



Notice of a public meeting of

Planning Committee

- To:** Councillors Reid (Chair), Derbyshire (Vice-Chair), Galvin, Ayre, S Barnes, Boyce, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Richardson, Shepherd and Warters
- Date:** Thursday, 25 June 2015
- Time:** 3.30 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 departs Memorial Gardens at 10am on Tuesday 23rd June.

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 - 14)

To approve and sign the minutes of the meeting of the Planning Committee held on 4th June 2015.

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 24th June 2015**. 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.

Filming or Recording Meetings

“Please note this meeting will be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council’s protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at https://www.york.gov.uk/downloads/file/6453/protocol_for_webcasting_filming_and_recording_council_meetingspdf

4. **Plans List**

This item invites Members to determine the following planning applications:

a) **R S Cockerill York Limited, Stamford Bridge Road, Dunnington, York (15/00871/FUL)** (Pages 15 - 26)

A full application for a potato store. [Osbalwick and Derwent Ward] *[Site Visit]*.

b) Askham Bryan College, Askham Fields Lane, Askham Bryan, York, YO23 3PR (15/00378/FULM) (Pages 27 - 40)

A major full application for the erection of a silage clamp and relocation of existing silos. [Rural West York Ward] [Site Visit].

c) Askham Bryan College, Dairy Unit, Westfields Cottages Access, Askham Bryan, York (15/00425/FULM) (Pages 41 - 58)

A major full application for extensions to a dairy unit and heifer shed to create a calf and sheep shed and general purpose farm building. [Rural West York Ward] [Site Visit].

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

Democracy Officer:

Name: Laura Bootland

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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 جا سکتی ہیں۔ (Urdu)

 **(01904) 551550**

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PLANNING COMMITTEE**SITE VISITS****Tuesday 23rd June 2015**

TIME	SITE	ITEM
10:00	Coach leaves Memorial Gardens	
10:20	Cockerill Ltd, Stamford Bridge Road	4a
11:00	Askham Bryan College	4b & 4c

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City of York Council

Committee Minutes

Meeting	Planning Committee
Date	4 June 2015
Present	Councillors Reid (Chair), Derbyshire (Vice-Chair), Galvin, Ayre, S Barnes, Boyce, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Richardson, Shepherd and Warters

1. **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.

Councillor Derbyshire declared a personal interest in agenda item 4b as she is the Director of a business located within the University.

Councillor Funnell declared a personal interest in agenda item 4b as a lay member of the pharmaceutical council.

Councillor Cuthbertson declared a personal interest in agenda item 4b as a part time student at the University of York.

Cllr Barnes declared an interest in agenda item 4b as he works for the NHS at the CCG North Leeds.

Councillor Ayre declared a personal interest in agenda item 4b as his family use one of the surgeries in the Heslington area which could be affected by the opening of a new surgery at the University.

2. **Minutes**

Resolved: That the minutes of the last two Planning Committee meetings held on 19th March 2015 and 27th March 2015 be approved and signed by the Chair as correct record.

3. Public Participation

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

4. Plans List

Members then considered 5 reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning application, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

4a York Barbican, Paragon Street, York, YO10 4NT (13/02135/FULM)

Consideration was given to a major full application by persimmon homes for a 1 part 4/part 5 storey building comprising of 175 apartments and a 3 storey building comprising of 12 apartments with associated access, parking and landscaping.

Robin McGinn had registered to speak on behalf of Persimmon Homes. He advised that the site comprised of two parcels of land and that permission had been granted in 2007 for 240 units. The site would maintain the layout previously approved but there would now be 187 units. The number of parking spaces reflected the sustainable location. The scheme had been designed to reflect the local area. Following negotiations with officers, it had been agreed that the site would be able to support 10% affordable housing.

Members questioned a number of points as follows:

- The landscaping at the site, in particular the lack of trees proposed for the smaller of the two areas of land. The applicant confirmed that if trees could have been realistically supported on the site then they would have been included. Officers advised that as part of the consideration of the landscaping proposals required by condition, they would seek appropriate tree or other planting adjacent to the Fawcett Street/ Kent Street development.

- Whether there would be provision for car parking spaces for use by a car club scheme and whether the applicant would be willing to promote such a scheme to residents. It was confirmed this could be investigated by officers.
- Members sought assurance archaeology at the site had been thoroughly investigated. It was confirmed it had.

Resolved: That the application be approved subject to conditions outlined in the committee report and issues raised by Members above.

Reason: There is an extant planning permission for residential development at this site. The scheme is of comparable layout and scale to the approved scheme; development would regenerate a prominent brownfield site and provide much needed housing in a sustainable location. There would not be harm to designated heritage assets. The scheme is policy compliant and has officer support.

Approval is recommended, subject to an S106 legal agreement to secure 10% affordable housing, and conditions, in particular in the interests of visual and residential amenity, drainage, and archaeology.

5. East of Field Lane Roundabout and Kimberlow Lane, Heslington Campus, York (15/00049/FULM)

Consideration was given to a major full application for the erection of a doctors surgery (use class D1) and shopping parade (use classes A1 (shops), A2 (office), A3 (restaurant/cafe), A5 (hot food takeaway) and D1 (dentist)) with associated access, car and cycle parking and earthworks. Officers provided an update to the committee report, full details are attached to the online agenda for this meeting. The main points were as follows:

- The site now falls within the Hull Road Ward following a boundary review.

- An additional consultation response had been received from North Yorkshire Police who recommended an additional condition to ensure the development is carried out in accordance with the Crime Prevention Statement dated 10th March 2015.
- A number of amendments to conditions.

Mr Telfer had registered to speak on behalf of Badger Hill Residents Community Group. He advised that residents objected to the location of the application rather than the application itself. Residents felt that the application was a departure from originally approved plans. He referred to the associated retail which is being included in the scheme and advised that a central campus location would be more suitable but it wouldn't be profitable. He felt that Members were being asked to consider commercial and financial issues rather than planning issues and considered that there were no special circumstances on planning grounds.

David Duncan had registered to speak on behalf of the University of York. He advised that the University required a new health centre as the existing one is too small. In relation to the retail aspect he advised that there is a lack of shops for students based on Heslington East and currently students have to cross a dual carriageway to access a shop. He acknowledged the argument that the facility should be in the centre of the campus but advised that this is not practical or financially viable.

Sam Maguire spoke as the President of York University Students Union. He advised that currently, students on Heslington East travel 1 mile to the nearest shop and for a number of years, students have voiced their dissatisfaction with the existing facilities on campus. In relation to health care, the current health centre is too small and students and residents have to wait 2 to 3 weeks for an appointment.

Janet O'Neil spoke as the agent on behalf of the applicant. She referred to the expansion of the University and advised that current health and retail facilities could no longer cope with the numbers using them. She advised that Members should not think that this application in this location was the easiest conclusion and outlined the sequential test undertaken and the lack of other suitable sites within the campus that are viable.

Members queried a number of points in particular the arrangements for healthcare contained in the University master plan and whether the requirement for a health centre was foreseen. The agent confirmed it was included in the master plan but the document did not detail where it should be located. As the University population has expanded it had become apparent there was not the available space at the centre of the campus for such a facility. Members also queried the arrangements for the community to use the proposed surgery and the impact on existing facilities in nearby suburbs.

Members entered debate and made the following points:

- Some Members acknowledged that although the development was in the Green Belt, the University needed to improve facilities to enable more students to live on campus. The location and retail element would enable the venture to be viable year round.
- New facilities that could be shared with the community were welcomed.
- Concerns were raised regarding landscaping and the impact of the development upon nearby residents and the green belt.
- Some members had concerns about the amount of proposed parking and the additional traffic that would be generated.
- Some Members felt that very special circumstances for development in the Green belt had not been demonstrated.

Resolved: That the application be approved after referral to the Secretary of State under the Town and Country Planning (Consultation)(England) Direction 2009.

Reason: The applicant has advanced the following other considerations, which they consider to amount to very special circumstances in respect of the proposal:

- The proposed development is required to meet an existing and growing need for health services and convenience shopping for University of York students and staff. Very few students have access to cars and many staff utilise non-car

modes to arrive at work. The university community needs on-site facilities so that the campus is established as an appealing place to live, work or study.

- The University has an obligation under the section 106 agreement to make their student housing as attractive as possible in order to reduce the pressure on the city's housing stock. The lack of facilities for the student population has led to negative perceptions of living on this campus.
- It is essential that it is accessible to the local community due to the need to maintain viability during University vacations. Therefore the development is located outside of the barriered access roads and is thus outside of the allocated area designated for development in the approved masterplan.
- A sequential test has failed to identify an alternative an alternative location which could be conveniently located for the University community and still be viable and deliverable for the operators of the health and retail facilities.

The proposal constitutes inappropriate development for the purposes of para 88 of the NPPF, and by definition causes harm to the Green Belt. Because of its location the proposed development would result in some limited harm to the openness of the Green Belt and encroachment into the countryside, but is not considered to conflict with other green belt purposes set out at para 80 of the NPPF. More significant harm would be caused to the landscaped setting at the Field Lane entrance to the campus of the East Campus, however the layout, design and proposed landscaping will help to mitigate this harm to some degree.

It is considered that the other considerations put forward by the applicant outlined above, together with the mitigation of other harm through planning conditions clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm, and thereby amount to very

special circumstances to allow the inappropriate development in the York Green Belt.

6. Land Adjacent to and to the Rear of Windy Ridge, Brecks Lane, Huntington, York (15/00473/FULM)

Consideration was given to a major full application for a residential development of 87 dwellings with associated access and public open space. The application was to revise the layout and vary house types previously approved by planning permission 12/02979/FULM dated 27.02.2013.

