

COMMITTEE REPORT

Date: 23 October 2014 **Ward:** Wheldrake
Team: Major and **Parish:** Deighton Parish Council
Commercial Team

Reference: 14/01845/FULM
Application at: Cockey Hill Farm Wheldrake Lane Cockey Hill York YO19 4SN
For: Erection of 6no. Holiday Lodges and wildlife pond together with landscaping works following change of use of agricultural grass land and change of use of former quarry to public amenity area (resubmission)
By: Mr Gary Cooper
Application Type: Major Full Application (13 weeks)
Target Date: 3 November 2014
Recommendation: Refuse

SUMMARY

The application site is located within the Green Belt where there is a strong presumption against new development. The report concludes that the proposed development constitutes an inappropriate form of development in the Green Belt which would conflict with the objectives of including land within the Green Belt and would be harmful to openness. There are no very special circumstances which would clearly outweigh the harm caused by the proposed development.

1.0 PROPOSAL

SITE

1.1 The application relates to a piece of agricultural grassland, to the south of Wheldrake Lane, and immediately to the west of Spindle Cottage. It lies to the south of Cockey Hill, a small hamlet centred round the junction of Wheldrake Lane and the A19. There are a number of small businesses within the Cockey Hill area including a cafe about 500 metres to the north of the site along the A19. The site, itself down to grass, has generally well landscaped boundaries, although the field gate on an adjacent piece of land to the west, at the junction with the A19, affords clear views into the site. To the south of the site is the AG Motors business, which is accessed from Wheldrake Lane, and beyond it the existing farm business, which is accessed from the A19. The site lies in Flood Zone 1 (low probability).

PROPOSAL

1.2 The proposal involves the erection of six holiday lodges around a lake following the change of use of the land. Associated visitor parking and both hard and soft landscaping is proposed. Vehicle access to the lodges would be via the existing entrance from Wheldrake Lane, which serves AG Motors. Pedestrian access would be via a gate in the hedgerow to the west of the visitor parking area or via a pedestrian gate to the west of the lodges, that leads to the adjoining parcel of land, itself accessed from an existing field gate from Wheldrake Lane, close to its junction with the A19. This additional area of land, a former quarry, is shown on the masterplan as being landscaped and access provided to the public as an amenity area, including the provision of a picnic area and field shelter, though it is not included in the application redline boundary. The external finish of the lodges is anticipated to be timber, with a neutral colour, non reflective surface used for the roof - final details to be covered by condition. Additional native species planting is proposed to existing boundary enclosures. Permeable crushed hardcore is proposed for the vehicle parking area and grasscrete for the tracks to the cabins. Waymarker lighting is proposed. Foul sewage would be dealt with by a package treatment plant.

1.3 The application is supported by a planning statement, which contains a flood risk assessment, and ecological assessment.

(i) Planning Statement - confirms that the site is just over 2 hectares in area and that the proposal is for the purposes of agricultural diversification. It explains that the adjacent former quarry area to the west of the site will be enhanced with a programme of landscaping and planting to provide high level of amenity for the users of the holiday cabins, but also for local residents through the creation of permissive paths. It summarises pre-application discussions and consultations as well as the key planning issues. In conclusion, it justifies the proposal as being agricultural diversification, making use of an otherwise redundant piece of agricultural land, which would positively contribute to the tourist economy through the provision of high quality visitor accommodation. It would create jobs, increase biodiversity, enhance the appearance of the countryside and provide a recreational facility for local residents and visitors. It considers that the area would remain largely open as the holiday cabins cover less than 2% of the total ground area of the site. The scheme is sustainable and accessible and, due to the limited number of cabins, would not affect residential amenity, drainage or local facilities;

(ii) Ecological Assessment - The site contains species poor acid grassland which is a BAP habitat, but no protected species were identified. The proposal would provide ecological enhancement and the grassland on the western side managed to increase its species diversity.

