



Notice of meeting of

West & City Centre Area Planning Sub-Committee

To: Councillors Horton (Chair), Reid (Vice-Chair), Crisp, Steve Galloway, Galvin, Gillies, Sunderland, B Watson and Morley

Date: Thursday, 17 March 2011

Time: 3.00pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00am on Wednesday 16 March 2011 at Memorial Gardens.

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

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting, in this case **5pm on Wednesday 16 March 2011**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

3. Plans List

To determine the following planning applications related to the West and City Centre Area.

- a) **Part OS Field 1722, Sim Balk Lane, Bishopthorpe, York (10/02684/FUL)** (Pages 5 - 14)

Erection of an agricultural building for the keeping of Livestock. *[Bishopthorpe Ward]* **[Site Visit]**

- b) **Old Ebor PH, 99 Nunnery Lane, York, YO23 1AH (10/02844/FUL)** (Pages 15 - 20)

Dormer windows to front and rear and alterations to shopfront (revised scheme). *[Mickelgate Ward]*

- c) **The Secret Garden, 15 Bishopthorpe Road, York, YO23 1NA (10/02850/FUL)** (Pages 21 - 26)

Change of use from retail (use class A1) to restaurant (use class A3) as extension to Lal Quila at 17 Bishopthorpe Road. Use of first floor of 17 as managers flat. *[Mickelgate Ward]* **[Site Visit]**.

- d) **Harewood Whin Landfill Site, Tinker Lane, Rufforth, York, YO23 3RR (10/02699/FULM)** (Pages 27 - 38)

Extension of material recovery building, provision of hard standing and variation of condition 3 of Planning Permission 07/02440/FUL to allow use of building between 06.00 - 22.00 7 days a week. *[Rural West York Ward]* **[Site Visit]**

- e) **Askham Bryan College, Askham Fields Lane, Askham Bryan, York (10/02602/FULM)** (Pages 39 - 52)

Construction of steel framed agricultural building (Beef unit) to the rear of Westfield Cottages. *[Rural West York Ward]*

- f) **Public Open Space, Grange Lane, York (11/00156/FUL)** (Pages 53 - 58)

Construction of childrens play area on public open space. *[Westfield Ward]* **[Site Visit]**

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

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

- Telephone – (01904) 551031
- E-mail – catherine.clarke@york.gov.uk and louise.cook@york.gov.uk

(If contacting us by e-mail, please send to both democracy officers named above)

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

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE

SITE VISITS

Wednesday 16 March 2011

**Members of the sub-committee to meet at Memorial Gardens at
11.00am**

TIME (Approx)	SITE	ITEM
11:10	The Secret Garden, 15 Bishopthorpe Road	3c
11:30	OS field 1722 (land north of Bishopthorpe Garth), Sim Balk Lane, Bishopthorpe	3a
12:00	Public Open Space, Grange Lane	3f
12:15	Harewood Whin Landfill Site, Tinker Lane, Rufforth	3d

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COMMITTEE REPORT

Date: 17 March 2011 **Ward:** Bishopthorpe
Team: Major and Commercial **Parish:** Bishopthorpe Parish Council
Team

Reference: 10/02684/FUL
Application at: Part OS Field 1722 Sim Balk Lane Bishopthorpe York
For: Erection of an agricultural building for the keeping of Livestock
By: Mr Kevin Linfoot
Application Type: Full Application
Target Date: 8 March 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 This is a full planning application for the erection of a livestock building on land at Sim Balk Lane, Bishopthorpe.

1.2 The site is located on the north east side of Sim Balk Lane. The application area consists of an existing tarmac access road from Sim Balk Lane which leads to a hardstanding measuring approximately 19 metres by 20 metres (380 square metres). The hardstanding area is surrounded by existing fencing and conifer hedging standing in excess of 3 metres high. The area to the rear of the hardstanding has been included within the site as a vehicle turning area. To the west of the site is an existing pumping station and to the south is Bishopthorpe Garth a grade II listed building. The boundary to Bishopthorpe conservation area is approximately 40 metres to the south of the site.

1.3 The proposal is to construct a building measuring 18 metres by 10 metres with a height to eaves of 4 metres and to apex of 4.5 metres. The building is to be constructed of concrete panels to 2 metres with Yorkshire boarding above. The roof is to be clad in profiled composite metal in slate blue colour. Access to the field is through the building and the hardstanding will be extended into the entrance to the field to provide a turning area for vehicles.

1.4 The application has been called into committee by Cllr Galvin who is concerned that the proposal is inappropriate development within the green belt.

Planning History

1.5 A certificate of Lawfulness was issued in December 2006 in respect of the hardstanding and its use for agriculture. It was determined that, on the balance of probabilities, the hardstanding would only be used for agriculture and was therefore permitted development.

1.6 Planning permission was granted retrospectively for the surfacing and improvement of the existing access to the site in January 2007. The access permission was restricted to agricultural use only.

1.7 There have been several enforcement issues raised on this site however none have resulted in the serving of an enforcement notice.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGB1

Development within the Green Belt

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objections in principle. The amendments to the scheme demonstrate that a rigid HGV could turn around within the site albeit with a multipoint turning manoeuvre. Since the turning area is over 100m from the public highway it is not considered that vehicles will reverse onto the highway. Conditions are requested to ensure the provision of a turning area within the site.

3.2 Environmental Protection - No objections. An informative is requested with regard to the environmental requirements for the operation of the site both during construction and for the subsequent use of the site

EXTERNAL

3.3 Bishopthorpe Parish Council - The proposal is for an Agricultural Shed to be placed on an area of hardstanding. When approval for the hardstanding was given it was for the provision of hardstanding area in conjunction with the use of the land for agricultural purposes. The comments of the Conservation Officer at the time addressed the agricultural statement as being not definite in its justification of the proposals firm requirements relating to the exact nature of the operation have not been set out etc, etc. The officer report concluded that the LPA is satisfied that the applicant has proven that on the balance of probability the hardstanding would only be for agricultural use. Up to this time the hardstanding was used to store construction material and service work going on at the Garth. Very little change was noticed afterwards and what was more noticeable was the parking of a Red Double Decker bus which has recently disappeared. Domestic oil delivery vehicles have been seen entering and leaving the site. The movement of animals on the adjoining field has been through the opening in the fence on the other side of the pumping station. Based

on the above we believe the balance of probability was wrong and permission should not have been given. Consequently this application has been viewed by us with suspicion. The applicant is intending to expand the herd numbers to approximately 50 cows grazing in the agricultural field. The agricultural assessment in the hardstanding application stated that the adjoining field would cater for 18 breeding cows or calves. A big difference. A shelter with an opening to the worst weather? In time we have seen a few highland cattle in the field in the earlier days (since the hardstanding application) but mostly sheep. Very few lambs have been observed but we are sure farm records would clarify this point. However they have been accommodated without a shelter as proposed and have been moved in and out of the field through the fence gap. In the application Foul sewage would be disposed of via the main sewer. No details have been given as to how much foul sewage there will be and its disposal especially as there is no proposal detail to connect to the existing drainage system. In this case would the sewage be classified as Trade Effluent for which the proposal said no to the disposal (Statement 16). It is of interest that there are no employees involved (Statement 19).

3.4 Overall the Parish Council have doubts about this proposal (as they did in the hardstanding application) and therefore consider this to be inappropriate development in the Green Belt (with insufficient justification).

PUBLICITY

3.5 The application has been advertised by means of a site notice posted on the 24th January 2011 and via neighbour notification letters.

4.0 APPRAISAL

4.1 Key Issues:-

- Policy background
- Principle of the development in Green belt
- Design and siting including proximity to a grade II listed building and Bishopthorpe Conservation Area
- Residential Amenity
- Access arrangements
- Drainage

Policy Background

4.2 The site is located within green belt. Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the green belt around York with an outer boundary about 6 miles from the city centre.

4.3 Planning Policy Guidance note 2 'Green Belts' (PPG2) says the construction of new buildings inside a green belt is inappropriate unless it is for one of a number of stated purposes including agriculture and forestry. Paragraph 3.15 of PPG2 says the visual amenities of the green belt should not be injured by proposals for development within or conspicuous from the green belt which, although they would not prejudice the

purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.

4.4 PPS7 Sustainable Development in Rural Areas 2005 states that all development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

4.5 Policy GB1 says within the green belt planning permission for development will only be granted where: the scale, location and design of such development would not detract from the open character of the green belt; it would not conflict with the purposes of including land within the green belt: it would not prejudice the setting and special character of the City of York and is for one of a number of purposes including agriculture and forestry.

Principle of the Development

4.6 Both Government advice and local plan policy is supportive of the principle of agricultural buildings in green belt locations. The information supporting the application, including later questions raised with the applicant, says that there will be 48 Highland cattle at the site. There are also 12 goats and approximately 50 sheep to move to this site from Ravenswick (another property in Mr Linfoot's ownership that is in the process of being sold). Mr Linfoot's land holding around Bishopthorpe is around 38 Ha (95 acres) with 8Ha (20 acres) being adjacent to application site. All of Mr Linfoot's land ownership within the Bishopthorpe area is to be used for the grazing of livestock.

