

## COMMITTEE REPORT

**Date:** 19 January 2017      **Ward:** Strensall  
**Team:** Major and      **Parish:** Stockton-on-the-Forest  
Commercial Team      Parish Council

**Reference:** 16/02096/FUL  
**Application at:** Stockton Hall Hospital, The Village Stockton On The Forest  
York YO32 9UN  
**For:** Formation of car parking area  
**By:** Terence Warom  
**Application Type:** Full Application  
**Target Date:** 20 January 2017  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The proposal is for the formation of a small additional parking area for 20 vehicles behind an area of woodland adjacent to the existing parking area.

1.2 The site contains the Grade II listed Stockton Hall and stables which currently operates as a hospital and is within the Stockton on the Forest Conservation Area. The hall itself is set back from but faces the highway with a large parking area to the rear. Beyond this are the purpose built hospital wards. To the North of the parking area is a small wooded area which is covered by a TPO. The site is to the North of this wooded area in a small grassy area. There are residential dwellings to the East of the site and a paddock area to the North.

1.3 The application is brought to Main Planning Committee as the proposal constitutes inappropriate development within the general extent of the Green Belt.

### 2.0 POLICY CONTEXT

2.1 See Section 4

### 3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Countryside and Ecology)

3.1 There are no ecological reasons to refuse this application. Conditions are recommended to enhance the quality of development and mitigate any potential adverse impacts.

## Planning and Environmental Management (Conservation)

3.2 Proposals appear to preserve the immediate and wider setting of the hall, and they appear to preserve the character of long distance views within the conservation area. However the wooded landscape character of the west side of the village conservation area is part of its special character and the trees should also be assessed for their intrinsic contribution to the area and the wildlife they support. Conditions are recommended.

## Planning and Environmental Management (Landscape)

3.3 The landscape officer has accepted the tree loss proposed as this is predominantly on arboricultural grounds. The impact of the proposed hardstanding on the retained trees is however of more concern. Three of the trees will be adversely impacted by the proposal and officers are seeking revisions to address this. It is considered that amendments to the boundary adjacent to the wooded area are possible and would address much of the concern although additional measures requiring specialist construction techniques may also be necessary. The landscape officer has recommended a condition requiring an arboricultural method statement be attached to any planning permission once revised details have been received.

## Highway Network Management

3.4 The applicant wishes to increase by 20 spaces the car parking from 114 spaces to 134. The applicant has provided justification relating to staff numbers working at the site, the provision being approximately 75%. The provision is reasonable for the type of institution and location. Many staff will be unable to access the site by public transport due to shift patterns. The company state that they already have in place a cycle scheme and encourage car sharing. No objection to the proposal; conditions recommended.

EXTERNAL

## Foss Internal Drainage Board

3.5 No objection in principle and conditions recommended.

## **4.0 APPRAISAL**

### 4.1 KEY ISSUES

- Policy context
- Principle of the development - Assessment of harm to Green Belt
- Other considerations - Parking requirement; Impact on trees; Impact on listed buildings

## POLICY CONTEXT

### Development Plan

4.2 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 saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. 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.

### Local Plan

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

### Emerging Local Plan

4.4 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was halted pending further analysis of housing projections. An eight week consultation on a further Preferred Sites document has concluded. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

### The National Planning Policy Framework (NPPF)

4.5 The 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.

4.6 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. Your officer's view is that this presumption does not apply to this proposal as the site lies within the general extent of the Green Belt as identified in the RSS and therefore justifies the application of the more restrictive policies in Section 9 to the NPPF.

## GREEN BELT

4.7 As noted above, saved Policies YH9C and Y1C of the Yorkshire and Humberside Regional Strategy define the general extent of the York Green Belt and as such Government Planning Policies in respect of the Green Belt apply. Central Government Planning Policy as outlined in paragraphs 79 to 90 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. Substantial weight should be given to any harm to the Green Belt.

4.8 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.

4.9 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 90 does allow certain types of development however this proposal does not fall within any of those categories. As such the proposal must represent inappropriate development and therefore should only be approved where the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations amounting to very special circumstances.