Officers gave a brief update to advise that the key changes were as follows:

- A reduction in affordable homes from 30 to 26
- A change in some house types
- An increase in the number of four bedroom dwellings primarily replacing three bedroom houses
- Modest changes in the layout of the houses including some additional garages and alternative car parking arrangements

Some Members expressed disappointment at the reduction in affordable homes.

Resolved: That the application be approved subject to the Section 106 agreement.

Reason: Residential development has commenced on site in line with the previous planning permission. The revised plans allow for relatively modest changes to the previous planning permission. There are no significant changes in the overall layout of the proposal and house numbers are unchanged. The positive aspects achieved through the previous planning permission such as a layout which reduces vehicle speeds, pedestrian priority, substantial publicly accessible open space, a decent range of house types with some key focal units to provide interest and legibility, and policy compliant affordable

housing numbers are brought through to this new proposal.

For the reasons outlined in this report this application is recommended for approval subject to conditions and completion of a Section 106 agreement. The draft conditions set out below reflect those applied to the previous planning permission with the exception that renewable energy and Code for Sustainable Homes conditions have been removed as this is now consumed into Building Regulations and conditions regarding electric vehicle recharge points as referenced in paragraph 3.2 are included. A Section 106 agreement will be required to secure pedestrian crossing facilities, education contribution, affordable housing, open space nature conservation land delivery and maintenance, and sustainable transport initiatives.

7. Former Terry's Factory, Bishopthorpe Road, York, YO23 1NA (15/00456/FULM)

Consideration was given to a major full application for the conversion of a multi-storey factory to a maximum 173 residential apartments and a ground floor retail unit; the erection of additional roof storey and balconies to southern elevation; public open space and car parking.

Officers provided an update to the committee report; full details are attached to the online agenda for this meeting for information, the main points were as follows:

- To clarify the reference in the report to the need for Section 106 commuted sum contributions towards sustainable transport measures includes the level of contribution towards the City Car Club Car Sharing Scheme ordinarily associated with this type of development.
- A number of submitted application drawings had been amended following negotiations. Condition 2 of the

application and Listed Building Consent will need to be amended to show correct plan references.

- A detailed consultation response had been received from the Council's Environmental Protection Unit who had no objection subject to a number of conditions.

Kate Bailey spoke as the agent on behalf of the applicant. She advised that no other alternative use had come forward for the factory since 2006 and the current plans had been heavily publicised and all comments received taken into account.

Some Members commented that they had noted the bad state of repair of the building on the site visit. Members were happy to support the application.

Following further discussion it was:

Resolved: That the application be approved subject to the Section 106 agreement.

Reason: The Terry's Multi-Storey Factory has lain vacant since operations at the site ceased in 2006. Following removal of the roof top plant the structural integrity of the building has become compromised and it is deteriorating rapidly. Planning permission has previously been given for a mix of flexible uses however planning permission is now sought for the conversion of the building into a maximum of 173 apartments with a retail unit on the ground floor. It is felt that the proposal would give rise to harm to the evidential value and significance of the building both in respect of the proposed roof top extension and in terms of the proposed internal works where the harm may be quantified as being substantial. However, balancing against this the applicant has undertaken to address in detail and amend each area of concern. Even when the harm is given considerable importance and weight, it is considered to be outweighed by the benefits of bringing such a substantially important Listed Building within the context of the York City sky line back into a beneficial

use within an existing derelict site of major townscape importance with minimal additional development to the exterior area, in a sustainable location.

The impacts of the proposal in terms of the need for playing pitch provision, the provision of primary school places and sustainable transport and off-site highway works can be addressed through a legal agreement. Approval is therefore recommended for the scheme subject to a Section 106 Agreement to cover these issues.

8. Former Terry's Factory, Bishopthorpe Road, York, YO23 1NA (15/00457/LBC)

Consideration was given to a listed building consent application for internal and external alterations in connection with the conversion of a multi-storey factory to residential apartments and the erection of an additional roof storey and balconies to southern elevation

This item was taken in conjunction with the previous agenda item for the same premises.

Resolved: That the application be approved subject to the conditions outlined in the committee report.

Reason: The Multi-Storey Factory building, the subject of this application, has been vacant for 10 years and its condition has deteriorated substantially giving rise to serious concern. In this context it is important to secure the optimum viable use compatible with the building's conservation to ensure its survival for future generations. The proposed conversion for residential use would sustain the historic, aesthetic and communal significance of the building. The evidential significance illustrated by the openness of the interior, its environment and finishes, would to

an extent be lost (except for a small area) and this can clearly be assessed as giving rise to substantial harm to the listed building.

Although the internal alterations proposed would be regarded as substantially harmful they do not lead to unacceptable loss of significance of the building overall.

Providing the remaining issues of detail are addressed as indicated by the applicant, even when affording considerable importance and weight in the planning balance to this harm, it is considered that the public benefit of having the heritage asset in active use as residential accommodation outweighs the identified harm. The current proposals are therefore welcomed to sustain the long term future of such a significant building and its relationship with the wider community, and approval is therefore recommended.

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

The Chair raised two issues as follows:

- The proposed change of start time for the next meeting on the 25th June to 3.30pm. Members noted the change but asked that Democratic Services staff look into the possibility of an alternative room to enable the meeting to remain at 4.30pm.
- The time of the site visits for the committee which are currently at 10am. Members confirmed they were happy for them to remain at 10am.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 7.00 pm].

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COMMITTEE REPORT

Date: 25 June 2015
Team: Major and Commercial Team
Ward: Osbaldwick And Derwent
Parish: Holtby Parish Council

Reference: 15/00871/FUL
Application at: R S Cockerill York Limited Stamford Bridge Road Dunnington York YO19 5AE
For: Erection of potato store
By: Providence Holdings Ltd
Application Type: Full Application
Target Date: 16 June 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to Cockerill's potato processing site located off Stamford Bridge Road in Holtby. The proposal is to construct a potato store within the existing enterprise.

1.2 Cockerill's Potato processing site consists of potato storage and processing buildings, offices, agricultural buildings and a dwelling set in an open area of countryside before the turn off to Holtby village on the Stamford Bridge Road.

1.3 The 465 sq.m proposed building is to be located on the north western corner of the site. Access is through the main complex of buildings which are served via a substantial access point from the Stamford Bridge Road. The Building is a typical agricultural design measuring 24 metres by 19 metres with a maximum height of just over 9.4 metres and constructed of composite sheeting with pitched composite sheet roof. The building is to be used for boxed potato storage. The temperature and ventilation within the building is controlled to minimise wastage.

PLANNING HISTORY

1.4 Permission was refused in 2004 for a two storey staff welfare and potato quality assessment. In refusing the application it was concluded that there were no very special circumstances to outweigh harm to the Green Belt. (04/03048/FUL)

1.5 Permission was refused in September 2008 for an extension to the farmhouse to provide employee's self contained accommodation. The development was considered to be harmful to the Green Belt. (08/01844/FUL)

1.6 Permission was granted in August 2008 for the erection of extension to pack house to provide additional potato washing facilities, grading, packing, storage, staff facilities and covered loading bay as well as additional manoeuvring space and the installation of waste water treatment plant. (08/00856/FULM)

1.7 Permission was granted in October 2011 for a 15 metre high wind turbine (11/02307/FUL). A non-material amendment relating to the siting of the turbine was granted in November 2011. (11/03060/NONMAT)

1.8 No objections were raised to the erection of an agricultural building being erected under permitted development in May 2012 (12/01528/AGNOT).

1.9 Objections were raised to a further agricultural building being erected under permitted development in March 2015 as the building was not considered to be reasonably necessary for the purposes of agriculture within the unit. (15/00299/AGNOT)

CYGB1 - Development within the Green Belt

CYGB11 - Employment devt outside settlement limits

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001
Green Belt

2.2 Policies:

CYSP3 Safeguarding the Historic Character and Setting of York

CYGP1 Design

CYGP4A Sustainability

CYGP9 Landscaping

CGP15A Development and Flood Risk

CYGB1 Development within the Green Belt

CYGB11 Employment development outside settlement limits

3.0 CONSULTATIONS

EXTERNAL

3.1 HOLTBY PARISH COUNCIL - have concerns about the business continuing to grow and becoming more of an industrial operation rather than what would be considered to be agricultural. Concerns in particular relate to noise and light pollution, screening and of large numbers of potato boxes on site.

3.2 FOSS INTERNAL DRAINAGE BOARD - The applicant has stated that surface water will be disposed of via SUDS and an existing watercourse; in this case it would appear that the surface water is stored in a lagoon on site before discharging to Brownhills Dyke via a series of drainage ditches. According to the application statement the surface water is discharged from the storage lagoon at a controlled rate; at present the Board is unaware as to what rate surface water is being discharged at, or the capacity of the lagoon. The Board suggest that the applicant inform them of the current rate of discharge from the lagoon which should be based on the connected impermeable areas within the site. The application should be conditioned to ensure surface water drainage works are agreed.

4.0 APPRAISAL

4.1 Key Issues

- Green Belt
- Siting and Design
- Drainage

PLANNING POLICY

4.2 The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. Paragraph 14 of the says that at the heart of the NPPF is a presumption in favour of sustainable development for decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless specific policies in the framework indicate development should be restricted. (Foot note 9 indicates restrictions include Green Belt locations).

4.3 The core planning principles at paragraph 17 include the expectation that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

4.4 Section 3 of the NPPF 'Supporting a prosperous rural economy' says planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote strong rural economy local plans should support, among other things, the sustainable growth and expansion of all types of business and enterprise in rural areas through conversion and well designed new buildings; promote the development and diversification of agriculture.

