



## Notice of a public meeting of

### Planning Committee

- To:** Councillors Reid (Chair), Derbyshire (Vice-Chair), Ayre, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Richardson, Shepherd, Warters and Mercer
- Date:** Wednesday 12 July 2017
- Time:** 4.30pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

### AGENDA

Would Members please note that the mini-bus for the site visits for this meeting will depart from Memorial Gardens at **10:00am on Tuesday 11 July 2017.**

#### 1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

#### 2. **Minutes** (Pages 3 - 26)

To approve and sign the minutes of the last meeting of the Planning Committee held on 15 June 2017.

### 3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5:00pm on Tuesday 11 July 2017**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the Committee.

To register, please contact the Democracy Officer responsible for the meeting on the details at the foot of this agenda.

#### **Filming or Recording Meetings**

Please note this meeting will be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting e.g. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at [http://www.york.gov.uk/download/downloads/id/11406/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)

### 4. **Plans List**

This item invites Members to determine the following planning applications:

#### **a) Totalisator Board, York Racecourse, Racecourse Road, Knavesmire, York (17/00655/FULM) (Pages 27 - 56)**

Works to York Racecourse Enclosure including repair and reconstruction of Clock Tower and Linear wings to provide upgraded toilet facilities; removal of existing canopy structure; installation of two canopies to provide bar, lift and totes facilities as well as new footpaths.

[Micklegate Ward] [Site Visit]

**b) Totalisator Board, York Racecourse, Racecourse Road, Knavesmire, York (17/00656/LBC) (Pages 57 - 74)**

Works to York Racecourse Enclosure including repair and reconstruction of Clock Tower and Linear wings to provide upgraded toilet facilities; removal of existing canopy structure and installation of two canopies to provide bar, lift and totes facilities. [Micklegate Ward] [Site Visit]

**5. Appeals Performance and Decision Summaries (Pages 75 - 90)**

This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 January and 31 March 2017 as well as provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at the date of writing is also included.

**6. Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer

Bartek Wytrzyaszczewski

Contact details:

- Telephone: 01904 552514
- Email: [Bartek.Wytrzyaszczewski@york.gov.uk](mailto:Bartek.Wytrzyaszczewski@york.gov.uk)

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

**我們也用您們的語言提供這個信息 (Cantonese)**

**এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)**

**Ta informacja może być dostarczona w twoim  
własnym języku. (Polish)**

**Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)**

**یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)**

** (01904) 551550**

**PLANNING COMMITTEE****SITE VISITS****Tuesday 11 July 2017**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10:00	Minibus leaves Memorial Gardens	
10:15	Racecourse, Knavesmire Road	4a, 4b

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City of York Council

Committee Minutes

Meeting	Planning Committee
Date	15 June 2017
Present	Councillors Reid (Chair), Derbyshire (Vice-Chair), Ayre, Cuthbertson, D'Agorne, Dew, Doughty (for minute no 6 only), Funnell (for minute no 6 only), Galvin, Looker, Richardson, Shepherd, Warters and Mercer and Hunter (as a substitute for Cllr Cullwick)
Apologies	Councillors Cullwick
In attendance	Cllr Pavlovic

## 1. Site Visits

Application	Reason	In attendance
Cocoa Works and Memorial Library, Haxby Road	As the officer recommendation was for approval and objections had been received.	Councillors Cuthbertson, Dew, Galvin, Reid and Richardson
Holly Tree Farm, Murton Way	To allow Members to familiarise themselves with the site which is located in the Green Belt.	Councillors Cuthbertson, Dew, Galvin, Reid and Richardson
Smith Brothers Ltd, Osbaldwick Link Road	As the officer recommendation was for approval and objections had been received.	Councillors Cuthbertson, Dew, Galvin, Reid and Richardson
Land north of Unit 8 Derwent Valley Industrial Estate	To allow Members to familiarise themselves with the site.	Councillors Dew, Galvin, Reid and Richardson.

## 2. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may

have in respect of business on the agenda. None were declared.

**3. Minutes**

Resolved: That the minutes of the last two meetings of the committee, held on 20 April and 11 May 2017 be approved and then signed by the Chair as correct records.

**4. Public Participation**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

**5. Plans List**

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

**6. York St John University Playing Fields, Windmill Lane, York (16/02358/OUTM)**

Members considered a major outline application by York St John University for residential development (circa 70 dwellings) with associated access and demolition of existing buildings.

In response to a late objection, officers provided clarification on a number of points as follows:

- the site was not located within the extent of draft Green Belt as per the 2005 Proposal maps accompanying the Local Plan;
- Haxby Road, containing 2 artificial pitches, 5 grass football pitches, 2 rugby pitches and 3 junior pitches along with netball courts, sports hall and changing facilities was an adequate replacement of existing sports provision;



- there was no need for another outdoors sports contribution arising from the new development;
- refusal of planning permission on grounds of prematurity would seldom be justified where a draft Local Plan had yet to be submitted for examination.

Officers also advised that the last sentence in paragraph 4.44 of the report should be deleted and that the retention and management of The Green was to be secured by the S106 agreement.

Following Members' questions, officers clarified that:

- the community (public) access to this privately owned site was limited to 16 hours per week. This could happen on private land in order to replicate the sport function of this land. The land was available to be booked by sports clubs on the open access basis.
- the Community Access Committee had not met over the past two years because community access at Haxby Road had been provided. There was anecdotal evidence that schools and local charities applied for access at Haxby Road and CYC made recommendations where else to apply if there was no access due to overbooking / sites not being playable.
- they had not been aware of any complaints on noise from local residents;
- the proposed highway development (Paragraph 4.46) would be an adopted road;
- the Arboricultural Method Statements (AMS) were enforced by the Planning Authority.

Three speakers representing Save Windmill Lane Playing Fields delivered their speeches at that point.

Chris Wedgwood spoke in objection to the proposal, highlighting his concerns about inappropriate development within the outer boundary of the Green Belt (and potential disputes as to whether the site is within the Green Belt or not) should the application be approved, providing an example of Heslington Village Design Statement (supplementary planning guidance that was part of the Local Plan at that time) specifically saying that the village must be permanently open to protect its character. Mr Wedgwood then explained that the Regional Development Plan formed a basis for him to consider the outer

boundary of Green Belt to be within six miles outside of York (within the site location).

Adrian Fayter also spoke in objection to the proposal, emphasising health and wellbeing matters such as child obesity and need for green space as the main reasons for the objection. He also clarified that there had not been any barriers in relation to general use of the fields over the past seventeen years and there was no reason to think that this would cease should the application be refused; this could also be an opportunity for York St John to revisit their work and partnership with City of York Council and educational providers.

Andrew Payne then spoke, also in objection to the proposal. He pointed out that over 1300 people had signed a petition to preserve their fields and numerous objections from local spokespeople, including the MP for York Central, had been received. He added that the University of York confirmed their willingness to purchase the land due to their maximum capacity; he also commented on the overall lack of playing facilities in York, particularly during the winter months. He supported his analysis with excerpts from the Local Plan relating to prohibition of combatting deficiency and encouraging diversity of nature available for public use. He added that eight people/organisations applied to use the fields in the past/confirmed their interests in using them but they were not available.

Janet O'Neill, the agent for applicant, spoke in support of the proposal. She asked Members to note the following:

- 55% of the site, including the boundary trees and open space would be preserved;
- three pitches would be maintained for University games and tournaments, one of which would be available for community teams;
- the University could not maintain three pitches for public use due to its charitable status;
- the University invested £9.5m in the Sports Hub and complied with the S106 agreements;
- there was no evidence that the site's maintenance costs (£60k p.a.) could be funded by local authority;
- the site was surrounded by development from all sides and, therefore, did not fulfil the Green Belt definition;

- previous appeals in relation to new housing development had been unsuccessful.

She then explained that the University decided to purchase Nestle playfields due to its convenience for students and affordability and that the 16 hours' community usage was classified as minor use. She also confirmed that obtaining alternative land value for housing would be more expensive as the playing fields were bought under the agricultural land purchase. The University agreed to the community use of 66 hours per week. The number of pitches on Haxby Road increased from three to fifteen. It was clarified that whoever bought the site would be responsible for issues relating to drainage and preserving the 55% of the land.

Cllr Pavlovic spoke in his capacity as a ward councillor. He highlighted prematurity and procedural impropriety should the approval for the application be granted before a Local Plan was submitted to the Secretary of State and questioned how the community use would be achieved given that anecdotal evidence suggested that Haxby Road was currently at near capacity. It was explained at this point that the Officer's update suggested that the "Local Plan Designation" was not appropriate for most green areas or open space and should not be used as a tool to prevent development.

Members requested the following amendments to the proposed conditions should the application be approved:

- that the wording of condition 15 (Construction Environmental Management Plan) be amended to state that "measure **shall** include" rather than "measure may include.... "
- that Condition 20 (landscaping scheme) be amended to refer to the lifetime of the development in relation to replacement of trees or plants rather than the 10 years currently stated (and the associated informative 4 be amended accordingly).
- that Informative 6 (Construction Environmental Management Plan) be amended to include the City of York Council enforcement number for contact.

Members discussed the proposal and acknowledged the emotional aspects of the case, noting however that relatively few planning or legal factors had been considered by previous speakers and their arguments had been generally weak. It was

noted, however, that the issues related to community use prevailed and more attention should be given toward the suitability of the new location. Members also commented that:

- the city had a large demand for housing and there were currently no alternatives if adequate provision was to be secured;
- York St John's primary objective was to look after its students and community aspect was of secondary nature;
- the loss of fields would result in fewer sporting facilities being accessible, particularly during the winter period, due to lack of suitable locations placed nearby;
- the 55-minutes-long distance to the replacement facilities could encourage car use, increase noise and decrease air quality;
- if the application was refused, the appeal was likely to be unsuccessful as there were no legal or planning grounds to refuse it;
- Sport England supported the application should the community access be granted.

It was acknowledged that the University had made every effort to cater for its students and had gone beyond its duty to support local residents in order to use the facilities.

Resolved:

That the application be REFERRED to the Secretary of State, and provided that the application is not called in for their own determination, on completion of s S106 legal agreement to secure:

Trees :- Access and management plan for future maintenance of the tree belt that bounds the site with Hull Road and Windmill Lane

- Open space: –
  - a) Community use agreement for the University's facilities at the applicant's Haxby Road site
  - b) On-site children's play area
- Highways: –
  - a) Provision of 2x real time (BLISS) displays at the adjacent inbound/outbound bus stops (£10k each – total contribution £20k) and
  - b) The choice to first occupiers of either bus travel (in the form of a carnet of day tickets) or cycle/cycle

accessories. Such contribution to be £200 per first occupier.

- Affordable Housing: – on site provision of 30%
- Education: - Financial contribution of £215,935 towards:
  - a) three additional places at Badger Hill Primary School
  - b) eight spaces at Archbishop Holgate's CE Secondary School
  - c) eight pre-school places.

And that DELEGATED authority be given to the Assistant Director Planning and Public Protection to APPROVE the application subject to the conditions listed in the report and the following amended conditions and informatives:

#### Amended Condition 15

No development shall take place until a Construction Environmental Management Plan (CEMP), to outline measures to minimise emissions to air and restrict them to within the site boundary during the construction phases has been submitted to and approved in writing by the local planning authority.

*Measures **shall** include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust.* The plan should also provide detail on the management and control processes including the hours of construction. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>

Reason: to safeguard the amenities of the existing residential occupiers and those as they move onto the site.

#### Amended Condition 20

The first reserved matters application shall include a detailed landscape scheme showing both soft and hard landscape proposals that shall include the following information: the species, stock size, density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate and mowing

regimes where applicable; types and heights of boundary treatment such as fencing, railing, hedging; paving materials; street furniture; layout of equipped areas of play. The trees alongside the existing access road shall be retained or replaced with a suitable species in the same or similar location and incorporated in to the proposed landscape scheme. The boundaries of ownership and responsibilities for landscape maintenance following completion, sales and/or hand over should be clear from the landscape scheme. The scheme will also include details of ground preparation. This scheme shall be implemented within a period of six months of the practical completion of the development. *Any trees or plants which, during the lifetime of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.* This also applies to any existing trees that are shown to be retained within the approved landscape scheme. Any works to existing trees that are protected by a tree preservation order (TPO) or are in a conservation area, are subject to local authority approval and notification respectively within and beyond this ten year period.

Reason:

The landscape proposals are integral to the function, character and amenity of a development; and as such are an essential component when giving the detailed development proposals due consideration, since the landscape scheme is integral to the amenity of the development.

Amended Informative 4

To allow the local authority to monitor the planting within the *lifetime* of the development

Amended Informative 6

Construction Environmental Management Plan should include City of York Council enforcement number for contact.

Reason:

The application site could appropriately provide up to 70 dwellings in a highly sustainable and accessible location. The scheme would not lead to unacceptable levels of traffic generation, affordable house would be provided in line with Council policy, as would financial contributions towards education and sports provision, which would be secured through

a S106 agreement. Amenity space and an equipped children's play area would be provided on site and access would be retained to the belts of mature trees which bound the site.

Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The scheme would result in some harm due to the loss of the sports pitches within this location. It is concluded that this is outweighed by the application's benefits of providing housing in a sustainable location within defined settlement limits and with good access to public and sustainable transport links and services. This is in line with the NPPF which seeks to boost, significantly, the supply of housing and to deliver a wide choice of high quality homes.

**7. The Cocoa Works, Haxby Road, York (17/00284/FULM)**

Members considered a major full application by York 123 Ltd for the conversion and extension of the former Almond and Cream blocks to form 258 apartments, the demolition of buildings to the rear of the Joseph Rowntree Library and rear extension to accommodate concierge and community room, as well as erection of convenience store with associated access, car parking, cycle stores and landscaping.

Officers advised that progress had been made in relation to negotiations on the S106 agreement to secure affordable housing, open space, education and sustainable transport measures and provide an update on this. They advised that it was considered that the children's onsite play facility, which was proposed as a condition in the written update, would be better secured through the S106 agreement instead.

Officers explained that an anonymous written representation in objection to the proposal had been circulated to Members; this raised concerns about affordable housing need in the city, air quality issues, highway safety, heritage assets and the composition uses.

A further objection from Mr David Merrett had been received and this included concerns about location of the new pedestrian

crossing near the roundabout, potential loss of cycle lane and inadequate provision for cyclists.

It was also advised that the Conservation Areas Advisory Panel welcomed the removal of the additional floor and changes to the window detailing and, with regard to listed building consent, had no objection to any of the proposed alterations.

In response to Members' questions, officers explained that:

- the concept of the Environmental Management Plan was to encourage developers to be pro-active in preventing potential complaints; this did not preclude the complainant from alerting Local Authority if the complaint was not resolved;
- The Condition 16 (Landscaping) was for lifetime by default;
- the replacement windows would be double-glazed.

Gregory House, a local resident, spoke in objection to the proposal, highlighting the need for holistic development and strategic plans to be put into place. He explained that the current state provided houses, medical facilities and catering for community needs which would not be the case should the application be approved. He also raised issues of traffic, pollution and the location of Haxby Primary School as arguments supporting his objection.

Janet O'Neill then spoke in her capacity as the agent for the applicant, pointing out that:

- the site had been neglected for nearly ten years;
- the heritage assets would be preserved;
- the needs of existing and future residents would be met by facilities such as convenience store;
- it was critical for developers to obtain planning permission now in order that work can start on the new access road for Nestle as per the applicant's contractual obligations;
- the play provision area would be accommodated;
- the connection of the cycle route to Sustrans was out of the applicant's control and would result with a large amount of trees being removed.

Officers then responded to Mr Dave Merrett's written representation, reassuring Members that the road safety conditions were met, particularly near the roundabout area



where pedestrian refuges and access points would be provided. Many Members challenged the current traffic circumstances at Haxby Road, focusing on bus and cycle use, pedestrians as well as staff working on the site, highlighting traffic competition and not enough of road space. Members agreed that, overall, the new provision would be accessible for the city centre users and that the development would greatly improve the condition of the site although some Members queried how many of the units would be occupied by people living and working in the city.

