sustainability and very limited policy support at local or national level. The Secretary of State concurred with the

Inspector's recommendations and in November 2005 planning permission was refused.

In July 2003 (prior to the public inquiry into the 'work from home' units) outline consent was sought for redevelopment to provide four workplace homes and three affordable dwellings. Following an appeal against non-determination the council resolved to oppose the proposal, mainly due to conflict with green belt policy. In May 2005 the appeal was withdrawn.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYSP6

Location strategy

CYGP1

Design

CYGP4A

Sustainability

CGP15A

Development and Flood Risk

CYGP6

Contaminated land

CYGB1

Development within the Green Belt

CYGB3

Reuse of buildings

CYGB11

Employment devt outside settlement limits

CYNE6

Species protected by law

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - The site is in an unsustainable location with no conveniently located public transport routes, poor footways/lighting and few residential dwellings within 5km cycling distance. Traffic flows through the village are already significant. Intensification of use of the site by motor vehicles should be avoided. The volume of traffic for the B8/B1 uses initially proposed would be a 7-fold increase over the previous use as a pig farm. The re-use of buildings for storage (B8) is likely to be far more acceptable than light industrial (B1). Nevertheless the applicant should demonstrate that vehicle trips would not exceed the levels associated with the buildings former use as a pig farm. The level of car parking should also be markedly reduced. The applicant needs to provide further information about access, loading/unloading facilities and turning areas.

Property Services - The buildings are generally in a very poor state and will need extensive rebuilding work to bring them back into use. Many of the buildings have failed elements e.g. partially collapsed roofs and damaged blockwork walls. The proposed uses of the buildings need to be clarified with more detail being provided. The use will determine the standard and quality of the space required. The proposed extent of the alteration work will determine the parts where the Building Regulations apply and how that will affect the alteration required, final shape and appearance of the buildings. The submitted survey refers to the specific needs of tenants, such as the introduction of heating. This would require consequential improvements to meet the Building Regulations and lead to further alterations to the envelope of the buildings. Therefore assumptions need to be made at this stage to establish the extent of the works, the materials used and the final appearance of the buildings. More detailed information should be submitted to show the uses of each of the buildings and the extent of the work to each of them.

Structures and Drainage - There is potential for excessive surface water flow from new hardstandings and new connections to existing roofs. The developer has provided insufficient information to determine the impact on the existing drainage systems. Drainage calculations are required for the surface water system. Existing and proposed surfacing should be specified showing evidence and extent of existing piped surface water drainage system. A reduction in existing surface water discharge rates of 30% is expected over the proposed area together with a climate change allowance of 20% increase in rainfall, to comply with the spirit of Planning Policy Statement 25.

City Strategy - No policy objection to the principle of the change of use.

Environmental Protection Unit - Concerns about potential impact on existing dwellings and potential loss of amenity due to noise and lighting. Add standard demolition, noise, lighting and hours of use conditions.

Environmental Protection Unit (Contamination) - The geo-environmental investigation report submitted with the planning application confirms that contamination may be present on site. The report includes details of a site walkover and a desktop study. No soil sampling appears to have been undertaken, therefore the amount and type of contamination is not currently known. Due to the former use of the site as a pig farm, hydrocarbons, pathogens, metals and asbestos contamination may all be present. In accordance with advice contained within

Planning Policy Statement 23 refusal is recommended until sampling has been carried out and remedial measures have been identified.

Environment, Conservation, Sustainable Dev. (Countryside) - The site has some potential for newts but there is insufficient justification for a full newt survey. Attach a newt mitigation condition.

Environment, Conservation, Sustainable Development (Landscape) - These are not attractive buildings. There appears to be no aesthetic merit in restoring them. The proposed development would result in a slight change in character, in that the site would be 'tidier' and less agricultural but the visual impact on the landscape would be small. The most noticeable difference would be the presence of parked vehicles and vehicle movements, plus indoor and outdoor lighting and lamp columns. The site is partially screened by three existing houses and hedges along the boundaries. The development would provide some, albeit limited, opportunities for additional tree and hedge planting, which could be a positive addition to the landscape. The area of open space would provide sufficient amenity space for employees provided a suitable landscape scheme were implemented. The key consideration is the potential for change and greater visual impact in the future.

3.2 External

Holtby Parish Council - Objection. The proposal would give rise to a wide range of activities, which may be more intensive in terms of traffic, impact on the landscape, and impact on neighbour amenity. The location is unsustainable as the village has no shops, public transport, street lighting or continuous footpaths. The local road network is substandard. The increased traffic would be a danger to local residents including school children. Traffic figures for the pig farm use are exaggerated. The submitted highway statement is lacking in evidence and incorrect. The site would become an industrial estate, which would be out of keeping with the size and character of the village. The buildings are unsuitable for employment purposes. There is limited demand for such accommodation in this location. Commercial use of the site would be inappropriate in the green belt and harmful to the green belt. The buildings are not of substantial and permanent construction. They are not capable of conversion to commercial use as required by Planning Policy Guidance Note 2. The applicant has not demonstrated very special circumstances as required by green belt policy. Water run-off from the large areas of hardstanding could exacerbate local flooding. The proposals would cause light, noise and air pollution.

Warthill Parish Council - The site is in the green belt and outside Holtby's defined village boundary. It is a very large development for such a small village. It would have a major environmental impact on Warthill village. It is totally inappropriate for the area. There is no demand for industry and warehouse facilities in the area. Major traffic impact/danger on unclassified roads surrounding in Holtby and Warthill, including on parents and children at Warthill primary school.

Cllr Jenny Brooks - Out of keeping with character of the area. Traffic, light and general nuisance to nearby residents/neighbours. Traffic data not representative. Traffic impacts should be compared with existing movements, i.e. none. The use is inappropriate in this green belt location. Detrimental impact on village, residents and

green belt. Local flooding would be exacerbated. Pedestrian access and public transport are poor.

Cllr Clare Ward (NYCC) - The site is in the green belt, outside the defined village boundary. The development is too large and totally inappropriate for a small rural village. There is no demand for industry and warehouse facilities in the area. The development would adversely affect the openness, character and appearance of the countryside. Major traffic impact/danger on unclassified roads surrounding in Holtby and Warthill, including on parents and children at Warthill primary school. The appeal inspector made clear that site was not suitable for change of use to industrial or residential. The application offers no benefit to the local or wider community. The proposal would compromise the amenities of local residents.

Cllr Keith Knaggs (Leader of Ryedale District Council) - The scale of development is inappropriate and out of keeping with the character of the green belt. Proliferation of one-off conversions is harmful to the development/growth of existing industrial estates in more sustainable locations. Applicant's claimed past traffic figures are not credible. The application would put pressure on the poor-quality road network. The site has no public transport nor continuous footpaths. Traffic impact on the local primary school.

Revd Mary Willetts (Parishes of Stockton on the Forest, with Holtby and Warthill) - Increase in traffic, including heavy traffic. It is already extremely high, especially due to rat-running traffic. Traffic danger to school children at Warthill village, especially as the playing fields are on the opposite side of the road from the school.

Warthill Primary School - Traffic impact on residents and school. Traffic danger to schoolchildren in Warthill village, especially as the playing fields are on the opposite side of the road from the school. Traffic danger to children cycling to school along the surrounding country lanes.

Environment Agency - Objection. The site lies in an area of low flood risk (zone 1). However, the scale of development may cause flooding on site and/or elsewhere if surface water run-off is not effectively managed. A flood risk assessment is needed. This is sufficient reason for refusal of planning permission, as set out in PPS25

Foss IDB - Osbaldwick Beck is at capacity. Any discharge should not exceed 1.4 litres/second/hectare. Details needed of discharges and discharge points.

Country Land and Business Association - The application is in line with guidance within Planning Policy Statement 7, Planning Policy Guidance Note 2 and the Yorkshire and Humber Regional Spatial Strategy 2008 (which supports diversification of the rural economy and promotes re-use of redundant buildings) and the Draft Local Plan, which supports re-use of existing buildings in the green belt. The application also fits well with the association's objective of a more diversified rural economy. The application is for re-use so it will have no additional impact on the openness of the green belt. Indeed the demolition of 25% of the existing buildings and the intrusive, large, feed hoppers will all have a beneficial impact.