4.5 Section 7 of the NPPF requires good design. Paragraph 56 says good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

4.6 Section 9 'Protecting Green Belt Land' says that the essential characteristics of Green Belts are their permanence and openness (paragraph 79). Paragraph 80 sets out the purposes of Green Belt. These are to check unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and to assist in urban regeneration. Paragraph 88 says that when considering any planning application, local planning authorities should ensure that substantial weight is 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. With regard to new buildings paragraph 89 says that the construction of new buildings is inappropriate exceptions to this include buildings for agriculture and forestry and limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purposes of including land in it than the existing development.

4.7 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the retained policies of the Yorkshire and Humber Regional Spatial Strategy (RSS). These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

4.8 Policies in the Development Control Local Plan (DCLP) which was approved for Development Management purposes in April 2005 are considered to be of limited weight in determining planning applications except where they are in accordance with the NPPF. Policies considered to be compatible with the aims of the NPPF and most relevant to the development are GP1 'Design' GB1 'Development in the Green Belt'. The thrust of this policy is the same as that set out in section 9 of the NPPF. GB11 'Employment development outside settlement limits' which is supportive of development at existing rural businesses where the development is small scale and relates to an existing building and provides a direct benefit to the rural economy and the local residential workforce.

4.9 At this stage, policies in the Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF)

Principle of the Development

4.10 Whilst the RSS has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates the general extent of the Green Belt around York. These policies comprise the development plan for York. The site falls within the general extent of the Green Belt located between Dunnington and Holtby. Although paragraph 14 of the NPPF sets out a presumption in favour of sustainable development, in accordance with the footnote referenced within paragraph 14 of the NPPF the presumption in favour of sustainable development does not apply in Green Belt locations.

4.11 Paragraph 89 of the NPPF establishes that the construction of new buildings is inappropriate in the Green Belt subject to a number of exceptions which do not apply to this development. All other forms of development within the Green Belt are considered inappropriate. The submitted information with the application does not argue that any of the exceptions set out in paragraph 89 apply to the site.

4.12 The NPPF states at paragraph 87 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 says 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.

HARM TO OPENNESS AND PURPOSES OF THE GREEN BELT

4.13 The approach to the site from the west is relatively open, fields are large and boundaries are low. In this context the Cockerill's site is very visible. The amount of built development on the enterprise is significant and the external storage of potato packing boxes is high. Trees have been placed on the western boundary of the site and these are starting to reduce visibility, at a lower level, into the site. The proposed building, although sited adjacent to the western boundary, the location is well back from the road frontage and adjacent to existing structures and so will be seen in the context of the farm complex. Paragraph 79 of the NPPF indicates that openness and permanence are essential characteristics of Green Belt. The proposed development will introduce built development on to a currently open area of land and thus openness would be reduced. However the siting of the structure within the complex of the whole farm/industrial enterprise means in officers' opinion that the harm caused by the loss of openness would be limited.

4.14 The purposes of Green Belt are to check unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and to assist in urban regeneration (paragraph 80 NPPF). Given the building location within the complex of existing structures and boundary treatment that make up the farming and industrial operation none of the purposes of Green Belt are considered to be undermined by the proposal and there would be no harm to the Green Belt in this respect.

4.15 The proposal gives rise to harm to the Green Belt by reason of inappropriateness. The proposal would also have a limited harm on the openness of the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

OTHER CONSIDERATIONS

Very Special Circumstances

4.16 The other considerations put forward by the applicant as very special circumstances are as follows:-

- The site is established potato storage, packing and distribution business - the applicant explains that following planning permission being granted in 2008 for the extension of the packaging and distribution business a grant was given for the development of the site based on the through put of potato being increased significantly. The business has exceeded the target set and now needs additional space to store potatoes and maintain the viability of the business.
- The existing use is an integral part of the rural economy providing a link between growers and customer - the site provides a central place where farms can send their produce to be stored washed and graded for packaging and selling on to the retailer. Farmers would be unable to invest in the necessary temperature controlled buildings; this central location supports their businesses and supports retail businesses that require wide variety of potatoes at short notice. The building will provide extra storage to maintain the demands placed on it by retailers and farmers.
- The building will not create any more jobs but will maintain the viability and therefore security of the existing workforce.
- The building will be heavily insulated and energy efficient.

Assessment of the applicant's claim for very special circumstances

4.17 The NPPF says that there are three dimensions to sustainable development economic, social and environmental. An economic role in contributing to building a strong, responsive and competitive economy by ensuring that sufficient land is available to support growth and innovation; a social role in supporting vibrant and health communities and an environmental role in contributing to protecting and enhancing the environment. One of the core principles is to seek to proactive drive and support sustainable economic development. This site is an established potato packaging plant and has been invested in following permission for substantial extension in 2008. It also continues as a farming enterprise. It has an important role in the local community providing jobs and services to the local farmers, as well as a facility for produce from further afield. Officers accept that such sites will need to grow and adapt and that some alterations or further developments within sites will be required to facilitate this. The proposed building is being provided within the established confines of the business, it does not necessitate additional access or ancillary facilities these are already within the site. Without the building, potatoes would have to be stored elsewhere but then brought back to the site for processing and packaging. Clearly this would be unsustainable in terms of transport movements. In addition it would be inefficient from the business perspective. The storage building would carefully regulate the temperature of the potatoes for optimum quality such that transporting them back away and then back to the site would disrupt this control. There appears to be clear locational needs for the building to be sited within the rest of the complex, albeit in the Green Belt. The building is considered to conform to a very important element of Government's policy which is to diversify and grow the rural economy and this is reflected in planning policy.

Design and Siting

4.18 The buildings design, materials and massing are those typical of an agricultural building and in this respect the design reflects other buildings at the packaging site. The siting relates well to the farm and industrial enterprise at the site. Although the building will be visible on the edge of the curtilage of the site it is seen in the context of boundary tree cover. Officers are satisfied that the location of the building will not detract from the character and appearance of the countryside and would not attribute any harm to the siting or design of the building.

Drainage

4.19 The site is located within flood zone 1 (low risk) and should not suffer from river flooding. The Foss Internal Drainage Board (IDB) are however concerned that the surface water from the site eventually drains in to Brownhills Dyke and that it is unknown what the current rate of discharge is from the site. Discharge is via a lagoon and then via a series of ditches in to the dyke. The dyke is part of the Osbaldwick Beck network and is running at capacity. Further information has been submitted which says that discharge to the lagoon is on reflection not feasible. The

use of soakaways is not appropriate because of ground conditions the applicant therefore proposes to store the water and discharge the water to the ditch at agricultural run off rates. The IDB will be consulted on the amended proposals and their comments reported to committee. In officers opinion it is likely that there is a technical solution for the discharge of surface water drainage and that the details of a scheme can be conditioned. No harm is attributable to the drainage proposals which, subject to the further comments of the IDB, can be conditioned.

Other matters

4.20 The Parish Council is concerned about the growth of this business and in particular noise pollution, light pollution, screening and the presence of large numbers of potato boxes. However this application relates only to the erection of a building within the site. It is not possible within this application to secure matters by the use of conditions that are not directly related to this development proposal, as the need for a condition must be justified by the nature or impact of the development permitted. A condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development. Much of the additional activity at the site has come about through the permission granted in 2008. In Officers' opinion there are no conditions attached to the 2008 permission that would address the matters which concern the Parish Council. Equally it is not considered the effects of this development would lead to such an intensification of the use or increase in impact to justify seeking to control the existing impacts through conditions attached to this application. Matters in relation to any pre-existing noise and light pollution will need to be dealt with through environmental protection legislation.

5.0 CONCLUSION

5.1 The application site is within the general extent of the Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPPF, and by definition causes harm to the Green Belt. Because of its location the proposed development would result in some limited harm to the openness of the Green Belt but is not considered to conflict with the purposes of green belt set out at paragraph 80 to the NPPF. Planning policy dictates that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations.

5.2 It is considered that the other considerations put forward by the applicant, particularly in relation to the operational need and efficiency for the store at this particular location and the sustainability benefits of siting the building within the existing complex, together with the mitigation of other harm through the design and layout of the proposal and planning conditions, clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm, and thereby amount

to very special circumstances to allow the inappropriate development in the York Green Belt, even when substantial weight is given to any harm to the Green Belt.

5.3 Referral of proposed development in the Green Belt to the Secretary of State applies to development involving:-

- (a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

5.4 It is not considered that these criteria apply to this development, and so referral is not required should Members be minded to approve the application.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing no. P5567-01 Rev B

Drawing no. 1112-1 Rev B

Drawing no. 1112-2

Drawing no. 1112-3

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

3 The materials to be used externally shall be those described within the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve a visually acceptable form of development in the Green Belt.

4 No development shall take place until details the external lighting of the hereby approved building have been submitted to and been approved in writing by the Local Planning Authority.

Reason: To achieve a visually acceptable form of development in the Green Belt.

5 The premises shall be used for potato storage in connection with the existing business the site and for no other purpose, including any other purpose in Class B in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

Reason: To achieve a visually acceptable form of development in the Green Belt.

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:

- Discussion with applicant about the very special circumstances and the drainage of the site resulting in additional information being submitted.