Resolved:

That, on completion of a S106 legal agreement to secure affordable housing, open space, education and sustainable transport measures as follows:

- Affordable housing (5 dwellings on site or commuted sum in lieu towards off site provision in accord with Council policy)
- Off site sport - £106,074;
- On site children's play facility
- Off site children's play - £57,334;
- 28 pre-school places and 7 secondary school places (£287,382)
- Traffic Regulation Order (£5,000);
- Sustainable travel – £200 per dwelling to be used towards car club, cycle equipment or bus travel.

And that DELEGATED authority be given to the Assistant Director, Planning and Public Protection to APPROVE the application subject to the conditions listed in the report.

Reason:

The proposals re-develop a previously developed site, finding new uses for vacant buildings in the conservation area. The re-development will enhance the character and appearance of the conservation area, and not harm the historic and architectural importance of the listed library and provided needed housing. Conditions are necessary to ensure the site is fit for its proposed use, the required highway works be carried out, sustainable travel measures are implemented, and adequate landscaping undertaken.

**8. Joseph Rowntree Memorial Library, Haxby Road, York, YO31 8XY (17/00285/LBC)**

Members considered an application for listed building consent by York 123 Ltd for the demolition of buildings to the rear and erection of a rear extension to accommodate the concierge, community and cycle store.

This report linked directly to the plans item 4b (application ref 17/00284/FULM) which had already been discussed during the meeting.

Resolved:

That the application be approved subject to the conditions listed in the report.

Reason:

The scheme leads to the loss of C20 buildings which are not prominent in public views and have a neutral value to the library and its setting. The scheme would bring the library back into a communal use and introduce a building which by virtue of its single storey scale, proposed shape and harmonious materials would improve the setting. There would be no harm to the historic and architectural importance of the library.

Proposals are in accordance with the NPPF policies on conserving and enhancing the historic environment, in particular paragraph 126 (referred to in 4.2) by virtue of putting the listed building into a viable use consistent with its conservation, which will provide an amenity for residents. The re-development scheme will make a positive contribution to local character and distinctiveness.

**9. The Cocoa Works, Haxby Road, York, YO31 8TA (16/02815/FUL)**

Members considered a full application by York 123 Ltd for the construction of an access road into the site from Haxby road (on the north side of the buildings) with associated landscaping and highway works. Some of the issues related to this item had

already been discussed during consideration of item 4b (application ref 17/00284/FULM).

Gregory House, a local resident, spoke in objection to the proposal, stating that the current proposal would lead to greater congestion and risk to pedestrians in the surrounding area. He also described potential solutions that could pre-empt these issues, including seeking permission for additional crossroads to be installed in the area.

Janet O'Neill also spoke, in support of the proposal, explaining that the application had been put forward separately to item 4b due to its urgency as per the obligations with Nestle who agreed to the application if a separate entrance to the factory was provided and highlighting that all the changes requested by the Officers as part of the application had been undertaken. She advised that that the royal oak tree (which had been planted as a memorial) which would be removed should the application be approved could be replaced as part of the landscaping scheme.

Members discussed the proposal, acknowledging the traffic issues which had been raised in relation to the detail of the junction. Some Members suggested deferring the application in order for the applicants to explore with Nestle the possibility routing the access road to connect directly with the nearby roundabout .

Resolved:

That the application be approved subject to the conditions listed in the report.

Reason:

The road access and associated changes in the highway are necessary to facilitate re-development of a considerable previously developed site in the urban area which has been identified by the Council to assist in meeting housing need. Re-development is desirable; consistent with the following core principles within the NPPF -

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Whilst this would lead to the loss of trees which have amenity value, these would be replaced and overall the former industrial site would see an increase in tree cover and an enhancement to the character and appearance of the conservation area.

The works would not have an adverse effect on highway safety in this respect and nor would there be undue conflict with the NPPF which states developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones.

**10. Hall Farm, Strensall Road, York, YO32 9SW (16/02886/FUL)**

Members considered a full application by Mr Andrew Thompson for the change of use of agricultural buildings to livery stables and caravan touring pitches including refreshment and toilet block. This application had been deferred by the committee at their meetings on 23 March and 20 April 2017 in order to allow the applicant to provide further supporting information on the operation of the proposed business and its financial circumstances in order to justify very special circumstances. It was noted that paragraphs 4.25 and 4.27 of the report included this updated information.

Eamonn Keogh spoke in support of the application in his capacity as the agent for the applicant, emphasising that it was the decision makers' responsibility to consider whether the very special circumstances in relation to the question of the Green Belt applied. He advised Members that the openness of the Green Belt would be improved should the application be approved and that the caravan site would be closed between November and March.

Members proceeded to further discuss the application, questioning whether pig odour or the development's positive impact on visual qualities merited the special circumstances definition and whether there were any special economic reasons giving the reason for approval. Some Members referred to other applications where very special circumstances had been

demonstrated despite the overall bigger impact in the area. It was also noted that, if the application was approved based on circumstances put forward by the Applicants in this case, the Committee could face potential challenges from other applicants in the future.

Some Members felt that the proposed caravan park was small in scale and was not likely to compromise the Green Belt and that it was only a minor part of the application, provided a different business opportunity for the applicant and a recreational opportunity for those who wanted to enjoy it. Other Members, while acknowledging the case for the livery stables, did not feel that very special circumstances had been proven in respect of the caravans.

Resolved:

That the application be refused.

Reason:

It is considered that the proposed touring caravan pitches constitute inappropriate development in the Green Belt as set out in Section 9 of the National Planning Policy Framework. As such, the proposal results in harm to the Green Belt, by definition, and harms the openness of the Green Belt and conflicts with the purposes of including land within it by failing to safeguard the countryside from encroachment. Additional harm has also been identified as a result of the impact of the introduction of touring caravans in to an otherwise rural landscape. The circumstances put forward by the applicant do not clearly outweigh this harm and do not amount to very special circumstances for the purposes of the NPPF. The proposal is, therefore, considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land'.

**11. Holly Tree Farm, Murton Way, York YO19 5UN  
(17/00846/FUL)**

Members considered a full application by Mr Peter Mandy for the construction of a realigned and widened access road and bridge (retrospective) to serve the approved log cabins and fishing lake adjacent to the property.

Officers provided an update, stating that since the committee report had been written, consultation responses from the Environment Agency and Strategic Flood Risk Management had not been received. It was, therefore, recommended that the second reason for refusal in respect of flood risk be withdrawn.

Mark Stothard spoke in support of the proposal in his capacity as the agent for the applicant and asked Members to note the following:

- the reason for refusal on grounds of the green belt development was contrary to the previous planning approval for the bridge;
- the bridge was designed to the minimum size possible in order to cross the brook.
- The bridge has been constructed to the same detail and size of the previous approved drawing.

Members noted that the bridge was wider than the approved permission allowed and discussed whether there were grounds for refusal given the minimal impact of development in the area. They acknowledged however that the site was in the Green Belt and that very special circumstances for development in the Green Belt would need to be shown for it to be approved. Most Members felt that, in the absence of any very special circumstances, that the application should be refused.

Resolved:

That the application be refused.

Reason:

The proposal constitutes an engineering operation. Due to its scale, design and palette of materials it gives rise to substantial harm to the openness of the Green Belt and as such is inappropriate development contrary to paragraph 90 of the NPPF. No other considerations have been put forward by the Applicant that would clearly outweigh the harm to the Green Belt and therefore in the absence of any very special circumstances the proposal is therefore contrary to Section 9 of the National Planning Policy Framework and policy YH9 of the Yorkshire and Humber Plan and also conflict with Draft Development Control Local Plan (2005) policy GB1: Development in the Green Belt.

**12. Land to the North of Unit 8 Derwent Valley Industrial Estate, Dunnington, York (17/00272/FULM)**

Members considered a major full application by Ness Hall Ltd for the erection of a building for storage and distribution (use class B8).

Members acknowledged that although the proposed building was 6m higher than surrounding buildings, it was difficult to predict if it would be seen from a distance although it was likely that the roof would be seen from some parts of the area. A dark colour would be used on the roof rather than a light colour to reduce visibility.

Resolved:

That the application be approved subject to the conditions listed in the report.

Reason:

It is considered that the proposed development will be located in an appropriate location within an existing industrial estate. Furthermore, it accords with a core principle of the National Planning Policy Framework (NPPF) to 'positively drive and support sustainable economic development'. It is not considered that the development will result in a significant adverse impact on residential amenity which can also be protected by imposition of a condition restricting access to the site from the alternative. Accordingly, it is considered that the development complies with the principles of the NPPF and those draft Local Plan policies that are consistent with the NPPF, in particular policies E3B and GP1. The requirements of policy GP15a and GP6 can be addressed by conditions.

It is not considered that there are any material considerations that would outweigh the general support for economic development.

13. **Askham Bryan College, Askham Fields Lane, Askham Bryan, York, YO23 3PR (17/00620/FULM)**

Members considered a major full application by Askham Bryan College for the erection of a silage clamp and silos (retrospective application) within the existing farm unit located to the west of the campus on the brow of the hill.

Officers provided an update to the report, highlighting that the Flood Risk Management Team had no objections to the development. They also proposed an amendment to Condition 1 to include the revised site plan as well as additional conditions to cover surface water drainage and landscaping. Members discussed the reasons why the silage clamps needed to be formally approved by the Committee.

Resolved:

That the application be REFERRED to the Secretary of State and, provided that the application is not called in for their own determination, DELEGATED authority be given to the Assistant Director for Planning and Public Protection to APPROVE the application subject to the conditions listed in the report as well as the amended and additional conditions below:

Amended Condition 1

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

- Drawing Number (05)20 Revision A ' Farm Area: Proposed Silage Clamp' received 15 March 2017;
- Drawing Number LL01 Revision F 'Landscape Proposal' received 25 April 20147;
- Drawing Number (05) 01 'Location Plan' received 15 March 2017
- **Drawing Number (05)25 Revision A 'Proposed Site Block Plan' received 12 June 2017;**

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



Additional condition: Surface Water Drainage

The surface water drainage scheme for the development hereby approved shall be in accordance with Flood Risk Assessment and Drainage Statement (by Dossier Mason Clark Associates received 15 March 2017) and the Surface Water Drainage Design Proposals and Calculations, job number 12905 (by Dossier Mason Clark Associates received 15 March 2017).

Reason: So that the Local Planning Authority may be satisfied that there is proper and sustainable drainage of the site

Additional condition: Landscaping

The approved landscaping scheme (Drawing Number LL01 Revision F received 25 April 2017') shall be implemented within a period of six months of the granting of this planning permission. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area. To ensure that the screening of the silage clamp is undertaken.

Reason:

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 87 of the NPPF which states 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.

In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green Belt when one of the most important attributes of Green Belts are their openness and that the proposal would undermine 2 of the five Green Belt

purposes. Substantial weight is attached to the harm that the proposal would cause to the Green Belt. The harm to the Green Belt is added to by the harm to the visual character and amenity identified in this report.

The proposed development is considered to constitute inappropriate development within the Green Belt, and by virtue of the scale and siting of the proposed development would impact and cause harm to the openness and visual amenity of the Green Belt. The proposed development is required for the college to expand and compete, and improve existing courses, this is supported by local and national planning policy. The proposed development is agricultural in function and appearance and would be required in proximity to the current campus and cannot reasonable be sited elsewhere. The proposed silage clamp is in the same position and a similar scale to that approved in planning permission 13/02946/FULM. The principle of a slightly larger silage clamp in this location has been agreed in planning permission 13/02946/FULM. As such, even when substantial weight is given to the harm to the Green Belt, it is considered that very special circumstances exist that clearly outweigh the harm to the Green Belt and any other harm.

Approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 and the application not being called in by the Secretary of State for determination. The application is required to be referred to the Secretary of State as the development is considered to be inappropriate development in the Green Belt, and the proposed building would create floor space (1319.8 sq.m) which is in excess of the of the 1000 sq.m floor space threshold set out in the Direction.

**14. Smith Brothers Ltd, Osbaldwick Link Road, Osbaldwick, York, YO10 3JA (17/00791/FUL)**

Members considered a full application by Selco Trade Centres Ltd for the use of premises as a trade only building supplies warehouse (use class B8) with associated external alterations to external elevations as well as erection of 3m high palisade fencing and gates and 5m high external storage racking.

Officers provided an update, advising that Condition 8 should be amended slightly to add clarity on delivery times. They also proposed that the colour of fencing and external racking be controlled by a new condition.

Members noted that the proposed hours were greater than the current operating hours for the site's current use which was a concern of some residents, but acknowledged that these were standard hours for builders' merchants.

The question of retaining the existing hedge along the highway frontage was also discussed and it was suggested that a condition be added to ensure that the hedge was maintained at a reasonable height. With regard to lighting and noise levels, Members were advised that the change in noise levels would be minimal and that the lighting was considered appropriate and should not have any impact on the surrounding area.

Resolved:

That the application be approved, subject to the conditions listed in the report as well as the amended and additional conditions as follows:

Amended Condition 8

No deliveries (other than those agreed in writing with the Local Planning Authority) shall be taken at or despatched from the site outside the following hours:

- Monday - Saturday 07:00 to 20:00
- Saturdays 07:30 to 20:00
- Sundays and bank holidays and public holidays 10:00 to 16:00

Reason: To Protect the amenity of nearby premises.

Additional Condition 15

Notwithstanding any proposed colours specified on the approved

drawings or in the application form, details of the colour of the palisade fencing and external racking shall be submitted to and approved in writing by the Local Planning Authority prior to its erection. The development shall be carried out using the approved colour and notwithstanding the provisions of the Town and

Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), shall be retained as approved.

Reason: To ensure that the colour of tall fencing and racking erected adjacent to landscaped areas bounding the site is not obtrusive.

Additional Condition 16

A hedge on the front boundary of the site shall be retained along minimum height of 2.2m. If any hedge or replacement hedges along the front boundary die, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with a new hedge of a similar size and species, that shall be retained at a minimum height of 2.2m.

Reason: To protect the semi-rural character of the street and help to screen the outdoor storage.

Additional Condition 17

Before the commencement of and during building operations, adequate measures shall be taken to protect the existing hedgerow along the front boundary of the site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

Reason:

The proposed use makes efficient use of the existing building and site. It is considered the key consideration is whether the proposal will cause undue noise and therefore detract from the living conditions of homes located to the west of Osbaldwick link Road. It is considered that subject to the suggested conditions, particularly, those relating to operating hours and a noise management plan the proposal is acceptable.

**15. 2 College Road, Copmanthorpe, York, YO23 3US  
(17/00731/FUL)**

Members considered a full application by Mrs Jane Keely for the erection of a single storey flat roof side and rear extensions, pitched roof front porch and alternations to front dormers.

Members welcomed the informative in relation to avoiding damage to the highway grass verge.

Resolved:

That the application be approved subject to the conditions listed in the report.

Reason:

The proposals are considered to comply with the NPPF, DCLP Policies H7 and GP1, Supplementary Planning Guidance – House Extensions and Alterations (Approved 2012) and Copmanthorpe Village Design Statement.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 8.40 pm].

