

COMMITTEE REPORT

Committee: East Area
Date: 9 April 2009

Ward: Osbaldwick
Parish: Osbaldwick Parish Council

Reference: 08/02757/FUL
Application at: Land To The West Of Metcalfe Lane Osbaldwick York
For: Erection of a two storey building containing a single storey plant room and two storey ancillary community facility with separate foul water pumping station and access road
By: Mr Nigel Ingram
Application Type: Full Application
Target Date: 10 February 2009

1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of a two storey building which would contain a biomass plant room and ancillary community facilities. Underground would be a foul water pumping station and biomass fuel store. The community facility consists of a lobby with seating area and an office on the ground floor. The first floor would contain a plant room viewing gallery and a large multi-purpose room which could be used for a variety of community uses such as for meetings and as an education facility.

1.2 The proposed development is located centrally within the future development site of 540 houses on land to the West of Metcalfe Lane. An access road is to be created linking the building to Fifth Avenue which would be used for construction traffic and also for maintenance and delivery vehicles.

1.3 This application is being referred to Planning Committee due to the high level of public interest in the scheme. The area of land around the application site is yet to be developed and it is not considered that a site visit would assist in the decision making process. Previous applications on this site have also been determined by the Planning Committee and site visits have already taken place on those occasions.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : East Area (1) 0003

Schools : St. Aelred's RC Primary 0223

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYNE7
Habitat protection and creation

CYC1
Criteria for community facilities

3.0 CONSULTATIONS

INTERNAL

3.1 Environmental Protection Unit - No objections to the application. Two conditions are recommended relating to noise and emissions from plant and machinery (conditions 4 and 5)

3.2 Archaeology - The site lies within an area where there are remains of archaeological interest. An archaeological watching brief condition should therefore be included (condition 6)

3.3 Highway Network Management - Based on the revised drawings there are no objections to the proposal. Access is to be taken from Fifth Avenue for construction and maintenance purposes via a temporary road surface until a formal highway is constructed as part of the Fifth Avenue phase of the residential development. The traffic generation of the community heating system was considered within the Transport Assessment for the whole development but in any case traffic associated with the facility is negligible. Deliveries to the biomass boiler are likely to be in the region of 1 vehicle per week during the peak periods of use. Three standard conditions are recommended, including the submission of a method of works statement (conditions 7, 8 and 9).

3.4 Countryside Officer - The application site contains species rich turf which was considered as part of the outline planning consent. The Section 106 agreement for the outline consent required the translocation of the species rich turf to a location within the open space of the development. However, this work has not yet been carried out. Therefore, should this application be approved a condition would need to be added whereby a management plan for the translocation of the turf is agreed prior to the commencement of development. The proposed development also requires the removal of some hedges which were considered as part of the outline permission. A condition is required to ensure that the hedgerow removal is not carried out during the nesting season.

3.5 Sustainability Officer - No sustainability statement has been submitted and therefore the proposal is contrary to Policy GP4a. Biomass wood chip pellets should be sourced from local suppliers within a 25 mile radius. The proposed development should achieve a BREEAM 'Very Good' rating in accordance with the Sustainable Design and Construction planning guidance.

3.6 Drainage - Discussions are on-going between the applicants and Council's drainage team and an update will be given at committee in this regard.

EXTERNAL

3.7 Osbaldwick Parish Council - Object on the following grounds:

- the application was not properly submitted;
- inadequate consultation;
- this is a full application on top of an outline permission;
- traffic impact;
- size;
- possible noise and light pollution; and
- detrimental to the countryside.

3.8 Heworth Planning Panel - Do not wish to comment as not in Heworth Parish.

3.9 Foss Internal Drainage Board - Osbaldwick Beck, which lies to the south of the site is maintained by the Board. An agreed method for the management of surface water discharging from the site has been agreed. As long as the surface water discharging from this site will be directed to the agreed control system there is capacity to accept these discharges and there are no objections.

3.10 Environment Agency - No objection. The documentation supplied satisfies concerns regarding environmental risk associated with contamination at this site. A contamination investigation has already been carried out and a strategy is in place to manage it.