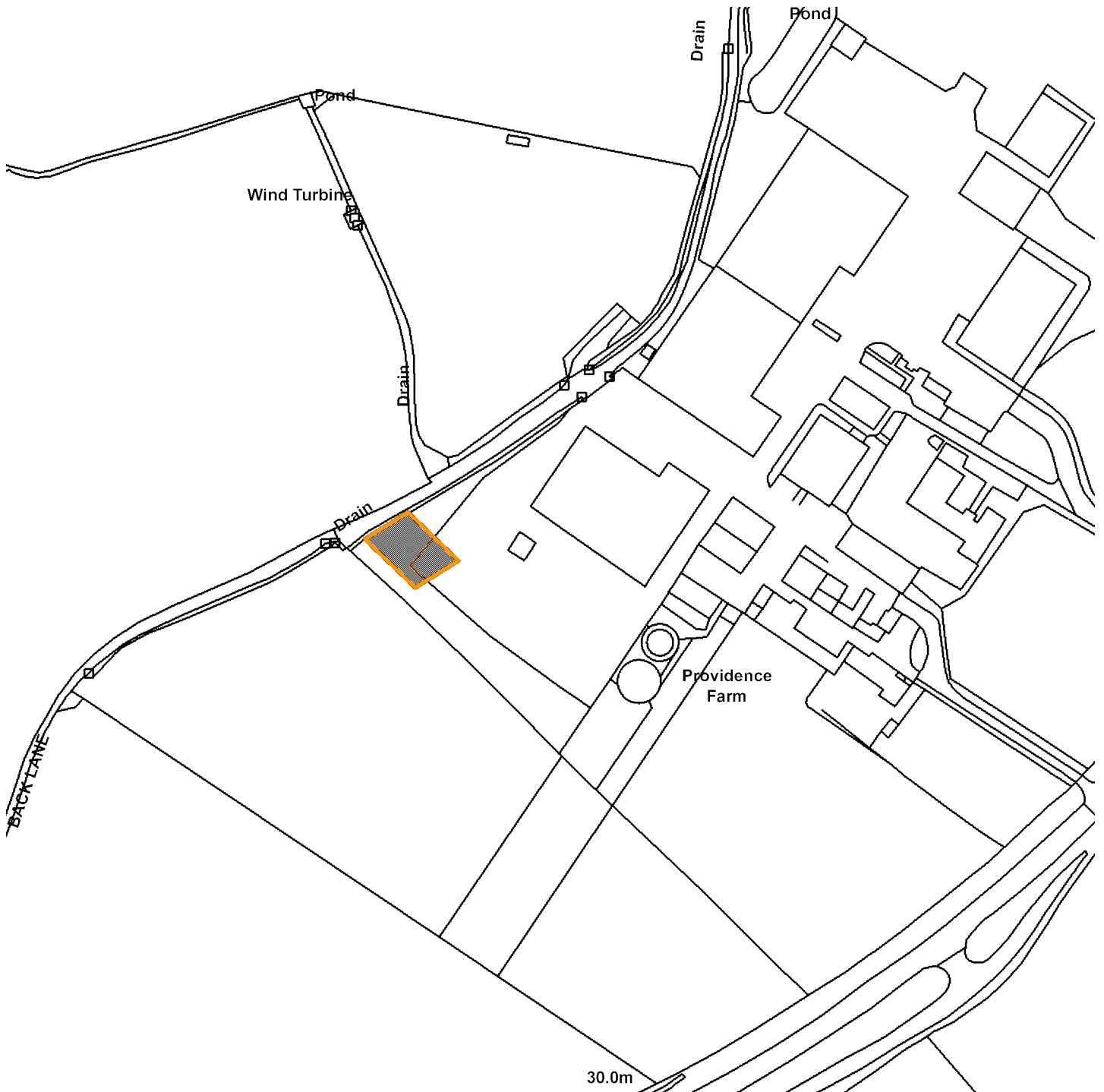
Contact details:

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

Tel No: 01904 551351

15/00871/FUL

R S Cockerill York Ltd Stamford Bridge Road Dunnington



Scale : 1:2119

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	15 June 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 25 June 2015 **Ward:** Rural West York
Team: Major and **Parish:** Askham Bryan Parish
Commercial Team Council

Reference: 15/00378/FULM
Application at: Askham Bryan College Askham Fields Lane Askham Bryan
York YO23 3PR
For: Erection of a silage clamp and relocation of existing silos
By: Askham Bryan College
Application Type: Major Full Application (13 weeks)
Target Date: 24 July 2015
Recommendation: Approve subject to referral to the Secretary of State

1.0 PROPOSAL

1.1 Planning permission is sought for a roofed silage clamp within the existing farm unit which is located to the west of the campus on the brow of the hill. A silage clamp is proposed on the hill ridge and to the west of the existing slurry lagoon, the silage clamp would measure 39.6 metres by 45 metres, it would have 5 walls running east west. The height of the building would be 10 metres to the ridge and 7.5 metres to the eaves. The 3 no. silos would be relocated from elsewhere in the farm unit to the south of the proposed silage clamp. The materials for the external elevations include Yorkshire boarding and precast concrete, with profiled metal sheeting for the roof

1.2 Planning permission has previously been granted for a silage clamp on the application site (13/02946/FULM granted at Planning Committee 19.12.2013), as part of a larger campus development. The previously approved silage clamp had a north- south orientation and was 10.55 metres in height (6.45 metres to eaves) and 45 metres by 50.9 metres. The silos were sited to the east of the proposed clamp.

1.3 There were no pre-application discussions relating to this amended proposal.

1.4 The proposed development does not comprise 'Schedule 1' or 'Schedule 2' development (The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015) where an Environmental Impact Assessment is required. It is the view of Officers that the proposed site is not within or adjacent to an environmentally sensitive area (as specified in the regulations) and taking into account the characteristics of the proposed development, the location of the development, and characteristics of the potential impact and the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment is not required.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYSP3 Safeguarding the Historic Character and Setting of York

CYGP1 Design

CYGP4A Sustainability

CYGP9 Landscaping

CYGP14 Agricultural land

CGP15A Development and Flood Risk

CYNE6 Species protected by law

CYGB1 Development within the Green Belt

CYGB10 Major Development sites in GB

CYED5 Further and Higher Education Institutions

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Ecology Officer

3.1 An updated badger survey undertaken in April 2015 has been submitted to support the application. This confirmed that there are no new signs of badger activity within the application boundary. The previously identified activity is located over the accepted distance from within which heavy machinery will cause disturbance and therefore will not be impacted by the works. However as badgers are highly mobile an appropriate condition is requested

Landscape Architect

3.2 Any comments received will be reported to Committee.

Archaeology –

3.3 Any comments received will be reported to Committee.

Flood Risk Management Team

3.4 No objections

Environmental Protection Unit

3.5 No objections

3.6 The proposed clamp will be situated well within the site and at least 500 metres away from residential properties not associated with the college. In addition a previous application for a new clamp was approved in the last two years.

Planning and Environmental Management

3.7 Any comments received will be reported to Committee.

Public Rights of Way

3.8 Note that a public footpath falls within the application site but is not directly affected by the development itself. However, whilst there is reference on the application site plan that the public footpath is to be maintained, take note of the fact that it is stated that 'all the top soil to be redistributed on campus and close to removal site where possible'.

3.9 Request condition that no top soil be added to the alignment of the PROW, and that it is not disturbed during development

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Askham Bryan Parish Council

3.7 No comments received

Environment Agency

3.8 The facilities must comply with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

Yorkshire Water

3.9 No comments

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

- 15/00425/FULM - Extensions to dairy unit and heifer shed to create a calf and sheep shed and general purpose farm building – Pending

- 13/02946/FULM - Erection of educational and associated buildings and related parking, circulation areas and landscaping (for animal management centre, farm and equestrian purposes, 2 staff dwellings, animal housing), siting of animal shelters, silos and feed bins, erection of security fencing, formation of external equine training areas including polo field, formation of new access to York Road, reorganisation of existing access and parking areas, formation of ponds, change of use of existing buildings, temporary student accommodation and providing glazed roof to existing quadrangle - Approved
- 13/02969/OUTM - Erection of educational and associated buildings and related parking, circulation areas and landscaping (for animal management centre, farm and equestrian purposes, 2 staff dwellings, animal housing), siting of animal shelters, silos and feed bins, erection of security fencing, formation of external equine training areas including polo field, formation of new access to York Road, reorganisation of existing access and parking areas, formation of ponds, change of use of existing buildings, temporary student accommodation and providing glazed roof to existing quadrangle - Approved
- 10/02602/FULM - Construction of steel framed agricultural building (Beef unit) to the rear of Westfield Cottages - Approved
- 10/02243/FUL - Construction of earth banked slurry lagoon - Approved
- 03/04089/FUL - Erection of new building to house beef cattle at Westfield Farm - Approved
- 03/00508/FUL - Erection of new dairy unit and cattle shed to replace existing dairy unit and farm outbuildings - Approved
- 00/02355/FUL - Change of use with alterations of redundant pig buildings to animal housing for small animal courses - Approved

4.2 KEY ISSUES

- Planning policy
- Green belt and consideration of very special circumstances
- Design and landscape considerations
- Ecology
- Drainage
- Public Rights of Way

PLANNING POLICY

4.3 The site is within the City of York Green Belt as defined on the City of York Development Control Local Plan (DCLP) Proposals Map. The DCLP was approved for development control purposes in 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF.

4.4 The saved policies of the Yorkshire and Humber Regional Spatial Strategy (May 2008) set out the general extent of the City of York Green Belt. Whilst the Regional Strategy for Yorkshire and Humber (the RSS) has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates those policies and the general extent of the Green Belt around York. These policies comprise the development plan for York.

4.5 In the emerging local plan the site is allocated as Green Belt land. However following the motion agreed at Full Council in October 2014, the publication draft of the York Local Plan is currently not progressing through its statutory consultation; pending further consideration of the Council's housing requirements and how it should meet those requirements. At this stage the emerging local plan is considered to carry very little weight in the decision making process.

4.6 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

4.7 The NPPF sets out the presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. This presumption does not apply in Green Belt locations.

4.8 The Askham Bryan Parish Plan (2006) discusses the College site and its importance to the area. The design guidelines set out in the Plan refer to the setting of the village and the retention of the agricultural character of the village and there is little mention of the college site.

GREEN BELT

4.9 The campus is identified as a "major developed site in the Green Belt" within Policy GB10 the Development Control Local Plan (2005). This policy states that the preferred use of the site is for education. The proposed development falls outside of the developed site envelope shown in the proposal maps. The halted local plan does not make any such allocation. Neither of these Local Plans have been adopted and the NPPF does not make reference to major developed sites, it is considered that the major developed site envelope can be given only very limited weight when considering this application.