Public Consultation - The consultation period expired on 16 July 2008. Over 80 objections have been received raising the following planning issues:

IMPACT ON THE GREEN BELT: Contrary to green belt policy. The use (including the hardstandings, lighting, etc) is inappropriate in the green belt. No special circumstances have been demonstrated. The buildings are not capable of or suitable for industrial or commercial use. The applicant has previously said that the buildings are only suitable for demolition

TRAFFIC: The local road network is unsuitable for extra traffic, including HGVs. Traffic danger, including risk to parents and children at/going to Warthill primary school. Problems are exacerbated by narrow, winding roads and the absence of street lighting and continuous footpaths. The use would exacerbate existing traffic problems caused by rat-running. The access is unsuitable. Traffic data (of the pig farm business) submitted with the application is unsubstantiated and/or exaggerated

AMENITY: Traffic noise/nuisance. Operational noise (including vehicle movements, parking and general activity). The use is inappropriate in this village location and out of keeping its character. The proposal would industrialise the village. Light nuisance/pollution. The development would attract crime and anti-social behaviour.

SUSTAINABILITY: Public transport and local amenities are already inadequate. The location is not sustainable. The applicant has not demonstrated that the development would achieve a BREEAM standard. The buildings are poorly constructed and poorly insulated.

DRAINAGE: Drainage is inadequate. Osbaldwick Beck is a critical watercourse. Existing flood risk/problems at this end of the village would be exacerbated. The local sewage system is inadequate.

CONTAMINATION: Proposals must deal with the contaminated land. Investigation proposals are inadequate.

BIO-DIVERSITY: Consideration must be given to protected species and other wildlife, e.g. newts, bats and owls.

OTHER: The proposal has no significant benefits for the area, including employment, which would be very small. The proposal conflicts with the Holtby Village Design Statement. The application is being submitted on behalf of a volume house builder, Persimmon Homes. The application is really a plan to get residential development on the site. Converting the buildings would be uneconomic. There is no demand in the area for industrial units. Many industrial units in nearby settlements and industrial estates are vacant, e.g. at Dunnington and Murton. The site is an eyesore where no effort has been made to improve it. The council has consistently failed to take action under s.215 of the Town and Country Planning Act to improve the appearance of the site.

4.0 APPRAISAL

4.1 Key Issues

Impact on the green belt

Highway issues

Neighbour amenity

Visual appearance

Drainage

Contamination

Sustainability

Bio-diversity
Employment
Crime

4.2 Policy Context

Planning Policy Statement 1: Delivering Sustainable Development (PPS1)- Promotes sustainable development as well as mixed use development, offers guidance on the operation of the plan led system and considerations to be taken into account in determining planning applications.

Planning Policy Guidance Note 2: Green Belts (PPG2) - Sets out the purposes of including land within Green Belts and establishes specific categories of development that are appropriate within green belts. All other development is deemed inappropriate and therefore harmful to the green belt. The re-use of buildings is not inappropriate development providing: it does not have a materially greater impact than the present use on the green belt; strict control is exercised over extensions and associated uses of land surrounding the buildings; the buildings are of permanent construction and are capable of conversion without major or complete reconstruction; and the form, bulk and design are in keeping with their surroundings.

Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) - Supports the re-use of appropriately located and suitably constructed buildings in the countryside where this would meet sustainable development objections.

Planning Policy Guidance Note 13: Transport (PPG13)- Sets out the objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

Planning Policy Statement 23: Planning and Pollution Control (PPS23)- Gives guidance on the relevance of pollution controls to the exercise of planning functions, including contaminated land and air quality.

Planning Policy Statement 25: Development and Flood Risk (PPS25)- Aims to ensure that flood risk is taken into account in the planning process to avoid inappropriate development in areas at risk of flooding and seeks to direct development away from areas at highest risk. Where new development is necessary in such areas, it aims to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall. It sets out the importance the Government attaches to management and reduction of flood risk in the planning process.

Draft Local Plan policy SP6 - Development will be concentrated on brownfield land within the built up urban areas of the city and urban extensions followed by surrounding settlements and selected existing and proposed public to transport corridors. Outside defined settlement limits, planning permission will only be given for development appropriate to the green belt or the open countryside.

Policy GP1 - Development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and vegetation.

Policy GP4a - All proposals should have regard to the principles of sustainable development, including accessibility by means other than the private car.

Policy GP6 - Planning applications for development on sites that may have been contaminated should, as a minimum, include a desk study on the potential for contamination. Should the study indicate the potential for contamination a more

detailed site investigation should be submitted. It should assess risks to the environment and establish remediation objectives for the site.

Policy GP15a - Developers should ensure that the site can be developed, serviced and occupied safely and that discharges from new development should not exceed the capacity of existing/proposed sewers and watercourses.

Policy GB1 - Within the green belt, planning permission for development will only be granted where: (a) the scale, location and design would not detract from the open character of the green belt; (b) it would not conflict with the purposes of including land within the green belt; and (c) it would not prejudice the setting and special character of the City of York; AND it is for one of a limited number of particular purposes, including reuse of existing buildings. All other forms of development within the green belt are considered inappropriate. Very special circumstances will be required to justify instances where this presumption against development should not apply.

Policy GB3 - Outside defined settlement limits the reuse of buildings in the green belt will be granted provided: it does not have a materially greater impact than the present use on the openness of the green belt; the buildings are of permanent construction and are capable of conversion without major or complete reconstruction; the reuse will not require extensive alteration, rebuilding or extension; the form, bulk and design are in keeping with their surroundings; the buildings are not close to intensive livestock units or other uses that may result in a poor level of amenity for the occupiers; and there is a clearly defined curtilage.

Policy GB11 - Planning permission will only be granted for new industrial and business development outside defined settlement limits in the green belt where (a) it involves the re-use or adaptation of an existing building or is for a small-scale extension to an existing building; and (b) it provides a direct benefit to the rural economy and the local residential workforce.

Policy NE6 - Where a proposal may have a significant effect on protected species or habitats applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted that would not cause demonstrable harm to protected species.

The Application Site

4.3 The site is a former intensive pig farm that has been vacant and unused since the business ceased operation in 2000. The site contains approximately 30 buildings, most of which were erected under agricultural permitted development rights and for the specific needs of the pig rearing business. The buildings have become increasingly dilapidated since the pig farm ceased operating. The total footprint of buildings on the site is 4676sqm. The site does not constitute brownfield land as defined in PPS3.

4.4 The site lies to the north-west of Holtby village and is within the green belt. The site abuts the settlement limit of the village, which is washed over by the green belt. The south-west side of the site abuts three dwellings fronting Holtby Lane. The other three sides of the site abut open countryside.

Impact on the Green Belt

4.5 The main issue is the impact of the proposal on the openness of the green belt. The re-use of buildings inside the green belt is not inappropriate development (as defined in PPG2) providing a number of strict criteria are met. In this case the most

relevant test is whether 'the buildings are of permanent construction and are capable of conversion without major or complete reconstruction'.

4.6 Whether or not the buildings can satisfy this requirement will partly depend on the type of storage proposed and the standard the applicant intends to provide. Most of the buildings are in very poor condition. The application is supported by a building alteration schedule. Whilst it lists the repairs/alterations that would be required for each building it appears cursory and does not specify the type/standard of building the applicant is intending to provide or a typical occupier profile. The applicant argues that he cannot provide further details because the units would be speculative and therefore he does not know, at this stage, who would occupy them. Officers consider that the Council cannot judge whether the buildings are 'capable of conversion without major or complete reconstruction' without further information about the nature of the proposed use and/or the end user, particularly bearing in mind the very poor condition of the buildings.

4.7 Officers are not yet convinced that any of the buildings are capable of being used at all, other than for the most basic types of storage. This conclusion has been reached partly from site visits (including with the applicant's building surveyor) and partly from the appeal Inspector's findings in 2005. At para 32 et seq of her report she paraphrases the applicant's own case made at the inquiry. She says (para 35):

'The relatively small individual size of many of the buildings, their poor condition after nearly 5 years of non-use [as at 2005], their generally restricted heights, their type of construction, and the cost of repair, alterations and improvements, including the provision of modern services, would make their use for a commercial purpose inappropriate and uneconomic.'

