



**Notice of a public meeting of
Planning Committee**

To: Councillors D Myers, Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, Barker, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Hollyer, Kilbane, Warters, Lomas and Fisher

Date: Thursday, 4 March 2021

Time: 4.30 pm

Venue: Remote Meeting

AGENDA

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 1 - 14)

To approve and sign the minutes of the last meeting of the Planning Committee held on 4 February 2021.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The

deadline for registering at this meeting is at **5.00pm on Tuesday 2 March 2021.**

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill out an online registration form. If you have any questions about the registration form or the meeting please contact the Democracy Officer for the meeting whose details can be found at the foot of the agenda.

Webcasting of Remote Public Meetings

Please note that, subject to available resources, this remote public meeting will be webcast including any registered public speakers who have given their permission. The remote public meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Plans List

This item invites Members to determine the following planning applications:

a) North Selby Mine, New Road, Deighton, York [20/01546/FUL]
(Pages 15 - 38)

Variation of condition 4 of permitted application 19/00078/OUTM (redevelopment of the former North Selby Mine site to a leisure development comprising of a range of touring caravan and static caravans with associated facilities) to remove limit of 28 nights occupation in any one calendar year [Wheldrake Ward]

b) York Microlight Centre Limited, Rufforth Airfield, Rufforth, York YO23 3NA [20/01448/FUL] (Pages 39 - 68)

Erection of building to provide training facilities, bike and equipment storage for motorcycle training school and microlight hangar, and erection of extension to hangar [Rural West York Ward]

5. Urgent Business

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

Democracy Officer

Angela Bielby

Contact details:

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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)

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City of York Council

Committee Minutes

Meeting	Planning Committee
Date	4 February 2021
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, Barker, Daubeney, Doughty, Douglas, Fenton, Hollyer, Kilbane, Warters, Lomas, Fisher and Baker (Substitute for Cllr D'Agorne)
Apologies	Councillor D'Agorne

11. 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. Cllr Doughty declared personal non prejudicial interest in items 4a and b [York Station Frontage] as a railway employee and noted that he had no part in the application process. Cllr Kilbane declared personal non prejudicial interest in items 4a and b as owners of cycle heaven is the landlord of a business property and Cllr Kilbane was part of a group that rented that property for another business. There were no further declarations of interest.

Cllr Kilbane noted that as a point of order, a member of the Executive sitting on the committee may have an interest in agenda items 4a and 4b [York Station Frontage]. Cllr Ayre noted that this had been addressed at previous meetings.

12. Minutes

Resolved:

- i. That the minutes of Planning Committee meetings held, 3 December 2020 and 7 January 2021 be approved and then signed by the chair as a correct record and signed at a later date.
- ii. That the minutes of the Planning Committee meeting held on 19 November 2020 be approved subject to the second reason for the deferral of the application

for St Georges Field Car Park, Tower Street, York [19/02063/FULM] being amended to:
'Full parking review to take place to take account of the city centre as a whole'

13. 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.

14. 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.

14a York Station Frontage, Station Road, York [19/00535/FULM]

Members considered a major full application from City of York Council for the demolition of Queen Street Bridge and construction of new highway; reinstatement and construction of earth ramparts and retaining walls to part of the City Wall. Demolition of pedestrian bridge and works to the York Railway Institute elevation; demolition of Band Room, demolition of extensions to rear of RI Gymnasium. Construction of multi-storey car park. Part demolition station building (Parcel Square) and construction of a new facade, roof and canopy and associated works to retained elevations. Relocation of electricity sub-station. Public realm and highway improvements along Queen Street and Station Road. Relocation of cycle store associated with George Stephenson House. Demolition of Unipart Rail Service Centre building and construction of temporary surface car park, alterations to existing car park and taxi drop-off arrangements at York Station Frontage, Station Road, York.

Members were advised of the two separate applications for the station frontage, the one before them and the following application for Listed Building Consent (LBC). The Development

Manager gave a presentation on the application noting the layout, areas included in the LBC application, removal of bridge in Queen Street, Queen Street access general arrangement, multi storey car park (MSCP) site plan including the artist's impression and aerial view.

For the LBC application Members were shown the station yard ground floor existing layout, proposed demolition and alterations, proposed layout, parcel square south shed elevations, external elevation, proposed elevation of the internal south shed and north shed and proposed portico plan (for which no there was no detail at that point). A number of photographs for different views of the station frontage were also shown to Members.

Members raised a number of questions to which officers responded that:

- There was a condition requiring a safety audit to be in place for the cycle path past the MSCP. The detail of the condition was to be agreed and priority would be given to cyclists.
- The green infrastructure was limited to the extension to the cholera burial ground and the trees to create a green line between the highway and taxi rank. There were also grassed areas behind the bus shelters and where the car park was extended.
- The wording of the proposed condition regarding the surface materials for the paving were intended to segregate the cycle path.
- Planting in perpetuity and street furniture were covered by a condition. The plans were indicative of street furniture and would be developed in conjunction with the prevention of crime.
- The proposals for the MSCP were to re-provide what was there already and this was a requirement of Network Rail and LNER. The council had no highway or planning powers to compel private landowners to relinquish what they have.
- A two deck car park would cover a larger footprint than that of a four deck.
- The policy for electric vehicle (EV) charging was explained.
- Condition 26 stated that the band room could not be demolished until a replacement had been agreed

Members were then provided with an update advising them of consultation responses from owner occupiers in Queen Street, the confirmation of the LNER objection, and two amended and

additional conditions. It was noted that the recommendations remained unchanged from the published report.

[The meeting adjourned from 17:24 to 17:55]

Public Speakers

Ian Anderson spoke in objection to the application. He suggested that the canopy over the taxi rank provided inadequate protection against the elements for taxi passengers. He proposed that a full length canopy should be a condition of the application.

Alan Robinson on behalf of York Bus Forum spoke in objection to the application on the grounds that a bus interchange was needed. In response to Member questions he explained the need for an additional lane for buses and he suggested that the central crossing should be re-examined. He added that it was not good for buses to go around the back of the Railway Institute (RI) and there was a need to ensure the termination of bus services at the station, included Park and Ride buses.

Dave Merrett on behalf of York Environment Forum spoke in objection to the application due to the inadequate bus interchange facilities and multi storey car park (MSCP). He noted that there needed to be better public transport provision and that the application failed to meet the councils own climate change policies.

Andrew Morrison on behalf of York Civic Trust noted that whilst the Trust was supportive of the scheme overall they objected on the grounds that the proposals did not include provision for park and ride services to go to the station, there was a lack of provision for bus turning and the long stay car park was excessive. He was asked and explained that the Trust was hoping for a more modern design for the parcel square replacement building to benefit the heritage asset.

Tom Franklin, Chair of York Green Party spoke on the application. He explained that the party supported aspects of the application, however, the MSCP was inappropriate as there was a need to reduce car parking and there was a lack of electric vehicle (EV) charging points and reduction in cycle parking. He was asked and noted he would need to consider

whether a reduction in the number of floors for the MSCP was favourable.

Cllr Webb spoke on the application behalf of Cllr Melly (who was unable to attend the meeting). He explained that the MSCP was unfair to residents on Cambridge Street, as well as dominating the heritage asset. He noted that the proposals did not future proof the site as not all buses stopped there and he suggested that there be an increased number of EV charging points and cycle parking. He questioned if the application achieved the points in section 9 of the NPPF.

Michael Howard, on behalf of the applicant, City of York Council (CYC) spoke in support of the application. He explained how the proposals addressed the challenges presented to the city and provided a high quality gateway to the city. He detailed the benefits of the changes to the station frontage. He was joined by a number of colleagues from ARUP to answer questions from the Committee to which they responded that:

- Concerning the impact on businesses at the top of Micklegate there may be a need to put a small wall at the bottom of the ramparts and there would be piling. It was noted that there was a condition regarding vibration and this would be monitored by the CYC environmental health officer. The council would work with business and neighbours during construction works.
- The council had been working closely with bus operators, who would like a number of bus stops for passengers. There was four extra bus stops that would allow buses to operate more efficiently.
- The aspiration for Parcel Square was to be low key and recessive. This was explained in the context of the historical design of the station.
- The council had worked with the landowner to secure the land and was not party to the commercial considerations of LNER and Network Rail. In order to secure the space, parking needed to be secured in the footprint.
- In relation to consultation with Cambridge Street residents, the application had been advertised.

Richard Bickers (ARUP) spoke in support of the application. He explained that the design simplified vehicle movements and allowed more pedestrian movement. He outlined the benefits of the design to pedestrians and bus users and added that the rationalisation of car parking would help reduce the proportion of

passengers that drove to the station. In response to Member questions he noted:

- That York Central allowed expansion of the platforms at the station.
- The rationale for the taxi canopy and how this would be set out and provide protection for passengers.
- That the scheme allowed capacity for growth in bus usage.

Thomas Pearson (ARUP) spoke in support of the application. He noted that the scheme provided an opportunity to reintroduce symmetry to the design of the station frontage. He explained that the two railway arches would take centre stage and the MSCP would fit discretely behind the RI and had been supported by the conservation officer.

