

COMMITTEE REPORT

Committee: East Area
Date: 22 February 2007
Ward: Haxby And Wigginton
Parish: Wigginton Parish Council

Reference: 06/02865/FUL
Application at: Brecks Nook Farm And York Riding School Wigginton Road
Wigginton York YO32 2RH
For: Use of land for car parking in connection with existing uses
within the Cliftongate Business Park, Wigginton Road
By: Marchi Properties
Application Type: Full Application
Target Date: 27 February 2007

1.0 PROPOSAL

This application was deferred from the last planning committee meeting on the 8th February in order for further discussions to take place with the applicant over a common and agreed red boundary against which the application can be determined. Officers have requested a meeting with the applicant in order to try and agree this but at the time of writing this report nothing has been arranged. Officers are also trying to ascertain whether the applicant is prepared to sign the proposed Section 106 agreement. Members are advised that without the proposed Section 106 agreement being signed, officers do not support the application. The recommendation is only for approval subject to the signed Section 106 agreement.

Officers remain hopeful that a meeting can be arranged with the applicant and agreement reached on these issues. This will be updated at the Committee meeting. Reference was also made at the deferred meeting by the applicant to the fact that this land already has planning permission for the use proposed here. This was/is explained fully in paragraphs 1.1, 4.2 and 4.4 of the report. Relevant history files will be brought to the Committee in order for members to see these plans for themselves.

The report continues as before.

1.1 Planning permission is sought to use this area of land for car parking in connection with all the uses within the Cliftongate Business Park / York Riding School off Wigginton Road. Members should be aware that the application site can lawfully be used as a car park in connection with York Riding School but not at present for other businesses within the site.

1.2 The site is in the Green Belt.

1.3 The site area in question is currently occupied by a car sales business (Red Pyramid) and a car washing company known as Completely Lathered. Both of these uses are unlawful as they do not benefit from planning permission and are the subject of Enforcement appeals at present. A public inquiry is due to take place on this on March 6th.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYGB1

Development within the Green Belt

CYNE1

Trees, woodlands hedgerows

3.0 CONSULTATIONS

3.1 INTERNAL

3.2 Highway Network Management.

The land that is subject to the change of use was granted consent for use as car parking ancillary to the D2 riding school use as part of a previous Certificate of Lawful Development application. Access to the land is to remain as existing, which is via an existing vehicular crossover from the B1363 Wigginton Road. The access is not proposed to be closed as part of the present application and is lawful. Officers therefore have no grounds to insist on it's closure.

Whilst it is accepted that the amount of car parking that can be achieved on the land is in excess of that allowed under CYC Annex E maximum standards, it must be borne in mind that the land has a historic lawful use for car parking. It would appear as though the existing (lawful) situation is use of the land as car parking for the D2 element of the site with the proposal as car parking ancillary to the existing B1/B2/B8 uses on the site. As such officers consider that in highways terms there will be no material change and as such raise no objections.

3.3 EXTERNAL

3.4 Parish Council.

No comments received.

3.5 Third Parties.

No comments received.

4.0 APPRAISAL

4.1 KEY ISSUES.

- Green Belt.
- Highways.
- The existing enforcement appeals.

4.2 The site in question stands to the north of the main complex of buildings which makes up what is known as the Cliftongate Business Park and formally York Riding School. It stands alone in terms of footprint but it is linked to the main site by a single vehicle width track. It has been an area of hardstanding for many years and at various times has been used for the parking of vehicles in connection with York Riding School. Certificates of lawfulness were issued in 2001 which included within it an acceptance that this piece of land had been used for the parking of cars in connection with York Riding School for more than 10 years. Therefore the site does benefit from planning permission through dint of timescale for car parking in connection with York Riding School.

4.3 The use of the adjacent site as a riding school has steadily diminished over the years and through the benefit of permitted development rights and various planning permissions there has been a change in use of the buildings on the adjacent site to a mixture of uses including Creepy Crawlies play barn, a car repairs / MOT centre, a window/conservatory company and a bus repair centre.