4.10 The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of the greenbelt are its openness and permanence. The Green Belt serves 5 purposes: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the

countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

4.11 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF paragraph 89 states that the construction of new buildings is inappropriate in the Green Belt, save in the case of a list of exceptions including: buildings for agriculture. The proposed development does not fall within the exceptions set out in paragraph 89 of the NPPF, because the 'agricultural' building is considered to be an 'educational' building as that is its main purpose. Therefore the proposed building is inappropriate development

4.12 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states that local planning authorities should ensure that substantial weight is 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.

HARM TO OPENNESS AND PURPOSES OF THE GREEN BELT

4.13 The application site is on the western edge of the college campus and farm complex set on a ridge. The development would require some minor re-contouring of the land to create a site level with the rest of the farm complex.

4.14 The fundamental purpose of Green Belt policy is to preserve openness. The proposal gives rise to harm to the green belt by reason of inappropriateness and harm to openness and encroachment into the countryside. However whilst the development would further extend the campus along this ridge, it would be reasonably well related to the farm complex whilst retaining its own landscaped periphery. It is not considered that development would conflict with the other Green Belt purposes set out in paragraph 4.6. The proposal is unlikely to set a precedent for other development within the Green Belt.

VERY SPECIAL CIRCUMSTANCES

4.15 The agent has referred to the planning permission 13/02946/FULM and the very special circumstances put forward for that application. The agent states that the very special circumstances for this application are that the principle of the silage clamp in this location has previously been accepted (planning permission 13/02946/FULM). Part of the development approved in planning permission 13/02946/FULM has been constructed (Animal Management Centres 1 and 2, temporary student accommodation)

4.16 This application and the previous planning permission are part of a re-development of the campus to update facilities and to attract more students. The reasoning put forward for the campus redevelopment including a silage clamp in this location approved in planning permission 13/02946/FULM is as follows:

- The campus is sited in this location and therefore the proposed development cannot be located other than within or adjacent to the existing campus.
- The proposals will provide the basis for a significant financial input into the campus over an extended period. Construction value is estimated to be £33,972,000. The successful contractor could potentially employ local sub-contractors and suppliers. As such there is the potential for the development to affect the local economy.
- The development will allow student numbers to increase by 65%, and the number of full time students who are resident on the site will double. This will generate a need of 120+ teaching and support staff, potentially adding £2million per annum into the local economy.
- Further input into the economy will occur from the on-going supply of domestic and housekeeping services, estimated at £150, 000 per annum (excluding wages) which as far as possible will be sourced locally.
- The proposed developments are inter- related, mutually supportive and in terms of their importance to the future development and status of the college, comprise a long term development and all the elements are essential.
- There is insufficient land to accommodate the development within the existing boundaries of the campus.
- Will allow the range of courses to be increased and the standard of residential and social facilities available and thus contributing to the reputation of the college and by associate the city.
- The equine centre will rival any currently existing in the UK and together with the polo pitch will provide a facility of international standard.
- The links to the Council and the wider community in respect of students assisting in land-based and conservation projects and the uses of the college facilities during the holidays will be strengthened and extended to the economic, social, and cultural benefit of the city.

ASSESSMENT OF THE APPLICANT'S VERY SPECIAL CIRCUMSTANCES

4.17 In terms of the above that is relevant to this particular development, the nature of the use and its integral function with the rest of the agricultural college would make it impracticable to site the development elsewhere off campus in a non green belt location. Although the development is part of an educational establishment, it is agricultural in appearance and use and the further investment helps to secure the long term future as an educational and employment centre. The proposed facilities are required for the college to expand and compete, and improve existing courses; this is supported by local and national policy. The proposal is unlikely to set a

precedent for other development within the Green Belt. These considerations are relevant and significant in weighing the harm to the green belt and any other harm.

DESIGN AND LANDSCAPE CONSIDERATIONS

4.18 The Government attaches great importance to the design of the built environment. The NPPF states that good design is a key aspect of sustainable development, and is indivisible from good planning, and should contribute positively to making places better for people. Development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

4.19 Previous development of the campus has maintained a building line along the ridge with development on the northern slope of the ridge. The proposed silage clamp would form part of the existing farm complex of the college campus. The proposed buildings would be visible from a distance by virtue of the siting on the brow of the ridge and being on the edge of the campus. The walls and the eventual storage of silage would be visible however it would be of an agricultural appearance not at odds with the surroundings and would be visible against the context to the existing farm complex, and from the A64 and the wider greenbelt it would have the appearance of a farm. In addition the proposed silage clamp is slightly smaller than the previously approved silage clamp

4.20 The plans show a tree belt to the south and north of the proposed silage clamp which would provide an element of screening, there is an existing tree belt to the south of the existing slurry pit and large sheds and as such and the continuation of the tree belt would be beneficial. It is considered prudent to condition this landscape element.

ECOLOGY

4.21 The NPPF sets out that the Planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible

4.22 There is a badger sett in close proximity of the silage clamp. The ecology report has confirmed that there are no new signs of badger activity within the application boundary. The previously identified activity is located over the accepted distance from within which heavy machinery will cause disturbance and therefore will not be impacted by the works. However as badgers are highly mobile a condition for mitigation measures during construction is considered prudent.

DRAINAGE

4.24 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan policy GP15a: Development and Flood Risk advises discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced.

4.25 Drainage details have been submitted which demonstrate that the surface water drainage can be adequately disposed of by soakaways. The Flood Risk Management Officer has viewed a successful soakaway test on site. Therefore to ensure that the development is constructed in accordance with these details it is considered prudent that they are part of a condition (Condition 1).

PUBLIC RIGHTS OF WAY

4.26 The public right of way (AR21/4 AB2/8) directly affected by the proposed development runs adjacent to the site and is within the area shown as being re-profiled, as such the gradient of the path will become steeper. The actual siting of the path does not appear as if it is being altered. The alterations to the levels of the footpath will require consent from the Public Rights of Way Team.

5.0 CONCLUSION

5.1 The application site is within the general extent of the Green Belt. Planning policy dictates that substantial weight should be given to any harm to the Green Belt and that inappropriate development should not be permitted unless very special circumstances exist. 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.

5.2 The proposed development is considered to constitute inappropriate development within the Green Belt, and by virtue of the scale and siting of the proposed development would impact and cause harm to the openness and visual amenity of the Green Belt. The proposed development is required for the college to expand and compete, and improve existing courses, this is supported by local and national planning policy. The proposed development is agricultural in function and appearance and would be required in proximity to the current campus and cannot reasonable be sited elsewhere. The proposed silage clamp is in the same position and of similar scale to that approved in planning permission 13/02946/FULM . The principle of a slightly larger silage clamp in this location has been agreed in planning permission 13/02946/FULM. As such, even when substantial weight is given to the harm to the Green Belt, it is considered that very special circumstances exist that clearly outweigh the harm to the Green Belt and any other harm.

5.3 Approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 and the application not being called in by the Secretary of State for determination.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to the following conditions should the application not be called in by the Secretary of State for determination (the application to be referred to the Secretary of State for Communities and Local Government).

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

Drawing Number (05)01 Revision A 'Location Plan' received 08 April 2015;

Drawing Number (05)03 Revision A 'Proposed Site Block Plan' received 08 April 2015;

Drawing Number (05)04 'Elevations' received 08 April 2015;

Drawing Number (05)04 Revision B 'Floor Plan _ Roof Plan' received 08 April 2015;

Flood Risk Assessment and Drainage Statement (ref: 12905Y) received 20 May 2015;

Surface Water Drainage Design Proposals and Calculations (ref: 12905) received 20 May 2015;

Drawing Number 12905.107 'Proposed Drainage Plan' received 04 June 2015;

Drawing Number 12905.108 'Proposed Surface Water Drainage Details' received 04 June 2015;

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

2 TIME2 Development start within three years

3 Details of the external colour finish of the Yorkshire Boarding and the metal profile roofing to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of each building hereby approved. The development shall be carried out using the approved colour finish.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 No development, shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs initially indicated in Drawing Numbers (05)03 Revision A received 08 April 2015. The approved landscaping scheme shall be implemented prior to the first use of the silage clamp.

Any trees or plants which within a period of five years from the completion of each phase of the approved landscaping scheme 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. To ensure that the screening of the silage clamp is undertaken.

5 No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. These measures may include:

a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and

c) open pipework greater than 150 mm outside diameter should be blanked off at the end of each working day.

Reason: To ensure that badgers are not trapped and harmed on site (Protection of Badgers Act 1992) and also to ensure that badgers do not cause problems for future site operation e.g. blockage of pipes.

6 Prior to the first use of the building details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux of all external lighting associated with that building. The development shall be carried out in accordance with the approved lighting scheme.

Reason: Give the location of the silage clamp on a ridge in the interests of visual amenity and the openness of the greenbelt, to prevent light disturbance and nuisance, and to assess the impact on ecology.

INFORMATIVE: There should be no direct illumination of foraging, roosting and commuting habitat and any light spillage should be minimised as much as possible.

7 ARCH2 Watching brief required

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:

- Request revised plans and additional information
- Use of conditions

2. Environment Agency Informative

The Environment Agency must be informed of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before the structure is brought into use. Further guidance is available on our website at www.environment-agency.gov.uk

3. PROW INFORMATIVE

Consent will be required from the CYC Public Rights of Way Team to alter the gradient of the path AR 21/4 AB2/8.

