



Notice of a public meeting of Planning Committee

- To:** Councillors Horton, Galvin (Vice-Chair), Ayre, Boyce, Burton, Crisp, D'Agorne, Doughty, Firth, King, Looker, McIlveen, Reid (Chair), Simpson-Laing, Watt, Warters and Williams
- Date:** Thursday, 18 December 2014
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

Would Members please note that the Mini Bus for the Site Visits for this meeting will depart Memorial Gardens at 10:00am on Tuesday 16th December 2014.

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes (Pages 3 - 10)

To approve and sign the minutes of the meeting of the Planning Committee held on 20th November 2014.

3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5pm on Wednesday 17th December 2014**. 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.

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4. Plans List

This item invites Members to determine the following planning applications:

a) Former Terrys Factory Site, Bishopthorpe Road, York (14/01716/FULM) (Pages 11 - 34)

A major full application for the erection of 240 dwellings comprising 79 houses and 161 apartments in six blocks with associated infrastructure (Phase 2). [Micklegate Ward] [*Site Visit*]

**b) Beechwood, Malton Road, Huntington, York, YO32 9TH
(14/02112/FULM) (Pages 35 - 44)**

A major full application for the use of land as a 40 pitch touring caravan site and the conversion of farm buildings to form a reception, shop and managers accommodation. Outline application for associated shower and toilet block (resubmission). [Huntington & New Earswick Ward] [*Site Visit*].

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

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail – laura.bootland@york.gov.uk

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

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PLANNING COMMITTEE**SITE VISITS****Tuesday 16th December 2014.**

TIME	SITE	ITEM
10:00	Coach leaves Memorial Gardens	
10:10	Former Terrys Factory Site (Congregate Campleshon Road entrance).	4a
11:00	Beechwood, Malton Road.	4b

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City of York Council

Committee Minutes

Meeting	Planning Committee
Date	20 November 2014
Present	Councillors Reid (Chair), Ayre, Boyce, Burton, Crisp, D'Agorne, Doughty, Firth, Galvin (Vice-Chair), Horton, King, Looker, McIlveen, Simpson-Laing, Watt, Warters and Williams
In Attendance	Councillors Brooks and Steward.

22. Site Visits

	Reason for Visit	Members Attended
Harewood Whin	To enable members to familiarise themselves with the site.	Doughty, Horton, Galvin, Reid Watt
Ivy House Farm	To enable members to familiarise themselves with the site.	Doughty, Horton Galvin, Reid, Watt & Brooks as Ward Member.

23. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda. None were declared.

24. Minutes

Resolved: That the minutes of the Planning Committee held on 23rd October 2014 be approved and signed by the Chair as a correct record.

25. Public Participation

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

26. Plans List

Members then considered two reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning applications, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

26a Ivy House Farm, Hull Road, Kexby, York, YO41 5LQ (14/02008/FULM).

Consideration was given to a major full application for the erection of a wind turbine (maximum height blade to tip 78 metres) with associated access tracks, crane pad, sub station building, underground cabling and temporary construction compound.

Officers provided an update to the committee report as follows:

- Paragraph 1.1 should read “....erection of a single 800 kw wind turbine with a maximum height of 78 metres to blade tip together with ancillary infrastructure”.
- Nearby electricity pylons rise to 50m.
- The Ministry of Defence (MOD) had now withdrawn its objection.
- English Heritage had raised concerns in respect of the impact of the turbine upon their assets in the area, notably St Lois Farm.
- The applicant was now seeking deferral to continue talks with English Heritage to remove that aspect of refusal from the recommendation, although Officers still considered that the Green Belt grounds for refusal would remain.

In response to questions from a Member about the MOD withdrawing its objection, Officers confirmed that the applicant had agreed a number of measures with the MOD to prevent the turbine from appearing on radar screens.

Mrs McCallum, the applicant's agent, made representations in support of the turbine. She raised concerns about the content of the committee report and advised that the MOD had mediated with the applicant and it seemed likely an agreement could also be reached with English Heritage. In relation to Very Special Circumstances in the Green Belt she referred to the recognised need to increase renewable energy and a lack of alternative sites, and considered this constitutes Very Special Circumstances. She asked that Members defer the application to enable further work to continue.

Councillor Brooks spoke on behalf of Dunnington Parish Council to advise that the turbine would affect a number of residents in the Dunnington area, particularly on Hull Road, Intake Lane and Eastfield Lane. She raised concerns about the possible health impact of turbines and referred to studies undertaken by the Royal Society which suggested that exposure to low frequency sounds can cause ear problems. She stated that the whole of Dunnington would be affected if the low frequency noise was able to travel 10km.

Jill Edwards spoke on behalf of Kexby Parish Council. She raised concerns about the impact on the Green Belt and the detrimental impact on the character of nearby villages.

Councillor Brooks then spoke as Ward Councillor. She advised that the turbine would be a lot higher than the electricity pylons in the area and it would be highly visible from the from the A1079 which is a tourist route into the centre of York. She also queried the impact upon views of the Minster. She also argued that there were no site specific special circumstances and urged Members to refuse the application.

In answer to a number of questions, Planning Officers made the following points:

- In relation to the impact of noise, the nearest property would be 630 metres away from the turbine and assessments undertaken in accordance with planning regulations indicated the scheme would be acceptable in terms of noise in the proposed location.
- In relation to the impact on the Minster, due to topography in the area, the turbine would not harm views of the Minster.

- Officers agreed with a Members' comment that due to the height of the land the turbine would appear higher than it's 78m.
- It was confirmed that the matter of private views being harmed could not be taken into account as a significant consideration when deciding the application.

Members entered debate and commented as follows:

- A number of reasons for refusal had been disregarded but the argument for Very Special Circumstances in the Green Belt presented by the applicant remained unconvincing.
- Some Members were concerned at the Officer recommendation to refuse and agreed with the applicant's suggestion to defer to allow further negotiations to take place as renewable energy sources are lacking in the Local Authority area.
- Members recognised the arguments surrounding the impact on views and the Green Belt but also acknowledged the benefits of renewable energy supply.
- Other Members felt that even if the turbine was deferred to a future committee, the Officers recommendation would not change due to the proposed Green Belt location and planning policy.

Councillor Simpson-Laing moved deferral, this was seconded by Councillor Horton. On being put to the vote it was:

Resolved: That the application be deferred to the 18th December Planning Committee..

Reason: To enable the applicant to address English Heritage's concerns and to further clarify the case for very special circumstances in the Green Belt.

27. Land to the South of Yorwaste, Harewood Whin, Tinker Lane, Rufforth, York. (13/00041/FULM).

Consideration was given to an application by Yorwaste Ltd for the construction of a material recovery facility and waste transfer station including associated weighbridge and office facilities, concrete hardstandings, car parking, visual and acoustic screens, access roads and lighting.

Officers introduced the report and Members questioned a number of points as follows:

- The reason for the difference in timings between the working hours and the site construction hours conditions. Officers confirmed that the timings were different to take into account that the site work takes place indoors and the construction work outdoors.
- Whether any alternative sites had been considered. It was confirmed the applicant had looked for another site but had found none suitable within the York area.
- The monitoring of noise and the repercussions if conditions are not adhered to. Officers confirmed that monthly reports are received and if there are problems, the Council's planning enforcement team can investigate or the Environmental Protection Unit.

Mr Rollings, a local resident on behalf of Rufforth and Knapton Action Group, raised objections to the proposed expansion of the site and advised that the proposal was not just an extension but another large factory within the Green Belt. He referred to a commitment made to Rufforth Village at the time the original site was proposed which stated that no further buildings would be put on the site. He queried why Northminster Business Park had not been considered as a suitable site.