HISTORY

1.4 A previous application (ref. 13/03205/FULM) for the erection of six lodges on the land was withdrawn prior to determination. A pre-application response was provided by the case officer (ref. 12/02928/PREAPP). This raised concern with what was considered to be a relatively sizable development in a small hamlet within the Green Belt, which constituted inappropriate development in the Green Belt. As such, very special circumstances would need to be demonstrated to outweigh inappropriateness.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGP1 -Design

CYGP14 - Agricultural land

CYGP4A - Sustainability

CYGP9 - Landscaping

CGP15A - Development and Flood Risk

CYGB1 - Development within the Green Belt

CYNE1 - Trees, woodlands, hedgerows

CYHE10 - Archaeology

CYV1 - Criteria for visitor related devt

CYV5 - Caravan and camping sites

3.0 CONSULTATIONS

PUBLICITY

3.1 The application was publicised by means of a press notice, site notice and notification to statutory consultees and local residents. The consultation period expired on 26.9.2014 .

INTERNAL

3.2 Countryside Officer - The proposals do not have appeared to have changed from the previous application. The information provided in the ecology report previously submitted and dated September 2013 still remains valid. The comments and condition suggested as part of the previous application in October 2013 still apply. The proposal to include wildlife areas in the west of the site is positive and more detail would be welcomed. Acid and neutral grassland are priority habitats in the City of York Local Biodiversity Action Plan and could be enhanced on this site through wildflower plug planting and appropriate management such as annual cutting and removal of arisings. In order to facilities this the positioning and number of trees should be carefully considered so not to make management difficult. Condition suggested.

3.3 Highway Network Management - Requested further clarification and confirmation. Following receipt of this, confirmed that happy with the responses, subject to being annotated on the planning drawing.

3.4 Flood Risk Management Team - Considers that there is insufficient information provided with regards foul and surface water disposal. Requests further information to be provided in order that the potential impact of the proposals on the existing drainage system and downstream watercourse can be determined.

3.5 City Archaeologist - The application site lies in close proximity to two sites recorded in the City of York Historic Environment Record: Myer Croft (MYO91) and Crockey Hill Post Medieval Buildings (MYO92). Both are of archaeological interest and are mentioned in the A History of the County of York East Riding: Volume III. Approximately 1km to the north-west a series of complex crop-marks recorded on aerial photographs indicate the existence of a well-developed late-prehistoric and Romano-British landscape (MYO3519). This landscape consists of fields, enclosures and remains of settlement including round-houses. It is likely that this landscape extends through the application site. The application site is therefore of archaeological interest and an archaeological watching brief on all groundworks will be required.

3.6 Environmental Protection Unit - Raises no objection to this application, with regards to noise, odour, contaminated land or air quality. Request an informative to remind the developer of their obligations in regards to environmental concerns.

EXTERNAL

3.7 Environment Agency - Refer to comments made in previous application, which still apply. No objections subject to conditions. There are three groundwater abstractions within a radius of 1 km from the site, which are used for irrigation. The nearest surface water body to the site is a drain about 100metres to the north of the site. There are four ponds within a 1km radius of the site. Furthermore, a natural conservation site, the Heslington Tillmire, which is classified as a Site of Special Scientific Interest (SSSI), lies about 1.1 km to the N-E of the site of the development. The development is therefore situated in an area sensitive to contamination and it is of high importance to protect the aquifer, the abstractions and the SSSI from contamination, during the construction phases of the development.

3.8 Ouse and Derwent Internal Drainage Board - Comments that the site is in an area where drainage problems exist and requests a condition that requires the applicant to demonstrate that soakaways will work effectively.

3.9 Wheldrake Ward Councillor - Raises no objections on the basis that the small site serves no useful purposes to the Green Belt, is unattractive and bounded on three sides by 2 roads, farm buildings, an automotive repair garage and a caravan storage yard. The site has nothing to commend it and the lodges will probably improve the aspect. The neighbours have no problems with the proposals and one of the boundary lines faces open ground on the other side of the road. Access to the site exists and can easily cope with the few visitors cars that will use it. The Parish Council supports the application.

