



## Notice of meeting of

### Planning Committee

**To:** Councillors Galvin (Vice-Chair), Ayre, Boyce, Cunningham-Cross, D'Agorne, Doughty, Firth, Funnell, King, McIlveen, Merrett, Reid, Simpson-Laing, Watson, Watt and Williams

**Date:** Thursday, 15 December 2011

**Time:** 4.30 pm

**Venue:** The Guildhall, York

**The site visits will commence at 11.00am on Tuesday 13 December 2011 meeting at the Memorial Gardens**

### AGENDA

#### 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. **Minutes** (Pages 5 - 12)

To approve and sign the minutes of the last meeting of the Planning Committee held on 24 November 2011.

#### 3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5.00pm on Wednesday 14 December 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.

#### 4. Plans List

This item invites Members to determine the following planning applications:

a) **Allerton Waste Recovery Park, Outside Boundary Tinker Lane, Rufforth, York (11/02998/ADJ)** (Pages 13 - 22)

Application for Waste Recovery Park at Allerton Park Quarry, Knaresborough. [*Rural West York Ward*]

b) **Site Adjacent To Frog Hall Public House, Layerthorpe, York (11/02210/FULM)** (Pages 23 - 48)

Erection of a 5 storey building comprising hotel with ground floor pub/restaurant, retail and drive-through restaurant uses with associated parking, landscaping and extension to James Street/Heworth Green Link Road. [*Heworth Ward*] **[Site Visit]**

c) **Grain Stores, Water Lane, York (11/02454/OUTM)** (Pages 49 - 56)

Application to extend the time period for implementation in respect of 07/01992/OUTM (allowed on appeal dated 1/09/08) in respect of redevelopment of site for uses including offices( B1c), hotel (C1), residential institutions (C2), dwelling houses (C3) and non-residential institutions (D1) including parking and new access arrangements. [*Skelton, Rawcliffe and Clifton Without Ward*]

d) **OS Field 3022, Metcalfe Lane, Osbaldwick, York (11/02305/FULM)** (Pages 57 - 74)

Erection of 58 polytunnels in association with use of land as allotments with associated facilities including reception building, toilet block, parking area and alterations to Metcalfe Lane (revised scheme). [*Osaldwick Ward*] **[Site Visit] Withdrawn**

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

Democracy Officer:

Name: Jill Pickering

Contact Details:

- Telephone – (01904) 552061
- E-mail – [jill.pickering@york.gov.uk](mailto:jill.pickering@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
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Contact details are set out above.

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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
- Monitor best value continuous service improvement plans

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**PLANNING COMMITTEE**

**SITE VISITS**

**TUESDAY 13 DECEMBER 2011**

<b>TIME (Approx)</b>	<b>SITE</b>	<b>ITEM</b>
<b>11.00am</b>	Bus leaves Memorial Gardens	
<b>11.15am</b>	Site Adjacent To Frog Hall Public House, Layerthorpe York (11/02210/FULM)	<b>4b</b>
<b>11.50am</b>	<del>OS Field 3022, Metcalfe Lane, Osbaldwick, York (11/02305/FULM)</del> <i>Cancelled</i>	<b>4d</b>

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City of York Council

Committee Minutes

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MEETING	PLANNING COMMITTEE
DATE	24 NOVEMBER 2011
PRESENT	COUNCILLORS WILLIAMS (CHAIR), GALVIN (VICE-CHAIR), AYRE, BOYCE, CUNNINGHAM-CROSS, D'AGORNE, DOUGHTY, FUNNELL, KING, MCILVEEN, MERRETT, REID, SIMPSON-LAING, WATSON, WATT AND HYMAN (SUB FOR CLLR FIRTH)
APOLOGIES	COUNCILLOR FIRTH

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**18. INSPECTION OF SITE**

Site	Reason for Visit	Members Attended
Royal York Hotel, Station Road, York YO24 1AY (11/02650/FUL)	To enable Members to view the site in relation to the Conservation Area, adjacent listed building and Westgate apartments following objections received.	Cllrs Williams, Galvin, Funnell, D'Agorne, Watson, Merrett, Doughty, Boyce, Cunningham – Cross, McIlveen and Reid

**19. DECLARATIONS OF INTEREST**

Members were invited to declare, at this point in the meeting, any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

**20. MINUTES**

RESOLVED: That the minutes of the last meeting of the Committee held on 22 September 2011 be approved and signed by the Chair as a correct record.

**21. PUBLIC PARTICIPATION**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme in respect of a matter within the Committee's remit.

A representative of the Green Party made representations in respect of the retail study and projections by GVA Grimley used as part of the evidence base for the Local Development Framework. She pointed out that an independent report had put forward revised figures in light of the proposed increase in out of town centres, the Community Stadium and made reference to the knock on implications for the city. She expressed grave concerns in respect of further out of town development and confirmed that there was a need to continue with the sequential approach and she requested the Committee to take these points into account in their future deliberations.

**22. PLANS LIST**

Members considered the report of the Assistant Director (Planning and Sustainable Development) relating to the following planning application, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

**22a Royal York Hotel, Station Road, York YO24 1AY  
(11/02650/FUL)**

Consideration was given to a full application submitted by Max Carlish, for the siting of a 53 metre diameter observation wheel in the grounds of the Royal York Hotel until January 2013.

Officers circulated an update to the Committee report, which covered the following points, full details of which are set out in the update attached to the republished agenda:

- Recommendation and reason for approval;
- Visit York letter of support;
- Details of further objections received;
- Building heights in the vicinity of the site.

Representations in objection to the scheme were made by the resident of 608 Westgate on the grounds of loss of amenity which he pointed out would be substantial. He spoke of the dubious economic benefit of the proposals and to the dominance of the proposed structure and general lighting issues.

Another resident pointed out that the wheel sited at the National Railway Museum had not impacted on the amenity of local residents as did the current proposal. He made representations

in relation to the blight the wheel would have on the area being 3 times the height of the apartments and sited on a raised area close to properties and a Grade 2 listed building.

Representations were also received on behalf of a resident of the apartments who made reference to the officers report. In particular to the reports conclusion which referred to the detrimental impact the wheel would have on the character and appearance of the city and the Central Historic Core Conservation Area and setting of the listed building. He went onto express concern at the precedence that approval would give as all consultation had confirmed that the proposal was only suitable on a short term basis.

A further Westgate apartment resident also raised objections to the siting, to the use of a generator, possible damage to archaeological remains and to the proposed access adjacent to the traffic lights in an already congested area. Other issues related to the affect on the hotel gardens and wildlife and he requested the Committee to refuse the application on these grounds.

Representations were then received in support of the scheme from the applicant. He circulated copies of the following supplementary information to assist members in further explaining the proposals:

- Planning Statement in support of the application;
- Details of lighting options for the wheel together with positive quotes from other city officials;
- Details of current and previous locations of Great City Attractions wheels.

He went on to refer to the proposed lighting options and to outline the benefits, highlighting the economic, social, charity and cultural benefits of the wheel for the city.

The General Manager of the Royal York Hotel informed members that 2011 had seen the highest occupancy rate in the history of the Royal York hotel. He confirmed that the decision to site the wheel in the grounds had not therefore been taken without serious consideration and consultation with both present and future customers, the majority of which had given it their full support.

Members then questioned the applicant and speakers on a number of points including:

- Details of job creation – confirmed 25/30 people required for erection and maintenance together with marketing and hospitality posts.
- Further information on security, acoustic measures and lighting.
- Availability of alternative sites.
- Further information in respect of the Design and Access Statement.
- Hours of operation, in particular during the winter months.
- Details of prior consultation with adjacent residents.
- Temporary nature of proposals and possible precedence.
- Charity benefits.
- Privacy issues of adjacent apartments.
- Understanding of residents concerns and requested assurances that any siting would not be longer term.

Following further lengthy discussion, Councillor Galvin then moved refusal of the application on the grounds the affect the wheel would have on adjacent residents from overlooking and its proximity to a listed building. This was seconded by Councillor Watson and on being put to the vote this motion was lost.

Councillor King then moved and Councillor Funnell seconded approval of the application for the reasons listed in the officers report.

**RESOLVED:** That the application be approved subject to the imposition of conditions listed in the report.

**REASON:** 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 heritage assets, amenity and highway safety. As such the proposal complies with Policies SP3, GP1, GP3, NE6, HE2, HE3, HE4, V1 of the City of York Development Control Local Plan.

**23. YORK CENTRAL HISTORIC CORE CONSERVATION AREA APPRAISAL: FINAL DRAFT FOR ADOPTION**

The Committee considered a report which presented the final draft of the York Central Historic Core Conservation Area Appraisal for adoption.

The report provided an Executive Summary of the appraisal with the full report being provided on the Council's website. Consideration was also given to Annexes 2 to 6 which detailed principles and priorities, community involvement, summary of consultations and events together with a map showing proposed boundary changes.

Copies of York Green Parties consultation responses, which had been omitted from Appendix 5 of the report, were also circulated for information.

Officers went on to confirm the importance to the city of the appraisal for the City Centre Action Plan and the Local Development Framework. Reference was made to the joint funding of the appraisal by English Heritage and to the extensive public consultation undertaken.

Further information in respect of each of the following issues was also reported including details of the management recommendations and to further work and actions proposed:

- Key views
- Boundary changes
- Article 4 directions
- Advertising
- Action Plan
- Editing and
- Building Heights

Members expressed their thanks and appreciation to both Alan Baxter Associates and to all the officers involved in the preparation of the document for the quality and depth of the study. They confirmed that this would provide the city with a comprehensive appraisal for an important area which would greatly assist the city in future years.

Members went on to raise a number of issues in respect of the following:

- Building heights – specifying a presumption against development of more than 4/5 storeys could have a significant impact on certain areas e.g. York Central
- Solar Panels – a ban on solar panels on all buildings required further examination.
- Questioned exclusion of Hungate from Conservation Area boundary. Confirmation that tests had concluded that, on balance, this area should not be included.
- Erection of satellite dishes - covered by national guidance.

Following further discussion it was

- RESOLVED:
- i) That, subject to the resolution of the under mentioned remaining comments, approval be given to the adoption of the York Central Historic Core Conservation Area Appraisal, including the proposed boundary changes set out at Annex 6 of the report, and noting the management recommendations to be progressed through the City Centre Area Action Plan;
  - ii) That further consideration be given to the removal of the proposed general assumption against development of more than 4 storeys in the Conservation Area and 5 storeys building height limit beyond it;
  - iii) That further consideration be given to the blanket ban on the erection of solar panels in the area, in line with the report requested by Council requiring the formulation of a policy in this respect;
  - iv) That the Chair and Vice Chair in consultation with the Assistant Director City Strategy (Planning and Sustainable Development) and the Cabinet Member be authorised to sign off the final report.  
1.

- REASON:
- i) The document has adopted a rigorous approach to the assessment of the York

Central Historic Core Conservation Area, and is in accordance with relevant guidance documents;

- ii) The document fulfils the council's obligations under sections 69, 71 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
- iii) The boundary review has been carried out in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and the latest guidance documents from English Heritage;
- iv) The document has been subject to intensive peer review through the key stakeholder group and an extensive public consultation;
- v) The appraisal is an essential evidence based document supporting the Local Development Framework and is necessary for the development and implementation of the City Centre Area Action Plan.

Action Required

1. Investigate additional comments and adopt report following sign off.

BS

CLLR D WILLIAMS, Chair

[The meeting started at 4.30 pm and finished at 6.50 pm].

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1.3 The application site has been selected following a substantial site identification exercise on the basis of its close links with inter regional transport infrastructure. It is currently used for quarry processing and is adjacent to an existing landfill facility. It also lies in close proximity to an English Heritage Registered Historic Park and Garden and a Grade 1 Listed Early Victorian Country House at Allerton Park. The applicant has indicated that funds would be made available for on-going environmental improvement work within the historic park in the event of permission being given.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

2.2 Policies:

CYGP4B  
Air Quality

CYGP5  
Renewable energy

CYHE2  
Development in historic locations

CYHE4  
Listed Buildings

CYHE11  
Trees and landscape

CYHE12  
Historic parks and gardens

CYMW5  
Landfill/landraising - considered on merits

## **3.0 CONSULTATIONS**

INTERNAL:-

3.1 Environmental Protection Unit raise no objection to the proposal but wish to see the possibility of production of bio-methane as fuel source from the anaerobic digestion facility.

3.2 Design, Conservation and Sustainable Development were consulted with regard to the proposal on 15th November 2011. Any views will be reported orally at the meeting.

3.3 Highway Network Management were consulted with regard to the proposal on 15th November 2011. Any views will be reported orally at the meeting.

EXTERNAL:-

3.4 As this authority is only a consultee in respect of the proposal no external consultations or notification has been undertaken.

#### **4.0 APPRAISAL**

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- \* Impact upon the delivery of the City's Waste Minimisation Targets;
- \* Impact upon the setting of the nearby Registered Historic Park or Garden;
- \* Impact upon the setting of the nearby Grade 1 Listed Building.

PLANNING POLICY FRAMEWORK:-

4.2 The Draft National Planning Policy Framework is relevant in relation to this application. In paragraph 184 it states that where an application would lead to substantial harm to a designated heritage asset then the planning authority should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits.

4.3 PPS10 "Planning for Sustainable Waste Management" is relevant to consideration of this proposal. This outlines the waste hierarchy in detail and sets out specific locational criteria in respect of waste handling facilities.

4.4 PPS5 "Planning and the Historic Environment" is relevant to consideration of this proposal. This outlines a requirement in National Policy HE10 for Local Planning Authorities to finely balance the harm caused by development within the setting of a designated heritage asset against the public benefit generated by the development.

4.5 Policy MW5 of the York Development Control Local Plan is relevant in the consideration of this application. This sets a firm policy framework indicating that proposals for development of waste management facilities will be considered on their own merits taking into account the need for the facility, the proximity principle

where waste is disposed of as close as possible to where it is produced, the mode of transport of waste to the site, any adverse impacts upon important landscape or historic features and proposed measures to minimise other adverse environmental impacts such as visual intrusion.

4.6 Policy HE12 of the York Development Control Local Plan is relevant in consideration of this application in that this indicates that proposals affecting historic parks and gardens will be permitted providing they have no adverse effect on the character, appearance, amenity, setting or enjoyment of the park and garden.

4.7 Policy HE2 of the York Development Control Local Plan sets a firm policy framework in respect of locations which affect the setting of Listed Buildings requiring that development proposals must respect adjacent buildings, settings and landmarks having regard to local scale, proportion, detail and materials.

4.8 Policy CS23 of the Council's Core Strategy submission states that the LDF will promote sustainable waste management and sets out the ways in which this will be achieved. These include working with North Yorkshire County Council on PFI facilities for residual waste through mechanical treatment, anaerobic digestion and energy from waste. The Core Strategy document explains that Allerton Park has been chosen as the preferred site for the joint facility. This would negate the requirement for a municipal waste treatment in the York Area.

#### IMPACT UPON DELIVERY OF THE CITY'S WASTE MANAGEMENT TARGETS:-

4.9 The development proposal envisages the erection of a waste reception and handling facility through which a range of waste carrying vehicles would pass. Each vehicle would be weighed upon entry and egress to allow for accurate monitoring of the throughput of material into the site. A quarantine area would be provided to allow for vehicles to be inspected prior to having their loads discharged and mechanically sorted. The applicant has indicated that vehicles will be routed away from major centres of population when accessing the site wherever possible with the main access to the site being from the A168. The tipping hall would be maintained at a negative pressure by drawing the combustion air for the energy from waste plant from within with entrance and exit door movements co-ordinated to inhibit egress of odours.

4.10 The mechanical treatment plant would extract the recyclable elements from the waste stream together with any organic materials which would be fed through to the anaerobic digester. The recyclates would then be stored prior to removal and reprocessing by appropriate contractors. The mechanical treatment plant has a capacity to handle 262,080 tonnes of residual waste per annum with a design capacity of 70 tonnes per hour. A stack rising some 8 metres above the roof line of the building would be provided to ventilate odour from the building space.