Steven Grieve had registered to speak on behalf of Yorwaste. He advised that Yorwaste had successfully managed the site for 30 years, but in recent times there had been a significant increase in the amount of recycling in the city which meant that new facilities were now required. He advised that since 2011, Yorwaste had consulted with Rufforth and Knapton Parish Council on 6 separate occasions on plans for the site. The site is considered the best location. The impact on the Green Belt would be mitigated by the landscaping. In relation to the traffic issues he advised that Yorwaste had been willing to support alterations on the highway to stop vehicles turning into Rufforth

but the Council's highway officers had not considered it necessary. CCTV had however been installed at the entrance to monitor the number of right turns from the site towards Rufforth, with the intention of raising the matter with Highways if there was evidence of right turns being made despite the signage and instruction from Yorwaste.

Colin Valentine had registered to speak on behalf of Rufforth and Knapton Parish Council. He queried whether Northminster Business Park had been considered and suggested the application be deferred to consider other sites.

Councillor Steward had registered to speak as Ward Member. He supported the views of the residents that opposed the development but acknowledged that it was a tough decision as there are no other suitable sites for such a facility. He stated that it was inappropriate development in the Green Belt for which no Very Special Circumstances had been given by the applicant. He also raised concerns about transport issues.

Members questioned the speakers on a number of points as follows:

- The suggestion that Northminster Business Park may be a suitable site despite it being located much closer to Knapton than the current site is to Rufforth. It was confirmed that Yorwaste do not own the Northminster site and any designation of the site in the Local Plan was yet to be consulted upon.
- It was confirmed there had been no noise complaints from the Yorwaste facility at Hessay.
- Officers confirmed it would be unreasonable to defer the application on highways grounds given that the Highway Authority had indicated they were happy with the application.

Councillor Warters moved deferral to consider further the provision of highway works to stop vehicles turning into Rufforth and Councillor D'Agorne seconded.

Councillor Horton moved as an amendment that the application be approved as set out in the Officers report and this was seconded by Councillor Firth. When put to the vote the amendment was carried.

Councillor D'Agorne then moved that the application be approved subject to additional conditions to restrict outdoor activity to 20:00 and to stop vehicles turning right into Rufforth. Councillor McIlveen seconded these. When put to the vote this amendment was lost.

The substantive motion to approve as set out in the officers report, when put to the vote, was carried.

Councillor Warters asked that his vote against approval be recorded in the minutes.

Resolved: That the application be deferred for referral to the Secretary of State with delegated authority to approve on completion of a Section 106 agreement.

Reason: The application for the erection of a domestic materials recycling facility (MRF) and waste transfer station is subject to Environmental Impact Assessment under Schedule 2 of the 2011 Environmental Impact Assessment Regulations. It is accepted that the proposal is inappropriate development within the Green Belt. A case for "Very Special Circumstances" based upon co-location of waste management facilities as supported by Central Government Planning Policy in the National Planning Policy Statement on Waste has been put forward. This is on balance felt to be acceptable. Concern has also been raised in respect of the consideration of alternative sites. However it is not clear that the suggested alternative site at Northminster Business Park can be delivered within the required timescale. It is considered that subject to noise and odour mitigation schemes and the landscaping and other mitigation measures offered by the application, the proposal is acceptable in all other respects and approval is recommended.

28. Appeals Performance

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st July to 30th September 2014 and provided a summary of the salient points from appeals determined in that period. The report also included a list of outstanding appeals to date.

Resolved: That the report be noted.

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

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

Following requests from two Members to change the time of the Site Visits for Planning Committee from 12.30pm to 10am, the Chair asked members to consider the request.

Following a vote it was:

Resolved: That the Site Visits be moved to 10am on the Tuesday before the meeting as from December with a view that if it does not work they can be moved back to 12:30.

Reason: To respond to requests from members of Planning Committee.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 6.35 pm].

COMMITTEE REPORT

Date: 18 December 2014 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 14/01716/FULM
Application at: Factory Bishopthorpe Road York YO23 1NA
For: Erection of 240 dwellings comprising 79 houses and 161
apartments in six no. blocks with associated infrastructure
By: David Wilson Homes Yorkshire East
Application Type: Major Full Application (13 weeks)
Target Date: 22 October 2014
Recommendation: i) Defer pending Section 106 Agreement (ii) Grant delegated
authority to approve on completion of s106 Agreement

1.0 PROPOSAL

1.1 Terry's Chocolate Works Bishopthorpe Road comprises the former manufacturing base for the Terry's chocolate and confectionary business. Since closure in 2006 the site has been partially cleared and an Outline Planning Permission ref:- 09/01606/OUTM given for the partial re-development of the site for housing. Subsequent Reserved Matters Consents ref:-13/03429/REMM and 14/01519/REM have given permission for the erection of 62 houses and two blocks incorporating 29 apartments. Planning permission is now sought for the re-development of the remainder of the northern part of the site for housing with associated infrastructure comprising 240 dwellings with 79 houses and 161 apartments. The proposals have been subsequently amended, to reduce the height of the apartment blocks at the eastern edge of the site adjacent to Bishopthorpe Road and the southern edge of the site in the vicinity of the Grade II Listed Multi-Storey Factory following concerns expressed in relation to the impact of the development on the visual amenity of the wider street scene. The site lies adjacent to but not within the Terry's /York Racecourse Conservation Area. The amendments have been the subject of further consultation.

1.2 The application will require a Section 106 Agreement to secure the provision of off-site open space, affordable housing and education provision. The development has also been screened in accordance with the terms of Schedules 2 and 3 of the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations as urban development. An Environmental Impact Assessment is not considered to be required because the scale and nature of the development would not generate significant environmental impacts within the context of Schedules 2 and 3 of the criteria outlined within Schedules 2 and 3 of the 2011 Town and Country Planning (Environmental Impact Assessment Regulations)

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Racecourse CONF

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; Terry's Of York Clock Tower
Bishopthorpe Road

Schools GMS Constraints: Knavesmire Primary 0206

2.2 Policies:

CGP15A -Development and Flood Risk

CYGP1 - Design

CYGP4A - Sustainability

CYED4 - Developer contributions towards Educational facilities

CYH2A - Affordable Housing

CYH4A - Housing Windfalls

CYHE2 - Development in historic locations

CYL1C - Provision of New Open Space in Development

CYGP9 - Landscaping

3.0 CONSULTATIONS

INTERNAL:

3.1 Environmental Protection Unit raises no objection to the proposal subject to any permission being conditioned to require the submission and prior approval of a Construction Environmental Management Plan and the submission and prior approval of a noise mitigation scheme for properties fronting on to Campleshon Road and Bishopthorpe Road.

3.2 Planning and Environmental Management raises no objection to the proposal in view of the scale of the proposal and the level of compliance with proposed housing supply targets.

3.3 Strategic Flood Risk Management expresses concern in relation to the level of information submitted with the application related to surface water drainage.

3.4 Design, Conservation and Sustainable Development raises no objection in respect of the proposal as amended and feel that the previous concerns in respect of impact upon the setting of the retained Listed Buildings at the southern end of the site have now been satisfactorily addressed. Some support is given for a further lowering in height of the apartment blocks although this is not felt to be fundamental to the acceptability of the scheme as a whole.

3.5 Education Services raises no objection to the proposal subject to the payment of a commuted sum in lieu of the provision of school places generated by the development off site.

3.6 Lifelong, Learning and Culture raises no objection to the proposal subject to the payment of a commuted sum in lieu of the provision of on-site open space.

3.7 Housing Services raises no objection in principle to the proposal subject to the satisfactory resolution of the range and mix of affordable housing to be made available at the site through the medium of a Section 106 Agreement.

3.8 Highway Network Management raises no objection in principle to the proposal subject to an enhanced financial contribution to the City Car Club car sharing scheme being forthcoming as part of a Section 106 Agreement.