3.10 Deighton Parish Council - Does not object.

3.11 Local residents - two letters from local residents objecting to scheme on following grounds:

- impact on volume and flow of traffic in Wheldrake Lane caused by the increased number of vehicles;
- affect on safety on Wheldrake Lane, which can be particularly difficult at this time of year when the sun at various times of the day is low in the sky making it difficult to see oncoming traffic;
- access from A19 would benefit most that are affected by the proposals and enhance the nature conservation programme intended for the site;
- impact on Green Belt;

- impact on residential amenity from loss of outlook through planned access point, increased in light and noise pollution, loss of privacy and difficulty in sale of houses;
- adverse affect on open farmland landscape character of Crockey Hill;
- a Zone of Visual Influence should be included in the application and assessment undertaken as landscape character will be changed completely;
- further details of signage, waste management and disabled parking required.

4.0 APPRAISAL

KEY ISSUES

4.1 The key material considerations relevant to the determination of this application are as follows:

- Green Belt location;
- Sustainability;
- Residential amenity;
- Highways, access and parking;
- Flood risk and drainage;
- Nature conservation;
- Contamination;
- Archaeology.

POLICY BACKGROUND

4.2 The development plan for York comprises the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies are YH9(C) and Y1(C1 and C2), which relate to York's Green Belt and the key diagram on page 2014 insofar as it illustrates the general extent of the Green Belt (figure 6.2). The policies require the inner and the rest of the outer boundaries are 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. The application site falls within the general extent of the Green Belt as shown on the Key Diagram of the RSS.

4.3 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", March 2012). Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking. The principles include: seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings; protecting the Green Belt around main urban areas, recognising the intrinsic character and beauty of the countryside; taking full account of flood risk; contributing to conserving and enhancing the natural environment; conserving heritage assets; and, actively

managing patterns of growth to make the fullest possible use of public transport, walking and cycling.

4.4 The City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications, although it is considered that their weight is limited except when they are in accordance with the NPPF. The relevant policies are summarised in Section 2.2. Of particular relevance are the following policies:

4.5 Policy GB1 sets out a clear policy presumption that planning permission for development within the Green Belt will only be forthcoming where the scale, location and design of such development would not detract from the open character of the Green Belt, would not conflict with the purposes of including land within the Green Belt and would be for one of a number of purposes deemed to be appropriate within the Green Belt.

4.6 Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape and incorporate appropriate landscaping;

4.7 Policy GP4a 'Sustainability' seeks, amongst other things, to ensure that development proposals are accessible by other means than the car and be easily accessible for pedestrians and cyclists.

4.8 Policy V1 says that visitor related development will be encouraged. In determining applications account will be taken of whether the proposal has made adequate servicing arrangements, is accessible to public transport routes, will result in increased traffic, is likely to improve the prosperity of the tourism industry and the city's economy, will adversely impact on the reasonable use and enjoyment of adjacent buildings and land or adversely impact on the countryside setting of the city.

4.9 Development Control Local Plan Policy V5 'Caravan/Camping Sites' states that planning permission for new caravan/camping sites outside settlement limits will only be granted provided:

- a) the number of pitches does not exceed 20; and
- b) there will be no pitches for static caravans; and
- c) the proposal does not involve the erection of permanently-sited ancillary buildings other than toilets/washrooms and a site office; and
- d) the site is associated with an existing settlement and of a compatible scale to the settlement; and
- e) the site is readily accessible by public transport; and

- f) there is no adverse effect on the openness of the Green Belt; and
- g) it provides a direct benefit to the local residential workforce; and
- h) the approach roads are suitable for caravans; and
- i) there is no adverse effect on the provision of local services; and
- j) the proposal is complimentary to recreational opportunities in the vicinity; and
- k) it provides a direct benefit to the local residential rural community.