Mike Stancliffe, on behalf of Network Rail, spoke in support of the application. He advised that Network Rail was the owner of the station which was leased to LNER and he explained how they had been involved in the design of the applications (including Listed Building Consent application). He noted that the focus of the scheme was to make it easier for users to access and leave the station. He outlined the constraints of the current layout and how the MSCP consolidated parking. He was asked and answered questions from Members noting:

- Options for the band room were being examined and the commercial arrangements with the RI would be taken forward. The replacement for the band room was conditioned.
- Concerning the MSCP, travellers may not want to travel by rail if there was no parking and the scheme was looking to protect capacity that users of the station required.

Niall Melvin spoke in support of the application on behalf of LNER. He explained that as the operator of the station, LNER had worked with the council to deliver a scheme that customers would want and expect. He noted the improved pedestrian flow, cycle provision, and sustainable transport for the mass transition of people. He was asked and:

- Recognised the concern regarding the model shift to shorter journeys. He noted the need for railway companies to look at model shifts for all journeys.
- Explained that the scheme provided availability for commuters to get to work and could achieve the national objectives for carbon reduction.

- Advised that LNER would be working on proposals regarding e-scooters with the council
- Explained the why car parking was needed.

Andrew McGuinness on behalf of York Quality Bus Partnership (QBP) spoke in support of the application. He explained the role of the QBP and their support in bus services being given prominence. He noted that the proposed layout provided great connectivity and he noted the benefits of the new loop road. He added that the layout provided high quality waiting areas and service information and that York had many bus interchange points. He was asked and confirmed that the scheme proposed would future proof capacity for growth in York.

The Democracy Officer read out a statement from Andrew Digwood (York & North Yorkshire Chamber of Commerce) who was unable to attend the meeting at short notice. He supported the application for a number of reasons, namely that the station frontage was in need of modernisation, was part of a number of projects (York Central, Hudson Quarter, Roman Quarter) presenting an opportunity to showcase that part of York, integrated the city's bus network and provided car parking for commuters travelling at all times of the day.

[The meeting adjourned from 19:31 to 19:44]

Members then asked further questions to officers. The Conservation Architect was asked and explained that the views of the shed roof were important and the temporary structure detracted from this. Officers were asked and clarified that:

- Site notices were placed in the locality and letters were sent to local residents. The location of the notices was listed.
- Condition 18 could be amended to include planting in perpetuity
- Regarding conditioning of retail units within the portico, anything more than temporary structure would require Listed Building Consent approval.

Members then debated the application in detail including the detail of conditions concerning landscaping (condition 18), cycle parking (condition 37) and cycle path materials (condition 38).

[At 19:59 Cllr Lomas confirmed she had left the screen briefly but had heard all of the discussion].

Cllr Fenton then moved and Cllr Hollyer seconded approval of the application subject to the amended conditions 18, 37 and 38 below, conditions outlined in the report and in the additional information. Following debate, and in accordance with the revised Standing Orders, a named vote was taken with the following result:

- Cllrs Ayre, Barker, Daubeney, Doughty, Fenton, Fisher, Hollyer, Warters and Cullwick voted for the motion;
- Cllrs Baker, Douglas, Kilbane, Lomas, Myers and Pavlovic voted against the motion.

The motion was therefore carried and it was

Resolved: That the application be approved subject to the amendments to conditions 18 and 38 and delegation of wording to officers in consultation with the Chair and Vice Chair to amend conditions 18, 37 and 38 below, conditions outlined in the report and in the officer update.

- Amendment to text of Condition 18 to remove the 5 year limit and revise the wording regarding the ground conditions
- Amendment to text of Condition 37 to increase the number of cycle spaces
- Amendment to text of Condition 38 to revise the wording regarding the material to be used for the cycle path in terms of safety

Reasons:

- i. The proposed scheme is primarily focused on the reorganisation of existing transport infrastructure in the areas surrounding York Railway Station and the Railway Institute. The key principles of the scheme are to rationalise pedestrian cycle, and vehicle movements, improve the transport interchange, connectivity and allow for more efficient use of space and improvements to the public realm including substantially enhancing the setting of highly significant heritage assets, namely the City Walls (Scheduled Monument and Grade I) and York Station (Grade II*) and other listed building within the site. It is considered that the aims of the scheme comply with Policy

DP2 'Sustainable Development' of the Draft Plan 2018 which seeks to provide efficient and affordable transport links by prioritising and improving strategic public transport, cycle and pedestrian networks as well as conserving and enhancing those elements that contribute to the special character and setting of the historic city.

- ii. The ability to achieve the highway improvements is principally through the removal of Queen Street Bridge and construction of new highway at grade level including loop around Railway Institute gymnasium and Water Tower. In addition, the creation of a new taxi rank, relocation of the bus interchange and the rationalisation of short and long stay car parking is critical to the ability to deliver the public transport improvements for those who live in, work in or visit York. These public interchange improvements are set out in the Local Transport Plan (LTP) 3 2011-2031 and draft local plan Policy T3 'York Railway Station and associated operational facilities'.
- iii. A key focus of the scheme has been the ability to enhance the significance of the setting of listed buildings and other non-designated heritage assets that sit within the site, as well as the character and appearance of the York Central Historic Core Conservation Area. The YCHCCA management strategy identifies the Station Approach and Memorial Gardens as a priority for improvement, describing it as a disappointing way to arrive into the City. The application has assessed the effect of the proposal on the significance of the non-designated heritage assets, which have been identified as 22 Queen Street and the RI Gymnasium building, in line with paragraph 197 of the Framework. The direct impact of the proposal on the scale of harm to the significances of these NDHA is considered to be low. In terms of the assessment of the application to the designated heritage assets, the assessment concludes that there will be less than substantial harm to these. The archaeological features and deposits are located within the Central Area of Archaeological Importance (AAI) and as per paragraph 194 (b) and footnote 63, these are subject to the policies for designated heritage assets. The harm to the assets of archaeological interest is also assessed as less than substantial harm. Regard is had to advice in paragraphs 193 and 194 of the NPPF 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 (and the more important the asset, the greater the weight should be) and any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Regard is also had to the legislative requirements to give considerable importance and weight to harm to a listed building. The public benefits of the proposal are summarised at paragraphs 5.210 to 5.218 above and are considered to be collectively sufficient to outweigh the less than substantial harm to these heritage assets even when giving great weight to the conservation of these assets. In general terms, there will be the creation of public spaces and improved setting to the City Walls and ramparts and Railway Station, enhancing the features that make this City so unique.

- iv. The creation of an attractive public realm and quality and character of the green infrastructure, particularly landscape is critical to the success of the scheme as a mechanism to enhance the feature of the historic environment. Consideration has been given to the requirements for highway adoption and counter terrorism mitigation measures, and details shall be scoured via appropriate conditions.
- v. The loss of the band room as a community facility is on balance acceptable given the commitment of the applicants to secure appropriate replacement facilities which is secured by appropriate conditions.
- vi. The application, subject to appropriate conditions satisfies other aspects in terms of crime and design, environmental quality, air quality and climate change. It is considered that there are no protective policies within the NPPF which provide a clear reason for refusal and that the proposed scheme would not have adverse impacts that would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations. The proposal is thus sustainable development for which the NPPF carries a presumption in favour.

14b Station Building, Railway Station, Station Road, York YO24 1AY [19/00542/LBC]

Members considered an application for Listed Building Consent from City of York Council for Internal and external alterations including the demolition of Parcel Square buildings and the construction of a new façade and associated works to retained elevations, new roof and canopy and associated internal rearranged accommodation at the Station Building, Railway Station, Station Road, York. The officer update on the application had been included in the previous item.

Cllr Cullwick then moved and Cllr Hollyer seconded approval of the application subject to the conditions outlined in the report and additional information. Following debate, and in accordance with the revised Standing Orders, a named vote was taken with the following result:

- Cllrs Ayre, Barker, Daubeney, Doughty, Douglas, Fenton, Fisher, Hollyer, Lomas, Pavlovic Warters and Cullwick voted for the motion;
- Cllrs Baker, Kilbane, Myers and voted against the motion.

The motion was therefore carried and it was

Resolved: That the application be approved subject to the conditions listed in the report,

Resolved: That the application be approved subject to confirmation from the Secretary of State that the application will not be 'called in', following the referral of the application in accordance with Arrangements for Handling Heritage Applications Direction 2015.

Reasons:

- i. It is outlined in the main body of the report that the impact of the proposals at individual areas of the station, such as the Portico, North and South Train Sheds and the Parcel Square area, is assessed as resulting in less than substantial harm to the significance of this designated heritage asset. In the case of the freestanding buildings and pods in the

north and south train sheds, this harm is assessed at being at the upper level of less than substantial harm. Regard is had to paragraphs 193 and 194 of the NPPF which state that great weight should be given to the conservation of listed buildings (and the more important the asset, the greater the weight should be) and any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

- ii. It is demonstrated that the wider York Station Frontage scheme and also the individual parts of the proposal that would impact upon the railway station would deliver economic, social and environmental objectives. The objectives demonstrate that public benefits would be derived from the proposed development. The public benefits outlined in paragraphs 5.65 to 5.75 above are considered to collectively outweigh the less than substantial harm identified to this Grade II* railway station. The application therefore complies with paragraph 196 of the NPPF. Having special regard to the desirability of preserving listed buildings and their setting in line with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and giving considerable importance and weight to the identified harm, it is considered that the proposals would have an acceptable effect on this designated heritage asset.