4.8 The Inspector goes on to say, again paraphrasing the applicant (para 48):

'There is no reasonable prospect that the existing building complex can be re-used for an agricultural purpose or converted for other uses.'

4.9 Since the applicant made that case in 2005 there appears to have been no effort made to protect the buildings or to prevent further deterioration. In the conclusions to her report the Inspector states (para 124):

'Apart from the large pole barn (building 29) and, possibly, the adjoining large dry sow yards (buildings 27 & 28) there is very little, if any, possibility of an alternative agricultural use, and in the case of these buildings probably only low-grade storage. The size, form, layout and condition of the other buildings and structures make their re-use for any other purpose negligible.'

4.10 Officers agree with the Inspector's conclusions that the buildings (except possibly nos 27, 28 and 29) are realistically incapable of re-use. The application therefore fails the criteria in para 3.8 of PPG 2 and constitutes inappropriate development which, by definition, is harmful to the green belt.

4.11 The applicant disagrees with this position. Further he argues that, irrespective of the Inspector's conclusions, information about the works required to bring the

buildings up to standard is unnecessary because the buildings could not be demolished and redeveloped without further consent being granted by the local planning authority. This view is considered to be too simplistic. If the application were approved, and the buildings were subsequently found to be unsuitable for re-use, the Council would have difficulty resisting pressure to demolish and rebuild, despite such a course being contrary to green belt policy. Officers consider that the Council would therefore be remiss if it granted planning permission without being satisfied that the proposals were sufficiently detailed to ensure that the buildings were indeed capable of conversion, for the proposed use, without major or complete reconstruction, as required by PPG2.

4.12 PPG2 states that inappropriate development should only be approved in very special circumstances. In the case of the current application the applicant argues that the proposal would remove a local eyesore that has become a major detractor to the setting of the village. This argument was made by the applicant at the 2005 inquiry into the 'work from home' units. It was also the main reason why the North East Area Sub-Committee was minded to approve the scheme prior to it being called in by the Secretary of State. Following their consideration of the application Members resolved:

'That given the potential for enhancing the derelict appearance of the site which would result from redevelopment, the application be approved subject to approval from the Secretary of State and to conditions to be agreed by Members at the next meeting of the Sub-Committee'.

4.13 The inquiry Inspector took a different view. She concludes (para 125):

'Realistically, if the application were to be refused the most likely outcome would be little change to the appearance and condition of the site, the slow deterioration of the built structures, the possible agricultural storage use of the large barn and adjoining buildings and the growth of rough grasses and invasive scrub in the remaining open areas. It is quite possible that the site would be the scene of fly-tipping and other anti-social behaviour, but this likelihood and risk is faced by all owners of unused sites, in rural or urban areas. Equally the risks to the environment and public health of the remaining slurry pits and other possibly polluting materials are a responsibility of the site owner. In my view their removal can be given little weight in assessing the public benefits of the proposal.'

4.14 The Secretary of State agreed with the inspector's view and found that such consequences did not amount to very special circumstances that would outweigh the presumption against inappropriate development in the green belt. It is considered that the Secretary of State's conclusions in this respect are equally applicable to the current application.

4.15 Despite the intensive character of the previous use, the agricultural activity would have appeared low-key and intermittent. Whilst the current proposal would improve the appearance of the buildings and tidy up the site the proposal would bring with it other uses including car parking, lighting, external storage, refuse facilities, signage and security measures such as entry gates, boundary fencing and CCTV. So whilst the appearance of the buildings would improve, the associated

uses would give the site a more commercial character thereby reducing the perceived openness of the site, to the detriment of the green belt.

Highway Issues

4.16 The site is in an unsustainable location with no public transport within 750m of the site, poor footways/lighting, no shops within the village and few residential dwellings within 5km cycling distance. Traffic flows in the area are already significant and the site is surrounded by narrow, winding local roads, which are already hazardous and subject to rat-running between the A166 and the A64. Bearing in mind these constraints the council would not wish traffic levels generated by any new use to exceed the traffic levels generated by the pig farm. Traffic associated with the proposal appears to be the greatest concern of local residents.

4.17 The applicant has carried out a highway assessment of the traffic likely to be generated by the re-use of the site. It compares these movements with those of the previous use as a pig farm. However, the assessment as currently submitted is unsatisfactory in a number of respects. Whilst the applicant has said that the number of pigs on the site at full operation was 6000, the highway statement assumes 10000-15000. Notwithstanding this discrepancy, the traffic movements assumed in the assessment and given by the applicant appear very high and have been dismissed as unrepresentative by a number of local residents who recall the previous use. The applicant has been asked to revisit his calculations and assumptions about the pig operation. The applicant's response is that he will not be commenting further because he feels that the documentation submitted to date is clear.

4.18 Notwithstanding these shortcomings, the assessment shows that the volume of traffic expected would result in a 6 to 7 fold increase over the previous use. PPG13 encourages local planning authorities to promote employment in rural areas. Nevertheless, in the absence of realistic sustainable alternatives to the motor car, permitting the proposed use is likely to add to the volumes of traffic passing through the village and along the narrow/winding rural roads. The proposal is at odds with the council's transport strategy, which seeks to promote development in areas where alternative sustainable transport choices are readily available.

4.19 The use the buildings for goods storage only is likely to be more acceptable in terms of traffic than the mixed use initially proposed. Nevertheless the applicant should still demonstrate that forecast vehicle trips would not exceed the levels associated with the former use as a pig farm, particularly as the highway statement was based on an element of light industrial use. Moreover, the level of car parking would need to be markedly reduced and the applicant would need to provide further information about access, loading/unloading facilities and turning areas. The applicant has made no response to the request for further information about the traffic movements associated with the proposed use.

Visual Appearance

4.20 The buildings are closely spaced, generally low in height and of typical agricultural appearance. Despite the intensive character of the previous use the agricultural activity is likely to have appeared, from outside the site, low-key and intermittent. The current proposal would improve the appearance of the buildings

and tidy up the site. Nevertheless, the visual impact of these improvements would not be significant from outside the site (other than removal of feed hoppers) because most of the site is well screened from surrounding public viewpoints (This is why the council has not used its statutory powers under section 215 to improve the site's appearance).

4.21 However, the proposal would bring with it other uses including car parking, lighting, external storage, refuse facilities, signage and security measures such as entry gates, boundary fencing and possibly CCTV. Furthermore, non-agricultural storage within the pole barn (the most prominent building on the site) would be easily visible from adjacent highways. So whilst the appearance of the buildings would improve, the associated uses would give the site a more commercial character that would be out of keeping with the character and appearance of the village and surrounding area.

Drainage

4.22 Whilst the risk of river flooding is low (the site is in zone 1) the ground includes sandy/silty clay and is likely to be unsuitable for soakaways. Currently there are no surface water sewers within the site but it is understood that surface water discharges to a watercourse on the south side of the site. Residents refer to localised flooding in the area. A flood risk strategy has been submitted which states that a drainage survey would be undertaken and that surface water would discharge to a watercourse at no more than 1.4 litres/second/hectare. This rate of discharge is acceptable. However, Osbaldwick Beck is at capacity. The scale of development may cause or exacerbate flooding if surface water run-off is not effectively managed. Insufficient information has been submitted to determine the potential impact the proposals may have on the existing drainage systems. A flood risk assessment is therefore needed but none has been submitted, contrary to national guidance in PPS25.

Contamination

4.23 The geoenvironmental investigation report submitted with the planning application confirms that contamination may be present on the site. The report includes details of a site walkover and a desktop study. No soil sampling appears to have been undertaken, therefore the amount and type of contamination is not currently known. Due to the former use of the site as a pig farm, hydrocarbons, pathogens, metals and asbestos contamination may all be present. PPS23 recommends refusal in such cases until sampling has been carried out and remedial measures have been identified. However, the Inspector at the 2005 appeal considered that contamination at the site could be dealt with as a condition of approval. Therefore, the lack of information supplied with the application is not among the recommended reasons for refusal. If members are minded to grant consent for the current application it should be subject to the council's standard contamination conditions.