4.10 The Good Practice Guide for Planning and Tourism replaced PPG21 in 2006. The guidance advises planners and developers to work together in order to ensure that new tourism developments are as sustainable as possible in transport terms. At the same time, planners will need to recognise that the wide variety of developments that are inherent in the tourism industry means that there are some developments (e.g. touring sites for caravans) that are car dependent. Wherever possible and feasible for the development concerned, they should look to locate the development close to public transport interchanges and bus routes; produce green transport plans and/or establish a visitor management programme (para 5.3). The guide goes on to say that there will be some occasions where development for tourism is sought at a location where it will be difficult to meet the objective of access by sustainable modes of transport. The choice of location may have been determined by a functional need, such as a visitor centre. Developers and planners may find that in such cases there will be limited opportunities to make the development accessible by sustainable modes of transport or to reduce the number or proportion of visits made by car. For small-scale schemes, the traffic generated is likely to be fairly limited and additional traffic movements are therefore unlikely to be a reason for refusal for otherwise suitable tourism developments. (para.5.4).

4.11 Annex A to the guide says Local Planning Authorities should carefully weigh the objective of providing adequate facilities and sites with the need to protect landscapes and environmentally sensitive sites.

GREEN BELT LOCATION

4.12 The site is located within the general extent of York's Green Belt as shown on the Key Diagram of the RSS and is considered as having Green Belt status when assessing the merits of the proposed development against the National Planning Policy Framework and Guidance, relevant local plan policies and other material considerations.

4.13 Section 9 of the NPPF says that the essential characteristics of green belts are their openness and their permanence (para.79). One of the five purposes of including land within the Green Belt is to assist in safeguarding the countryside from encroachment (Paragraph 80). Once defined Local Planning Authorities should plan positively to enhance the beneficial use of the green belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and

recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land (para.81).

4.14 In terms of the Green Belt status of the site the main considerations are:

- whether the proposal constitutes inappropriate development in the Green Belt;
- its effect on the openness of the Green Belt and the purposes of including land within it;
- if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

4.15 The proposed lodges each represent a substantial physical presence, which would be erected permanently on the site. The cabins would not sit on traditional foundations, but would need some form of ground level strengthening. Whilst the applicant points out the scheme is reversible with the cabins being removed at such time as the operator wishes to cease letting them, the application is for the cabins to be permanently sited. Given their size, permanence and physical attachment, it is officers' view that the holiday cabins would comprise operational development and would, therefore, be treated in policy terms as buildings.

Definitional Harm

4.16 The NPPF makes it clear that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. It says that the essential characteristics of Green Belts are their openness and their permanence. Openness can be harmed by (amongst other things) new built form, car parking, boundary walls or fencing. There is a presumption against inappropriate development in the Green Belt. Government guidance uses the term "inappropriate development" to describe development that would harm the openness of the Green Belt. Paragraph 89 of the NPPF lists the forms of new buildings that are considered to be appropriate in the Green Belt. The construction of all other buildings which do not fall within the exceptions listed, are inappropriate development and are therefore, by definition, harmful to the Green Belt (this is referred to in this report as "definitional harm"). Paragraph 90 lists the other forms of development that are not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. The change of use of land is not one of the listed forms of development. Paragraph 88 of the NPPF establishes that 'substantial weight' should be given to any harm to the Green Belt. Paragraph 87 of the NPPF states that inappropriate development that is, by definition, harmful to the Green Belt, should not be approved except in 'very special circumstances'.

4.17 The proposed holiday accommodation does not fall within the exceptions listed in paragraph 89 of the NPPF and the change of use of former quarry does not fall within the specified list in paragraph 90. The proposal, therefore, constitutes inappropriate development that is, by definition, harmful to the Green Belt. In accordance with paragraph 88 of the NPPF, substantial weight is given to this definitional harm against the proposal.

Any other harm

4.18 Paragraph 88 of the NPPF refers to the substantial weight that should be given to any harm to the Green Belt, including "any other harm". Furthermore policy V5 of the DCLP does not support development of touring caravan and camping sites where there is an impact on the openness of the green belt. More permanent accommodation (referred to in the policy as static caravans) is stated not to be appropriate due to their visually intrusive characteristics and permanence.