4.7 Lack of need is sometimes cited as an objection to agricultural buildings, but is difficult to sustain if the building is stated to be for an agricultural purpose and is clearly designed for such a use. There is no guidance in PPS7 relating to the need/viability testing of proposals for agricultural buildings, and Government advice generally is that planning decisions should not be based on considerations of whether businesses would be commercial successes or not. It should also be noted that the requirement for an agricultural building to be used in connection with a trade or business is purely a condition related to the qualification of a building for permitted development rights.

4.8 It is noted that the Parish Council says 'The applicant is intending to expand the herd numbers to approximately 50 cows grazing in the agricultural field. The agricultural assessment in the hardstanding application stated that the adjoining field would cater for 18 breeding cows or calves. A big difference' Looking back on the hardstanding I note the agricultural report said ' the 20.56 acres of grassland available directly adjacent to Bishopthorpe Garth is capable of accommodating 90+ breeding ewes and lambs all the year round or 18 breeding cows and calves or a combination thereof. The grassland north of the A64 amounting to 3.5Ha (8.77 acres) and the lngs grassland totalling 17.66 Ha (43.61 acres) could also accommodate a large amount of livestock (230 breeding ewes and lambs or 46 breeding cows and calves) and so a flexible farming system could be developed on the holding'

4.9 It is Officers opinion that the building is appropriately designed for agriculture. It has been shown that the land ownership of the applicant around the area is significant and it is clear that the applicant owns livestock. It is reasonable that the building could

be required for agricultural activity. On this basis, subject to the details of the building design being acceptable I see no in principle basis to resist this application which is considered to be appropriate development within the green belt as defined in PPG2.

Siting and Design

4.10 The building is located in an area that has been screened with conifer hedging on an area of existing hardstanding. Approaching the site from the north it is possible to see the existing trees because the road is high up where it crosses the A64. The roof of the building will be visible from this road but seen against the backdrop of the trees and the pumping station it is considered that the building will not be visually significant. The siting, materials and design of the building are considered appropriate to the green belt location and accord with the principles set out in paragraph 3.15 of PPG2. Furthermore the building is considered to be sufficient distance from Bishopthorpe Garth not to impinge on the setting of that property and well enough located and designed such that views into and out of the conservation area will not be affected.

The provision of additional hardstanding to the rear of the trees to provide turning area will be mainly obscured by the existing landscape features however the details of the materials to be used for this additional hard surface area is conditioned to ensure an appropriate material such as grass crete is used.

Residential Amenity

4.11 The livestock building requires planning permission because it is within 400 metres of a protected building. A protected building is defined within the Town and Country Planning General Permitted Development Order 1995 and includes any dwelling not in agricultural use. The proposed building is approximately 80 metres from Bishopthorpe Garth and another separate dwelling within its curtilage. The site is separated from the existing residential properties by an existing outbuilding and good landscape features which together create a good visual barrier between sites. In Officers opinion the site is sufficiently separated from existing residential properties to safeguard their residential amenity. The Environmental Health Officer raises no objections to the application.

Access Arrangements

4.12 The site is served via an existing access from Sim Balk Lane. The proposal includes an additional turning area to the rear of the hardstanding to provide turning space for larger vehicles. Highway Network Management are satisfied with the provision within the site for the turning of vehicles and raise no objections to the proposal. The additional hardstanding will not be visually significant and the materials of the hard area are proposed to be conditioned. Officers consider that the turning area is necessary for the proper functioning of the site and is accommodated without detriment to visual amenity of highway safety.

Drainage

4.13 The site is located within flood zone 2. The application is supported by a flood risk assessment which says that the Environment Agency has confirmed that there is no

records of historic flooding at the site. Agricultural buildings are classed as less vulnerable uses in Annex D of PPS25 and their location within flood zone 2 is considered to be acceptable. Surface water drainage is to be to water butts and soakaways.

5.0 CONCLUSION

5.1 It is Officers opinion that the building is appropriately designed for agriculture. It has been shown that the land ownership of the applicant around the area is significant and it is clear that the applicant owns livestock. It is reasonable that the building could be required for agricultural activity. On this basis, subject to the details of the building design being acceptable I see no in principle basis to resist this application which is considered to be appropriate development within the green belt as defined in PPG2.

5.2 The siting, materials and design of the building are considered appropriate to the green belt location and accord with the principles set out in paragraph 3.15 of PPG2. Furthermore the building is considered to be sufficient distance from Bishopthorpe Garth not to impinge on the setting of that property and well enough located and designed such that views into and out of the conservation area will not be affected.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing No. BG01/02

Drawing No. BG01/01

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

3 Prior to the development hereby approved being commenced details of the surface of the hardsurface to the turning area shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented to the satisfaction of the Local Planning Authority before the development is brought into use.

Reason: In the interest of the visual amenity of this Green Belt location.

4 HWAY35 Servicing within the site

5 HWAY21 Internal turning areas to be provided

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 the development, design and siting, residential amenity, traffic and drainage. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policy GB1 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

Contact details:

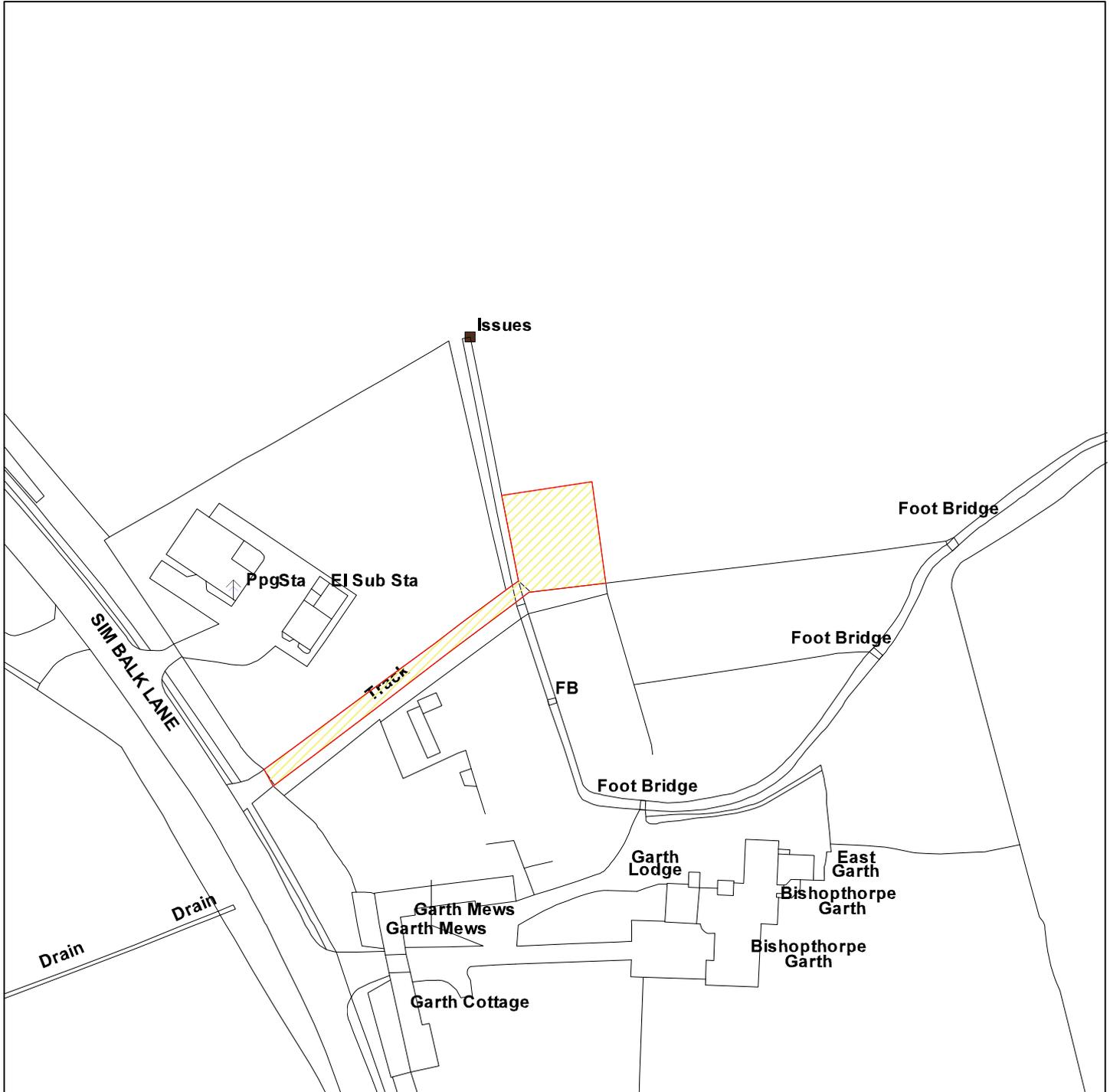
Author: Diane Cragg Development Management Officer (Mon/Tues)

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Part OS Field 1722 Sim Balk Lane Bishopthorpe

10/02684/FUL



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	02 March 2011
SLA Number	Not Set

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2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

INTERNAL

3.1 NONE

EXTERNAL

3.2 MICKLEGATE PLANNING PANEL - No response to date.

3.3 PUBLICITY - The application was advertised by neighbour notification letter. No responses have been received.

4.0 APPRAISAL

KEY ISSUES:-

Visual impact on the building and the area
Impact on neighbouring property

RELEVANT PLANNING POLICY

4.1 Draft Local Plan Policy GP1 states that development proposals will be expected to respect or enhance the local environment, be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.2 Draft Local Plan Policy H7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours (iv) proposals respect the spaces between dwellings; and (v) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

4.3 The City of York Council Supplementary Planning Guidance - Guide to extensions and alterations to private dwelling houses (2001) states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling. Dormers should not extend across more than one third of the roof span

and should not dominate the existing roof. In most cases they should have pitched roofs. Materials must also match the existing and be of a similar scale and proportion to the original house. Dormers that face to the front of the property are not encouraged, unless they are small in scale and in keeping with the style of the property.

