

1.5 The application seeks planning permission for the erection of a building, in the form of a timber log cabin in this grassed area, using the existing foundations. It is intended to provide ancillary office accommodation (meeting room, staff break out and toilet facilities) for an existing occupier of the main office building, Community First Yorkshire.

Planning History

02/01504/FUL Erection of single storey pitched roof extension to South elevation;
Application Approved 24 July 2002

2.0 POLICY CONTEXT

2.1 Yorkshire and Humber Regional Spatial Strategy (RSS) 2008 (revoked)

Saved Policies

YH9(C) Green Belts

Y1(C1 and C2) York Sub area policy

2.2 PUBLICATION DRAFT LOCAL PLAN 2008

SS2 The Role of York's Green Belt

D1 Placemaking

GB1 Development in the Green Belt

2.3 DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

GP1 Design

GB1 Development in the Green Belt

3.0 CONSULTATIONS

INTERNAL

Highways Network Management

3.1 Verbal confirmation that there are no highways issues as a result of the proposal. It has been suggested that the plans indicate access to be taken from Mill Lane only, and the existing access from Askham Field Lane made redundant.

Public Protection

3.2 There is no contaminated land constraints identified for this site and it is therefore considered to be a low risk application.

Flood Risk Management Team

3.3 Verbal comments; whilst the application indicates that surface water is to be drained to soakaway however experience has shown that this is problematic in this area. However a condition can deal with foul and surface water drainage matters.

EXTERNAL

Askham Bryan Parish Council

3.4 No response received to date.

Yorkshire Water

3.5 It is noted from the application that surface water is to be drained to soakaway/watercourse.

Ainsty Internal Drainage Board

3.6 The application sits close to the Drainage Board's district. The application will enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off from the site if this is not effectively constrained.

Publicity and neighbour notification

3.7 The application has been advertised by site notice and neighbour notification. The occupiers of Hilltop raised concerns in respect to parking on Mill Lane and a suggestion of planting/ screening between the two properties to mitigate the impact. The application has been amended, with four additional car parking spaces to be provided within the application site and the provision of a 2m high close boarded fence along the shared boundary to the south of Hilltop. The objections from the occupiers of Hilltop have subsequently been withdrawn.

4.0 APPRAISAL

4.1 Key Issues:

- Principle of the development- assessment of harm to the Green Belt
- Whether the proposal is inappropriate development within the Green Belt
- The effect of the proposal on the openness of the Green Belt
- Impact on the character of the area
- Impact upon neighbouring amenity
- Parking and Access
- Flood Risk and Drainage
- Very special circumstances

Planning Legislation

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. In this area, the development plan comprises of the retained policies in the Yorkshire and Humber regional Spatial Strategy (RSS), saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013.

National Planning Policy Framework (2019)

4.3 The revised National Planning Policy Framework (NPPF) (2019) sets out the government's planning policies for England and how these are expected to be applied. Paragraph 7 states that the planning system should contribute to the achievement of sustainable development. To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental.

4.4 In the absence of a formally adopted Local Plan the most up-to date representation of key relevant policy issues is the NPPF (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. The NPPF sets out the presumption in favour of sustainable development unless the application of specific policies in the NPPF indicate development should be restricted.

Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013

4.5 Policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt. The policies state that the detailed inner and 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.

Publication Draft Local Plan 2018

4.6 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

4.7 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

Development Control Local Plan (2005)

4.8 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations and can be afforded very little weight in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

PRINCIPLE OF THE DEVELOPMENT- ASSESSMENT OF HARM TO THE GREEN BELT

4.9 The application site lies within the general extent of the York Green Belt and therefore Section 13 (Protecting Green Belt Land) of the NPPF is applicable. Policy GB1 of the 2018 Draft Plan is also relevant. Paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence.

4.10 Paragraph 144 of the NPPF establishes that substantial weight should be given to any harm to the Green Belt. Paragraph 143 states that inappropriate development that is, by definition, harmful to the Green Belt, should not be approved except in very special circumstances. 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.

4.11 Paragraph 145 continues stating that the construction of new buildings in the Green Belt should be regarded as inappropriate unless they fall within certain exceptions. The exceptions are set in Paragraph 145 of the NPPF and are as follows:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

4.12 The applicant considers that paragraph 145 (g) is relevant in this case, which allows limited infilling or the partial or complete redevelopment of previously developed land, subject to the development not having a greater impact on the openness of the Green Belt than the existing development.

4.13 The site comprises a small parcel of land that serves an existing office complex; formerly the headquarters of Pilcher Homes and now provides office accommodation for three other businesses. There is the existing Water Tower within the site. The site is considered to constitute previously developed as detailed by the NPPF (Annex 2: Glossary, page 70) "Land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure".

4.14 The building will be sited on an existing concrete foundation, positioned to the east of the existing Tower House office building in an open grassed field. The foundations are positioned 16m (approx) from the southern boundary with Askham Fields Lane. The site is mostly visible from the southern approach, from Askham Fields Lane, however the Water Tower is the most prominent feature in the landscape, with existing buildings on the site being single or two storey's high. There is a tree belt along the southern boundary of the site. To the east, the gas distribution stations comprises of low level pipes. The majority of hardstanding is located to the north of the existing office building, around the Water Tower.