## PRINCIPLE OF THE DEVELOPMENT

## ASSESSMENT OF HARM TO GREEN BELT

4.10 The NPPF states that inappropriate development is by definition harmful to the Green Belt. There is also some limited harm to openness as a result of the removal of a small number of unprotected trees and the creation of hardstanding for parking and access in an area which was previously grassed. The impact of the hardstanding will be limited by the use of a form of grass paving which will allow some greening of the area.

4.11 The area is also well screened by the existing woodland and properties to the East. It is unlikely that much of the proposal will be visible outside of the proposed parking area. It is however accepted that the tree loss will have some impact on openness although the majority of trees proposed for removal are to be removed on arboricultural grounds.

## OTHER CONSIDERATIONS

### PARKING REQUIREMENT

4.12 As stated above, the NPPF clarifies that the form of development proposed constitutes inappropriate development within the Green Belt and should therefore only be approved in very special circumstances. The applicant has therefore provided the following statement detailing these very special circumstances:

*'Stockton Hall employs 331 whole time equivalents and 50 bank staff  
On site during the working day there are on average 170 - 180 staff  
During the week (Monday to Friday) the hospital holds a number of patient related meetings which involve external agencies such as Justices of the Peace, Solicitors, External Social Workers, Independent Hospital Managers, Case Managers (NHS Staff) and Carers which are:*

- Mental Health Tribunals - on average 3 a week with approximately 5 external people attending*
- CPA Meetings - on average 5 week with 4 external people attending each meeting*
- Independent Hospital Manager's Meeting - 1 held weekly with 3 external people attending*

*The hospital site is also the regional training centre for other smaller units within our area so for 3 weeks every month an additional 20 staff maybe on site carrying out their Statutory and Mandatory Training.*

*Public transport does not offer the flexibility for the shift patterns worked within the hospital and staff travelling from outside of York cannot get directly to Stockton-on-the-Forest.*

*As a company Partnerships in Care runs the Ride to Work scheme through Evans Cycles which a number of staff have taken up the scheme therefore cycle to work however this is not always practical during the winter months.*

*Stockton Hall also encourages car sharing which a number of staff do particularly those on an early shift.'*

4.13 Current parking provision is 114 spaces with the proposed additional 20 spaces taking the total to 134. During the site visit it was noticeable that the parking area was full and parking was taking place outside defined parking spaces. Highways officers have confirmed that the parking provision is reasonable for this type of institution in this location. It was noted that staff work shifts and this results in issues using public transport. The out of town location means that cycle use is lower than might be expected in the city centre although a Cycle to Work scheme is in place.

## IMPACT ON TREES

4.14 The trees in the wooded area to the south of the site are covered by TPO CYC47 G7. Trees outside this area and within the site boundary are also protected as a result of the site's situation within a Conservation Area. In relation to the trees, the Conservation Area Appraisal states 'The Hall is flanked by woodland which defines the western edge of the historic village. The grounds to the rear of the Hall and the Walled Garden are essential to the setting of the Hall and historically important.

4.15 A pre-application enquiry was received for the scheme with a slightly different layout to that submitted with this application. The pre-ap layout kept the development line beyond the Root Protection Area (RPA) of the retained trees and was preferable and officers are now negotiating with the applicant to return to this layout. The agent has confirmed that no lighting is proposed as part of the scheme. An update will be given at Committee.

## IMPACT ON LISTED BUILDINGS

4.16 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act") imposes a statutory duty on local planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interests which it possesses. Section 72(1) of the 1990 Act imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining planning applications. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to

give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The application must be judged on this basis.

4.17 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings, and conservation areas as “designated heritage assets”. Section 12 advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131 of the NPPF, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset’s significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness.