EXTERNAL:-

3.9 Yorkshire Water raises no objection to the proposal subject to the imposition of appropriate conditions.

3.10 The Canal and River Trust raises no objection to the proposal.

3.11 Natural England raises no objection to the proposal.

3.12 Micklegate Planning Panel objects to the proposal on the grounds of adverse impact from the proposed apartment buildings upon the setting of the Clock Tower and Liquor Store, Grade II Listed Buildings in both the original and amended submissions.

3.13 The North Yorkshire Police Architectural Liaison Officer raises no objection to the proposal.

3.14 York Civic Trust raises no objection to the proposal.

3.15 English Heritage raises no objection in principle to the proposal but expresses concern in relation to the impact of the proposed apartment buildings on the setting of the Clock Tower and Liquor Store, Grade II Listed Buildings. However, in respect of the amended scheme, EH defers to the specialist judgement of the Authority's Conservation Officer.

3.16 The York Conservation Areas Advisory Panel raises no objection in principle to the proposal but expresses some concern with regard to the height of the proposed apartment blocks adjacent to Bishopthorpe Road in the scheme as originally submitted.

3.17 Henry Boot Developments objects to the proposal on the grounds of adverse impact upon the setting of the Clock Tower, Liquor Store and HQ Building each Grade II Listed Buildings in respect of both the original and amended schemes.

3.18 Springfield Health Care objects to the proposal on the grounds of adverse impact from the proposed apartments upon the setting of the HQ Building a Grade II Listed Building which it intends to convert into a care home in respect of the original and amended schemes.

3.19 PJ Livesey objects to the proposal on the grounds of adverse impact from the proposed apartments on the setting of the Multi-Storey Factory , the Clock Tower and the Liquor Store ,Grade II Listed Buildings and the impact of the proposal upon the visual amenity of the wider street scene in respect of both the original and amended schemes.

3.20 Sport England raises no objection to the proposal.

3.21 The Cyclist's Touring Club raises no objection in principle to the proposal but wishes to see additional provision for cyclists within the overall scheme.

3.22 63 Letters of objection have been received to the proposal. The following is a summary of their contents:-

- * Concern that the proposed apartment blocks would give rise to serious harm to the visual amenity of the wider street scene;
- * Concern that the proposed apartment blocks would lead to serious harm to the residential amenity of neighbouring properties;
- * Concern that further landscaping of townscape value would be lost;
- * Concern that the proposed additional households would put undue pressure on local services and infrastructure;
- * Concern that the proposal would lead to significant increases in traffic generation and on-street parking within the surrounding road network;
- * Concern in respect of the impact of the proposal upon the setting of the Clock Tower and the Liquor Store, Grade II Listed Buildings.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Impact upon the visual amenity of the wider street scene;
- * Impact upon the residential amenity of neighbouring properties;
- * Impact upon the setting of the Clock Tower, Headquarters Building and Liquor Store, Grade II Listed Buildings;
- * Impact upon trees and landscaping of townscape importance;
- * Impact upon the level of parking and traffic flow in local residential side streets.

PLANNING POLICY CONTEXT:-

4.2 RESIDENTIAL AMENITY: - Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Planning Principles" urges Local Planning Authorities to give significant weight to the need to provide and secure a good standard of amenity for all new and existing occupiers of land and buildings.

4.3 DESIGN:- Central Government Planning Policy as outlined in paragraph 61 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to the need to address connections between people and places and the integration of new development into the natural, built and historic environment.

4.4 SUSTAINABLE DEVELOPMENT:- Central Government Planning Policy as outlined in paragraph 49 of the National Planning Policy Framework urges Local Planning Authorities to determine applications for residential development in the context of the presumption in favour of sustainable development. Paragraph 111

further urges Local Planning Authorities to give significant weight to directing development to previously developed land that is not of high environmental value.

4.5 IMPACT UPON THE SETTING OF LISTED BUILDINGS:- Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Council to “ have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.” As this is a statutory duty it must be given considerable importance and weight in determining the planning application. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission. Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to ensuring the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and ensuring the desirability of new development making a positive contribution to local character and distinctiveness. At the same time the presumption contained within Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act creates the need to balance any harm to the setting and character of any Listed Buildings or Conservation Areas and this is outlined below.

IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE:-

4.6 Policy GP1 of the York Development Control Local Plan (2005 2nd Set of Changes) sets out a clear policy presumption in favour of new development which respects or enhances the local environment and is of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area. The application site comprises the site of a series of low rise storage, distribution and manufacturing buildings associated with the former chocolate and confectionary production plant. The site boundary with Campleshon Road and Bishopthorpe Road comprises a heavily landscaped bund with a mature mix of deciduous and coniferous trees and shrubs. The surrounding pattern of development varies with densely developed but low rise terraced housing dating from the Late 19th Century to the north with a series of four storey apartment blocks of recent construction directly to the east on Bishopthorpe Road.

4.7 The proposal envisages the erection of a mix of densely developed three storey "townhouses" together with a mix of four and five storey apartment blocks bounding on to Bishopthorpe Road to the east and the access drive to the former factory to the south. At its southern edge the development also impacts upon the setting of the Terry's/Racecourse Conservation Area. It is intended to retain the landscaped bund largely in its entirety, whereas the previously approved Outline application envisaged its removal in its entirety. The scheme as originally submitted for the current application envisaged the erection of a series of five, six and seven storey apartment blocks around the east and north east fringes of the site. The scheme was amended to address serious concerns in respect of the impact of the scheme

on the visual amenity of the wider street scene. The relationship of the proposed apartment blocks as amended to the landscaped bund would be such that they would only be lightly visible in long and short distance views from Bishopthorpe Road to the east and north east during the winter months when there is least foliage cover , and not at all during the remainder of the year.

4.8 In terms of impact upon the wider City skyline, a series of longer perspective views of the development have been submitted with the application which indicate that the scheme would not cause undue harm to the visual amenity of the wider street scene. Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act places a statutory duty upon Local Planning Authorities to have special regard to the preservation or enhancement of the Conservation Area. The site is not within, but adjacent to the Conservation Area. In carrying out this duty, regard has been had to the preservation and enhancement of the Conservation Area. Amended plans have been submitted which in the opinion of the Council's Conservation Officer now effectively removes any harm to the setting of the Conservation Area. Significant weight has been given to the effect on the Conservation Area when considering whether material considerations outweigh any harm. In giving effect to the statutory duty under Section 72 and the presumption against granting permission it is considered that in this case the presumption is overcome by the other material considerations identified in this report. The terms of Policy GP1 of the Development Control Local Plan and paragraph 61 of the National Planning Policy Framework would therefore be complied with.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

4.9 Policy GP1 of the York Development Control Local Plan (2005 2nd Set of Changes) indicates a strong policy presumption in favour of new development which ensures that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. Serious concern has been expressed in respect of the impact of the proposed apartments on the residential amenity of properties in Bishopthorpe Road and Campleshon Road, an impact heightened by the scale of the proposed development. The proposed apartments would however be some 45 metres from the nearest property in Bishopthorpe Road and 60 metres from the nearest property in Campleshon Road. The amended scheme with its reduced scale combined with the retention of the landscaped bund would effectively mitigate against any impact upon the residential amenity of neighbouring properties. It is therefore felt that the requirements of paragraph 17 of the National Planning Policy Framework would be complied with.