4.11 The anaerobic digester would treat approximately 40,000 tonnes per annum of organic rich waste from the mechanical treatment plant utilising a single anaerobic digestion vessel. Bio-gas generated by the anaerobic digestion process would be stored prior to passing through two bio gas engines which in turn would generate approximately 1.1 MW of electricity per annum. Exhaust gases would then be used in a steam generator to produce low pressure steam necessary for re-use in the anaerobic digestion process. Any remaining exhaust gases would be vented through an 18 metre high stack located at the northern end of the mechanical treatment building.

4.12 The energy from waste operation would have a maximum design capacity of 320,000 tonnes per annum although it would typically treat approximately 305,000 tonnes of residual waste per annum. The plant is designed with two process lines with a design capacity of 20 tonnes per hour. The plant has been configured to generate energy from waste though it could easily be reconfigured to produce Combined Heat and Power(CHP) should an economic market be established. Exhaust gases would be vented through a stack some 70 metres high. The flue gas would be treated via an integrated chemical pollution control system prior to discharge. Approximately 27 MW of electricity would be generated by the plant with 24MW would be exported to the National Grid via the Coneythorpe sub-station. The waste incinerator bottom ash would be reprocessed to form a source of secondary aggregate.

4.13 The existing farm house, Claro House adjacent to the entrance to the site it is envisaged would be converted into a visitor centre to allow for educational parties to learn about the waste and energy generation industries.

4.14 It is felt that the proposed development would fulfill the requirements of Central Government Planning Guidance in respect of Planning for Waste outlined in PPS10 in that it would ensure that the vast majority of material currently landfilled would be dealt with at a higher level within the Waste Hierarchy at a location close to its source of generation and with minimal environmental harm caused by traffic, noise, dust or odour.

4.15 The development would accord with this Council's agreed and adopted approach to waste management and allow its waste obligations to be met. The Council is committed to working with the County Council and the applicant to develop the facilities.

#### IMPACT UPON THE REGISTERED HISTORIC PARK OR GARDEN:-

4.16 Approximately 1.5 km to the south east of the application site lies the park land associated with Allerton Park House which is Listed at Grade II on the English Heritage Register of Historic Parks and Gardens. Within it furthermore are a number of historic structures associated with the parkland which are individually Listed

including the Temple of Victory Listed at Grade II\*. The Environmental Impact Statement submitted with the application identifies serious harm to the setting of the Parkland by virtue of its proximity to the edge of the application site. A sequential assessment has however been undertaken indicating that the application site is the most suitable available notwithstanding any harm generated and the applicant has indicated that an on-going fund will be made available to ensure that structures within the Historic Parkland can be restored and made publically accessible.

#### IMPACT UPON THE SETTING OF THE NEARBY LISTED BUILDING:-

4.7 Allerton Park House or Allerton Castle a Grade I Listed Early Victorian Country House lies in close proximity to the application site approximately 2km to the south. Similar considerations apply in respect of impacts upon its setting. In terms of wider impacts, notably impact upon the setting of the Minster local topography in the area to the east of the site would militate against any serious demonstrable harm.

### 5.0 CONCLUSION

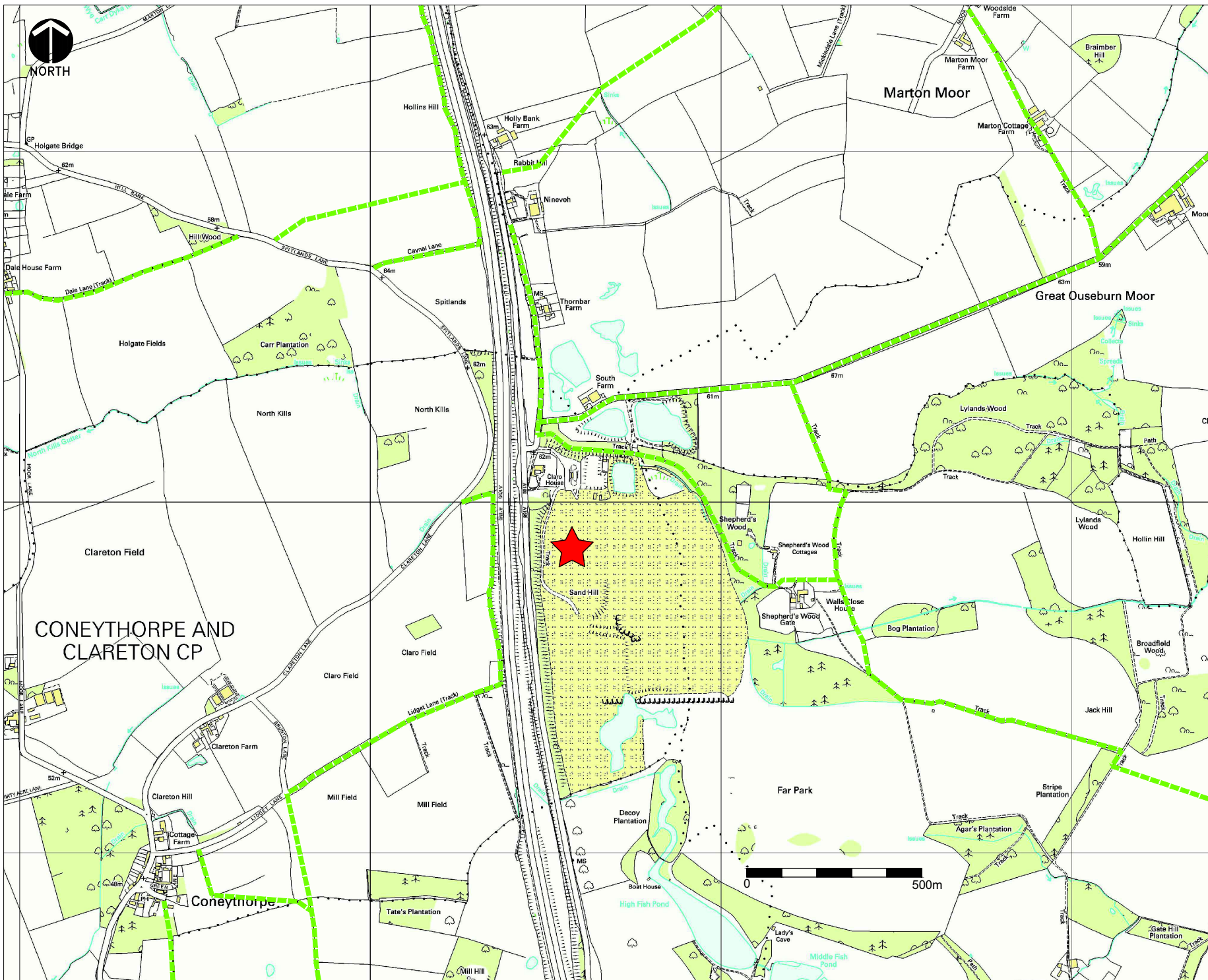
5.1 The Council's Cabinet and full Council have previously agreed the approach in relation to waste management by entering into the PFI joint venture with the County Council and with the preferred bidder Amey Cespa. The development is a key plank of the Council planning policy relating to sustainable waste management, as set out in the Core Strategy submission.

5.2 The Allerton Waste Recovery Park is designed by means of an Energy from Waste facility combined with a single anaerobic digestion tank to process approximately 90% of the current waste stream directed to landfill. In doing so it would significantly assist in reducing the Authority's on-going waste handling costs whilst at the same time securing compliance with targets in terms of waste handling and CO2 reduction. It is felt that appropriate measures have been built into the design to deal with issues of odour, traffic and air quality. Issues have been raised in terms of impact upon Designated Heritage Asset in the local area although measures have been brought forward to mitigate against these impacts and the local topography militates against any wider impact upon the setting of the Minster. It is therefore recommended that no objection be offered in respect of the consultation by North Yorkshire County Council as determining authority.


### 6.0 RECOMMENDATION: No Objections

#### Contact details:

**Author:** Erik Matthews Development Management Officer  
**Tel No:** 01904 551416



Drawn by	MCW	Date	15.06.11	Scale	1:5000 1:10000	A1 A3
Status	Final	Prepared by	PL	Tender		
Drawn by	PL	Checked by		Construction		
Approved by		PL		Cost		
Revision		Date		Drawn		Approved
Rev B - Public Rights of Way added				22.9.11	MCW	

 Site Location  
 OS Grid Reference: SE 40560 59870

 Public Rights of Way

**CONEYTHORPE AND CLARETON CP**



Drawing Title:  
 Site Location Plan

Project No.: 3223-01 (PL) 01  
 Drawing No.: 01  
 Rev.: B

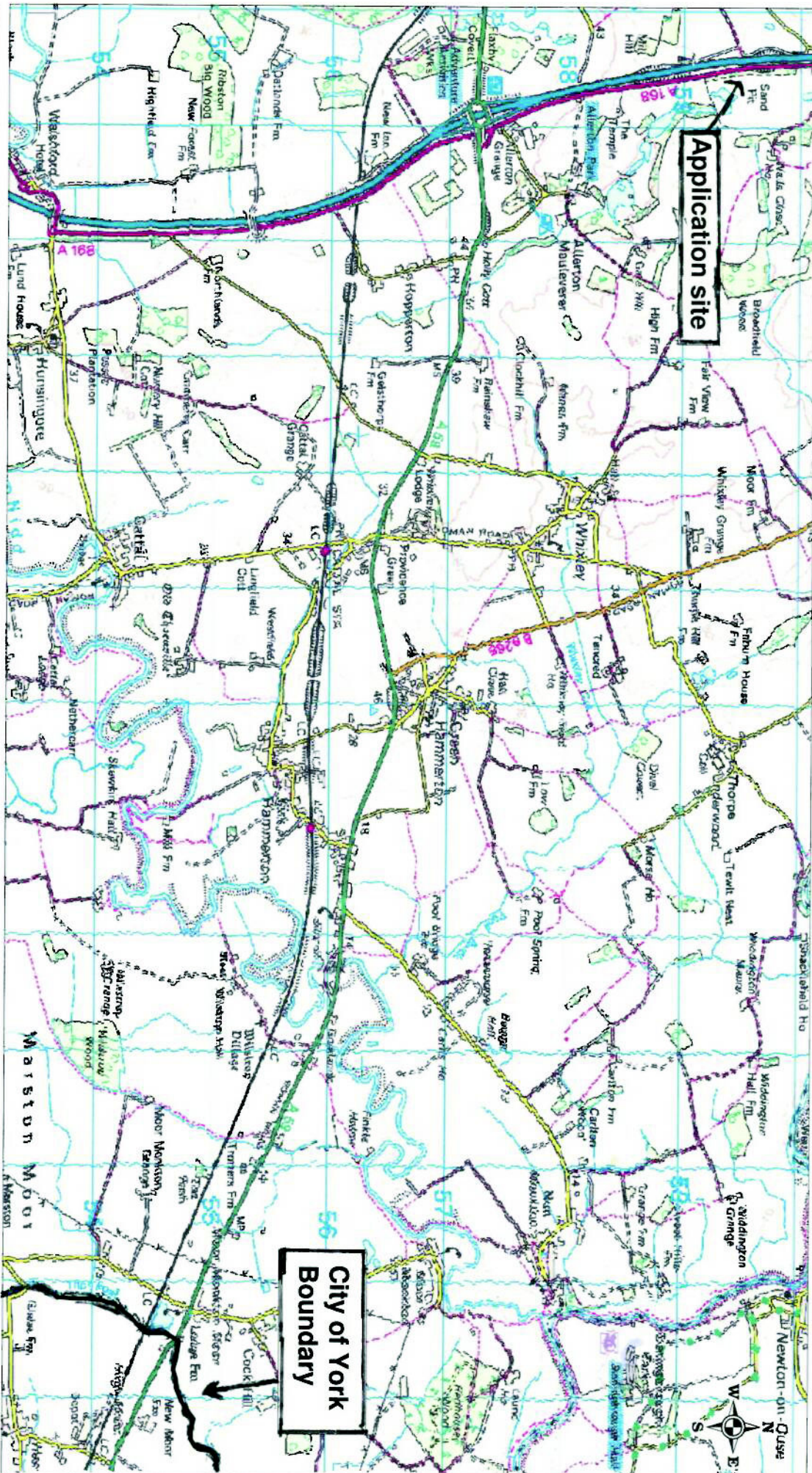


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**COMMITTEE REPORT**

**Date:** 15 December 2011      **Ward:** Heworth  
**Team:** Major and                      **Parish:** Heworth Planning Panel  
Commercial Team

**Reference:** 11/02210/FULM  
**Application at:** Site Adjacent To Frog Hall Public House Layerthorpe York  
**For:** Erection of 5 storey building comprising hotel with ground floor  
pub/restaurant, retail and drive-through restaurant uses with  
associated parking, landscaping and extension to James  
Street/Heworth Green Link Road  
**By:** Tiger Developments  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 18 November 2011  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application site is presently vacant. It was once part of the former gasworks site, bound by Layerthorpe to the south, Heworth Green to the north, the River Foss to the west and the former Derwent Valley railway line, which now forms part of the national cycle route network, to the east.

1.2 Within the former gasworks site the land in the northeast corner has planning permission for 119 dwellings and office space (application 09/02081/FULM). The land to the immediate north of the application site has been redeveloped for residential and office uses; there is a 4-storey block of apartments north of the application site. The remaining derelict/vacant parcel of land between the aforementioned development and Layerthorpe is in the ownership of the applicants. The land would be split as it is a council aspiration to continue Eboracum Way so it connects Heworth Green with Layerthorpe (known as the James Street Link road, required to relieve traffic on Foss Islands Road and Foss Bank). To the south/southeast of the application site is a supermarket car park and the rear of the former Frog Hall pub (now a vacant shop with a flat above).

1.3 This proposal includes delivery of the proposed link road, to the west of the road would be a 5-storey building which would accommodate a 124 bed hotel with 741 sq m floorspace at ground floor level which could be used for either convenience retail, a pub/restaurant or a drive-through restaurant/takeaway.

1.4 The building would have a row of 20 car parking spaces to the front and a further 71 spaces between the building and the river. It is proposed to continue the river walkway which has already been installed at the development to the north. There

would be a single storey building at the north corner of the site, by the vehicle access, which would accommodate a sub-station and a secure cycle store.

1.5 An application was made in 2004 for 158 residential apartments at the site (with basement parking). The scheme was approved by members, subject to a legal agreement to deliver affordable housing, offsite open space provision, a bond for remediation of contaminated land, a contribution toward a car club and access arrangements to a riverside walkway. The legal agreement was not signed and the application withdrawn due to the financial viability of the scheme.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Central Historic Core CONF

Floodzone GMS Constraints: Flood zones 2 and 3

Hazardous Premises GMS Constraints: Transco PLC COMPLE

### 2.2 Policies:

CYE1A	Premier Employment Sites
CYV4	Allocation of hotel sites
CYGP1	Design
CYGP4A	Sustainability
CYGP6	Contaminated land
CYGP15	Protection from flooding
CYT2B	Proposed Pedestrian/Cycle Networks
CYT4	Cycle parking standards
CYNE7	Habitat protection and creation
CYNE8	Green corridors

## **3.0 CONSULTATIONS**

### CITY DEVELOPMENT

3.1 The site has been assessed as part of the Strategic Housing Land Availability Assessment (SHLAA, 2011), which supports the emerging Local Development Framework (LDF). The SHLAA assesses the site as suitable and available for residential development. Specifically it is identified as a potential site for student/young people's accommodation, with capacity identified for 130 cluster units in 3-4 storey blocks. Other uses have been considered potentially appropriate in the past, the site been allocated for retail, leisure and hotel as part of a mixed use scheme in the Local Plan.

3.2 Officers consider the application lacks adequate impact assessments, which are required by national policy in PPS4: Planning for Sustainable Economic Growth, to justify the proposed uses as the site is outside the city centre. Officers have asked for the following information;

- Hotel - information on the supply of hotels within the city centre and evidence to support the findings that the hotel will predominantly impact on existing facilities outside the centre.
- Restaurant - further information to demonstrate need, likely catchment area and impact on the city centre.
- Retail - limited information supplied to support the identified need for convenience shopping in the area, noting that since York's 2007 Retail Study, the need for convenience shopping up to 2017 has been met due to recent developments. It is not clear what the impact of the retail premises would be i.e. where it would draw trade from, and how much. It is asked that if it is deemed retail is appropriate to the site, it should be a condition that goods sold are convenience goods only, as the supplied assessment of retail impact makes this assumption.