VISUAL IMPACT ON THE BUILDING AND AREA

4.4 It is proposed to convert the loft space of the two storey part of the building to create an additional bedroom for flat 2 and an access staircase to the upper floor flat. The first set of revisions proposed two pitched roof dormers to the front roof slope and whilst they were aligned with the existing fenestration it was felt that they would have a cramped visual appearance when viewed from the street. No other properties in the locality have double dormers to the front roof slope.

4.5 The second revised scheme therefore proposes a single, centrally aligned pitched roof dormer to the front roof slope. This amendment is felt to better reflect the character of the building and that of other properties in the street as there are single front dormers of similar scale and design evident in Nunnery Lane. Due to its modest scale it is not felt to dominate the roof slope or cause harm to the street scene.

4.6 Two pitched roof dormers are also proposed to the rear elevation. Due to the need to provide adequate head height for the staircase these dormers have been made slightly longer so that they measure 2m in height but still retain the overall appearance of the dormers to the front. Their appearance does not sit as well within the roof slope as those to the front, due to their slightly larger scale, however given the more commercial appearance of the building's rear elevation it is not felt that their scale is overly detrimental to the appearance of the building and will not be visible from Nunnery Lane. Whilst there is vehicle and pedestrian access to the rear of the building, the character of the properties in this area are not felt to be of special architectural merit and the addition of the dormers are not felt to compromise the appearance of the area.

4.7 It is also proposed to create an additional entrance door for access to the upper floor flats by converting the left hand ground floor side window to the main pub entrance and by changing the existing entrance to a private entrance for the flats above. The appearance of the main entrance will appear as existing, just relocated to the left and as such this alterations is deemed acceptable.

IMPACT ON NEIGHBOURING PROPERTY

4.8 Due to the location and scale of the dormer windows, it is not felt that there will be any impact to residential amenity of neighbouring residents.

5.0 CONCLUSION

5.1 The proposal by virtue of the points discussed above is felt to retain the appearance of the building and will not cause harm to the street scene or residential amenity. Approval is recommended.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans
- 3 VISQ1 Matching materials

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 appearance of the building and residential amenity. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan.

Contact details:

Author: Elizabeth Potter Development Management Assistant
Tel No: 01904 551477

Old Ebor P H 99 Nunnery Lane

10/02844/FUL



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	02 March 2011
SLA Number	Not Set

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COMMITTEE REPORT

Date: 17 March 2011 **Ward:** Micklegate
Team: Major and Commercial **Parish:** Micklegate Planning Panel
Team

Reference: 10/02850/FUL
Application at: The Secret Garden 15 Bishopthorpe Road York YO23 1NA
For: Change of use from retail (use class A1) to restaurant (use class A3) as extension to Lal Quila at 17 Bishopthorpe Road. Use of first floor of 17 as managers flat.
By: Mr H Kabir
Application Type: Full Application
Target Date: 15 February 2011
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application relates to the ground floor of 15 Bishopthorpe Road, which was last used as a retail premises. There is a self-contained flat above. The premises are in a parade of local shops.

1.2 Planning permission is sought to use the premises as a restaurant/take-away. There is a restaurant next door at no.17, which the premises would merge with. The kitchen would remain at the rear of no.17. At no.15 there would be tables and chairs at the front of the premises, along with a seating area for take-away collection and new toilets at the rear. The 1st floor of no.15 is presently used as toilets and further seating for customers. This space would be used as a flat, associated with the premises. Upstairs at no.17 would remain as a self-contained flat.

1.3 The application is brought to committee at the request of Councillor Gunnell, to allow members to consider whether the application would affect the vibrancy of the street during the daytime and evening.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

2.2 Policies:

CYS6 Control of food and drink (A3) uses
CYS9 No loss of local or village shops

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 The site is in an area of archaeological importance. No works are proposed that would affect archaeology. No objection.

Highway Network Management

3.2 No objection. Ask for cycle stands to be provided at the premises (6 for customers, 2 for staff).

Environmental protection unit

3.3 Concern that an increase in capacity of the restaurant could lead to increased amounts of cooking smells/odours emanating from the kitchen. Details of the extraction system have been asked for, to ensure cooking odour/smells do not have an adverse effect on surrounding occupants.

Micklegate Planning Panel

3.4 Object due to the loss of a retail unit on the street that would occur.

Publicity

3.5 Two objections. This is a thriving street during the daytime, with a strong sense of community, with small local/independent shops. This positive aspect will be lost if shops are turned into restaurants which only open in the evening. There are already 9 premises in the street that are either restaurants or takeaways, to turn a further premises into such a use would have an adverse impact on the vitality and unique character of the street. It is considered a retail, rather than a food outlet, would serve the community better.

4.0 APPRAISAL

4.1 Key Issues

- Vitality and viability of the street
- Amenity of surrounding occupants
- Highway Network Management

Vitality and viability of the street

4.2 Of PPS4: Planning For Economic Growth policies EC2 and EC13 are relevant. EC2 recommends that local planning authorities (LPA's) support existing business sectors, taking account of whether they are expanding. EC13 requires that when considering schemes in local centres, LPA's consider the importance of the shop or service to the local community and refuse applications which fail to protect facilities providing peoples everyday needs.

4.3 The objectives of the shopping policies in the Local Plan are to maintain and enhance the vitality, viability, diversity and range of shopping provision in neighbourhood shopping parades. Policy S9 advises that permission will only be granted for the loss of local shops where a local need for the facility no longer exists, or the area would retain appropriate facilities.

4.4 The proposal is to merge the premises with the restaurant at no.15, allowing the business to expand. The existing restaurant is predominantly a night-time use, (the opening hours applied for are 17:00 to midnight). It has an ancillary take-away element, which would be increased by the expansion proposed. There is a similar restaurant with ancillary takeaway at no.21. In the shopping parade there are some 32 traders overall. There are 7 premises which are either restaurants or take-aways and 3 retailers selling cold/processed food for consumption (1 sandwich bar, 2 bakers) and an unimplemented permission for a restaurant at 27/29 (retail premises).

4.5 Due to the extent of the shopping parade, the loss of the premises would still leave adequate retail premises to provide the community with everyday needs. In this respect there would not be unacceptable conflict with policy EC13 of PPS4 and S9 of the Local Plan. However the proposed change of use would be contrary to the objectives of the local plan with regards shopping. The premises has only recently become vacant and there is no evidence of a lack of demand to keep it in retail use. There are a number of premises that only operate during the evening already, the proposal would add to such uses, leaving a premises that would be closed during the daytime. To this extent there would be a detrimental impact on the retail offer, character, vibrancy and vitality of the street, in particular during the day-time.

Amenity of surrounding occupants

4.6 Policy S6 states that planning permission for the extension of premises for food and drink uses will only be granted provided there is no unacceptable impact on the amenities of surrounding occupiers as a result of traffic, noise, smell or litter, where the opening hours are restricted where this is necessary to protect the amenity of surrounding occupiers, car and cycle parking meets the standards defined in the Local Plan, acceptable external flues and means of extraction have been proposed and where security issues have been addressed.

4.7 There is a flat above the application site, and a number of residents live above the shops in the parade. The proposal would provide extra space for customers to wait and collect take-away food. There is the potential that increasing this element of the business could harm the amenity of residents, due to the increased activity of persons coming and going, that would occur up to midnight each day of the week. There is the potential of a cumulative impact also, as there would be a group of restaurants/take-aways opening between 17:00 and midnight occupying premises 7, 9, 15/17 and 21. The applicants advise that presently customers do not tend to cause disturbance. No objections have been made on such grounds, either during the consultation process or reported from the Council's Environmental Protection Unit. As such, and because the application is for the extension of an existing restaurant, rather than a stand-alone take-away, from which noise disturbance is more likely, there is inadequate evidence to recommend refusal on the grounds of noise disturbance.

4.8 No change to the kitchen is proposed, nor the existing opening hours. Takeaway sales would be ancillary only. From restaurants litter is typically not a problem, as, unlike take-away only premises, persons have the option to eat inside. Overall the

kitchen extraction, hours of operation and litter are unlikely to have an undue adverse impact amenity.