IMPACT ON HARM TO OPENNESS AND PURPOSES OF THE GREEN BELT

4.15 The NPPF states that openness is an essential characteristic of Green Belts. The proposed erection of an office building due to its nature as built development will reduce openness within this part of the Green Belt, however due to its setting within the existing site, and its single storey construction, the loss of openness is considered to be limited.

4.16 Policy GB1 will permit development on the Green Belt where:

"i. the scale, location and design of development would not detract from the openness of the Green Belt;

ii. it would not conflict with the purposes of including land within the Green Belt; and

iii. it would not prejudice or harm those elements which contribute to the special character and setting of York;

and it is for one of the purposes, which includes appropriate facilities for cemeteries

All other forms of development within the Green Belt are considered inappropriate.

Very special circumstances will be required to justify."

4.17 There are unresolved objections to Policy GB1 that will be considered through the examination in public of the Local Plan and therefore it should only be afforded limited weight in the decision making process for the purposes of this application.

4.18 The proposed development would be inappropriate development in the Green Belt. It would lead to limited harm to the openness of the Green Belt. Paragraph 134 of the NPPF goes on to state that the Green Belt serves five purposes. These are:

a) to check the unrestricted sprawl of large built-up areas;

b) to prevent neighbouring towns merging into one another;

c) to assist in safeguarding the countryside from encroachment;

d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and

f) other urban land.

4.19 The primary purpose of the York Green Belt is to safeguard the special character and setting of the historic city as referred to in Policy YH9C of the RSS and Policy SS2 of the 2018 Draft Plan, although limited weight can only be attached to the latter.

4.20 The application site is located outside the prevalent areas within the Green Belt identified for preserving the historic character and setting of York.

4.21 The fundamental purpose of Green Belt policy is to keep land permanently open. The concept of 'openness' in this context means the state of being free from development, the absence of buildings, and relates to the quantum and extent of development and its physical effect on the site. The new building would result in increased urban form along Askham Fields Lane, to/from Askham Bryan and the A64. Given its position to the east within an open grassed field away from the main development surrounding the Water Tower, the proposed development of the office building would be unduly prominent in the context of the general open space provided by the wider site. This would result in harm to the openness and permanence of the greenbelt and is therefore considered to be inappropriate development in the Green Belt. As the site lies within the general extent of the Green Belt, and is not the most valuable areas of green Belt, the proposal is considered to harm one of the five purposes of Green Belts outlined in paragraph 134 of the NPPF. Specifically, part C

which relates to the purposes of assisting in safeguarding the countryside from encroachment. The proposal gives rise to harm to the Green Belt by reason of inappropriateness which 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.

IMPACT ON THE CHARACTER OF THE AREA

4.22 Section 12 of the NPPF seeks to ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

4.23 The application seeks a timber structure with pantile pitched roof measuring 16.5m x 7.6m. It shall provide a meeting room, store and staff facilities including toilets and break out area to serve Community First York who currently operate from an existing office within Tower House. It is of a simple design and with it being single storey, it is considered that it would harmoniously fit into the rural characteristics of the area.

IMPACT UPON NEIGHBOURING AMENITY

4.24 The building shall be served by windows, in all four elevations, however it would be positioned in excess of 21m away from Hilltop House, the nearest residential dwelling and would therefore not result in any increased overlooking to detriment of the occupiers of Hilltop. In addition, the applicant has included the erection of a timber fence along the shared boundary with Hilltop, to address their objections; the timber fence will help to alleviate any overlooking and reduce the visual impact upon the occupiers of Hilltop.

4.25 The applicants have specified that it will be a temporary building to accommodate the needs of an existing charity, Community First Yorkshire who operate from an office within the existing Tower House. The site is commercial in nature, with up to four businesses operating from Tower House. This office use is consistent with nearby neighbouring properties, in terms of comings and goings and operating hours.

PARKING AND ACCESS

4.26 Whilst a rural location, the site is particularly accessible by private car, off the A64 or from Askham Bryan. There is an existing bus stop located on Askham Fields Lane that provides public transport links between Askham Bryan College and the city. The existing access from Mill Lane into the car park serving Tower House offices would not be altered. The plans have been amended to indicate an additional four

new parking spaces accommodated within the site, which would cover the four new roles that the charity anticipate to recruit in the coming year. It is noted the Community First Yorkshire require access to London for undertaking work with government departments and surrounding rural communities, across north, south and west Yorkshire, with a small number of staff office-based and the majority hot desk and work at other locations, as their roles require. Furthermore, the provision of additional car parking within the site would address the concerns raised by the objectors regarding the parking of cars along Mill Lane; however this could also be attributed to students of Askham Bryan College. The increase in office floorspace is not considered to materially affect the level of traffic to the site.