## DESIGN AND CONSERVATION

### LANDSCAPE OFFICERS

3.3 Officers were unhappy with the scheme originally proposed as it was deemed the relationship between the site and the river would be unacceptable. The proposals would be contrary to aspirations in the forthcoming LDF and the York New City Beautiful document which seek to increase biodiversity along river corridors, enhance their landscape value and improve access. The applicants were advised there needs to be a meaningful width of vegetation along the river side to provide a suitable apron of trees between the building and Foss Bank and to provide a suitably semi-natural environment for the River Foss. Officers are satisfied this has been addressed in the revised proposals which have a 3m wide walkway with at least 5m of soft landscaping to each side. The approach to gradually replacing the existing trees at the riverbank is accepted also.

### COUNTRYSIDE OFFICERS

3.4 The River Foss is an important wildlife corridor for a range of wildlife species, and also contributes to a regionally important green corridor (as included within the York LDF). The treatment of the boundary as part of any redevelopment here is therefore particularly important, and should involve the enhancement and strengthening of this wildlife corridor.

3.5 Individually the existing trees along the river are not of particularly high quality, but as a group they contribute to the Foss corridor. Whilst they are all fairly young and have no bat roosting potential, the trees will provide good foraging and commuting habitat, as well as important bird nesting habitat, and their retention would therefore be beneficial. It is proposed to thin the existing trees, where necessary, and supplement with additional tree planting. This is deemed acceptable in that it would ensure a group of trees is retained and strengthened through new planting. Officers recommend any replacements are large trees in order to minimise any length of time for the habitat quality/value to 'recover' (i.e. in terms of foraging value/insect levels and quality of nesting habitat). The riverbank can also be enhanced through additional shrub planting, and some wildflowering of the top bank can also be carried out through either plug planting or seeding.

3.6 It is asked that new roosting opportunities and habitat features are integrated into the proposed building, to benefit bats as well as other wildlife species known to use buildings. Bat bricks and bird nesting boxes to accommodate species such as swifts are recommended. As the proposed building would have a large flat roof, there is scope for incorporating a green roof. A green or bio-diverse roof incorporating wildflower meadow grassland or a mix of wildflowers and sedum would be particularly beneficial, providing good habitat (particularly for invertebrates) and further improving the ecological value of the development.

#### DRAINAGE ENGINEERS

3.7 Comment that the site is in flood zones 2 and 3a. The hotel use is classed as more vulnerable and therefore the development, in order to be acceptable, must pass the exceptions test. With regards drainage officers have requested -

- Existing and proposed surface water drainage details of the site, including levels, to assess the impact on the downstream watercourse and ensure surrounding areas will not be affected by surface water run-off.

- Demonstrate peak surface water run-off will be reduced, to 70% of the existing rate.

#### ENVIRONMENTAL PROTECTION UNIT

3.8 Noise - officers advise there may be noise disturbance caused as a consequence of the drive-through restaurant and any external plant/equipment and cooking extraction. It is asked that the operating hours of the restaurant be controlled through a condition along with details of all plant etc and restriction of deliveries to daytime hours. Preference is for the drive-through to close at 23:00, as PPG24: Planning and Noise classes after 23:00 as night-time. Plant should be no more than 10 db above background levels and adequate to deal with cooking smells/odours. A construction management plan, to protect residential amenity during such a time, is requested.

3.9 Contamination - The site's previous use as part of the city gasworks has given rise to land contamination. The applicants report identifies elevated levels of cyanide, polycyclic aromatic hydrocarbons (PAHs) and petroleum hydrocarbons in the soil. Elevated concentrations of a number of contaminants (including benzene, phenol and cyanide) have also been identified in the groundwater. Remedial work is required to clean-up the site and make it suitable for use. A remedial scheme outlining the proposed remedial works should be submitted and agreed by EPU and the Environment Agency. This can be dealt with through a suitably worded condition.

3.10 Air quality - A revised air quality statement has been prepared to support the application which describes how the proposed development complies with City of York Council's emerging Low Emission Strategy. The statement states that consideration will be given to the provision of reserved parking spaces, nearest to the units, for low emissions vehicles. EPU request that two of these spaces are fitted with electric vehicle recharging facilities.

#### HIGHWAY NETWORK MANAGEMENT

3.11 Officers do not object, but ask for conditions to cover details of the highway construction, and that it is installed before occupation, a safety audit for the internal layout within the site, delivery of an acceptable travel plan and details of construction.

3.12 The site falls within the Foss Basin development area and has an existing unimplemented permission for residential development. Although the development is not making a direct financial contribution to the Foss Basin Masterplan through the member approved S106 funding framework, the proposals will provide the remaining section of the James Street Link Phase 2 from its junction with Layerthorpe to the northern point of the site where phase 1 of the road presently terminates.

3.13 The level of traffic that was to be generated by the existing permission had been assessed as part of the Foss Basin Masterplan. The proposals will generate less traffic than that previously considered in the aforementioned Masterplan. The level of traffic generated by the site has therefore already been assessed and it's impact considered. It is worth noting that the application being considered and thus the highway implications do not include the land to the east, which was part of the housing site and will be the subject of a separate application in the future.

3.14 Car parking has been provided in accordance with CYC maximum standards. The site is considered to be highly accessible by a range of modes of travel and is within a short distance of a range of local facilities. The site is well served by public transport from bus stops located on Heworth Green within 400m of the site. Further bus services are available from the city centre, which is approximately a 15 minute walk. To further encourage sustainable travel the site is to be subject to a Travel Plan.

EXTERNAL

ENVIRONMENT AGENCY

3.15 Advise that there is historic soil and groundwater contamination associated with the site. As such a condition requiring a risk assessment, site investigation, remediation strategy and a verification plan (to demonstrate remediation is complete) is recommended. In addition long term monitoring of the site will be necessary. The EA also ask for details of any piling to be submitted for approval (in the interests of managing ground contamination) and that the development is carried out in accordance with the submitted flood risk assessment.

POLICE ARCHITECTURAL LIASON OFFICER

3.16 No objection.

3.17 The site is within an area of high risk in terms of crime and disorder, due to vehicle crime, theft of bicycles and anti-social behaviour. Officers consider the proposed security plan, included in the application, which includes CCTV site coverage and a 1.8m high fence surrounding the car park, take adequate steps in terms of Secure by Design.

YORK NATURAL ENVIRONMENT PANEL

3.18 The City of York Council has signed up to several visions - the Foss Walkway Strategy, York Central Historic Core Conservation Area Appraisal, and York City Beautiful, all of which support the enhancement of urban riverside paths. The scheme represents a golden opportunity to realise the general ethos of these visions, particularly the green corridor ambitions of the Foss Walkway Strategy and Green Infrastructure core strategy.

3.19 Although the group of trees running along the river bank is not high quality vegetation, the belt (predominantly sycamore) should be retained and gradually replaced with more appropriate species. The group of trees' greatest asset is that it is there and adds to the setting of the site.

3.20 The Panel ask for a meaningful amount of greenery in terms of wildlife and aesthetics. The panel consider that the wall adjacent to the river could support vegetation in the long term so there wouldn't be a conflict between the presence of planting, the wall's function and use of a pathway.

BRITISH WATERWAYS

3.21 No objection



## YORKSHIRE WATER

### 3.22 Ask for the following

- No development within 4 m of the sewer that passes through the site.
- Site to have separate drainage for foul and surface water.
- Surface water run-off from the car park must pass through an oil interceptor before discharge into the sewer network.

## HEALTH AND SAFETY EXECUTIVE (HSE)

3.23 The site lies within the consultation zone of a major hazard site - York Holder Station at Heworth Green (gasholder site) therefore the HSE is a statutory consultee. Planning permission has been given for housing on the gasholder site, subject to the condition that the gasholder be decommissioned and removed prior to development commencing. When the gasholder is decommissioned HSE would withdraw their objection.

3.24 At this time the application site partially falls within what is regarded as the middle zone. HSE recommendation is to advise against hotels with over 100 bedrooms within the middle zone, on safety grounds, as there remains the possibility there could be an accident at the existing hazard site. HSE would not be against recommending approval of the application if it were subject to the requirement that the scheme were not occupied until the gasholder were de-commissioned.

## HEWORTH PLANNING PANEL

3.25 No objection. Advise that the planning panel were consulted at pre application stage by the applicants, and any concerns they had have been addressed.

## PUBLICITY

3.26 Comments received from 2 parties;

- Drive through restaurant would be unsustainable and harmful to the amenity of guests.
- The scheme should be re-designed to take advantage of the river. Presently services and car parking are situated at the rear.
- The obligation to the ring road must be robust.
- A green roof should be provided in this case, and such practice should be promoted by the council.
- The fence should be maintained at the north boundary to prevent access into the residential site to the north, in the interests of safety/security.
- Rubbish bins to be provided to prevent litter creation from the takeaway /drive-through.

## 4.0 APPRAISAL

### 4.1 Key issues

- Principle of the proposed development - including health and safety
- Visual impact
- Residential amenity
- Highway Network Management
- Flood Risk
- Management of the river walkway
- Sustainable design and construction

### Principle of the proposed development

4.2 The site is within the Heworth Green action area, designated in policy SP9 of the Local Plan. The aspiration, as established in the plan, was to develop the site as a mixed use of employment, retail, leisure and residential. Policy E3b allocates the wider Heworth Green site to deliver 0.7ha of land for either B1, B2 or B8 uses. 5,171 sq m was provided at the site to the north and 1,860 sq m has permission at the site to the NE (24 Heworth Green). The 1,860 sq m at 24 Heworth Green is identified as a potential employment land in the more recent 2009 employment land review.

4.3 The Core Strategy seeks to create new employment opportunities and improve the appearance of the Layerthorpe area, to create a fitting gateway to the City Centre. An opportunity exists to create a new 'Production Park' facing the River Foss, connecting the city walls between the Red Tower and Layerthorpe Bridge, with links to both the City Centre and the Foss Islands area. This would create a suitable landscape setting in which to encourage creative enterprises and green technologies to grow and flourish and help support York as a Science City. In addition the LDF seeks to provide housing at the site.

4.4 PPS4 seeks to promote economic development which secures sustainable economic growth. Key considerations are:

- Whether the proposal has been planned over the lifetime of the development, to limit carbon dioxide emissions and provide resilience to climate change.
- Accessibility by a range of transport modes
- High quality design which improves the appearance of the area.
- Impact on physical and economic regeneration in the area.
- Impact on local employment.

4.5 However the policy asks for a sequential approach, with a preference for economic development to occur in existing centres (the site is classed as edge of centre in determining a proposed hotel). It is required that sites outside existing centres are subject to an impact assessment on the vitality and viability of the centre. Schemes should be refused when there is clear evidence that the proposal is likely to

lead to significant adverse impact on the centre. There is a practice guide to PPS4 which provides further information on assessment of need, impact and the sequential approach.

## Hotel

4.6 The PPS4 practice guide warns that there may be cases where the impact of a new out of centre hotel could undermine the viability and contribution of more central hotels, or prejudice the potential to secure further hotel development on a more central site. The guide recognises that hotels cater to different market segments and while occupancy rates may be low at one end of the market, there may be turnaway trade occurring at the other end. High annualised occupancy rates (where seasonal fluctuations cause instances of turnaway trade) in a given market segment are an indication of local hotel need. When occupancy rates rise to the point that turn-away trade occurs in accommodation of a certain quality category there is a need for additional hotel facilities catering to that market segment.

4.7 The 2010 York Hotel Occupancy Survey undertaken by Visit York advises the average hotel room occupancy in 2010 in York was 78.8%, an increase of 1% compared with 2009. Occupancy was highest in the summer months (July to September), peaking in September at 88%. Hotel occupancy rates in York rank the highest outside London.

4.8 Customers are not usually turned away as when hotels are full, operators in York will always recommend another York hotel or the Visitor Information Centre, so business tends not to leave the city in situations such as this.

4.9 Hotel operators usually plan for occupancy rates of 70% or greater, the York rate is well above this (and the regional average). This, along with the year on year increase in occupancy rates (which is intended to continue) indicate that more hotel bedspaces in the city could be provided without impacting significantly on existing supply.

4.10 Budget hotels represent around 12% of the local hotel bedroom provision according to Visit York and the recent additions, and those with planning permission but yet to be constructed, mainly provide higher quality accommodation. Visit York hotel members currently have a total of 2,771 bedrooms in the city. The 124 bedroom hotel proposed would represent around 4% of this total. Given this and the increasing visitor / expenditure levels in the city, the proposal would not have a significant adverse affect on the existing hotels in the city centre.

## Retail / restaurant / pub

4.11 The 2008 retail study found that the majority of residents living in the built up urban areas have access within a 5 minute drive time of some form of convenience store. The local foodstore for many residents is, however, small with a minimal

product range, forcing shoppers to travel further afield to gain access to their wider requirements. It is clear in policy and sustainability terms that the enhancement of foodstore provision in the district and local service centres, and not the major out-of-centre foodstores, would be effective in improving accessibility to shopping and service requirements.

4.12 The practice guide to PPS4 on assessing impact advises that 'in determining the appropriate area of search for an application, including whether it is appropriate to consider sites within or on the edge of established centres, it will be relevant to consider the scale and form of development proposed. For example, some proposals will serve a purely localised need (e.g. 'local' foodstores) whereas others are likely to serve a materially wider catchment area. In these instances, it will be relevant to consider whether the proposal is of an appropriate scale to the location proposed, or whether some of the need could be better met within an existing 'higher order' centre'.

4.13 The proposed retail premises would offer convenience goods. The surrounding area is predominantly residential and there is the potential the immediate residential population will increase when the 24 Heworth Green site comes forward, and potentially the area to the immediate east of the site. The PPS4 practice guide advises there is a general assumption 'like affects like' and that generally customers will seek to use the closest comparable facility. It is likely the proposed store, due to its scale would compete with the existing stores nearby, predominantly the ASDA on Layerthorpe and the larger stores (Sainsbury's, Morrison's and Waitrose), all of which are similar edge of centre locations. As a group these stores provide convenience shopping within walking distance from the Heworth area and reduce the need for out of town shopping.

4.14 Overall there would not be a significant effect on the vitality and viability of the city centre. A restaurant and/or pub onsite would also cater for the local population and would compete with similar facilities either at the edge of centre or out of town, and would not have a significant effect on (the type of) restaurants on offer in the city centre.

### Health and Safety

4.15 The gasholder at Heworth Green is yet to be de-commissioned. As such there is an objection from the Health and Safety Executive (HSE) on safety grounds because of the proximity of the hotel to the gasholder, and as the hotel would provide in excess of 100 guestrooms. The objection would be withdrawn when the gasholder is de-commissioned, or if under 100 guestrooms were proposed. The Heworth Green site has been granted planning permission for housing, subject to de-commission. It is expected de-commission will occur within the next two years at the latest. The applicants propose that the scheme be approved subject to a condition which would allow construction to start, but the development would not be occupied until the gasholder were de-commissioned. HSE have confirmed they consider this approach

would be acceptable.

### Land contamination

4.16 The site, in particular ground water, is contaminated. The applicants have carried out investigation to date and it is proposed permission be granted subject to conditions that remediation be carried out prior to construction. This approach is agreed to by Council and the Environment Agency. At least a year of monitoring will be required also to ensure the ground water contamination has been deal with. A condition regarding monitoring will need to include means of protection for the monitoring points, so monitoring is not precluded due to construction.

### Visual impact

4.17 Local Plan policy GP1 refers to design, for all types of development. It 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 materials; avoid the loss of open spaces, vegetation and other features which contribute to the quality of the local environment; retain, enhance, or create urban spaces and other townscape features which make a significant contribution to the character of the area; provide and protect amenity space; provide space for waste storage.

4.18 The draft LDF core strategy cites the River Foss corridor as a green corridor of regional importance; thus a number of the strategic objectives are applicable to this site; for example, to conserve and enhance the River Foss for landscape, biodiversity and cultural value. Policy L4 of the Local Plan asks that existing walkways and cycleways along the river are retained and where possible enhanced as part of development proposals and within the Local Plan there is a proposed cycle/pedestrian network along the Foss leading to Peasholme Green (policy T2b).