4.19 The site is part of the open agricultural fields around the cluster of buildings that are Wheldrake Hill Farm. The site is considered to make a positive and significant contribution to the sense of openness and open character of the Green Belt and serves in providing a visual break between the buildings on the farm and the houses on Wheldrake Lane.

4.20 The introduction of the lodges on this land between the existing farm buildings, and the employment buildings within its curtilage, and the houses on Wheldrake Lane would erode the openness of the Green Belt and would add to the sense of encroachment of built form into the Green Belt. Whilst the boundaries of the land are defined by mature native hedges and trees, which contribute to the rural character, the reduced level of cover in the winter months would mean that the development would be more visible in terms of its physical presence and associated lighting, thereby impacting on the open character and visual amenity of the Green Belt. Overall, it is considered that the proposed development fails to protect the essential characteristic of openness or to safeguard the countryside from encroachment, which is one of the five key purposes of including land within the Green Belt as set out in paragraph 80 of the NPPF.

4.21 Therefore, in addition to definitional harm, it is considered that the proposal would result in further harm to the open character of the Green Belt and the purpose for including land within it.

Consideration of 'Very Special Circumstances'

4.22 Paragraph 88 of the NPPF explains that 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. To be "clearly outweighed" it is not enough simply to show that the harm and the countervailing

considerations are in balance as this is not outweighing and certainly not "clearly" outweighing. Additionally, the fact that any particular factor outweighs any harm to the Green Belt does not mean that that factor could reasonably be described as comprising "very special circumstances", as in order to meet the test the circumstances must in truth be "very special" and the words should be given their full force and effect. The fact that the development might be considered desirable from certain points of view is not sufficient in itself to amount to a very special circumstance. The very special circumstances must clearly be so special that the strong presumption against inappropriate development in the Green Belt (which by definition is harmful to the objectives of the Green Belt) can exceptionally be set aside in those particular circumstances. In this respect the application is considered to be weak. The planning statement submitted by the applicant includes a justification for the proposal in paragraph 15 that can be summarised as follows:

- (i) Benefits to the economy - The planning statement refers to the use of 'an otherwise redundant piece of agricultural land' to achieve agricultural diversification, contribution to the tourist economy and the creation of jobs (stated as two full time and one part time employees).
- (ii) Benefits to biodiversity - This refers to the provision of 'an oasis for wildlife...in an area where agriculture and farming practice currently leans towards monoculture'.
- (iii) Benefits to local community - The planning statement refers to the opening up of the land to the west of the site through the provision of permissive paths (short mown grass) that would be accessible by public transport as well as to local residents as well as for wheelchair and ambulant disabled as well as cyclists. It highlights the small size of the Crockey Hill settlement with no clearly defined centre or limit and the opportunity the scheme offers to 'provide an attractive amenity area to be enjoyed by local people as well as visitors occupying the holiday site'.
- (iv) Limited impact on amenity of local area - The planning statement refers to the existing and new planting that could screen the cabins and as such the proposal would have a 'very minimal visual impact'. Lighting is to be kept to a minimum and the additional planting would also seek to reduce noise to local residents. The scheme would lead to an improvement to the visual appearance of the Green Belt.
- (v) Sustainability - The planning statement states that the proposal is in a sustainable location, accessible by public transport, with its own drainage provision and negligible impact on local schools and services.

4.23 Whilst the proposal would undoubtedly increase both the quantity and variety of tourist accommodation serving York and the wider area, this consideration could apply to any number of sites within the City. Although Section 3 of the NPPF does encourage planning policies to support economic growth in rural areas in order to create jobs, there is no relevant local policy and it is noted that the number of jobs to

be created by this proposal is limited. No evidence has been submitted to show that the existing agricultural holding is not viable, thereby supporting the claim of agricultural diversification. Furthermore, it is noted that there are already employment uses in the buildings immediately to the north and east of the farm buildings and that land to the east is used for caravan storage. The planning statement makes reference to the need for the holiday cabins being to provide 'an income and economic base to support the landscape and wildlife improvements', rather than to sustain the operation of the agricultural holding.