3.11 York Natural Environment Trust - Object in principle to the development of this land.

- There is a need to retain this site as a natural/semi- natural area of public open space for amenity and wildlife reasons. The creation of new potential brownfield sites for housing around York has mitigated the need for the loss of this site for housing development.
- Consultation letters arrived late not allowing residents sufficient time to comment on the application.
- It is not clear how the proposed development fits in with the sequential phasing of this site.
- The proposal was not considered as part of the outline planning consent which was the most appropriate time to consider such an initiative.
- YNET supports biomass heating systems but York is not close enough to areas of biomass production to make it a truly sustainable development.
- The proposal results in the removal of sections of hedgerow.
- The illumination of the building and roof at night will detract from floodlit views of York Minster and the countryside setting of the city.

- The proposed boundary treatment is to be a 1.8m close boarded fence, this should be dressed on the outside with a natural species hedge.

3.12 Local Residents - 15 letters of objection were received from local residents and 1 letter was received from Reeves and Co Chartered Surveyors. The following comments were made:

- the proposal title is misleading as it does not use the word 'Biomass' which makes it difficult for planning committee to consider the application;
- Derwenthorpe is not mentioned in the proposal description, this makes it misleading for the general public;
- consultation letters were received many days after they were printed which didn't give local residents sufficient time to comment on the proposals;
- a planning application should not be approved before land is purchased by the proposed developers;
- the proposal should not be approved as it is within the Green Belt and there are plenty of brownfield sites available;
- the proposal does not comply with the Derwenthorpe conditions of the outline planning consent;
- the site is of great value as an amenity area for local people and gives people a place to exercise in an area which is lacking in other open green spaces;
- the Council's internet page does not contain sufficient information on the proposed development;
- this application should not even be considered;
- given the economic downturn in this country it is inappropriate to erect a building which will sit non-functional in the middle of a field;
- erecting an isolated building in the field could result in vandalism and other unwanted activity in the area;
- the building could attract people into the area which could increase the risk of cyclists being attacked on the Sustrans cycle network;
- it would be more beneficial to maintain and enhance the site as a green area for wildlife rather than erect new buildings upon it;
- visitor parking is not addressed in the application documents; and
- Fifth Avenue is currently owned by the residents of Fifth Avenue, therefore until the applicants purchase this land they will not be allowed access over it onto the application site.

4.0 APPRAISAL

4.1 The key issues are considered to be:

- the principle of development;
- access;
- design/visual amenity;
- environmental health;
- sustainability; and
- biodiversity

4.2 The proposed development is located within a housing allocation site. Outline planning consent (03/02709/OUTM) has been granted to develop approximately 540 houses and associated community open space and facilities on this site. As part of

this consent an indicative site plan was considered an approved. The indicative site plan showed an area towards the centre of the site which was to be provided for 'Community Facilities'. 'Community Facilities' were defined as 'social and community facilities or services to be provided for or (in relation to existing facilities) improved for the benefit of residents of the development and/or the surrounding area'. The proposed two storey building containing a biomass plant room , community facilities, and water pumping station is broadly located within the designated 'Community Facilities' area.

4.3 The proposed development is submitted as a full application rather a reserved matters application following on from the outline consent. Therefore all planning considerations are material to this application and it should be determined on its own merits.

4.4 It is proposed that the biomass plant system will provide hot water to all of the properties that will be developed in phases on the Metcalfe Lane site. The building will also provide a community facility that could be used for education purposes, as a meeting room, or as a site office. It is therefore considered that the proposed development is a compatible use within this housing allocation site.

Access/Highways

4.5 As part of this application a vehicular access is required off Fifth Avenue. Consent has been granted for access from Fifth Avenue as part of the outline planning consent. The proposed access track from Fifth Avenue would be a temporary road surface which would be used for construction vehicles and for delivery of wood pellets for fuel. Traffic generation would be minimal, approximately 1 vehicle per week, and on this basis no objections have been raised from a highway or access point of view. The access track would be upgraded to highway standard as part of the future housing development for this phase. Located close to the proposed development will be bicycle storage and 8 car parking spaces, 1 of which will be to disabled standards.