4.19 The proposed building would be 5-storey which is a storey higher than other new developments in the area. However the site is lower and in views the development would appear harmonious with its neighbours. The building will be predominantly of brick, the detailing would be repetitive and the horizontal emphasis broken up by the cranking in the building line and through deeply recessing openings for doors and windows. The large flat roof area to the rear will be a living roof, which will add to biodiversity and to the benefit of outlook from guestrooms at the rear. The site has a significant amount of car parking however the landscaping scheme will soften the impact. There will be trees and a hedge aligning the pavement at the front of the building, trees within the car park at the rear and a spacious landscaped river walkway along the Foss. The design of the scheme is acceptable.

### Residential amenity

4.20 Policy GP1 also asks that developments ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures.

4.21 The proposed building will be 5-storey. There are residential units to both the north and south. To the north the dwellings are 20m away from the proposed building. There are bedroom windows and living room windows on each level facing the site, with alternative outlook from living rooms via east facing windows. The only window on the side elevation of the proposed building would provide light to a stairwell area. There would be no undue overlooking and the separation distance between the two buildings is deemed to be acceptable, to the extent that the new building would not be overbearing or over-dominant.

4.22 To the south there is a first floor flat at former Frog Hall public house building. There is one dormer window on the rear roofslope which would look towards the single storey flat roof part of the proposed building; there are no windows on the rear elevation.

4.23 The proposed hotel and ancillary restaurant would be 24 hour operations and officers would not typically seek to restrict the hours of an A1 retail premises. The proposals also seek permission for flexibility to allow the ground floor area to also possibly be used as a pub/restaurant and drive-through takeaway/restaurant. It is asked the drive-through be allowed to operate until 24:00.

4.24 Preference would be for the proposed uses to cease at 23:00, as after this time is classed under PPG24: Planning and Noise as the night-time. The drive-through would be to the south of the site, thus any disturbance would only be likely to affect the flat at the former Frog Hall pub. The drive through counter is shown on plan adjacent the flat and potentially cars driving to this point and stopping to place orders would cause disturbance. As such it is suggested this element of the business cease at 23:00. The restaurant could still be open to customers until 24:00 but orders would need to be placed within the premises. This would manage person/vehicle movements, so they were further away from the flat.

### Highway Network Management

4.25 There is no objection to the scheme on highway grounds.

- Adequate secure and covered cycle parking (16 spaces) is proposed for staff, there is visitor parking (10 spaces, sheffield type stands) by the entrance. The amount of car parking, 91 spaces, is below the maximum requirements established in the Local Plan.

- The scheme will deliver the second phase of the James Street Link which forms an integral part of the council's highway strategy established within the Foss Basin Masterplan.

### Flood risk

4.26 The site is predominantly in flood zone 3. A hotel use is classed as a 'more vulnerable' use in PPS25 and therefore it must pass the exception test in order to be acceptable. To pass the exception test the development is expected to -

- provide wider sustainability benefits
- be located on previously developed land
- be safe, without increasing flood risk elsewhere

4.27 In addition policy seeks to direct development to zones with a lower probability of flooding, so it must also be demonstrated there are no available sites in flood zones 1 or 2 which could instead be developed.

4.28 Apart from possibly Hungate there are no sequentially preferable sites immediately available that could accommodate a hotel of this scale. The development would pass the exception test are there are significant benefits by providing a building of sustainable construction on this derelict site, which is constrained by land contamination.

4.29 The 1 in 100 year flood level for the site is 10.98 AOD. The floor levels within the building will be above this, at 11.150 AOD. A condition is suggested which would require the users of the site to sign up for the Environment Agencies flood warning service. All sleeping accommodation within the building will be at 1st floor and above. Overall the development would be reasonably safe from flooding.

### Management of the river walkway

4.30 It is an aspiration of the Council to provide a continuous walkway along the Foss. This will need to occur as sites come forward for development, and a walkway has been provided at the site to the north. The scheme would continue the walkway. The scheme has been revised since the original submission and the walkway now will have a pleasant and spacious character in spirit with the walkway to the north. Via a legal agreement the applicants would manage the walkway and provide public access in due course. This is a welcome part of the scheme.

### Sustainable design and construction

4.31 The Core Strategy and interim planning document on sustainable construction both require schemes to achieve a BREEAM rating of very good. In addition schemes

should either provide 10% energy demand from on-site renewable, or demonstrate a 10% carbon reduction.

4.32 Supporting documentation with the application states it is intended the scheme will achieve a BREEAM bespoke rating of very good and renewable energy will be acquired via air-sourced heat pumps. Conditions are proposed to ensure policy requirements are met.

## **5.0 CONCLUSION**

5.1 The site is derelict and the proposed scheme will deliver both a river walkway along the Foss and the James Street Link Road, two aspirations within the existing Local Plan and part of the Core Strategy. The building would be constructed to meet sustainable construction requirements and there would be no undue harm to amenity, highway safety and flood risk. In addition there is no evidence that there would be a significant impact on the vitality and viability of the city centre, as required by PPS4.

5.2 It is recommended that the scheme be approved, subject to a legal agreement to ensure -

- Delivery of Section of James Street/Heworth Green Link Road.
- Delivery of, maintenance of and access to Riverside Walk/Cycleway.
- Contamination bond of £250k to cover the need for remediation works in the event that groundwater contamination occurs.

## **COMMITTEE TO VISIT**

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

1 The development shall be begun not later than the expiration of three years from the date of this permission. The development shall not be occupied until the York Holder Gasholder Station at Heworth Green has been decommissioned and removed, and the hazardous substances consent for the site revoked.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004 and in the interests of safety due to the scale of the proposed development and proximity to the major hazard site.

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

Drawings LYH

Site plan : 04 P03.

Application Reference Number: 11/02210/FULM

Item No: 4b

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Floor plans : 11, 12 and 14 P02 and 03 P01.

Elevations : 31 and 32 P02, windows to be recessed as per drawing 41 P02.

Sections 21 and 06 P02.

Cycle store and sub-station : 43 P02

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

3 VISQ7 Sample panel external materials to be approved

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be 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.

(Materials to be agreed concurrently. Preference is to agree a palette of materials alongside required brick sample panel).

Reason: So as to achieve a visually cohesive appearance.

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

- a) ground floor windows and doors and 'shopfront areas'
- b) eaves and verge details
- c) plant room enclosure
- d) all soil and ventilation pipes

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

6 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed hard and soft landscaping scheme. The scheme shall include the number, species, height and position of trees and shrubs to be planted, lighting columns and signage within the curtilage, entrance pillars, boundary treatment to riverside walk and furniture such as litter bins.

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 overall appearance of the site.

7 Any signage to be placed on the ground floor fascia panels to the building shall approved in writing by the Local Planning Authority prior to installation and carried out in accordance with the approved details.

Reason: In the interests of the appearance of the host building.

8 There shall be no more than 741 square metres of floorspace within the development hereby approved used as either A1, A3, A4 or A5 uses. Any A1 use shall be for the sales of convenience goods only (as defined in PPS4).

Reason: To preserve the vitality and viability of the city centre and for the avoidance of doubt.

9 Any A3 (restaurant/cafe), A4 (drinking establishment) or A5 (hot food takeaway) uses on the site (independent from the hotel hereby approved) shall only operate within the hours of 08:00 and 24:00 each day of the week. The 'drive-through' restaurant shall only serve customers using the internal counter (rather than the drive-through element) between the hours of 23:00 and 24:00 each day of the week.

Reason: In the interests of the amenity of surrounding occupants.

10 The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'very good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and paragraphs 2.1 to 2.4 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

11 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate that no less than 10% of the development's predicted energy requirements will be provided from on-site renewable energy sources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first

occupation of the development. The site thereafter must be maintained to the required level of generation.

Reason: In the interests of achieving a sustainable development in accordance with the requirement of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

12 The area shown as cycle storage on drawings LYH 04 P03 and 43 PO2 shall be retained for such use at all times, in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate space for such storage, and to promote recycling and sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and PPG13: Transport.

13 A travel plan, developed and implemented in line with local and national guidelines (see Department for Transport good practice guidelines), shall be submitted and approved in writing by the Local Planning Authority prior to first opening of the development hereby approved. The development shall thereafter operate in accordance with the aims, measures and outcomes of said Travel Plan.

Reason: To reduce private car travel in accordance with PPG13: Transport, and policy T13a of the City of York deposit Draft Local Plan.

14 No part of the development hereby permitted shall be occupied until the remaining section of the James Street Link and its connections to Eboracum Way and signalised junction onto Layerthorpe have been constructed and completed in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the safe and free passage of highway users.

15 Safety Audit; A full 3 stage road safety audit carried out with advice set out in the DMRB HD19/03 and guidance issued by the council, will be required for the internal highway layout and all off-site works requiring alteration as specified in drawing LYH 04 rev P03, stage 1 of which must be submitted and agreed in writing by the Local Planning Authority prior to works commencing onsite.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

16 Method of Works; Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. Such a statement shall include at least the

following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- details of how the car parking area will be managed during the construction period to ensure adequate car parking remains
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

17 Fully detailed drawing illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction on site. The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of highway safety.

18 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles, including the accommodation of delivery/service vehicles, have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety and to ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

19 Upon completion of the development, delivery vehicles to the development shall be confined to the following hours:

Monday to Saturday	08.00 to 18.00
Sundays and Bank Holidays	09.00 to 17:00

Reason: To protect the amenity of local residents and businesses.

20 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

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

Monday to Friday      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 local residents and businesses.

21 The following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved by the local planning authority prior to the commencement of development;

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect and improve the Sherwood Sandstone Principal Aquifer beneath the site and the Alluvial/Glacial sands and gravel Secondary Aquifer and the adjacent River Foss.

22 A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be approved, in writing, by the local planning authority prior to commencement of the development.

The report shall include results of sampling and monitoring carried out in accordance

with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a "long-term monitoring and maintenance plan" for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

The long-term monitoring and maintenance plan shall be implemented as approved. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan, including a plan for the protection and where necessary reinstatement of monitoring points during and on completion of the construction phase. On completion of the monitoring programme a final report demonstrating that all long - term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that verification of the remedial works is undertaken and post remediation groundwater monitoring proposals are carried out in order to protect and improve the Sherwood Sandstone Principal Aquifer beneath the site and the Alluvial/Glacial sands and gravel Secondary Aquifer and the adjacent River Foss.

INFOMATIVE: The monitoring programme may continue during and following development provided these are not below building footprints.

23 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To protect and improve the Sherwood Sandstone Principal Aquifer beneath the site and the Alluvial/Glacial sands and gravel Secondary Aquifer and the adjacent River Foss.

24 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the Sherwood Sandstone Principal Aquifer beneath the site and the Alluvial/Glacial sands and gravel Secondary Aquifer and the adjacent River Foss.

25 The following details of foul and surface water drainage works shall be

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approved in writing by the Local Planning Authority prior to development commencing and the development carried out in accordance with the approved details;

- a) Topographical survey showing existing and proposed ground and finished floor levels to Ordnance Datum. The development shall not be raised above the level of the adjacent land, to prevent runoff from the site affecting these properties.
- b) Surface water shall be restricted to that of a Greenfield runoff rate based on 1.4 l/sec/ha. Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.
- c) Details of the future maintenance/management of the proposed drainage systems.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk).

26 The site shall be developed with separate systems for drainage for foul and surface water on and off site.

Reason: In the interests of sustainable drainage.

27 The development shall be carried out in incorporating the following flood risk mitigation measures:

- a) The provision of a 3m easement from the top of the bank of the River Foss.
- b) Finished floor levels shall be set no lower than 11.150m above Ordnance Datum (AOD).
- c) No raising of ground levels that are currently below 10.04m AOD. Any alteration of ground levels currently below 10.47m AOD must be done so through the cut and fill of material on site.
- d) No 'More Vulnerable' uses, as defined by PPS25, to be located at ground floor level.
- e) Occupants to sign up to the Environment Agency Flood warning service.

Reason: To reduce flood risk.

28 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside the application site, shall be submitted to the Local Planning Authority for written approval. These details shall include maximum ( $L_{Amax}(f)$ ) 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 and businesses.

29 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the Local Planning Authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of future residents and local businesses.

30 Details of measures to be provided within the design of the new building and landscaping to enhance the biodiversity of the area shall be approved in writing by the Local Planning Authority prior to development commencing and the work completed in accordance with the approved details. Features suitable for incorporation include measures for species that use buildings such as bats and birds, and enhancement of the River Foss corridor which forms the boundary of the site.

Reason: To retain and enhance natural habitats and biodiversity in accordance with policies NE7 and NE8 of the Local Plan.

31 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil, petrol and grit interceptor.

Reason: To prevent pollution of the water environment.

## **7.0 INFORMATIVES: Notes to Applicant**

### **1. LEGAL AGREEMENT**

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

### **2. ENVIRONMENT AGENCY ADVICE**

The development may require an Environmental Permit from the Environment Agency for water discharge activity depending on the exact details of the remedial strategy. For further information, contact the EA National Permitting Service (Tel. 08708 506 506).



### 3. 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 vitality and viability of the city centre, visual impact, amenity, highway network management, flood risk, the provision of a Foss walkway, and sustainable design and construction requirements. As such the proposal complies with Policies GP1, GP4, GP6, GP15, NE7, NE8, T2, T4, E1A, and V4 of the City of York Development Control Local Plan.

**Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323

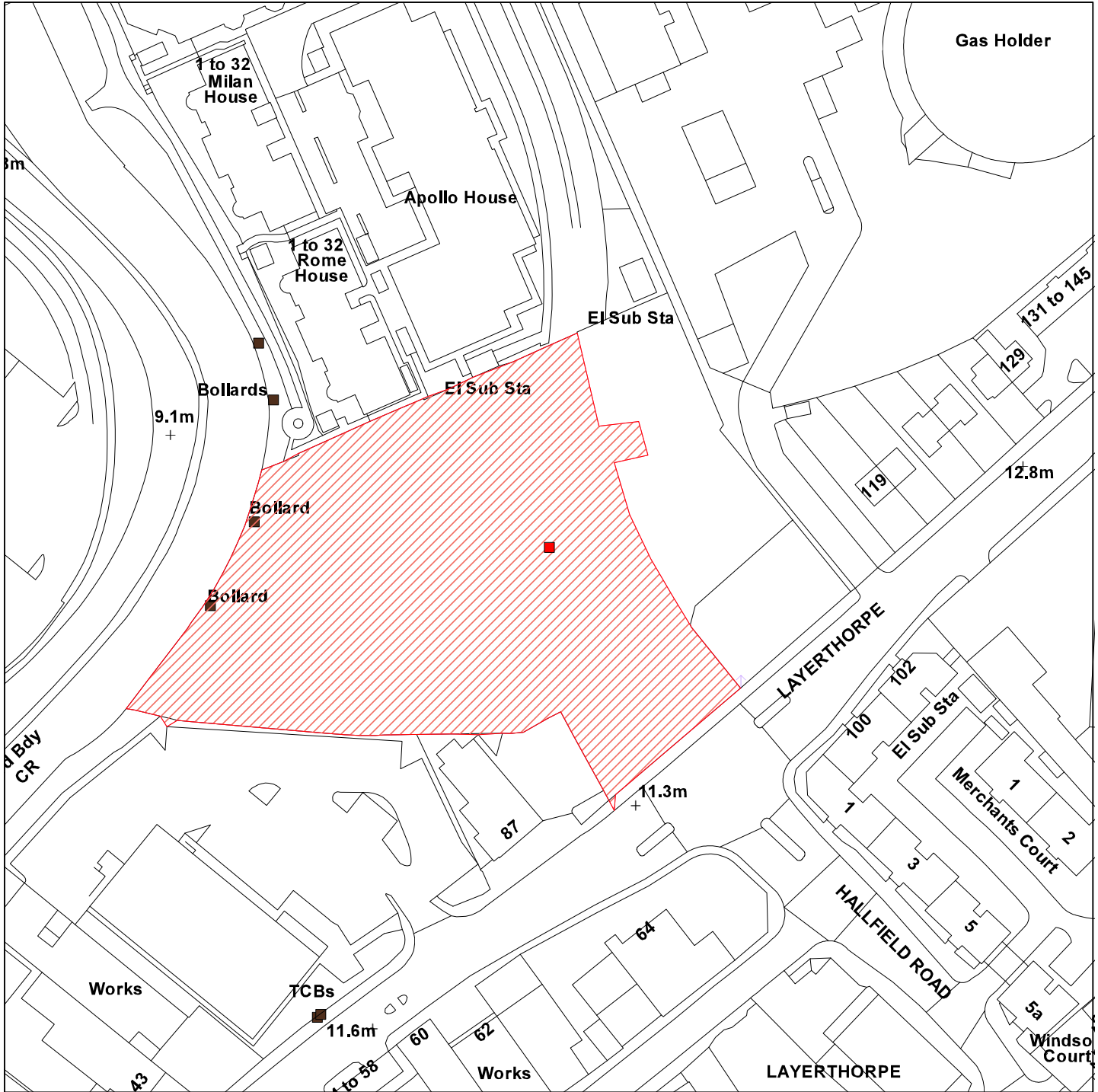
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# Adj to Frog Hall PH, Layerthorpe

11/02210/FULM



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Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	
<b>Date</b>	02 December 2011
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 15 December 2011      **Ward:** Skelton, Rawcliffe, Clifton Without  
**Team:** Major and Commercial Team      **Parish:** Clifton Without Parish Council

**Reference:** 11/02454/OUTM

**Application at:** Grain Stores Water Lane York

**For:** Application to extend time period for implementation in respect of 07/01992/OUTM (allowed on appeal dated 1/09/08) in respect of redevelopment of site for uses including offices( B1c), hotel (C1), residential institutions (C2), dwelling houses (C3) and non-residential institutions (D1) including parking and new access arrangements.