IMPACT UPON THE SETTING OF THE CLOCK TOWER , THE HEADQUARTERS BUILDING AND LIQUOR STORE GRADE II LISTED BUILDINGS:-

4.10 Policy HE2 of the York Development Control Local Plan (2005 2nd Set Changes) sets out a firm policy presumption that within or adjoining Conservation Areas or in locations which affect the setting of Listed Buildings development proposals must respect adjacent buildings, open spaces, landmarks and settings having regard to scale, proportion and details. More significantly Section 66 of the 1990 Planning (Listed Buildings and Conservation Areas) Act which requires the LPA to have special regard to the desirability of preserving the building or its setting sets out a clear statutory presumption against permission being given where a proposal would harm the setting of a Listed Building. The proposal envisages the erection of a four storey apartment block in two sections at the southern edge of the site in close proximity to the retained Edwardian service buildings associated with the chocolate factory , each being Grade II Listed. Concern has been expressed in relation to the impact of the proposed development upon the adjacent buildings. In order to deal with the concerns raised the principal section of the block has been relocated by 1.3 metres in to the site and both sections have been lowered by a storey in height. The proposed development would be some 17 metres from the rear of the Headquarters Building at its closest point, some 16 metres from the Clock Tower at its closest point and 3.5 metres from the Liquor Store at its closest point.

4.11 Concern has been expressed that the proposal would seriously curtail the possible reuse of the Headquarters Building by virtue of its close proximity. However, the approved outline permission envisages the reuse of the Headquarters Building as offices, and no formal approaches have been made in respect of other uses for the site. The location of the proposed apartment block to the rear with a 17 metre separation distance would not adversely impact upon its setting and such a separation distance would be entirely acceptable in respect of a relationship with an employment use.

4.12 In terms of the duty under Section 66 of the Act, special regard has been given to any harm that would result to the setting of the listed building, and amended plans have been provided to reduce any harm. Significant weight has been given to the setting of the listed building when assessing whether material considerations outweigh that harm. The retained factory buildings at the southern edge of the site comprise a grouping of brick built structures of various scales dating to the first development of the site to produce chocolate for the Terry family in the late 19th/early 20th Century. These comprise the Time Office where deliveries were received and despatched, the Multi-Storey Factory where production was centred, the Liquor Store and Clock Tower, which has the appearance of an Italian Campanile and the Headquarters Building which has an imposing Neo-Classical appearance. Their setting is defined by their prominence in long and short distance views from the surrounding area and within the wider City skyline. The applicant has

acknowledged this through the submission of detailed photomontages in respect of both the original and amended proposals.

4.13 In the wider planning balance, the proposal adds significantly to the achievement of targets for housing provision by re-using previously developed land as required by the National Planning Policy Framework and safeguarding the future of a site of significant townscape importance for the wider City. In terms of the relationship with the Clock Tower and the Liquor Store, it is felt that the impact upon their setting has effectively been addressed by the lowering in height by one storey and relocation of the adjacent block. The fundamental context and key views of both buildings would be safeguarded and any significant harm to their setting mitigated against. Impact upon the setting of the remainder of the complex arising from the proposal would at the same time be negligible. Both buildings are envisaged to have a leisure or employment use in the approved outline planning permission, such that the proposed separation distances are felt to be acceptable. The Authority's Conservation Officer is satisfied that the amended scheme effectively mitigates harm to the setting of the listed building. In giving effect to the statutory duty under Section 66 and the presumption against granting permission it is considered that in this case the presumption is overcome by the other material considerations identified in this report.

IMPACT UPON TREES AND LANDSCAPING:-

4.14 Concern has been expressed in relation to the potential further loss of mature landscaping from the bund area surrounding the site to the east and north east. The application however indicates that the overwhelming majority would be retained and reinforced by further extensive on site planting. The development is in that aspect therefore considered acceptable.

IMPACT UPON ON-STREET PARKING AND TRAFFIC FLOW IN SURROUNDING RESIDENTIAL SIDE STREETS:-

4.15 Concern has been expressed in relation to the impact of the proposal upon levels of traffic generation and on-street parking in adjoining residential roads. A detailed Transport Statement has however been submitted with the proposal which indicates a significantly lower level of traffic generation than the previously approved outline scheme, which included elements of employment and leisure uses. Suggested parking levels are entirely consistent with the Authority's Adopted Maximum Parking Standards and subject to an enhanced financial contribution to the City Car Club car sharing scheme secured by Section 106 Agreement, the development is felt to be acceptable.

SUSTAINABILITY:-

4.16 Since the original Outline Planning Permission for the site was granted, the requirements of the Adopted Interim Policy Statement on Sustainable Construction have been amended to take account of changes to Part L of the Building Regulations. As a consequence a minimum of 10% of the energy needs of the development would no longer need to be met by renewable means. Compliance with a minimum of Code 3 for the Code for Sustainable Homes and a BREEAM standard of Very Good for the proposed apartments remains a requirement and would be conditioned as part of any planning permission for the development.

SITE DRAINAGE:-

4.17 Concern has been expressed in respect of the proposed arrangements for the surface water drainage of the site. The site however lies within Flood Zone 1 which carries the lowest level of risk in terms of flooding and the same methodology for surface water drainage involving attenuation as previously agreed for the Outline Scheme would be applied. This is felt to be acceptable.

REQUIREMENTS TO BE SECURED BY LEGAL AGREEMENT UNDER S106:-

4.18 The applicant has submitted a Draft Section 106 Agreement carrying forward relevant requirements from the previous Section 106 Agreement covering the Outline Planning Permission covering agreed commuted payments for education and the provision of off-site open space. The provision of an enhanced contribution to the City Car Club car sharing scheme in the interests of sustainable transport is agreed, as is the principle of providing 20% of the units constructed for affordable housing although the detail of how that would be achieved is to be resolved. The total anticipated sums are £275,976 for the provision of off-site open space, £750,008 for the provision of additional primary and foundation educational places and an additional £15,300 for sustainable transport measures. Each of these items is expressed by means of the standard adopted formula and it is recommended that any grant of planning permission be deferred pending completion of an acceptable Section 106 legal agreement to secure the following:

- (i) Education contribution
- (ii) Open Space contribution
- (iii) City Car Club contribution
- (iv) Appropriate affordable housing provision

5.0 CONCLUSION

5.1. Full planning permission is sought in respect of phase 2 of the new build housing development which comprises the remainder of the northern half of the former Terry's factory site in the ownership of David Wilson Homes. The proposal envisages the erection of 240 units comprising 79 dwellings and 161 apartments with associated infrastructure.

5.2. The proposals would lead to the reuse of a significant site of wider townscape importance for the City for housing, partially fulfilling targets for housing provision emphasised in the National Planning Policy Framework. At the same time the proposals have been amended since submission to deal with concerns in respect of the relationship of the proposed apartment blocks to the setting of the retained Listed factory buildings in the southern section of the site and the impact of the proposed apartment blocks on the visual amenity of the wider street scene. Overall the apartment blocks have been reduced in height and the block at the southern edge of the site closest to the retained factory buildings has been pulled back 1.3 metres into the site. It is the view of the Authority's Conservation Officer that the amendments taken with the wider context of the scheme give rise to circumstances that outweigh the presumption against development contained within Section 66 and that approval can therefore be given. The setting of the Terry's /Racecourse Conservation Area is at the same time safeguarded and the statutory presumption contained within Section 72 of the Act secured. No further material loss of mature landscaping around the site boundaries is envisaged. It is felt that the resultant scheme is therefore acceptable in townscape terms.

5.3 The previous Outline Permission was given subject to a Section 106 Agreement covering a range of commuted payments for affordable housing, off-site open space provision, provision of additional educational places in the locality and sustainable transport measures based upon the Adopted formulae used for calculation. The applicant has submitted a draft Section 106 Agreement seeking to carry forward these provisions in respect of the new application as well as incorporating the requested enhanced contributions towards sustainable transport measures. The total anticipated sums are £275,976 for the provision of off-site open space, £750,008 for the provision of primary and foundation school places and an additional £15,300 for sustainable transport measures. This is felt to be acceptable although negotiations are on-going in respect of the precise mix of units to be offered in respect of affordable housing. Overall the proposal is felt to be acceptable in planning terms and approval is recommended.