Highway Network Management

4.9 There is a car park and cycle parking to the south of the premises which would be adequate to serve customers. There is a yard area to the rear of no.15, which could provide secure cycle parking for staff. The arrangement of such could be secured as a condition if the application were supported.

5.0 CONCLUSION

5.1 Due to the existing amount of premises that are in non-retail use in the street, and as the proposal is for the loss of a retail unit, to be replaced by a use that would have a negative impact on the shopping provision, character and vitality of the shopping parade during the day-time, refusal is recommended as the proposal would, in this respect, be contrary to the shopping objectives of the local plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed use would lead to the loss of a retail unit, and expansion of a premises which does not operate during the daytime. There are a significant amount of existing premises which are not in retail use and do not operate during the daytime, and to increase the representation of such in the shopping parade would have a detrimental impact on the character of the street and the vitality and viability, range and diversity of shopping provision in the neighbourhood centre, contrary to the shopping objectives of the Local Plan.

7.0 INFORMATIVES:

Contact details:

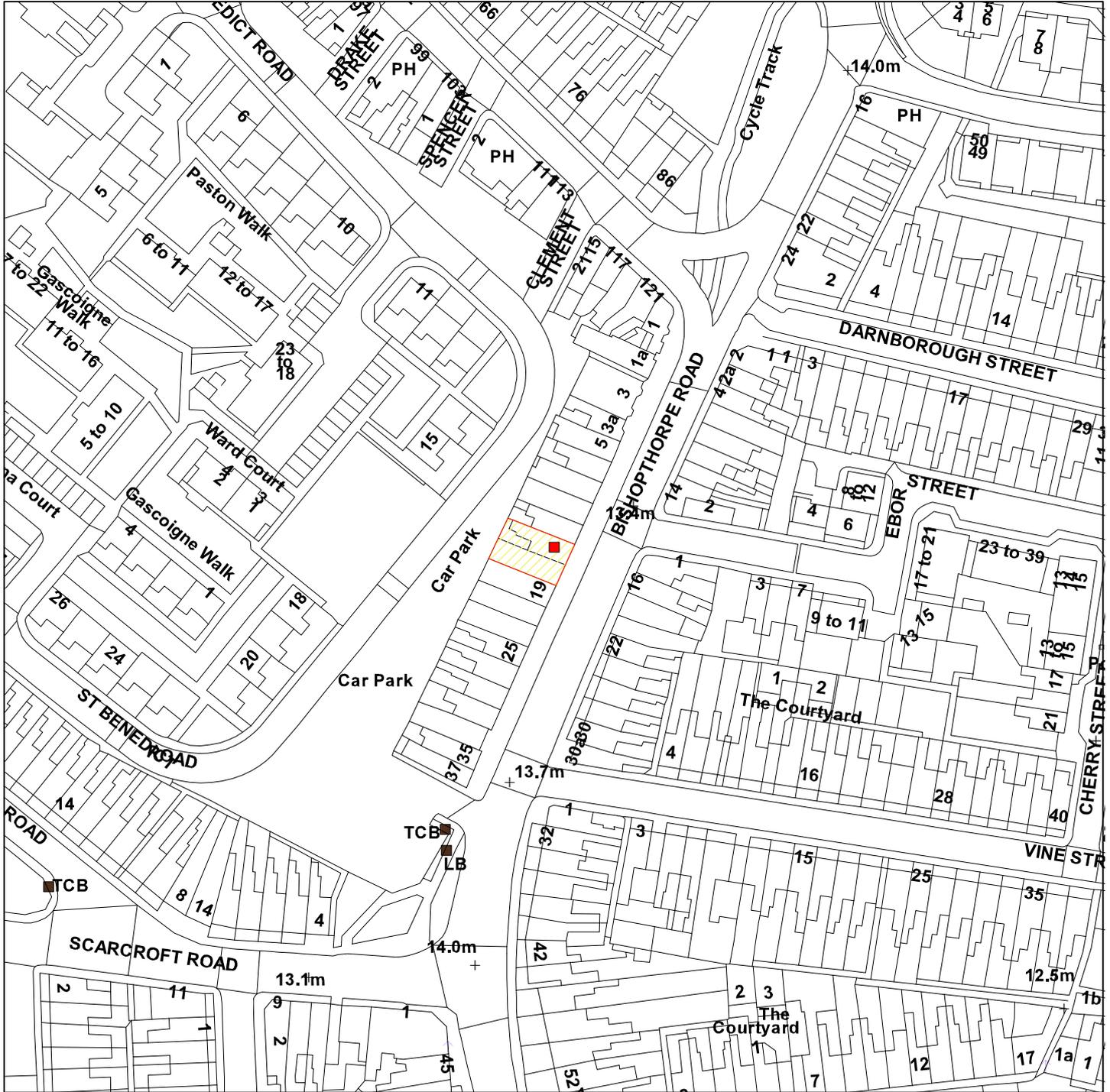
Author: Jonathan Kenyon Development Management Officer
Tel No: 01904 551323

The Secret Garden 15 Bishopthorpe Road

10/02850/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	02 March 2011
SLA Number	Not Set

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CGP15A
Development and Flood Risk

CYGB1
Development within the Green Belt

CYGB11
Employment devt outside settlement limits

CYMW5
Landfill/land raising - considered on merits

3.0 CONSULTATIONS

INTERNAL:-

3.1 Highway Network Management raise no objection to the proposal;

3.2 Design, Conservation and Sustainable Development raise no objection to the proposal as the level of existing landscaping and also the local topography would effectively shield the proposal in long and medium distance views from outside of the site;

3.3 Structures, Drainage and Engineering Consultancy raise no objection to the proposal;

3.4 Environmental Protection Unit raise no objection to the proposal subject to any permission being conditioned to require the submission of a noise mitigation scheme for prior approval.

EXTERNAL:-

3.5 Marston Moor Internal Drainage Board raise no objection to the proposal subject to any permission being conditioned to require the submission of a surface water drainage scheme for prior approval;

3.6 Rufforth with Knapton Parish Council object to the proposal on the grounds that the proposal has not been adequately justified in terms of the volume of material to be processed or the likely long term future of the building. It is furthermore felt that the proposal would be premature in the absence of a detailed "master plan" for the site and would set a precedent for further substantial increases in material and traffic volumes accessing the site, would significantly increase flood risk to surrounding areas as well as setting a basis for continuous 24 hour working.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

- * Impact upon the open character and purposes of designation of the Green Belt;
- * Impact upon the residential amenity of neighbouring properties;
- * Impact upon the local surface water drainage network;
- * Impact upon the ability of the City to meet nationally derived targets to minimise waste production.
- * Temporary nature of operation.

GREEN BELT IMPACT:-

4.2 Policy GB1 of the York Development Control Local Plan following Central Government planning guidance outlined PPG2 "Green Belts", gives a firm policy presumption that planning permission will only be given in the Green Belt where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and is for an essential engineering operation including waste disposal. The current proposal comprises a significant but within the scale of the site reasonable extension of 1,275 sq metres to the existing materials recycling building at the western edge of the site. A concrete area of hard standing would be added to the east and south. The extension would be of steel portal frame construction and clad to match the existing.

4.3 The site comprises an active waste management facility dating from the mid 1980s. The materials recycling building itself has been in place since 2004 and would last for the duration of operations at the site. Whilst Policy GB 1 of the York Development Control Local Plan allows in appropriate circumstances for the construction of waste related development in the Green Belt, in terms of Central Government guidance outlined in PPG2 the proposed development is inappropriate. A case demonstrating "very special circumstances" will therefore need to be advanced. The recycling operation at Harewood Whin which the existing building and the proposed extension forms part is effectively co-located with the principal land fill operation and enables waste to be treated at the highest possible point in the waste hierarchy in accordance with Central Government guidance on Planning and Sustainable Waste Management outlined in PPS10. To oblige the operation to relocate outside of the Green Belt would lead to significant increases in traffic movements to and from the site to the detriment of the amenity of the local area and lower volumes of material recycled. It is therefore accepted that suitable "very special circumstances" exist to justify the construction of the proposed extension in the envisaged location.

4.4 In terms of its impact upon the openness of the Green Belt any increase in terms of built footprint would be relatively modest when taken against the scale of the overall development and would be kept to the direct environs of the existing building. The proposed extension and associated hard standing would be largely sheltered in long and short distance views from outside of the site by the substantial quantities of mature landscaping at the site boundaries together with the topography of the previously restored areas of tipping. On balance it is felt that impact upon the Green Belt would be no greater than the existing operation and it is felt that the terms of Policy GB 1 of the York Development Control Local Plan would be complied with.

