



## Planning History

1.4 There is extensive planning history relating to this site, which is summarised below;

18/02443/FUL - Erection of 1 no. microlight hangar - Permitted

17/01663/FUL - Erection of 2no. microlight hangars - Permitted

15/01305/FUL - Erection of 1no. microlight hanger - Permitted

14/01537/FUL - Erection of 3no. microlight hangars - Permitted

14/01536/FUL - Extension to existing hanger to provide office, classroom, club house facilities and viewing area – Permitted

98/01515/FUL- Change of use of land from airfield to motor cycle training area – Permitted

1.5 The application is presented to planning committee for determination as it represents inappropriate development in the Green Belt and is recommended for approval.

## 2.0 POLICY CONTEXT

### National Planning Policy Framework

2.1 The revised National Planning Policy Framework (NPPF) 2019 was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied.

2.2 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives.

### Publication Draft Local Plan 2018

2.3 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. 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).

## 2.4 Relevant Policies

EC5 Rural Economy

D1 Placemaking

D11 Extensions and Alterations to Existing Buildings

GB1 Development in the Green Belt

ENV2 Managing Environmental Quality

ENV3 Land Contamination

ENV5 Sustainable Drainage

### 2005 Development Control Local Plan

2.5 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 in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF albeit with very limited weight.

### Rufforth with Knapton Neighbourhood Plan (RwKNP)

2.6 The Rufforth with Knapton Neighbourhood Plan was made in December 2018 and forms part of the Development Plan for this part of York.

## 2.7 Relevant Policies

RwK01 Draft Green Belt

RwK09 Drainage

RwK10 Design

RwK16 Small Scale Commercial Enterprises

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Public Protection

3.1 Conditions recommended in terms of land contamination and electric vehicle charging.

#### EXTERNAL

##### Rufforth with Knapton Parish Council

3.2 The Rufforth with Knapton Neighbourhood Plan is the development plan for this area, Policy RwK16 applies. It states small scale commercial enterprises will be supported subject to certain criteria. This proposal does not meet the criteria set out in the following aspects:

“The proposed use should provide opportunities that meet local employment needs and be of a scale and type commensurate with a rural environment”.

3.3 See no additional employment created as a result of this proposal. Most importantly as a result of a number of piecemeal planning applications there is the creation of a mini industrial estate in this immediate area which is not commensurate with a rural environment or development within the Green Belt.

3.4 “There is no significant increase in air or noise pollution “Whilst there has been motor cycle training on the airfield for a number of years we are extremely concerned that the proposed development is in reality intended for the “ Yamaha Experience “ which is advertised on site and would result in very significant noise pollution.

### **4.0 REPRESENTATIONS**

4.1 The application has been advertised by neighbour notification. No responses were received.

### **5.0 APPRAISAL**

## 5.1 Main Issues

- impact on rural economy
- green belt
- design
- impact on amenity and living conditions of adjacent occupiers
- drainage
- very special circumstances

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for this part of York is the saved policies of the revoked Yorkshire and Humber Regional Spatial Strategy setting out the general extent of the York Green Belt and the Rufforth with Knapton Neighbourhood Plan("RwKNP").

## RURAL ECONOMY

5.3 Paragraph 83 of the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

5.4 Draft Policy EC5 states that York's rural economy will be sustained and diversified through supporting appropriate farm and rural diversification activity including office and leisure development.

5.5 Policy No. RwK 16 of the RwKNP provides support for the following small scale enterprises: agricultural development and the change of use of existing buildings for employment generating development (Classes B1/B2/B8). They will be supported subject to the following criteria:

- The proposed use should provide opportunities that meet local employment needs and be of a scale and type commensurate with a rural environment.
- There is no significant increase in air or noise pollution.
- There is no significant adverse impact of traffic movement, with regard to HGVs, or on road or pedestrian safety.
- Conversions are within the dimensions of the existing building and of a style sympathetic to existing buildings and the surrounding countryside.
- There are no significant adverse impacts on drainage.

- They respect the character of its surroundings and Green Belt location by way of its scale and design, is compatible with the surrounding landscape, and safeguards residential amenity and road safety.

5.6 Policy RwK16 carries full weight in the planning balance.

5.7 The proposal will support an existing well established business at the application site. The operator of the existing business currently operate at two sites, one outside of York at Tockwith and the application site at Rufforth. The proposal would allow the applicant to rationalise their existing operations on the one site and mean that vehicles will not have to be transported between the two sites. As such the proposal complies with paragraph 83 and draft policy EC5.

5.8 While the proposal is in partial conflict with RwK16 in that part of the proposal is a new building within the Green Belt, it is noted that the building is an employment use and the nature of the business could be reasonably described as small scale. Furthermore the building will be physically attached to the existing buildings and will appear as an extension to the existing cluster of buildings. The proposed uses are also in connection with an existing use on the site that has planning permission. As such the conflict with Policy RwK16 is considered to be limited.