**By:** Water Lane Ltd

**Application Type:** Major Outline Application (13 weeks)

**Target Date:** 12 December 2011

**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 This application is a duplicate of a previous application ref:- 11/00860/OUTM in respect of an extension of time to allow for the submission of Reserved Matters in respect of Outline Planning Permission 07/01992/OUTM previously granted on appeal on 15th September 2008. This earlier application is subject to an appeal to be determined at Public Inquiry in January 2012. The previous permission gave outline approval for a mixed use development on land forming part of the former Clifton Airfield having most recently been used for grain storage. The scheme comprises a mix of B1c) (Light Industry), C1(Hotel), C2(Residential Institutions), C3(Dwelling Houses) and D1(Non-Residential Institutions) with all matters other than access reserved for further approval.

1.2 The appellant submitted a Unilateral Undertaking under Section 106 of the 1990 Act in respect of the appeal outlining a number of mainly financial provisions that would be made in respect of the application site in the event of permission being given. Included within the Undertaking was an offer to provide 38% of the residential units to be provided in the site as affordable. The applicant has submitted an amended Undertaking with the current application indicating a wish to avoid making provision for affordable housing within the site altogether.

1.3 Central Government guidance in respect of applications for extensions of consent indicates that an extension of the period of consent, ordinarily for a further two years should be given unless material considerations subsequent to the grant of the original consent dictate otherwise.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

### 2.2 Policies:

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

CYH4A  
Housing Windfalls

CYSP7  
The sequential approach to development

CYL1C  
Provision of New Open Space in Development

CYED4  
Developer contributions towards Educational facilities

CYGP4A  
Sustainability

CYH3C  
Mix of Dwellings on Housing Site

## **3.0 CONSULTATIONS**

3.1 The application is identical in every respect with application 11/00860/OUTM against which an appeal for Non-Determination has been made. The representations made in respect of that application will therefore serve for both.

INTERNAL:-

3.2 Environmental Protection Unit raise no objection to an extension of time for the implementation of the permission subject to the re-imposition of the conditions earlier applied to the outline permission.

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3.3 Lifelong Learning and Leisure raise no objection to an extension of the time period for implementation of the permission.

3.4 Design, Conservation and Sustainable Development raise no objection to an extension of the time period for implementation of the permission.

3.5 Highway Network Management raise no objection to an extension of the time period for implementation of the permission.

3.6 City Development Unit raise no objection to an extension of the time period for implementation of the permission but seek submission of additional information to satisfy the criteria of the Impact Test outlined in PPS4 "Planning for Sustainable Growth". This information has subsequently been submitted.

3.7 Housing Services object to an extension of time for the application on the grounds that insufficient justification has been supplied for the failure to provide an element of affordable housing as an element of the wider scheme.

EXTERNAL:-

3.8 Clifton (Without) Parish Council raise no objection to an extension of time for implementation of the permission subject a satisfactory internal road layout being agreed.

#### **4.0 APPRAISAL**

KEY CONSIDERATIONS :-

4.1 KEY CONSIDERATIONS INCLUDE:-

\* Impact upon the availability and supply of affordable housing within the wider City.

POLICY FRAMEWORK:-

4.2 The Draft National Planning Policy Framework is particularly relevant in consideration of this proposal. In paragraph 111 this clearly states that to deliver a wide choice of quality homes Local Planning Authority's in respect of affordable housing should set policies for meeting such need on site unless other means of provision can be robustly justified.

4.3 PPS 3"Housing" as revised is particularly relevant in considering this application. In paragraphs 27-30 it sets out a clear framework for Local Planning Authorities, in the presence of a robust, rolling five year housing land supply to set clear thresholds for provision of affordable housing and undertake an informed assessment of their viability and impact upon the delivery of wider targets in terms of housing units.

4.4 Policy H2a) of the York Development Control Local Plan is particularly relevant in the consideration of this application. This seeks the provision of a level of affordable housing in line with a clear threshold figure in respect of all new housing sites of significant size. This has recently been reinforced by the formal adoption of an Interim Policy linked closely to a comprehensive Affordable Housing Viability Study undertaken by Fordham Research in respect of affordable housing in advance of the formal adoption of the LDF Core Strategy. This puts in place through the use of a carefully derived formula a means to tailor affordable housing to the specific circumstances of each site with the capacity in place for an allocation to be challenged in the event of a site not being found thereby to be viable.

4.5 Policy H3c) of the York Development Control Local Plan is particularly relevant in the consideration of this application. This requires a mix of new house types, sizes and tenures on all new residential development sites where appropriate to the location and nature of the development. Residential developments must demonstrate that the range of, type, size of units, design, and layout of the plot, tenures and pricing meets local housing needs.

#### IMPACT UPON THE AVAILABILITY AND SUPPLY OF AFFORDABLE HOUSING WITHIN THE WIDER CITY:-

4.6 Central Government Guidance in respect of processing applications to extend the time for implementation of Outline Permissions emphasises that particular weight should only be given to where a material change of circumstances has occurred since the original permission was granted. In the current case the permission was granted on appeal subject to a Unilateral Undertaking which included a firm indication that affordable housing would be provided within the relevant part of the site at a proportion of 38% of the total number of units. Subsequent to the grant of permission the new Interim Policy and Targets have been adopted which stipulate a target figure of 25% affordable housing provision on Urban Brown Field sites with scope for a reduced target in the event that a development would otherwise prove unviable. Underpinning the Policy and associated Affordable Housing Viability Study is the Dynamic Viability Model which allows for the target to vary in accordance with fluctuations in local housing market conditions.

4.7 In the current case when the application was initially determined the applicant was willing to allow for development of the site with a 38% affordable housing requirement. The applicant now contends on the basis of their own house price and land value data that development of the site with any allocation for affordable housing would simply not be viable using the assumptions and model (the Dynamic Viability Model) underpinning the adopted Interim Affordable Housing Policy. This is suggested on the basis that the site was not initially purchased to undertake residential development rather to maximise the applicant's investment return. The applicant has incurred subsequent significant unexpected additional costs which



impair the viability of the wider scheme and justify the assumption of a greater than normally expected rate of investment return. However in terms of other recent mixed use development schemes notably the redevelopment of the former Terry's plant and the Nestle South site affordable housing allocations of 30.3% and 25% respectively have been found to be viable. Both these schemes have if anything a higher degree of complexity in terms of being delivered than the current proposal. To counter this the applicant has highlighted the high proportion of apartment type units within both schemes whereas the current scheme relates to the provision of more conventional housing units. No evidence has however been submitted to demonstrate such a radical difference in build cost and viability.

4.8 The applicant has submitted their own viability information based upon local house prices and land values. Their assumptions in terms of local house prices are significantly lower than those adopted in the AHVS which were highly conservative in any case. A mix of new build and resale prices were used with no allowance for a "new build" premium. In terms of the difference between the two data sets the applicant is assuming a value of £2,244 per sq metre with the AHVS assuming £2,337 with a York wide average of £2,459. That said there are other indications notably from the City's Property Valuers of higher prices in the immediate vicinity of the application site in the region of £2,691 per sq metre. Such a difference in figure clearly has a significant impact upon viability. Even allowing for this the Dynamic Viability Model underpinning the derivation of the current affordable housing targets allows for variation in line with local market circumstances.

4.9 In terms of land values the value of the site is assumed to be £4,499,304 with a further significant upward adjustment to allow for the applicant's unexpected additional costs. This gives a total value for the site of £371, 843 per acre. This is significantly higher than the figure previously set by the independent District Valuer of £3,523,116. In dealing with this issue the AHVS indicates an approach of setting residential land value at existing use value with the addition of a cushion value to encourage a landowner to sell. This gives a total value per acre of £205,000, with a total value of £2,480,500 for the whole site. However, in determining the original outline application on appeal it was held that the site simply was not viable for employment use therefore it may not be appropriate to adopt a cushion value in which case residential value for the site would be £1,996,500 or £165,000 per acre. There is thus a very substantial difference in the assumptions relating to the site's viability. Notwithstanding such differences it is clear that some allocation of affordable housing would be viable on the site using the adopted assumptions.

4.10 Prior to appealing Non-Determination of the earlier extension of time application and indeed as the reason behind the application not being determined within 13 weeks, the applicant was engaged in a process of negotiation in respect of the provision of affordable housing within the site at a rate of 15% but not linked to the Dynamic Viability Model. There is therefore a degree of acceptance that some form of affordable housing would be viable within the application site. However, as it

stands the application fails to comply with the terms of Policies H2a) and H3c) of the Draft Local Plan or the associated Central Government Guidance outlined in PPS 3 as revised.

## **5.0 CONCLUSION**

5.1 The Former York Grain Stores, Water Lane, Clifton was granted Outline Planning Permission on 15th September 2008 for a mixed use development including an element of residential use subject to a Unilateral Undertaking on the part of the applicant agreeing to the allocation of 38% of the residential units as affordable. Subsequent to the original determination the Authority has adopted a target of 25% on urban brown field sites linked to a viability model that makes allowances for changes in local market variations. Notwithstanding that the applicant has been willing to negotiate a lower allocation for affordable housing, the original application for an extension of time to implement the original permission has been appealed on the grounds of non-determination and the current duplicate application submitted on the basis that no allocation for affordable housing would be viable. The applicant has failed to sufficiently justify this permission and it is therefore recommended that permission be refused.

## **6.0 RECOMMENDATION: Refuse**

1 The application fails to demonstrate that the 25% target allocation of affordable housing outlined in the Adopted Housing Viability Study for urban brownfield land can not be reasonably achieved on the site. It is therefore contrary to the terms of Policies H2a) and H3c) of the York Development Control Local Plan together with Central Government Guidance in respect of planning and affordable housing outlined in PPS3 (as amended).

## **7.0 INFORMATIVES:**

### **Contact details:**

**Author:** Erik Matthews Development Management Officer

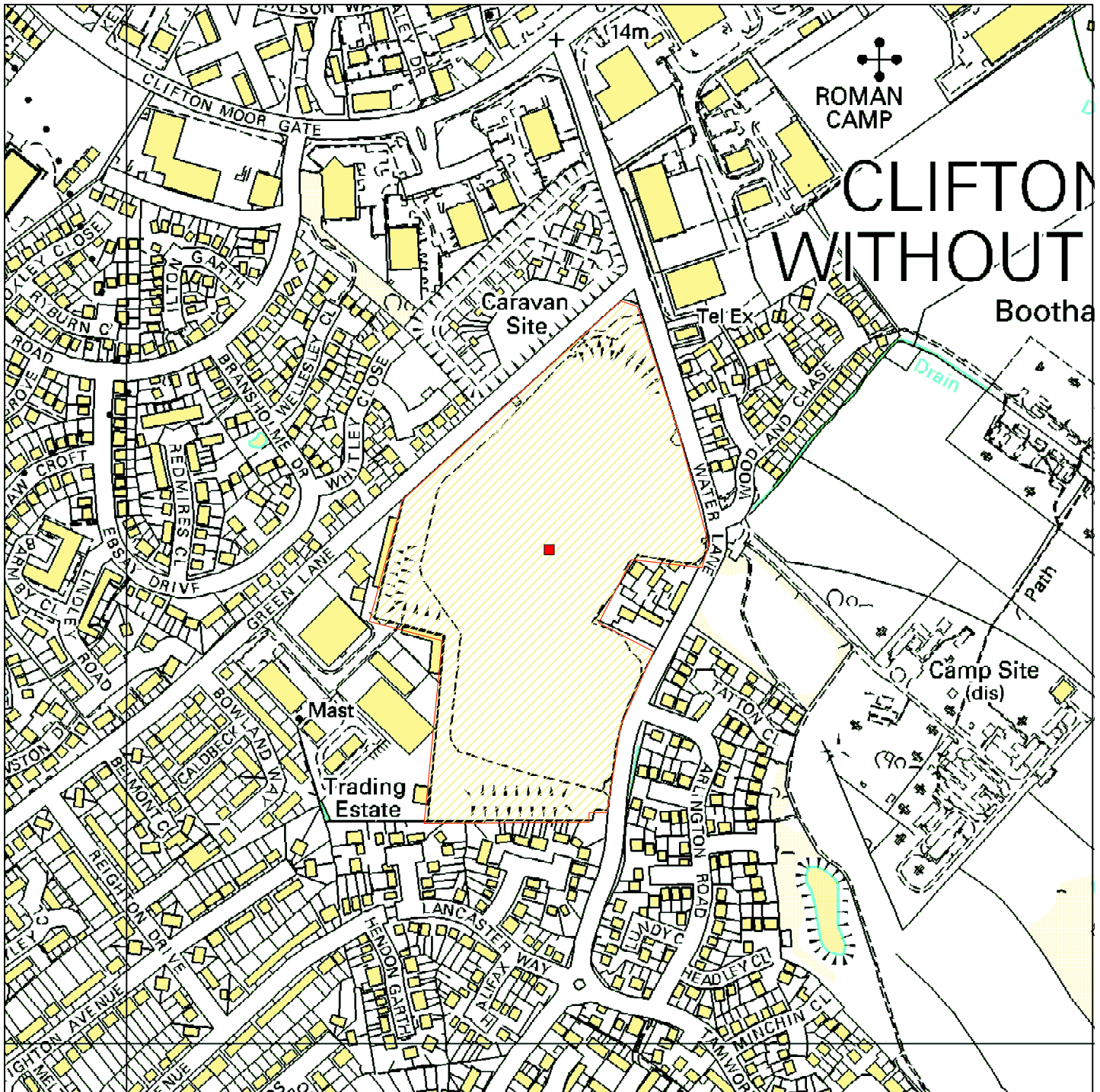
**Tel No:** 01904 551416

# Grain Stores, Water Lane, York

11/02454/OUTM



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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	
<b>Date</b>	02 December 2011
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 15 December 2011      **Ward:** Osbaldwick  
**Team:** Major and                      **Parish:** Osbaldwick Parish  
Commercial Team                      Council

**Reference:** 11/02305/FULM

**Application at:** OS Field 3022 Metcalfe Lane Osbaldwick York

**For:** Erection of 58 polytunnels in association with use of land as allotments with associated facilities including reception building, toilet block, parking area and alterations to Metcalfe Lane (revised scheme)

**By:** Mr James Metcalf

**Application Type:** Major Full Application (13 weeks)

**Target Date:** 9 January 2012

**Recommendation:** Refuse

**1.0 PROPOSAL****PROPOSED DEVELOPMENT**

1.1 The applicant seeks planning permission to erect 58 polytunnels on agricultural land to the east of Metcalfe Lane. The proposed tunnels are 27.5m long by 5.5m wide and would be 2.6m high. Next to each tunnel it is intended to be located a small timber shed. The sheds are proposed to have a mono-pitch roof and be 3.4m in height.

