

## COMMITTEE REPORT

**Date:** 15 July 2025                      **Ward:** Fulford And Heslington

**Team:** East Area                      **Parish:** Fulford Parish Council

**Reference:** 24/01633/FULM

**Application at:** York Designer Outlet St Nicholas Avenue York YO19 4TA

**For:** Change of use of amenity field to temporary (3 years) seasonal (November and December) overflow car park for the use of employees only

**By:** The DROC York Limited Partnership

**Application Type:** Major Full Application

**Target Date:** 15 August 2025

**Recommendation:** Refuse

### 1.0 PROPOSAL

#### The Site

1.1. The application site (“the Site”) is a parcel of land approximately 1.1 hectares in size. The Site is located to the south of the Designer Outlet shopping complex. The Site can be accessed from the existing Designer Outlet perimeter road via an existing vehicular access.

1.2. The Site is primarily an undeveloped green field. A small section of the site currently contains storage containers and is being used to store rubble and building products. This use of the land is not permitted by any planning permission and therefore is unauthorised development.

1.3. The Site is bound to the east, south and west by undeveloped green fields. To the north of the Site is a mature tree belt, which sits between the Site and the Designer Outlet perimeter road. Fulford Community Orchard is located within this tree belt to the north-east of the Site. A single track road runs along the south of the Site which provides access to a farmstead.

#### Background

1.4. The application states that the proposed development is required to address parking problems at the Designer Outlet particularly in the run up to and over the Christmas period.

1.5. The application states that there are currently approximately 2700 car parking spaces at the Designer Outlet. The Designer Outlet employs approximately 1,600 employees, albeit approximately 600-700 employees are on site at any one time. At busier periods, such as Christmas and Bank Holidays, the number of employees can rise to 800 – 900 which increases the demand for car parking spaces.

1.6. The application states that whilst many employees are encouraged to travel via public transport, and do so, many members of staff have to travel to the Designer Outlet by car particularly over the Christmas period when shift work is the norm.

1.7. As well as the shopping and food offer, the Designer Outlet hosts the Winter Wonderland, Ice Rink and Summer Beach attraction. These attractions are often located on some of the existing car park which reduces the number of car parking spaces available. These attractions also create the need for additional employees.

1.8. The application states that approximately 200-500 of the car parking spaces at the Designer Outlet are occupied by people using the Park and Ride facility. Many of which are commuters and therefore the spaces are occupied by a single vehicle for the majority of the day.

## **The Proposed Development**

1.9. The applicant is proposing a temporary change of use of the Site from agriculture to a car park for the staff working at the Designer Outlet. The temporary car park would measure approximately 91 metres by 78 metres.

1.10. The applicant proposes that the Site would be used as a temporary car park initially for a period of 3 years between November and December. The proposals would provide 340no. additional parking spaces.

1.11. The parking area would be gated and the parking would only be available for staff. The area would be surfaced with compacted aggregate material with the parking spaces denoted by the use of gravelled grids. Mobile lighting columns will be provided within the site, facing inwards, to illuminate the site during darkness 4pm-9:30pm Monday-Saturday and 4pm-8pm on Sundays.

## **Planning History**

1.12. A planning application (Application Reference: 19/01969/FULM) for the extension of the Designer Outlet Centre, relocation of the existing park and ride facility and outdoor events space was withdrawn prior to determination in September 2024. At the time there was a holding response from Highways England requiring further information.

1.13. In addition to this most recent planning application there have been several planning applications approved over the years for temporary uses on the car park including the ice rink, fun fair, summer beach and 12 hole golf putting course.

1.14. A permanent car wash facility was also approved in 2022 which is located on part of the original car park.

1.15. More recently a similar application to the current proposal was considered under reference 23/01147/FULM. The proposals considered under 23/01147/FULM comprised of the temporary/seasonal change of use from an agricultural field to car park broadly consisting of the same area of land that makes up these current proposals. The 2023 application was withdrawn prior to formal determination. However, it had reached a stage where a formal Officer recommendation of Refusal had been made and published in advance of the application going before Planning Committee. The recommended reasons for refusal included Green Belt, Highways, Drainage, Ecology, Landscape Character and Amenity reasons.