4.24 The intention of the applicant to enhance biodiversity features is positive and in line with advice in Section 11 of the NPPF, which advises permission be granted where the primary aim is to conserve or enhance biodiversity. Whilst being in general support, more detail is required by the Council's Countryside and Ecology Officer. The Officer confirms that acid and neutral grassland are priority habitats in the City of York Local Biodiversity Action Plan. Such areas could be enhanced through wildflower plug planting and appropriate management such as annual cutting as is referred to in the Ecological Assessment submitted with the application. The Officer advises caution with regards the positioning and number of trees proposed within the site as this could make management difficult. There is no supporting evidence to demonstrate that the cost of the improvements to the grassland, and indeed the bird boxes illustrated on the masterplan, would necessitate the erection of six holiday lodges. Furthermore, the planting of additional trees is primarily to screen the development from neighbouring properties and is not needed as part of the grassland improvements. With regards the creation of a new pond, it is likely that its biodiversity potential would be limited due to its proposed location surrounded in close proximity by holiday cabins and the impact of disturbance to it from noise and lighting associated with the use of the lodges.

4.25 The opening up of permissive paths on the former quarry land to the west and the subsequent access to the Green Belt, is clearly what paragraph 81 of the NPPF is seeking to support. The masterplan refers to the former quarry site as a public amenity area and shows the erection of a shelter and steps. Planning permission would be required for the change of use and operational works, though the site of the former quarry falls outside the redline application boundary. The increased access to the land through permissive routes would be of benefit to those in the immediate locality and primarily to those that are within walking distance of the site given its isolated location and lack of dedicated parking provision to serve it. The paths and cycle track, which would be short mown grass, would not form part of any footpath or cycleway network, with the only access through the site being provided for the occupants of the holiday cabins to and from Wheldrake Lane. The use of short mown grass for the permissive paths would not provide a suitable surface for wheelchair and ambulant disabled visitors. Furthermore, improved access to this area could be provided without the proposed development and this proposed benefit should be afforded little weight.

4.26 The additional landscaping along site boundaries, and within the site itself, would not offer any significant benefit to the neighbouring properties other than as a screen to reduce the visual impact of the scheme or the visual and acoustic benefit of the public amenity area.

4.27 The site is close to a public transport route between York and Selby along the A19 as well as being a short drive along the A19 from the park and ride facility at the Designer Outlet. Officers concur with the comments in the planning statement in relation to the limited impact on schools and local facilities. Conditions are required in relation to drainage.

4.28 As a result of the above, the issues set out by the applicant to justify inappropriate development are not of overriding weight, either individually or collectively, in the consideration of the application to amount to very special circumstances. Therefore, the harm arising from the inappropriateness of the development and the other harms identified are not outweighed by the very special circumstances advanced by the Applicant.

SUSTAINABILITY

4.29 The NPPF establishes a presumption in favour of sustainable development in paragraph 14, which for decision-taking means approving development proposals that accord with the development plan. Local Plan Policy GP4a 'Sustainability' sets out the local requirements. The site lies on a public transport route between York and Selby and is a short drive away from the park and ride facility at the Designer Outlet. There is a cafe approximately 500 metres to the north of the site along the A19 as well as a farm shop and there is public house at Deighton to the south along the A19. There is a cycle track between York and Selby to the west on the opposite side of the A19 at a distance of approximately 3km. Therefore, whilst it is likely due to the nature of the scheme and location of the site that the primary means of transport would be by private car, it is acknowledged that alternative means could be utilised and local facilities, albeit limited, do exist within the locality.

RESIDENTIAL AMENITY

4.30 One of the core planning principles outlined in the NPPF is the need to seek a good standard of amenity for all (paragraph 17) and this is reflected in Local Plan Policy GP1. The application has the potential to increase noise disturbance from activity associated with the holiday accommodation, particularly Spindle Cottage, which lies to the east at a distance of approximately 29m and has windows in its side elevation facing the cabins. There is an existing established hedge between the cottage and the site and the masterplan indicates additional planting within the site along the entire length of boundary of the curtilage of Spindle Cottage. The separation distance and the planting belt would help to lessen any adverse impact on the amenity that the residents of Spindle Cottage can reasonably expect to enjoy.