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**COMMITTEE REPORT**

**Date:** 12 July 2017                      **Ward:** Micklegate  
**Team:** Major and                      **Parish:** Micklegate Planning  
Commercial Team                      Panel

**Reference:** 17/00655/FULM  
**Application at:** Totalisator Board York Racecourse Racecourse Road  
Knavesmire York  
**For:** Works to York Racecourse Enclosure including repair and  
reconstruction of Clock Tower and Linear wings to provide  
upgraded toilet facilities, removal of existing canopy  
structure, installation of 2no. canopies to provide bar, lift and  
totes facilities and new footpaths  
**By:** York Racecourse  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 21 July 2017  
**Recommendation:** Approve

**1.0 PROPOSAL****THE SITE**

1.1 York Racecourse is located to the north-east end of the Knavesmire, to the south of the city centre. The application site comprises the Course Enclosure (also known as the 'Family Enclosure'; the most informal spectator area) which is to the west of the large Grandstands and the finishing straight. It includes the Indicator board/clock tower (the "Totalisator") which was erected in 1922 and designed by the architects Brierley and Rutherford (listed Grade II). The clock tower sits centrally above a long grassed embankment constructed from earthworks associated with the building of the Racecourse. The embankment provides informal space for spectators.

1.2 The embankment is restrained by a line of ancillary accommodation which includes former tote (betting) booths, bars and WCs ("the linear building"). Five flights of stairs lead down from the top of the embankment to the booths. The Indicator board/clock tower and the stone faced linear buildings are conjoined and together form the listed building. Alongside four of the six sections of the west facing stone wall runs a rudimentary canopy on steel columns. It was added to provide protection from inclement weather in the 1950s. This structure is not considered to be part of the listed building due to its lack of special architectural or historic interest and its late date.

1.3 To the north and south of the Indicator board/clock tower and linear building are two single storey turnstile buildings, and to the west is a toilet block. These outlying turnstile buildings and the remaining WC block (originally one of two) are regarded as curtilage listed buildings and were constructed in the 1920s at the same time as the Clock Tower. Their historic value is limited, although they house the original metal turnstiles.

1.4 The Course Enclosure, as with the main Racecourse buildings and grandstands to the east, are within The Racecourse and Terry's Factory Conservation Area. The site is wholly within Flood Zone 2. The whole of the Racecourse including the course enclosure is outside the settlement limit and within the Green Belt. The site is not within an identified 'area of archaeological importance'.

## **PROPOSAL**

1.5 The Course Enclosure currently has few permanent facilities for spectators. The original linear building housing the toilets, totes (betting booths) and refreshment kiosks, is in poor condition as evidenced by the structural survey and on the plan 'existing section through linear building - 118' and is not currently used with the facilities provided in a range of ad hoc structures. The application aims to significantly improve the facilities for the spectators at the Course Enclosure and bring the existing buildings to a good state of repair.

1.6 The proposals would affect the indicator board and clock-tower building, the associated linear structure on which it sits and the landscape around it. The proposals do not change the use or capacity of the course enclosure. The following is proposed:

- The clock-tower building which has been redundant for a considerable time would be repaired, redecorated and reopened to visitors for guided tours. New safer access stairs are proposed.
- The two end sections of the six section linear building would be demolished and rebuilt in a different form to house new toilet facilities, and the rest of the structure would be consolidated structurally, repaired and made weather-tight.
- The existing all weather canopy added in the 1950s on the west side of the building would be removed and two new smaller canopies would be erected on top of the linear structure at each side of the indicator/clocktower building. Various other semi-permanent isolated totes facilities would be removed from the top of the embankment.
- A lift, two bars and four totes would be relocated under the new canopies.



- There would be changes to the landscape to slightly increase hard-standing on top of the mounding and to improve access to the turnstile buildings and new canopies and bars.
- A new guardrail would be provided on top of the embankment.
- Improvements would be made to the turnstile buildings including modifications to six original turnstiles, the retention of two. in situ, repainting externally and internally and repairs to joinery.

## RELEVANT PLANNING HISTORY

1.7 The Racecourse has an extensive planning history. The following are of particular relevance:

- Planning permission and listed building consent granted on 19.04.2013 for the demolition of various buildings and the construction of new pre-parade ring and Winning Connections building and other associated buildings, replacement paths and landscaping (refs. 13/00090/FUL, 13/00091/CAC and 13/01187/LBC).
- Planning permission granted on 10.07.2013 for the erection of canopy and replacement weigh-in building, owners and trainers gatehouse and champagne pavilion and external alterations to former weigh-in building and associated landscaping (ref. 13/01320/FUL).
- Conservation area consent granted on 04.07.2013 for the demolition of the champagne pavilion, saddling boxes, owner and trainers gatehouse, broadcasting tower and ancillary buildings and structures (ref. 13/01188/CAC).
- Planning permission granted on 14.11.2013 for the development of a new Winning Connections building (ref. 13/03136/FUL).
- On 08.10.2015, a planning application was submitted for the provision of two toilet blocks and public area within the undercroft canopy to course enclosure. However as the application was not supported by officers, it was withdrawn prior to determination (ref. 15/02250/FUL).
- Pre-application enquiries submitted in October 2016 and February 2017 relating to the current proposals (ref. 16/02464/PREAPP) and (ref. 17/00365/PREAPP).

## 2.0 POLICY CONTEXT

See Section 4 of this report for national and local policy context, as well as legislative context..

## 3.0 CONSULTATIONS

### INTERNAL

#### Planning and Environmental Management (Conservation and Design)

3.1 The proposals seek to improve the visitor experience in the west enclosure by providing better and more convenient facilities, and by revealing the character of the historic buildings and enhancing their settings. This has become urgent due to the linear building being in an extremely poor condition due to dampness and decay and some rebuilding is necessary. Existing facilities cannot be reused as they are too small, set too low in relation to the flood datum, and do not comply with current health and safety standards.

3.2 The extensive steel canopy in front of Brierley's linear building harms the setting of the listed building. The demolition of the end bays is justified and the remaining two thirds of the structure would be better revealed. The new semi-circular toilet blocks and new canopies would replace some of the existing functions, and allow the detracting canopy to be removed. Their design and the new canopies would complement the clock tower and linear building, being subservient to it whilst reinforcing its central role on the west side of the final straight. The landscape character of the enclosure would be preserved whilst access is improved.

3.3 The indicator board/clocktower has also been redundant for some time yet its moveable shutters and fittings are of great interest and the proposals would allow visitors into the building to see its historic workings, thereby revealing the historic function of the building. The proposals do not adversely affect the special architectural or historic interest of any of the buildings and there would be an enhancement of the setting and improvements in physical condition and appearance. The special character and appearance of the conservation area would also be preserved. The proposals are supported subject to the attachment of conditions.

#### Flood Risk Management

3.4 No objections subject to finished floor levels being 300mm above the 1 in 100 (1%) annual probability event with a 20% allowance for climate change and provision of a minimum of 300mm freeboard above surrounding ground. There will be an improvement in flood storage volume at the site. The attenuation calculations

and design volumes are accepted to achieve surface water runoff requirements to ensure no detriment to the existing sewer connection. It is assumed that Yorkshire Water are in agreement with this continued connection. No conditions are advised.

### Public Protection

3.5 No objections subject to the attachment of a condition to protect nearby residents during the construction phase requiring a Construction Environmental Management Plan (CEMP) to be prepared and approved. Conditions are recommended to restrict construction hours and to report any unexpected contamination.

### Lifelong Learning and Leisure

3.6 LLL's consultation was redirected to property services for a response.

### Property Services

3.7 The council has historically granted the racecourse a lease of the area. Under the terms of the lease, the racecourse may alter, improve or replace any of the existing buildings without the need to obtain our consent, as landlord. As the proposals fall within this definition there are no objections to the proposals.

## **EXTERNAL**

### Historic England

3.8 Historic England supports the application noting the excellent Heritage Statement. The proposals will enhance the structures, particularly the clock tower and indicator board. They do not object to the proposals for the demolition of sections of the linear wings and replacement with new curved structures to house the toilets. The visual impact of these works and the proposed canopies at upper level would be minor overall and benefits would result from the removal of the sheds and trailers which have been introduced on an ad hoc basis over the years. A condition is recommended requiring a record of the sections of the linear wings proposed for demolition.

### Conservation Area Advisory Panel

3.9 The Panel is generally supportive of the proposals and welcomes the refurbishment of the clocktower building, the removal of the existing canopy, the provision of the new canopies which match those elsewhere and the new toilet blocks.

Environment Agency

3.10 The EA has no objections to the proposals. They advise flood mitigating measures should be incorporated into the design including raising ground/ finished floor levels and/ or incorporating flood proofing measures. The local planning authority should be satisfied that the sequential test has been passed.

Micklegate Ward Planning Panel

3.11 The Planning Panel supports the proposals.

Neighbours:

3.12 Site notice expired: 03.05.2017 (posted in 4no. locations)

3.13 Yorkshire Evening Press notice expired: 03.05.2017

3.14 No neighbour responses received.

**4.0 APPRAISAL**

**KEY ISSUES**

4.1 The key issues are considered to be:

- Green Belt
- Impact upon the character and appearance of the Listed building and its setting
- Impact upon the character and appearance of the Conservation area
- Flooding
- Design and access
- Residential amenity

**LEGISLATIVE CONTEXT**

4.2 The application site is within a Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the conservation area. Further, both Sections 16 (2) and Section 66 (1) of the same Act state that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.3 Case law has made clear that when deciding whether harm was outweighed by the advantages of a proposed development, the decision-maker must give particular weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 16, 66 and 72 of the 1990 Act. There is a "strong presumption" against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to the desirability of preserving the building or conservation area. This means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight in the overall planning balance, i.e. the fact of harm to the listed building or conservation area is to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

## **PLANNING POLICY**

4.4 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no adopted Local Plan in York. 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 Framework and the statutory duties set out above that the application proposal should principally be addressed.

### National Planning Policy Framework

4.5 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. However as paragraph 14 with footnote 9 advises, in this instance as the proposals relate to land in the Green Belt and designated heritage assets, this presumption does not apply but the more restrictive policies in the framework are applicable. Footnote 9 to paragraph 14 also identifies areas at risk of flooding as being exceptions to the presumption in favour of sustainable development and members will note this site lies within Flood Zone 2.

4.6 Twelve core planning principles are proposed at paragraph 17 including supporting sustainable economic development, meeting business and other development needs of the area and responding positively to opportunities for growth. Planning should always seek high quality of design and a good standard of amenity, take into account the different roles and character of different areas, protecting Green Belts and recognising the intrinsic character and beauty of the countryside. Heritage assets should be conserved in a manner appropriate to their significance. Proposals that support improvements to health, social and cultural well being are encouraged that meet local needs.

4.7 Section 1 seeks to build a strong, competitive economy and the need to support existing businesses. Section 7 underlines the importance of design, noting that development should function well and add to the overall quality of the area, responding to local character and history, reflecting the identity of local surroundings and materials and be visually attractive.

4.8 Section 9 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and these will only exist if such harms and any other harms, are clearly outweighed by other considerations. Whilst the construction of new buildings in the Green Belt is generally inappropriate, there are exceptions, including appropriate facilities for outdoor sport and outdoor recreation providing the openness of the Green Belt is preserved, and replacement buildings, provided the new building is in the same use and not materially larger than the one it replaces.

4.9 Section 10 advises that development should be directed away from areas at greatest flood risk. Where it is necessary, it should be made safe without increasing flood risk elsewhere. The sequential test and exception test may be required and if passed, a site specific flood risk assessment will be required. Development should be appropriately flood resilient and resistant.

4.10 Section 12 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Substantial harm should be exceptional and permission normally refused. Where it is less than substantial, then this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

#### Planning Practice Guidance on flood risk and coastal change (2014)

4.11 The PPG advises that where necessary, local planning authorities should apply the 'sequential approach' for specific development proposals and, if required, the 'exception test', to steer development to areas with the lowest probability of flooding. Where development needs to be in locations where there is a risk of flooding as alternative sites are not available, local planning authorities and developers should ensure that development is appropriately flood resilient and resistant, safe for its users for the development's lifetime, and will not increase flood risk overall.

#### Saved policies from the Regional Spatial Strategy

4.12 The application site falls within the general extent of the York Green Belt as shown on the Key Diagram of the Regional Spatial Strategy (the Yorkshire and

Humber Plan) (RSS) saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. Policies YH9 and Y1 (C1 & C2) and the key diagram on page 215 of the RSS form the statutory Development Plan for York. The general extent of Green Belt is identified in 'Figure 6.2: York sub area context diagram'. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

### **Other material considerations**

#### **"Development Control Local Plan" 2005 (DCLP 2005)**

4.13 Although there is no formally adopted local plan, the City of York Draft Local Plan (incorporating 4th set of changes, April 2005), (DCLP 2005) was adopted for development control purposes in April 2005. It does not form part of the statutory development plan, but 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.

4.14 Policies considered to be consistent with the aims of the NPPF and most relevant to the development proposal include:

CYGP1 Design

CYHE2 Development in historic locations

CYHE3 Conservation Areas

CYHE4 Listed Buildings

CYHE5 Demolition of Listed Buildings and Buildings in Conservation Areas

CYGB1 Development within the Green Belt

4.15 GP1 Design states that development should respect and enhance the local environment and be of a suitable design and building material, retain, enhance or create public views, landmarks and other features that make a significant contribution to the character of the area. Policy GP15a Development and flood risk is superseded by the NPPF.

4.16 Policy HE2 states that development proposals in conservation areas or affecting the setting of listed buildings must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals should maintain and enhance existing views and landmarks. Policy HE3 says that development should not have an adverse effect on the character and appearance of the conservation area. Policy HE4 explains that proposals for listed buildings must not have an adverse effect on the character, appearance or setting of the building. Policy HE5 states that consent will not be granted for the demolition of listed buildings and buildings in conservation areas if they make a positive contribution. It should be proved that the building is incapable

of economic repair and there may be exceptional circumstances where demolition can be justified. The merits of alternative proposals for the site can be considered.

4.17 Policy GB1 states that development must not detract from the open character or the purposes of the Green Belt, and not prejudice the setting and special character of York. It must be for one of several purposes including essential facilities for outdoor sport and recreation, limited infilling, other essential engineering operations or the reuse of existing buildings. All other forms of development within the Green Belt are inappropriate and very special circumstances will be required to justify instances where this presumption against development should not apply. As the NPPF does not recognise the designation of 'major developed sites in the Green Belt', policy GP10 cannot be afforded any weight.

#### City of York Emerging Local Plan - Publication Draft

4.18 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry little weight in the decision making process (in accordance with paragraph 216 of the NPPF), particularly as the emerging Local Plan is to be the subject of further consultation and a revised publication draft is anticipated. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of planning applications. The up to date evidence considered relevant to this application includes: the Heritage Topic Paper Update 2013, the Green Belt Appraisal (2003) updated by the Historic Character and Setting Updates (2011 and 2013), The Racecourse and Terry's Factory Conservation Area Character Appraisal (2006) and The Conservation Area Appraisal for York Central Historic Core (2011). Relevant emerging policies include: Policy DP2 Sustainable development, Policy DP3 Sustainable communities, Policy SS2: The role of York's Green Belt, Policy EC5 Tourism, Policy D2: Placemaking, Policy D4 Conservation Areas, Policy D5 Listed Buildings, and Policy GB1 Development in the Green Belt.

#### The Racecourse and Terry's Factory Conservation Area Character Appraisal

4.19 The appraisal confirms that the Racecourse Enclosure and the former Terry's factory are both major landmarks on the south side of the city. Views across the open landscape are also of major significance and views towards the Conservation Area are of greater significance than views out. From the west the large stands are focal points. Expansive views of the Racecourse are found at the junction of Campleshon Road, Knavesmire Road and Racecourse Road and there are also dynamic views from Tadcaster Road, a main approach road into the city centre.

4.20 Generally the character of the Racecourse is of a quiet location with limited activity, although on race days it is very different and large numbers of people and vehicles converging on the racecourse, creating a noisy atmosphere particularly at the conclusion of each race. There are no negative factors within this part of the



Conservation area, although it is noted that the light-weight canopies of the Guinness Bar affect the setting of the listed building although they contribute to the 'party' or 'festive' atmosphere of race meetings and are therefore important to the character of the area.