## **2.0 POLICY CONTEXT**

2.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).

### **CITY OF YORK LOCAL PLAN**

2.2. The York Local Plan was adopted by the Council on 27<sup>th</sup> February 2025, together with any made neighbourhood plan and constitutes the statutory development for the City of York.

2.3. Key relevant Local Plan Policies are:

DP1: York Sub Area

DP2: Sustainable Development

DP3: Sustainable Communities

Application Reference Number: 24/01633/FULM

Item No: 5c

SS1: Delivering Sustainable Growth for York  
SS2: The Role of York's Green Belt  
D1: Placemaking  
D2: Landscape and Setting  
D6: Archaeology  
GB1: Development in the Green Belt  
ENV2: Managing Environmental Quality  
ENV4: Flood Risk  
ENV5: Sustainable Drainage  
T7: Minimising and Accommodating Generated Trips

2.4. The application site is located within a designated Neighbourhood Plan Area, namely the area for the Fulford Neighbourhood Plan. This area was designated in March 2015 enabling work to commence on the formulation of a Neighbourhood Plan. At the time of writing no draft policies have been published and as such the Neighbourhood Plan carries no weight in decision making.

## NATIONAL PLANNING POLICY FRAMEWORK

2.5. The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in the determination of planning applications. Key chapters and sections of the NPPF relevant to this application are as following:

- Chapter 6 Building a strong, competitive economy
- Chapter 9 Promoting sustainable transport
- Chapter 13 Protecting Green Belt land
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment

## 3.0 CONSULTATIONS

### INTERNAL

### CYC HIGHWAY DEVELOPMENT CONTROL

3.1. Object. We agree with the comments of National Highways. Areas of the existing parking are used for other things such as Christmas and summer activities attracting additional visitors whilst removing parking. The outlet can control staff parking, what incentives exist for staff to travel by sustainable modes.

3.2. The site is privately managed. The indiscriminate parking which blocks buses could be managed by the centre through parking stewards, fines. The additional parking will provide no mechanism to stop more vehicles from accessing the site. A full travel plan has not been developed. Does this indicate a lack of commitment to improving sustainable travel modes.

### **CYC ECOLOGIST**

3.3. No objections, subject to conditions. Statutory Biodiversity Net Gain Conditions would apply. In addition to this a Habitat Management and Monitoring Plan would be required and Construction Environmental Management Plan and lighting plan.

3.4. Due to the scale of the Site, a letter report would be considered appropriate if no ecological constraints are identified. However, a more detailed report will be necessary if constraints are identified following the survey work.

### **CYC LANDSCAPE ARCHITECT**

3.5. No comments received.

### **CYC PUBLIC PROTECTION**

3.6. No objections but requests a condition to control the proposed car park lighting.

### **CYC DRAINAGE ENGINEER**

3.7. has confirmed that the type of surface proposed which is interlocking and solid is 100% impermeable and therefore a surface water drainage scheme is required.

3.8. A surface water drainage scheme should be submitted prior to the determination of the application in line with CYC Sustainable Drainage Systems Guidance for Developers.

### **CYC ARCHAEOLOGY**

3.9. No objections. Subject to conditions.

### **EXTERNAL**

### **FULFORD PARISH COUNCIL**

3.10. Object to the proposed development. A summary of the Parish Council's comments are as follows:

- Diversification has led to the loss of parking. It is evident that the applicants own choices have contributed to the current traffic and parking impacts.
- There would be Green Belt harm by virtue of introducing built form into the landscape such as fencing, signage, lighting. This harms openness.
- There would be additional light pollution.

## **NATIONAL HIGHWAYS**

3.11. Recommend that the application should not be approved.

- Further evidence is required to demonstrate that the existing situation is the same now as it was in 2019 when the Transport Assessment was submitted for the previous planning application.
- The applicant should evidence that they have exhausted all options to manage the traffic impact of staff trips via Travel Planning and workplace measures.
- Dependent upon residual traffic impact of the proposed development a vision may be required in line with DfT Circular 01/2022.
- The approach to preparing an interim travel plan before preparing a full one following planning approval is not appropriate and contradictory to requirements.
- The applicant should provide firm commitments to promoting and encouraging staff travel to the site by active travel and sustainable travel modes.
- The proposed modal shift targets are not consistent with the findings of the 2022 staff travel survey and should be revised.
- The applicant should propose a comprehensive Travel Plan Monitoring and management plan.
- Survey evidence should be provided to validate that the proposed development will not generate any increase in the level of traffic from the development proposals.
- Further clarification is required regarding the implementation and enforcement of the development proposals.