4.4 Green Belt.

PPG2 (Green Belts) defines what is appropriate development in the Green Belt. Anything not within this definition is considered inappropriate development and should normally be resisted. The use of land for car parking is deemed to be inappropriate and would generally be strongly resisted. In this case however it has been accepted by the Council that the area in question can be used as a car parking area in connection with York Riding School (through the issued certificates of lawfulness) and whilst it is acknowledged that the Riding School use has become somewhat diminished over the years, its use does still exist in some form and therefore this site can be used lawfully for car parking in connection with this use. The Creepy Crawlies play barn falls within the same D2 use classification as a riding school and occupies the building that was formally used as the Riding School's indoor arena. Therefore officers consider that it would be difficult for the council to differentiate between these two uses in terms of parking. However, given that the issued certificates only refer specifically to car parking in connection with the Riding School use, a planning application is deemed necessary in order to regularise this situation. Furthermore the other uses on the adjacent site fall outside of this lawful / D2 use and therefore given that these are generally fairly modest traffic generators, officers consider it appropriate to include them within this application.

4.5 Therefore in Green Belt terms, whilst car parking is generally an inappropriate use in the green belt and would be strongly resisted, the site history is a material consideration in this case and in particular given that the site has a partial lawful use for car parking.

4.6 The comments of the highway officer are noted and acknowledged and it is accepted that given the level of car parking available within the main body of the site, adding this area exceeds the Councils minimum car parking standards. In most cases therefore such a use would be resisted on excess car parking grounds but

given the site circumstances, officers consider it to be, on balance, acceptable in this instance.

4.7 The existing appeal.

As previously mentioned there are existing appeals on this site, the inquiry into which will be heard on March 6th. These are into the change of use of the land into car sales and car washing and the operational development which goes with them. If members were minded to approve this application subject to a signed Section 106 agreement this will ensure that the provisions of the Enforcement notices are adhered with. This will include the removal of the car sales and car washing businesses from the site and the removal of all the operational development from the site including lighting, signage and buildings, all of which are inappropriate uses in the Green belt. Officers are only recommending approval of this application subject to the terms of this Section 106 agreement. This would then dispense for the need for the public inquiry and give certainty of outcome.

4.8 It is also recommended that the Sec 106 includes references to exactly what vehicles can be parked there and in connection with specified businesses and uses within the adjacent site. This will clearly define the status of the land and ensure suitable control over it in the future.

4.9 Landscaping.

Part of the mature hawthorn hedge fronting Wigginton Road was severely cut down in the area currently occupied by Red Pyramid. This has had the effect of opening up the site and making it much more visually prominent from Wigginton Road. The Council's landscape officer has looked at the hedge and whilst in places it requires some replanting, the hedge is still alive and will regrow if allowed to. If this were to be done then this would dramatically improve the appearance of the site. A condition is recommended to ensure and control this.

5.0 CONCLUSION

5.1 In Green Belts terms the use proposed is inappropriate by definition and would not normally be permitted. However, given that the site history allows some lawful car parking use, officers consider that this application represents an appropriate compromise, particularly as it would ensure the removal of the existing unlawful uses and operational development on the site. It is acknowledged that if cars are parked in this area there will still be some visual impact and the amount of parking it would allow would exceed the Council's standards, but given that this visual impact would not be as significant as the existing unlawful uses and car parking is already permitted to some degree on the site, officers are prepared on balance to accept this, subject to appropriate Section 106 agreement.

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

- 1 Within 2 months of the date of this permission a detailed scheme for the improvement and reinstatement of the hedge on the boundary of the site with Wigginton Road shall be submitted and approved in writing by the Local Planning Authority. This shall illustrate the number, species, height and

position of any new planting and include details of improvements to the existing planting. This scheme shall be implemented within a period of six months of the date of this permission. Any newly planted parts of this hedge, trees or plants or any part of the existing hedge fronting Wigginton Road which 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: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site to ensure the future survival and reinstatement of the existing hedge, in the interests of visual amenity.

7.0 INFORMATIVES:

Contact details:

Author: Matthew Parkinson Development Control Officer
Tel No: 01904 552405