Sustainability

4.24 The site is in an unsustainable location as described above. Whilst in some cases reuse of buildings can be the most sustainable development option, in this case the buildings are in very poor condition. Depending on the proposed use the works to the buildings may need consent under the Building Regulations, which

would bring about improvements in insulation and energy use. But to date the applicant has not submitted sufficient information about the proposed uses or users to assess the site's environmental performance.

Bio-Diversity

4.25 The site is within 300m of a pond in which great crested newts have been recorded. The site itself has possible habitat features. Whilst there is insufficient justification for a full newt survey a newt mitigation condition should be attached if members are minded to grant planning permission. Such a condition would ensure that any potential impact on newts is minimised

Employment

4.26 PPS7 supports the re-use of appropriately located and suitably constructed buildings in the countryside where this would meet sustainable development objections. Re-use for economic development purposes is usually preferable. The storage use would create some employment but it is likely to be very small and outweighed by the impacts on the green belt. On balance, the benefits of the proposal on the local economy are not sufficient to justify approval.

Crime

4.27 There is no evidence to support the argument that re-use of the buildings would materially increase the incidence of crime in the local area.

Persimmon Homes

4.28 Whilst the applicant is the long-time owner of the site the design and access statement says that the proposal would provide an industrial estate for Persimmon Homes. The applicant says that the authors of the statement made a mistake in referring to Persimmon. The identity of the applicant and any persons with interest in the site is irrelevant to the determination of the application.

5.0 CONCLUSION

5.1 The application site is in the green belt where there is a strong presumption against inappropriate development. The proposal is considered to constitute inappropriate development in the green belt contrary to PPG2 and relevant policies of the Draft Local Plan. Furthermore, insufficient information has been submitted regarding traffic impact, sustainability and drainage.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 It is considered that the nature and scale of the proposed development and the associated uses of the land, together with the prominent location of the site, would give the site an overtly commercial character, out of keeping with the rural character of Holtby village and the surrounding area, contrary to national planning advice contained within Planning Policy Statement 1 ("Delivering Sustainable Development") and policy GP1 of the Draft City of York Local Plan.

2 It is considered that the nature and scale of the proposed development and the associated uses of land, together with the prominent location of the site, would have a materially greater impact than the present use on the openness of the Green Belt. The proposal therefore constitutes inappropriate development in the Green Belt, contrary to national planning advice contained within Planning Policy Guidance Note 2 ("Green Belts") and policies SP6, GB1 and GB3 of the Draft City of York Local Plan.

3 The applicant has not demonstrated to the satisfaction of the Local Planning Authority that the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction. The proposal therefore constitutes inappropriate development in the Green Belt, contrary to national planning advice contained within Planning Policy Guidance Note 2 ("Green Belts") and policies SP6, GB1 and GB3 of the Draft City of York Local Plan.

4 The site is in a remote location with inadequate cycle and pedestrian facilities within the adjacent public highway network and lack of convenient public transport connections. Bearing in mind these local constraints the applicant has not demonstrated that the proposal constitutes a sustainable form of development in accordance with national planning advice contained within Planning Policy Guidance Note 13 ("Transport") and policy GP4a of the Draft City of York Local Plan.

5 The site is directly served by a derestricted and unlit road with no dedicated cycle and pedestrian facilities. Bearing in mind these local constraints the applicant has not demonstrated that the proposal is suitable in terms of highway safety and security, having particular regard to its year-round use with associated traffic movements into/out of the site during the hours of darkness.

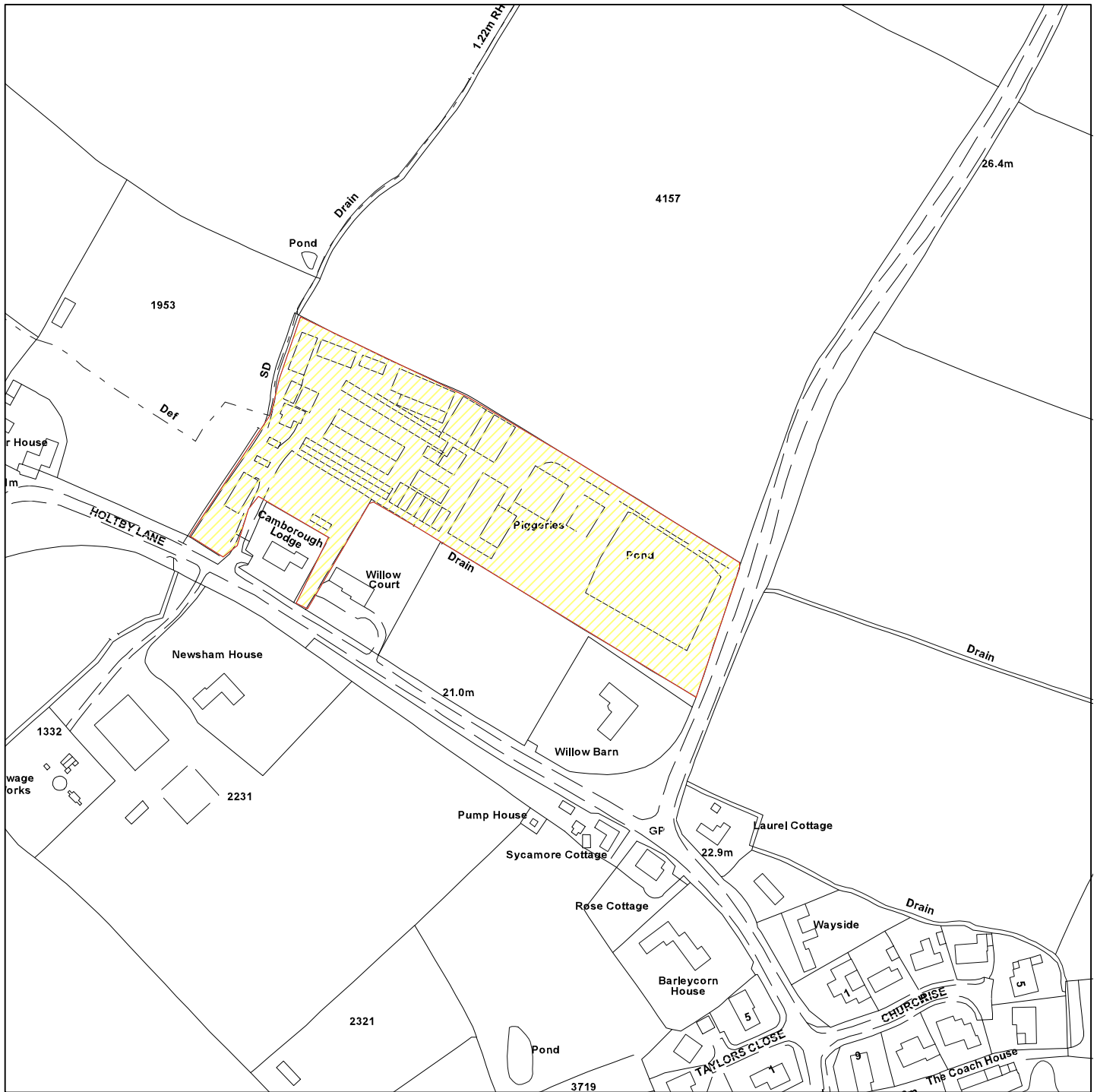
6 Insufficient drainage details have been submitted to show how foul and surface water generated by the proposal would be properly attenuated and how flood risk from all sources to the development itself and to others will be managed. The application therefore conflicts with the national planning advice contained within Planning Policy Statement 25, policy GP15a of the Draft Local Plan and the council's adopted Strategic Flood Risk Assessment.