## **HOUSE & DERWENT INTERNAL DRAINAGE BOARD (IDB)**

3.12. The board notes that the applicant is proposing permeable materials although we note infiltration testing has failed. If permeable drainage is not suitable and discharge to a watercourse is proposed the IDB would require details of what the applicant is proposing to discharge to and the location of the proposed point of connection. Details would also be required regarding discharge rate.

## **4.0 REPRESENTATIONS**

4.1. The application has been advertised via Site Notice and neighbour notification letters and press notice. A total of 3.no objections have been received and 20.no comments of support.

### **COUNCILLOR RAVILIOUS**

4.2. Objects on the grounds that the proposals are Green Belt land. In addition to citing the previous applications for increased car parking drew a holding direction from Highways England due to the lack of capacity at the A64/A19 junction for additional vehicle.

4.3. The Objections received can be summarised as follows:

- Clearly there is a serious problem with parking at the Designer Outlet. But these proposals do not address the issue. The temporary proposal only setting a precedent for something further down the line.
- I support the reasons for refusal given by others. In particular Green Belt harm.
- The application is on Green Belt Land.
- Highways England have put a hold on previous applications due to a lack of capacity at the A64/A19 junction.

4.4. The comments of support received can be summarised as follows. These have been received from staff at the Designer Outlet and organisations including Make it York, First Bus, York & North Yorkshire Chamber of Commerce and the Member of Parliament for York Outer:

- It is frustrating trying to find somewhere to park.
- Park and Ride is an issue as many people park their car at the outlet just to save money from spending ridiculous amounts of money on parking in York and may even actually shop at the outlet.
- The Ice Rink and Stalls take a lot of space up. Are they really needed.
- Additional parking is needed.
- Visitors to York will have an initial bad impression due to bus queues and lack of management of the provision on approaching A roads.
- Travelling by bus is not an option as there is no direct service.
- This would ease congestion at the site. I use the Park and Ride and find myself having to abandon the bus and walk during peak times.
- Provision of employee parking would help the economy.
- Park and Ride numbers have increased. This causes heavy traffic causing delays for passengers. Preventing buses from being able to move freely.

- The temporary car park is a sensible short medium-term measure to try mitigate some of the transport issues during peak periods.
- The current situation is dangerous.

## **5.0 APPRAISAL**

5.1. The key issues to consider in determining this planning application are as follows:

- Green Belt
- Highways and Access
- Drainage & Flood Risk
- Ecology & Biodiversity
- Landscape Character & Visual Impact
- Air Quality & Land Contamination
- Residential Amenity
- Archaeology

### **Green Belt**

5.2. Following the adoption of the Local Plan the boundaries of the York Green Belt have now been formally defined. Policy GB1 of the Local Plan states that inappropriate development will not be approved except in very special circumstances. Policy GB1 then goes on to state that the construction of new buildings is inappropriate development and states specific exceptions to this.

5.3. The application site is located to the South of the main Designer Outlet building. The boundary of the Green Belt in this location comprises broadly of the outer access road that encircles the centre. The main building and existing car parks are excluded from the Green Belt. The land which surrounds the built extent of the centre is within the Green Belt including the access road from the A19 roundabout. The application site is wholly within the Green Belt.

5.4. 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 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;



- to and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.5. Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances (Paragraph 153 of the NPPF). At Paragraph 154 the NPPF then goes on to outline a series exceptions which are not considered to constitute inappropriate development within the Green Belt; which are similar to those outlined in Policy GB1 of the Local Plan. The development is not considered to accord with any of these exceptions.

5.6. The applicant argues that Paragraph 154 h) v. is relevant to the determination of the application. This states, in outlining forms of development which are appropriate within the Green Belt 'Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are: v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds.

5.7. Paragraph 155 of the NPPF states that the development of new homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply.

- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the are of the plan;
- b) There is a demonstrable unmet need for the development of development proposed;
- c) The development would be in a susaintable location, with particular reference to to paragraphs 110 and 115 of this framework; and
- d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 of the NPPF.

5.8. The application site is not regarded as constituting Grey Belt land. The boundary of the Green Belt in this location very clearly achieves purpose a) of NPPF Paragraph 143 (purposes of Green Belt) by keeping in check the overall sprawl of the existing Designer Outlet complex; setting a defined envelope around the existing site; historically set by the footprint of the former Hospital which used to occupy the site. Furthermore one of the fundamental principles of the York Green Belt is to preserve the setting and special character of the historic town. With one of the identified features of York being the open approaches to the main urban area. In the

case of the existing Designer Outlet complex, when the Green Belt boundaries were being defined as part of the Local Plan process. In this location the land that was regarded as being within the Green Belt was found to contribute to the formation of an extended green wedge which covers a significant swathe of open land south of A19, thus maintaining its relatively compact scale in the wider landscape. Given the proximity of the A64 and Fordlands Road area to the North and Bishopthorpe Village to the West, the extended green wedge also has a role in constraining development from coalescing, maintaining the separate identity and visual separation of the Designer Outlet distinct from other settlements. Furthermore the land to the south of the Designer Outlet forms an important area of open land between the A19 and B1222 Naburn Lane, creating a separation between the Designer Outlet and Naburn village. Cumulatively therefore it is considered that the site and defined Green Belt boundaries in this location also achieves purpose d) of the Green Belt purposes as set out within Paragraph 143 of the NPPF.

5.9. Furthermore paragraph 155 c) requires the development to be in sustainable location with particular reference to paragraph 110 and 115 of the NPPF. Paragraph 110 requires the planning system to actively manage patterns of growth. Noting that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel. Paragraph 115 requires that in assessing development it should be ensured that sustainable transport modes are prioritised, safe and suitable access to the site can be achieved for all users, the design of transport elements reflects current national guidance and that any significant impacts from the development on the transport network can be cost effectively mitigated to an acceptable degree through a vision-led approach.

5.10. The proposals are not considered to accord with Paragraph 155 c) as they would be contrary to Paragraphs 110 and 115. The location of the development is regarded as being unsustainable and as will be discussed in the highways section of this report. The development presents significant impacts upon the transport network and by its very nature fails to prioritise sustainable modes of transport.

5.11. Whether the proposed change of use preserves the openness and does not conflict with the purposes of including land within the Green Belt is considered in the following paragraphs.

5.12. Planning Policy Guidance refers to a number of matters that the courts have identified can be taken into account in assessing openness, which include: spatial and visual aspects, duration of the development and remediability, and the degree of activity generated. Spatially, a formally laid out car park of 1.1 hectares will have an effect on the openness of the Green Belt by virtue of its footprint and occupation

of up to 340 vehicles on a daily basis. Visually, the car park is unlikely to be seen from the A19 given the dense field boundaries and only glimpses will be visible from the Designer Outlet perimeter road, however, it will be prominent in view from Lingcroft Lane, although it is acknowledged this is a single track road to a farmstead which is limited in use. The proposed lighting, although proposed to be directional facing, will increase the visual impact on openness significantly from an unlit open agricultural field to a lit car park. It is acknowledged that the proposed car park is for a temporary 3 year period and could be remediated back to its original state. The activity in the form of traffic generation from approximately 340 cars is considered to significantly effect the openness of the Green Belt.

5.13. In view of the above, on balance it is considered that a formally laid out car park for approximately 340 cars, albeit on a temporary basis, would not preserve the openness of the Green Belt and as referred to above in paragraph 5.7 conflicts with at least 3 Green Belt purposes of including land within it, namely checking the unrestricted sprawl of large built up areas, safeguarding the countryside from encroachment and preserving the setting and special character of historic towns. Therefore, the proposed development would be inappropriate development in the Green Belt. The harm to the Green Belt as a result of this inappropriate development weighs substantially against the proposal.

5.14. Very special circumstances will not exist unless this potential harm to the Green Belt by inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations. These other considerations will now be assessed in the following paragraphs of this report and a conclusion on whether very special circumstances exist, will be given at the end of this report.

