

# COMMITTEE REPORT

**Date:** 06 December 2023      **Ward:** Fulford And Heslington

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

**Reference:** 23/01147/FUL

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

**For:** Temporary/seasonal change of use from agricultural field to car park

**By:** The DROC York Limited Partnership

**Application Type:** Full Application

**Target Date:** 1 December 2023

**Recommendation:** Refuse

## 1.0 PROPOSAL

### The Site

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

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

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

### Background

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

1.5. The application states that there are currently approximately 2700 car parking spaces at the Designer Outlet. The Designer Outlet employs approximately 1,200 employees, albeit approximately 600 employees are on site at any one time. At busier periods, such as Christmas and Bank Holidays, the number of employees can rise to 800 – 900 which increases the demand for car parking spaces.

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

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

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

## **The Proposed Development**

1.9. The applicant is proposing a temporary change of use of the Site from agriculture to a car park for the staff working at the Designer Outlet. The temporary car park would measure approximately 72 metres by 78 metres.

1.10. The applicant proposes that the Site would be used as a temporary car park initially for a period of 3 years to gauge effectiveness between mid-October (in advance of the School half term holidays) and mid-January. It is proposed that the car park would be open between 16<sup>th</sup> November 2023 and 9<sup>th</sup> January 2024 inclusive of setting up and dismantling. Officers undertook a Site Visit on 23 November 2023, and can confirm that the setting up and operation of the car park has not appeared to have commenced. The applicant proposes that the precise dates for the following 2 years would be notified to the Council in advance.

1.11. It is proposed to provide 210 additional car parking spaces, exclusively for staff use, on the Site. It is proposed that metal track matting would be installed on

the surface of the Site. A barrier controlling access in and out of the car park is proposed. Lighting towers are also proposed to be erected. It is proposed that lighting would be directional/inward facing and would be switched off at 10pm Monday – Saturday and 8pm on Sundays.

1.12. The applicant states that surface water would continue to drain by infiltration, through the temporary metal track matting.

## **Planning History**

1.13. A planning application (Application Reference: 19/01969/FULM) for the extension of the Designer Outlet Centre, relocation of the existing park and ride facility and outdoor events space and creation of new car parking is currently pending consideration. The application has not been determined as there is a holding response from Highways England requiring further information.

1.14. The Site forms part of the planning application site (Application Reference 19/01969/FULM). The application proposes that the park and ride facility is relocated from the existing car park to the Site and surrounding fields.

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

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

## **2.0 POLICY CONTEXT**

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

### **NATIONAL PLANNING POLICY FRAMEWORK**

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

- Chapter 6 Building a strong, competitive economy

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

## THE DEVELOPMENT PLAN

2.3. The Statutory Development Plan for the City of York consists of the saved Policies from the Regional Spatial Strategy for Yorkshire and Humber 2008 (RSS) and any made Neighbourhood Plan.

2.4. There is no made Neighbourhood Plan applicable to the Site and therefore the Development Plan is the saved Policies from the RSS. The following saved Policies are relevant to the determination of this application:

- ☐ Policy YH9(C) Green Belts
- ☐ Policy Y1(C) York Sub Area Policy

## DRAFT CITY OF YORK LOCAL PLAN (2018)

2.5. The Draft Local Plan was submitted for examination on 25<sup>th</sup> May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in early to mid 2024. The Draft Policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.6 Key relevant Draft Local Plan Policies are:

DP1: York Sub Area  
 DP2: Sustainable Development  
 DP3: Sustainable Communities  
 SS1: Delivering Sustainable Growth for York  
 SS2: The Role of York's Green Belt  
 D1: Placemaking  
 D2: Landscape and Setting  
 D6: Archaeology  
 GB1: Development in the Green Belt  
 ENV2: Managing Environmental Quality  
 ENV4: Flood Risk