Contact details:

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Piggery at Willow Court, Holtby

08/01446/FULM



Scale : 1:2500

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Organisation	Not Set
Department	Not Set
Comments	Application site
Date	31 March 2009
SLA Number	Not Set

COMMITTEE REPORT

Committee: East Area
Date: 9 April 2009

Ward: Osbaldwick
Parish: Osbaldwick Parish Council

Reference: 08/02757/FUL
Application at: Land To The West Of Metcalfe Lane Osbaldwick York
For: Erection of a two storey building containing a single storey plant room and two storey ancillary community facility with separate foul water pumping station and access road
By: Mr Nigel Ingram
Application Type: Full Application
Target Date: 10 February 2009

1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of a two storey building which would contain a biomass plant room and ancillary community facilities. Underground would be a foul water pumping station and biomass fuel store. The community facility consists of a lobby with seating area and an office on the ground floor. The first floor would contain a plant room viewing gallery and a large multi-purpose room which could be used for a variety of community uses such as for meetings and as an education facility.

1.2 The proposed development is located centrally within the future development site of 540 houses on land to the West of Metcalfe Lane. An access road is to be created linking the building to Fifth Avenue which would be used for construction traffic and also for maintenance and delivery vehicles.

1.3 This application is being referred to Planning Committee due to the high level of public interest in the scheme. The area of land around the application site is yet to be developed and it is not considered that a site visit would assist in the decision making process. Previous applications on this site have also been determined by the Planning Committee and site visits have already taken place on those occasions.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : East Area (1) 0003

Schools : St. Aelred's RC Primary 0223

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYNE7
Habitat protection and creation

CYC1
Criteria for community facilities

3.0 CONSULTATIONS

INTERNAL

3.1 Environmental Protection Unit - No objections to the application. Two conditions are recommended relating to noise and emissions from plant and machinery (conditions 4 and 5)

3.2 Archaeology - The site lies within an area where there are remains of archaeological interest. An archaeological watching brief condition should therefore be included (condition 6)

3.3 Highway Network Management - Based on the revised drawings there are no objections to the proposal. Access is to be taken from Fifth Avenue for construction and maintenance purposes via a temporary road surface until a formal highway is constructed as part of the Fifth Avenue phase of the residential development. The traffic generation of the community heating system was considered within the Transport Assessment for the whole development but in any case traffic associated with the facility is negligible. Deliveries to the biomass boiler are likely to be in the region of 1 vehicle per week during the peak periods of use. Three standard conditions are recommended, including the submission of a method of works statement (conditions 7, 8 and 9).

3.4 Countryside Officer - The application site contains species rich turf which was considered as part of the outline planning consent. The Section 106 agreement for the outline consent required the translocation of the species rich turf to a location within the open space of the development. However, this work has not yet been carried out. Therefore, should this application be approved a condition would need to be added whereby a management plan for the translocation of the turf is agreed prior to the commencement of development. The proposed development also requires the removal of some hedges which were considered as part of the outline permission. A condition is required to ensure that the hedgerow removal is not carried out during the nesting season.

3.5 Sustainability Officer - No sustainability statement has been submitted and therefore the proposal is contrary to Policy GP4a. Biomass wood chip pellets should be sourced from local suppliers within a 25 mile radius. The proposed development should achieve a BREEAM 'Very Good' rating in accordance with the Sustainable Design and Construction planning guidance.

3.6 Drainage - Discussions are on-going between the applicants and Council's drainage team and an update will be given at committee in this regard.

EXTERNAL

3.7 Osbaldwick Parish Council - Object on the following grounds:

- the application was not properly submitted;
- inadequate consultation;
- this is a full application on top of an outline permission;
- traffic impact;
- size;
- possible noise and light pollution; and
- detrimental to the countryside.

3.8 Heworth Planning Panel - Do not wish to comment as not in Heworth Parish.

3.9 Foss Internal Drainage Board - Osbaldwick Beck, which lies to the south of the site is maintained by the Board. An agreed method for the management of surface water discharging from the site has been agreed. As long as the surface water discharging from this site will be directed to the agreed control system there is capacity to accept these discharges and there are no objections.

3.10 Environment Agency - No objection. The documentation supplied satisfies concerns regarding environmental risk associated with contamination at this site. A contamination investigation has already been carried out and a strategy is in place to manage it.

3.11 York Natural Environment Trust - Object in principle to the development of this land.

- There is a need to retain this site as a natural/semi- natural area of public open space for amenity and wildlife reasons. The creation of new potential brownfield sites for housing around York has mitigated the need for the loss of this site for housing development.
- Consultation letters arrived late not allowing residents sufficient time to comment on the application.
- It is not clear how the proposed development fits in with the sequential phasing of this site.
- The proposal was not considered as part of the outline planning consent which was the most appropriate time to consider such an initiative.
- YNET supports biomass heating systems but York is not close enough to areas of biomass production to make it a truly sustainable development.
- The proposal results in the removal of sections of hedgerow.
- The illumination of the building and roof at night will detract from floodlit views of York Minster and the countryside setting of the city.

- The proposed boundary treatment is to be a 1.8m close boarded fence, this should be dressed on the outside with a natural species hedge.

3.12 Local Residents - 15 letters of objection were received from local residents and 1 letter was received from Reeves and Co Chartered Surveyors. The following comments were made:

- the proposal title is misleading as it does not use the word 'Biomass' which makes it difficult for planning committee to consider the application;
- Derwenthorpe is not mentioned in the proposal description, this makes it misleading for the general public;
- consultation letters were received many days after they were printed which didn't give local residents sufficient time to comment on the proposals;
- a planning application should not be approved before land is purchased by the proposed developers;
- the proposal should not be approved as it is within the Green Belt and there are plenty of brownfield sites available;
- the proposal does not comply with the Derwenthorpe conditions of the outline planning consent;
- the site is of great value as an amenity area for local people and gives people a place to exercise in an area which is lacking in other open green spaces;
- the Council's internet page does not contain sufficient information on the proposed development;
- this application should not even be considered;
- given the economic downturn in this country it is inappropriate to erect a building which will sit non-functional in the middle of a field;
- erecting an isolated building in the field could result in vandalism and other unwanted activity in the area;
- the building could attract people into the area which could increase the risk of cyclists being attacked on the Sustrans cycle network;
- it would be more beneficial to maintain and enhance the site as a green area for wildlife rather than erect new buildings upon it;
- visitor parking is not addressed in the application documents; and
- Fifth Avenue is currently owned by the residents of Fifth Avenue, therefore until the applicants purchase this land they will not be allowed access over it onto the application site.

4.0 APPRAISAL

4.1 The key issues are considered to be:

- the principle of development;
- access;
- design/visual amenity;
- environmental health;
- sustainability; and
- biodiversity

4.2 The proposed development is located within a housing allocation site. Outline planning consent (03/02709/OUTM) has been granted to develop approximately 540 houses and associated community open space and facilities on this site. As part of

this consent an indicative site plan was considered an approved. The indicative site plan showed an area towards the centre of the site which was to be provided for 'Community Facilities'. 'Community Facilities' were defined as 'social and community facilities or services to be provided for or (in relation to existing facilities) improved for the benefit of residents of the development and/or the surrounding area'. The proposed two storey building containing a biomass plant room , community facilities, and water pumping station is broadly located within the designated 'Community Facilities' area.

4.3 The proposed development is submitted as a full application rather a reserved matters application following on from the outline consent. Therefore all planning considerations are material to this application and it should be determined on its own merits.

4.4 It is proposed that the biomass plant system will provide hot water to all of the properties that will be developed in phases on the Metcalfe Lane site. The building will also provide a community facility that could be used for education purposes, as a meeting room, or as a site office. It is therefore considered that the proposed development is a compatible use within this housing allocation site.

Access/Highways

4.5 As part of this application a vehicular access is required off Fifth Avenue. Consent has been granted for access from Fifth Avenue as part of the outline planning consent. The proposed access track from Fifth Avenue would be a temporary road surface which would be used for construction vehicles and for delivery of wood pellets for fuel. Traffic generation would be minimal, approximately 1 vehicle per week, and on this basis no objections have been raised from a highway or access point of view. The access track would be upgraded to highway standard as part of the future housing development for this phase. Located close to the proposed development will be bicycle storage and 8 car parking spaces, 1 of which will be to disabled standards.

