

# 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](http://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:**

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