ENV5: Sustainable Drainage

T7: Minimising and Accommodating Generated Trips

### 3.0 CONSULTATIONS

#### INTERNAL

- 3.1. **CYC Highway Development Control** currently objects to the proposed development. Highways have requested a Transport Assessment and Travel Plan be submitted. This information is required under paragraph 113 of the NPPF.
- 3.2. **CYC Ecologist** requests that a Preliminary Ecological Appraisal is carried out on the application site and an appropriate buffer. Although the Site does not fall within any statutory or non-statutory wildlife sites, an assessment of its potential to support protected and notable habitats and species is required.
- 3.3. Due to the scale of the Site, a letter report would be considered appropriate if no ecological constraints are identified. However, a more detailed report will be necessary if constraints are identified following the survey work.
- 3.4. **CYC Landscape Architect**
- 3.5. Landscape Character & Visual Impact - Objects to the proposed development on landscape character and visual impact grounds.
- 3.6. Existing trees – No objection in respect of the existing trees. The proposed development appears to be set sufficiently far enough away from existing trees. If the existing access would suffice for the purposes of the temporary car park and no further excavations through the woodland is required, there appears no significant risk of harm.
- 3.7. **CYC Public Protection** require further information on the potential noise impact to Acres Farm and Acres Bungalow, and a full Lighting Impact Assessment.
- 3.8. Further clarification is also sought on the duration of the temporary use in year 2 and year 3 to ascertain the air quality and land contamination implications. If the car park were to become effectively permanent, electric vehicle recharging points would need to be installed. Furthermore, a condition would be required regarding remediation of any unexpected contamination that may be encountered during the installation of the electric vehicle recharging points. If the use was only temporary for a definitive period, there would be no objection to air quality or land contamination.

3.9. **CYC Drainage Engineer** has confirmed that the type of surface proposed which is interlocking and solid is 100% impermeable and therefore a surface water drainage scheme is required.

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

## EXTERNAL

3.11. **Fulford Parish Council** object to the proposed development. A summary of the Parish Council's comments are as follows:

- ☐ Ice rink, fun fair, Christmas market, car wash/ valet facility lead to the loss of previously available car parking spaces
- ☐ Inappropriate development in the Green Belt
- ☐ Harm to character and appearance of the area
- ☐ Increased traffic generation
- ☐ Encouraging people to drive rather than using sustainable forms of transport
- ☐ Light pollution in the open countryside
- ☐ Further ecological information is needed.
- ☐ No parking layout provided demonstrating sufficient space for manoeuvring.

3.12. **National Highways** recommend that the application should not be approved as further information in the form of a Transport Statement is required. The Transport Statement should indicate the arrival and departure volumes of traffic using the facility in the context of the increased seasonal visitor trips.

3.13. **Ouse & Derwent Internal Drainage Board (IDB)** currently object to the proposal.

3.14. The IDB has assets close to the site in the form of Asylum Drain. The watercourse is to the south of Lingcroft Lane and is known to be subject to high flows during storm events.

3.15. The IDB understand that the proposed metal track matting is a solid surface and therefore there will not be infiltration through the surfacing, other than maybe through the minor joins of each mat. This could lead to pooling of water on the car park or water discharging off the matting to the side. However, strictly on the basis of the temporary car park being no longer than mid-October to mid-January the IDB maybe able to accept this.

3.16. The IDB have requested the following further details from the applicant:

- ☐ Confirmation that there are no watercourses surrounding the field
- ☐ Confirmation that there is no land/ field drainage system in place discharging surface water to a watercourse

3.17. **North Yorkshire Council (Selby Area)** have no comments.

## 4.0 REPRESENTATIONS

4.1. The application has been advertised via Site Notice and neighbour notification letters. No letters of representation from members of the public have been received.

4.2. **Councillor Ravilious** has requested the application be determined at Planning Committee as it represents inappropriate development in the Green Belt and has the potential to cause additional harm to the openness and visual amenity of Green Belt land.

## 5.0 APPRAISAL

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

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

### **Openness & Purposes of the Green Belt**

5.2. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence.

The Green Belt serves 5 purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;

- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns;
- to and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.3. In line with the decision of the Court in *Wedgwood v City of York Council* [2020], and in advance of the adoption of a City of York Local Plan, decisions on whether to treat land as falling within the Green Belt for development management purposes should take into account the relevant policies within the RSS and may have regard to the Draft Local Plan, insofar as can be considered against paragraph 48 of the NPPF (2021). Site specific features must also be considered.

5.4. The Site is located within the general extent of the York Green Belt as described in the relevant policies within the RSS and the Site is proposed to be included in the Green Belt in the Draft Local Plan (Draft Policies SS2 and GB1). Draft Policies SS2 and GB1 are wholly consistent with the NPPF and in accordance with paragraph 48 of the NPPF can be afforded moderate weight.

5.5. With reference to the site specific features, regard has been had to the conclusions in the Topic Paper 1: Approach to defining York's Green Belt Addendum (2021) Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt (Topic Paper 1 Addendum (2021) Annex 4). The Designer Outlet shopping complex is contained to the former hospital site resulting in a compact and contained development. This is reinforced by the physical features around the Designer Outlet including the significant mature tree belt to the south, the application site of which sites outside of this tree belt in the open countryside.