Conservation Area Appraisal for York Central Historic Core (2011)

4.21 Whilst providing a comprehensive assessment of the conservation area, of particular relevance are key views including number 6: A64(T) South Knavesmire within which is the Racecourse and Clock Tower/Indicator Board.

## EIA Screening

4.22 The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process. The process of Environmental Impact Assessment is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended. The Regulations sets out types of development that will always require an EIA to be undertaken: 'Schedule 1' development; the proposals in this application do not fall within any of these categories. Schedule 2 lists other types of development where an EIA may be required. Section 10(b) of this schedule identifies urban development projects where the area of development exceeds 0.5ha. The application site measures 3.8ha but the existing built footprint development footprint totals 3,079 sq.m (0.3ha) and following development measures 1,982 sq.m. (0.2ha) thus being below the threshold. Considering advice in the planning practice guidance on EIA (2014) and through reference to Schedule 3, particularly subsection (2) on the location of the development, overall the proposals are not considered to have significant environmental effects such to require an EIA to be undertaken.

## CONSIDERATION

### General

4.23 Whilst the NPPF sets a presumption in favour of sustainable development, in this instance the presumption does not apply as the more restrictive Green Belt policies and heritage considerations take precedence. It is noted that the proposals serve to support the economic viability and continued development of the Racecourse as a destination of international renown, and for its economic and social value to the city. The existing facilities in the Course Enclosure are in need of urgent repair and upgrade to provide an enjoyable experience for spectators. The new buildings and canopies will provide replacement facilities of a much higher quality

and continue to strengthen the Racecourse as a primary business and as a major source of income generation not just at the Racecourse but for the wider city.

### Green Belt

4.24 York Racecourse whilst located within the Green Belt, comprises a cluster of large grandstands and supporting facilities. As described in the Heritage Statement, the Racecourse has been subject to phases of extensive development, most recently at the northern end. This was largely within the previous policy context as a 'major developed site' in the Green Belt and infill but this policy is no longer material.

4.25 The proposals in this application relate to the course enclosure. Being on the inside of the track, opposite the large grand stands, and at height, they are not enclosed by other structures, sitting in an open landscape but flank the Clock tower/indicator board. This landmark is particularly visible in both short and medium range views across the Knavesmire from key points including the A64, Bishopthorpe Road from the village, within the central part of the Knavesmire and from Knavesmire Road.

4.26 The NPPF at section 9 presents the policy context in which the application is to be assessed. Paragraph 90 states that certain forms of development including engineering operations, are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. The new footpaths are considered to be engineering operations and have no material impact on the openness of the green belt and do not conflict with the purposes of including land in the Green Belt and thus appropriate development. Paragraph 89 states that the construction of new buildings should be considered inappropriate in the Green Belt unless within a list of exceptions which include appropriate facilities for outdoor sport and recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The toilets are considered to fall within this exception. The repairs to the Clock tower / indicator building and turnstile buildings are internal works with the exception of the replacement staircase within the supported ground floor level of the Clock Tower. However this staircase is still within the building footprint and is not considered to cause any harm to the purposes of the Green Belt. The new staircase in the open ground floor facilitates the reuse of the building for guided tours by the general public through the provision of an ambulant staircase in exchange for the existing ladder access. The works thus fall within the exceptions set out at paragraph 90 of the NPPF being the reuse of a building of permanent substantial construction with no conflict with the purposes of the Green Belt. It is thus also appropriate development.

4.27 A replacement building is also not inappropriate providing it is not materially larger than the building it replaces. The canopies with totes and bars are replacement for the facilities previously housed in the linear building and 1950s

canopy, but as the existing booths are being retained but closed, in terms of Green Belt they are not like for like replacements. Further being on top of the embankment they are prominent in the landscape from certain points. 'Materially larger' is not just a floor space consideration. It includes matters such as bulk, height, mass and prominence. They are all factors relevant to the meaning of the term within the context of green belt policy. Due to the size of the new canopies, each with a footprint of 36m by 6m, and although single storey but having maximum height of 4m, their position on top of the embankment and light colour against the back drop of the tree line on Bishopthorpe Road, results in them being more prominent and thus materially larger than the existing canopy. As such they are 'inappropriate development' in the Green Belt which is by definition harmful to the Green Belt and for which very special circumstances must be demonstrated. These will not exist unless the definitional harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.28 In further defining other harm to the Green Belt, the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The canopies sit on top of a manmade embankment and above a long linear building and flanking a three storey (18.5m high) Indicator board/clock tower. The site does not lack built form and from other viewpoints the canopies will be seen with the backdrop of the large grandstands. They do not contribute to urban sprawl and will sit above an existing area of hardstanding (although this is to be replaced). The DCLP states the purpose of York's Green Belt is to preserve the setting and historic character of York and to prevent neighbouring settlements merging. Green wedges extending into the heart of the city are key elements, of which Micklegate Stray (including the Knavesmire) is one. The proposals for the canopies relate to the established use, and although visible and a new structure in the landscape, they are not unduly prominent.

4.29 Whilst the buildings are materially larger, and not like for like replacements as two-thirds of the linear building is retained, the demolition of the long steel canopy in front of the listed linear building with a roof area of 1,690 sq.m, removal of the two end bays of the linear building (154 sq.m footprint each) although they are replaced with new toilet facilities, and the removal of ten ad hoc structures in the course enclosure including toilet booths and timber huts should be considered with a corresponding increase in openness in other parts of the site. This is clear from reference to the submitted 'Demolition elevations' and 'Demolition site plans'. The applicants 'Planning, design and access statement' quantifies the change at 7.14 and 7.18. The footprint of the existing clock tower and linear structure will increase in size from 1,133sqm to 1,490sqm through the reconstruction of the WC blocks at either end. However through the removal of other redundant structures, there is an overall decrease in the developed portion of the site of 1,155 sq.m. Overall therefore, whilst there is harm to the Green Belt, it is restricted to particular views and is relatively minor and is balanced by an increase in openness and permanence

as a result of the overall reduction in built form. Other matters are now discussed to identify whether other considerations clearly outweigh these harms.

### **Heritage assets - Listed building and conservation area**

4.30 The legislative requirements of Sections 16, 66 and 72 Planning (Listed Buildings and Conservation Areas Act 1990 are in addition to Central government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings and Conservation Areas as “designated heritage assets”. The NPPF’s advice on designated heritage assets includes the following:

Paragraph 129 says that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.

-Paragraph 131 advises Local Planning Authorities to give significant weight to ensuring the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and ensuring the desirability of new development making a positive contribution to local character and distinctiveness.

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

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

- Paragraph 137 advises that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

4.31 Specialist advice has been provided by Historic England and the Council's conservation officer who have not raised any objections. A separate listed building consent application considers the proposals to the listed building in further detail.

## Significance of heritage assets

4.32 Paragraph 129 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

## Proposals and assessment of impact

4.33 The Indicator board/clock tower was designed in 1922 by the prominent York architects Brierley and Rutherford. The building are listed grade II for the illustrative historic value of the purpose built 'totaliser' structure (betting and display of odds prior to digitalisation) and for the aesthetic vale of the architecture by an architect of renown. The original structure is largely intact including the revolving display boards and 7-day clock of Newey of York. Proposals for this building include internal and external repairs and internal and external repainting. To enable guided tours of visitors to the Clock tower/indicator board, 3no. original 'ladder' type stairs from the embankment into the building will be removed to be replaced with less steep ambulant stairs. One of the original 'ladder' type stairs will be retained in situ between the first and second floor but will be closed off. The improved access will enable groups of visitors to enjoy and better understand the original purpose of the building and see how it worked. The stairs will be in a steel and open mesh construction to minimise their impact.

4.34 The linear building is in very poor condition; the structural survey recommends that the two end wings are demolished before they collapse, although the central four bays can be repaired. The roof has failed and water ingress has caused the steel work to rust, parts of the structure has moved and the internal environment is damp with mould and decay. Investigative works will be undertaken to inform the rebuilding, and these are underway and outside the scope of this application. They are being agreed with the Council's conservation officer. The linear building acts both as a retaining wall for the embankment and previously for toilets, storage, totes and refreshment booths, before they became unusable. Whilst the two end bays involve the demolition of part of the listed building, the applicant has submitted evidence to support this including the structural survey and heritage statement. The proposals to remove the utilitarian steel canopy enable the linear building to be revealed to significantly improve the setting of the listed building. New toilet facilities to meet modern visitor expectations and to provide improved accessibility will bookend the remaining four bays and are semicircular in shape. There will no change to the external appearance of the central four bays. The masonry for the new curved ends is proposed to be re-used stone from the demolished outermost

toilet wings. The external walls are sub-divided into bays, as with the original building. New replacement railings are proposed, the revised details of which are acceptable.

4.35 The curtilage listed turnstile buildings and WC block will be repainted and repaired. A pair of original 1920s metal turnstiles will be retained in the southern turnstile block whilst the remaining will be modified with rotating arm removed but left in situ under the booth desks. This is welcomed and considered acceptable.

4.36 The key change is the erection of the 36m by 6m by 4m in height light weight white canopies on top of the embankment, flanking either side of the listed Clock tower/indicator board. They will be scalloped and similar in design to those found elsewhere at the Racecourse, e.g. Moet Bar and almost 'floating' structures with space underneath and totes and bars set well back. These are supported from a heritage and design perspective. The canopies complement the character of the existing building rather than harming it, and are designed to reinforce the festive character of the racecourse area.

4.37 The hard-standing and new diagonal and perimeter tracks will increase the hard standing on the embankment, and are an improvement on existing facilities. The roof of the toilets will be laid with good quality artificial turf to reduce their impact, but generally this additional hard standing/artificial turf is considered a minor loss of 'live landscape' in the context of the whole site and will not harm the setting of the listed building, nor the character and appearance of the conservation area.

### **Summary of impact on the heritage assets**

4.38 Proposals have been underpinned by a detailed Heritage Statement including a heritage impact assessment explaining the historical development of the course enclosure, and the characteristics and significance of the site and its component parts. The flood risk assessment and the structural condition report are of particular relevance to the linear building as they provide evidence to support the extent and nature of rebuilding and alteration. Specialist conservation advice has been provided by the Council's conservation architect during the consideration of the application, additional information provided and some amendments to the proposals as a result of discussions.

4.39 In assessing the proposals the conservation architect has confirmed that the significance of the building is the illustrative historic value of the purpose-built "totalisator" structures and for the aesthetic value of the architecture by an architect of renown. Taking each element of the proposals in turn, the officer has confirmed that, despite the removal/demolition of some elements of the listed building comprising the two end bays of the linear building and the removal of the 3rd flights of 'ladder' stairs in the Clock tower/indicator board, there is no harm to the special architectural or historic interest of the building. Historic England has reviewed the

proposals, and similarly has not identified any harm to the listed building, highlighting the benefits of the proposals.

4.40 The opportunity is being taken by the applicant to rebuild the two end bays in a much better form to provide significantly enhanced WCs facilities to meet current expectations and with larger capacity whilst responding to the original structure. The rebuilding enables the floor level to be raised above minimum data to prevent flooding and improve sanitary conditions. With the access raised slightly, the landscape is reformed at each end to appear natural but also to provide a ramped access into the building. The new end blocks will complement the existing architecture. The proposals will also facilitate the repair to the remaining four bays which also suffer structural decay but of a lesser extent. There is no change to the external appearance of the four retained bays (being two-thirds of the original linear building) and it remains extensive at c180m in length.

4.41 Therefore whilst the Heritage Statement submitted by the applicant identified 'low adverse' impact resulting from the removal of these elements, this element is not agreed by the conservation officer, who underlines that there is no harm to the special architectural or historic interest of the building. The recording prior to demolition of the end bays is considered for posterity only.

4.42 In relation to the siting of the new canopies, bars, totes and lift on top of the embankment, they have been designed as a symmetrical pair to each side of the building. The clock tower remains as the focal point, and the low height and ephemeral design of the canopies, means that they do not compete with the dominance of the clock tower or add uncharacteristic mass to the top of the mound. The limited size and open festive character reduces their prominence and would complement the character of the existing building, rather than harming it, reinforcing the festive celebratory character of the racecourse.

4.43 The 1950s steel canopy does not form part of the listed building and its removal significantly enhances the setting of the listed building. The utilitarian railing at the top of the embankment is to be replaced by railings of an improved design which co-ordinates closed with the original bay structure of the building and presents a minor enhancement of the building and its setting.

4.44 As such in terms of considering the requirements of the NPPF at sections 134, no harm is identified by specialist conservation officers at the Council and Historic England to the special architectural or historic interest of the building and thus there is no requirement to weigh any harms against the public benefits of the proposals.

### Flooding

4.45 As the site is located within flood zone 2, and does not comprise either a change of use nor minor development, the NPPF states that the sequential test

needs to be applied, to direct development to areas at least risk of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. The submitted FRA confirms that the linear building has been subject to flood events. The new canopies housing replacement facilities with bar, totes and lift are located at the highest point in the site (11.40 rather than 8.9 AOD) and are therefore significantly less likely to flood. The toilet facilities cannot be located elsewhere, but finished floor levels will be at 9.28 AOD being 300mm higher than the 1:100 plus allowance for climate change scenario (+20%) of 8.98m AOD. The development proposals need to be in the Course Enclosure, they cannot be reasonably located elsewhere. The Racecourse will not be open in flood events for racing and thus there will not be any risk to life, and in fact an increase in flood storage capacity as a result of the proposals. The sequential test is thus deemed to be passed.

4.46 Having regard to Table 2 'Flood risk vulnerability classification' and Table 3 Flood risk vulnerability and flood zone 'compatibility' set out in the PPG, the proposed development is appropriate for flood zone 2 and an exception test is not required. This is because the exception test would be need to be applied where the proposal is considered a highly vulnerable use and the bars and totes facilities fall into the 'less vulnerable category'. The toilets and spectator facilities comprise 'water compatible development'.

#### Design and access

4.47 It has already been discussed that the design is appropriate for its context. Conditions are recommended to control details of the proposals. A key aim of the project has been to improve access for less able bodied spectators and families with pushchairs. This is through the new tarmac paths, toilet facilities, location of facilities on top of the embankment and provision of a lift. The benefits are a clear positive aspect of the scheme.

#### Residential amenity

4.48 The proposals are for replacement facilities in the Course Enclosure. At present the number of people will be defined by the capacity of the site. It is not proposed to increase the site area but to improve the facilities for this group of spectators. Whilst this may result in a greater number of spectators than at present, this is in part due to the poor quality of the existing facilities in this part of the race course which the applicant has advised is detracting spectators. The additional numbers will not in itself have an impact on surrounding residential amenity as these are replacement rather than additional facilities.



4.49 Public Protection have advised that a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development should be submitted to and approved in writing by the Local Planning Authority. As the demolition works involve carefully removing and rebuilding using the existing stones, cleaning and repair work, the removal of a steel canopy and the erection of relatively small scale new canopy structures in the centre of the Racecourse, at a distance of 200m from the nearest residential property, separated by Knavesmire Road, in this instance, it is not considered reasonable to attach this condition. The hours of construction can however be controlled by condition.

**Other considerations to demonstrate that very special circumstances exist**

4.50 The above discussion has concluded that other than Green Belt harms there are no other harms as a result of the proposals and that in fact there are significant improvements to the listed building and its setting and associated public benefits. The design is appropriate and high quality, responding to its setting and the festive character of this part of the Knavesmire.