[Cllr Baker left the meeting at 20:37]

[The meeting adjourned from 20:37 to 20:48]

14c Former Carpetright, Layerthorpe, York, YO31 7UP

Members considered a major full application from CBRE UK Property PAIF LTD and Premier Inn Hotels LTD for the erection of hotel with bar/restaurant, relocation of access and associated landscaping and car park following demolition of existing building at the Former Carpetright, Layerthorpe, York.

The Head of Development Services outlined gave a presentation on the application detailing the site location plan

and proposed elevations, landscape plan and visualisations. An officer update was given, detailing amendments to conditions 12 and 22.

[At 20:57 Cllr Kilbane confirmed he had dropped out of the webcast briefly. The Head of Development Services then repeated the second slide of the presentation to ensure that he had seen it].

In response to Member questions concerning the application, officers confirmed that:

The applicant had submitted a travel plan detailing alternative modes of transport to the hotel and there were three car parks close to the hotel offering overnight parking.

The car park would be accessed by servicing vehicles.

Public Speaker

Chris Argent – Agent for Applicant spoke in support for the application. He outlined the pre application meetings, the benefit that the application in terms of regeneration, high quality architecture and landscaping. He noted that the building had appropriate parking, servicing, motorcycle parking, six EV bays, photovoltaic roof, and flood plain storage. He added that there was a contractor ready to proceed and that there were no third party objections. He was asked and clarified that:

- The applicant had engaged with York Civic Trust and had worked with Historic England and council officers on the application.
- The trees were there to break up the hard landscape
- The conditions had been modified to improve energy efficiency
- The application was DDA compliant

Cllr Warters then moved and Cllr Daubeney seconded approval of the application subject to the conditions outlined in the report, additional information and amendment to Condition 20.

Following debate, and in accordance with the revised Standing Orders, a named vote was taken with the following result:

- Cllrs Ayre, Barker, Daubeney, Doughty, Douglas, Fenton, Fisher, Hollyer, Kilbane, Lomas, Myers, Pavlovic, Warters and Cullwick voted for the motion.

Resolved: subject to the conditions outlined in the report, the officer update and amendment to Condition 20 for

the landscaping to be for the lifetime for the development.

Reasons

- i. The proposed redevelopment of the application site for a hotel with associated bar/restaurant is considered to be acceptable in principle given the city centre use and fits with the aspirations for economic growth in the NPPF and the local plan, by facilitating a sector where there is growth and evidentially demand. The scheme is appropriate for the site; the design is acceptable and relates to the context. Furthermore, there would be considered to be no harm to heritage assets.
- ii. The proposal would not comply with 2018 Draft Plan Policy C2 insofar as the scheme would not achieve BREEAM Excellent but in the context of the weight that can be afforded to the policies of the 2018 Draft Plan, Officers consider that a refusal for this reason alone would be difficult to defend, particularly given that the building would achieve a reduction in carbon emissions of 44% (exceeding the requirements set out in the 2018 Draft Plan Policy CC1).
- iii. There would be no unacceptable impact on amenity, which cannot be reasonably controlled through the use of planning conditions. Other technical matters can also be dealt with by way of conditions.
- iv. 6.4 The presumption in favour of sustainable development in paragraph 11(d) of the NPPF applies to this application. This tilts the planning balance in favour of granting planning permission, unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Cllr C Cullwick, Chair

[The meeting started at 4.30 pm and finished at 9.20 pm].

“Notwithstanding Classes C2 (Residential Institutions), C3 (Dwellinghouses) and C4 (Houses in multiple occupation) of the Use Classes Order, the caravans shall be occupied for holiday accommodation purposes only and shall not be occupied as permanent residential accommodation as a person's sole or main place of residence.

A Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority before any occupation of the site commences. The Plan will demonstrate how the site owner/operator will ensure, in perpetuity, that the holiday accommodation is not occupied as permanent, unrestricted accommodation or as a primary place of residence. The Plan shall include, but not be restricted to:

- the site owner/operator maintaining an up-to-date register of the names and main home addresses of all owners/occupiers of the accommodation on site, including dates and durations of each stay by each occupier, and shall make this register available for inspection at all reasonable times when requested by the Local Planning Authority;
- confirmation of a continuous period of six weeks from 15th January until 1st March each calendar year that the site will be completely closed.

Reason: This condition is imposed to ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation. The site is not considered appropriate for full time residential use due to its remote position in the Green Belt and to prevent increased pressure on health and education services in the City.”

PROPOSAL

1.2 The application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) and seeks to vary condition 4 of planning permission 19/00078/OUTM granted on 7.8.2020 for a leisure development of touring and static caravans at the former North Selby Mine site. Condition 4 imposed an occupancy restriction of a 28 day duration of stay in each year for each individual, family or group of people to prevent the caravans being used for permanent residential accommodation. It currently reads as follows:

“The static and mobile caravans shall be occupied for holiday letting purposes only and not as a person's sole or main place of residence. For the purpose of this

condition, "holiday letting" means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 nights in any one calendar year.

No individual caravan, motor home or tent (whether occupied or otherwise) shall be located on the site hereby permitted for a total of more than 28 nights in any one calendar year.

The site owner/operator shall maintain an up-to-date register of the names and main home addresses of all occupiers of the accommodation on site, including dates and durations of each stay by each occupier, and shall make this register available for inspection at all reasonable times when requested by the Local Planning Authority.

Reason: This condition is imposed to ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation. The site is not considered appropriate for full time residential use due to its position in the Green Belt.”

1.3 The application is supported by a Planning Statement, which sets out the reasons for the request to vary the condition. The applicant considers that the wording of condition 4 is overly restrictive and not in accordance with other similar sites in the locality and suggests a less restrictive form of wording, namely:

“The caravans on the site shall not be occupied otherwise than in accordance with the following terms:

- (i) the caravans shall be occupied for holiday purposes only;
- (ii) the caravans shall not be occupied as a person’s sole or main place of residence; and,
- (iii) the owners/operators shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site, and their main home addresses, and shall make this information available at all reasonable times to the local planning authority.”

1.4 The application has been called-in to Committee by the local ward member, Councillor Vassie. This is on the basis that the site is of major strategic importance to the whole city as a potential source of renewable energy and should not be used as a caravan park.

1.5 The original outline application was accompanied by an Environment Statement as it was considered to be ‘EIA development’ following the publication of a screening and scoping opinion by the local planning authority. This Section 73 application, whilst related, would not have any significant further environmental impacts over and

above those considered as part of the original application. Also, given the short passage of time since the original application was considered and determined, there has been no substantial material change to the local environment or policy that requires the submission of further environmental information. The original EIA remains valid.

2.0 POLICY CONTEXT

2.1 Yorkshire and Humber Regional Spatial Strategy policies:

YH9(C)

Y1(C1 and C2)

2.2 City of York Draft Local Plan Incorporating the 4th set of changes – Development Control Local Plan (Approved April 2005) – relevant policies:

V5 – Caravan/Camping Sites

2.3 City of York Local Plan – Publication Draft February 2018 (Regulation 19 Consultation) (“2018 Draft Local Plan”) – relevant policies:

EC4 – Tourism

EC5 – Rural Economy

3.0 CONSULTATIONS

INTERNAL

Strategic Planning

3.1 The overall principles of the development, particularly in relation to the proposed development in the Green Belt and impact on the rural economy, were established through the granting of planning permission 19/00078/OUTM, and therefore do not form part of the policy analysis of this application.

3.2 The 2018 Draft Local Plan supports the principle of self-catering chalet type accommodation, but aims to restrict occupancy of this type of unit to ensure that they are not used as permanent residential accommodation. Justification for Policy EC5 provides the rationale identifying that whilst self-catering holiday provision supports the local tourism economy, it may be located in areas not supported for residential development in accordance with the plan. For this reason, occupancy

conditions are imposed on such developments to ensure that they are not used for permanent accommodation, and consequently, remain only available for holiday provision.

3.3 The 2019 outline application was granted consent for leisure development and considered appropriately against policy SS1 'Delivering Sustainable Growth for York'. In considering the application, the policies and analysis provided to the overarching application will have considered the temporary nature of people's stay at the site and likely activities/impacts as a result. As a leisure application and giving moderate weight to the provisions in policy EC5, permanent occupation of the site would not have been supported.

3.4 The Development Management Officer must consider whether the suggested revision to the condition wording would result in a greater risk of the caravans not being used for holiday accommodation, and potentially a greater risk of them being used as permanent residences.

Design Conservation and Sustainable Development

3.5 Development Management to assess.

Public Rights of Way

3.6 No objection.

Councillor Vassie

3.7 Raises concern at the disregard and disinterest given to the potential value of this site, which is of major strategic importance to the whole city as a potential source of renewable energy, and the approval to use the site for pitching of caravans.

- The site's significant power connection to the Grid means that it is ideally suited to be a generator of electricity.
- There are several potential renewable energy sources available on the site, from wind power to geothermal energy.
- CYC is committed to delivering a zero carbon future, as is the nation, and ensuring that all potential renewable energy sources are properly audited and exploited is key to delivering that zero carbon future.