5.6. The land immediately south of the Designer Outlet, inclusive of the application site, is viewed as flat open land on the approach from key transport routes (A19, B1222 and A64). Topic Paper 1 Addendum (2021): (Annex 4) states that because of its openness, historic rural character and harmonious relationship with the urban edge at the gateway to Fulford and York, the A19 approach to York contributes to the historic character and setting of the City. The land south of the Designer Outlet is also an important area of open land between the A19 and the B1222 Naburn Lane which creates separation between the Design Outlet and Naburn village to the south.

5.7. Additionally when assessed on its merits it is concluded that the Site serves at least 4 Green Belt purposes, namely checking the unrestricted sprawl of large built up areas, preventing neighbouring towns merging into one another, safeguarding the countryside from encroachment and preserving the setting and special character

of historic towns. As such in line with the decision of the Court in *Wedgewood V City of York Council* [2020] it is considered that the Site performs a strong Green Belt function and for the purposes of determining this application should be regarded as being within the general extent of the Green Belt.

5.8. Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances (Paragraph 147 of the NPPF). The applicant has stated that essential infrastructure is, by definition 'appropriate development' in the Green Belt. Paragraph 149 and 150 of the NPPF lists exceptions to inappropriate development in the Green Belt. The Local Planning Authority considers that the only exception, which might be applicable to this proposal, is at Paragraph 150 e) material changes in use of land (such as changes of use for outdoor sport or creation, or for cemeteries and burial grounds). However, the NPPF is clear at Paragraph 150 that this form of development is not inappropriate provided it preserves its openness and does not conflict with the purposes of including land within it. Whether the proposed change of use preserves the openness and does not conflict with the purposes of including land within the Green Belt is considered in the following paragraphs.

5.9. Planning Policy Guidance refers to a number of matters that the courts have identified can be taken into account in assessing openness, which include: spatial and visual aspects, duration of the development and remediability, and the degree of activity generated. Spatially, a formally laid out car park of 1.1 hectares will have an effect on the openness of the Green Belt by virtue of its footprint and occupation of up to 210 vehicles on a daily basis. Visually, the car park is unlikely to be seen from the A19 given the dense field boundaries and only glimpses will be visible from the Designer Outlet perimeter road, however, it will be prominent in view from Lingcroft Lane, although it is acknowledged this is a single track road to a farmstead which is limited in use. The proposed lighting, although proposed to be directional facing, will increase the visual impact on openness significantly from an unlit open agricultural field to a lit car park. It is acknowledged that the proposed car park is for a temporary 3 year period and could be remediated back to its original state. The activity in the form of traffic generation from approximately 210 cars is considered to significantly effect the openness of the Green Belt.

5.10. In view of the above, on balance it is considered that a formally laid out car park for approximately 210 cars, albeit on a temporary basis, would not preserve the openness of the Green Belt and as referred to above in paragraph 5.7 conflicts with at least 4 Green Belt purposes of including land within it, namely checking the unrestricted sprawl of large built up areas, preventing neighbouring towns merging into one another, safeguarding the countryside from encroachment and preserving the setting and special character of historic towns. Therefore, the proposed

development would be inappropriate development in the Green Belt. The harm to the Green Belt as a result of this inappropriate development weighs substantially against the proposal.

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

## **Highway and Access**

5.12. The NPPF requires development that will generate significant amounts of movement to provide a Travel Plan and should be supported by a Transport Statement or Transport Assessment so that the likely impacts of the proposal can be assessed (Paragraph 113 of the NPPF).

5.13. A Travel Plan, and neither a Transport Statement or Transport Assessment have been submitted with the application.

5.14. National Highways have been consulted on the application, given the close proximity of the Site to the A64 and the A64/A19 roundabout junction, along with CYC Highways Development Control.

5.15. National Highways have recommended that planning permission should not be granted until further information in the form of a Transport Statement has been submitted and reviewed. CYC Highways Development Control have requested a Transport Assessment and Travel Plan be submitted.

5.16. Given the lack of Transport information submitted with the application, the impact of the development on the Highway is unable to be assessed. In view of this, the development does not accord with the provisions of Paragraph 113 of the NPPF and Draft Local Plan Policy T7.

## **Drainage & Flood Risk**

5.17. The NPPF at paragraph 167 requires that when determining planning applications, a Local Planning Authority should ensure that flooding is not increased elsewhere. Draft Local Plan Policies ENV4 and ENV5 reflects this guidance and that where possible sustainable surface water drainage techniques should be utilised.

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

5.19. The IDB have requested further information from the applicant to assess whether the proposed metal track matting which they understand to be solid and impermeable would be acceptable. The CYC Flood Risk Engineer has confirmed that the proposed metal track matting would be impermeable and therefore has requested a surface water drainage scheme be submitted prior to the determination of the application.