IMPACT UPON RESIDENTIAL AMENITY:-

4.5 Policy GP1 of the York Development Control Local Plan sets a firm presumption in favour of new development proposals which respect or enhance the local environment, are of a layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area and ensure that residents living nearby are not unduly affected by noise or disturbance. In addition to the proposed extension to the Materials Recycling Building planning permission is sought to vary condition 3 to planning permission 07/02440/FUL to enable working from 06.00 to 22.00 hours each day. The existing permission restricts operations to between the hours of 07.30 and 17.30 each day. The existing operation experiences difficulties with meeting peaks and troughs of materials brought to the site and at the same time there is little in-built capacity to deal with changing market trends. The existing building handles commercial "black bag" waste including materials gathered from public bins together with construction waste which is treated to provide a source of secondary aggregate which can be used in the construction industry. The proposed extension together with enhanced pattern of working hours is intended to enable the facility to more effectively meet the existing demand being placed upon it whilst at the same time giving the necessary spare capacity to cater for future at present unforeseen changes in the waste market. All waste handling processes would continue to take place within the building and no additional movements of waste material would come into the site as a result of the proposal.

4.6 Clear concerns have been expressed in relation to the noise impact upon nearby properties arising from the enhanced pattern of working hours. The applicant has submitted a detailed noise assessment and has undertaken further detailed noise monitoring work. This indicates any noise impact upon nearby residential properties would be minimal as a result of the proposal and that in some cases impact would actually reduce when compared with the existing situation. In order to further safeguard the residential amenity of neighbouring properties a condition is recommended to require the submission of a specific noise management plan for prior approval. The terms of Policy GP1 of the York Development Control Local Plan have thus been complied with in respect of the proposal.

IMPACT UPON THE LOCAL SURFACE WATER DRAINAGE NETWORK:-

4.7 Policy GP15a) of the York Development Control Local Plan sets a clear policy requirement for developers to satisfy the Local Planning Authority that any flood risk from new development can be successfully managed with the minimum environmental effect whilst ensuring that the site can be developed, serviced and occupied safely. The existing site has a controlled system of surface water drainage with uncontaminated surface water ultimately being discharged to a local water course. A detailed scheme illustrating how the proposed extension and hard standing would link into the network has been submitted as part of the application and this demonstrates that the proposal would not pose a significant flood risk to neighbouring properties.

IMPACT UPON THE ABILITY OF THE CITY TO MEET NATIONALLY DERIVED TARGETS IN TERMS OF WASTE MANAGEMENT:-

4.8 Policy ENV14 of the Yorkshire and Humber Regional Spatial Strategy , presently remaining in force, sets a clear requirement for significant quantities of waste to be treated as near as possible to their point of origin. The importance of co-location of waste handling facilities is also clearly emphasised. Central Government planning guidance outlined in PPS 10 "Planning for Sustainable Waste Management" and its associated Companion Guide gives clear encouragement at the same time for Local Planning Authorities to promote activities which push waste treatment up the "waste hierarchy". The Materials Recycling Facility at Harewood Whin is designed to handle waste of primarily commercial origin so that material capable of recycling and re-processing can be separated out and treated elsewhere and not be land filled. Specialist equipment is also in place to process suitable building waste to form a secondary aggregate suitable for reuse in the construction industry. The proposed development would by enabling the existing waste stream to be handled more efficiently help to reduce the amount of waste being land filled fulfilling Central Government targets in terms of waste handling.

TEMPORARY NATURE OF THE OPERATION:-

4.9 The overall waste operation at Harewood Whin has been given planning permission on the basis of a series of on-going temporary consents with the site ultimately restored to agricultural use. Concern has been expressed that the proposed extension would be of a permanent nature in terms of design and materials. The previous permission in respect of the building in 2004 was time limited in line with the extended operation of the wider site.

OTHER ISSUES:-

4.10 Concern has been expressed that the proposed development is premature in advance of the submission of a "master plan" covering future developments at the Harewood Whin site. Whilst it may be desirable in principle no vehicle exists for the Local Planning Authority to require the submission of a "master plan" as such and to do so may not be reasonable in view of the changing commercial pressures facing the operation.

4.11 Concern has also been expressed that the current development may set a precedent for increased materials being brought on site, increased traffic movements and even 24 hour working. The applicant has clearly indicated that the proposal relates solely to the more efficient handling of existing materials being brought on to the site and that this does not presuppose increases in traffic, materials brought in or other alterations to working hours.

5.0 CONCLUSION

5.1 Harewood Whin comprises a substantial mainly landfill based waste treatment facility located within the Green Belt to the west of York. The current proposal seeks planning permission for the construction of a 1,275 sq metre extension to the existing Materials Recycling Building together with an associated concrete hard standing directly to the east. At the same time permission is sought to vary condition 3 to planning permission 07/02440/FUL to allow for operation between the hours of 06.00 and 22.00 each day.

5.2 In terms of its impact upon the Green Belt the proposal comprises a limited expansion of an existing facility co-located with the existing landfill operation. Any impact upon openness would be effectively mitigated by the local topography together with the level of mature landscaping at the site boundaries. The applicant has made it very clear that the proposal is to secure the more efficient processing of materials presently entering the site and that as at present activities will take place solely within the existing building. Additional noise monitoring has been undertaken that demonstrates that the extended operating hours would not have a material impact upon the residential amenity of neighbouring properties. There would not be a material impact upon the level of material or the level of traffic entering the site and the surface water drainage system would remain unaffected.

5.3 If Members are minded to approve the application, the decision will need to be referred to the Secretary of State under the Consultation Direction 2009 because of the size of the extension within the green belt.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve after referral to of Secretary of State

1 TIME2 Development start within three years

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

Drawing Refs:- HAR-PL00-Y0811-001A; HAR-PL00-Y1016-002A; HAR-PL00-Y1016-003; HAR-PL00-Y1016-004.

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 Prior to the commencement of the development hereby authorised a detailed noise management scheme shall be submitted to and approved in writing by the Local Planning Authority. The requirements contained within the approved noise management scheme shall thenceforth be implemented in full prior to the development first being brought into use.

Reason:- To safeguard the residential amenity of nearby properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

5 The materials recycling building and associated plant hereby approved shall only operate between the hours of 06:00 and 22:00 hours daily.

Reasons:- To safeguard the residential amenity of nearby properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

6 The extension hereby approved shall be removed and the site restored in accordance with the timescale and aftercare requirements of condition 4 of planning permission 00/02689/FUL dated 13 May 2004.

Reason: To provide for the completion and progressive restoration of the site within the approved timescale in the interest of the amenity of residents, the openness of the green belt and as need for a waste disposal facility for this period of time has been proven.

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 impact upon the open character and purposes of designation of the Green Belt, impact upon the residential amenity of neighbouring properties, impact upon the local surface water drainage network, impact upon the ability of the City to meet nationally derived targets to minimise waste production and the temporary nature of the whole operation. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GP1,GP15a), GB1, GB11,MW5 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

2. CONSTRUCTION AND DEMOLITION:-

i) 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

ii) 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".

iii) 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.

iv) 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.

v) 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.

vi) There shall be no bonfires on site.

3. NOISE MITIGATION:-

The following methods should be considered to mitigate noise:-

- i) Consideration of operation times of the site and of individual plant, machinery or equipment;
- ii) Location of noisy plant, machinery and equipment including exhaust locations;
- iii) Implementation of noise mitigation enclosures or barriers;
- iv) Updating machinery, plant and equipment to ensure that the quietest equipment available is used.

Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

Harewood Whin Landfill Site Tinker Lane Rufforth

10/02699/FULM



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Scale : 1:5000

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	02 March 2011
SLA Number	Not Set