- The University of Leeds Earth Sciences department has identified the site as a potential source of geothermal energy and discussed this with the climate change policy and scrutiny committee in the past few weeks, and senior officers are aware of this.

- District heating derived from heat exchange systems using flooded tunnels in old mines is now an established technology exploited in British and European countries.

EXTERNAL

Natural England

3.8 No comments to make.

Highways England

3.9 No objection.

Ouse and Derwent Internal Drainage Board

3.10 As condition does not relate to drainage, the Board does not feel it is appropriate to comment.

North Yorkshire County Council

3.11 No comments.

Selby District Council

3.12 No comments.

Deighton Parish Council

3.13 Object on grounds that the original planning permission was given for residential use only and not residential use as site sits firmly within the Green Belt.

Escrick Parish Council

3.14 Qualified support in principle to amend the imposed condition. Following comments made:

- applicant agreed to the number of units being the maximum number required. Would strongly object if a further application to vary condition 3 (restricting number of caravans) was made in the future;
- supported change of use to leisure development in principle on basis that no permanent occupation of the holiday accommodation;
- no site management plan is provided to state whether the site will operate the full 12 months a year and what occupancy restriction will be imposed;
- important that accommodation is not used as use class C3 (residential) as occupants living permanently on the site would have implications for education, health and social provision;
- applicant's comment of wanting parity with other holiday parks in surrounding area is difficult to reconcile as not aware of any other holiday parks of this large scale;
- parish councillors have knowledge of local examples where children living in caravans and holiday lodges at holiday parks on a full time basis as their only home and attend schools or retired people who live full time;
- 5 of the 14 dwellings for sale in Escrick on Rightmove are for holiday lodges at Hollicarrs;
- a replacement condition is proposed which restricts use to holiday accommodation and to same person, group or family for no more than 6 months in any one calendar year with occupation restricted to 12 weeks with 4 week break period; a site management plan to be submitted; and confirmation of a continuous 4 week annual closure period.

4.0 REPRESENTATIONS

4.1 Representations from 3 local residents – comments summarised as follows:

- Leisure development should not become residential site the size of a village;
- Environmental impact needs to be reviewed;
- Massive impact on road and dangerous junction with impact on local residents.

5.0 APPRAISAL

5.1 The main considerations relevant to the determination of this Section 73 application are as follows:

- Impact on local services
- Impact on tourism and rural economy

LEGISLATIVE BACKGROUND

5.2 Section 73 of the Town and Country Planning Act 1990 (as amended) allows for development of land that has planning permission without compliance with conditions attached to the previous approval. It allows for modification of approved proposals where these are not fundamental or substantial.

POLICY CONTEXT

Development Plan

5.3 Section 38(6) of the Planning and Compensation Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for York other than 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, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt around York with an outer boundary about 6 miles from the City Centre. 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.

Development Control Local Plan

5.4 The Development Control Local Plan Incorporating the Fourth Set of Changes was approved for development management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. However, such policies can be afforded very limited weight. Relevant policies are listed in section 2. The site falls outside the main urban area of the City and within the general extent of Green Belt on the proposals map accompanying the 2005 Draft Plan.

Publication Draft Local Plan

5.5 The Publication Draft Local Plan ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the 2018 Draft Plan took place in December 2019. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.6 Relevant policies are set out in section 2 and are attributed moderate weight. The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. This evidence base includes the 2003 Approach to Green Belt Appraisal, Historic Character and Setting Technical Paper (Jan 2011) and update (June 2013) and the Green Belt Topic Paper TP1 Addendum (March 2019), which confirm that the site is within the general extent of York's Green Belt. As such, the site is shown on the proposals map accompanying the 2018 Draft Plan as being within the general extent of Green Belt.

5.7 Relevant policies in the 2018 Draft Plan are EC4 'Tourism' and EC5 'Rural Economy'. Policy EC4 acknowledges the role tourism plays in York in contributing to a diverse economy. To encourage this, proposals that improve the choice and quality of visitor accommodation are supported, especially higher spending visitors.

5.8 Policy EC5 states that York's rural economy will be sustained and diversified through, inter alia, permitting camping and caravan sites for holiday and recreational use where proposals can be satisfactorily integrated into the landscape without detriment to its character, are in a location accessible to local facilities and within walking distance of public transport to York, and would not generate significant volumes of traffic. It goes on to advise the attaching of a seasonal occupancy condition to permissions for visitor accommodation where it is not suitable for year-round occupation by nature of its location, design or proximity to a habitat that needs extra protection at certain times of the year. The supporting text to this policy explains that whilst the provision of self-catering chalet holiday home parks will be supported in principle where they will support the tourism industry in York. However, the occupancy of the units will be restricted to ensure that they cannot be used as residential accommodation as a sole or main place of residence and to ensure the accommodation is only available for holiday lettings.

5.9 Central Government guidance is contained in the National Planning Policy Framework (NPPF), which places emphasis on achieving sustainable development. Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision-taking this means approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the proposed development or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The footnote to Paragraph 11 lists those areas and assets of particular importance where this presumption in favour of sustainable development does not apply, which include land in Green Belt.

5.10 Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. There is no specific guidance on 'holiday parks' in the NPPF, beyond general support for sustainable rural tourism and leisure developments which respect the character of the countryside (paragraph 83).

5.11 Paragraph of the NPPF makes clear that planning conditions should be kept to a minimum and only used where they satisfy the following six tests: necessary; relevant to planning, relevant to the development to be permitted; enforceable; precise; and, reasonable in all other respects.

APPLICANT'S CASE

5.12 The proposed variation to condition 4 of the original outline approval is sought because the applicant believes that it is overly restrictive and makes the scheme unable to compete successfully with other businesses of a similar size in the surrounding area. The applicant contends that the condition is not considered to be appropriate to the size of the scheme and its use as a holiday park, which it considers is less likely to be open to abuse than units unrelated to a holiday park. Further, an issue is raised relating to the siting of individual caravans, motor homes or tents for not more than 28 nights in any one calendar year, which it is pointed out is not precise as it includes static caravans, which by their nature would remain on site. The agent also confirms that the intention is for touring caravan pitches only, which owners can pay a seasonal fee for a pitch meaning the caravans can be sited permanently.

5.13 An alternative condition is suggested (see paragraph 1.2 above) that reflects the essence of the original condition and thereby ensures the proposal would not result in permanent residential accommodation. This condition seeks to restrict occupation to holiday purposes only and requires a register to be kept of names and addresses of owner/occupants.

5.14 Other applications in the City's administrative area are cited that have similar worded conditions and not the restrictive wording of condition 4. Reference is also made to planning applications for developments of a similar scale and use in the surrounding area, such as Hollicarrs Holiday Park at Escrick (granted by Selby District Council) and the Allerthorpe Golf and Holiday Park Retreat (refused by ERYC but allowed on appeal), and nationally, particularly East Riding, which have less restrictive conditions along the lines suggested by the applicant. Further, numerous appeal decisions including the wording of conditions to restrict permanent residential occupancy by Inspectors are cited, which are also similar to the wording suggested by the applicant.

5.15 It goes to state that the variation of the condition would not affect the impact of the site on openness of the Green Belt as the current wording does not restrict occupation throughout the year. Nor would it affect visual amenity for the same reason and considering the extensive landscaping. The condition with a more frequent turnover is considered to lead to a higher level of comings and goings.

5.16 It highlights the diverse nature of holidays in the UK and the need for flexibility within the leisure sector in the UK, especially in light of Brexit and Covid-19. Advice from the selling agent (Savills) has advised that the 28 day stay limitation would considerably impact the economic viability and sale of caravans on the site. It refers to the move away from hire fleet sites by the large holiday park operators and move towards private ownership of holiday caravans.

ASSESSMENT

5.17 The principle of the use of the site with operational works for a leisure development providing holiday accommodation in static caravans and touring caravans has been established by the original outline planning permission 19/00078/OUTM. The proposal, which would remain in the same use, over the same area of land with the same overall number of units of accommodation, would have no additional impact on biodiversity, archaeology, access and highway safety, or contamination subject to the imposition of conditions to mitigate any previously identified harm.

Background for condition 4 and occupancy conditions

5.18 The application relates to a previously developed site located outside the main urban area of York, within the general extent of York's Green Belt close to Escrick village. The intention of condition 4 is to prevent the unfettered use of the permitted holiday accommodation for permanent residential occupation, which would not be supported given the site's rural and remote location. The use of holiday occupancy conditions is a response to the change in demand in recent years in the UK to self-catering accommodation of a standard that could equally support permanent residence. The conditions also address the potential impact on local health and education services as well as preventing the introduction of residential paraphernalia that can detract from openness of the Green Belt. It can also be useful to restrict occupancy in places near to fragile habitat to allow for seasonal breeding or winter feeding to take place.

5.19 Planning Practice Guidance (PPG) references model conditions contained Government Circular 11/95. This circular has been cancelled and replaced by the PPG with the exception of Appendix A (model conditions) which is retained. Appendix A includes a model condition that restricts occupation of caravans to a date range referring to a defined season (e.g. February to November), often the winter months, where the holiday accommodation was unsuitable for occupation all year round. However, a seasonal occupancy condition does not take account for improvements in caravan standards and increased interest in all-year round holidays, including visits to Christmas markets, seasonal events and visits in winter school holidays.