5.20. Given the lack of uncertainty surrounding the permeability of the metal track matting, the Local Planning Authority in line with the guidance in the NPPF (Paragraph 167) are unable to conclude at this stage whether the proposed development would increase the risk of flooding elsewhere. As such the Local Planning Authority are unable to confirm if the proposal would comply with the guidance in paragraph 167 of the NPPF and the provisions of Draft Local Plan Policies ENV4 and ENV5.

### **Ecology & Biodiversity**

5.21. The NPPF at paragraph 180 is clear, in that planning permission should be refused if significant harm to biodiversity resulting from a development cannot be avoided.

5.22. No ecological information has been submitted with the application. The CYC Ecologist has requested that a Preliminary Ecological Appraisal be undertaken to assess the Sites potential to support protected and notable habitats and species.

5.23. Given the lack of ecological information submitted with the application, the potential impact of the development on biodiversity cannot be assessed. As such the Local Planning Authority cannot exercise its duty under the Natural Environment and Rural Communities Act 2006 to have regard to conserving biodiversity. Furthermore, the Local Planning Authority is unable to confirm if the proposal accords with Paragraph 180 of the NPPF.

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

5.24. The NPPF at paragraph 130 requires development to be sympathetic to the local character and history, including the landscape setting. Draft Local Plan Policy D2 supports and encourages proposals that protect and enhance the landscape

quality and character, and the public's experience of it and make a positive contribution to York's special qualities.

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

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

5.27. Given the existing open countryside nature of the Site, it is considered that the proposed development, albeit temporary, will have a harmful impact on this landscape character. The CYC Landscape Architect concurs and objects to the proposal on the harmful impact on landscape character and visual grounds.

5.28. The proposed development does not accord with paragraph 130 of the NPPF and Draft Policy D2 as the proposal will not protect or enhance the landscape quality and character of the Site, the public experience of it or the positive contribution it makes to the special qualities of York's historic character and setting.

### **Air Quality & Land Contamination**

5.29. It is proposed that the car park would be required between mid-October (in advance of the School half term holidays) and mid-January. The application states that the car park would operate between 16<sup>th</sup> November 2023 and 9<sup>th</sup> January 2024, and the precise dates for the following 2 years would be notified to the Council in advance.

5.30. CYC Public Protection have raised concerns regarding the timescales that the car park could operate for the following 2 years. They have stated that if the car park were to become effectively permanent electric vehicle recharging points would need to be installed and remediation required for any unexpected contamination that may be encountered during their installation.

5.31. If planning permission were to be granted a planning condition restricting the use of the car park between Mid-October and January would be imposed to ensure that no issues surrounding air quality or land contamination arise.

## **Residential Amenity**

5.32. The NPPF at paragraph 130 and Draft Local Plan Policy ENV2 require that proposals do not unacceptably harm the amenity of existing and future residents.

5.33. Acres Farm and Acres Bungalow are located south of the Site on Lingcroft Lane. CYC Public Protection have raised concerns regarding the potential noise and lighting impact on these residential properties. As such they have requested further information be submitted to assess the potential impacts.

5.34. Given the lack of information regarding noise and lighting impact the Local Planning Authority at this stage are unable to assess the impacts to residential amenity. As such, the Local Planning Authority is unable to confirm if the proposed development would have a harmful impact on residential amenity and whether the proposal accords with paragraph 130 of the NPPF and Draft Local Plan Policy ENV2.

## **Archaeology**

5.35. The proposed development would be achieved without any ground disturbing works. CYC Archaeologist has confirmed that if this is the case no archaeological works are required. The proposed development therefore accords with the provisions of Draft Local Plan Policy D6.

## **Very Special Circumstances**

5.36. The proposed development is inappropriate development in the Green Belt and should not be approved unless very special circumstances exist. The NPPF at paragraph 148 states that very special circumstances will not exist unless this potential harm to the Green Belt by inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations. Substantial weight is to be given to the harm to the Green Belt.

5.37. In assessing other harm resulting from the proposal, as referred to in the paragraphs above, the impact of the proposed development on Highway and Access, Drainage and Flood Risk, Ecology and Biodiversity, and Residential Amenity cannot be fully assessed as inadequate information has been submitted with the application. Therefore, the Local Planning Authority is unable to determine if the proposal complies with the NPPF and Draft Policies in the Local Plan in regard to these matters. In terms of landscape character, the proposed development will

result in a harmful impact and therefore conflicts with Draft Local Plan Policy D2 and NPPF.