1.2 In addition to the polytunnels it is proposed to provide a reception and a small shop. Showers and toilets are also provided in a separate building. The current application did include a cafe, but this has now been removed. The proposal includes a balancing lake towards the entrance to the site. The pond is oval in shape and approximately 60m in length. A crushed gravel track is proposed to run the length of the site. 12 car parking spaces and 4 mini bus spaces are proposed adjacent to a large gravel turning area close to the reception/shop. It is understood that occupiers of the polytunnels will typically park adjacent to each structure.

1.2 The access point to the site is around 160 metres from the junction of Metcalfe Lane with Osbaldwick Village. It is proposed to retain Metcalfe Lane in its current form with the exception of the creation of a point for two cars to pass adjacent to the application site. The applicant intends to introduce a 20mph speed limit and oncoming vehicle priority on the lane.

1.3 The site is intended to be open from 'dusk to dawn'. The polytunnels would be available for charities, educational groups, businesses and individuals to rent. The

applicants have not put forward any information in respect to what the likely split in occupation of the tunnels would be.

1.4 The applicant has referred to the polytunnels as 'eco tunnels' and included environmental friendly elements such as solar panels on the sheds and ancillary buildings. A small shop is proposed where producers can sell produce to the visiting public. Although the desire to create a fully accessible 'covered allotment type' facility with a 'social emphasis' is noted there is no agreement in place to restrict the occupation of the tunnels either in respect to the nature of occupiers or the number they can hire. The applicant has stated that he is not aware of a precedent elsewhere for a similar proposal.

## APPLICATION SITE

1.5 The land has previously been used for grazing and haymaking, it is not part of a working agricultural unit. The total site area is approximately 3.3 hectares and comprises three fields divided by hedgerows. The land is around 350 metres in length measured from north to south. Approximately 50 metres of the site immediately adjoins Metcalfe Lane. There are hedges and trees running around the perimeter of much of the site. Overhead power lines run over part of the area. Eastern House and Langton House are located off Metcalfe Lane and are in close proximity to the proposed development.

## LAND USE ALLOCATIONS

1.6 The land is within the Green Belt. A small strip of land (approximately 12 x 50m) at the south of the site is located within Osboldwick Conservation area. Land to the west of Metcalfe Lane has outline consent for residential development. The residential scheme indicates that a park/landscaped strip approximately 50m wide is proposed to the west of Metcalfe Lane.

## PLANNING HISTORY

1.7 In August 2010 a similar application (10/00529/FULM) was refused. The main differences between the refused scheme and the current application were:

- \*90 polytunnels were proposed rather than 58.
- \*Sheds were not proposed adjacent to the polytunnels.
- \*The proposal did not include balancing ponds.
- \*It was proposed to widen 60m of Metcalfe Lane to 4.5m.

The application was refused for the following (summarised) reasons:

1. Concerns that the improvements to Metcalfe Lane would not avoid conflict with the safety and enjoyment of pedestrians and cyclists.

2. Concerns that drainage works and proposals to widen Metcalfe Lane would adversely affect the biodiversity of Metcalfe Lane and its rural character.
3. Inadequate evidence was submitted to show that the proposal would not cause surface water flooding.
4. Concerns that the proposal would detract from the openness of the Greenbelt and that any harm caused would not be outweighed by proven agricultural or recreational benefits.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Osbaldwick CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

### 2.2 Policies:

CYGP1  
Design

CYGB1  
Development within the Green Belt

CYGB13  
Sports facilities outside settlements

CYGP14  
Agricultural land

CYGP15  
Protection from flooding

CYNE1  
Trees, woodlands, hedgerows

CYNE7  
Habitat protection and creation

CYT2  
Cycle pedestrian network

CYHE2

Development in historic locations

CYHE3

Conservation Areas

### **3.0 CONSULTATIONS**

3.1 It should be noted that on 1 December 2011 the applicant amended the application to remove the refreshments building from the site and slightly modify the layout of the remaining buildings. The consultation comments below pre-date these changes. It is not considered however, that the amendments are of a scale or nature that they have a significant bearing on the merit of comments received such that reconsultation is warranted.

#### **INTERNAL**

3.2 Highway Network Management - Metcalfe Lane is a private road but carries a public footpath. The lane is apparently in the ownership of Langton House but the applicant "has the full right of way for any users of the land."

3.3 Despite the reduction in the number of polytunnels the applicants still expect to generate 55 vehicle movements a day at weekends. Metcalfe Lane is relatively narrow and is a popular route used by walkers and cyclists. The proposal may generate some trips by minibus. The adjoining Derwenthorpe development is likely to increase the use of the lane by cyclists and pedestrians. With only a single width currently available it remains the view of officers that the proposed development would introduce conflict between vehicular and pedestrian movements along Metcalfe Lane and as such have a detrimental effect on public safety. For this reason it is recommended that the application be refused.

Conservation Officer - No comments.

3.4 Nature Conservation Officer - The grassland here is species poor and largely improved, although there is prominent ridge and furrow present which is of interest historically and much has already been lost within this area as well as nationally. To facilitate this scheme the fields will need to be levelled. The mature hedgerows present on site are also of interest both ecologically as well as historically, there is one section of hedgerow along the western boundary which is more species rich and contains some species which are of interest within this locality. For the most part these hedgerows are being retained and will not be affected by the scheme, although some small sections may need to be removed in order to make way for the new vehicular accesses. All polytunnels should be moved 3m from the hedgerow for maintenance and ecological reasons.



3.5 The proposed mulch/compost area at the north-east of the site is poorly positioned as it could contaminate a nearby ditch and wetland area. As Metcalfe Lane is very narrow there are concerns as to whether increased usage of the route will damage protected hedgerows.

3.6 Landscape Architect - The site lies within character type 10 of the 'York Landscape Appraisal'. Pastoral farming, hedgerows and traditional field patterns are identified within this character type. It is considered that the development threatens this. The proposal will be visually intrusive and could lead to gradual degradation of the site. During the winter the site will be exposed to view through the lattice work of bare hedges. The site is close to existing housing and areas where new housing is proposed. The damage to the landscape conflicts with policy GP1 of the Local Plan. Concerns in respect to the visual landscape could be outweighed if there was public support for a community initiative. Need to be convinced of the business case (could the scheme be phased?). The polytunnels need to be further from perimeter hedges.

3.7 Lifelong Learning and Culture - With regard to the demand for allotments in Osbaldwick state they have no specific data for the Parish and immediate surrounding communities. However, anecdotal evidence from the nearest allotments surrounding Osbaldwick suggests that there is unmet demand. The nearest sites are Heslington, Low Moor, Glen, Hempland and Dunnington which are all full. Undertook a post code mapping exercise in 2009 for Low Moor tenants found that several of whom were residents of Osbaldwick. Where new allotments have been opened in Knapton and Wheldrake both sites were full before they opened.

3.8 The Section states that Osbaldwick is specifically mentioned in the PPG 17 LDF study as an area of potential demand which needs researching and it is queried whether the applicant has researched the demand. It also queried whether if road traffic is an issue could it be a condition that the plots can only be let to people living within a close catchment.

3.9 The section would prefer that the site was developed for "traditional" allotments rather than polytunnels as more land could be brought into cultivation and more demand met.

3.10 York Consultancy – States the development is in Flood Zone 1 and should not suffer from river flooding. Insufficient information has been provided by the developer to determine the potential impact the proposals may have on the existing drainage systems including the downstream watercourse. Details should include a topographical survey showing ground levels of the site and adjoining land. Further details in respect to the balancing lake are also required. A verbal response was given by York Consultancy that it is not considered that elements relating to drainage are at a level of advancement that it is appropriate to deal with further details by condition.

3.11 Environmental Protection Unit – No objections, stating according to records part of the site was formally used as a railway. If contamination is discovered when the site is developed the developers should make the Council's contaminated land officer aware of this.

## EXTERNAL

3.12 Foss Internal Drainage Board – The site is close to Osbaldwick Beck which is at capacity. The site is in an area where drainage problems exist and development should not be allowed until the Authority is satisfied that surface water drainage has been satisfactorily provided for. If the Authority are satisfied that surface water issues have been addressed conditions are suggested.

3.13 York Natural Environment Panel – The proposal will lead to the loss of meadow habitat and open countryside which could be a pre-cursor for other development. There could be a degree of visual intrusion. The development should be set back further from hedgerows. Road traffic will harm the rural character and road widening will lead to the loss of hedgerow. The elevated computer drawings downplay the height of the polytunnels.

3.14 Parish Council - Object to the proposal. The Parish Council re-instate their objections to the previous application:

- \* The area is an attractive landscape. Metcalfe Lane is attractive in its own right and an important buffer to built development.
- \* The area should remain free from development as it is Green Belt.
- \* Development will cause conflict between vehicles and pedestrians and cyclists.
- \* The junction with Osbaldwick village is a known accident black spot.
- \* Issues need to be addressed in respect to the applicant's right to maintain or alter Metcalfe Lane.
- \* The proposal will conflict with a paddock owners right of access across the field.
- \* The ridge and furrow should be protected.
- \* The proposal will harm wildlife and biodiversity.
- \* The polytunnels and loss of hedgerows associated with the access/road widening will detract from the conservation area.
- \* There are flooding concerns in respect to Eastern House and nearby grazing land.
- \* The increased use of the site and associated traffic will detract from the living conditions of properties adjacent to the site.
- \* Question the demand for the facilities by the 'community' and request that if it is approved it is conditioned that the buildings are removed when no longer needed.

3.15 In addition the following additional concerns are raised by the Parish Council specifically in respect to the current application:

\*There is no viable business plan, indication of demand and no end users identified. In this context it is not possible to assess the number and type of vehicles that will use Metcalfe Lane.

\*The supporting buildings are not necessary and are inappropriate in the Greenbelt.

\*Regard should be given to the January 1994 comments referring to the land made by the Inspector in respect to the York Greenbelt Local Plan (page 73 c61.5).

\*Previously the Council's Highway Network Team indicated that any permission should be subject to the widening of Metcalfe Lane to 5m. Alterations to the lane would not be acceptable because of the impact on wildlife and the conservation area. Metcalfe Lane is a private road and alterations will not be permitted by the landowner.

## NEIGHBOURS

3.16 Letters of objections have been received from the occupiers of 4 properties. Objections have also been received from the chair of Meadlands Area Residents Association and The Open Place Society (based in Henley on Thames). The following concerns are raised:

\*The quiet rural character of Metcalfe Lane should be protected as a valuable part of the conservation area.

\*Because of its narrowness and lack of a significant verge, cars using Metcalfe Lane do present genuine problems to horse riders, pedestrians, dog walkers and cyclists.

\*The proposal goes against York's aim to be a cycling friendly city.

\*The route is an important link between Meadlands and Osbaldwick and part of the Sustrans route to the City.

\*There is insufficient information to properly assess the number of visitors that will come to the site and what mode of transport they will use.

\*The changes to the scheme do not overcome the previous reasons for concern.

\*The proposed traffic measures will not overcome concerns in respect to conflict between cars and other users of Metcalfe Lane.

\*The proposal does not include an acceptable flood risk assessment which is required for sites over 1 hectare in size. The use of infiltration and rainwater re-use systems must be considered to limit discharge from the site.

\*No calculations are included to show that the balancing lake will function adequately in respect to addressing drainage issues.

\*The concentration of polytunnels in one area would conflict with Greenbelt policy.

\*The concerns of the Council's Landscape Architect are noted.

\*Screening of development does not justify the proposal in respect to Greenbelt policy and the screening could be removed by a third party.

\*The Derwenthorpe development will increase the number of pedestrians and cyclists using the Lane.

\*The owner of Langton House has been requested not to allow road widening, street lighting and so forth on Metcalfe lane.

- \*Users of the polytunnels would be likely to travel by car as they would typically be lugging gardening equipment, peat and so forth.
- \*The junction of Osbaldwick Village with Metcalfe Lane is an accident black spot.
- \*New road signs on Metcalfe Lane will detract from its rural character.
- \*Allotment holders may innocently feed horse's potentially dangerous food.
- \*Security concerns.
- \*The proposal is further encroachment into the countryside.

## 4.0 APPRAISAL

### 4.1 Key Issues:-

- Acceptability within Greenbelt and Visual Impact
- Access and Highway Safety
- Drainage
- Wildlife
- Impact on neighbours

## KEY NATIONAL GUIDANCE

4.2 Planning Policy Statement 1 sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

4.3 Planning Policy Guidance Note 2 relates to Green Belts it outlines the presumption against inappropriate development within the Green Belt. One of the key functions of the Green Belt is to retain attractive landscapes near where people live. They also fulfill a role of providing opportunities for outdoor recreation near urban areas.

4.4 Planning Policy Statement 7 relates to sustainable development in rural areas. In respect to land on the urban fringe it states (paragraph 26) that: "While the policies in PPG2 continue to apply in green belts, local planning authorities should ensure that planning policies in Local Development Document's address the particular land use issues and opportunities to be found in the countryside around all urban areas, recognising its importance to those who live or work there, and also in providing the nearest and most accessible countryside to urban residents. Planning authorities should aim to secure environmental improvements and maximise a range of beneficial uses of this land, whilst reducing potential conflicts between neighbouring land uses. This should include improvement of public access (e.g. through support for country parks and community forests) and facilitating the provision of appropriate sport and recreation facilities."

4.5 Planning Policy Statement 25 relates to Development and Flood Risk. It seeks to ensure that local planning Authority fully consider current and future flood risk associated with new development.

## KEY LOCAL PLAN POLICES

4.6 Local Plan Policy GP1 (Design), GB1 (Development in the Green Belt), GB13 (Sports Facilities Outside Settlement Limits), GP14 (Agricultural Land), GP15a (Development and Flood Risk), NE1 (Tress, Woodlands and Hedgerows), NE7 (habitat Protection and Creation), T2a (Existing Pedestrian/Cycle Networks), HE2 (Development in Historic Locations) and HE3 (Conservation Areas).

## ACCEPTABILITY WITHIN THE GREENBELT AND VISUAL IMPACT

4.7 One of the key objectives of the Greenbelt is to safeguard the countryside from encroachment and prevent neighbouring settlements merging into one another. Greenbelt policy does, however, allow agricultural development and essential facilities for outdoor sport or recreation providing the proposal does not detract from the open character of the Green Belt, does not conflict with the purpose of keeping the land as Green Belt and does not harm the setting of the city of York.

4.8 In respect to the development's 'footprint' the proposal is still undoubtedly large in scale. The polytunnels are however relatively low. At their highest point the polytunnels would be 2.6m high. It is the case however, that sheds are located next to each of the polytunnels. These are of timber construction. Despite their modest footprint of 4.5sq m it is considered that their height (3.4m) and frequency is such that are likely to appear out of place in the open countryside.

4.9 The area of the site that is most visible from Metcalfe Lane and areas to the south, have been enhanced from the previous application through the removal of polytunnels, additional landscaping and the provision of a balancing lake. The scheme has been slightly revised since it was submitted by removing the refreshments/cafe building. A single storey shop/reception is proposed. This would be relatively large being 7.2m high and 23.3m long. The toilet block is 6.1m high and 8.8m in length. It is questionable, given the Greenbelt location and low height of the polytunnels whether there is justification for the ancillary buildings to be so tall. It is noted that the large roof slope is to be used for solar panels. The applicant's state in their design and access statement that support and service buildings will be portable structures that can be easily removed should the site use change in the future.

4.10 It is considered that the proposed polytunnels fall into the agricultural and/or outdoor recreation category. However, it is important the tunnels and supporting buildings are not unduly prominent, do not detract from openness and do not harm attractive views or landscapes. It is also considered important that priority is given

to structures and development that can be easily removed if and when no longer required.

4.11 Land to the east of Metcalfe Lane is arguably an appropriate location for the polytunnels. This is flat land which has a reasonable screen of hedgerows around most of the site. There would not appear to be a large number of significant public views into or across the area. Part of the development will be visible from Metcalfe Lane, however, much will be set off the lane and partly screened by the garden of Langton House and additional trees and hedgerows. It is recognised that the screening value of vegetation will be significantly less in the winter and it may be beneficial introducing some new planting, however, because of the terrain and relatively low profile of the structures they will not be unduly prominent. Polytunnels are clearly associated with agriculture and horticulture and such structures would not necessarily appear out of place in open countryside providing they are not unduly prominent. The supporting buildings and sheds are more prominent and their scale, number and size do potentially raise issues in respect to their acceptability. The shop and numerous sheds would not seem to be essential facilities for commercial horticultural or agriculture. There is also a substantial spine road proposed through the site and a large surfaced area for car parking/vehicle turning. This is considered essential to support use of the polytunnels through the year. It is important however, that there is scope to remove the track if necessary. No hard surfacing is shown for car parking adjacent to the polytunnels, however, it is likely that this will also be a requirement if the application were approved.