5.20 Policy EC5 of the 2018 Draft Plan advises attaching a seasonal occupancy condition to permissions where its location, design or proximity to special habitat make the site not suitable for year-round occupation. In the supporting text to the policy rather the wording of the policy itself, it affirms the support for a range of tourist accommodation and the growing interest in self-catering chalet holiday home parks that are available throughout the year, which is supported in principle by the Council on the basis that they will support the tourism industry in York. However, it refers to the imposition of occupancy conditions to ensure the accommodation is not used as a sole or main place of residence thereby ensuring it is only available for holiday lettings. The word 'lettings' suggests accommodation for rent/hire, but is not defined in the text.

Consideration of current condition 4

5.21 The wording of condition 4 as applied to the granted permission restricts permanent residential occupancy by limiting stay to a 28 night period for a person, family or group within any one calendar year. However, it would prevent the caravans being viable as holiday homes as periods of occupation permitted by the owner would be overly restricted to no more than 28 nights. The applicant has confirmed that there is no demand within the market for development of the site with such a restrictive condition as this is not reflective of the operation of holiday parks, with the exception of companies such as Centre Parcs whose draw is the setting and on-site facilities, such as swimming pools and activities. These facilities are not proposed within the outline application, with only a reception/shop and café/bar being indicated as likely provision on the indicative masterplan and parameters plan.

5.22 Conditions which restrict holiday lettings to short periods or with specified intervals between occupation by the same occupier have been considered at appeal to be unnecessarily complicated with issues for enforceability or unreasonable, respectively. The wording of the conditions imposed by an inspector in allowing 150 holiday lodges and caravans on appeal at Allerthorpe in 2017 is of relevance. The conditions, which sought to address permanent occupancy, are as proposed by the applicant in that they require the accommodation to be for holiday purposes only, not occupied as a sole or main place of residence and require an up to date register to be provided. The Inspector was satisfied that the conditions would prevent occupation of the units as permanent residential accommodation, despite challenges by the authority to the efficacy of the conditions.

Discussions with applicant

5.23 Previously, a longer time period has been discussed with the applicant in an attempt to find a compromise that seeks to restrict the use to holiday accommodation to prevent permanent residential accommodation and to assist in its contribution to the local rural and tourism economy, whilst allowing longer periods of stay by owners of the caravans. However, imposing limits on periods of stay by owners of their caravans would be unduly restrictive and likely unreasonable in light of the intended operation of the site. Further, it is noted that there is no basis for such a restriction in an adopted Local Plan policy and there is a lack of such stringent conditions on other larger caravan sites in the local area or close to York's administrative boundary, such as Hollicarrs and Allerthorpe.

5.24 Following the deferral of the application at the January Planning Committee, there has been further discussion with the applicant as requested by Committee Members. The suggested wording of condition 4, as set out below, seeks to ensure that there are sufficient safeguards in place to prevent permanent residential

occupation, whilst meeting the tests required of planning conditions in paragraph 55 of the NPPF.

“Notwithstanding Classes C2 (Residential Institutions), C3 (Dwellinghouses) and C4 (Houses in multiple occupation) of the Use Classes Order, the caravans shall be occupied for holiday accommodation purposes only and shall not be occupied as permanent residential accommodation as a person's sole or main place of residence.

A Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority before any occupation of the site commences. The Plan will demonstrate how the site owner/operator will ensure, in perpetuity, that the holiday accommodation is not occupied as permanent, unrestricted accommodation or as a primary place of residence. The Plan shall include, but not be restricted to:

- the site owner/operator maintaining an up-to-date register of the names and main home addresses of all owners/occupiers of the accommodation on site, including dates and durations of each stay by each occupier, and shall make this register available for inspection at all reasonable times when requested by the Local Planning Authority;
- confirmation of a continuous period of six weeks from 15th January until 1st March each calendar year that the site will be completely closed.

Reason: This condition is imposed to ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation. The site is not considered appropriate for full time residential use due to its remote position in the Green Belt and to prevent increased pressure on health and education services in the City.”

6.0 CONCLUSION

6.1 The applicant considers the wording of condition 4 previously imposed to be unduly restrictive and, therefore, would not be attractive to the market; it would potentially make the development economically unviable and not on a level playing field with other large holiday sites in neighbouring authorities that the site would compete with.

6.2 It is considered that a condition is required to restrict occupancy in order to avoid permanent residential accommodation and, on the basis of the case put forward by the applicant, this could be achieved through similar wording to that suggested by

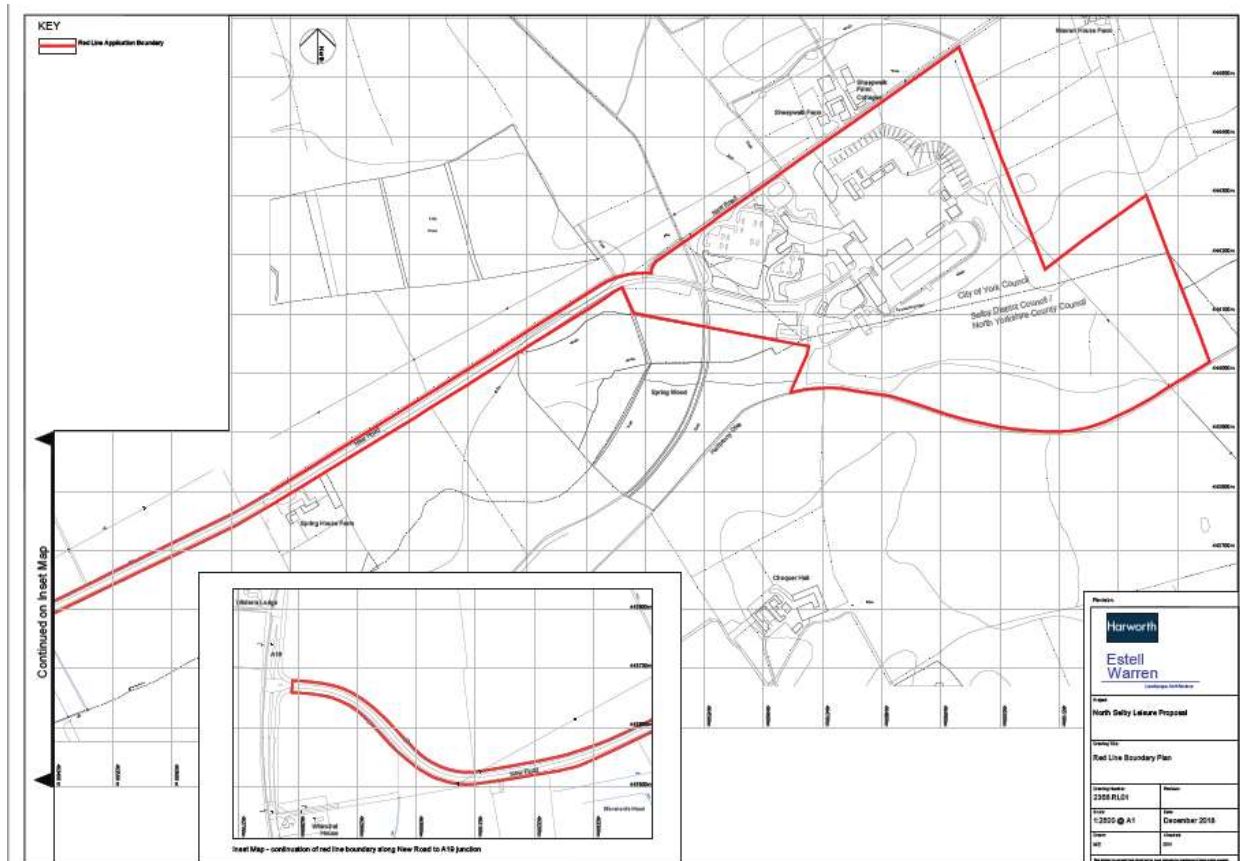
the applicant, but amended with the applicant's agreement to include a Site Management Plan and closure of the site for 6 weeks. Subject to the retention of an occupancy condition, there would be no further harm identified.

6.3 Overall, the changes are not substantial or fundamental in the context of the approved scheme and can therefore be dealt with as a variation to the original approval, and that the wording of the condition should be varied for the reasons set out above.