4.18 Paragraph 132 advises that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”

4.19 Paragraph 133 advises that “Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of four specified criteria apply.”

4.20 Paragraph 134 advises that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.”

4.21 The Conservation Architect notes that the hall is set back from the main road through the linear village. Its scale, formality and wooded landscape setting contrast with the rural informality of the sinuous village settlement. The hall itself is flanked by woodland and, in views from the main street, trees form its backdrop whether approaching from the southwest or seeing the hall at a distance from the northeast. The name of the village also suggests that the tree cover is important to the historic identity of the village, and wooded landscape is a characteristic feature of the conservation area.

4.22 The proposals would remove some tree cover from the middle of the site located north east of the intermediate rear extension of the hall. The retained area would be adjacent to the lane within the site and therefore it would preserve the character of the lane through the site. It would also appear to be sufficiently deep to

provide a woodland backdrop to the hall itself when seen in long distance views. Therefore it is considered that the proposal will lead to less than substantial harm to the Conservation Area and setting of the listed building. Considerable weight and importance must be attached to the preservation of the significance of these heritage assets. However the public benefits of providing additional off-street parking in a secluded area away from the listed building while relieving current parking pressures are considered to clearly outweigh the harm.

## ECOLOGY

4.23 The Countryside and Ecology Officer noted that there are no statutory or non-statutory nature conservation sites on or adjacent to the application site. Removal of a number of trees is proposed and a bat survey has assessed their potential for housing bat roosts. No bat activity has been identified within the trees although they do provide suitable habitat for nesting birds. A condition is recommended to install bat and bird boxes to enhance the natural environment.

## 5.0 CONCLUSION

5.1 The site lies within the general extent of the Green Belt as identified in the RSS to which S38 of the 1990 Act applies. Having regard to the purpose of the RSS policies it is considered appropriate and justified that the proposal is therefore assessed against the more restrictive policies in the NPPF relating to protecting the Green Belt.

5.2 The NPPF indicates that very special circumstances cannot exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this case, harm has been identified by way of inappropriateness and impact on openness as a result of the tree loss and change in the nature of the site from grass to hardstanding. The applicant has put forward very special circumstances which relate to the need for additional parking on site. Highways officers consider that parking provision on site is not excessive and there are functional reasons related to the site's operation and location which result in a higher than normal reliance on car use. As such, officers consider that there are very special circumstances to justify the proposed development.

5.3 The minimal and certainly less than substantial harm to the conservation area and setting of the listed building must be weighed against the public benefits of the proposal which in this case would be the creation of additional off-street parking which would encourage parking within the site rather than on the public highway. In this instance it is considered that the public benefits of providing additional off-street parking in a secluded area away from the listed building while relieving current parking pressures clearly outweigh the harm (even when considerable importance

and weight is attached to the preservation of the significance of these heritage assets).

5.4 In the circumstances of this case the need for the parking area is considered to clearly outweigh the harm to the Green Belt by way of inappropriateness and any other harm. There are also no other material planning considerations that would warrant refusal of the application and it is therefore recommended for approval subject to conditions.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 PLANS1 Approved plans

Boundary and car park plan Received 20/10/16  
Proposed car park extension Rev C  
Grassguard paving installation details

3 Prior to first use of the parking area hereby approved, 3 woodcrete bat boxes (eg 2F Schwegler) should be installed in a nearby mature tree and 6 hard wood bird nest boxes should be installed within the hospital grounds by a suitable qualified ecologist. The boxes should be retained and maintained for the lifetime of the development.

Reason: To contribute to and enhance the natural and local environment by encouraging good design to limit the impact on nature conservation in line with the NPPF.

4 Before the commencement of development, an Arboricultural Method Statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. Amongst others, this statement shall include details and locations of protective fencing, site rules and prohibitions, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials, locations and means of installing utilities, location of site compound. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material is proposed within the root protection area of existing trees. A copy of the document will be available for inspection on site at all times.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development.

5 Unless otherwise agreed in writing with the Local Planning Authority, no lighting will be installed within the site at any time within the lifetime of the development.

Reason: To protect the special character and setting of the listed building and to ensure against damage to the protected trees on the site.

## **7.0 INFORMATIVES:**

### **Contact details:**

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