Design/Visual Amenity

4.6 The proposed development would be two stories in height, with an eaves height of 7m and a total height of 11.9m. Four chimneys/flues would be located on the roof and measure up to 12.9m above the ground. The footprint of the building is approximately 12.5m x 25.3m. The height of the dwellings approved as part of the phase 1 development of the site were approximately 10.7m in height. It is therefore considered that the size and scale of the proposed building would appear in keeping with the massing of the houses which are to be built on the site. The building is of contemporary design with painted brick and timber making up the walls, the roof would be of metal construction. A section of the first floor is supported by pillars creating an overhang at the entrance to the building. A significant amount of glazing is used for the community accommodation in order to give the building visual interest. Openings are not suitable for the plant room section of the building but the choice of materials assists in reducing the visual bulk of the building and give what is primarily a functional building some visual interest. It is proposed to provide landscaping and tree planting to the east of the proposed building which would help to soften its visual appearance.

Environmental Health

4.7 The biomass plant room would be located centrally within the overall residential development. The information submitted in support of the application was assessed by the Environment Agency and the Environmental Protection Unit. The boiler to be installed has been reviewed and assessed by an independent expert assessor and the use of wood pellets or wood chips shows a commitment to reducing environmental impact. The proposed biomass boilers would not result in a significant increase in pollutant concentrations.

Sustainability

4.8 A sustainability statement was not submitted with this application. However, the development in itself is sustainable. The proposed biomass boiler would generate hot water in an environmentally friendly way for all the houses within the development. The developers are committed through the Section 106 agreement forming part of the outline planning consent to achieve an Ecohomes rating of at least 'very good' with at least 3 residential units within the first phase of construction achieving an Ecohomes rating of 'innovative plus'. The proposed biomass boiler would help these targets be achieved. It is proposed by the developers to source the wood pellets or chips from a local supplier in order to reduce the carbon footprint of the housing development and to reduce transport costs.

Biodiversity

4.9 Along the proposed access track from Fifth Avenue to the proposed building are some hedges and some areas of species rich grassland. The outline planning application assessed the impact of the loss of hedges and the need to move some species rich grassland to another part of the site. However, as the application is not related directly with the outline consent it is necessary to condition the proposed development to ensure that hedges are not removed during the nesting season and that species rich grassland is translocated prior to development commencing. This can be agreed as a management plan which is suggested as a condition of any approval.

5.0 CONCLUSION

5.1 The proposed development, subject to suitable conditions, is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

- Plan numbers 2165_PL200, 2165_PL201, 2165_PL210, 2165_PL220, and

2165_PL221 received by The CoYC on 15/12/08

- Revised plans numbers 2165_PL100A, 2165_PL101A, and 2165_PL102A received by The CoYC on 06/02/09

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 VISQ8 Samples of exterior materials to be app

4 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (L_{Amax}(f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of local residents.

5 There shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational prior to the building first coming into use and shall thereafter be appropriately maintained.

Reason: To protect the amenity of local residents.

6 ARCH2 Watching brief required

7 HWAY12 Initial 10m surfaced, details reqd

8 HWAY31 No mud on highway during construction

9 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of construction works including the protection of pedestrians using the adjacent Public Right of Way and routing of construction traffic that will be promoted shall be submitted to and approved in writing by the LPA.

Reason: In the interests of highway safety and the amenity of local residents

10 Prior to the commencement of development, a management plan including details of hedgerow removal and the translocation of species rich grassland, shall be

submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in complete accordance with the approved management plan.

Reason: For the protection of the biodiversity of the area

INFORMATIVE

Please note that under Section 1 and 99 of the Wildlife and Countryside Act 1981 it is an offence to damage or destroy any birds nest whilst it is in use being built or to damage or destroy a bat roost.

Tree work and hedge cutting should not take place if there is a risk of the work, or its effects, being harmful to resident birds. Therefore it is recommended that major pruning of hedges is done during January and early February, that is after birds have eaten the berries and before they start to nest, and that hedge trimming is avoided between March and August (nesting season).

However, if a hedge has to be trimmed or a tree has to be felled between March and August it should be inspected carefully for active nests and, if found, work should be delayed until the young birds have flown. If, despite best efforts and a nest is found after work has started, a buffer area must be left inviolate, around the nest.

11 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.

Reason: To protect the amenity of surrounding residents

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- the principle of development;
- access;
- design/visual amenity;
- environmental health;
- sustainability; and
- biodiversity

As such the proposal complies with Policies GP1, GP4a, NE7, and C1 of the City of

York Draft Local Plan.

2. Demolition and Construction - Informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

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

(i) 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".

(ii) 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.

(iii) 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.

(iv) 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.

(v) There shall be no bonfires on the site.

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