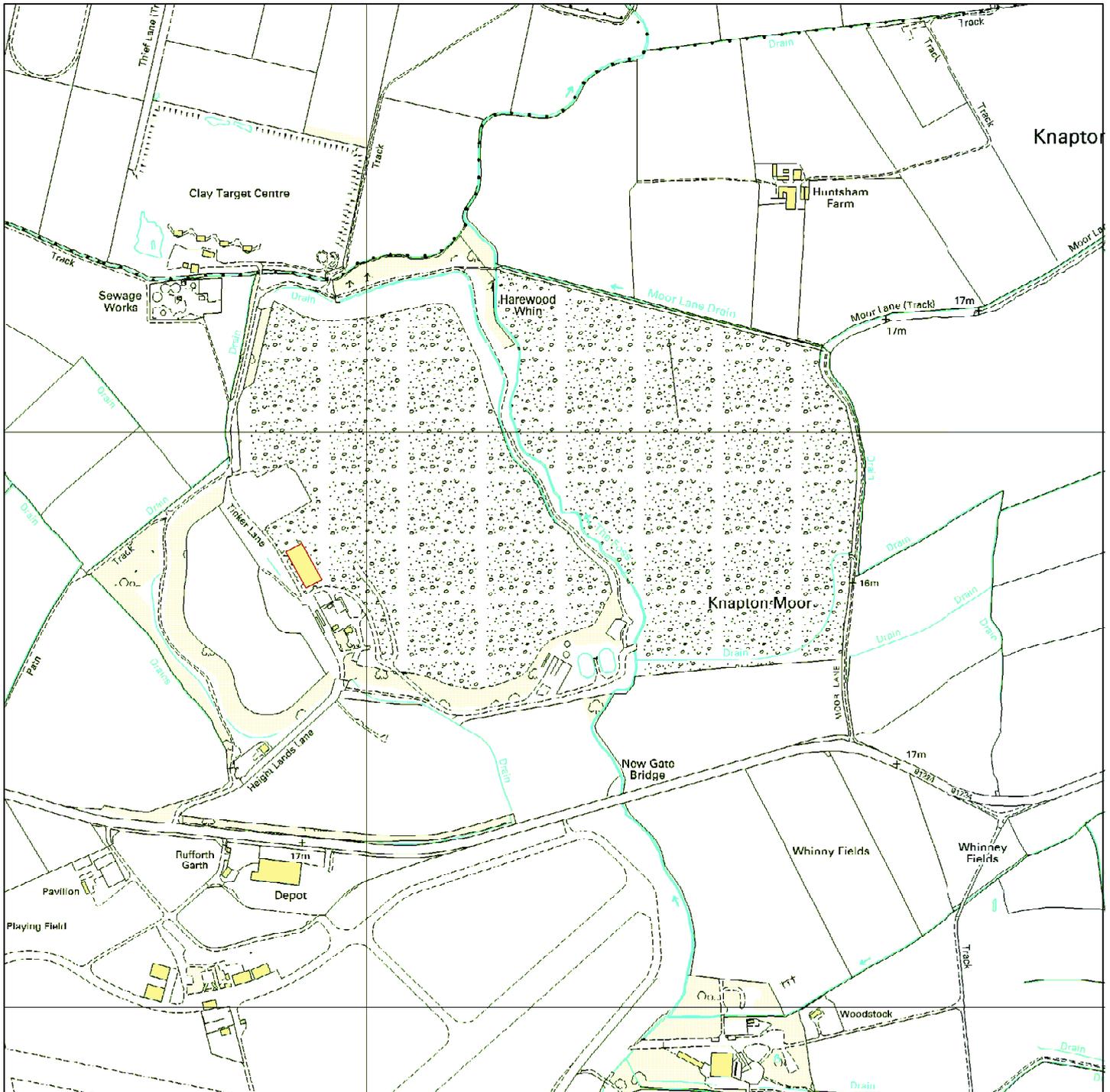
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Harewood Whin Landfill Site Tinker Lane Rufforth

10/02699/FULM



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	02 March 2011
SLA Number	Not Set

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COMMITTEE REPORT

Date: 17 March 2011 **Ward:** Rural West York
Team: Major and Commercial **Parish:** Askham Bryan Parish Council
Team

Reference: 10/02602/FULM
Application at: Askham Bryan College Askham Fields Lane Askham Bryan
York YO23 3PR
For: Construction of steel framed agricultural building (Beef unit) to
the rear of Westfield Cottages
By: Mr John Mawson
Application Type: Major Full Application (13 weeks)
Target Date: 17 March 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for the construction of a steel framed agricultural building to the rear west of Westfield Cottages and a car park within the Askham Bryan College Campus.

1.2 The site is on the edge of the campus, in the south east corner of the field. The site is within the Greenbelt and is within the boundary of the Askham Bryan College Major Developed Site as specified by the Proposals Maps of the Local Plan. The building would abut the development boundary and some of the hardstanding to the side of the building would appear to be over this boundary.

1.3 The building would be used for the housing of a maximum of 400 cattle. There are existing cattle sheds adjacent. The proposed shed would be 27.5 metres (30.5 metres including the overhanging roof) in width and 73 metres in length, 7.75 metres in height and 4.11 metres to the eaves. The shed would be partially open on all 4 sides. There is a gentle slope within the site and the southern part of the site would be excavated so the building would sit into the site rather than level with the highest point to the site. The proposed shed would be accessed from the north elevation which would have an area of concrete hardstanding (projecting 30 metres from the front of the building). The hardstanding to the sides and rear would be 2 metres in width to allow for alternative feeding methods. There is an existing vehicle track running along the side and rear of the cottages, the car park and the existing cattle shed. The proposed shed would be constructed over this lane so the access to the front would be from the side of the existing cattle shed or through the existing car park. The site would be surrounded by a 1 metre high post and rail fence. Landscaping (native trees) has been shown on the plans to the north and west of the proposed hardstanding area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYSP2 The York Green Belt

CYSP3 Safeguarding the Historic Character and Setting of York

CYGP1 Design

CYGP14 Agricultural land

CYGP15 Protection from flooding

CYGB1 Development within the Green Belt

CYGB10 Major development sites in GB

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No objections based on the assumption that the building is an additional facility as part of the existing general activities associated with the college. The overall scale of the proposed unit suggests that a considerable sized herd could be accommodated within it with possible associated traffic implications, particularly HGVs for livestock movements, feedstock and waste. There is lighting proposed on the gable, 'glare' conditions may be appropriate

STRUCTURES AND DRAINAGE

3.2 Insufficient information has been provided by the Developer to determine the potential impact the proposals may have on the existing drainage systems

ENVIRONMENTAL PROTECTION UNIT

3.3 No objections, however do have concerns regarding the amenity of the residents of Westfield Cottages. These properties back directly onto the proposed Beef Unit and the current occupants are directly associated with the college or the running of the Beef Unit itself. This may not be the case in the future. The college may wish to sell or privately rent the properties to residents not directly associated with the college as previously described. If that were to occur, the Beef unit would have a negative impact on the amenity of the occupants of Westfield Cottages, due to noise from the use of the unit, increase traffic movement, odour and possible light

nuisance from an increase in lighting of the unit. I would like this concern to be taken into account, should approval be given.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

ASKHAM BRYAN PARISH COUNCIL

3.4 No objections

YORK NATURAL ENVIRONMENT PANEL

3.5 At present the built landscape is broken up by a substantial block of trees. The levels survey implies excavation is needed in order to construct the building - the building should be re-sited to avoid the impact of excavation on the root zones. Ultimately there should be no loss of trees. There should be visual screening to the proposed building. In particular as viewed from the north and west e.g. by planting a linear copse of native trees

ENVIRONMENT AGENCY

3.6 No objections, would like informative alerting the applicant to the Control of Pollution Regulations 2010

4.0 APPRAISAL

RELEVANT SITE HISTORY

The adjacent applications for the adjacent cattle buildings and related structures:

10/02243/FUL - Construction of earth banked slurry lagoon - Approved

03/04089/FUL - Erection of new building to house beef cattle at Westfield Farm - Approved

03/00508/FUL - Erection of new dairy unit and cattle shed to replace existing dairy unit and farm outbuildings - Approved

00/02083/FUL - Erection of replacement single storey heifer shed - Approved

KEY ISSUES

1. Impact on the greenbelt
2. Impact on residential amenity

PLANNING POLICY

4.1 Planning Policy Guidance note 2 'Green Belts' 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 boundaries of the Green

Belt are detailed on the Proposals Map of the City of York Council Development Control Local Plan (CYCDCLP) and this site clearly falls within the Green Belt.

4.2 PPS7 'Sustainable Development in Rural Areas' states that local planning authorities should: support development that delivers diverse and sustainable farming enterprises; support other countryside-based enterprises and activities which contribute to rural economies, and/or promote recreation in and the enjoyment of the countryside; take account of the need to protect natural resources; conserve specific features and sites of landscape, wildlife and historic or architectural value, in accordance with statutory designations. The Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all. Planning Authorities should ensure that the quality and character of the wider countryside is protected and where possible enhanced. Agricultural land (Grades 1, 2, and 3a) should be taken into account; Local Planning Authorities should seek to use areas of poorer quality land (3b, 4 and 5) in preference to higher quality.

4.3 PPS25 Development and Flood Risk: This PPG explains how flood risk should be considered at all stages of the planning and development process. It sets out the importance of the management and reduction of flood risk in planning, acting on a precautionary basis and taking account of climate change.

4.4 Policy YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy (May 2008) sets out the extent of the City of York Green Belt. Although the Coalition Government has made clear its intention to pursue the revocation of Regional Strategies this has been challenged at law and the process has not been concluded, however the intention to remove the RSS is a material consideration. However the York Greenbelt is specified in PPG2 and the boundaries of the Green Belt are clearly detailed on the Proposals Map of the City of York Council Development Control Local Plan.

4.5 The Askham Bryan Parish Plan (2006) discusses the College site and its importance to the area. The design guidelines set out in the Plan refer to the setting of the village and the retention of the agricultural character of the village and there is little mention of the college site. However some of the guidelines are considered to be applicable: developments must reflect and complement the character of the immediate surrounding area particularly with regard to scale, density, and mix of design; no development should be permitted which would interrupt the open character and setting of the village approaches.

IMPACT ON THE GREENBELT

4.6 The construction of new buildings inside a Green Belt is inappropriate unless it is for the specific purposes set out in PPG2, the proposed cattle shed is considered to fit into agriculture and forestry criteria. PPG2 and Policy GB1 also specify limited infilling or redevelopment of major existing developed sites identified in adopted local plans. Askham Bryan College is allocated as a major developed site in the Local Plan. Policy GB10 'Major developed Sites in the Green Belt' goes a little further than PPG2. On these sites limited infilling for the preferred use within the present extent

of development will be permitted providing: it has no greater impact on the purposes of including land in the Green Belt than the existing development; and it does not exceed the height of the existing buildings; and it does not lead to a major increase in the developed portion of the site. However the proposed building is not considered to fit into either the infilling or redevelopment category by virtue of its scale, siting in relation to the other development on the site, and its siting abutting the limits of the major developed site and as such is not considered to comply with this policy.