## GREEN BELT

5.9 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para 144 goes onto to state 'substantial weight' should be given to any harm to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate unless they fall within certain exceptions (para 145). The exceptions are:

- 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;

5.10 Policy RwK1 of the Neighbourhood Plan states that in the Green Belt inappropriate development will not be supported except in very special circumstances. New buildings are regarded as inappropriate development and will not be supported other than in the circumstances identified in paragraph 89 of the National Planning Policy Framework (2012 NPPF paragraph superseded by para 145 of the 2019 NPPF).

5.11 Policy GB1 of the 2018 Draft Plan, to which limited weight should be applied, states that within the Green Belt permission will only be granted 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.

5.12 Policy GB1 states that all other forms of development within the Green Belt are considered inappropriate. Very special circumstances will be required to justify instances where this presumption against development should not apply.

5.13 The proposed building is acceptable in principle subject to it being a proportionate addition to the original building. The existing floor area of the building is 208 square metres and the proposed extension element is 94 square metres. As such the building will increase the size of the hanger by approximately 45% in floor area. The proposed storage and classrooms will be physically connected to the existing buildings. They are not extensions and therefore do not fall within any of the exceptions to green belt development listed in the NPPF. As such very special circumstances will be required to justify the inappropriate development in the green belt.

5.14 Paragraph 133 of the NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness has been found by the Courts to have both a visual and spatial sense. The proposal will result in a modest loss of openness to the Green Belt by virtue of the additional built form. However the impact is reduced due to the scale which is proportionate and in keeping with existing buildings in the immediate vicinity. The buildings will also be

connected to the existing development and will in effect round off an existing cluster of development at the side of the airfield.

5.15 Paragraph 134 of the NPPF sets out the five purposes of Green Belt and they 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 other urban land.

5.16 The main purposes of the York Green Belt are considered to be preserving the character of the historic city and its setting while also safeguarding the countryside from encroachment and checking unrestricted sprawl. Given the infill nature of the development the proposal is not considered to conflict with any of these purposes.

5.17 The proposed development will result in a limited loss of openness due its form as new buildings in the green belt and by resulting in a narrowing of the open view across the airfield from the existing hardstanding north of the proposed development.

## DESIGN

5.18 Section 12 of the NPPF which sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Para 127 states that planning decisions should ensure that:

- a) 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;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;



- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.19 Policy RwKNP10 states development should make a positive contribution to the street scene and add value to the distinctive character of the immediate vicinity. Any future commercial developments must retain the rural character of the villages and should be small in scale and complement existing density. The policy carries full weight.

5.20 Policy D1 of the 2018 Draft Plan states that proposals will be supported where they improve poor existing urban and natural environments. Proposals that cause damage to the character and quality of an area will be refused. Policy D11 of the 2018 Draft Plan states proposals to extend buildings will be supported where the design responds positively to its immediate architectural context and local character, in terms of the use of materials and detailing, scale, proportion and the space between buildings. Draft Policies D1 and D11 should be applied with moderate weight.

5.21 The proposed development will be in keeping with the existing scale of buildings on the site. Furthermore the form of the building with a low dual pitched roof is in keeping with the neighbouring buildings. The materials are appropriate and this can be secured by a planning condition. The buildings will be sited close to the existing complex of buildings related to the current uses at the air field. In design terms the proposal complies with national, local and neighbourhood policies.

## IMPACT ON NEIGHBOUR AMENITY

5.22 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Policies D1 and ENV2 of the 2018 Draft Plan consider amenity.

5.23 The proposed building is for storage and educational purposes in a rural location. While there is noise associated with the existing use, this is well established and will not alter as a result of the proposed development. No concerns have been raised by Environmental Health. The proposed development is not considered to result in an adverse impact to neighbour amenity.

## HIGHWAYS AND PARKING

5.24 Paragraphs 108, 109 of the NPPF provide guidance for the impact of proposals on highway safety and parking, as does Police T1 of the 2018 Draft Plan. The existing access is to be retained off Wetherby Road with parking available in front of the proposed buildings. Given the rural location this is appropriate and there are no concerns with regard to highway safety. A condition is recommended requiring details of cycle parking at the site.

## DRAINAGE

5.25 The site lies in flood zone 1. Surface water is to be drained by a soakaway which is in line with sustainable urban drainage guidance (SUDS). A condition will be imposed requiring the submission of surface water drainage details prior to development commencing.

## CONTAMINATED LAND

5.26 Given the current and historic land use for aviation purposes, the Council's Public Protection Officer has requested that conditions be imposed to consider land contamination and any necessary remediation required.