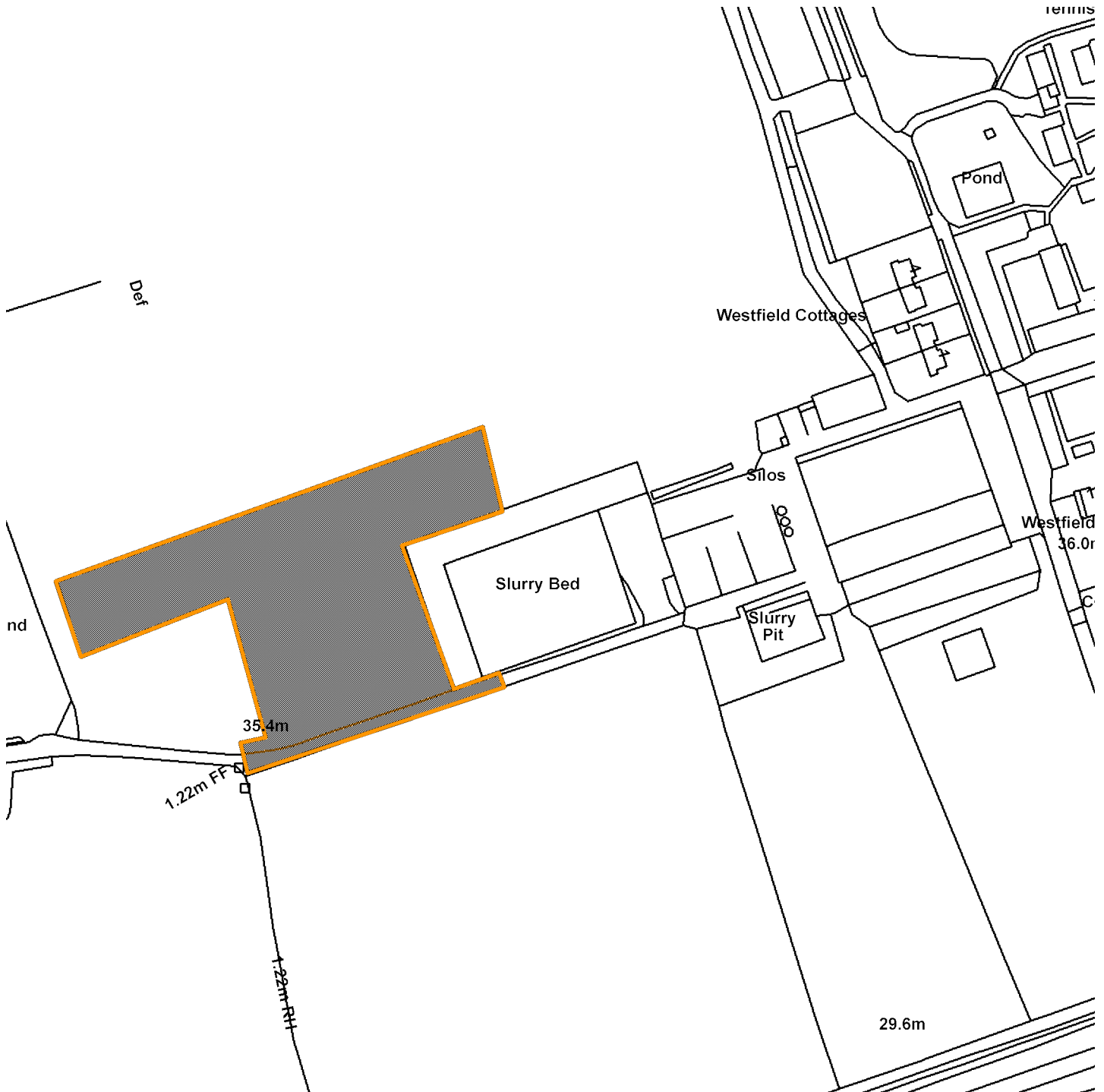
Contact details:

Author: Victoria Bell Development Management Officer

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15/00378/FULM

Askham Bryan College Askham Fields Lane Askham Bryan



Scale : 1:2119

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	15 June 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 25 June 2015 **Ward:** Rural West York
Team: Major and **Parish:** Askham Bryan Parish
Commercial Team Council

Reference: 15/00425/FULM
Application at: Askham Bryan College Dairy Unit Westfields Cottages
Access Askham Bryan York
For: Extensions to dairy unit and heifer shed to create a calf and
sheep shed and general purpose farm building
By: Askham Bryan College
Application Type: Major Full Application (13 weeks)
Target Date: 30 June 2015
Recommendation: Approve subject to referral to the Secretary of State

1.0 PROPOSAL

1.1 Planning permission is sought for a mono-pitched extension of the current heifer shed in the northern part of the farm complex. The current shed is 24.4 metres by 13.5 metres and up to 5.04 metres in height from the southern elevation. The proposed extension would be 53.75 metres by 13.5 metres creating a shed with a total measurement of 78.15 metres by 13.5 metres. The proposed extension and would have the same external finish as the current building (Yorkshire boarding and blockwork and steel profile sheeting to the roof). The shed would be open sided on the southern elevation. The proposed shed would be used for cattle and sheep.

1.2 The existing dairy unit is made up of three sheds abutting each other. The applicant seeks consent for the demolition of the middle shed and the extension of the larger dairy building onto the site of the current silage clamp to the west. The southern shed of the dairy complex would be unaltered. The proposed extension would measure 65 metres by 32.43 metres; the height would be the same at the host building. The proposed extension would be used for general agricultural purposes and the host building would still be retained for dairy use. The proposed external finish would be Yorkshire boarding and metal profile sheeting similar to the host building.

1.3 The development relates to the existing farm unit which is located to the west of the main campus on the brow of the hill ridge running parallel to the A64; the site is within the Greenbelt. Two public rights of way run north/south through the site; one follows the existing farm access from York Road through the farm to the A64 (will be referred to as AB 2/7) and is adjacent to the proposed development.

1.4 There were no pre-application discussions sought for this proposal.

1.5 The proposed development does not comprise 'Schedule 1' or 'Schedule 2' development (The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015) where an Environmental Impact Assessment is required. It is the view of Officers that the proposed site is not within or adjacent to an environmentally sensitive area (as specified in the regulations) and taking into account the characteristics of the proposed development, the location of the development, and characteristics of the potential impact and the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment is not required.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGP1 Design

CYGP4A Sustainability

CYGP9 Landscaping

CYGP14 Agricultural land

CGP15A Development and Flood Risk

CYNE6 Species protected by law

CYGB1 Development within the Green Belt

CYGB10 Major development sites in GB

CYED5 Further and Higher Education Institutions

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Landscape Architect

3.1 Any comments received prior to Committee will be reported.

Ecology Officer

3.2 A breeding bird survey was undertaken of the buildings in April 2015 .

3.3 Past signs of nesting behaviour (old nests) were recorded within the small agricultural shed and within the dairy unit building. All wild birds are protected under the Wildlife and Countryside Act (WCA) 1981 (as amended) against deliberate killing and injury, and their nests and eggs are protected against destruction / damage. It has been recommended that a breeding bird check should be undertaken by a suitably qualified ecologist within 7 days of work commencing, and if any active nests are found then works will have to be delayed until the nest is deemed inactive, seek via condition.

Flood Risk Management Team

3.4 No objections

Public Rights of Way

3.5 There is a public footpath located adjacent to the application site. It appears that as the area to be used for the development is located west of the existing buildings, there is no likelihood of any adverse affect on the public footpath.

3.6 It is assumed that access to the site for materials etc will be along the public footpath which is also one of the main vehicular access routes to the different college areas. Require method statements and health and safety requirements to ensure the safety of pedestrians who are using the public footpath whilst development is on progress.

3.7 Request that a dilapidation survey is undertaken prior to the commencement of any development, any deterioration of the surface of the public footpath during these works whether or not as a direct result of the works, it will be the responsibility of the applicant/landowner/person responsible for the damage to restore the surface of the path, to the satisfaction of the PROW department, to a standard fit for use.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Askham Bryan Parish Council

3.8 No comments received

Environment Agency

3.9 The Environment Agency has assessed this application as having a low environmental risk. Due to workload prioritisation they are unable to make a full response to this application.

Ainsty Internal Drainage Board

3.10 This application sits just outside of the Ainsty (2008) Internal Drainage Board district and while there are no Board maintained watercourses adjacent to the site, there are Board assets located in the area, which are already running at capacity therefore the Board would not condone additional volumes of water to enter them.

3.11 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. Any approved development should not adversely affect the surface water drainage of the area and amenity of adjacent properties.

3.12 The applicant has stated soakaways as a potential method of surface water disposal; the Board is unaware as to the suitability of soakaways for this site and would suggest the applicant carry out BRE Digest 365 testing to assess whether this is a viable option. If successful, the applicant should develop a design of soakaway capable of accommodating a 1 in 30 year event, plus 20% for climate change, with no overland run-off or internal flooding of buildings in a 1 in 100 year event.

3.13 The applicant has also stated that disposal to a pond or lake is an option. Should it be found that water from any water body discharges to a Board maintained watercourse, the applicant would have to prove that surface water already discharged from the site to the watercourse; should this not be the case, then the Board would not support this connection as it would represent a 100% increase from the site to a Board asset. In the event that it is proven to drain to this watercourse the Board would note that consent to discharge at a Board approved run-off rate would be required from the applicant.

3.14 The Board would have no objections to the principle of this proposed development; however there is a need to develop a robust drainage strategy that would have no adverse effect on the local area or on any Board maintained watercourse.