4.27 Highways Network Management have suggested the blocking off an existing vehicular access from Askham Fields Lane; this access appears to be used irregularly, with the main access off Mill Lane to the rear. The Askham Fields Lane access would not provide a direct vehicular route to the new building without extensive hardstanding. It is not considered that there is a demonstrable highway safety issue for restricting this access in connection with the proposed office building, and a condition is unlikely to meet the 6 tests of a planning condition in this regard.

FLOOD RISK AND DRAINAGE

4.28 The site is located within flood zone 1 where there is a low risk of flooding. The application will enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off from the site if this is not effectively constrained. The application details that surface water is proposed to be drained into a soak-away. No objections have been raised from Yorkshire Water and the Ainsty Drainage Board, however concerns are raised from the Flood Risk Management Team in respect to this method of dealing with surface water run-off; however this can be dealt with by condition.

CONSIDERATION OF VERY SPECIAL CIRCUMSTANCES

4.29 The application details that the proposed office accommodation will be used solely by Community First Yorkshire. They currently rent part of the office space in Tower House and require additional meeting space to meet growth demands. They advise that on a more regular basis, they rent meeting rooms from another company in the complex, however this unsustainable practice in the long term, for both Community First Yorkshire and the other existing business.

4.30 Community First York are a regional charity working across North, South and West Yorkshire. Since 1937 they support voluntary and community groups in rural communities. They have a particularly focus upon finding solutions to rural connectivity (including transport and broadband), affordable housing, service for young and older people and tackling loneliness and isolation. They have been based in York for over 30 years, originally at Del Monte factory and now at Askham Bryan for

the last 10 years, which provides the advantage of access to transport links, not just to Yorkshire but to London when there is a need to work with governmental departments.

4.31 A letter from Community First Yorkshire's Chief Executive, Leah Swain makes a case for very special circumstances which is as follows:

4.32 The charity has undertaken steps to reconfigure the existing office space and working arrangements to accommodate the growth, however there is a need for additional meeting space to work together and to promote best business practice. The charity has seen an unprecedented growth; over the last 8 years staffing levels have increased from 11 to 36 staff members as well as a turnover of over £1 million.

4.33 Other locations have been looked into however larger alternative premises are limited and the majority of the space is located within the city centre, however as a Rural Community Council there is a need to be based in a rural location. Offices are significantly bigger and unaffordable.

4.34 If retaining an office base as Askham Bryan, rural office space in north Yorkshire would be the most affordable location and could potentially result in the loss of up to 10 members of staff who live in York and are unlikely to follow the Charity to alternative locations outside of the city that requires extensive travelling. The Charity is looking to recruit four new roles this year and if provision isn't made to retain the office in Askham Bryan, they would have to move to alternative premises outside of York.

4.35 The landlord and lease arrangements are understanding and supportive to the operation and changing fortunes of the Charity over the last 10 years.

ASSESSMENT OF THE APPLICANT'S CASE FOR VERY SPECIAL CIRCUMSTANCES

4.36 In terms of the above case that is relevant to this particular development, the applicant had demonstrated how the rural location and links with York is critical to maintaining the work of the charity across North, West and South Yorkshire. There is also emphasis upon retaining staff who reside in the city, and their ability to access the site. The additional meeting space with help to continue the charities current work and facilitate greater staff integration and best business practice for the benefit of the voluntary and community groups that Community First Yorkshire supports. The proposed facilities are specific to the business needs of Community First Yorkshire and are unlikely to set a precedent for other development within the Green Belt. These considerations are relevant and significant in weighing against the harm to the green belt and any other harm resulting from the proposal.

5.0 CONCLUSION

5.1 The application site is located within the general extent of the York Green Belt and serves a number of Green Belt purposes. As such it falls to be considered under paragraph 143 of the NPPF which states that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations. National planning policy dictates that substantial weight should be given to any harm to the Green Belt.

5.2 National planning policy (para. 145) states that the construction of new building in the Green Belt should be regarded as inappropriate unless it falls within one of the exceptions to this outlined in paragraph 145 b of the NPPF. The proposal does not fall within one of the exception categories and it fails to preserve the openness of the Green Belt and conflicts with the purposes of including land within the Green Belt, namely parts C of policy 134 of the NPPF (assisting in safeguarding the countryside from encroachment), contrary to paragraph 145b of the NPPF.

5.3 The proposal is considered to be acceptable on other relevant matters, such as design, impact upon highways, neighbouring residential amenity and drainage and floodrisk. Moderate weight is applied to these matters. Weighing up the planning balance, it is considered that the considerations set out in paragraphs 4.29-4.30, 4.32-4.35 and 4.36 would collectively clearly outweigh the harm to the Green Belt. No other harm has been identified and that the very special circumstances necessary to justify the proposed development exist.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

105 P01 Proposed Site Plan

110 P00 Proposed Floor Plan and Elevations

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

3 DRAIN1 Drainage details to be agreed

7.0 INFORMATIVES:

Application Reference Number: 19/00454/FUL

Item No: 4b

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 38) 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:

- Provided additional information in respect to very special circumstances
- undertook negotiation / discussions with objector's and revised plans

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