4.51 The applicant has presented a number of considerations to outweigh the harm to the Green Belt and other harms identified. These considerations are summarised as being:

- The success of York Racecourse is fundamental for the vitality of York and its sporting, social and cultural significance. The Racecourse provides three of the UK's top rated (Group 1) races each year attracting international runners and riders and thus a premier sporting venue attracting visitors from across the country. The successful functioning of the Racecourse, supported by its facilities is imperative to maintain its position as a destination. The outdated and unsafe facilities in the Course Enclosure require modernisation to meet expectations of visitors and to meet health and safety requirements and to improve accessibility for less mobile patrons. Accommodating up to 8,000 race goers, it is a vital element of the Racecourse infrastructure.
- The proposals enhance and restore the listed building for the public benefit for this and future generations to enjoy. Should the work not be undertaken then the listed building is at continued risk of structural failure and decay. The employees and spectators health is at continued risk from continued water ingress, flooding and mould. The use of continued ad hoc structures would be required to enable the course enclosure to function.
- Reuse of the existing structure is not possible. The frequent flooding and ongoing maintenance renders improvements unviable. To increase the floor height would result in insufficient head room. Should the roof be raised then the external stone coping detail would be compromised. This together with

tanking of the back wall would result in significant structural alterations which would be irreversible and detrimental to the heritage value. Further, the remaining usable space could not provide bar and totes to sustain patronage of the Course enclosure.

- For design reasons and to pass the sequential test with the site being in a flood zone, as well as minimising flood water damage, the canopies, totes and booths, cannot be located elsewhere in the site. They need to be on flat ground and not obscure views of the track.
- Their design is of a minimal size to meet requirements to provide shelter from inclement weather and the range of facilities required. The scalloping roof and open structure reduces its mass. The choice of material and colour for the canopies, totes and bars responds to the Clock Tower and reduces its impact on the landscape and sky. The length of the canopies correspond to the length of the bays, providing symmetry and context whilst being subservient and continuing the line of built form rather than being isolated structures in the open site. They cannot be temporary structures.
- The removal of the 1950s canopy and other ad hoc structures and the addition of the two new canopies on top of the embankment result in a reduction in built form of 1,155 sq.m overall. Therefore whilst being more prominent as a virtue of height, this is very clearly offset by the loss of developed area. Thus whilst being more prominent than the existing building, it can also be presented that overall openness is increased in terms of volume.

4.52 Together these considerations amount to very special circumstances that clearly outweigh the relatively minor harm to the Green Belt as a result of the proposals.

## **5.0 CONCLUSION**

### **THE PLANNING BALANCE AND CONCLUSION**

5.1 The proposals relate to the Course Enclosure, an informal part of the Racecourse for spectators on the inside track numbering up to 8,000 people. The site includes the Clock tower/indicator board and associated linear building (listed Grade II) supporting an earth embankment used for viewing the finishing straight. It is within the Green Belt, Flood Zone 2 and a conservation area. Both the Clock tower/indicator board and particularly the linear building are in need of structural repair and update. The site includes two turnstile buildings and toilet block of the same date which are curtilage listed.

5.2 The proposals will protect and enhance the listed buildings for this and future generations. The Clock tower will be repainted and repaired and accessibility improved for guided tours to view the original workings and Newey clock through the removal of steep 'ladder' stairs with more ambulant staircases. The two end bays of

the linear building are irreparable and are to be demolished and rebuilt to house new toilet facilities with floor levels raised above flood levels to provide sanitary facilities. The rest of the linear bays will be made structurally safe. The removal of the 1950s canopy will significantly improve the setting of the listed building. Two new light weight canopies will flank either side of the clock tower with replacement bar and tates betting facilities and a new lift provided and complement the festive character of the Racecourse. New tarmac paths are proposed diagonally up the mound, around the perimeter and connecting to the turnstiles as well as new hardstanding along the top of the embankment.

5.3 The toilets, hardstanding, repair works and replacement staircases are considered to be appropriate development in the Green Belt. There is harm to the Green Belt by reason of inappropriateness and relatively minimal harm to the openness and permanence of the Green Belt caused by the replacement canopies, bar and tates on top of the embankment. Substantial weight is given to this harm. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations

5.4 No other harms have been identified, including to the listed building. Significant enhancements are made to these buildings to secure their long term future and the proposals to the listed building and curtilage listed buildings are supported.

5.5 It is considered that cumulatively there are substantial and significant public benefits of the proposals. They include supporting the Racecourse as a business which contributes significantly to the York economy, the long term preservation and enhancement of a listed building, the removal of health hazards, improving visitor access to the Clock Tower to appreciate its original purpose and workings, making the course enclosure more accessible for less mobile patrons and families, and ensuring the facilities are much less likely to be damaged in flood events.

5.6 The very special circumstances presented by the application are considered to clearly outweigh any harm to the Green Belt, which as required by policy are to be attributed substantial weight. In addition to the public benefits, the existing linear building cannot be reused as the two end bays are beyond repair. The siting of new facilities being the canopies, bars and tates need to pass the sequential test and be located in the part of the site least at risk of flooding (on top of the embankment), they cannot be repaired and made flood proof or thus reused, to facilities need to respond to customer expectations and be located in a visible location particularly to capture income from refreshment and betting facilities by the Racecourse (rather than online betting when facilities are out of sight). The success of York Racecourse is fundamental for the vitality of York and its sporting, social and cultural significance. Without the development, the listed building will continue to be at risk of further decay and collapse with obvious concerns for public health. Further, overall this is an increase in openness in this part of the Green Belt through the

overall reduction in built development amounting to 1,155 sq.m as a result of the removal of the 1950s canopy and other ad hoc structures within the site. Accordingly, the very special circumstances necessary to justify the development exist.

5.7 The proposals are therefore found to be in accordance with relevant policies and principles in the NPPF, particularly Sections 9 Green Belt, 10 Flooding and 12 Heritage Assets and DCLP policies GP1 Design, HE2 Historic Locations, HE3 Conservation Areas, HE4 Listed Buildings and HE5 Demolition of listed buildings. The application is thus recommended for approval subject to the attachment of the following conditions.

## **COMMITTEE TO VISIT**

### **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 and other submitted details:-

Site location plan PA45-P-001 received 20.03.2017

Demolition site plan PA45-P-005 received 20.03.2017

Demolition elevations - PA45-P-008 received 20.03.2017

Turnstile blocks, north and south, plans and elevations as pre-works - 140 Rev A - received 22.06.2017

Proposed site plan lower ground floor - 201 - received 22.06.2017

Proposed site plan upper ground floor - 202 - received 02.06.2017

Proposed site plan roof plan - 203 - received 22.06.2017

New toilet block floor plan - North - 205 - received 07.06.2017

New toilet block floor plan - South - 206 - received 07.06.2017

Proposed floor plans retained clock tower - 215 - received 02.06.2017

Proposed elevations - New toilet block north - 222 - received 07.06.2017

Proposed elevations - New toilet block south - 223 - received 07.06.2017

Proposed Elevations - retained Clock Tower - 228 - received 22.06.2017

Proposed elevations - 229 - received 22.06.2017

Cross section - New toilet block - 230 - received 07.06.2017

Proposed cross section - 238 - received 22.06.2017

Turnstile blocks - North and south, plans and elevations as built - 240 revision B - received 22.06.2017

Proposed bar elevations - 301 revision C - received 02.06.2017

Railing details (1:50) 302 revision A - received 08.06.2017

Proposed bar elevations 303 revision A - received 08.06.2017

Planning Design and Access Statement

Flood risk assessment - revision B, dated April 2017, recommendations including the Outline Surface Water Drainage Strategy

Heritage Statement - updated - Issue 3 received 22.06.2017

Recommendations in the Structural Inspection by Blackburn Wigglesworth & Associates dated 10.03.2017

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

3 As set out in the submitted flood risk assessment, the finished floor levels of the new toilet buildings shall be a minimum of 300mm above the 1 in 100 (1%) annual probability flood event with a 20% allowance for climate change being a minimum of 9.28 AOD. There shall be a minimum of 300mm freeboard above the surrounding ground to mitigate the residual flood risk associated with excess surface water runoff in an extreme rainfall event.

Reason: To reduce the risk of flooding and to protect property from extreme rainfall events.

4 Prior to the commencement of development, samples of all new external materials shall be provided to and approved in writing by the local planning authority. Materials shall include samples of all the building materials, canopies and any other fixed structure including totes and bars and also. The final colours and finishes of all manufactured items and paintwork.. The development shall be carried out in accordance with the sample materials so approved. The canopy colour shall match the external painted colour finish of the clocktower building.

Reason: To agree the materials prior to construction to protect the special character and setting of the listed building and conservation area.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection on site. Please make it clear in your approval of details application when the materials will be available and where they are located.

5 Prior to the commencement of development, samples of hard landscape materials shall be provided to and approved in writing by the local planning authority. These shall include paving materials, steps, handrails, guarding, drainage channels and artificial turf. The development shall be carried out in accordance with the details so approved.

Reason: To agree the materials prior to construction to protect the special character and setting of the listed building and conservation area.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection on site. Please make it clear in your approval of details application when the materials will be available and where they are located.

6 Prior to development commencing, a photographic and drawn record of the sections of the linear wings proposed for demolition and their context in the wider building shall be prepared a report produced which shall be approved in writing by the local planning authority prior to any work commencing on this part of the building. The record shall accord with Historic England's guidelines set out within 'Understanding Historic Buildings: A guide to good recording practice', republished in May 2016. The record should be lodged in the local Historic Environment Record within three months of its acceptance by the local planning authority.

NOTE: Guidance on appropriate levels of recording can be found in Historic England's publication Understanding Historic Buildings: A Guide to Good Recording Practice available from their website.

Reason: To retain a record of the special interest of the listed building. This is required prior to the commencement of development to ensure the record is made before this part of the building is demolished.

7 Prior to the relevant part of the development commencing, large scale details of the following items shall be submitted to and approved in writing by the local planning authority:

- New staircases and security screens serving the clocktower
- A sample bay of the new toilet structures to be shown in plan, elevation and section to illustrate the detailed modelling of the facade and coping. The details of the facade have been designed to be similar to the existing architecture and existing drawings show a high level of detail.
- Final details of the canopy structure if different from that of the Moët structure
- New balustrades/handrails (including plinth walls) and any additional information relating to the replacement guarding

The development shall be carried out in accordance with the details so approved.

Reason: To protect visual amenity and the character and design of the listed building.

8 Prior to installation, should there be any additional external lighting and signage in the course enclosure, full details shall be submitted for approval in writing by the local planning authority. The lighting shall be installed in accordance with the details so approved.

Note: Any signage deemed to be advertising shall also require advertisement consent and possibly listed building consent.

Reason: To protect visual amenity, neighbour amenity, the character and special interest of the listed building and conservation area.

9 Before any repairs are carried out a schedule of repairs with illustrative details showing proposals for repairing and reconstructing the retaining wall and roof of the linear building shall be submitted to and approved in writing by the Local Planning Authority. The said repairs shall be carried out in accordance with the approved details.

Reason: To ensure the preservation of the special character of the listed building.

10 Before any repairs are carried out a schedule of repairs with illustrative details showing proposals for repairing the indicator board/clocktower building shall be submitted to and approved in writing by the Local Planning Authority. The said repairs shall be carried out in accordance with the approved details.

Reason: To ensure the preservation of the special character of the listed building.

11 All construction and demolition works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason. To protect the amenity of local residents.

12 In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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.

13 In accordance with the plan 240 revision B 'Turnstile Blocks North and South', the 2no. original turnstiles in the centre of the southern block shall be retained in situ, without adaption, in perpetuity and the remaining 6no. adapted turnstiles with arm removed shall also be retained in situ in perpetuity as shown on the above plan, unless otherwise agreed in writing with the local planning authority.

Reason: To protect original features of the curtilage listed building which are key to the character of the building as a building of special interest.

14 Unless otherwise agreed in writing with the local planning authority, the linear building shall only be used for storage purposes and not for A1 retail use (betting and refreshment facilities). The new canopies on top of the embankment, bar and totes shall be used solely for these above purposes, including any other purpose in Class A1 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015 to protect the impact on openness of the Green Belt whereby the canopies on top of the embankment were deemed to be acceptable as replacement facilities for those within the linear building.

15 Prior to use of the new canopies, bars and totes on top of the embankment, all items identified on the demolition plan as being removed (including but not limited to the 1950s canopy on the lower ground to the west of the linear building, totes and huts) shall be permanently removed from the Racecourse unless agreed in writing with the local planning authority for a limited period of time until all necessary structural work to the linear building is complete.

Reason: To preserve the openness of this part of the Green Belt and for visual amenity.

16 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Class A of Schedule 2 Part 1 of that Order shall not be erected or constructed.



Reason: To protect the Green Belt and its purposes.

**7.0 INFORMATIVES:  
Notes to Applicant**

**1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Attended and advise the applicant at two site meetings and provided comprehensive pre-application planning advice;  
Liaised with the applicant about the submission of revised plans and clarification of information and reports; and  
Advised the applicant to strengthen their justification of very special circumstances in relation to the Green Belt

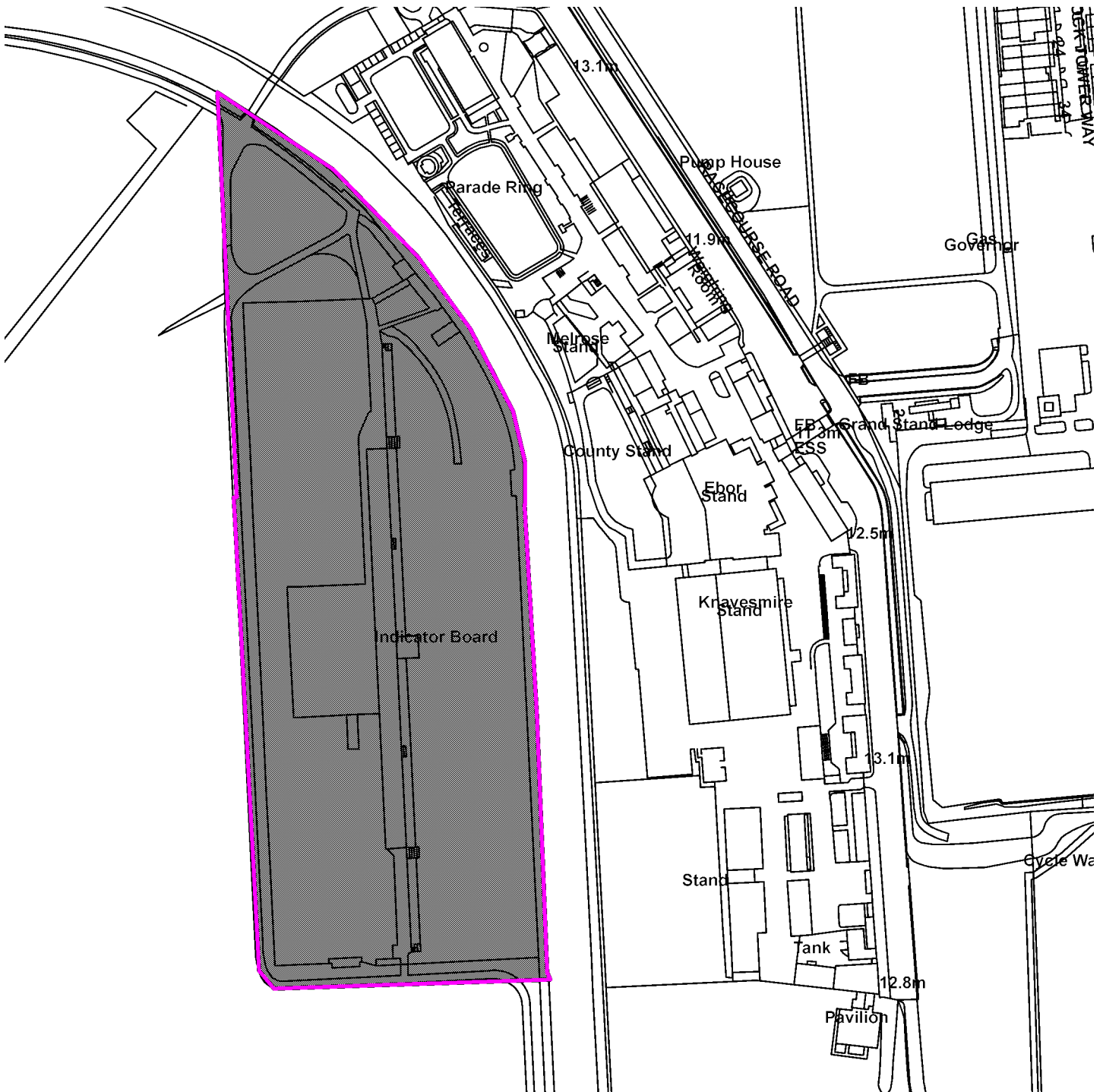
**Contact details:**

**Author:** Sophie Prendergast Development Management Officer  
**Tel No:** 555138

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17/00655/FULM

Totalisator Board, York Racecourse. Racecourse Road



Scale : 1:2566

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	04 July 2017
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 12 July 2017                      **Ward:** Micklegate  
**Team:** Major and                      **Parish:** Micklegate Planning  
Commercial Team                      Panel

**Reference:** 17/00656/LBC  
**Application at:** Totalisator Board York Racecourse Racecourse Road  
Knavesmire York  
**For:** Works to York Racecourse Enclosure including repair and  
reconstruction of Clock Tower and Linear wings to provide  
upgraded toilet facilities, removal of existing canopy  
structure, and installation of 2no. canopies to provide bar, lift  
and totes facilities  
**By:** York Racecourse  
**Application Type:** Listed Building Consent  
**Target Date:** 21 July 2017  
**Recommendation:** Approve

**1.0 PROPOSAL****THE SITE**

1.1 York Racecourse is located to the north-east end of the Knavesmire, to the south of the city centre. Racing has taken place on the Knavesmire since 1731 and in the intervening period it has developed to become a major attraction of huge cultural and economic significance to the city. York Racecourse is also of national importance, attracting owners, horses and riders of international fame, with racing events potentially engaging a global audience.