6.0 RECOMMENDATION:

That the application be deferred pending satisfactory completion of a legal agreement to secure the following:

- (i) Education contribution
- (ii) Open Space contribution
- (iii) City Car Club contribution
- (iv) Appropriate affordable housing provision on site

On completion of the legal agreement the Director of City and Environment Services by authorised to GRANT permission subject to the following conditions:

1 TIME2 Development start within three years -

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

Drawing Refs:-2287_PL_012D;2287_PL_013C;2287_PL_020E;
2287_PL_600C;2287_PL_601C;2287_PL_602C;2287_PL_603B;2287_PL_604C;R-
1459-
8B;2287_PL_170B;2287_PL_370B;2287_PL_171B;2287_PL_371B;2287_PL_172B;
2287_PL_372B;2287_PL_173B;2287_PL_373B;2287_PL_175B;2287_PL_130;228
7_PL_330B;2287_PL_140;2287_PL_131B;2287_PL_331B;2287_PL_141;2287_PL
_150;2287_PL_161B;2287_PL_151B;2287_PL_360B;2287_PL_350B;2287_PL_36
1B;2287_351B;2287_PL_160; 2287_PL_509C;2287_PL_510C;2287_PL_511A and
2287_PL_512A.

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

3 VISQ4 Boundary details to be supplied -

4 VISQ8 Samples of exterior materials to be app -

5 VISQ7 Sample panel ext materials to be approv -

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

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

7 Trees shown as being retained on the approved plans / drawing xxx shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

8 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works have been submitted to and approved by the Local Planning Authority. Development shall then be carried out in strict accordance with the written approved details and thereafter retained.

Reason: To ensure that the development can be drained properly.

9 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) and with reference to the townhouses, development of the type described in Classes A to H of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity, impact upon the adjacent listed buildings and the Racecourse and Terry's Conservation Area, in the interests of the amenity of the future occupants of the dwellings

10 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 LPA. 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
- 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.

11 HWAY1 Details roads, footpaths ,open spaces req. -

12 HWAY7 Const of Roads & Footways prior to occup -

13 HWAY18 Cycle parking details to be agreed -

14 HWAY19 Car and cycle parking laid out -

15 HWAY40 Dilapidation survey -

16 HWAY41 Safety Audit -

17 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

18 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended).

19 No development shall take place until details have been submitted to, and approved by the Council to show how the scheme will minimise light spillage including;

- * External lighting requirements to be carefully designed to avoid light spillage onto surrounding habitat, in particular the woodland on the eastern boundary.
- * Security lighting to be on a short timer and motion sensitive to large objects only.
- * Lights will not to be mounted where they will shine directly on to the surrounding habitat.

Reason: To take account of and to enhance the habitat for a protected species.

20 Prior to the commencement of development details of what measures are to be provided within the design of the new building to accommodate bats and birds shall be submitted and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with these approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat and bird boxes etc.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and comply with Section 11 of the NPPF.

21 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the town house element of the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that

the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: In the interests of sustainable development.

22 Unless otherwise agreed in writing with the Local Planning Authority, prior to commencement of development the developer shall submit in writing and be approved by the local planning authority a formal pre-design BREEAM assessment for the design and procurement stages of the apartment element of the development. The developer shall submit a further BREEAM assessment after construction, at a time to be agreed in writing by the local planning authority. The developer shall submit a completion assessment when issued by the BRE. All assessments shall confirm the minimum 'Very Good' rating anticipated in the preliminary BREEAM assessment submitted with the application

Reason - To ensure the development complies with the principles of sustainable development

23 Before the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. It shall include for the provision of a dilapidation survey of the highways adjoining the site. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To safeguard the amenity of residential occupants on the site and in the surrounding area and in the interests of highway safety.

24 EPU1 Electricity socket for vehicles

25 All demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

REASON: To protect the amenities of adjacent residents

26 All piling operations shall be carried out using the method likely to produce the least vibration and disturbance and in accordance with submitted document PGI-PMS 1304. Full details of the dates, times and duration of operations shall be submitted to and approved in writing by the Local Planning Authority before any piling operations are begun and piling operations shall take place in accordance with the approved details.

REASON: To protect the amenities of adjacent residents

27 Details of an acoustic noise barrier to protect the residential garden at plot 183 on the northern and western boundaries of the site shall be submitted to and approved in writing by the local planning authority. These details shall include the construction method, height, thickness, acoustic properties and the exact position of the barrier. The barrier shall be erected in accordance with the approval before the use hereby permitted first comes into use and maintained thereafter.

Reason: to protect the amenity of the local residents.

28 The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels of 30 dB LA eq (8 hour) and 45dB LA max inside bedrooms at night (23:00 - 07:00 hrs) and 35 dB LA eq (16hour) in all other habitable rooms during the day (07:00 - 23:00 hrs). These noise levels shall be observed with all windows shut in the particular and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the Local Planning Authority and fully implemented before the use approved in each respective phase is occupied. Thereafter no alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of residents and business activities at the racecourse.

29 A full Lighting Impact Assessment for all proposals involving floodlighting shall be undertaken by an independent assessor, and the assessment submitted to and approved by the local planning authority prior to installation of any floodlighting. The assessment should include: -

- * Description of the proposed lighting: number of lighting columns and their height, and proposed lighting units.
- * Drawings showing the luminance levels (separate drawings for each item listed):
- * Plan showing horizontal luminance levels (E_h), showing all buildings within 100 metres.
- * Plan showing vertical luminance levels (E_v), showing all buildings within 100 metres.
- * Specification of the Environmental Zone of the application site, as defined in The Institution of Lighting Engineers' Guidance Notes for the Reduction of Light Pollution.
- * A statement of the need for floodlighting.

Reason: In the interests of local and residential amenity.

INFORMATIVE: E_v is the average vertical luminance, which is a measurement of the quantity of light at height of 1.5 metres above ground.

30 Noise monitoring proposals as required in 4705-13-RevA shall be adhered to at all times during the construction of the development.

All noise generated during the site preparation, groundwork and construction phases associated ancillary operations of the use hereby permitted shall not exceed the following criteria during the above working hours.

The gardens of dwellings at the

- (a) Northern boundary of the site at Cammpleshon Road
- (b) Eastern boundary of the site at Bishopthorpe Road
- (c) Southern boundary of the site at the College of law
- (d) Western boundary of the site

shall not exceed 70 dBA (1 hour) for a continuous period of upto eight weeks in any calendar year, without the prior written notice of the Local Planning Authority. At all other times the noise level from site actives shall not exceed background noise levels.

Reason:- To safeguard the residential amenity of neighbouring properties.

31 Prior to first occupation or use, the approved remediation scheme (as detailed in the Remediation Strategy - ref: 1658/4, dated: July 2014) must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

32 LC4 Land contamination - unexpected contam -

33 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.

i) Typical bay details at 1:20 for each house type, showing parapets, window openings, terraces, balustrades. Special details around entrances and details of conservatories should also be provided. Drawings should be supplemented by larger scale details (1:5) where required to show any special aspects of the detailing.

ii) Typical bay details at 1:20 of each different type of apartment block, including details of the roof condition, lift overruns, roof lights/smoke vents, parapets, modelling of set back upper floors, roof and terrace balustrades, window openings, bay windows, entrance conditions and bridge walk-way (block H only). Drawings should be supplemented by larger scale details (1:5) where required to show any special aspects of the detailing

iii) Large scale details of the deck covering the car park (shown in relation to proposed buildings and existing trees). A defensible landscape margin should be added on the deck next to the windows of blocks C & D.

iv) Boundary walls, gates, fences, railings, external compounds

v) Typical window assemblies including any solid panels, opening panels integrated in the frame. Samples should be provided.

vi) Each type of external door and door surround

vii) Details should be supplemented with manufacturers' literature where appropriate.

viii) Details of any external plant, equipment or lighting scheme (not shown in the landscape drawings) should be provided. Light levels and luminaires should respect the human scale of the site and the ecology of the area.