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY:-

- 15/00378/FULM - Erection of a silage clamp and relocation of existing silos - Pending
- 13/02946/FULM - Erection of educational and associated buildings and related parking, circulation areas and landscaping (for animal management centre, farm and equestrian purposes, 2 staff dwellings, animal housing), siting of animal shelters, silos and feed bins, erection of security fencing, formation of external equine training areas including polo field, formation of new access to York Road, reorganisation of existing access and parking areas, formation

of ponds, change of use of existing buildings, temporary student accommodation and providing glazed roof to existing quadrangle - Approved

- 13/02969/OUTM - Erection of educational and associated buildings and related parking, circulation areas and landscaping (for animal management centre, farm and equestrian purposes, 2 staff dwellings, animal housing), siting of animal shelters, silos and feed bins, erection of security fencing, formation of external equine training areas including polo field, formation of new access to York Road, reorganisation of existing access and parking areas, formation of ponds, change of use of existing buildings, temporary student accommodation and providing glazed roof to existing quadrangle - Approved
- 10/02602/FULM - Construction of steel framed agricultural building (Beef unit) to the rear of Westfield Cottages - Approved
- 10/02243/FUL - Construction of earth banked slurry lagoon - Approved
- 03/04089/FUL - Erection of new building to house beef cattle at Westfield Farm - Approved
- 03/00508/FUL - Erection of new dairy unit and cattle shed to replace existing dairy unit and farm outbuildings - Approved
- 00/02355/FUL - Change of use with alterations of redundant pig buildings to animal housing for small animal courses - Approved

4.2 KEY ISSUES:-

- Planning policy
- Green belt and consideration of very special circumstances
- Design and landscape considerations
- Ecology
- Drainage
- Public Rights of Way

ASSESSMENT

PLANNING POLICY

4.3 The site is within the City of York Green Belt as defined on the City of York Development Control Local Plan Proposals Map (2005) (DCLP). The DCLP was approved for development control purposes in 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF.

4.4 The saved policies of the Yorkshire and Humber Regional Spatial Strategy (May 2008) set out the general extent of the City of York Green Belt. The site falls within the general extent of the Green Belt. Whilst the Regional Strategy for Yorkshire and Humber (the RSS) has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates those policies and the

general extent of the Green Belt around York. These policies comprise the development plan for York.

4.5 In the emerging local plan the site is allocated as green belt land. However following the motion agreed at Full Council in October 2014, the publication draft of the York Local Plan is currently not progressing through its statutory consultation; pending further consideration of the Council's housing requirements and how it should meet those requirements. At this stage the emerging local plan is considered to carry very little weight in the decision making process.

4.6 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

4.7 The NPPF sets out the presumption in favour of sustainable development , unless specific policies in the NPPF indicate development should be restricted. This presumption does not apply in Green Belt locations.

4.8 The Askham Bryan Parish Plan (2006) discusses the College site and its importance to the area. The design guidelines set out in the Plan refer to the setting of the village and the retention of the agricultural character of the village and there is little mention of the college site.

GREEN BELT

4.9 The campus is identified as a "major developed site in the Green Belt" within Policy GB10 the Development Control Local Plan (2005), the policy states that the preferred use of the site is for education. The proposed development falls outside of the developed site envelope shown in the proposal maps. The halted local plan does not make any such allocation. Neither of these Local Plans have been adopted and the NPPF does not make reference to major developed sites, it is considered that the major developed site envelope can be given only very limited weight when considering this application.

4.10 The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence. The Green Belt serves 5 purposes: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.11 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF paragraph 89 states that the construction of new buildings is inappropriate in the Green Belt, save in the case of a list of exceptions which include: buildings for agriculture; the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land). For the purposes of the assessment against Green Belt policy the proposed extended buildings are considered to be an 'educational' building as that is its main purpose. By virtue of the size and location of the extensions to the dairy and heifer shed, they are not considered to fall within limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land). For the same reasons the proposals are not considered to fall within the extension or alteration of a building as they would result in disproportionate additions over and above the size of the original building. The proposed development does not fall within the exceptions to inappropriate development set out in the NPPF, therefore the proposed building is inappropriate development.

4.12 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states that local planning authorities should ensure that substantial weight is 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.

OPENNESS AND PURPOSES OF THE GREEN BELT

4.13 The application site is on the western edge of the college campus and farm complex set on a ridge. The dairy unit consists of three structures. The proposed development will result in an extension to the dairy unit to create a general purpose agricultural building measuring 2141sq.m. The extension to the heifer shed would be 735 sq.m and will accommodate calves and sheep whilst the heifers would be moved into the building to the south of the dairy unit. The additional floor space is to replace the middle shed which is to be demolished to create a new access through the farm area. Currently there is one access route into the farm unit. The proposed development would allow the segregation of traffic in order to isolate mud and other farm material to one area. The proposed development including the demolition of the middle shed would result in a net increase in footprint of 1966 sq.m.

4.14 As part of planning permission 13/02943/FULM a detached general purpose building was approved on the same site as the proposed extension to the dairy. The detached building would measure 48.4 metres by 43.9 metres and 7.4 metre in height. The extension subject of this application is taller at 9.5 metres; the proposed extension would not project any further west than the previously approved general purpose building.

4.15 The proposed extension to the heifer shed is large and would be a significant increase in size to that approved in planning permission 13/02946/FULM (17.9 metres by 13.5 metres). The agricultural purpose building and the extension to the heifer shed approved in planning permission 13/02946/FUL would have resulted in a net increase in footprint of 2366.4 sq.m.

4.16 The proposed development subject of this application would result in a smaller footprint than that approved in planning permission 13/02946/FULM, however by virtue of their location (and the height of the agricultural purpose extension) on the edge of the campus and on a ridge it is considered to result in an increase in prominence and would result in harm to the openness and visual amenity of the greenbelt.

4.17 The fundamental purpose of Green Belt policy to preserve openness. The proposal gives rise to harm to the green belt by reason of inappropriateness and harm to openness and encroachment into the countryside. However whilst the development would further extend the campus along this ridge, it would be reasonably well related to the farm complex whilst retaining its own landscaped periphery.

4.18 The NPPF states that local planning authorities should ensure that substantial weight is 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.

VERY SPECIAL CIRCUMSTANCES

4.19 The agent has referred to the planning permission 13/02946/FULM and states that the very special circumstances put forward for that application are relevant to this application. The agent states that the very special circumstances for this application are that the principle of the extensions has previously been accepted (planning permission 13/02946/FULM). Part of the development approved in planning permission 13/02946/FULM has been constructed (Animal Management Centres 1 and 2, temporary student accommodation).

4.20 This application and the previous planning permission are part of a re-development of the campus to update facilities and to attract more students. The reasoning put forward for the campus redevelopment including works to the farm complex approved in planning permission 13/02946/FULM is as follows:

- The campus is sited in this location and therefore the proposed development cannot be located other than within or adjacent to the existing campus.
- The proposals will provide the basis for a significant financial input into the campus over an extended period. Construction value is estimated to be £33,972,000. The successful contractor could potentially employ local sub-

contractors and suppliers. As such there is the potential for the development to affect the local economy.

- The development will allow student numbers to increase by 65%, and the number of full time students who are resident on the site will double. This will generate a need of 120+ teaching and support staff, potentially adding £2 million per annum into the local economy.
- Further input into the economy will occur from the on-going supply of domestic and housekeeping services, estimated at £150, 000 per annum (excluding wages) which as far as possible will be sourced locally.
- The proposed developments are inter-related, mutually supportive and in terms of their importance to the future development and status of the college, comprise a long term development and all the elements are essential.
- There is insufficient land to accommodate the development within the existing boundaries of the campus.
- Will allow the range of courses to be increased and the standard of residential and social facilities available and thus contributing to the reputation of the college and by associate the city.
- The equine centre will rival any currently existing in the UK and together with the polo pitch will provide a facility of international standard.
- The links to the Council and the wider community in respect of students assisting in land-based and conservation projects and the uses of the college facilities during the holidays will be strengthened and extended to the economic, social, and cultural benefit of the city.

ASSESSMENT OF APPLICANT'S VERY SPECIAL CIRCUMSTANCES

4. 21 In terms of the above that is relevant this particular development, the nature of the use and its integral function with the rest of the agricultural college would as stated make it impracticable to site the development elsewhere off campus in a non green belt location. The site is within the body of the campus and the further investment helps to secure the long term future as an educational and employment centre. The proposed facilities are required for the college to expand and compete, and improve existing courses; this is supported by local and national policy. The proposal is unlikely to set a precedent for other development within the Green Belt.

DESIGN AND LANDSCAPE CONSIDERATIONS

4.22 The Government attaches great importance to the design of the built environment. The NPPF states that good design is a key aspect of sustainable development, and is indivisible from good planning, and should contribute positively to making places better for people. Development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of

uses and support local facilities and transport networks; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

4.23 Previous development of the campus has maintained a building line along the ridge with development on the northern slope of the ridge. The proposed extensions would form part of the existing farm complex of the college campus. The subsequent larger buildings would be visible from a distance by virtue of the siting on the brow of the ridge and being on the edge of the campus. The external materials of the proposed extensions would be the same as the host buildings and would be of an agricultural appearance not at odds with the surroundings and would be visible against the context to the existing farm complex. From the A64 and the wider greenbelt it would have the appearance of a farm.

4.24 The plans propose a tree belt to the north of the extended heifer building and this would help break up the large elevation, it is considered prudent to condition that the tree belt is planted. The existing farm complex has a tree belt to the south which provides an element of screening of the site from the A64 and the wider area. There are a few trees to the south of the slurry pit however these are not considered to be sufficient to break the large mass of the proposed general purpose extension or the resulting building as such it is considered prudent that soft landscaping is proposed/enhanced to the south to create some visual break.

ECOLOGY

4.25 The NPPF sets out that the Planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible.

4.26 There is a badger sett in close proximity of the silage clamp. The ecology report confirmed that there are no new signs of badger activity within the application boundary. The previously identified activity is located over the accepted distance from within which heavy machinery will cause disturbance and therefore will not be impacted by the works. However as badgers are highly mobile a condition for mitigation measures during construction is considered prudent.