4.7 The substantial size of the building would be built up to the boundary of the Major Developed Site and would increase the built up appearance and massing of the site when viewed from the greenbelt. This part of the site is a functioning farm, and could be viewed as part of an extension to the farm complex rather than the development of the Major Developed Site. The appearance of the proposed building would be agricultural. The building is relatively open on all 4 sides and as such may help to mitigate some of its impact, as there would be views into and through the building. Any cladding to the sides to create more solid elevations would require an application for planning permission.

4.8 The proposed building may result in the loss of some of the trees in the existing line of trees which screens the car park, by virtue of the proximity of the building and the impact of the excavation of the site on the root systems. If the trees do survive by virtue of the close proximity to the proposed building they may be future pressure to remove these trees. The proposed plans show planting to screen the hardstanding area and it is considered that the proposed trees would also mitigate the loss of the existing trees.

4.9 The scale of the hardstanding has been reduced and is considered to be of a reasonable size for the scale of the building. There are some concerns that the proposed hardstanding might appear rather excessive and create rather a solid harsh appearance when viewed in context with the proposed cattle shed. The proposed screening by native trees would reduce the impact on the greenbelt and the appearance from the nearby road and footpath. Further details of the landscaping can be conditioned such as species, size of trees etc. The proposed development is set below the ridge and would not be visible from the A64

4.10 The site is classified as Grade 2 and 3 agricultural land and as such policy GP14 applies. PPS7 states that it is not necessary to protect agricultural land for its own sake, however the best quality land is highlighted as retaining its importance as a national resource and as such weight should be given to its protection from irreversible development. The campus is constrained by the Major Developed Site boundary which does restrict where the proposed shed could be sited, in addition it is reasonable to expect that the cattle shed should be sited close to the other cattle buildings. As such it is considered that the development on Grade 2 and 3 agricultural land is acceptable in this case.

IMPACT ON RESIDENTIAL AMENITY

4.11 The applicant has confirmed that the dwellings nearby are owned by the College and house either farm workers or college staff. The terrace of Westfield Cottages will be adjacent to the proposed cattle shed. These dwellings are sited

close to the existing silage clamp, slurry pit, and cattle shed. The proposed shed would significantly harm the amenity and living conditions of the occupants of these buildings and remove the outlook from these buildings over the fields. All the dwellings within a 400 metre radius including Westfield Cottages are owned by the college.

4.12 The Environmental Protection Unit have concerns for the potential occupants of these dwellings if this housing was to be for rent or sale on the open market. It is considered that the potential occupants of the dwellings would be aware of the use of the adjacent building before occupying them. The closest dwellings not owned/occupied by the College are on Askham Fields Lane (to the east) which is approx 500 metres away and Stock Hill Cottages (to the west) which are 752 metres away. The distance is considered to be sufficient, taking into account the prevailing wind direction, to mitigate any potential impact.

4.14 There is a public right of way running to the west of the proposed scheme and the proposed building would be visible from the footpath. The agricultural shed would be viewed against the backdrop of the farm and college and as such is not considered to cause undue harm to the outlook from the footpath. This would be further mitigated by the proposed tree planting.

4.15 The Structures and Drainage team have objected to the proposed building on the grounds of lack of information and as such they are unable to assess the potential impact. It is considered that the additional information required could be covered by condition.

5.0 CONCLUSION

5.1 The proposed agricultural building for the above stated reasons is considered to be an acceptable development in the Greenbelt and complies with Policy GB1 and national policy set out in PPG2 and PPG7. Approval subject to the following conditions is recommended.

6.0 RECOMMENDATION: Approve

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

Drawing Number (00)01 Revision A received 2 March 2011
Drawing Number (05)01 Revision B received 2 March 2011
Drawing Number (05)02 Revision B received 2 March 2011;

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

2 TIME2 Development start within three years

3 The external colour and finish of the roof and cladding of the building shall be submitted to and approved in writing by the Local Planning Authority prior to the

commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 DRAIN1 Drainage details to be agreed

5 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

6 Details of the design of the fencing enclosing the proposed agricultural building shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

7 Notwithstanding the submitted plans and prior to the commencement of the development full details of the method and design and siting of external illumination shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In order to protect the character and appearance of the area from excessive illumination. In the interests of the visual amenity of the greenbelt and the rural location and to protect the character of the area

8 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.8 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.

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 openness and visual amenity of the greenbelt. As such the proposal complies with Policies GP1 and GB1 of the City of York Council Development Control Local Plan (2005) and national planning policy contained within Planning Policy Guidance 2 'Green Belts' and Planning Policy Statement 7 'Sustainable Development in Rural Areas'.

2. ENVIRONMENTAL PROTECTION UNIT 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:

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

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

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

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

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

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

(f) There shall be no bonfires on the site

3. ENVIRONMENT AGENCY INFORMATIVE

Any new, substantially enlarged or substantially altered eligible agricultural facility

must comply with the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil (SSAFO)) Regulations 2010 or enforcement action may be taken.

The person proposing to have control over the facility must notify the Environment Agency specifying the type of structure to be used and its location at least 14 days before it is to be used for the keeping or storing of any relevant substance. The applicant can formally notify us of their new, reconstructed, or enlarged facility on 08708 506506.

Further information on the SSAFO Regulations and notification form is available on our website at <http://www.environment-agency.gov.uk/business/sectors/118798.aspx>

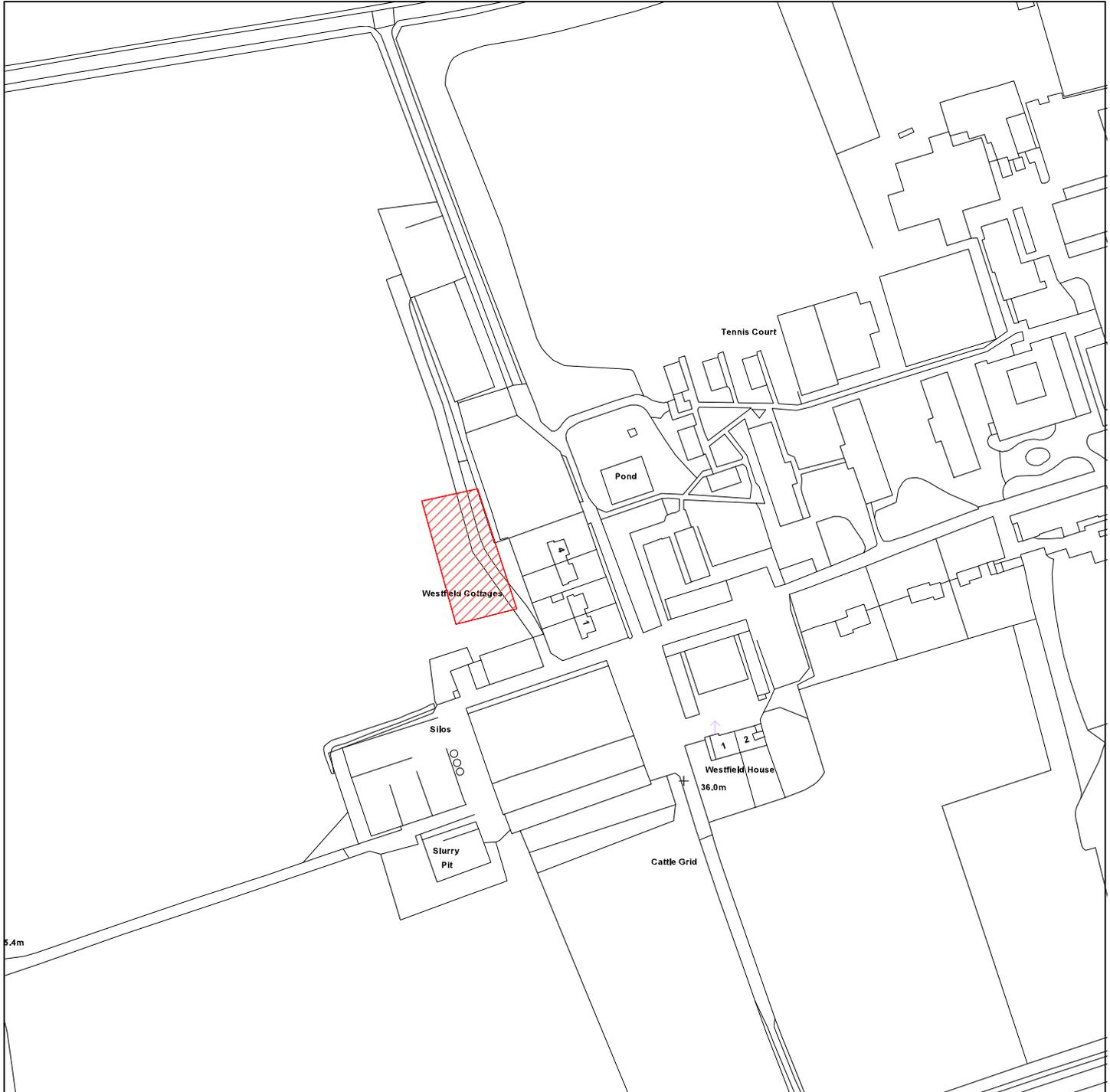
Contact details:

Author: Victoria Bell Development Management Officer
Tel No: 01904 551347

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Askham Bryan College Askham Bryan

10/02602/FUL



Scale : 1:2500

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	02 March 2011
SLA Number	Not Set

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3.1 Internal:

3.1.1 Countryside Officer - No objections.

3.1.2 Highway Regulation (Network Management) No Objections.

3.2 External:

3.2.1 Police Architectural Liaison Officer - No objections

3.2.2 Publicity - No comments received at the time of writing. Comments received to be updated verbally.

4.0 APPRAISAL

4.1 The key issues are considered to be:

- Design / visual amenity
- Impact on neighbours
- Effect on the Local Nature Reserve

4.2 National Planning Policy Statement 1 - Delivering Sustainable Communities states that good planning is a positive and proactive process, operating in the public interest through a system of plan preparation and control over the development.