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

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

* Amended apartment block design

* Amended highway layout.

2. HIGHWAY WORKS:-

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

Works in the highway - Section 38

3. UTILITIES:-

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

4. CONTROL OF POLLUTION ACT 1974:-

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

5. BAT CARE:-

Bats are small, mobile animals. Individual bats can fit into gaps 14-20mm wide. They can roost in a number of places including crevices between stonework, under roof and ridge tiles, in cavity walls, behind barge boards, in soffits and fascias and around window frames. Builders should always be aware of the potential for bats to be present in almost any small gap accessible from the outside in a building. The following guidelines are provided in order to reduce the risk of harm to individual bats;

Roofs to be replaced, or which are parts of a building to be demolished, should be dismantled carefully by hand. Ridge tiles, roof tiles and coping stones should always be lifted upwards and not slid off as this may squash/crush bats.

* Re-pointing of crevices should be done between April and October when bats are active. Crevices should be fully inspected for bats using a torch prior to re-pointing.

* Any existing mortar to be raked should be done so by hand (not with a mechanical device).

* Look out for bats during construction works. Bats are opportunistic and may use gaps overnight that have been created during works carried out in the daytime.

* If any bats are found works should stop and the Bat Conservation Trust (0845 1300 228) or a suitably qualified bat ecologist should be contacted

Contact details:

Author: Erik Matthews Development Management Officer

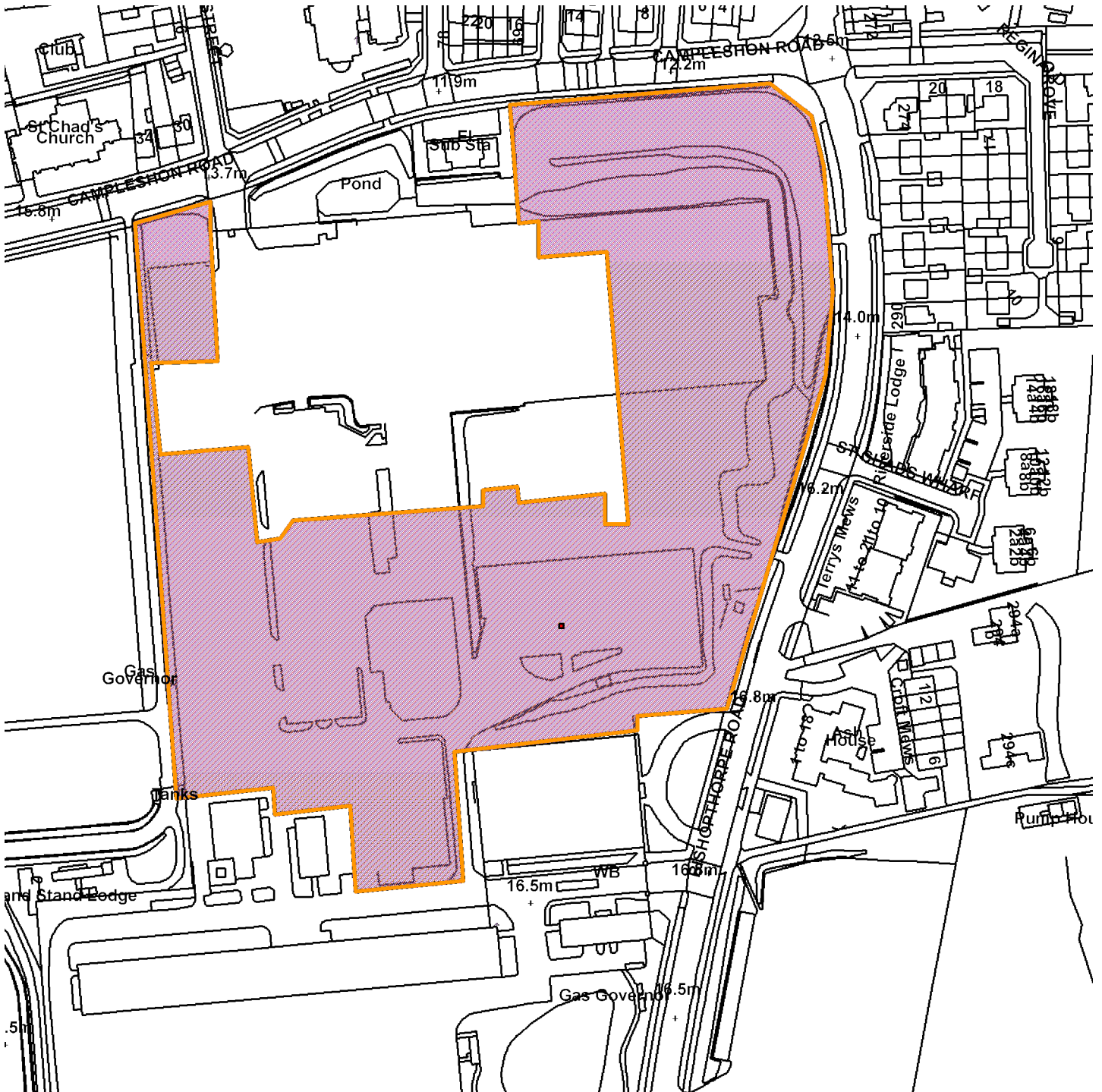
Tel No: 01904 551416

14/01716/FULM

Factory Bishopthorpe Road



GIS by ESRI (UK)



Scale : 1:2119

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	09 December 2014
SLA Number	Not Set

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COMMITTEE REPORT

Date: 18 December 2014 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** Huntington Parish Council

Reference: 14/02112/FULM

Application at: Beechwood Malton Road Huntington York YO32 9TH

For: Full application for the use of land as a 40 pitch touring caravan site and conversion of farm buildings to form reception, shop and managers accommodation. Outline application for associated shower and toilet block (resubmission)

By: Damar Farms Limited

Application Type: Major Full Application (13 weeks)

Target Date: 26 December 2014

Recommendation: Refuse

1.0 PROPOSAL

1.1 The application is part full and part in outline. Full consent is sought for the use of land as a 40-pitch touring caravan site and conversion of farm buildings to form reception, shop and managers accommodation. The layout includes a bund along the northern boundary, footbridge over an existing ditch, landscaping, outdoor keep-fit area, parking, two internal loop roads, refuse/recycling facilities, underground waste water treatment plant, putting green, croquet lawn and lighting. Outline consent is sought for an associated shower and toilet block which would be located within the caravan pitches.

1.2 The caravan pitches would be located in an irregular-shaped paddock forming part of a working farm. A redundant farm building would be extended and improved to provide a reception building and managers accommodation. Access from the public highway would be via an existing farm track from Old Malton Road. Part of the track would be rerouted and improved to provide parking and manoeuvring space, particularly in front of the proposed reception building.

1.3 The application is a resubmission of 13/00923/FULM, which was withdrawn following concerns by officers.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYV1 -Criteria for visitor related devt

CYV5 - Caravan and camping sites

CYGB1 - Development within the Green Belt

CYGP1 - Design

CYGP4A - Sustainability

3.0 CONSULTATIONS

INTERNAL

Environmental Protection Unit

3.1 No objections. Add an informative drawing attention to the need to report and investigate unexpected contamination.

Flood Risk Management

3.2 The development is in low risk Flood Zone 1 and should not suffer from river flooding. Insufficient information has been provided by the applicant for the council to determine the potential impact of the surface water runoff and foul water discharge on the existing drainage system and downstream watercourse.