## **Highway and Access**

5.15. The proposed development would be accessed using existing means of access from the wider highway network. The primary consideration of this application centres on issues of demand and parking capacity. Policy T1 seeks to minimise the need to travel and ensure that development provides safe, suitable and attractive access for all transport users to and within it. Policy T7 seeks to manage generated trips and where appropriate promote mitigation measures through tools such as travel planning to reduce the number of trips generated and that any new development can be safely accommodated on the local and strategic highway network.

5.16. The NPPF requires development that will generate significant amounts of movement to provide a Travel Plan and should be supported by a Transport Statement or Transport Assessment so that the likely impacts of the proposal can be

assessed (Paragraph 118 of the NPPF). A Travel Plan, and a Transport Statement have been submitted with the application.

5.17. National Highways have been consulted on the application, given the close proximity of the Site to the A64 and the A64/A19 roundabout junction which forms part of the Strategic Highway Network, along with CYC Highways Development Control.

5.18. National Highways have recommended that planning permission should not be granted until further information has been provided. This stance is supported by the Local Highway Authority. Further information has been requested in respect of demonstrating that the existing situation is the same as it was back in 2019 during earlier applications. There are also considered to be deficiencies in the submitted Travel Plan namely that it is only an interim document which is contrary to guidance and policy requirements. It is also not clear whether the applicant has exhausted all options to manage the traffic impact of staff trips via travel planning and workplace measures and the promotion of sustainable.

5.19. The approach taken by the applicant appears to be a very simplistic one. They note that during peak periods that parking at the site is oversubscribed and as a result vehicles end up parking on verges and areas of landscaping in an around the site; so, their solution is to provide more parking spaces.

5.20. However, this approach and the documentation submitted with the application fails to demonstrate that all other methods to resolve the situation have been explored and exhausted. It has not been demonstrated that there is a current Travel Plan in operation at the site to manage and influence the staff travel to resolve the issue. Other options also exist to the site operator with regard to managing and enforcing parking restrictions within the site. It would be within the operators' gift to enforce parking restrictions to prevent vehicles from parking on verges, to assist with aiding the efficient flow of traffic, including Park & Ride buses during peak periods.

5.21. National Highways have also highlighted the possible risk that the existing issue of oversubscribed car parking could be acting to suppress demand currently; people do not visit the site at peak times because they know it will likely be busy and there will be insufficient parking. The proposals have the potential to release that suppressed demand, in essence build more parking and more trips will be generated. As such this would not resolve the current issue. It would likely exacerbate the situation. No evidence has been provided to validate the applicant's assumption that the proposals will not generate an increase in the level of traffic accessing the site. The risk of this increased demand is that it results in more trips

being generated which places additional demand upon the local and strategic highways network.

5.22. There is no evidence to demonstrate that the applicant has sought to manage and influence staff travel demand to the site. Other factors such as the incremental loss of parking areas for other temporary events or ancillary services also contribute to the degradation of parking provision at the site or induce further demand.

5.23. It is acknowledged that the current situation creates issues for the smooth and efficient operation of the Park and Ride at peak times. However, at this stage it is not known whether the proposals would resolve this.

5.24. The areas of issue and concern raised by technical advisors during this application are not new and are consistent with the comments made to previous applications at the site. The information required has not been forthcoming from the applicant suggesting that it cannot be provided or that they are unwilling to provide it. In any event a holding direction such as the one issued by National Highways prevents the Local Planning Authority from granting planning permission and we would be obliged to refuse planning permission.

5.25. Given the lack of Transport information submitted with the application, the impact of the development on the Highway is unable to be assessed. In view of this, the development does not accord with the provisions of Paragraph 118 of the NPPF and Draft Local Plan Policy T7.

## **Drainage & Flood Risk**

5.26. Policies ENV4 and ENV5 of the Local Plan require that new development not be subject to unacceptable flood risk and promote the use of sustainable drainage to attenuate surface water flows on greenfield sites not exceeding the existing rate prior to development. The NPPF at paragraph 181 requires that when determining planning applications, a Local Planning Authority should ensure that flooding is not increased elsewhere.