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North Selby Mine, New Road, Deighton, York, YO19 6EZ

20/01546/FUL



Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	22 December 2020
SLA Number	

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Planning Committee

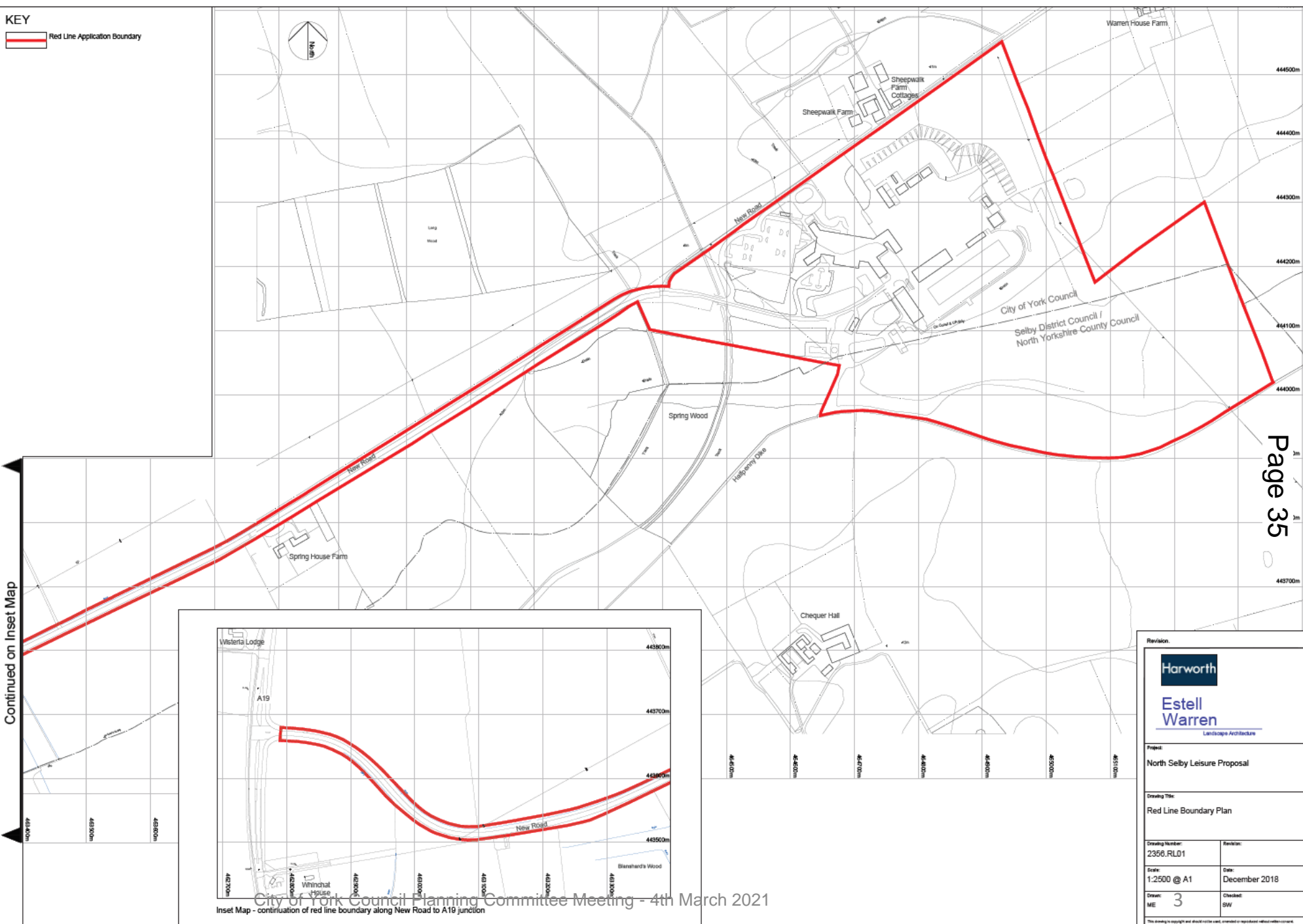
To be held remotely on 4th March 2021 at 4:30pm

20/01546/FUL - North Selby Mine, New Road, Deighton, York

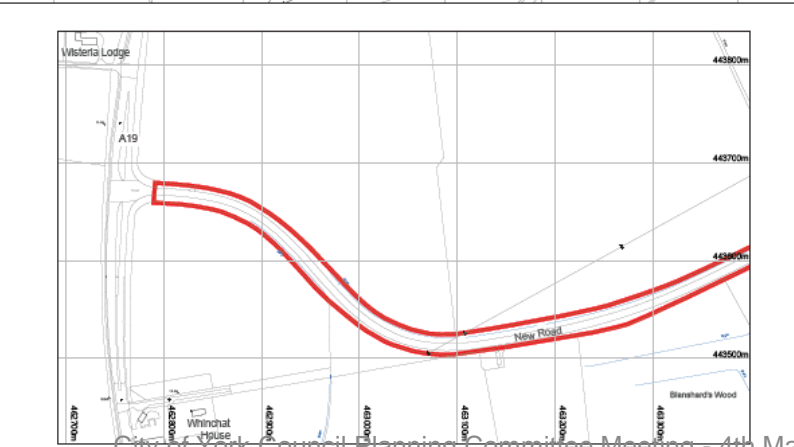
Variation of condition 4 of permitted application 19/00078/OUTM (redevelopment of the former North Selby Mine site to a leisure development comprising of a range of touring caravan and static caravans with associated facilities) to remove limit of 28 nights occupation in any one calendar year

Site Location Plan

KEY
 Red Line Application Boundary



Continued on Inset Map



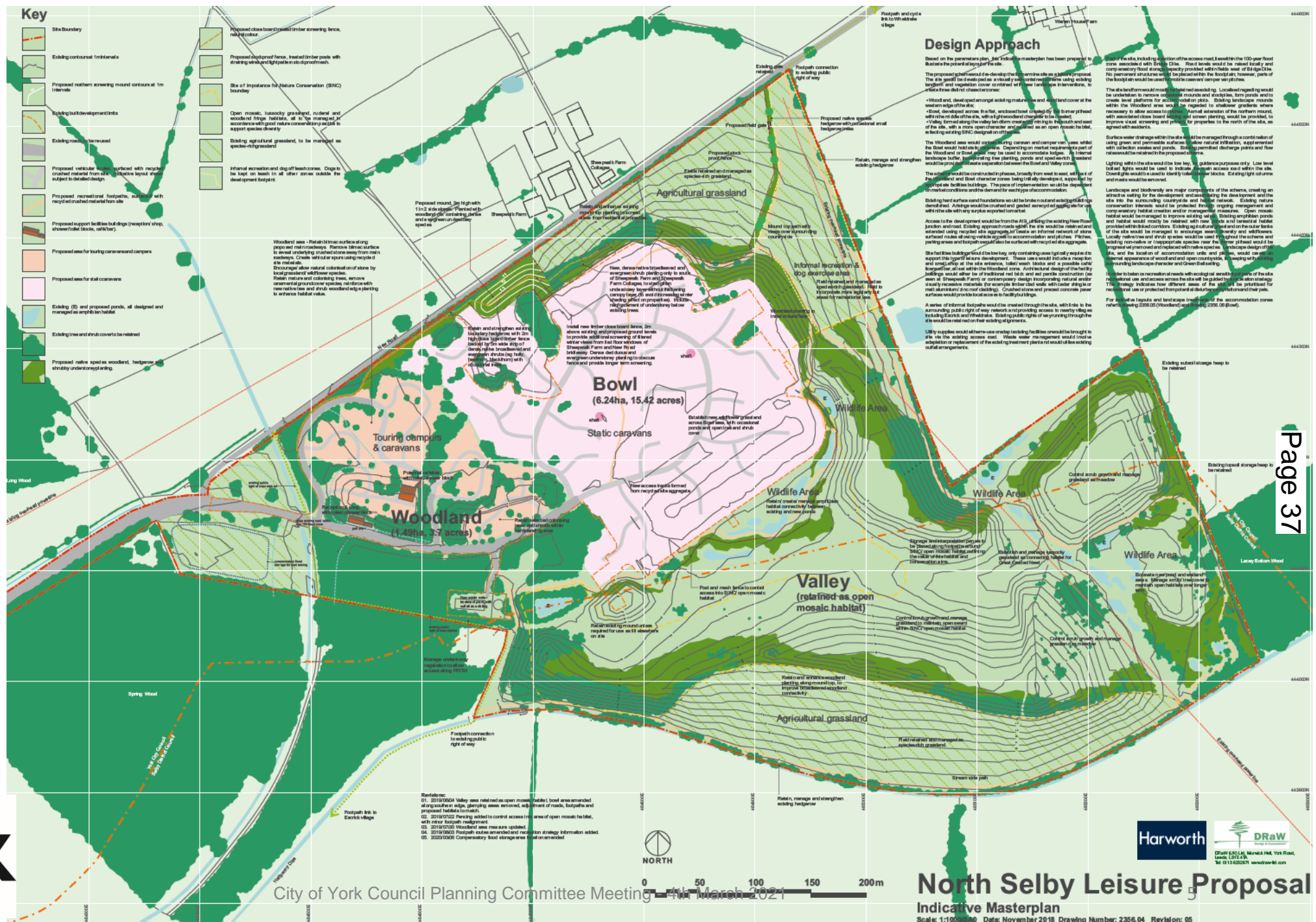
Inset Map - continuation of red line boundary along New Road to A19 junction



Revision:	
Harworth	
Estell Warren Landscape Architecture	
Project: North Selby Leisure Proposal	
Drawing Title: Red Line Boundary Plan	
Drawing Number: 2356.RL01	Revision:
Scale: 1:2500 @ A1	Date: December 2018
Drawn: ME 3	Checked: SW

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Indicative Master Plan from approved application 19/00078/OUTM



City of York Council Planning Committee Meeting 4th March 2021

North Selby Leisure Proposal
 Indicative Masterplan
 Scale: 1:1000 Date: November 2018 Drawing Number: 2356.04 Revision: 05

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Planning History

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

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

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

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

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

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

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

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

2.0 POLICY CONTEXT

National Planning Policy Framework

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

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

Publication Draft Local Plan 2018

2.3 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

2.4 Relevant Policies

EC5 Rural Economy

D1 Placemaking

D11 Extensions and Alterations to Existing Buildings

GB1 Development in the Green Belt

ENV2 Managing Environmental Quality

ENV3 Land Contamination

ENV5 Sustainable Drainage

2005 Development Control Local Plan

2.5 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF albeit with very limited weight.