Design, Conservation and Sustainable Development (Ecology)

3.3 Two of the buildings surveyed were identified as having low potential to support roosting bats. An emergence survey in May 2014 did not identify any roosts although bats were recorded foraging in the vicinity. Evidence of birds nesting in the buildings was also recorded and vegetation on site identified as providing suitable habitat for nesting birds. A condition to protect breeding birds is recommended. There is the opportunity to enhance the development by the inclusion of artificial bat boxes/bricks and bird boxes. Additional planting in hedges etc should be of native species wherever possible.

Highway Network Management

3.4 No objections. Comments and conditions as per previous application i.e. The proposals seek to use an existing access, which is suitable and in accordance with

Application Reference Number: 14/02112/FULM

Item No:

guidance. The signalised junction onto Malton Road/A1237 would provide a safe access to the wider highway network. Traffic to the site is likely to arrive/depart outside the am/pm peak so the impact on the highway network would not be perceivable. Passing places and turning within the site would be provided. If approved, add standard conditions regarding provision of car parking, road surfacing and cycle storage.

EXTERNAL

Huntington Parish Council

3.5 No objections.

Environment Agency

3.6 No objections.

Foss Internal Drainage Board

3.7 No objections. Add a condition requiring the suitability of soakaways to be demonstrated or, alternatively, drainage proposals, including attenuation, to be submitted for approval.

Yorkshire Water

3.8 No objections.

Public Consultation

3.9 The consultation period expired on 7 November 2014. No representations have been received.

4.0 APPRAISAL

4.1 KEY ISSUES

- Appropriateness within and impact on the green belt
- Very special circumstances
- Sustainability

APPLICATION SITE

4.2 The application site, farmhouse and outbuildings are located outside the ring road, close to Hopgrove roundabout. The site of the caravan pitches mainly abuts agricultural land, part of which is in the applicant's ownership. The short south-west

boundary abuts the A1237 (ring road). The easternmost part of site abuts the large grounds of the adjacent house at Calm Cottage. To the north-east is Beechwood Grange, a 115-pitch caravan site operated by the Caravan Club. The whole of the application site is in the green belt and outside any settlement limit.

PLANNING POLICY

4.3 National planning policy is set out in the National Planning Policy Framework (NPPF). The essence of the framework is the presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or (2) specific policies in the framework indicate development should be restricted (paragraph 14). Footnote 9 to Paragraph 14 specifically includes green belt policy among those policies in the Framework which indicate that development should be restricted.

4.4 One of the twelve core planning principles set out in the NPPF is the protection of the Green Belt around urban areas, recognising the intrinsic character and beauty of the countryside (Paragraph 17).

4.5 Another core planning principle states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus development in sustainable locations (paragraph 17).

4.6 Section 3 of the NPPF says that planning policies should support economic growth in rural areas by taking a positive approach to sustainable new development.

4.7 The application site falls within the general extent of the Green Belt as shown on the Key Diagram of the RSS (the Yorkshire and Humber Plan) (RSS) saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. Policies YH9 and Y1 (C1 & C2) and the key diagram on page 214 of the RSS form the statutory Development Plan for York. Policy YH9 says the detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city. All other policy documentation can be accorded weight as material considerations in accordance with Annex 1 of the NPPF.

4.8 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework. Relevant local plan policies are listed in

section 2.2 of the report. The green belt policies in the plan are in general accordance with those in the National Planning Policy Framework.

IMPACT ON THE GREEN BELT

4.9 The NPPF lists the types of development that are acceptable in the Green Belt. All other development is inappropriate and therefore, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In short, within the Green Belt the usual presumption in favour of sustainable development is reversed. Instead, the onus is very much on the applicant to demonstrate that there are compelling reasons why planning permission should be granted for inappropriate development. This makes Green Belt designation a very restrictive policy.

4.10 Whilst the NPPF supports the provision in the Green Belt of facilities for outdoor sport and recreation (paragraph 81), use of land as a caravan site is not among the uses described as 'not inappropriate' at paragraph 89. The change of use is therefore inappropriate development in the Green Belt. Furthermore, the buildings and engineering operations involved in the application (the amenity building, loop roads, bund, passing places, caravan hardstandings, car parking, bin store and lighting) together with the presence of caravans and cars would undermine the openness of the Green Belt and conflict with one of the purposes of the Green Belt, which is to assist in safeguarding the countryside from encroachment. Therefore these structures and engineering operations, also, constitute inappropriate development in the Green Belt (NPPF, paragraph 90).

4.11 The applicant contends that, except for the northern boundary, the site is well screened from outside the site by the existing bunds and hedges. Furthermore, that the application includes a proposed landscaped bund along the northern boundary which would screen the caravan site from the adjacent agricultural land, which has no public viewpoint. In response, whilst these characteristics of the site would reduce the visual impact they do not alter the inappropriateness of the development in the green belt. The onus is still on the applicant to demonstrate very special circumstances.

4.12 In addition to the harm due to inappropriateness is harm due to the site's unsustainable location. It lies beyond the outer ring road and outside any settlement limit. The site is served by only one bus service (No.181, five times per day, not Sundays) with the nearest stop 500m from the site entrance. The applicant is proposing to provide a dedicated shuttle service from the site to Monks Cross shopping centre/park & ride, a distance of 2.5km. The service would be secured by a s106 obligation. Such a service is unlikely to be of significant benefit. Caravans

are either motorised (camper vans) or towed by a vehicle. In both cases the caravanners would have their own transport and would be unlikely to choose, in significant numbers, a shuttle bus, particularly as it would take them no further than the local shopping centre and park & ride service.

4.13 The applicant argues that the park & ride would be readily accessible by bicycle. Along the western boundary of the site is a public bridleway - northbound to North Lane and southbound to Hopgrove - but the route is a rough, unmade field track, unsuitable for general cycle use. Visitors could, instead, cycle to Monks Cross via Old Malton Road/Malton Road but first cyclists would have to dismount and walk across the outer ring road at Hopgrove roundabout. Whilst the roundabout has a pedestrian refuge the manoeuvre is inconvenient and unpleasant and not conducive to walking/cycling, particularly for visitors to the area.

4.14 The applicant contends that the Hopgrove Inn/Toby Carvery is an easily accessible local facility, but it is 500m from the site entrance and over 900m from the nearest caravan pitches.

4.15 In summary the application site is not considered to be in a sustainable location, contrary to one of the core planning principles of the NPPF. This harm is in addition to the harm caused by inappropriateness.

VERY SPECIAL CIRCUMSTANCES

4.16 The applicant submits that the principal benefit of the application is the contribution it would make to the local economy and that this benefit constitutes very special circumstances that justify approval. The NPPF says that planning policies should support economic growth in rural areas by taking a positive approach to sustainable new development. However, this policy does not outweigh green belt policy in rural areas. Furthermore, the application provides no evidence of the scale and nature of the economic benefit. Nor does it provide evidence of need other than to say that there is clearly unsatisfied demand for additional touring caravan pitches because the owners of three other caravan sites in the area have submitted schemes for their expansion. These applications were submitted in 2007, 2010 and 2012 (one was dismissed at appeal and the other two are not directly comparable). Willingness to submit an application does not in itself demonstrate such need that it would amount to very special circumstances.

OTHER MATTERS

4.17 If planning permission were to be granted all other matters (particularly highway details, drainage and ecology) could be dealt with by condition.