5.27. The Site is located within Flood Zone 1. Land in Flood Zone 1 has a low probability of flooding from rivers and the sea. The Environment Agency maps indicate that the Site does not experience surface water flooding.

5.28. Infiltration testing at the site has previously demonstrated that permeable drainage measures will not work at the site. In previous applications work had progressed to devise an engineered solution. This demonstrates that there will likely be a suitable drainage solution which exists. In the event of granting planning

permission it would be necessary to condition that prior to the commencement of development details of the drainage solution are submitted for approval.

5.29. It is considered that the proposed development would not give rise to significant drainage or flood risk issues. The site is not considered to be at risk of flooding nor would the proposals materially change the flood risk or flood vulnerability of the site. It is considered that a suitable drainage solution could be secured via condition. As such, subject to such conditions the proposals are considered to accord with Policy ENV4 and ENV5 of the Local Plan and paragraph 181 of the NPPF.

## **Ecology & Biodiversity**

5.30. Policy GI2 relates to biodiversity and access to nature. Paragraph 193 (d) of the NPPF seeks to ensure development contributes and enhances the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. Development should achieve net gain in biodiversity (BNG) in accordance with The Environment Act 2021 and national policy and contribute to the recovery of priority species and habitats and new habitat creation.

5.31. BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

5.32. The application was accompanied at submission by a Preliminary Ecological Appraisal (PEA) & Biodiversity Net Gain (BNG) Assessment. The PEA has concluded that the site comprises of broadleaved woodland to the north whilst modified grassland in a poor condition dominates the site. None of the trees are assessed as offering potential to support roosting Bats and no evidence of any protected species has been recorded. There is the likelihood that the trees will support nesting birds and therefore potentially impacted by the proposed tree removal works; a total of 10 trees are to be removed. These are situated adjacent to the access point to the site. The PEA concludes that the development would not give rise to any impacts upon protected species or habitats.

5.33. The submitted BNG metric indicates that a net gain of 10.07% in habitat units and a 15.72% net gain in hedgerow units could be achieved on site. This is in

accordance with Schedule 7A of the Town and Country Planning Act 1990 which requires a statutory biodiversity net gain of a minimum of 10%. The Biodiversity Gain Hierarchy should be applied to avoid habitats of most value and where they cannot be avoided; they should be maintained on site. The application site does not contain habitats of special value that should be maintained. BNG is secured by an informative on any decision together with a condition to submit a Biodiversity Gain Plan prior to development commencing. The City Ecologist has reviewed the information submitted and does not raise any objections or dispute to the conclusions as established.

5.34. In reaching their conclusion the Ecologist has requested that a series of conditions be attached to the granting of any planning permission. Requested conditions include a Habitat Management and Monitoring Plan, and Construction Environmental Management Plan, biodiversity enhancements and lighting plan.

5.35. Overall it is considered, subject to the recommended conditions. The development would accord with the provisions of Policy GI2 of the Local Plan.

### **Landscape Character & Visual Impact**

5.36. Policy D2 of the Local Plan states that development proposals will be encouraged and supported where they amongst other things protect and enhance landscape quality and character. The NPPF at paragraph 135 requires development to be sympathetic to the local character and history, including the landscape setting.

5.37. The Site is part of an agricultural field which is located south of the Designer Outlet Shopping Complex, and south of the mature tree belt which forms a strong boundary between the shopping centre, car parks, perimeter access road, and the open countryside.

5.38. The landscape around the Designer Outlet Shopping Complex is characterised as flat and open, with large open fields to the north west and north east and smaller fields to the south, interspersed with hedges and small blocks of woodland. As referred to in the Green Belt section of this report, this open countryside contributes to the historic character and setting of York, providing the open approaches to the city.

5.39. Given the existing open countryside nature of the Site, it is considered that the proposed development, albeit temporary, will have a harmful impact on this landscape character.

5.40. The proposed development does not accord with Policy D2 of the Local Plan or paragraph 135 of the NPPF as the proposal will not protect or enhance the landscape quality and character of the Site, the public experience of it or the positive contribution it makes to the special qualities of York's historic character and setting.

## **Residential Amenity**

5.41. Policy ENV2 of the Local Plan and Paragraph 135 of The NPPF require that proposals do not unacceptably harm the amenity of existing and future residents.