4.12 In the process of consulting on this revised scheme new objections have been raised in respect to the short distance between the polytunnels and adjacent hedgerows. It is the case that in some locations the polytunnels are less than 2 metres from the hedgerows. If the scheme were to be approved it would be necessary to modify the size and/or position of the tunnels slightly to ensure that the adjacent hedgerows are not damaged and can be adequately maintained.

4.13 The small section of the application site that is within the Osbaldwick Conservation area is free from development. Although the proposals will have some impact on the setting of the conservation area most parts will be reasonably well screened. The section of Metcalfe Lane south of the application site is located within the Osbaldwick Conservation Area. It is likely that the proposals will have a relatively limited impact on the appearance of the lane, however, a substantial increase in car, lorry or commercial traffic would harm the character of a route that currently has the feel of a quiet rural lane.

#### ACCESS AND HIGHWAY SAFETY

4.14 Metcalfe Lane is a private road. However, it is a well-used route for pedestrians and cyclists travelling between Osbaldwick and Heworth Without. There is a significant degree of uncertainty in respect to the envisaged level of traffic

generation associated with the application. It is unclear how intensively the polytunnels will be used and whether users will use them for a commercial or recreational purpose

4.15 The previous scheme proposed to widen Metcalfe Lane to address concerns in respect to conflicts between vehicles and other users of the Lane. This however, raised concerns in respect to the impact changes would have in respect to the character and appearance of the conservation area and the wellbeing of wildlife.

4.16 The applicant now intends to retain the section of Metcalfe Lane and the application site as existing with the exception of signage stating that speed limits are restricted to 20mph and setting out vehicle priority. To allow vehicles to pass a short section to Metcalfe Lane adjacent to the site is to be widened to 5.4m.

4.17 The Council's Highway Officer has objected to the proposal because development would significantly increase vehicle movements and this would conflict with the safety of pedestrians and cyclists using the route. A main problem assessing the traffic impact of the proposal is that the applicants have not clarified what the mix of users of the polytunnels would likely to be. It is possible that all of the polytunnels could be let to a single commercial grower, or all could be occupied on a 'hobby' basis by individuals. Clearly each would have a very different impact in respect to the nature and frequency of vehicle movements. The applicant's have also not shown any clear local demand for the facility from any possible future users, this again makes it uncertain what traffic would be generated. Clearly if the polytunnels were occupied by individuals it could be the case that there would be a large number of car borne users arriving at weekends and on weekday evenings - this could also be a peak time for visitors to the shop. A commercial use would be expected to generate less vehicle movements, but could cause greater concerns in respect to the size of vehicles using Metcalfe Lane.

4.18 This application as submitted included a shop and cafe available for visitors to use. No restrictions were offered in respect to what could be sold. Following the objections raised by neighbours and consultees the cafe has been removed. This is likely to reduce visitor numbers, however, it is not considered to be such to overcome concerns in respect to the impact on Metcalfe Lane. In addition, in the absence of any business plan it is hard to provide certainty in respect to the shop being a very low key part of the overall initiative.

## DRAINAGE

4.19 Engineers of York Consultancy consider that the drainage proposals are not sufficiently detailed to properly assess the implications of the scheme. This is of significant concern given the very considerable footprint of the structures proposed on site. The land is not at risk of river flooding, however, it does appear that surface water flooding occurs on land in the area and that the nearby Osbaldwick

Beck is often at capacity. It is also understood that Eastern House at the south of the site has previously suffered from internal flooding caused by surface water run-off.

4.20 Drainage measures needed to avoid problems from surface run off could potentially have implications on the design and layout of the site, including the balancing lake. It would be unacceptable to approve the application without surface water issues being more fully investigated.

## WILDLIFE

4.21 The applicant has submitted a biodiversity assessment of the site. This concludes that the site is of limited value for wildlife and that there is little indication that the site contains grassland of significant conservation value. The assessment states that it is highly unlikely that development would breach laws that protect, badgers, water voles and bats. There are some ditches and areas of water around the site that intermittently hold water, however, as they are dry for part of the year they are not considered suitable breeding grounds for great crested newts.

4.22 The assessment states that a buffer strip should be retained at the base of existing hedgerows and that opportunities should be taken to re-enforce areas of hedgerow. The small flood area at the north west of the site should be retained if possible. The area of hedgerow fronting Metcalfe Lane is of limited value for wildlife. If it were removed it would be preferable to replant a new hedge.

4.23 The Council's nature conservation officer has visited the site on several occasions. He does not oppose the current scheme on conservation grounds. He considers that the most significant element of the site is the ridge and furrow landform. It is the case however, that to be acceptable additional improvements to drainage may have to occur - the implications of these on wildlife may be significant and will need careful consideration.

4.24 At present a number of the proposed polytunnels would be sited an unacceptable distance from adjacent hedgerows. Possible harm to hedgerows would be a reason to refuse the application. It is, however, a matter that could easily be overcome were Members minded to approve the application. Minor issues relating to the siting of mulch and compost would also need addressing.

## IMPACT ON NEIGHBOURS

4.25 The neighbouring properties close to the development are Eastern House to the south, Langton House to the west and properties on the north side of Osbaldwick village.



4.26 The nearest properties are Langton House and Eastern House. Both properties have very large gardens.

4.27 It is considered that the proposal will increase traffic on Metcalfe Lane and will create some additional noise through the use of the site. It is the case, however, that the new internal road and entrances to buildings are away from the garden boundaries and that noise associated with the polytunnels (including plastic blowing in the wind and rain hitting the surface) would not be such to cause significant disturbance within the two houses. There may be a little additional noise that could be heard when occupiers use their gardens, however, it is not considered that this would be excessive, even taking account of the semi-rural location.

## **5.0 CONCLUSION**

5.1 It is considered that the proposal as submitted does not satisfactorily address issues of drainage or clearly indicate that the site can be accessed without detracting from the safety and convenience of users of Metcalfe Lane - particularly cyclists and pedestrians.

5.2 The proposals are quite a novel initiative and the applicant has undertaken considerable work to prepare the proposal. The potential job creation benefits are recognised. It is not clear, however, what the final mix of users of the proposed polytunnels would be. In addition, it is unclear how many daily users would visit the site to cultivate plants or attend the proposed shop.

5.3 Green Belt policy seeks to protect the countryside from development, though does allow some agricultural buildings and recreational uses. The scale of the development is still very large and it could possibly be argued that as a whole the buildings are still almost commercial and alien in form and number. If ran largely as a 'community initiative' the location on the fringe of the urban area is beneficial in that it would allow residents in east York to easily access the countryside for growing plants and food.

5.4 Issues relating to drainage have not been fully addressed. Although it should be possible to overcome concerns that surface water run-off would cause flooding, it is necessary for adequate exploratory work to be done prior to approving the application. This is because drainage measures could have implications in respect to wildlife habitat and the layout and levels of the site.

5.5 The main difficulty in assessing the scheme has been the lack of certainty in respect to the final mix and number of users and visitors to the site. The applicant wishes to 'keep his options open' and has submitted no specific information in respect to who will grow plants there. Although the application is put forward partly as a community scheme, there would seem to be no significant evidence of community support for it. If the site were run on a purely commercial business it is

unlikely that buildings other than a certain number of polytunnels and a small portable staffroom could be justified and the impact of the commercial traffic on Metcalfe Lane would need very careful consideration. If it were a community/recreational facility there would be more justification for the 'ancillary' elements of the development, however the traffic impact would still need careful consideration and a viable and sustainable business plan showing community support for the initiative would be very beneficial.

5.6 Taking into account the above matters and all other material considerations, it is recommended that the application be refused.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 The proposed development would be accessed off a private road. It is considered that increased vehicle movements associated with the proposal would be likely to generate conflict with the safety and enjoyment of cyclists and pedestrians who use the route. As such the proposal conflicts with policy T2a of the City of York Draft Local Plan (fourth set of changes) approved April 2005 and Central Government advice relating to traffic safety in Planning Guidance Note 13 (Transport).

2 The application fails to indicate how improvements to drainage will be implemented without adversely affecting the biodiversity of the area. In addition, a number of the proposed polytunnels are located unduly close to hedgerows to allow for their future maintenance and wellbeing. As such the proposal conflicts with policy GP1, NE1 and NE7 of the City of York Draft Local Plan (fourth set of changes) approved April 2005 and Central Government advice contained in Planning Policy Statement 9 (Biodiversity and Geological Conservation).

3 The application provides insufficient information to determine the potential impact the proposals will have on the existing drainage system. These concerns are particularly significant given the history of surface water flooding in the area. As such the proposal conflicts with policy GP15a of the City of York Draft Local Plan (fourth set of changes) approved April 2005, The City of York Flood Risk Assessment (September 2007) and Central Government advice relating to flood risk contained in Planning Policy Statement 25 (Development and Flood Risk).

4 The application fails to show that the proposals are economically sustainable and any recreational benefits to residents from the use of the site will outweigh the impact the development will have on the loss of openness of the Greenbelt and the character of Osbaldwick Conservation Area. As such the proposal conflicts with policy GB1, GB13, HE2 and HE3 of the City of York Draft Local Plan and Central Government advice relating to development in Green Belts contained in Planning

Policy Guidance Note 2 (Green Belts) and Planning Policy Statement 7 (Sustainable Development in Rural Areas) and Planning Policy Statement 15 (Planning for the Historic Environment).

**Contact details:**

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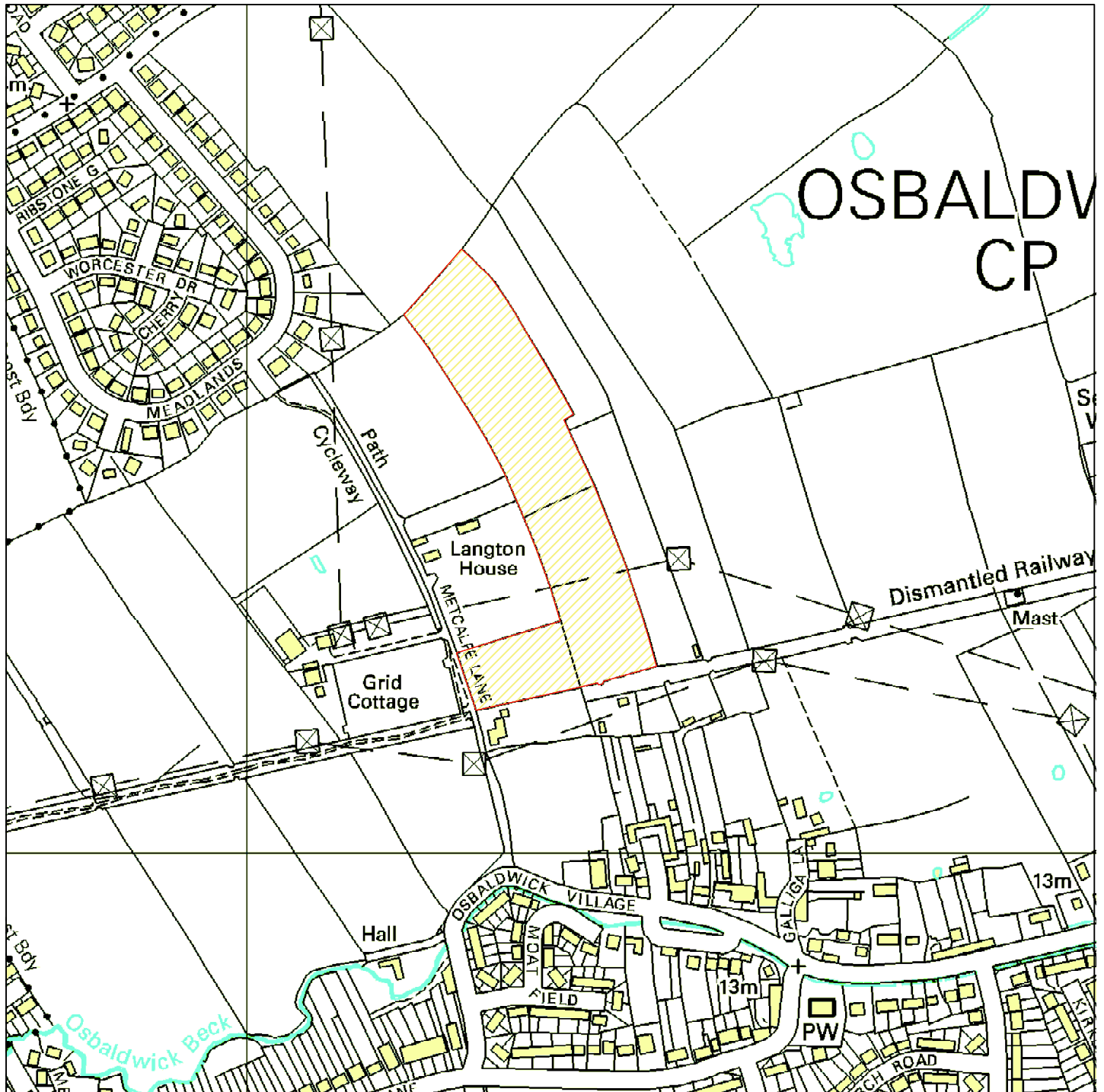
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## OS Field 3022, Metcalfe Lane, York

11/02305/FULM



GIS by ESRI (UK)



Scale : 1:5000

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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	
<b>Date</b>	02 December 2011
<b>SLA Number</b>	Not Set

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**11/02998/ADJ. Allerton Park Waste Recovery Centre  
Committee Update.**

Design, Conservation and Sustainable Development confirm that there would be no material impact upon the setting of York Minster arising from the proposal.

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Layerthorpe committee update 15.12.2011

- Errors in dimensions given in the report, para 4.21 - flats to the north are 10m away rather than 21m. Para 3.3 - there is at least 2.5m planting to each side of the walkway, rather than 5m.
- Noise (paragraph 3.8) plant equipment should be below, rather than above, background noise levels. Officers consider a scheme to achieve acceptable internal noise levels should be secured as a condition of approval.
- Police Architectural liaison officer (paragraph 3.17) – note that it is not proposed to enclose the car park with a 1.8m high fence. The car park boundary with the ASDA car park will remain as existing – brick wall and trees & for the time being the walkway would be enclosed at each end.
- Note council would contribute 290k toward delivery of the link road – this is not mentioned in the report.

**Conditions – amendments**

- Condition 1 - Officers propose the requirement that the building is not occupied until the gasholder is decommissioned to be contained within the legal agreement rather than through a planning condition as recommended in the report.
- Condition 8 - 713 sq m floor space non-hotel (reduced in amended plans).
- Condition 9 - Use of the counter at the drive through to be allowed up to 24:00. Officers consider this will have a limited impact on noise, in comparison to persons parking and walking into premises.
- Condition 10 – BREEAM - timescale varied to allow site to be occupied before post construction certificate is provided. A pre construction report would give comfort the V good will be achieved.
- Conditions 22 and 23 rather than 22. – reports on monitoring to be a separate condition.
- Conditions 25 & 27 on flood risk/drainage re-worded to allow 2.0 litres a second run off rather than 1.4 originally specified. 1.4 is the required rate for greenfield sites in the council's FRA. It is agreed the site is not regarded as Greenfield. Agreed ground levels can be raised, provided those a 10.04AOD are not. Clarified 27 d) only no sleeping accommodation at ground floor level.

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**11/02454/OUTM Application for Extension of Time to Implement 07/01992/OUTM in respect of York Grain Stores Water Lane Clifton. Committee Update:-**

The final sentence of paragraph 5.1 should read “The applicant has failed to justify this position and it is therefore recommended that permission be refused.”

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In many countries it is illegal to build power stations that fail to make full use of the heat generated at the plant. In many countries, Austria, Netherlands, Germany, for example, incinerators are built in or near cities in order to provide district heating. This raises the overall energy efficiency of the plant from under 30% to around 95%. It reduces carbon emissions and heating bills. In Copenhagen, for example, district heating reduces residents' heating bills by £900 a year.