5.38. The harm to the Green Belt by inappropriateness, harm to the openness and the purposes of including land within it, weighs substantially against the proposal. In addition, the harmful impact to the landscape character carries significant weight against the proposal. In terms of other considerations, it is noted that the demand for car parking spaces increases over the Christmas period, however the lack of available car parking spaces is compounded by the temporary uses such as the Winter Wonderland, that are erected on the car park during this time. However, it is not considered that all other options have been explored, such as removing/reducing the temporary uses, to ensure that adequate car parking is available during these busy periods, and therefore without further justification the need for further car parking above and beyond what exists within the current Designer Outlet shopping complex is given little weight.

5.39. Although a conclusion on the other harm as a result of the proposal cannot be reached given the submission of inadequate information, other considerations have not been demonstrated to clearly outweigh the significant harm identified to the Green Belt and the landscape character.

### **Public Sector Equalities Duty**

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

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

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

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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

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

## **6.0 CONCLUSION**

6.1. The proposed development is inappropriate development in the Green Belt and should not be approved unless very special circumstances exist. The NPPF at paragraph 148 states that very special circumstances will not exist unless this potential harm to the Green Belt by inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations. In view of the assessment above on whether very special circumstances exist, it is considered that very special circumstances do not exist to justify the proposed development in the Green Belt. As such the principle of the proposed development in this Green Belt location is not acceptable as it conflicts with National Green Belt Policy (Paragraphs 147 & 148 of the NPPF) and Draft Local Plan Policy GB1.

6.2. The proposed development will not protect or enhance the landscape quality and character of the Site or the public experience of it or the positive contribution it makes to the special qualities of York’s historic character and setting. The proposed development therefore conflicts with paragraph 130 of the NPPF and Draft Local Plan Policy D2.

6.3. In addition to the in principle reason to refuse this application as a result of the harm to the Green Belt by inappropriateness, harm to the openness and the purposes of including land within it, and the harm to the landscape character, the submission of inadequate information on Highway and Access, Drainage and Flood Risk, Ecology and Biodiversity, and Residential Amenity, which has resulted in the Local Planning Authority not being able to fully assess these key issues, are also considered to be reasons for refusal.

## **7.0 RECOMMENDATION: Refuse**

1 The application site is within the general extent of the Green Belt as set out in Policy Y1 of The Yorkshire and Humber Plan - Regional Spatial Strategy. The proposed development constitutes inappropriate development which, as stated in paragraph 147 of the National Planning Policy Framework, is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The proposal conflicts with the essential characteristics of the Green Belt (i.e. its openness and permanence) and the purposes of including land within the Green Belt by resulting in encroachment of development into the countryside, and would therefore be harmful to the openness of the Green Belt. The Local Planning Authority has concluded that there are no other considerations that clearly outweigh the harm to the Green Belt and other harms (landscape character and visual amenity) when substantial weight is given to the harm to the Green Belt.

The Local Planning Authority has concluded that there are no other considerations that clearly outweigh the harm to the Green Belt and other harms, when substantial weight is given to the harm to the Green Belt. Very special circumstances do not exist to justify the proposal. The proposal is therefore contrary to Section 13 of the National Planning Policy Framework and Policy YH9 of the Yorkshire and Humber Plan and also conflicts with the Draft York Local Plan Policy GB1: Development in the Green Belt.

2 A Transport Statement and Travel Plan has not been submitted with the application which conflicts with paragraph 113 of the NPPF and Draft Local Plan Policy T7. As such the highway impact of the development cannot be adequately assessed.

3 Inadequate information has been submitted with the application to demonstrate that the proposed development will not increase flooding elsewhere in line with the guidance in paragraph 167 of the NPPF.

4 Inadequate information has been submitted with the application to demonstrate that the proposed development will not result in significant harm to biodiversity in line with the guidance in paragraph 180 of the NPPF.

5 The proposed development will not protect or enhance the landscape quality and character of the Site, the public experience of it or the positive contribution it makes to the special qualities of Yorks historic character and setting. The proposed development therefore conflicts with the guidance in paragraph 130 of the NPPF and Draft Policy D2 of the Draft City of York Local Plan 2018.

6 Inadequate information with regards to the potential noise and lighting impact

on the amenity of the nearby local residents has been submitted with the application. Therefore it has not been demonstrated whether the proposal accords with paragraph 130 of the NPPF and Draft Policy ENV2 of the Draft City of York Local Plan 2018.

## **8.0 INFORMATIVES:**

### **Contact details:**

**Case Officer:** Lucy Yates

**Tel No:** 01904 551978