Design/Visual Amenity

4.6 The proposed development would be two stories in height, with an eaves height of 7m and a total height of 11.9m. Four chimneys/flues would be located on the roof and measure up to 12.9m above the ground. The footprint of the building is approximately 12.5m x 25.3m. The height of the dwellings approved as part of the phase 1 development of the site were approximately 10.7m in height. It is therefore considered that the size and scale of the proposed building would appear in keeping with the massing of the houses which are to be built on the site. The building is of contemporary design with painted brick and timber making up the walls, the roof would be of metal construction. A section of the first floor is supported by pillars creating an overhang at the entrance to the building. A significant amount of glazing is used for the community accommodation in order to give the building visual interest. Openings are not suitable for the plant room section of the building but the choice of materials assists in reducing the visual bulk of the building and give what is primarily a functional building some visual interest. It is proposed to provide landscaping and tree planting to the east of the proposed building which would help to soften its visual appearance.

Environmental Health

4.7 The biomass plant room would be located centrally within the overall residential development. The information submitted in support of the application was assessed by the Environment Agency and the Environmental Protection Unit. The boiler to be installed has been reviewed and assessed by an independent expert assessor and the use of wood pellets or wood chips shows a commitment to reducing environmental impact. The proposed biomass boilers would not result in a significant increase in pollutant concentrations.

Sustainability

4.8 A sustainability statement was not submitted with this application. However, the development in itself is sustainable. The proposed biomass boiler would generate hot water in an environmentally friendly way for all the houses within the development. The developers are committed through the Section 106 agreement forming part of the outline planning consent to achieve an Ecohomes rating of at least 'very good' with at least 3 residential units within the first phase of construction achieving an Ecohomes rating of 'innovative plus'. The proposed biomass boiler would help these targets be achieved. It is proposed by the developers to source the wood pellets or chips from a local supplier in order to reduce the carbon footprint of the housing development and to reduce transport costs.

Biodiversity

4.9 Along the proposed access track from Fifth Avenue to the proposed building are some hedges and some areas of species rich grassland. The outline planning application assessed the impact of the loss of hedges and the need to move some species rich grassland to another part of the site. However, as the application is not related directly with the outline consent it is necessary to condition the proposed development to ensure that hedges are not removed during the nesting season and that species rich grassland is translocated prior to development commencing. This can be agreed as a management plan which is suggested as a condition of any approval.

5.0 CONCLUSION

5.1 The proposed development, subject to suitable conditions, is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

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:-

- Plan numbers 2165_PL200, 2165_PL201, 2165_PL210, 2165_PL220, and

2165_PL221 received by The CoYC on 15/12/08

- Revised plans numbers 2165_PL100A, 2165_PL101A, and 2165_PL102A received by The CoYC on 06/02/09

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 VISQ8 Samples of exterior materials to be app

4 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (L_{Amax}(f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of local residents.

5 There shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational prior to the building first coming into use and shall thereafter be appropriately maintained.

Reason: To protect the amenity of local residents.

6 ARCH2 Watching brief required

7 HWAY12 Initial 10m surfaced, details reqd

8 HWAY31 No mud on highway during construction

9 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of construction works including the protection of pedestrians using the adjacent Public Right of Way and routing of construction traffic that will be promoted shall be submitted to and approved in writing by the LPA.

Reason: In the interests of highway safety and the amenity of local residents

10 Prior to the commencement of development, a management plan including details of hedgerow removal and the translocation of species rich grassland, shall be

submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in complete accordance with the approved management plan.

Reason: For the protection of the biodiversity of the area

INFORMATIVE

Please note that under Section 1 and 99 of the Wildlife and Countryside Act 1981 it is an offence to damage or destroy any birds nest whilst it is in use being built or to damage or destroy a bat roost.

Tree work and hedge cutting should not take place if there is a risk of the work, or its effects, being harmful to resident birds. Therefore it is recommended that major pruning of hedges is done during January and early February, that is after birds have eaten the berries and before they start to nest, and that hedge trimming is avoided between March and August (nesting season).

However, if a hedge has to be trimmed or a tree has to be felled between March and August it should be inspected carefully for active nests and, if found, work should be delayed until the young birds have flown. If, despite best efforts and a nest is found after work has started, a buffer area must be left inviolate, around the nest.

11 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 surrounding residents

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 principle of development;
- access;
- design/visual amenity;
- environmental health;
- sustainability; and
- biodiversity

As such the proposal complies with Policies GP1, GP4a, NE7, and C1 of the City of

York Draft Local Plan.

2. Demolition and Construction - Informative

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.

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.

Contact details:

Author: Michael Jones Development Control Officer

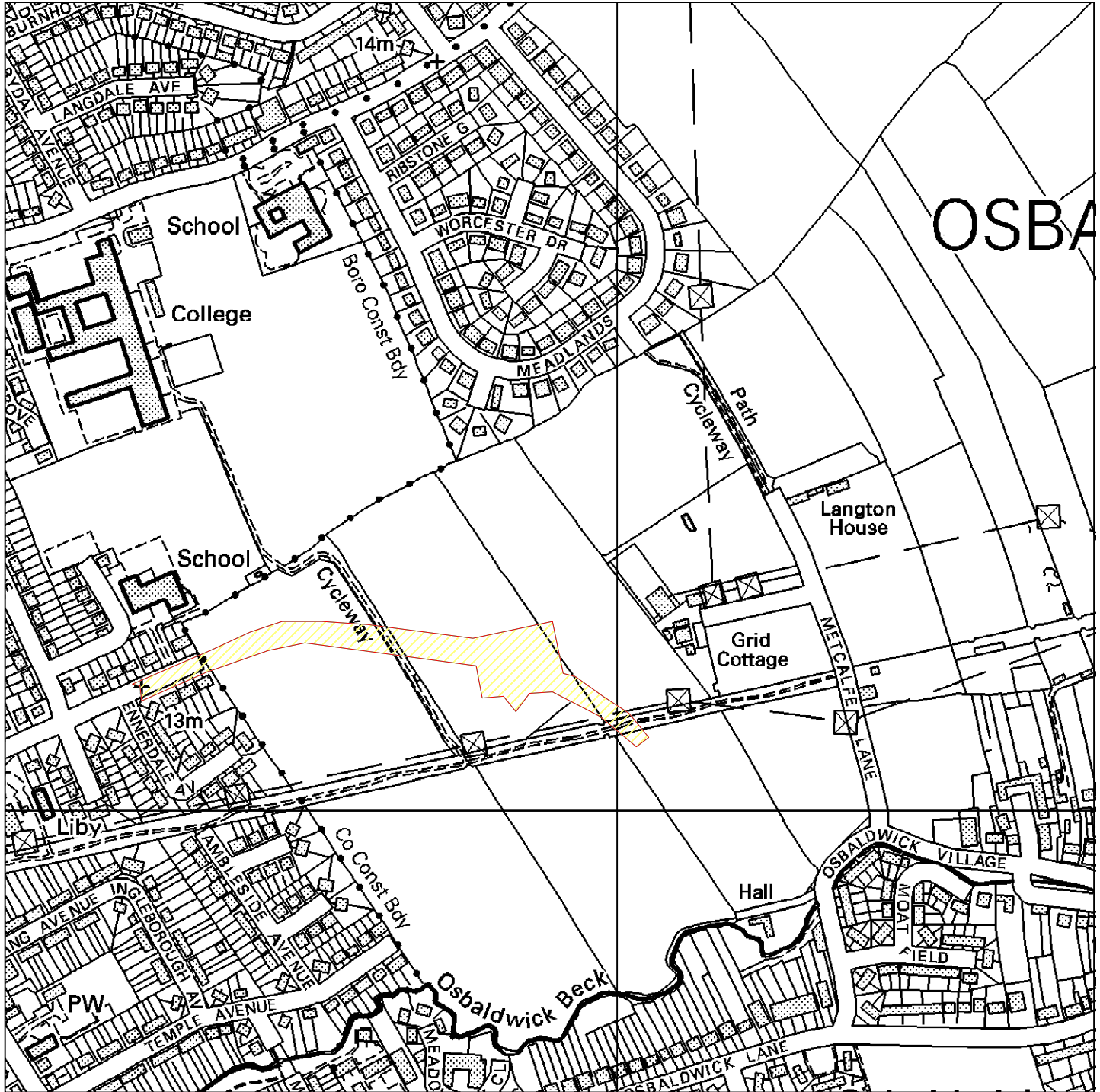
Tel No: 01904 551325

Biomass Boiler at Metcalfe Lane

08/02757/FUL



GIS by ESRI (UK)



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Organisation	Not Set
Department	Not Set
Comments	Application site
Date	31 March 2009
SLA Number	Not Set

COMMITTEE REPORT

Committee: East Area
Date: 9 April 2009

Ward: Hull Road
Parish: Hull Road Planning Panel

Reference: 09/00402/TCMAS
Application at: Bus Shelter Adjacent 289 Hull Road York
For: Telecommunications installation including 12m high pole with 3no antenna (perpendicular design with overall height of 14.2 m) and associated ground equipment (revised mast design)
By: Vodafone Ltd
Application Type: Telecommunication Mast Notice
Target Date: 3 May 2009

1.0 PROPOSAL

1.1 This is an application for prior notification under the terms of Part 24 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), seeking a decision as to whether approval of siting and appearance is required for a telecommunications base station, and for that approval to be granted.

