

COMMITTEE REPORT

Date: 5 November 2015 **Ward:** Rural West York
Team: Major and **Parish:** Askham Bryan Parish
Commercial Team Council

Reference: 15/01837/FULM
Application at: Askham Bryan College Askham Fields Lane Askham Bryan
York YO23 3PR
For: Part demolition and extension of the CoVE building,
demolition of 2 no. agricultural buildings and construction of
car park
By: Askham Bryan College
Application Type: Major Full Application (13 weeks)
Target Date: 19 November 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The site is a U-shaped farmstead building which is part of the original farm buildings on site. To the south is the original farm house. Planning permission is sought for the demolition of the two single storey wings of the farmstead, retaining its 2 storey element and erecting an extension to create an Agri-Tech Innovation Centre which will include teaching, office and workshop accommodation. Two agricultural sheds to the north would also be demolished with the site used as a car park. The proposed site is within the built part of the campus.

1.2 The site is within the general extent of the Green Belt, and within Flood Zone 1.

1.3 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: GMS Constraints: Air Field safeguarding

2.2 Policies:

CYGP1 Design
CYGP4A Sustainability
CGP15A Development and Flood Risk
CYNE6 Species protected by law
CYNE7 Habitat protection and creation
CYHE10 Archaeology
CYGB1 Development within the Green Belt
CYGB3 Reuse of buildings
CYGB10 Major development sites in GB
CYED5 Further and Higher Education Institutions

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 No comments received

Planning and Environmental Management - Ecologist

3.2 A bat survey has been undertaken. A single common pipistrelle bat was observed emerging from timber cladding on eastern gable of the CoVE building. No signs of bats were recorded in the barn or agricultural shed. Low levels of foraging bats were recorded around the buildings.

3.3 It has been stated that through the building renovation it will not be possible to retain the roost and a European Protected Species Licence from Natural England will be required. Replacement roosting habitat is shown. Request conditions for protection of bats and provision of bat mitigation.

3.4 The report states that there was no evidence of barn owls using any of the buildings.

3.5 The use of native species or those with a benefit to biodiversity (e.g. berry/nectar producing) in planting borders of car park would help to enhance the general environment of the area for wildlife including bats.

Planning and Environmental Management - City Archaeologist

3.6 The buildings which form part of this application are part of a farmstead dating back to at least the mid 19th century. They are non-designated historic assets of some historic value. Request condition for programme of survey

Flood Risk Management Team

3.7 No comments received

Public Rights Of Way

3.8 The proposed car park does not affect the definitive line of the right of way known as Public Footpath, Askham Bryan No 7. There may be an increase in traffic along the road along which the footpath passes, both during and after construction. Would expect there to be additional signage warning of the presence of users of the footpath.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Askham Bryan Parish Council

3.9 No comments received

Yorkshire Water

3.10 No comments received

Ainsty Internal Drainage Board

3.11 No comments received

Publicity and Neighbour Notification

3.12 One objection has been received – the proposed extensions are out-of-keeping and scale with the traditional farm buildings.

4.0 APPRAISAL

RELEVANT SITE HISTORY:-

- 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

KEY ISSUES

- Planning policy
- Green belt
- Design and Appearance
- Ecology
- Residential Amenity
- Archaeology
- Drainage

PLANNING POLICY

4.1 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 Spatial 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.

4.2 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.

4.3 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.

4.4 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.

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

GREEN BELT

4.6 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 is within the developed site envelope shown in the proposal maps. 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.

4.7 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

4.8 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: limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The proposed development is considered to fall within this exception.

4.9 The proposed building does not extend outside of the existing built envelope of the campus. The proposed extension would be the same height as the existing 2 storey host building and would be of a lesser height than the adjacent agricultural buildings and a similar height to the farmhouse to the south of the application site, the proposal would be viewed in context of the adjacent development when viewed

from outside of the site, and the farmhouse to the south would break up the visual mass of the building and provide screening.

The access to the site would be from the existing campus road layout. The proposed extension would be within the existing built area of the campus and is not considered to impact further on the openness of the greenbelt and is considered to be in accordance with the 5 purposes of the green belt. In addition the increase in the floor space of the CoVE building would be offset by the reduction in agricultural buildings to the north, the site to be used as a car park.

DESIGN AND APPEARANCE

4.10 With the exception of the glazed two storey entrance lobby, the external finish of the west and south elevations would dark grey wall cladding. The east elevation would be finished in sliver wall cladding panels with two projecting first floor feature windows and a projecting entrance at ground floor. The maximum height of the proposed extension would be the same height as the retained two storey element. To create level floor plate there would be excavation of the southern part of the application site, and a retaining wall to allow for the difference in land levels. The design of the building is considered to be appropriate to its location and in compliance with policy GP1 (Design) of the DCLP.

ECOLOGY

4.11 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.