5.0 CONCLUSION

5.1 The proposal is inappropriate development which, by definition, causes harm to the green belt. The permanent features of the development and its use would cause harm to the openness of the green belt which the NPPF states is its most important attribute. This harm would be compounded by the effects of the site's unsustainable location. These harms caused by the development are not outweighed by any other considerations and there are no very special circumstances that justify the proposal. Consequently the application conflicts with national and local planning policy which seeks to control new development in the green belt and is unacceptable.

6.0 RECOMMENDATION: Refuse

1 Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. Beechwood and its environs are located in Green Belt as identified in the City of York Development Control Local Plan (Approved April 2005). It is considered that the proposed touring caravan site including 40 caravan pitches, internal loop roads, toilet/shower block, bund along the northern boundary, footbridge, refuse/recycling facilities, landscaping, recreation areas, parking, external lighting and conversion of farm buildings to form reception, shop and managers accommodation constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework which is by definition harmful to the Green Belt. No 'very special circumstances' have been put forward by the applicant that would outweigh harm by reason of inappropriateness and any other harm, including the impact on the openness of the Green Belt, conflict with the purposes of including land within Green Belt and conflict with sustainable transport objectives. The proposal is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt Land' and 'Core Planning Principles' relating to sustainable transport.

**7.0 INFORMATIVES:
Notes to Applicant**

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

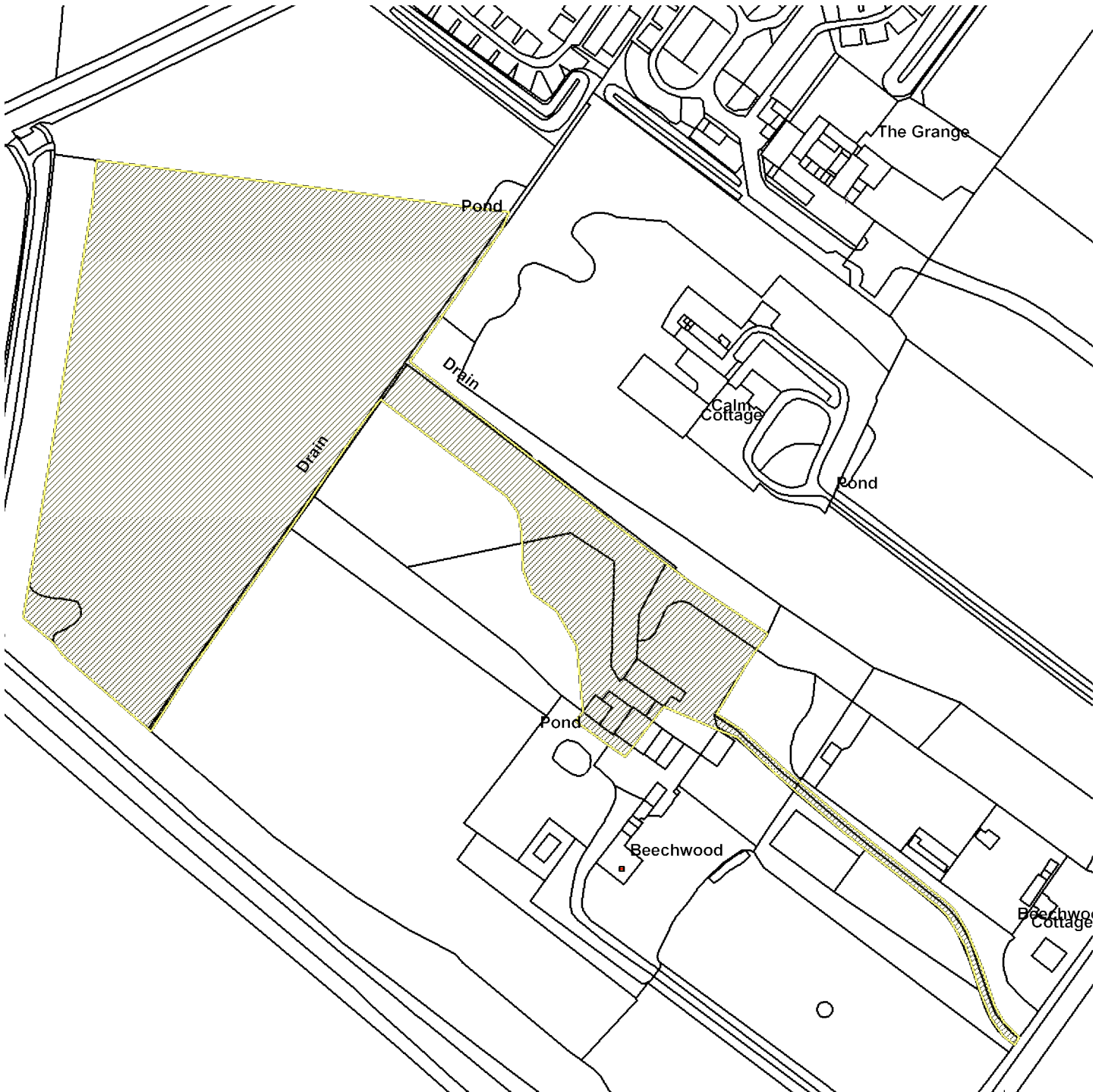
In considering the application, the Local Planning Authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. In an attempt to achieve an acceptable outcome the council was advised that the application was being recommended for refusal. The applicant did not withdraw the application, resulting in planning permission being refused for the reasons stated.

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14/02112/FULM

Beechwood Malton Road Huntington



Scale : 1:2543

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	09 December 2014
SLA Number	Not Set

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14/01716/FULM. Terry's Bishopthorpe Road Committee Update.

Since the Committee Report was prepared further representations have been received from the Authority's Landscape Architect indicating that she has no objection to the scheme as revised providing adequate measures are put in place to secure the root protection area of the trees to be retained.

Paragraph 5.2 should read "statutory duty" instead of "presumption" and Section 72 of the Act "satisfied" rather than "secured".

Condition 28 should read "The detailed scheme shall be approved in writing by the Local Planning Authority and fully implemented before each building is first occupied".

It is further felt that the content of condition 30 effectively duplicates the requirements of condition 23 in respect of a Construction Environmental Management Plan and can be dispensed with.

The landscape details outlined in Condition 2 should be substituted with the following drawings R-1459-11A; R-1459-9A; R-1459-12A; R-1459-10A and R-1459-8D.

Paragraph 5.3 should be amended to read "£36,640 for sustainable transport contributions".

Paragraphs 1.1 and 5.1 should be amended to read "229 dwellings with 79 houses and 150 apartments."

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14/01716/FULM Terry's Bishopthorpe Road Committee update

Apartment Block Heights

- The height of apartment blocks CD & E has been reduced to five storeys (inc set back top floor)

The proposed six storey blocks were tested for their effect on the views and setting of the factory building and clocktower. "Cherry pickers" representing the most prominent 6 storey blocks were set up near the northeast corner of the site. Views from public locations to the north were examined and the results were set out in a revised landscape visual assessment.

The exercise confirmed that 6 floors would harm the immediate setting by being higher than the trees and by obscuring some views from the north-west.

At the revised five floors the buildings would not harm views of the clocktower, nor affect the characteristic outline of the factory buildings. Strategic viewpoints set out in the "Views and Heights" section of the Central Historic Core conservation area would be preserved as would the majority of mid distance views on leaving the city, and also from the Millennium Bridge.

- Block G is one of the closest to the factory buildings and its height has been reduced to 4no floors. At 50m separation distance the setting of the HQ building would be maintained and an important group of trees would be retained between the two buildings.
- Block H has been reduced by one storey to bring its height within the parameters set by the outline approval. The frontage facing the multi-storey building has also been set back from the building line by approx 1.3 m to reduce its prominence in views from the main gate. The dominance of the multi-storey factory building will also be maintained by the 12m+ difference in height.

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