## SUSTAINABILITY

5.27 Policy CC1 of the 2018 Draft Plan states that new buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. This should be achieved through the provision of renewable and low carbon technologies in the locality of the development or through energy efficiency measures. Policy CC2 of the 2018 Draft Plan advises that non-residential buildings over 100 square metres in area meet BREAMM rating excellent. A condition is recommended to ensure that the proposed building meets the targets in the Draft Local Plan. A further condition is recommended with regard to the electric vehicle charging.

## VERY SPECIAL CIRCUMSTANCES

5.28 The proposed development is considered to constitute inappropriate development in the green belt due to the disproportionate scale of the extension to the existing building and the proposed storage and teaching not falling within the exceptions to inappropriate development in the Green Belt set out in the NPPF to the proposed use of . As such very special circumstances are required to clearly outweigh the harm identified to the green belt and also any other identified planning harms. Substantial weight is to be given to the harm to the green belt. The agent on behalf of the applicant has put forward the following factors to demonstrate that very special circumstances exist:

1. Reducing the overall environmental impact and carbon footprint of the business both for employees and pupils.
2. The incorporation of a classroom is de minimis, within a building which will not detract from the openness of the green belt as it is within a significant group of buildings.
3. This use is also considered to be de minimis in the context of the other significant operations in this locality.
4. The fundamental aim of the Green Belt is to prevent urban sprawl. This proposal is not creating urban sprawl.
5. The facilities are appropriate in connection with the existing use of the land.
6. The nearest and only public vista point of the building is over 450m away and as the building is within the significant group of existing buildings, it would be hard to pin point it and that it had a visual impact on the openness of the Green Belt.
7. The building is to be located on previously/currently developed land – an operating airfield.
8. The building could be considered as limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt.
9. The proposal would allow the retention and growth of this local business and due to the enhancement of the driving skills of pupils have a wider benefit.
10. The proposal does not impact on the historic setting of York.

5.29 The case put forward raises a number of points and not all of these are considered particularly relevant for this proposal. However it is recognised that there will be a clear environmental and logistical benefit to the operation from rationalising

the current operations by reducing journeys between the application site and the existing store location. The site already benefits from permission for motorcycle training and it is not unreasonable for ancillary uses such as a classroom to be at the same site.

5.30 As previously set out, the proposal is physically close to the existing collection of buildings in this part of the airfield and will not appear incongruous. There is harm to the green belt due to inappropriateness. The impact on green belt openness is considered to be limited. There is considered to be conflict with the green belt and small scale commercial enterprise policy of the RwKNP. However, whilst substantial weight is attached to the harm to the green belt, as previously noted the harm to the openness of the green belt is limited and the conflict with the Neighbourhood Plan is limited. There are no other identified harms that cannot be mitigated. It is considered that the other considerations identified in [the above paragraph] are sufficient to clearly outweigh the harms identified and that consequently the requirement for very special circumstances is met.

## **6.0 CONCLUSION**

6.1 The proposal represents inappropriate development in the green belt and does conflict to a limited extent with Neighbourhood Plan policy RwK11. However, the proposal does not conflict with the purposes of including the application land in the green belt and only results in a limited loss of openness. The proposal is satisfactory subject to conditions with regard to matters such as contaminated land, drainage and climate change mitigation. The other considerations identified in this case clearly outweigh the harms identified and therefore very special circumstances have been demonstrated to justify the proposal. Approval subject to the following conditions is recommended.

## **7.0 RECOMMENDATION: Approve**

1 TIME2 Development start within three years

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

16364/02  
16364/03  
16364/04

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

3 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

4 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

(ii) an assessment of the potential risks to:

o human health,

o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

o adjoining land,

o groundwaters and surface waters,

o ecological systems,

o archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management

procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## 6 VISQ1 Matching materials

7 The development hereby approved shall be constructed to a BREEAM standard of at 'Excellent'. A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority within 12 months of first use of the building (unless otherwise agreed in writing with the local planning authority).

Reason: In the interests of achieving a sustainable development in accordance with the requirements of Policy CC2 of the 2018 Publication Draft Local Plan and the NPPF.

## **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 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:

Agreeing pre-commencement conditions

Requesting further information for very special circumstances

#### 2. INFORMATIVE

##### Drainage Design

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration

tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to except surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha or if shall be used for the above. For the smaller developments where the Greenfield run-off rate is less than 1.4 l/sec/ha and becomes impractical and unsustainable then a lowest rate of 2 l/sec shall be used.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Details of the future management and maintenance of the proposed drainage scheme shall be provided.

**Contact details:**

**Case Officer:** Tim Goodall  
**Tel No:** 01904 551103