4.27 The submitted breeding bird survey has identified nests within the both host buildings. All wild birds are protected under the Wildlife and Countryside Act (WCA) 1981 (as amended) against deliberate killing and injury, and their nests and eggs are protected against destruction / damage. The measures set out in the bird survey included a breeding bird check to be undertaken within 7 days of work commencing, and if any active nests are found then works will have to be delayed until the nest is deemed inactive. It is considered that this measure can be sought via condition.

DRAINAGE

4.28 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan policy GP15a: Development and Flood Risk advises discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced.

4.29 Drainage details have been submitted which demonstrate that the surface water drainage can be adequately disposed of by soakaways. The Flood Risk Management Officer has viewed a successful soakaway test on site. Therefore to ensure that the development is constructed in accordance with these details it is considered prudent that they are part of a condition (Condition 1).

PUBLIC RIGHTS OF WAY

4.30 There is a public footpath (AB 2/7) running along the access lane from York Road through the yard to the east of the dairy unit. It is considered prudent to condition a method statement as to how the continued use of the footpath during construction will be allowed and how their safety of users would be ensured. The Public Rights of Way team have also requested that a dilapidation survey of the footpath is undertaken prior to works to assess any deterioration of the path as a result of the proposed construction works.

5.0 CONCLUSION

5.1 The application site is within the general extent of the Green Belt. Planning policy dictates that substantial weight should be given to any harm to the Green Belt and that inappropriate development should not be permitted unless very special circumstances exist. 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.

5.2 The proposed development is considered to constitute inappropriate development within the Green Belt, and by virtue of the scale and siting of the proposed development would impact and cause harm to the openness and visual amenity of the Green Belt. Central Government advice in the NPPF makes it clear

that such development should not be approved, except in very special circumstances. The proposed development is required for the college to expand and compete, and improve existing courses; this is supported by local and national planning policy. The proposed development would be required in proximity to the current campus and cannot reasonable be sited elsewhere. The proposal is unlikely to set a precedent for other development within the Green Belt. As such, even when substantial weight is given to the harm to the Green Belt, it is considered that very special circumstances exist that clearly outweigh the harm to the Green Belt and any other harm.

5.3 Approval is recommended, subject to the referral of the application to the Secretary of State under The Town and Country Planning(Consultation) (England) Direction 2009 and the application not being called in by the Secretary of State for determination.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to the following conditions should the application not be called in by the Secretary of State for determination (the application to be referred to the Secretary of State for Communities and Local Government).

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

Drawing Number (05)05 'Farm Area: Location Plan' received 10 June 2015

Drawing Number (05)07 'Farm Area: Proposed Site Layout 'received 10 June 2015

Drawing Number (05)09 Revision AB 'Farm Area: Existing Heifer Shed Extensions Proposed Calf + Sheep Shed' received 10 June 2015;

Drawing Number (05)11 Revision B 'Farm Area: Remodelled Existing Dairy + Proposed Heifer Shed + General Purpose Building' received 10 June 2015;

Flood Risk Assessment and Drainage Statement (ref :12905Y) received 29 May 2015;

Surface Water Drainage Design Proposals and Calculations (ref: 12905Y) received 29 May 2015;

Drawing Number 12905.109 'Proposed Drainage Plan' received 10 June 2015;

Drawing Number 12905.108 'Proposed Surface Water Drainage Details' received 10 June 2015;

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

2 TIME2 Development start within three years

3 Details of the external colour finish of the Yorkshire Boarding and the metal profile sheeting to be used shall be submitted to and approved in writing by the

Local Planning Authority prior to the construction of each building hereby approved. The development shall be carried out using the approved colour finish.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 Prior to the first use of the calf and sheep shed extension hereby approved a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs in the tree belt to the north of the extension of the calf and sheep shed initially indicated in Drawing Numbers (05)07 received 11 June 2015 shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented prior to the first use of the calf and sheep shed.

A detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to the south of the General Purpose shed extension and the existing slurry pit shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented prior to the first use of the General Purpose shed extension.

Any trees or plants which within a period of five years from the completion of each phase of the approved landscaping scheme 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. To ensure that the screening of the calf and sheep shed extension General Purpose shed extension is undertaken to help the proposal fit comfortable within the landscape.

5 The (middle) shed between the dairy building and the proposed heifer shed shown as removed in Drawing Number (05)07 (received 10 June 2015) shall be demolished within 1 month of the first use of the development hereby approved.

Reason: To ensure the development hereby approved does not have materially greater impact on the greenbelt. The time period is to allow the movement and reorganisation of operations to the approved extensions.

6 No works to or demolition of buildings or structures, or removal of hedgerows, trees or shrubs, that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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 Section 1 of the Wildlife and Countryside Act 1981, as amended. Badger activity has been recorded in the general area of the site and so precautions to protect this species should be taken during construction.

7 No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. These measures may include:

(i) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and

(ii) open pipework greater than 150 mm outside diameter should be blanked off at the end of each working day.

Reason: To ensure that badgers are not trapped and harmed on site (Protection of Badgers Act 1992) and also to ensure that badgers do not cause problems for future site operation e.g. blockage of pipes.

8 Prior to the start of construction and demolition a method statement detailing how the safety of pedestrians using the public right of way (AB 2/7) will be ensured during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The measures set out in the statement shall be in place prior to the start of construction and will be maintained during the full construction and demolition phase.

Reasons: To ensure the safety of the users of the public right of way (AB 2/7).

**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:

- Request revised plans and additional information
- Use of conditions

2. PUBLIC RIGHTS OF WAY INFORMATIVE

Prior to works starting on site the developer should contact the CYC Public Rights of Way Team regarding a dilapidation survey of the public right of way (ref AB 2/7) adjoining the site. The dilapidation survey shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Public Rights of Way Team. In the interests of the safety, maintenance and good management of the public right of way.

Contact details:

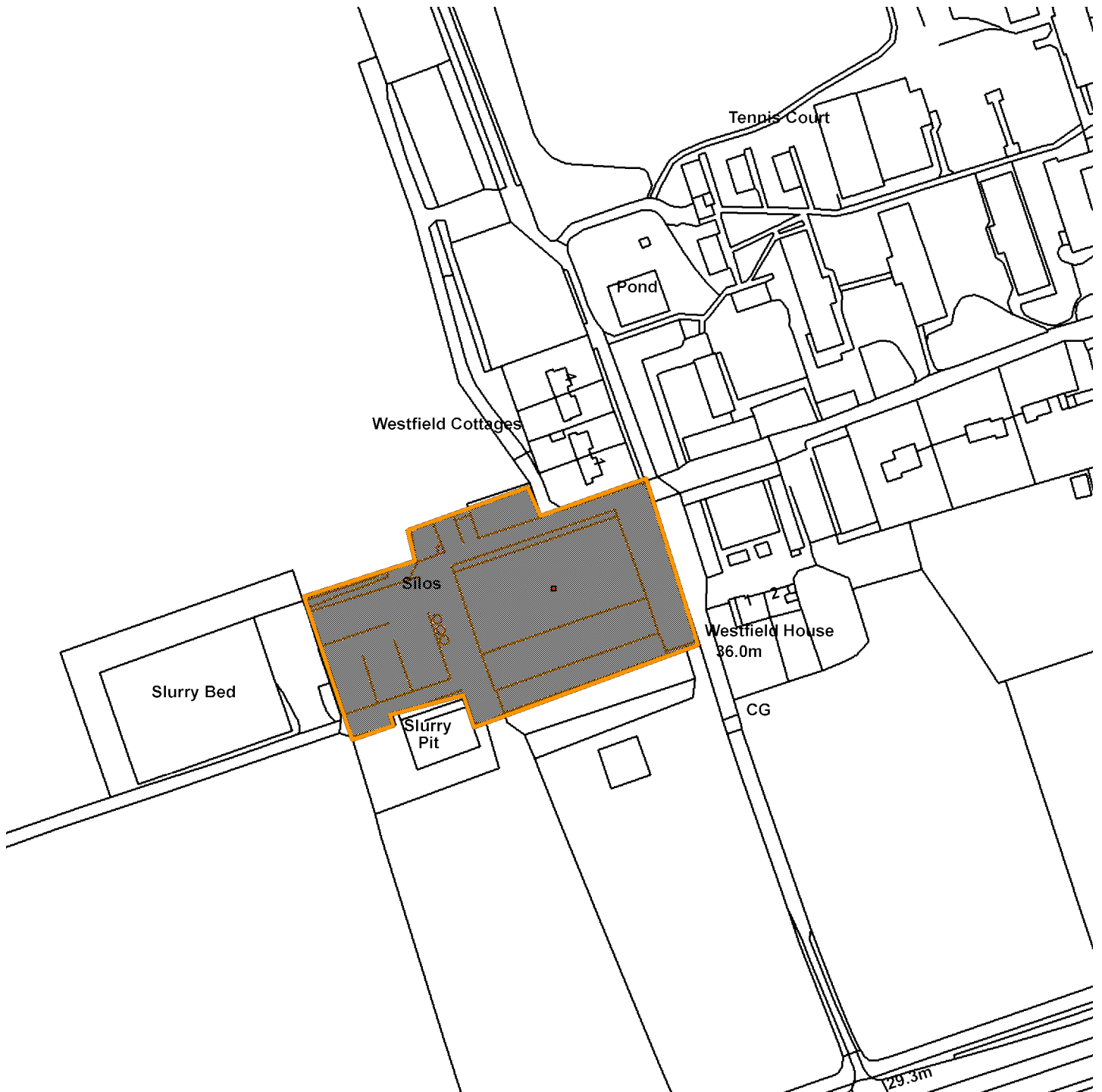
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15/00425/FULM

Askham Bryan College Dairy Unit Westfields Cottage Access Askham Bryan



Scale : 1:2119

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	15 June 2015
SLA Number	Not Set

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