SITE

1.2 The site is located adjacent to the northern outbound section of Hull Road, which is dual carriageway at this point. The equipment would be positioned within the grassed verge at the back of footpath. There is a hedge and trees within the grassed verge north of the site. Other street furniture includes a bus stop to the east at a distance of approx. 18.5m and regularly positioned 10m high street lamps. The properties on either side of Hull Road are predominantly residential. The nearest residential properties - a mixture of bungalows and houses - are located approx. 20m to the north of the site and are accessed by a separate roadway, also known as Hull Road. No. 289, which is a bungalow, is occupied by a doctor's surgery. There are retail/commercial units and Archbishop Holgates School located to the south-west of the site on the south side of Hull Road and Osbaldwick Primary School to the north-west.

PROPOSAL

1.3 The equipment would comprise a 12m high streetworks type perpendicular pole structure with antennas contained within the upper portion of the tower (overall height of mast 14.2m) and two equipment/electrical cabinets. The equipment is proposed to be colour finished grey.

1.4 The application is accompanied by a Design and Access Statement and a supporting statement, which includes details of the operational context, details of siting and design, alternative discounted sites and a Declaration of Conformity with the International Commission on Non-Ionising Radiation Protection Public Exposure Guidelines (ICNIRP Certificate). The context is that the 3G technology proposed,

which provides multimedia and internet data access, operates at a lower power capacity with limited coverage areas than its 2G technology predecessor. As a result, more base stations are required to provide an effective network with the average cells being required to be located between 500-1000m of each other within urban areas. The equipment is proposed to be located on a main arterial route as far from residential properties as practical, with its design intended to reflect that of existing street lighting columns. The equipment has been limited to a minimum operational size. Eight other sites were considered and discounted for being either too far from the search area, due to physical constraints or a negative response received from the landowner.

HISTORY

1.5 Pre-application consultation was undertaken by the agent for the code systems operator with the Council, including Ward Councillors and the Osbaldwick Parish Council. This highlighted that the traffic light rating for this proposal (which represents the sensitivity of a proposed site for consultation purposes) was red. As a result, additional consultations were undertaken with local residents of Hull Road and local schools.

1.6 No objections were raised by the Local Planning Authority in 2005 to a prior notification application by T-Mobile for a 3G telecommunications base station on the south side of Hull Road opposite 273 Hull Road. This was for a 12m high mast designed to look like a telegraph pole and associated equipment cabinets. No reference has been found at the time of writing for a planning or prior approval application that was refused for a site on the south side of Hull Road.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYGP20
Telecommunication developments

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objections.

EXTERNAL

3.2 In addition to consultation with the relevant parish council, letters were sent to local residents/occupiers to the north and south of Hull Road, and three site notices were posted around the adjacent streets. The consultation period expires on 3 April 2009. The following comments have been received:

3.3 Osbaldwick Parish Council - No response received at time of writing.

3.4 Local residents - Six letters from local residents have been received, with copies of a petition of 48 signatories sent to the applicant's agent, objecting on following grounds:

- health risks;
- need for 3G coverage;
- residential area, close to houses, doctor's surgery and schools;
- mast of this height will be an eyesore/unsightly;
- no amount of camouflage will disguise it;
- will other companies be seeking masts in area_;
- suggest erect mast further east near Petrol station/B_Q;
- application for mast on opposite side of road turned down 2 years ago.

4.0 APPRAISAL

4.1 This notification is seeking a decision before installing the proposed base station as to whether approval of siting and appearance of the development is required.

POLICY CONTEXT

4.2 The relevant national policy guidelines are set out in Planning Policy Guidance Note 8: Telecommunications (PPG8), August 2001. It explains permitted development rights for telecommunications equipment, the prior approval procedure for such equipment and gives advice on environmental considerations, including mast/site sharing. Annex 1 gives guidance on the factors to be considered concerning siting and appearance. It states that 'protection from visual intrusion and the implications for subsequent network development will be important considerations in determining applications'. It encourages authorities and operators to find appropriate sites and use sympathetic design to minimise the impact of development on the environment. Authorities are required to take account of the special siting needs of code operators.

4.3 It also gives advice on health considerations. It states that 'it is the Government's firm view that the planning system is not the place for determining health safeguards...if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them'.

4.4 Policies GP1 (Design) and GP20 (Telecommunications Development) of the Council's Draft Local Plan are also considered to be material to the determination of

this prior approval application. In particular, Policy GP20 reflects national advice contained in PPG8, in that it encourages mast sharing, the minimisation of visual intrusion and proliferation, seeks to avoid any adverse effect on the character of the area or historic character of the City and requires equipment to meet the latest Government guidelines.

SITING AND APPEARANCE

4.5 The main considerations are siting and appearance.

4.6 The supporting statement and supplementary information submitted with the application includes details of the site selection process. This states that the industry's site database was checked for suitable sites as well as a physical search undertaken. A list of alternative sites, considered and discounted by the applicant, has been submitted. The search area covers a largely residential area, with Hull Road cutting across the southern part of it.

4.7 Paragraph 13 of Annex 1 of PPG8 states that factors concerning siting may involve:

- the height of the site in relation to surrounding land
- the existence of topographical features and natural vegetation
- the effect on the skyline or horizon
- the site when observed from any side
- the site in relation to areas designated for their scenic or conservation value
- the site in relation to existing masts, structures or buildings, including buildings of a historical or traditional character
- the site in relation to residential property, and
- any other relevant considerations

4.8 The site is located adjacent to a main arterial route into and out of the City, which is not Green Belt or within a conservation area. The base station would be located at the back of footpath, separated from the houses and doctors surgery to the north by trees, hedging, a grassed verge and access road, and at a distance of approximately 19m to the front boundaries of these properties. Its proposed location adjacent to the road verge in line with street lighting columns and with a backdrop of the trees, has been chosen to lessen its visual impact, particularly when viewed from the residential properties to the north.

4.9 The design of the mast has been revised from a standard mast to one with a perpendicular design, where the antennae are incorporated into the upper portion of the tower. Its design is intended to be similar to street lighting columns to help it blend into the street scene. The proposed grey colour finish of the mast would help lessen its visual intrusion and would be in-keeping with street lighting columns, though the applicant has confirmed that it could be painted any colour. However, the mast would still be higher by 4.2m and have a larger diameter than the columns.

4.10 The applicant was approached about the possibility of reducing the height of the mast and amending the design of the mast so that it takes the appearance of a telegraph pole or more slender structure with integrated antennas. This is taking

account of the prior approval application by T-Mobile in 2005 for a telegraph pole. This has been considered and the technical feasibility investigated. The use of a replica telegraph pole is considered unsuitable for this location for technical reasons and a reduction in height would result in the need for an additional installation to the north to compensate for a lower coverage.

4.11 In light of the above, it is considered that the proposed site is the best option within the coverage area specified by the code operator and that the revised proposals represent the best technical option that would have the least minimal visual intrusion in the area.