5.42. Acres Farm and Acres Bungalow are located south of the Site on Lingcroft Lane. These are the closest neighbouring properties to the proposed development. The primary sources of potential disturbance to these properties will be the external lighting, in an otherwise unlit area and noise from vehicle movements and associated impacts such as vehicle doors closing. These impact in their own rights are unlikely to give rise to notable impacts upon residential amenity. As they will likely be spread over the course of the day with any peaks being shortly before opening and after closing of the outlet. In reviewing the proposals Public Protection have not raised any concerns in this regard.

5.43. The parking area will be illuminated. In the event of granting planning permission public protection have requested a condition which sets an upper limit for the luminance of this lighting. This is considered to be appropriate. It is proposed that the lighting will be motion sensitive and operated between 4pm and 9:30pm Monday to Saturday and 4pm to 8pm on Sundays. It is also considered appropriate to condition an hour of operation of the lighting to these hours. This will strike a balance between providing suitable illumination for the safe operation of the car park whilst also limiting the potential for disturbance by virtue of the external lighting.

## **Archaeology**

5.44. Policy D6 of the Local Plan states that development proposals that effect archaeological features and deposits will be supported where they are accompanied by an evidence-based heritage statement describing the significance of the archaeological deposits affected and that includes a desk-based assessment. The application is supported by an archaeological statement and desk-based assessment; which has been reviewed by the City Archaeologist.

5.45. The application site is known to be on the edge of a large prehistoric field system and settlement which has been identified through various aerial mapping projects. However, none have been archaeologically investigated. The proposed



works will require the removal of topsoil from the site, limited levelling works, excavation for drainage, cabling and landscaping.

5.46. The proposed works have the potential to impact upon any surviving archaeological resource at the site as it will exist at a shallow depth as features cut into the subsoil. The submitted archaeological assessment has been submitted. This has identified the development site as in a low-lying previously marshy area in between known areas of settlement. It identifies the ridge and furrow on site as partially levelled. It also suggests the following programme of works as mitigation for the scheme. These measures comprise of metal detecting survey prior to topsoil strip. Archaeological strip and map exercise with provision made to include public participation in cleaning and recording exposed surfaces and excavating samples of features and deposits.

5.47. The City Archaeologist has reviewed this information and is content with the approach that is proposed. However in the event of granting planning permission they have advised that a condition should be included to secure a programme of post-determination archaeological mitigation, excavation and evaluation with results being deposited with the City of York Environmental Record.

### **Very Special Circumstances**

5.48. As has been outlined within the Green Belt section of this report. The proposals are considered to constitute inappropriate development within the Green Belt. Therefore, in accordance with Policy GB1 of the Local Plan such development can only be approved in very special circumstances. This is also reinforced by Section 13 of the NPPF. The NPPF at paragraph 153 states that very special circumstances will not exist unless the potential harm to the Green Belt by virtue of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations. Substantial weight is to be given to the harm to the Green Belt.

5.49. With regard to the Very Special Circumstances advanced by the applicant within their submission. They cite the significant benefits to the economy of the city derived from the efficient operation of the Park and Ride and Designer Outlet. The Local Planning Authority attribute moderate weight to these benefits.

5.50. In assessing other harm resulting from the proposal, as referred to in the paragraphs above, the impact of the proposed development on Highways cannot be fully assessed as inadequate information has been provided within the application. Therefore, the Local Planning Authority is unable to determine if the proposal complies with the Local Plan policies and NPPF in this regard. In terms of landscape

character, the proposed development will result in a harmful impact, to which significant weight is attributed and therefore conflicts with Local Plan Policy D2 and NPPF.

5.51. The harm to the Green Belt by virtue of inappropriateness, harm to the openness and the purposes of including land within it, weighs substantially against the proposal. In addition, the harmful impact to the landscape character carries significant weight against the proposal. In terms of other considerations, it is noted that the demand for car parking spaces increases over the Christmas period, however the lack of available car parking spaces is compounded by the temporary uses such as the Winter Wonderland, that are erected on the car park during this time. However, it is not considered that all other options have been explored, such as removing/reducing the temporary uses; making greater efforts to adopt a more robust Travel Plan which promotes and influences staff travel behaviours to ensure that adequate car parking is available during these busy periods, or more robust management of traffic and parking during peak periods and therefore without further justification the need for further car parking above and beyond what exists within the current Designer Outlet shopping complex is given little weight. Additionally, as stated earlier in this report, it has not been demonstrated that the current situation is not actively suppressing demand and that the provision of additional parking will simply release this suppressed demand exacerbating the current issues.