1.2 There are four listed buildings within the Racecourse, the Clock tower/indicator board is the most recent ("The Totalisator"). It was designed by Brierley and Rutherford in 1922 as a stand-alone structure on the east side of the course opposite the "home straight" and winning post. The listing covers the clock-tower building itself, including its interior fittings and the 7-day clock by Newey of York, and the extensive stone faced linear building on which it sits and which acts as a retaining structure for the grassed embankment facing the course. The clocktower buildings are listed at grade II for the illustrative historic value of the purpose-built "totalisator" structures, and for the aesthetic value of the architecture by an architect of renown. The two outlying turnstile buildings and the remaining WC block (originally one of two) are regarded as curtilage listed buildings. Their historic value is limited, as by the time of listing in August 1995 they had been altered and one of the WC blocks had been demolished. The significance of these outlying structures lies in their illustrative value in showing how the enclosure functioned.

1.3 This listed building consent application is accompanied by a full planning application (ref. 17/00655/FULM).

## **PROPOSAL**

1.4 The current proposals concern the enclosure on the west side of the track. This is a more informal open area for spectators, located adjacent to the home straight, where there are few permanent facilities for spectators, and where the original building housing the WCs, totes and refreshment kiosks is in poor condition. The proposals would affect the indicator board and clock-tower building, the associated linear structure on which it sits and the landscape around it. The following is proposed and considered in this application:

- The clock-tower building which has been redundant for a considerable time would be repaired, redecorated and reopened to visitors for guided tours. New safer access stairs are proposed.
- The two end sections of the six section linear building would be demolished and rebuilt in a different form to house new toilet facilities, and the rest of the structure would be consolidated structurally, repaired and made weather-tight.
- The existing all weather canopy added in the 1950s on the west side of the building would be removed and two new smaller canopies would be erected on top of the linear structure at each side of the indicator/clocktower building. These new canopies are considered in this application having the works have an impact on the external appearance of the listed building.
- A lift, two bars and four totes would be relocated under the new canopies.
- A new guardrail would be provided on top of the embankment, attached to the listed building.
- Improvements would be made to the curtilage listed turnstile buildings including modifications to six original turnstiles, the retention of two. in situ, repainting externally and internally and repairs to joinery.

## **RELEVANT PLANNING HISTORY**

1.5 The Racecourse has an extensive planning history. However in terms of the listed building consent application, only the following is of direct relevance: The following are of particular relevance:

- Planning permission and listed building consent granted on 19.04.2013 for the demolition of various buildings and the construction of new pre-parade ring and Winning Connections building and other associated buildings, replacement paths and landscaping (refs. 13/00090/FUL, 13/00091/CAC and 13/01187/LBC).

- On 08.10.2015, a planning application was submitted for the provision of two toilet blocks and public area within the undercroft canopy to course enclosure. However as the application was not supported by officers, it was withdrawn prior to determination (ref. 15/02250/FUL).
- Pre-application enquiries submitted in October 2016 and February 2017 relating to the current proposals (ref. 16/02464/PREAPP) and (ref. 17/00365/PREAPP).

## **2.0 POLICY CONTEXT**

2.1 See Section 4 for national and local policy context, as well as legislative context.

## **3.0 CONSULTATIONS**

### **INTERNAL**

#### Planning and Environmental Management (Conservation and Design)

3.1 The proposals are supported subject to the attachment of conditions. The proposals would not adversely affect the special architectural or historic interest of the buildings and there would be an enhancement of the setting and improvements in physical condition and appearance.

### **EXTERNAL**

#### Historic England

3.2 Historic England supports the application noting the excellent Heritage Statement. The proposals will enhance the structures, particularly the clock tower and indicator board and there is no objection to the demolition of sections of the linear wings. A condition is recommended requiring a record of the sections of the linear wings proposed for demolition.

#### Conservation Area Advisory Panel

3.3 The Panel is generally supportive of the proposals and welcomes the refurbishment of the clock tower building, the removal of the existing canopy, the provision of the new canopies which match those elsewhere and the new toilet blocks.

#### York Civic Trust

3.4 The Trust welcomes the repair of the Clock Tower. No new use is suggested in the application for the Clock Tower, beyond occasional guided tours, which is

understandable due to the infrequent use of the course enclosure. However there may be opportunities for access on Heritage Open Days?

#### Various civic amenity bodies

3.5 The Twentieth Century Society, the Victorian Society, the Georgian Group, the Society for the Protection of Ancient Buildings, the Council for British Archaeology and the Ancient Monuments Society were all consulted but responses not received.

#### Micklegate Ward Planning Panel

3.6 The planning panel supports the proposals.

#### Neighbours:

3.7 Site notice expired: 03.05.2017 (posted in 4no. locations)

3.8 Yorkshire Evening Press notice expired: 03.05.2017

3.9 No neighbour responses received.

### **4.0 APPRAISAL**

#### **KEY ISSUES**

4.1 The key issue is the impact on the special interest of the listed building.

#### **LEGISLATIVE CONTEXT**

4.2 Section 16 of the Planning (Listed Buildings and Conservation Areas Act 1990 (as amended) ("the 1990 Act") requires the Local Planning Authority when determining applications for listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.3 Case law has made clear that when deciding whether harm was outweighed by the advantages of a proposed development, the decision-maker must give particular weight to the desirability of avoiding such harm to give effect to its statutory duty under section 16 of the 1990 Act. There is a "strong presumption" against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to the desirability of preserving the building. This means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight in the overall planning balance, i.e. the fact of harm to the listed building is to be given more



weight than if it were simply a factor to be taken account along with all other material considerations. This is the case whether the harm is substantial or not.

## **PLANNING POLICY**

4.4 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no adopted Local Plan in York. 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 Framework and the statutory duty set out above that the application proposal should principally be addressed.

### National Planning Policy Framework

4.5 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. However as paragraph 14 with footnote 9 advises, as the proposals relate to designated heritage assets, the presumption does not apply.

4.6 Twelve core planning principles are proposed at paragraph 17 including the need to conserve heritage assets in a manner appropriate to their significance. Further detail is at section 12 which states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Substantial harm should be exceptional and permission normally refused. Where it is less than substantial, then this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

### Other material considerations

#### Development Control Local Plan (DCLP 2005)

4.7 Although there is no formally adopted local plan, the City of York Draft Local Plan (incorporating 4th set of changes, April 2005), (DCLP 2005) was adopted for development control purposes in April 2005. It does not form part of the statutory development plan, but its policies are considered to be capable of being material considerations in the determination of planning applications where relevant policies relevant to the application are consistent with those in the NPPF. Policies considered to be consistent with the aims of the NPPF and most relevant to the development proposal include:

- CYHE4 Listed Buildings
- CYHE5 Demolition of Listed Buildings and Buildings in Conservation Areas

4.8 Policy HE4 explains that proposals for listed buildings must not have an adverse effect on the character, appearance or setting of the building. Policy HE5 states that consent will not be granted for the demolition of listed buildings and buildings in conservation areas if they make a positive contribution. It should be proved that the building is incapable of economic repair and there may be exceptional circumstances where demolition can be justified. The merits of alternative proposals for the site can be considered.

#### City of York Emerging Local Plan - Publication Draft

4.9 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry little weight in the decision making process (in accordance with paragraph 216 of the NPPF) particularly as the emerging Local Plan is to be the subject of further consultation and a revised publication draft is anticipated. However the evidence base that underpins the proposed emerging policies is capable of being is a material consideration in the determination of planning applications. The up to date evidence considered relevant to this application includes: the Heritage Topic Paper Update 2013 and the Racecourse and Terry's Factory Conservation Area Character Appraisal (2006) Relevant emerging policies include Policy D5 Listed Buildings.

### **CONSIDERATION**

4.10 Whilst the NPPF sets a presumption in favour of sustainable development, this presumption does not apply as the more restrictive heritage considerations take precedence. The legislative requirements of Section 16 of the 1990 Act are in addition to Central government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings as “designated heritage assets”. The NPPF’s advice on designated heritage assets includes the following:

- Paragraph 129 says that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

- Paragraph 131 advises Local Planning Authorities to give significant weight to ensuring the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and ensuring the

desirability of new development making a positive contribution to local character and distinctiveness.

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

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

- Paragraph 137 advises that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

## **Significance of heritage assets**

4.11 Paragraph 129 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.

## **Proposals**

4.12 The proposals include demolition of part of the listed linear building and rebuilding in a different form.

4.13 The over-arching aim of the project is to improve the visitor experience in the west enclosure by providing better and more convenient facilities, and by revealing the character of the historic buildings and enhancing their settings. The proposals should be considered in the wider context of major upgrade of facilities at the Racecourse, whereby redundant facilities have been removed, and the provision of exceptionally high quality buildings as replacements.

4.14 The need for the proposals to improve the course enclosure has become urgent as the linear facilities building is in an extremely poor condition due to dampness and decay and the kiosks are substantially empty and require partial

rebuilding as evidenced in the structural survey submitted. The indicator board/clocktower building has also been redundant for some time yet its moveable shutters and fittings are of great interest and the proposals would allow visitors into the building to see its historic workings. As existing facilities are substantially un-useable, on race days it is necessary to bring in numerous temporary facilities. They inhabit the west side of the course enclosure and are also placed on top of the sloping embankment. They clutter the site.

4.15 Protection from inclement weather is currently provided by the extensive steel canopy structure added in 1950s in front of Brierley's linear stone faced building. The canopy is a basic utilitarian structure which harms the setting of the linear stone wall and hides it from view.

### **Assessment of impact**

4.16 Proposals have been underpinned by a detailed Heritage Statement including a heritage impact assessment explaining the historical development of the course enclosure, and the characteristics and significance of the site and its component parts. The flood risk assessment and the structural condition report are of particular relevance to the linear building as they provide evidence to support the extent and nature of rebuilding and alteration. Specialist conservation advice has been provided by the Council's conservation architect during the consideration of the application, additional information provided and some amendments to the proposals as a result of discussions.

4.17 In assessing the proposals the conservation architect has confirmed that the significance of the building is the illustrative historic value of the purpose-built "totalisator" structures and for the aesthetic value of the architecture by an architect of renown. Taking each element of the proposals in turn, the officer has confirmed that, despite the removal/demolition of some elements of the listed building comprising the two end bays of the linear building and the removal of the 3rd flights of 'ladder' stairs in the Clock tower/indicator board, there is no harm to the special architectural or historic interest of the building. Historic England has reviewed the proposals, and similarly has not identified any harm to the listed building, highlighting the benefits of the proposals.

4.18 The opportunity is being taken by the applicant to rebuild the two end bays in a much better form to provide significantly enhanced WC facilities to meet current expectations and with larger capacity whilst responding to the original structure. The rebuilding enables the floor level to be raised above minimum data to prevent flooding and improve sanitary conditions. With the access raised slightly, the landscape is reformed at each end to appear natural but also to provide a ramped access into the building. The new end blocks will complement the existing architecture. The proposals will also facilitate the repair to the remaining four bays which also suffer structural decay but of a lesser extent. There is no change to the

external appearance of the four retained bays (being two-thirds of the original linear building) and it remains extensive at c180m in length.

4.19 Therefore whilst the Heritage Statement submitted by the applicant identified 'low adverse' impact resulting from the removal of these elements, this element is not agreed by the conservation officer, who underlines that there is no harm to the special architectural or historic interest of the building. The recording prior to demolition of the end bays is considered for posterity only.

4.20 Considering the component parts of the building in turn, the proposals are assessed as follows.

#### The Clock tower/indicator board

4.21 This building would be repaired and repainted and rusting of exposed parts of the steel frame would be arrested. Whilst there is no intention to make alterations to the building, there is a proposal to improve access into the three storey structure to enable groups of visitors to enjoy and better understand the original purpose of the building by seeing how it worked. The clock-tower sits over the central steps which give access to the roof of the stand below. The proposal is to exchange the existing steep ladder-like access for an ambulant staircase. Similarly inside the building several of the stairs will be replaced by more ambulant staircases. The impact of the new stairs would be reduced by making them in a steel and open mesh construction, and an example of an original stair will remain in the building. The entrance access stair will be most visible in the open undercroft below the building; however it would be visually light-weight in construction and it would oversail only one of the sets of steps where it would be set back below the face of the building.

4.22 The alterations would not affect the special significance of the structure and the changes are justified to enable safe access so that the special architecture and historic interest of the building would be better revealed to visitors who have not previously had access.

#### Long linear building

4.23 This building was designed as a thick hollow wall to house facilities such as WCs, totes and refreshment kiosks. It is divided into six sections by intermediate steps giving access to the viewing area above, and there are steps at each end. The structure acts as a retaining wall for the embankment which leaves only the West facing and end elevations visible. The exposed sandstone ashlar wall is sub-divided into equal bays, and the stonework is modelled with a plinth and also an implied entablature. The facade has been designed using a stripped classical language and its architecture is of interest.

4.24 The utilitarian steel canopy, which is slightly higher than the building, hides most of the facade. Proposals would remove it to reveal the facade. The loss of the canopy would enhance both the setting of the wall and the Clock tower/indicator board.

4.25 Two of the six sections of the linear block would be demolished to enable the end bays to be rebuilt in a different format. The semi-circular format proposed would allow an increase in area for the toilets to cope with larger capacity expected at major outdoor events, and most importantly it would enable the floor level to be raised above minimum data required to prevent flooding. This would create the sanitary conditions required. The semi-circular format would slightly reduce the length of the structure, but the form is required to enable the access to be positioned higher than the existing low lying datum with the landscape re-formed to appear natural when the new ramp is included. The new end blocks would be less characteristic of the existing linear form but their materials and design would compliment the existing architecture, and the remaining part of the building still represents two thirds of the previous structure and is extensive. The roof of the end blocks would be higher than existing by approx 900mm, and although more noticeable in the immediate landscape, in wider perspectives from the Knavesmire the increase in height would be immaterial. It would not be possible to reduce the height without putting the block back into a vulnerable position regarding flooding.