4.12 To proceed with any proposed development which may affect the roost, there is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 for a European Protected Species (EPS) licence granted by Natural England.

4.13 The ecological survey indicates there a common pipistrelle bat was observed emerging from timber cladding on eastern gable of the CoVE building. The roost will be destroyed as part of the proposed conversion and partial demolition work to the CoVE building. No evidence of bats was found in the agricultural sheds. Bat roosts are protected throughout the year, whether bats are present or not. As such a Natural England European Protected Species development license is required before building work can commence. The ecology survey states that singular roosts of a common and widespread species are of low conservation significance and therefore, the loss of the roost will not have a significant impact at a local, regional or national level. The proposed plans show replacement roosts in the form of 2 no. bat boxes and it is considered prudent to condition that these works take place.

4.14 There was no evidence of barn owls nesting within the buildings however bird nests were observed in the buildings, as such an informative advising the applicant of Section 1 of the Wildlife and Countryside Act 1981 is considered reasonable.

RESIDENTIAL AMENITY

4.15 The proposal by virtue of its height, massing and proximity to 1 and 2 Westfield House to the south of the proposed development site would result in a reduction of outlook and an increased sense of enclosure from development. The dwellings are occupied by employees of the college and are double aspect with the garden to the south of the dwellings. For these reasons the proposal is not considered to result in significant harm to the residential amenity of the occupants of these dwellings.

ARCHAEOLOGY

4.16 The original farmstead buildings are of historical value. The loss of the non-designated buildings is not considered to be of such harm as to outweigh the wider economic and educational benefits of the proposed development. A survey and recording of the buildings prior to works is considered to be reasonable and compliant with Section 12 of the NPPF and can be sought via condition.

DRAINAGE

4.17 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.

4.18 Drainage details have been submitted as part of the application. At the time of writing the report no comments has been received from the Flood Risk Management Team or the Ainsty Internal Drainage Board, comments will be reported at the committee meeting

5.0 CONCLUSION

5.1 The proposals are not inappropriate development in the Green Belt as defined by paragraph 89 of the NPPF and would not result in harm to the openness of the Green Belt. The design of the building is considered to be appropriate and there will be no significant impact upon residential amenity. Issues regarding protected species and non-designated heritage assets can be secured by condition. As such the application is considered to comply with policies GP1, GB1, HE10 and NE6 of the DCLP and the policies of the National Planning Policy Framework .

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Drawing Number (05) 101 'Location Plan' received 12 August 2015;
Drawing Number (05) 103 ' Proposed site layout' received 12 August 2015;
Drawing Number (05) 107 Revision A ' Proposed Ground Floor Layout' received 12 August 2015;
Drawing Number (05) 108 ' Proposed First Floor Layout' received 12 August 2015;
Drawing Number (05) 107 Revision A 'Proposed roof layout' received 12 August 2015;
Drawing Number (05) 110 Revision C ' Proposed elevations + materials schedule' received 12 August 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 Demolition, including roof stripping or activity likely to cause harm to bats shall not commence until the local planning authority has been provided with either:

(i) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or

(ii) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

If demolition work has not taken place by May 2016 the bat activity surveys shall be updated and shall include any details of further mitigation required to be implemented. The updated surveys shall be submitted to the Local Planning Authority and no demolition work shall take place until the written approval of the Local Planning Authority has been received.

Reason: To take account of and to enhance the habitat for a protected species. It should be noted that under National Planning Policy Framework the replacement/mitigation proposed should provide a net gain in wildlife value. The requirements to safeguard protected species and their habitat mean that this has to be carried out prior to demolition.

4 The development hereby permitted shall not be occupied until mitigation comprising of a minimum of two habitat features for bats on site such as crevice bat boxes and/or integral bat bricks, have been installed/constructed in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: To take account of and to enhance the habitat for a protected species. It should be noted that under National Planning Policy Framework the replacement/mitigation proposed should provide a net gain in wildlife value.

5 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 proposed development 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.

6 No work (demolition, alteration, removal of fabric) shall take place until the applicant has secured the implementation of an agreed programme of metrical survey/written description and analysis/photographic recording of the standing building to HE Level of Recording 3 which has been approved in writing by the Local Planning Authority.

Reason: The buildings on this site are of archaeological interest and must be recorded prior to demolition/ alteration/ removal of fabric.

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:

- Use of conditions

2. WILDLIFE AND COUNTRYSIDE ACT 1981 INFORMATIVE

All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended). To ensure that breeding birds are protected from harm during construction, works that would impact on building features or vegetation that would be suitable for nesting birds should be undertaken outside of the breeding bird season between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period. There are opportunities for the development to provide enhancement for birds without detriment to the building by the addition of bird boxes, examples of which can be found on the RSPB website

http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds/roofs/internal_boxes.aspx.

3. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

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