Rufforth with Knapton Neighbourhood Plan (RwKNP)

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

2.7 Relevant Policies

RwK01 Draft Green Belt

RwK09 Drainage

RwK10 Design

RwK16 Small Scale Commercial Enterprises

3.0 CONSULTATIONS

INTERNAL

Public Protection

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

EXTERNAL

Rufforth with Knapton Parish Council

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

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

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

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

4.0 REPRESENTATIONS

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

5.0 APPRAISAL

5.1 Main Issues

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

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

RURAL ECONOMY

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

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

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

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

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

5.6 Policy RwK16 carries full weight in the planning balance.

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

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

GREEN BELT

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

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

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

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

- i. the scale, location and design of development would not detract from the openness of the Green Belt;
- ii. it would not conflict with the purposes of including land within the Green Belt; and
- iii. it would not prejudice or harm those elements which contribute to the special character and setting of York.

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

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

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

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

5.15 Paragraph 134 of the NPPF sets out the five purposes of Green Belt and they are:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

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

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

DESIGN

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

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

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

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

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

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

IMPACT ON NEIGHBOUR AMENITY

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

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

HIGHWAYS AND PARKING

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

DRAINAGE

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

CONTAMINATED LAND

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

SUSTAINABILITY

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

VERY SPECIAL CIRCUMSTANCES

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

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

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

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

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

6.0 CONCLUSION

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

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

16364/02

16364/03

16364/04

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

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

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

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

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

(ii) an assessment of the potential risks to:

o human health,

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

o adjoining land,

o groundwaters and surface waters,

o ecological systems,

o archaeological sites and ancient monuments;

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

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

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

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

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

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

6 VISQ1 Matching materials

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

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

8.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Agreeing pre-commencement conditions

Requesting further information for very special circumstances

2. INFORMATIVE

Drainage Design

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

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

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

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

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

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

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

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

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

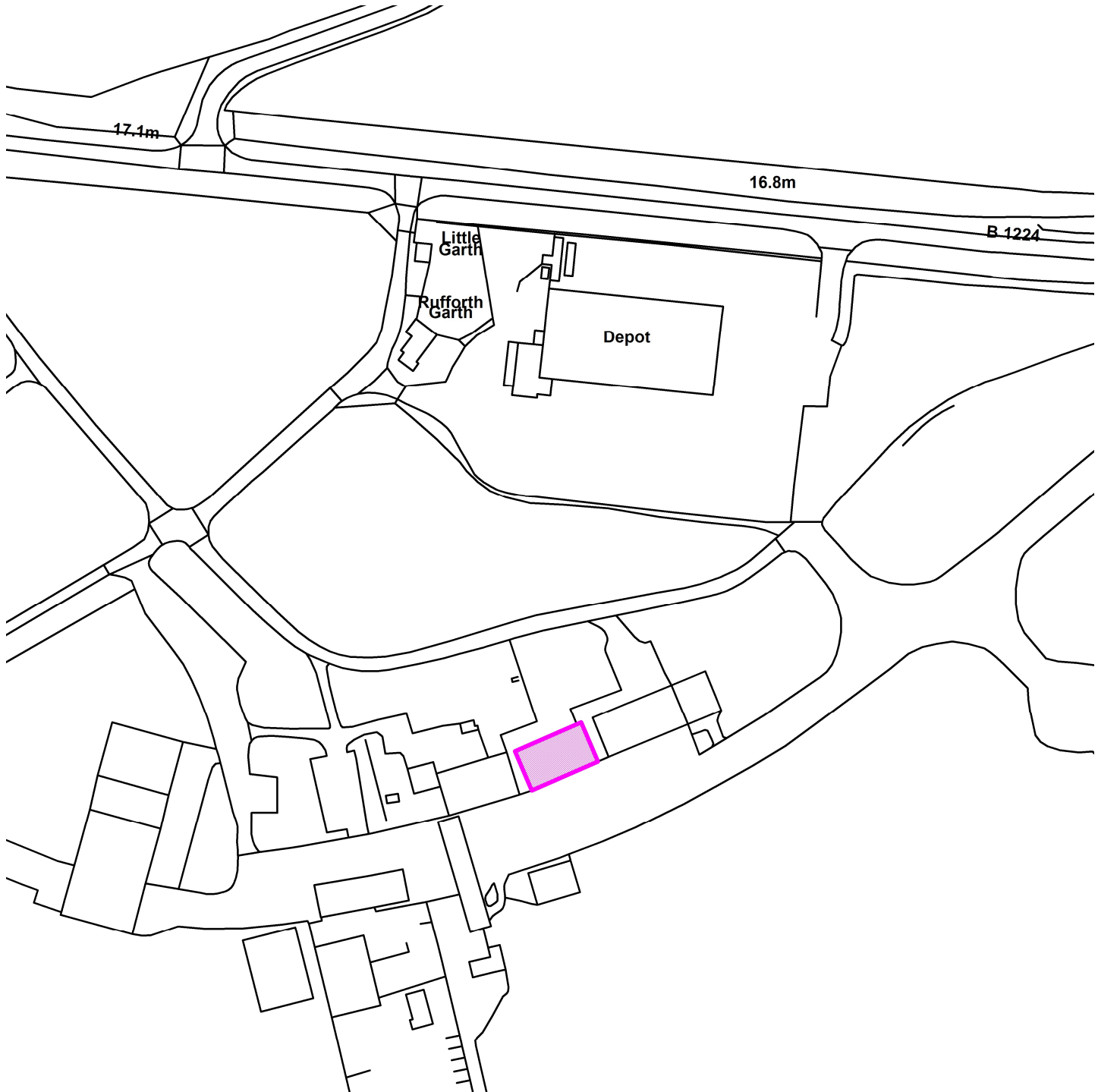
Contact details:

Case Officer: Tim Goodall
Tel No: 01904 551103

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20/01448/FUL

York Microlight Centre Limited Rufforth Airfield Rufforth



Scale : 1:2398

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Organisation	City Of York Council
Department	Economy & Place
Comments	Siite Plan
Date	24 February 2021
SLA Number	Not Set

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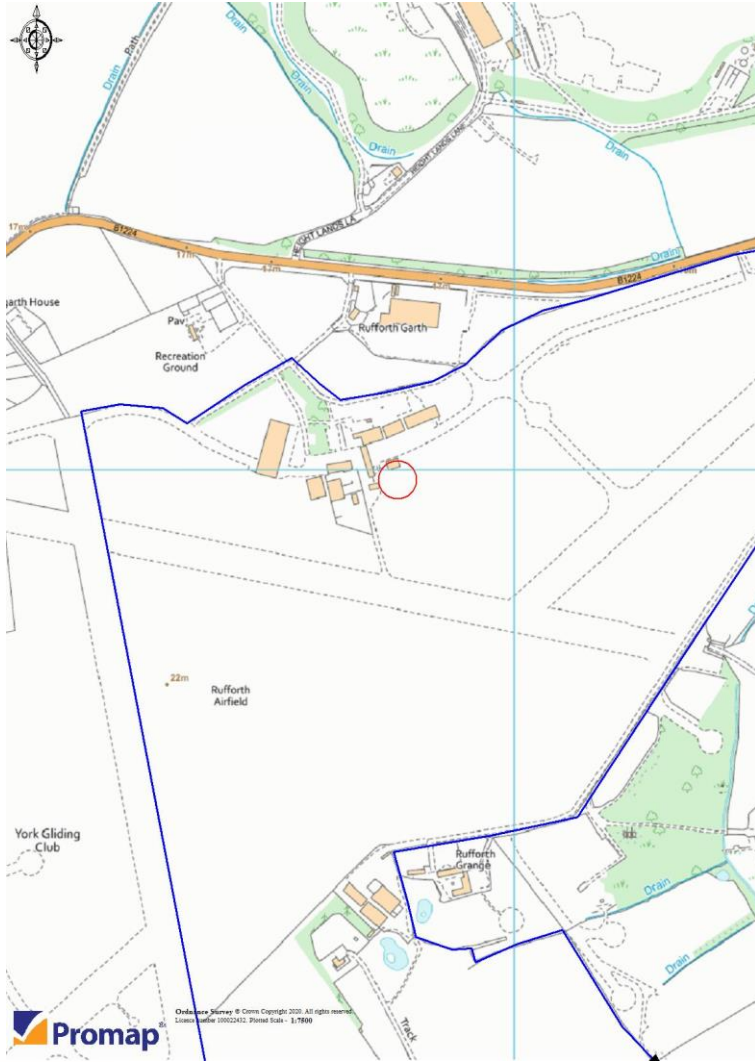
Planning Committee

To be held remotely on 4th March 2021 at 4:30pm

20/01448/FUL - York Microlight Centre Limited, Rufforth Airfield, Rufforth, York

Erection of building to provide training facilities, bike and equipment storage for motorcycle training school and microlight hangar, and erection of extension to hangar