The existing field enclosure along the northern boundary with Wheldrake Lane is also proposed to have a row of trees planted along its inner length. Details of the new planting would have to be covered by condition.

HIGHWAY SAFETY

4.31 Vehicles related to the holiday lodges would utilise the existing access from Wheldrake Lane. Occupants of the lodges could also access the site on foot via the existing field opening on Wheldrake Lane and then across the adjoining field to the west of the application site. Further clarification has been sought by the Local Highway Authority, and satisfactorily answered by the applicant. No objection is raised on highway safety terms, subject to a revised plan being submitted that annotates the answers given, to allow the drawing to be conditioned as part of any approval.

FLOOD RISK AND DRAINAGE

4.32 Section 10 of the NPPF requires LPAs to ensure that flood risk is not increased elsewhere as a result of the development. This advice is reflected in Policy GP15a of the Local Plan. The site falls within low risk Flood Zone 1 and is, therefore, not at risk from river flooding. However, the Internal Drainage Board highlights that the site lies in an area where drainage problems do exist and requests a condition with regard to surface water drainage. The Council's Flood Risk Management Team requests further information with regards to water disposal. Officers' consider that the proposal is acceptable in drainage terms, subject to the condition requested by the drainage board.

NATURE CONSERVATION

4.33 Section 11 of the NPPF deals with the conservation and enhancement of the natural environment. Paragraph 118 states that LPAs should aim to conserve and enhance biodiversity by permitting development proposals where this is the primary objective. An Ecological Assessment has been submitted in support of the application. It highlights that the site includes areas of acid and neutral grassland, which are priority habitats in the City of York Local Biodiversity Action Plan. The proposal to enhance the grassland within the site through future management could be covered through condition. The wildlife benefit of the pond is likely to be affected by the location of the holiday cabins around it and at close proximity.

CONTAMINATION

4.34 Section 11 of the NPPF also sets out Government policy with regards contaminated land. It states in paragraph 120 that new development must be appropriate for its location to prevent unacceptable risks from pollution and land instability. The Environment Agency requests a condition to address potential contamination, due to the site's history as a quarry.

ARCHAEOLOGY

4.35 Section 12 of the NPPF requires LPAs to take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 139 states that non-designated heritage assets of archaeological interest should be considered subject to the policies for designated heritage assets. This is reflected in Local Plan Policy HE10. The site lies in close proximity to two recorded sites of archaeological interest that consist of fields and enclosures and remains of settlement. The City Archaeologist considers that it is likely that this landscape extends through the application site and as such an archaeological watching brief would be required on any ground works. This could be addressed through condition.

5.0 CONCLUSION

5.1 For the reasons set out above, the development is considered to be inappropriate development in the Green Belt. The harm arising from the inappropriateness of the development and the harm identified to openness and purpose of including land in the Green Belt are not outweighed by the circumstances advanced by the Applicant. The application is, therefore, recommended for refusal.

6.0 RECOMMENDATION: Refuse

1 Policies YH9 and Y1 of the Yorkshire and Humber Plan Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. Crockey Hill Farm is located in Green Belt as identified in the City of York Development Control Local Plan (April 2005). It is considered that the proposed development consisting of six holiday lodges, as well as the associated infrastructure, constitutes inappropriate development in the Green Belt as set out in Section 9 of the National Planning Policy Framework. As such, the proposal results in substantial harm to the Green Belt, by definition, and by reason of any other harm, including the impact on the openness of the Green Belt and conflict with the purposes of including land within it. No 'very special circumstances' have been put forward by the applicant that would outweigh this substantial harm. The proposal is, therefore, considered contrary to

advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land' and City of York Draft Local Plan Policies GB1 and V5.

7.0 INFORMATIVES:

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