4.26 The linear building is suffering from damp and decay and this is causing structural problems. Asphalt weather-proofing on the roof has failed and water ingress, both from above and from pressure against the retaining wall, has caused the steelwork to rust and the concrete roof structure has "blown" in places. Parts of the structure, especially on the open corners, have moved, and the internal environment is damp with mould and decay. The structural report justifies the need to replace the roof as it is beyond repair. Investigative works will be undertaken to inform the rebuilding. As these do not affect the facade, listed building consent will not be required; however a method statement should be agreed to protect the exiting facade by limiting the extent of disturbance. Rebuilding should be covered through a condition. The proposed elevations show that there would be no change to the appearance of the remaining 4no sections of the building and therefore there would be no harm to the special architectural or historic interest of the building.

4.27 Due to their low level, restricted volume and lack of adequate tanking and ventilation it is not possible to reuse the lower kiosks and WCs, whilst complying with current health and safety standards, let alone visitor expectations. Therefore a minimum number of permanent amenities - totes and refreshment bars - would be relocated to the top of the embankment where two new canopies are proposed at each side of the clocktower. This would enable the poor quality all weather canopy on the west side to be removed. By relocating these few amenities onto the spectator embankment visitors will not be disadvantaged when viewing the course.

4.28 The indicator/clocktower building currently appears as a stand-alone structure on top of the embankment. By designing the two canopies as a symmetrical pair to each side of the building, the clock-tower building remains a focal point. The low height and ephemeral design of the canopies, i.e. almost as "floating structures" with space flowing underneath them, means that they do not compete with the dominance of the clock-tower or add uncharacteristic mass to the top of the mound. The bar, totes and platform lift housing would be set well back underneath the canopies. The limited size and open festive character of the canopies would reduce their prominence in relation to the clocktower. The proposals would compliment the character of the existing building, rather than harming it, and reinforce the festive character of the racecourse area.

### Railings

4.29 Existing utilitarian guarding on top of the linear building would be replaced by new higher guardrails for safety purposes. A detailed proposal has been submitted showing an improved design which would co-ordinate closely with the original bay structure of the building. The new balustrade would represent a minor enhancement of the building and its setting.

### Hardstanding

4.30 The new end blocks will receive a good quality artificial turf to reduce their impact. The proposals represent a minor loss of "live landscape" which in the size and context of the site would not harm the setting of the building. There will be a neutral effect overall.

### Turnstiles blocks and WC block

4.31 As these are curtilage listed they are included in this application. The turnstile blocks contain the original metal turnstiles but these are extremely narrow and prevent the clear flow of people through the entrances to the course enclosure. Proposals are that these are retained in site but modified to be housed beneath the staff desks. Two original turnstiles will be retained in the south block. The proposals can be supported.

## **5.0 CONCLUSION**

5.1 The over-arching aim of the project is to improve the visitor experience in the west enclosure by providing better and more convenient facilities, and by revealing the character of the historic buildings and enhancing their settings. This has become urgent and the existing linear building cannot be reused. The new end blocks housing replacement toilets, new canopies with bars, totes and lift, repainting and repair of the clock tower/indicator board and addition of new staircases, railings and upgrade of the turnstile buildings is all supported. The proposals would not

adversely affect the special architectural or historic interest of the buildings and there would be an enhancement of the setting and improvements in physical condition and appearance.

5.2 Specialist advice from Conservation and Design has confirmed that the proposals have either a neutral or positive impact on the listed building and its setting, including the Clock Tower/Indicator Board and particularly due to the removal of the steel canopy. The rebuilding of the two end bays using the existing blocks and the preservation of the remaining four, and the removal of the 3no. original staircases in the Clock Tower and retention of a fourth, would not cause any harm to the special architectural or historic interest of the building and is supported both by the Conservation and Design and Historic England. The new canopies on top of the embankment celebrate the festive character of the Racecourse and have been designed to be subservient and respond to the scale and design of the clocktower.

5.3 It is considered that cumulatively there are substantial and significant public benefits of the proposals. They include supporting the Racecourse as a business which contributes significantly to the York economy, the long term preservation and enhancement of a listed building, the removal of health hazards, improving visitor access to the Clock Tower to appreciate its original purpose and workings, making the course enclosure more accessible for less mobile patrons and families, and ensuring the facilities are much less likely to be damaged in flood events.

5.4 The proposals are therefore found to be in accordance with relevant policies and principles in the NPPF at section 12 Heritage Assets and DCLP policies HE4 Listed Buildings and HE5 Demolition of listed buildings. The application is thus recommended for approval subject to the attachment of the following conditions.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

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

Site location plan PA45-P-001 received 20.03.2017

Demolition site plan PA45-P-005 received 20.03.2017

Demolition elevations - PA45-P-008 received 20.03.2017

Turnstile blocks, north and south, plans and elevations as pre-works - 140 Rev A - received 22.06.2017



Proposed site plan lower ground floor - 201 - received 22.06.2017  
Proposed site plan upper ground floor - 202 - received 02.06.2017  
Proposed site plan roof plan - 203 - received 22.06.2017

New toilet block floor plan - North - 205 - received 07.06.2017  
New toilet block floor plan - South - 206 - received 07.06.2017  
Proposed floor plans retained clock tower - 215 - received 02.06.2017  
Proposed elevations - New toilet block north - 222 - received 07.06.2017  
Proposed elevations - New toilet block south - 223 - received 07.06.2017  
Proposed Elevations - retained Clock Tower - 228 - received 22.06.2017  
Proposed elevations - 229 - received 22.06.2017  
Cross section - New toilet block - 230 - received 07.06.2017  
Proposed cross section - 238 - received 22.06.2017  
Turnstile blocks - North and south, plans and elevations as built - 240 revision B - received 22.06.2017  
Proposed bar elevations - 301 revision C - received 02.06.2017  
Railing details (1:50) 302 revision A - received 08.06.2017  
Proposed bar elevations 303 revision A - received 08.06.2017

Heritage Statement - updated - Issue 3 received 22.06.2017  
Recommendations in the Structural Inspection by Blackburn Wigglesworth & Associates dated 10.03.2017

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

3 Prior to the commencement of development, samples of all new external materials shall be provided to and approved in writing by the local planning authority. Materials shall include samples of all the building materials, canopies and any other fixed structure including totes and bars and also the final colours and finishes of all manufactured items and paintwork. s. The development shall be carried out in accordance with the sample materials so approved. The canopy colour shall match the external painted colour finish of the clocktower building.

Reason: To agree the materials prior to construction to protect the special character and setting of the listed building and conservation area.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection on site. Please make it clear in your approval of details application when the materials will be available and where they are located.

4 Prior to the commencement of development, samples of hard landscape materials shall be provided to and approved in writing by the local planning authority. These shall include paving materials, steps, handrails, guarding, drainage channels and artificial turf. The development shall be carried out in accordance with the details so approved.

Reason: To agree the materials prior to construction to protect the special character and setting of the listed building and conservation area.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection on site. Please make it clear in your approval of details application when the materials will be available and where they are located.

5 Prior to development commencing, a photographic and drawn record of the sections of the linear wings proposed for demolition and their context in the wider building shall be prepared and a report produced which shall be approved in writing by the local planning authority prior to any work commencing on this part of the building. The record shall accord with Historic England's guidelines set out within 'Understanding Historic Buildings: A guide to good recording practice', republished in May 2016. The record should be lodged in the local Historic Environment Record within three months of its acceptance by the local planning authority.

Reason: To retain a record of the special interest of the listed building. This is required prior to the commencement of development to ensure the record is made before this part of the building is demolished.

6 Prior to the relevant part of the development commencing, large scale details of the following items shall be submitted to and approved in writing by the local planning authority:

- New staircases and security screens serving the clocktower
- A sample bay of the new toilet structures to be shown in plan, elevation and section to illustrate the detailed modelling of the facade and coping. The details of the facade have been designed to be similar to the existing architecture and existing drawings show a high level of detail.
- Final details of the canopy structure if different from that of the Moët structure
- New balustrades/handrails (including plinth walls) and any additional information relating to the replacement guarding

The development shall be carried out in accordance with the details so approved.

Reason: To protect visual amenity and the character and design of the listed building.

7 Before any repairs are carried out a schedule of repairs with illustrative details showing proposals for repairing and reconstructing the retaining wall and roof of the linear building shall be submitted to and approved in writing by the Local Planning Authority. The said repairs shall be carried out in accordance with the approved details.

Reason: To ensure the preservation of the special character of the listed building.

8 Before any repairs are carried out a schedule of repairs with illustrative details showing proposals for repairing the indicator board/clocktower building shall be submitted to and approved in writing by the Local Planning Authority. The said repairs shall be carried out in accordance with the approved details.

Reason: To ensure the preservation of the special character of the listed building.

9 In accordance with the plan 240 revision B 'Turnstile Blocks North and South', the 2no. original turnstiles in the centre of the southern block shall be retained in situ, without adaption, in perpetuity and the remaining 6no. adapted turnstiles with arm removed shall also be retained in situ in perpetuity as shown on the above mentioned plan, unless otherwise agreed in writing with the local planning authority.

Reason: To protect original features of the curtilage listed building which are key to the character of the building as a building of special interest.

**Contact details:**

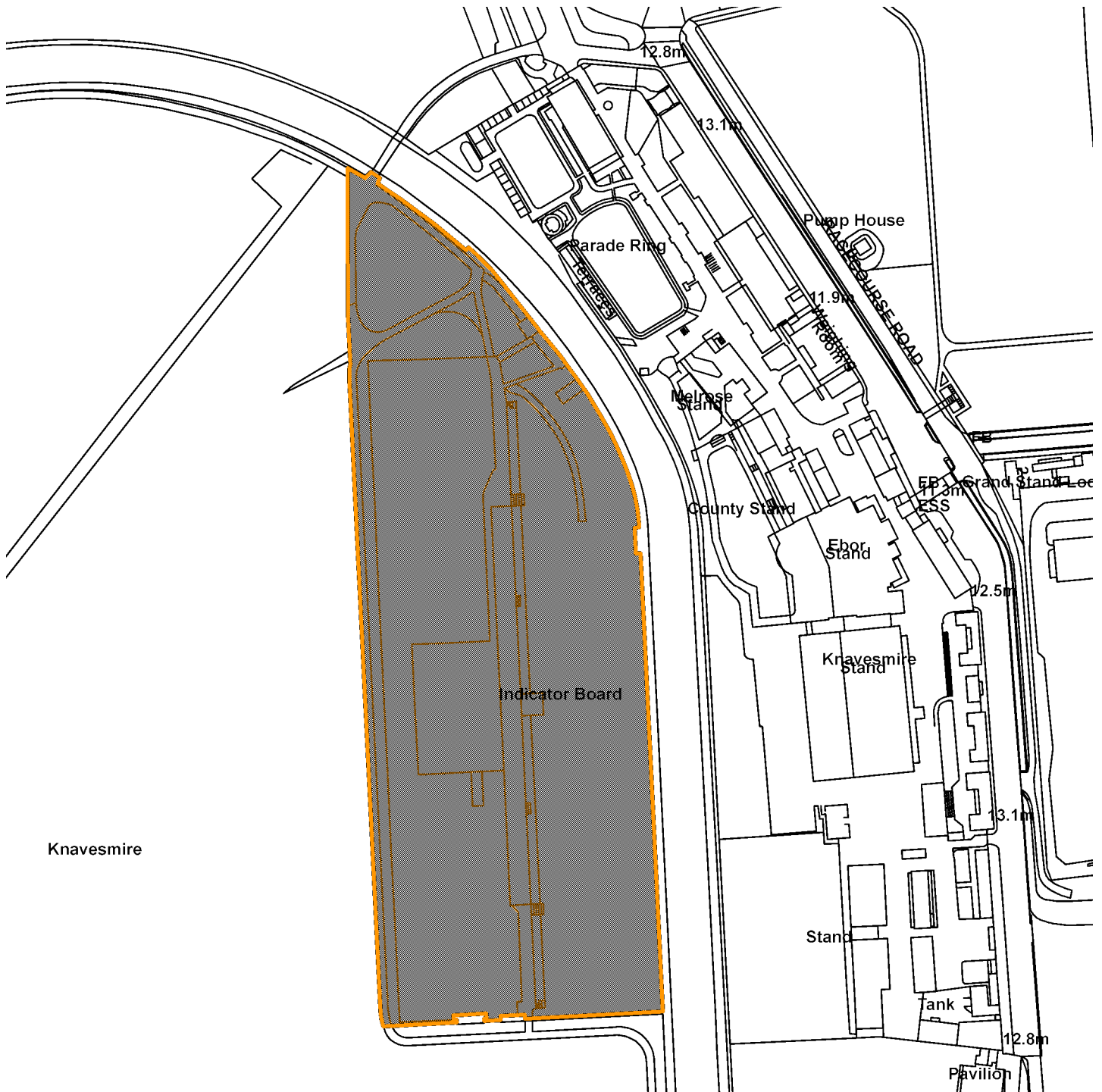
**Author:** Sophie Prendergast Development Management Officer

**Tel No:** 555138

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17/00656/LBC

Totalisator Board, York Racecourse. Racecourse Road



Scale : 1:2566

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	04 July 2017
<b>SLA Number</b>	Not Set

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**Planning Committee**

**12 July 2017**

**Area Planning Sub Committee**

**6 July 2017**

## **Appeals Performance and Decision Summaries**

### **Summary**

1. This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 January and 31 March 2017, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing is also included.

### **Background**

2. Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. The Government propose to use the quarterly statistical returns as one of a number of measures to assess the performance of local planning authorities. To assess the quality of decisions, this will be based on the number of decisions that are subsequently overturned at appeal. The threshold whereby a Local Planning Authority is eligible for designation as under-performing is 10% of the Authority's total number of decisions on applications made during the assessment period being overturned at appeal.
3. The tables below include all types of appeals such as those against refusal of planning permission, against conditions of approval, listed building applications and lawful development certificates. Table 1 shows results of appeals decided by the Planning Inspectorate, for the quarter 1 January to 31 March 2016, Table 2 shows performance for the 12 months 1 April 2016 to 31 March 2017.

**Table 1: CYC Planning Appeals Last Quarter Performance**

	<b>01/01/17 to 31/03/17 (Last Quarter)</b>	<b>01/01/16 to 31/03/16 (Corresponding Quarter)</b>
Allowed	3	0
Part Allowed	0	0
Dismissed	6	5
Total Decided	9	5
<b>% Allowed</b>	<b>33%</b>	<b>0%</b>
% Part Allowed	-	-

**Table 2: CYC Planning Appeals 12 month Performance**

	<b>01/04/16 to 31/03/17 (Last 12 months)</b>	<b>01/04/15 to 31/03/16 (Corresponding 12 month period)</b>
Allowed	7	4
Part Allowed	3	0
Dismissed	32	29
Total Decided	42	33
<b>% Allowed</b>	<b>17%</b>	<b>12%</b>
% Part Allowed	7%	-

### Analysis

4. Table 1 shows that between 1 January and 31 March 2017, a total of 9 appeals were determined by the Planning Inspectorate. Of those, 3 were allowed. None of these appeals related to “major” developments. By comparison, for the same period last year, out of 5 appeals 0 were allowed (0%), 0 were part allowed (0%). Using the assessment criteria set out in paragraph 2 above, 0.8% of the total decisions made in the quarter were overturned at appeal.
5. For the 12 months between 1 April 2016 and 31 March 2017, 17% of appeals decided were allowed, which is below the national percentage figure of 33% of appeals allowed, but slightly up on the previous 12 month figure. Using the assessment criteria set out in paragraph 2 above, 0.4% of the total decisions made in the 12 month period were overturned at appeal.
6. The summaries of appeals determined between 1 January and 31 March 2017 are included at Annex A. Details as to of whether the application was dealt with under delegated powers or by committee are included with each summary. In the period covered three appeals were determined following a decision at sub-committee/committee.