I submit as evidence to this committee an email to me from the applicant, Amey Cespa, in which they admit the plant could be providing all the heating for 30,000 to 40,000 homes. This is over and above any electricity they would generate.

So why isn't this happening? In the middle of nowhere there are no homes to heat.

Campaigners allege that incinerators cause health problems and early deaths. I have circulated a set of graphs which compare health and exposure to urban particulates against kilograms of municipal waste incinerated in 21 countries. There is no correlation. Switzerland - 7 times more incineration than the UK, higher life expectancy, 25% lower death rate from chronic diseases. Sweden - 5 times more incineration than the UK, higher life expectancy, 25% lower death rate from chronic disease, 15% lower exposure to urban particulates. The key is effective and enforced regulation of emissions.

Two quotations: "Until recently, we have always thought that whatever progress humanity makes, our planet would stay much the same. That may no longer be true. The way we generate energy. The way we use land. The way industry uses natural resources and disposes of waste ... Those things taken together are new in the experience of the earth. They threaten to change the atmosphere above us and the sea around us."

"In recent years, we have been playing with the conditions of the life we know on the surface of our planet. We have treated the air and the oceans like a dustbin."

That was Margaret Thatcher addressing the Conservative party conference in 1989 and the 2<sup>nd</sup> World Climate Conference in 1990

It is a tragedy that tackling climate change has since become a party political football and that many prefer to turn a blind eye to evidence-based science.

I urge you to defer this application to allow time to identify a location where a properly regulated incinerator could provide district heating to half the households in York instead obliging generations as yet unborn to pay for a white elephant that will, over 20 years, belch 1 billion pounds of heat into the skies.

I ask that the evidence I have supplied be filed with the minutes so that citizens looking back at this will see that whatever decision you make today, it was not taken in the absence of the facts. Thank you.

*Christian Vassie 15<sup>th</sup> December 2011*

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**From:** Enquiries AWRP [mailto:enquiries@allerton-waste-recovery-park.co.uk]  
**Sent:** 31 August 2010 16:50  
**To:** Cllr. C. Vassie; Enquiries AWRP  
**Subject:** RE: Proposed new facility to manage your waste in York and North Yorkshire

Dear Cllr Vassie,

Thank you for your email.

To give you an indication of volume, Allerton Waste Recovery Park could recover (after transport and heat exchange losses) approximately 200,000MWh of heat from the Energy from Waste process.

If the facility was in a well populated area, with residential properties located directly around the facility, the heat could be used for a District Heating Scheme and could potentially heat 30,000 to 40,000 homes.

However, it will not be possible to introduce a District Heating Scheme at Allerton due to the distance between the site and main areas of population. To be effective the steam needs to remain at the high temperature at which it is extracted. To transport this steam to any suitable development requires significant infrastructure in the form of thickly insulated piping, which on increasing distance from the facility makes the process increasingly expensive and uneconomical, as is the case for Allerton Waste Recovery Park .

Some of the heat produced will be used within the facility itself and we are still exploring other potential uses for heat.

With regard to your question on rail, we did investigate the use of rail when developing our proposals.

However, due to the geographical and widespread nature of where waste is being generated, it was not a cost effective solution. Infrastructure would be required to prepare and load waste for transportation via rail. Infrastructure would also be required for transportation into the facility.

York and North Yorkshire do not produce sufficient waste volumes to justify the additional cost of rail transportation. Waste would also have to be stored until volumes became sufficient for transportation via rail, which would require development of storage facilities.

The use of the road network produces a more cost effective solution. The siting of Allerton Waste Recovery Park is directly between the two main sources of waste arisings in the county - the Harrogate and York areas. Its close proximity to the road network allows us to use major routes such as the A1 and avoid using rural and residential routes.

I trust this answers your questions but, if you require further information, please do not hesitate to get in touch.

Kind regards,

Allison

**Allison Darling**

Communications Manager

Allerton Waste Recovery Park: 01609 751676 | e: allison.darling@allerton-waste-recovery-park.co.uk

AWRP Project Team | Suite 23 , 6 County Business Park, Darlington Road | Northallerton | DL6 2NQ

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**From:** Cllr. C. Vassie [mailto:cldr.cvassie@york.gov.uk]  
**Sent:** 27 August 2010 15:52  
**To:** Enquiries AWRP  
**Subject:** RE: Proposed new facility to manage your waste in York and North Yorkshire

Thank you for this.

Can you please tell me what is being done regarding making use of waste heat and the provision of district heating? I can see no reference to district heating on your website.

Could you also advise me why a site has been chosen near to a motorway but not close to rail links?

Is it not true that over the rest of Europe care is taken to situate incinerators at locations served by good rail or canal networks to ensure that taking material to the site is done in the most sustainable fashion? Is it not also true that across the rest of Europe incinerators are situated at locations where waste heat can be used to provide district heating to schools, hospitals, public buildings, and social housing?

Many thanks

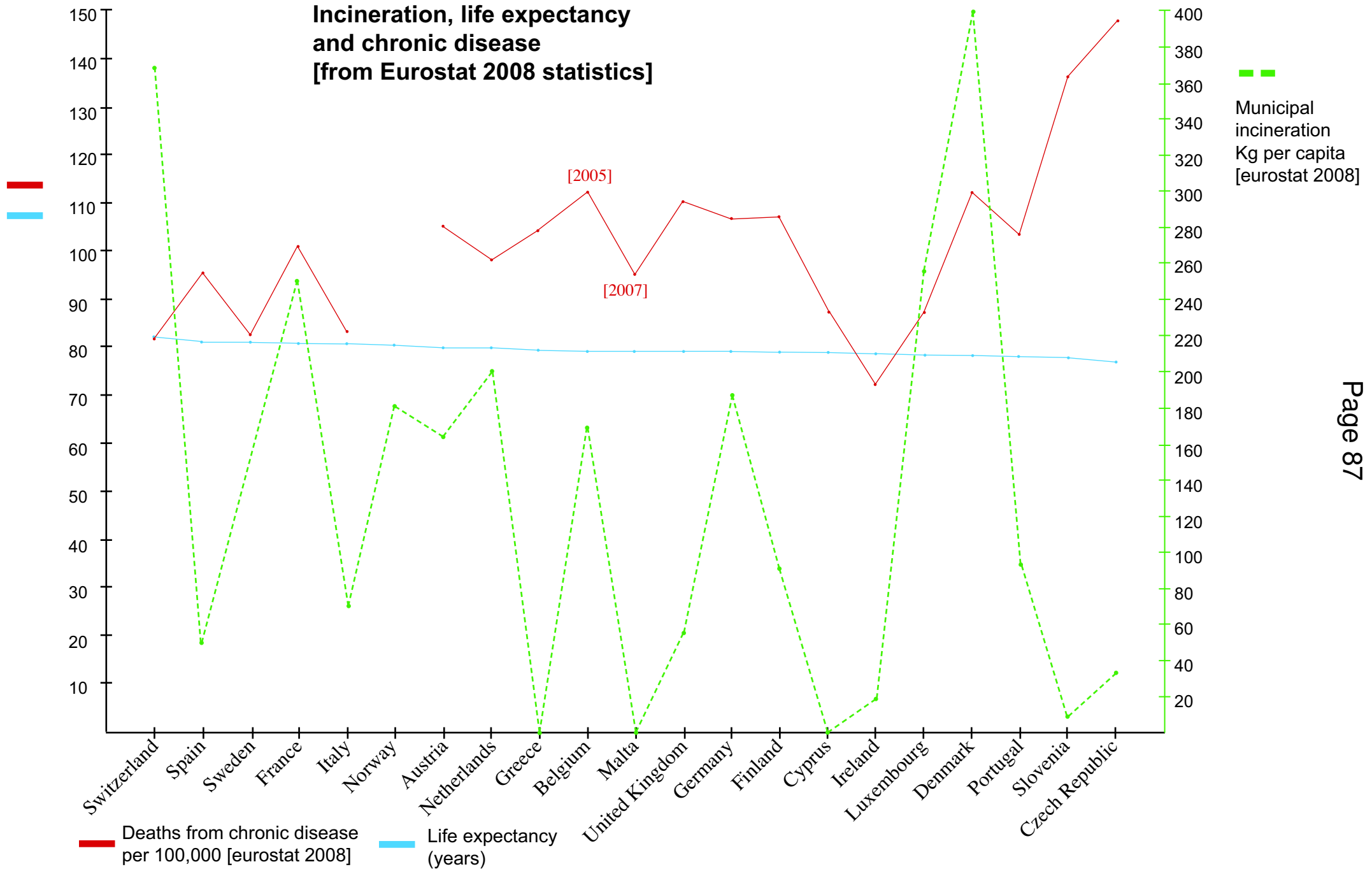
Cllr Christian Vassie, City of York Council



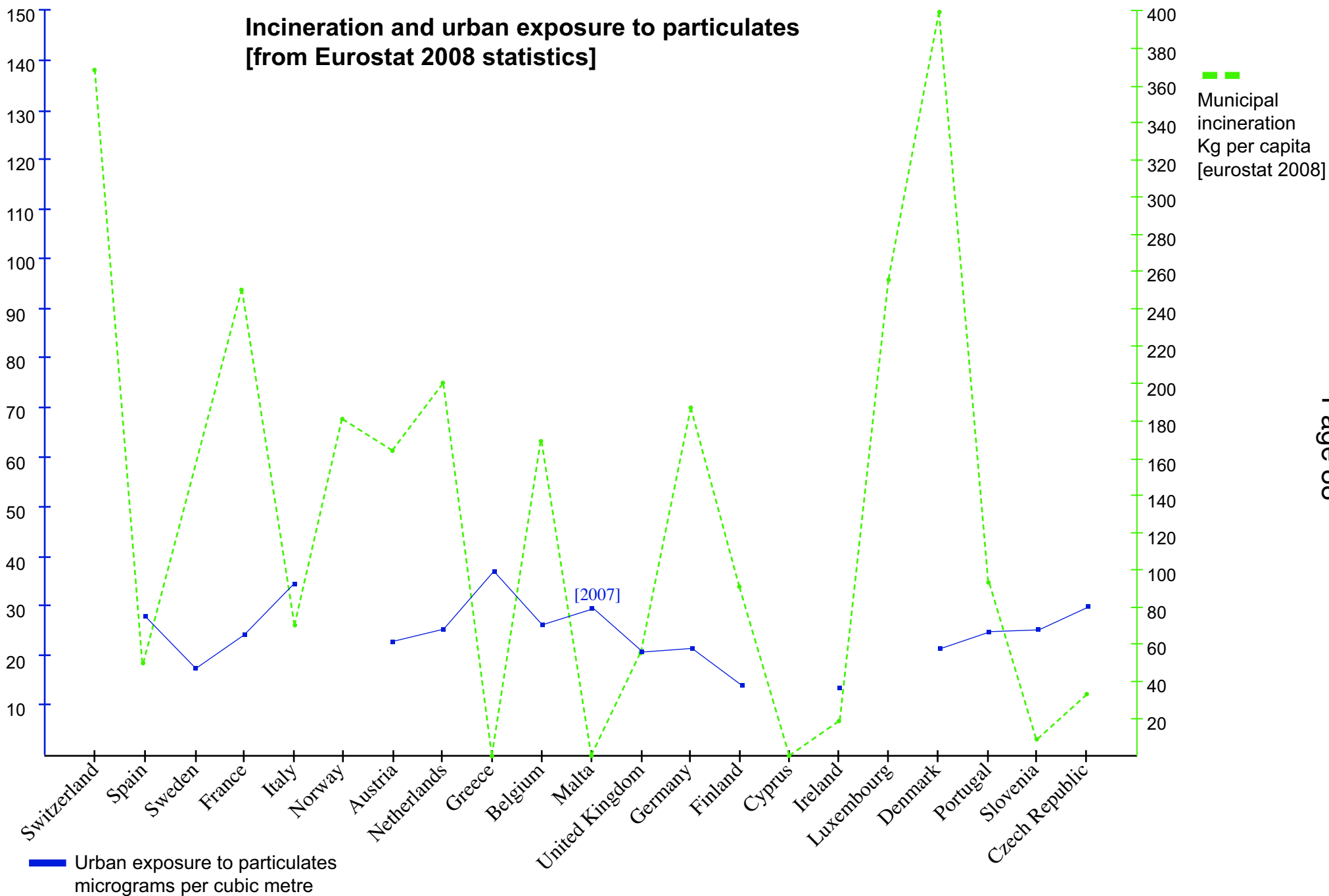
	life expectancy	deaths from chronic disease	urban exposure to particulates	municipal incineration	/12/201115/12/2014/12/11	CHP as % of total electricity	waste per capita
Switzerland	81.7	81.2					
Spain	80.9	95.3	27.7	368		7.5	3276
Sweden	80.9	82.5	17.6	48	20.6	9.6	9346
France	80.7	100.9	24.1	249		4.3	5375
Italy	80.5	83.1	34.3	69	14.4	10.2	2992
Norway	80.2			183	109.4		
Austria	79.8	105.1	22.9	163	62	13.2	6754
Netherlands	79.8	97.9	25.2	199	8.9	32.1	6056
Greece	79.5	104.2	36.8	0	8.3	3	6109
Belgium	79.4	112.3 [2005]	26	171	5.3	14.5	4540
Malta	79.4	94.9 [2007]	29.3 [2007]	0		0	3639
United Kingdom	79.4	110.1	20.4	56	5.6	6.3	5442
Germany	79.4	106.6	21.1	186	15.4	13	4540
Finland	79.3	107	14.3	90	31	35.6	15394
Cyprus	79	83.1		0	0.3	0.4	2324
Ireland	78.9	72.1	13.7	18	11.7	6.3	5341
Luxembourg	78.7	87.2		254	4.1	10.1	19630
Denmark	78.3	111.9	21.4	398	28.7	45.3	2759
Portugal	78.1	103.1	24.3	93	26.9	11.9	3434
Slovenia	77.9	135.8	25	7	29.1	6.2	2493
Czech Republic	76.5	147.8	29.8	34	5.2	13.4	2438
		per 100,000 eurostat 2008	micrograms per m3 eurostat 2008	kg per capita eurostat 2008	eurostat 2008	eurostat 2009	per capita eurostat 2008

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### Incineration, life expectancy and chronic disease [from Eurostat 2008 statistics]



# Incineration and urban exposure to particulates [from Eurostat 2008 statistics]



## York Planning Committee

Mr Chairman, Members,

My name is Brian Cooper. I represent Marton cum Grafton Parish Council. We, like you are consultees on this application as the site adjoins our Parish.

We have had a waste facility at Allerton Park for twenty years and we have never objected to it,

We do not object to some waste treatment at this site. But we are objecting to the size, technology and cost of this proposal.

We have spent a considerable amount of time examining this large and complex application – over 2000 pages in all.

This morning we met the case officer at North Yorkshire County Council. They have many questions. They are going back to the applicant seeking further information and clarification of important issues.

Clearly much more information will become available in the coming weeks.

You should know that Harrogate will not be making a response until the end of January at the earliest. We and 10 neighbouring Parish Councils have been given to the end of January to complete our response.

It could therefore be considered unsound for you to take a decision today. Accordingly I make a request that an amendment is tabled for delay in order for you as Members to be presented with a more comprehensive up to date report than that which is before you today.

The key issues include:

1. Serious policy contraventions with regard to landscape impact, heritage, and lack of business case. There are questions whether the proposed technology is compliant with the Municipal Waste Strategy, PPS1 (sustainability), PPS10 (proximity principle), and the EU Waste Incineration Directive (the requirement that the viability of CHP is investigated at an early stage in planning).
2. The applicant accepts that serious visual harm will arise that cannot be mitigated.
3. Conformance with Government policy to drive waste up the waste hierarchy is not satisfied by merely moving from disposal through landfill to disposal by incineration, especially without any combined heat and power recovery. The incinerator would burn 85% of the County's waste and this does not meet your Council's desire to increase recycling. More modern techniques would.

Members, we are sympathetic with the position in which your officers have been placed. This is a huge and complex application that requires significant time to assess. The brevity of your officer's report demonstrates the need for further investigation into these complex issues and I urge you to support our proposal for an amendment for delay.

Thank you for listening to me.