4.3 Planning Policy Statement 9 "Biodiversity and Geological Conservation" sets out planning policies on protection of biodiversity and geological conservation through the planning system.

4.4 Draft Local Plan Policy CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials

4.5 Draft Local Plan Policy CYGP7 states the development of land designated as open space on the proposals map, or any other areas of open space that are provided in conjunction with planning permission during the plan period will only be permitted where a) there will be no detrimental effect on the local amenity or nature conservation b) compensatory provision of an equivalent size and standard is provided by the applicant in the immediate vicinity of the site proposed for development.

4.6 Draft Local Plan Policy (NE5a) states that development likely to have an adverse effect on the Local Nature Reserve or a non statutory nature conservation site will only be permitted where the reasons for the development clearly outweigh the substantive nature conservation of the site. In addition sites of lesser nature conservation importance are non the less significant at a more local level and worthy of protection.

PRINCIPAL

4.7 The proposed play area would be situated within an area of open space used for recreational purposes adjacent to Westfield Primary School and its grounds, adjoining to Chapelfields Estate and Westfield Place. It is considered the details of the scheme provide essential outdoor play facilities beneficial to older children. Thus is acceptable in principal.

VISUAL AMENITY

4.8 The proposed play area would be sited in the region of 70 metres from a mature hedge which delineates the front boundary of the site bordering on to Grange Lane. The visible elements of the proposed structures from the road are considered to be appropriately sited adjacent to the outside recreational facilities of Westfield School and the adjacent playing field. The proposals are considered to be of an appropriate size and scale constructed primarily of wood incorporating some steel installed upon grass safety mats. Notwithstanding the aim of the Local Plan (as quoted above in policies NE5a) which only allows development of these sites where there is no detrimental effect on the local amenity or nature conservation, it considered the siting and visual appearance of the scheme is acceptable. Thus complies with GP1 and GP7 of the Draft Local Plan.

RESIDENTIAL AMENITY:

4.10 In terms of residential amenity the rear gardens of dwellings closest to the site at 107 - 111 Westfield Place are separated from the proposal by the flank side elevations of the Westfield School, screened by existing established trees and extensive boundary coverage, combined with varying ground levels. The dwellings situated opposite the established public entrance on Grange Lane are set back from the road frontage with wide grassed verges. The proposed equipment would be situated approximately 70 metres from the boundary. Notwithstanding the location of the play area situated in an established area of public outside space, it is considered by virtue of the separation distances and mature hedging enclosing all elevations, would be unlikely to result in unacceptable disturbance to adjacent residents. The Police Architectural Liaison Officer supports the scheme as a much needed facility for children and young teenagers. No objections in respect of crime and anti social behaviour.

4.11 Furthermore, information supplied on application form confirms that appropriate neighbour and community consultation has been carried out by virtue ward committee meetings, residents associations and Westfield Primary and York High Schools.

NATURE CONSERVATION

4.12 The Countryside Officer has conducted a visit to the site and has confirmed no objections to the scheme.

5.0 CONCLUSION

5.1 It is considered that the proposed play area would be an acceptable addition in relation to the setting of the public open space and residential properties.

5.2 As the neighbour notification period has not ended delegated authority to approve is recommended in compliance with policies GP1design, GP7 open space and NE5a local nature conservation sites.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Delegated Authority to Approve

- | | | |
|---|--------|---|
| 1 | TIME2 | Development start within three years |
| 2 | PLANS1 | Approved plans - Scheme No 25236rev2/NYO _ Tech Info dated 25.02.11 |

7.0 INFORMATIVES: Notes to Applicant

1. Reasons 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 visual amenity of the surrounding area, loss of neighbour amenity and protection of the Local Nature Reserve . As such the proposal complies with Policies GP1,GP 7and NE5a of the City of York Draft local plan (4th set of changes) approved April 2005.

Contact details:

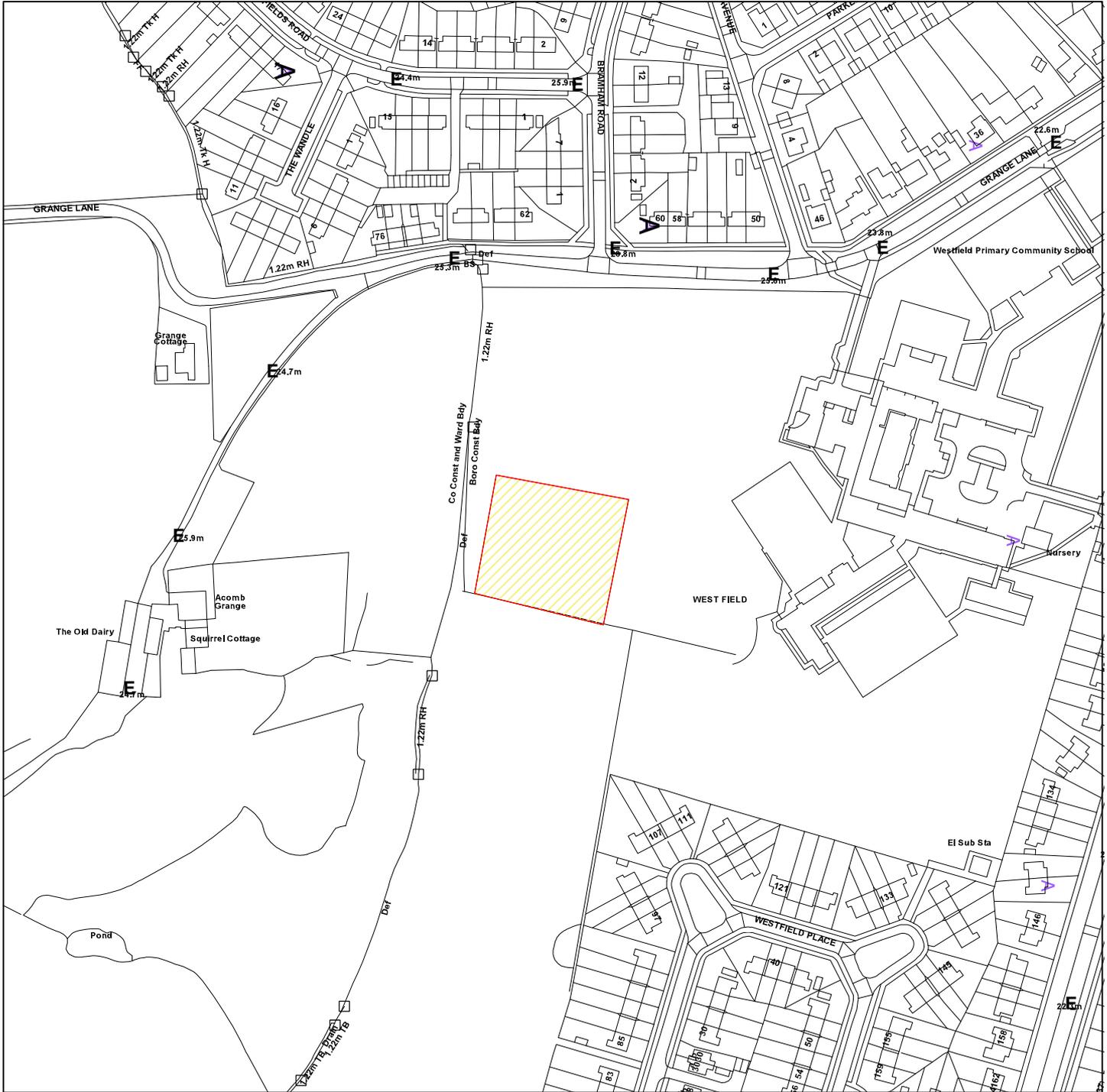
Author: Sharon Jackson Development Management Assistant
Tel No: 01904 551359

Public Open Space, Grange Lane

11/00156/FUL



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Scale : 1:2500

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	07 March 2011
SLA Number	Not Set

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