**Table 3: Appeals Decided 01/01/2017 to 31/03/2017 following refusal by Sub-Committee/Committee**

Ref No	Site	Proposal	Officer Recom.	Appeal Outcome
16/018 92/FUL	4 Heathfield Road	Two storey, single storey and roof extensions	Approve	Allowed
16/009 52/FUL	Church Lane, Wheldrake	Siting of 4 seasonal tents	Refuse	Dismissed
16/012 51/FUL	Poppleton Garden Centre, Northfield Lane	Use of land as car wash including storage container and canopy	Refuse	Dismissed

7. The list of current appeals is attached at Annex B. There are 13 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals but including appeals against enforcement notices).
8. We continue to employ the following measures to ensure performance levels are maintained at around the national average or better:
- i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the NPPF and draft Development Control Local Plan Policy.
  - ii) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine. This approach is reflected in the reduction in the number appeals overall. This approach has improved customer satisfaction and speeded up the development process and, CYC planning application performance still remains above the national performance indicators for Major, Minor and Other application categories.
  - iii) Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued.

### **Consultation**

9. This is an information report for Members and therefore no consultation has taken place regarding its content.

## **Council Plan**

10. The report is most relevant to the “Building Stronger Communities” and “Protecting the Environment” strands of the Council Plan.

## **Implications**

11. Financial – There are no financial implications directly arising from the report.
12. Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.
13. Legal – There are no known legal implications associated with this report or the recommendations within it.
14. There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

## **Risk Management**

15. In compliance with the Council’s risk management strategy, there are no known risks associated with the recommendations of this report.

## **Recommendation**

16. That Members note the content of this report.

## **Reason**

17. To inform Members of the current position in relation to planning appeals against the Council’s decisions as determined by the Planning Inspectorate.

**Contact Details**

**Author:**

Gareth Arnold  
Development Manager,  
Directorate of Economy  
and Place

**Chief Officer Responsible for the  
report:**

Mike Slater  
Assistant Director (Planning and Public  
Protection)

**Report  
Approved**

**Date** 27 June  
2017

**Specialist Implications Officer(s)** None.

**Wards Affected:**

**All**  Y

**For further information please contact the author of the report.**

**Annexes**

Annex A – Summaries of Appeals Determined between 1 January and  
31 March 2017

Annex B – Outstanding Appeals at 27 June 2017

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**Appeal Summaries for Cases Determined 01/01/2017 to 31/03/2017**

**Application No:** 16/00384/FUL  
**Appeal by:** Mr Shaun Yeomans  
**Proposal:** Conversion of existing garage into 1 no. self contained residential unit (retrospective)  
**Address:** 30 Monkton Road York YO31 9AX

**Decision Level:** DEL  
**Outcome:** ALLOW

The application site is located in a short cul-de-sac which runs between no.30 Monkton Road and St Paulinus Church. The surrounding area is residential. The application sought retrospective permission for the conversion of a detached garage into a self-contained dwelling unit. The application building was approved as a domestic garage in September 2014. The application was refused on the grounds that it represented overdevelopment, which provided a poor level of amenity and space for the occupants of the new unit and substantially diminished that of the occupants of no.30 Monkton Road. In addition the division of the rear curtilage of no.30 into two separate gardens resulted in substandard external curtilages and detracted from the character of the area. It also potentially set an unacceptable precedent for the potential severe erosion of the character of residential areas throughout the city. The Inspector noted there were no concerns over internal living standards. He considered that the garden area of the appeal building was proportionate in size and would not preclude the undertaking of a normal range of activities. Although the front curtilage would not meet parking standards he felt it could accommodate refuse/recycling and a small car. He felt the garden left for 30 Monkton Road was of a reasonable size. He dismissed the LPA's concerns over the sub-division into two curtilages stating that the building had already been permitted and there was 'no impact in this respect thereof'. The only other significant works were the erection of fencing which he considered was not uncharacteristic. In terms of precedent he did not consider the specifics of the appeal site to be particularly commonplace, that a genuinely comparable scheme would be likely to be acceptable and that the LPA would be able to resist any development which could be shown to be likely to cause demonstrable harm. The appeal was allowed.

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**Application No:** 16/00601/ADV  
**Appeal by:** Mr Paul Harris  
**Proposal:** Display of 2 no. internally illuminated signs (retrospective) and programmable message board  
**Address:** The Acomb Kingsway West York YO24 3BA

**Decision Level:** DEL

**Outcome:** DISMIS

The appeal related to the display of two large internally illuminated fascia signs and a programmable message board. The inspector agreed that the fascia signs were of a substantial size being approximately 0.7 metres in height and a combined width of 8.5 metres in length resulted in an overly dominant visual impact on both the existing building and the wider area. The colour and illumination exacerbated the visual impact. The message board appeared as an incongruous addition to the building and the Inspector agreed that it would be a distraction to highway users when approaching the adjacent roundabout due to the generally small size of the text, the extent and detail of information being provided, and the animated and moving format of the message board.

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**Application No:** 16/00952/FUL  
**Appeal by:** Derwent Valley Glamping  
**Proposal:** Erection of four seasonal tents utilising existing access, the creation and maintaining of a footpath link, and the incorporation of a habitat enhancement plan (resubmission)  
**Address:** Land At Grid Reference 469030 444830 Church Lane Wheldrake York

**Decision Level:** CMV

**Outcome:** DISMIS

The proposal related to a small scale camping proposal in close proximity to the Lower Derwent Valley National Nature Reserve and its associated viewing platform. It was a re-submission of an earlier scheme that had previously been refused permission on Green Belt grounds. The re-submitted proposal included a detailed habitat enhancement scheme and a footpath link to the National Nature Reserve. It was however considered that notwithstanding the nature of the revisions an appropriate case for "very special circumstances" as required under paragraphs 87 and 88 of the NPPF had not been forthcoming and planning permission was refused once again. The appellant contended that the proposed tents by virtue of their substantial nature and degree of annexation to the ground were buildings and that they benefitted from partial exclusion from the definition of inappropriate development within paragraph 89 covering appropriate buildings for sport and recreation purposes. The Inspector strongly disagreed with this line of reasoning and indicated his view that the proposal was for a change of use which was by definition inappropriate development and that the curtilage which would accommodate the tents and associated activity would in any case be harmful to the open character of the Green Belt. The appeal was therefore dismissed.

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**Application No:** 16/01251/FUL  
**Appeal by:** Mr James Edwards  
**Proposal:** Change of use of part of car park to a car wash facility including the siting of a storage container and the erection of a free-standing canopy, and fence and screening to boundary. (Part retrospective)  
**Address:** Poppleton Garden Centre Northfield Lane Upper Poppleton York YO26 6QF  
**Decision Level:** COMPV  
**Outcome:** DISMIS

The application was for the change of use of part of car park to a car wash facility including the siting of a storage container and the erection of a free-standing canopy, and fence and screening to boundary. With the exception of the fence and screening the application was retrospective. The application was refused on harm to the greenbelt and harm to visual amenity and character. The Inspector agreed with the council regarding the harm to the visual amenity: stating that due to the design, colour and temporary appearance together with their siting in a prominent location on a main approach into York, the container and canopy are incongruous and visually intrusive features which have a harmful effect on the character and appearance of the area. The economic benefits of the proposal were not considered to outweigh the harm. The Inspector questioned the green belt status of the site, given that the site may be allocated for housing in the emerging local Plan. The Inspector stated that if the appeal was not being refused on the harm to the visual amenity and character of the area they would have sought a hearing in order to discuss the green belt issues in detail.

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**Application No:** 16/01291/FUL  
**Appeal by:** Mr Urbanski  
**Proposal:** Single storey front porch extension and installation of bay window to front and replacement window to first floor  
**Address:** 12 Church Lane Bishopthorpe York YO23 2QG

**Decision Level:** DEL

**Outcome:** ALLOW

The application site is situated on the south side of Church Lane, Bishopthorpe. The proposals included a single storey front porch extension, the installation of a bay window and a replacement window to the front elevation of the host mid terraced, two storey dwelling house dating from the late nineteenth century and located in Bishopthorpe Conservation Area. The application was refused on the grounds that the single storey front porch extension would obscure one of the pair of front entrance doors at nos 12 and 14 Church Lane in public views, would detract from the symmetry and rhythm of the openings of this part of the principal elevation of the terrace, and would fail to preserve the character and appearance of this part of the conservation area. The inspector considered that there is some variation in the appearance of the front elevations of individual properties within the terrace and that taken as a whole, the terrace does not have a strong rhythm and that the individual properties do not have a significant appearance of symmetry. Due to the variation in the appearance of the host property and its neighbours, the inspector considered that the proposed porch would not detract from the character of the terrace or the wider conservation area. With regard to living conditions, the inspector concluded that the front porch would not harm the living conditions of residents at no. 14 Church Lane with regard to light and outlook. The appeal was allowed.

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**Application No:** 16/01666/FUL  
**Appeal by:** Mr John MCGARRY  
**Proposal:** Single storey side extension (resubmission) and alterations to roof of existing single storey rear extension  
**Address:** 43 West Thorpe York YO24 2PP

**Decision Level:** DEL

**Outcome:** DISMIS

The appeal property is a semi-detached dwelling set at the junction between West Thorpe and Chaloners Road within a largely residential area. This application sought permission for a mono-pitched roof single-storey side extension (to the side of an existing two-storey side extension) to form additional living space; along with alterations to the roof of an existing single storey rear extension. The host dwelling had already been extended by the addition of a two-storey side and rear extension, single storey rear extension and detached garage. The alterations to the roof of the existing single storey rear extension was considered acceptable, but the application was refused on the grounds that due to the prominent corner location of the site, the appearance of the proposed side extension, when viewed together with the existing extensions, would not appear subservient to the host dwelling and would represent a disproportionate further addition that would have an adverse impact on the character and appearance of this dwelling and it would further erode space to the side boundary which is characteristic of the area and would project beyond the building line of Chaloners Road which is considered detrimental to the streetscene in general. The inspector considered that existing extensions already exacerbated the visual prominence of the dwelling within the street scene and upon the building line with Chaloners Road, thus agreed that this further extension would result in an adverse impact on the character and appearance of the host dwelling and the area. The appeal was dismissed.

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**Application No:** 16/01740/FUL  
**Appeal by:** Mrs Christine Gray  
**Proposal:** Change of use of dwelling (use class C3) to House in Multiple Occupation (use class C4)  
**Address:** 52 Heslington Road York YO10 5AU

**Decision Level:** DEL

**Outcome:** DISMIS

The application was for the change of use of a dwellinghouse within use class C3 to a House in Multiple Occupation (class C4). The existing density levels for HMOs were 35% at street level and 23% at neighbourhood level. The Inspector noted a difference in character, between existing HMO's in the immediate neighbourhood and properties which are family dwellings. He did not accept the applicant's argument that the property could not be successfully marketed as a family home. The Inspector gave moderate weight to CYC policies where they were consistent with the NPPF. He concluded that the proposal would, if implemented, add to the imbalance within the community.

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**Application No:** 16/01892/FUL  
**Appeal by:** Mr D Rose  
**Proposal:** Two storey and single storey side and rear extensions, hip to gable roof extension and dormer to rear  
**Address:** 4 Heathfield Road York YO10 3AE

**Decision Level:** CMV

**Outcome:** ALLOW

The application sought permission for a two storey and single storey side and rear extensions, hip to gable roof extension and dormer to rear. The existing property was a 4 bed HMO. Officers considered that there would not be an unacceptable impact on the amenities of nearby residents or the streetscene and the application was recommended for approval. Sub-Committee refused the application on the grounds of overdevelopment that would result in significant harm to no.3 Heathfield Road and also because the closing of the gap between dwellings would result in significant harm to the appearance of the streetscene. In allowing the appeal the Inspector considered that a significant gap would be retained between the application property and no.3 Heathfield Road and did not consider that the proposal would give rise to any unacceptable overbearing effects. Whilst the proposed development would have some effect on light for the flank wall windows of no.3, he did not consider that any such loss of light would give rise to significant harm to the living conditions of the occupiers. In respect of car parking and access issues, he observed the narrow width of the street but considered that the proposed provision of 2 off-street parking spaces and cycle parking to be adequate to meet the needs of the proposal.

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Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

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## Outstanding appeals

<b>Officer: Carolyn Howarth</b>						<b>Total number of appeals:</b>	<b>2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
20/04/2017	17/00012/REF	APP/C2741/D/17/3172865	H	211 Hamilton Drive West York YO24 4PL	Single storey side extension		
17/05/2017	17/00018/REF	APP/C2741/D/17/3173686	H	Glen Cottage Stripe Lane Skelton York YO30 1YJ	First floor side extension including dormers to front and rear		
<b>Officer: Erik Matthews</b>						<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
22/08/2016	16/00040/NON	APP/C2741/W/16/3158773	W	Country Park Pottery Lane Strensall York YO32 5TJ	Replacement managers lodge and laundry building (retrospective)		
<b>Officer: Esther Priestley</b>						<b>Total number of appeals:</b>	<b>3</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
29/09/2016	16/00041/TPO	APP/TPO/C2741/5453	W	Two Oaks 39 York Road Strensall York YO32 5UB	Fell Oak tree (T1) protected by Tree Preservation Order No.: 1975/1		
12/05/2014	14/00017/TPO	APP/TPO/C2741/3909	W	14 Sails Drive York YO10 3LR	Fell Silver Brch (T3,T11), Mountain Ash (T5), Oak (T8), Trees protected by Tree Preservation Order CYC15		
09/05/2014	14/00015/TPO	APP/TPO/C2741/3907	W	7 Quant Mews York YO10 3LT	Crown Reduce Silver Birch (T1,T2), Trees protected by Tree Preservation Order CYC 15		
<b>Officer: Elizabeth Potter</b>						<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
07/06/2017	17/00022/REF	APP/C2741/D/17/3172097	H	Chelsea Cottage York Road Deighton York YO19	Two storey side extension, single storey side and front extensions following demolition of existing detached garage and domestic outbuilding.		
<b>Officer: Heather Fairy</b>						<b>Total number of appeals:</b>	<b>2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
16/05/2017	17/00019/REF	APP/C2741/W/17/3171888	W	Site Lying To The Rear Of 1 To 9 Beckfield Lane York	Erection of 11no. dwellings with associated access road and parking		
02/06/2017	17/00020/REF	APP/C2741/W/17/3174277	W	Knapton Grange Main Street Knapton York YO26	Erection of replacement garage with accommodation in the roof		

<b>Officer: Matthew Parkinson</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice	
<b>Officer: Paul Edwards</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
06/06/2017	17/00021/REF	APP/C2741/D/17/3175678	H	2 Minster View Wigginton York YO32 2GN	Single storey side extension	
<b>Officer: Sandra Duffill</b>						<b>Total number of appeals: 3</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
05/05/2017	17/00015/REF	APP/C2741/W/17/3170543	W	The Greyhound Inn 5 York Street Dunnington York	Variation of condition 2 of permitted application 14/02990/FUL to alter approved bow windows to bay windows and change window material from timber to UPVC	
05/05/2017	17/00017/REF	APP/C2741/Y/17/3171348	W	110 Holgate Road York YO24 4BB	Internal and external alterations including two storey rear extension and dormer to rear following demolition of existing single storey rear extension and associated internal alterations including alterations to internal layout.	
05/05/2017	17/00016/REF	APP/C2741/D/17/3171324	W	110 Holgate Road York YO24 4BB	Two storey rear extension and dormer to rear	
<b>Officer: Sharon Jackson</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
26/04/2017	17/00014/REF	APP/C2741/D/17/3171171	H	4 Minster Close Wigginton York YO32 2GP	First floor rear extensions including an increase in the size of existing dormer window	
<b>Officer: Victoria Bell</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
19/06/2017	17/00023/REF	APP/C2741/W/17/3176560	W	Holly Tree Farm Murton Way York YO19 5UN	The erection of single storey 2 bedroom dwelling to be used as a holiday let following the partial demolition of the stable building (retrospective)	
<b>Total number of appeals: 16</b>						