Site Location Plan – In context



Site Location Plan – Within site



Existing cluster of buildings



Page 60

Side Elevation to be extended



Page 61



View from North East



Page 62



View from West



Existing Site Plan



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Proposed Site Plan



City of York Council Planning Committee Meeting - 4th March 2021

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9 July 2020

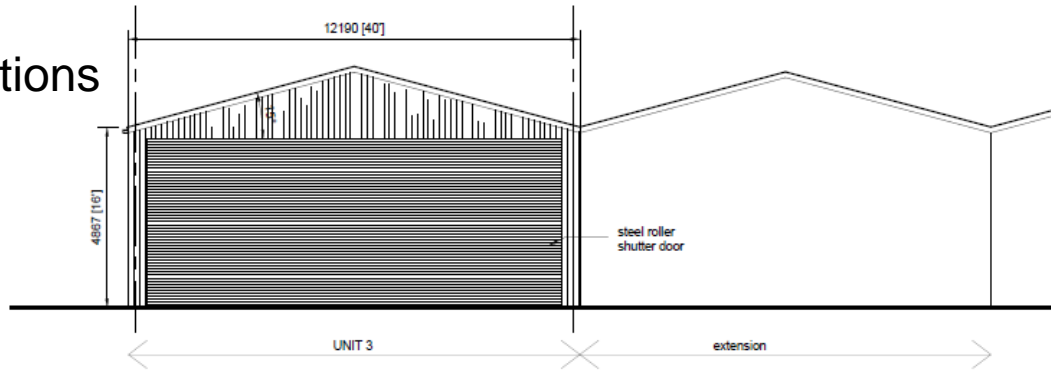
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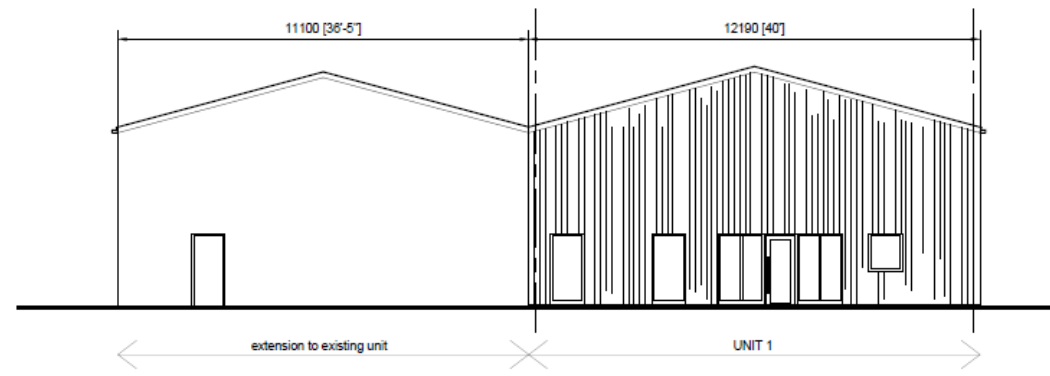
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Project	New Training and Storage Units, Rufforth Airfield Rufflorth
Client	Mr A Beckett
Title	Site Plan
Scales/Date	1:500 @ A3
Drawing No.	16364/04
Revision	

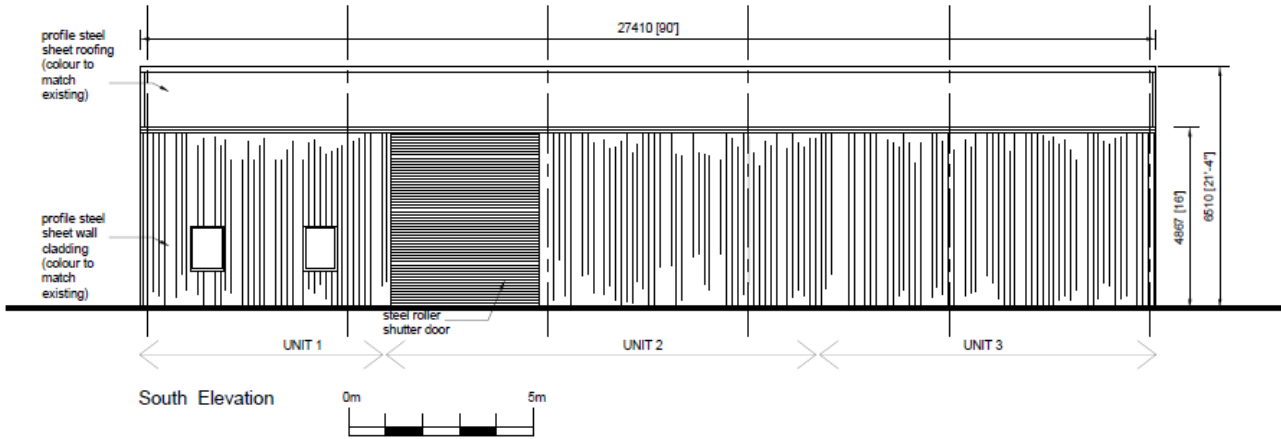
Proposed Elevations



East Elevation



West Elevation



South Elevation

DRAFT 9 July 2020

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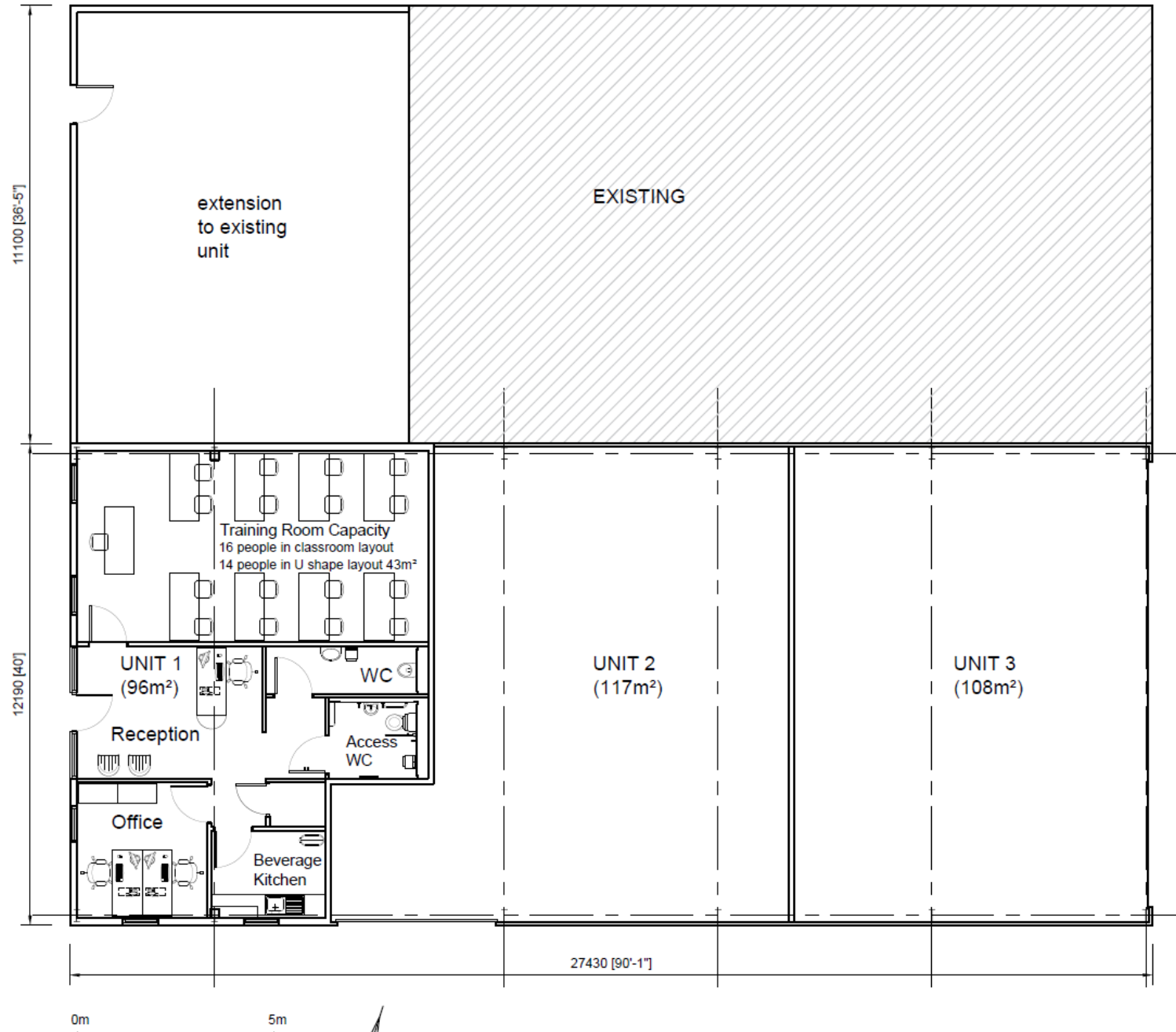
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Project	New Training and Storage Units, Rufforth Airfield Rufflorth
Client	Mr A Beckett
Title	Elevations



Proposed Floor Plans



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Project	New Training and Storage Units, Rufforth Airfield Rufforth
Client	Mr A Beckett
Title	Floor Plan
Scales/Date	1:100 @ A3

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