5.52. Although a conclusion on the traffic, transportation and highways implications cannot be reached given the submission of inadequate information, other considerations have not been demonstrated to clearly outweigh the significant harm identified to the Green Belt, which carries substantial weight and the significant harm to landscape character. On this basis it is considered that very special circumstances do not exist to justify this proposed development in the Green Belt even for the temporary periods of usage proposed; the area itself would be surfaced throughout the temporary period, albeit not actively used as a car park. As such the proposals would still constitute inappropriate development in the Green Belt.

## **Public Sector Equalities Duty**

5.53. Section 149 of the Equality Act 2010 contains the Public Sector Equality Duty (PSED) which requires public authorities, when exercising their functions, to have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.54. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

5.55. The PSED does not specify a particular substantive outcome, but ensures that the decision made has been taken with “due regard” to its equality implications.

5.56. Officers have given due regard to the equality implications of the proposals in making its recommendation. There is no indication or evidence (including from consultation on this application) that any equality matters are raised that would outweigh the material planning considerations.

## **6.0 CONCLUSION**

6.1. The proposed development is inappropriate development in the Green Belt and should not be approved unless very special circumstances exist. The NPPF at paragraph 153 states that very special circumstances will not exist unless this potential harm to the Green Belt by inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations. In view of the assessment above on whether very special circumstances exist, it is considered that very special circumstances do not exist to justify the proposed development in the Green Belt. As such the principle of the proposed development in this Green Belt location is not acceptable as it conflicts with Policy GB1 of the Local Plan and with National Green Belt Policy (paragraph 154) as contained within the National Planning Policy Framework (NPPF).

6.2. The proposed development will not protect or enhance the landscape quality and character of the Site or the public experience of it or the positive contribution it makes to the special qualities of York’s historic character and setting. The proposed development therefore conflicts with Local Plan Policy D2.

6.3. In addition to the in principle reason to refuse this application as a result of the harm to the Green Belt by virtue of inappropriateness, harm to the openness and the purposes of including land within it, and the harm to the landscape character, the submission of inadequate information on Highway and Access results in Local Planning Authority not being able to fully assess these key issues and are also considered to constitute a reason for refusal.

## **7.0 RECOMMENDATION: Refuse**

1 The proposed development constitutes inappropriate development within the Green Belt which by definition is harmful to the Green Belt. The proposal conflicts with the essential characteristics of the Green Belt (i.e. its openness and permanence) and the purposes of including land within the Green Belt by resulting in the sprawl of built a built up area, encroachment of development into the countryside and would therefore be harmful to the openness of the Green Belt, thus failing to preserve character and setting of the City of York. The Local Planning Authority has concluded that there are no other considerations that clearly outweigh the harm to the Green Belt and other harms, when substantial weight is given to the harm to the Green Belt. Very special circumstances do not exist to justify the proposal. The proposal is therefore contrary to Policy GB1 of the York Local Plan and Section 13 of the National Planning Policy Framework.

2 The submitted Transport Statement and Draft Travel Plan are considered to be insufficient and inadequate to allow the Local Planning Authority and statutory consultees to be able to properly consider and assess the traffic, transportation and highways implications of the proposed development. The proposals are therefore contrary to Policy T7 of the Local Plan and Paragraph 118 of the National Planning Policy Framework.

3 The proposed development will not protect or enhance the landscape quality and character of the Site, the public experience of it or the positive contribution it makes to the special qualities of Yorks historic character and setting. The proposed development therefore conflicts with Policy D2 of the York Local Plan and Paragraph 135 of the National Planning Policy Framework.

## **8.0 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 (paragraph 39) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome:

Highlighted to the applicant areas where their information was lacking in detail.

However, the applicant/agent was unwilling to amend the application in line with these suggestions, resulting in planning permission being refused for the reasons stated.

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