HEALTH CONSIDERATIONS

4.12 The applicant has certified that the proposed equipment and installation is designed to be in full compliance with the requirements of the ICNIRP Public Exposure Guidelines on radio frequency. Therefore, in accordance with PPG8 and in the absence of any special indication otherwise, it is not necessary to consider further the health aspects of the proposed development. No objection can be made on health grounds.

NEED/COVERAGE AREA

4.13 With regards 'need', the applicant has submitted a supporting statement that refers to the operational requirement for the base station within this locality. The operator is targeting a coverage area that includes primarily residential properties extending north to Osbaldwick village, east to Tranby Avenue, south to Deramore Drive and west to Broughton Way. Within this target area, parts have limited or no 3G reception. Following pre-application consultation with local residents, an alternative site away from residential properties, on the section of Hull Road near B&Q, was considered but discounted as it was too far east of the search area and would not provide the requisite coverage to the intended target area. All other areas within the search area are close to residential properties.

5.0 CONCLUSION

5.1 Based on Central Government guidance in PPG8, the only matters material to the consideration of this application for prior approval are siting and appearance. The search area for the proposed base station is largely residential. This is considered to be the best location with the best technical solution in terms of impact on local residents and visual intrusion. As such, and as an ICNIRP Certificate has been submitted, no objections are raised to the proposal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: No Objections

7.0 INFORMATIVES:

Notes to Applicant

1. 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 siting and appearance. As such the proposed development accords with Planning Policy Guidance Note 8: Telecommunications and the City of York Draft Local Plan policies GP1 and GP20.

Contact details:

Author: Hannah Blackburn Development Control Officer

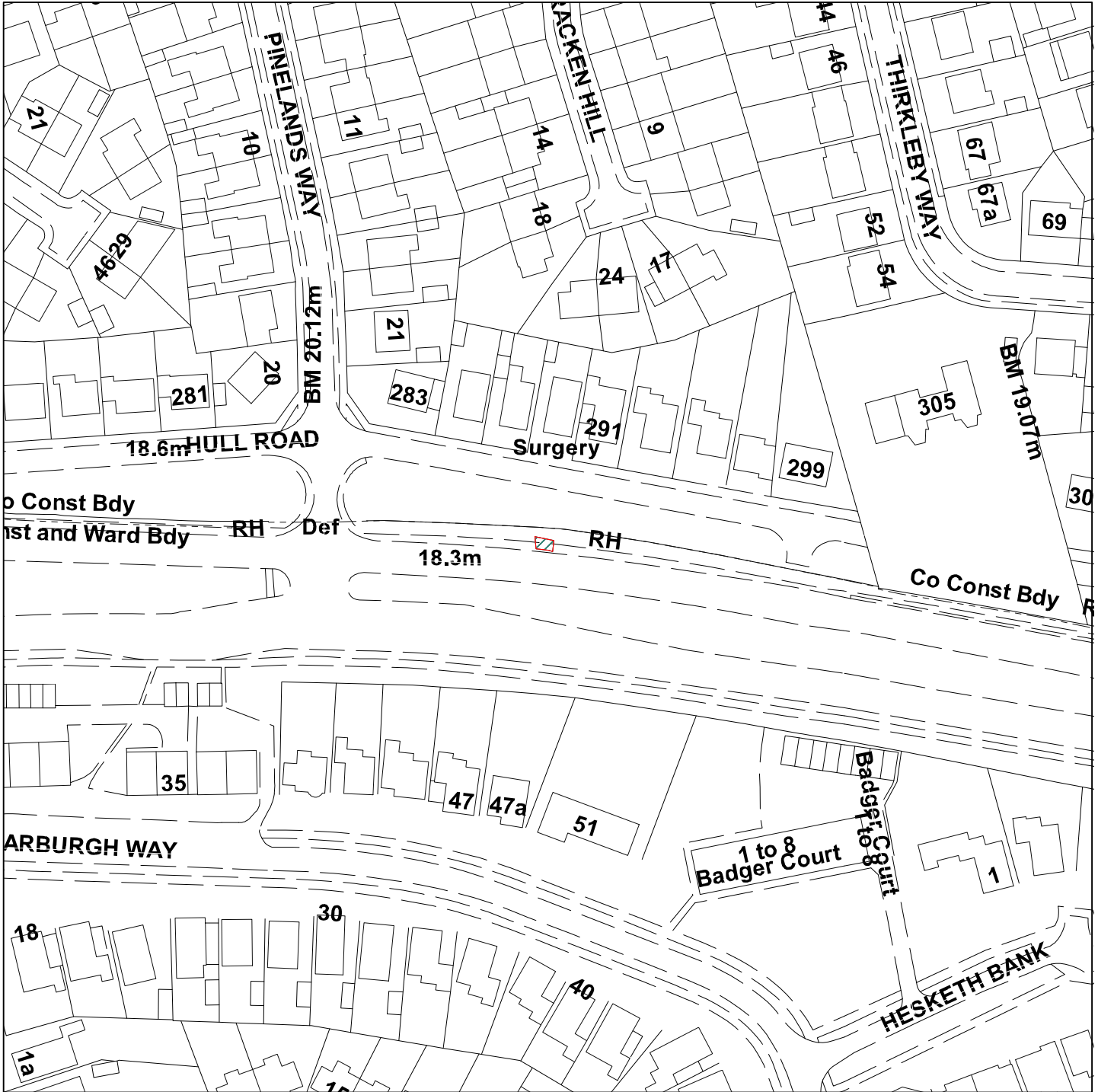
Tel No: 01904 551477

TC Mast at 289 Hull Road

09/00402/TCMAS



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Application site
Date	31 March 2009
SLA Number	Not Set



East Area Planning Sub-Committee

9 April 2009

Report of the Director of City Strategy

Enforcement Cases - Update

Summary

1. The purpose of this report is to provide Members with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process.
3. Some of these cases have been brought forward as the result of information supplied by residents and local organisations, and therefore "The annexes to this report are marked as exempt under Paragraph 6 of Part 1 of Schedule 12A of the Local Government Act 1972, as this information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or direction under any enactment".
4. In order to give Members an up to date report, the schedules attached have been prepared on the very latest day that they could be to be included in this report on this agenda.
5. Section 106 Agreements are monitored by the Enforcement team. A system has been set up to enable Officers to monitor payments required under the Agreement.

Current Position

6. Members should note that 68 new cases were received for this area within the last quarter. 72 cases were closed and 265 remain outstanding. There are 69 Section 106 Agreement cases outstanding for this area after the

closure of 4 for this quarter. No formal notices have been served during the last quarter.

Consultation

7. This is an information report for Members and therefore no consultation has taken place regarding the contents of the report.

Options

8. This is an information report for Members and therefore no specific options are provided to Members regarding the content of the report.

Corporate Priorities

9. Improve the actual and perceived condition and appearance of city's streets, housing estates and publicly accessible spaces.

10. Implications

- **Financial** - *None*
- **Human Resources (HR)** - *None*
- **Equalities** - *None*
- **Legal** - *None*
- **Crime and Disorder** - *None*
- **Information Technology (IT)** - *None*
- **Property** - *None*
- **Other** - *None*

Risk Management

11. There are no known risks.

Recommendations

12. That Members contact the relevant Enforcement Officer to discuss any particular case detailed in the attached ongoing annex and also note the cases closed annex.

Reason: To update Members on the number of outstanding enforcement cases within the Sub-Committees area.

Contact Details

Author:

Author's name

Mandy Swithenbank/
Alan Kendall
Planning Enforcement Officer

Chief Officer Responsible for the report:

Chief Officer's name

Michael Slater
Assistant Director (Planning and Sustainable
Development)

Dept Name City Strategy
Tel No. 551376/551324

Report Approved

Date 27/03/2009

Chief Officer's name
Title

Report Approved

Date 27/03/2009

Specialist Implications Officer(s) *List information for all*

Implication ie Financial

Name

Title

Tel No.

Implication ie Legal

Name

Title

Tel No.

Wards Affected: *All Wards*

All

For further information please contact the author of the report

Background Papers:

Environment and Development Services Business Plan (2000/2001).

Report to Area Sub-Committee in October 2008 – Enforcement Cases Update.

Annexes

Annex A - Enforcement Cases – Update (Confidential)

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted