



Notice of a public meeting of Planning Committee

- To:** Councillors Ayre (Chair), Derbyshire (Vice-Chair), Reid, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Pavlovic, Richardson, Shepherd and Warters
- Date:** Wednesday, 14 February 2018
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

Would Members please note that the mini-bus for the site visits for this meeting will depart from West Offices at **10:00am on Tuesday 13 February 2018.**

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 5 - 12)

To approve and sign the minutes of the last meeting of the Planning Committee held on 18 January 2018.

3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5:00pm on Tuesday 13 February 2018**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the Committee.

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

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

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The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

4. Plans List

This item invites Members to determine the following planning applications:

a) Whinney Hills, Appleton Road, Acaster Malbis [17/00342/FUL]

(Pages 13 - 26)

Creation of new access, excavation of pond and siting of 2 static caravans (part retrospective) [Bishopthorpe Ward]

b) New Earswick Sports Club, White Rose Avenue [17/02835/FUL]

(Pages 27 - 36)

Erection of detached changing rooms for F1 Racing FC [Huntington/New Earswick Ward] [Site Visit]

c) Crabtree New Farm, York Road, Deighton [17/02824/FUL]

(Pages 37 - 46)

Use of agricultural land for siting of 3 glamping cabins [Wheldrake Ward] [Site Visit]

d) Hungate Development Site, Hungate [17/03032/REMM]

(Pages 47 - 64)

Reserved matters application for approval of access, appearance, landscaping, layout and scale for Block G comprising 196 residential units with 459 square metres commercial floorspace at ground floor (to comprise flexible retail/leisure uses), landscaped courtyard, pedestrian, cycle and vehicular (service) access, and associated infrastructure [Guildhall Ward]

e) Premier Inn, Clifton Park Avenue [17/02572/FUL] (Pages 65 - 82)

Two storey side extension to existing hotel to provide 19 additional bedrooms and associated alterations to existing car park [Rawcliffe And Clifton Without Ward] [Site Visit]

5. Appeals Performance and Decision Summaries (Pages 83 - 102)

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

6. Urgent Business

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

Democracy Officer

Angela Bielby

Contact details:

- Telephone: 01904 552599
- Email: a.bielby@york.gov.uk

For more information about any of the following please contact the Democracy 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 جا سکتی ہیں۔ (Urdu)

 (01904) 551550

PLANNING COMMITTEE**SITE VISITS****Tuesday 13 February 2018**

**The mini-bus for Members of the Committee will leave from West
Offices at 10.00**

TIME (Approx)	SITE	ITEM
10:15	Premier Inn, Clifton Park Avenue	4e
10.50	New Earswick Sports Club, White Rose Avenue	4b
11.35	Crabtree New Farm, York Road, Deighton	4c

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Abbreviations commonly used in Planning Reports

(in alphabetical order)

AOD	above ordnance datum
BREEAM	building research establishment environmental assessment method
BS	British standard
CA	conservation area
CIL	Community Infrastructure Levy (Regulations)
CEMP	construction environmental management plan
CYC	City of York Council
DCLP	Draft Development Control Local Plan 2005
DCSD	Design Conservation and Sustainable Development team
dB	decibels
DEFRA	Department for Environment, Food and Rural Affairs
EA	Environment Agency
EDS	ecological design strategy
EIA	environmental impact assessment
EPU	Environment Protection Unit
FRA	flood risk assessment
FTE	full time equivalent
FULM	major full application
GCN	great crested newts
HGV	heavy goods vehicle
IDB	internal drainage board
IPS	interim planning statement
LBC	listed building consent
LGV	large goods vehicle
LPA	local planning authority
NERC	Natural Environment and Rural Communities Act (2006)
NHBC	National House Building Council

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
OAN	objectively assessed need
OUTM	major outline application
PROW	public right of way
RAM	reasonable avoidance measures
RTV	remedial target value
RSS	Regional Spatial Strategy
SHMA	Strategic Housing Market Assessment
SINC	Site of Interest for Nature Conservation
SHLAA	Strategic Housing Land Availability Assessment
SFRA	Strategic Flood Risk Assessment
SPD	Supplementary Planning Document
TPO	tree preservation order
TRO	Traffic Regulation Order
VDS	village design statement
WSI	written scheme of investigation
VAS	vehicle activated signage
VOA	Valuation Office Agency
WHO	World Health Organisation

City of York Council

Committee Minutes

Meeting	Planning Committee
Date	18 January 2018
Present	Councillors Ayre (Chair), Derbyshire (Vice-Chair), Reid, Cullwick, Cuthbertson, D'Agorne, Dew, Funnell, Galvin, Looker, Pavlovic and Richardson [for minute 27 only] and Brooks (Substitute)
Apologies	Councillors Doughty, Shepherd and Warters

19. Site Visits

Site	Reason	In attendance
Land To South East Of Ryedale Caravan Site, Green Lane, Clifton	To familiarise Members with the site.	Cllrs Ayre, Cullwick, Cuthbertson and Dew
James House, James Street	To familiarise Members with the site.	Cllrs Ayre and Cullwick, Cuthbertson
Whinney Hills, Appleton Road, Acaster Malbis	To familiarise Members with the site.	Cllrs Ayre and Cullwick

20. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. None were declared.

21. Minutes

Resolved: That the minutes of the last meeting held on 13 December 2017 be approved and then signed by the chair as a correct record subject to the final bullet point of minute 16 changing to 'The design

architects considered the revised plan to be an improvement *in terms of the views along Stonebow*'.

22. 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.

23. 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.

24. Germany Beck Site, East Of Fordlands Road [17/00904/FUL]

Members considered a full application from Persimmon Homes (York) Ltd for the creation of a wetland habitat suitable for water voles (retrospective) at the Germany Beck site, east of Fordlands Road, Fulford.

There were no officer updates further to the report. Officers gave an overview of the location and layout of the wetland habitat, including an explanation of the existing ground levels, water body, moat and refuge for water voles.

In response to a Member question, Officers explained that water voles had been confirmed at the beck following a survey of the site in 2016. The water voles would be potentially displaced by the proposed works to the beck as a result of the Germany Beck housing scheme. The form and design of the wetland habitat had been agreed under a conservation licence by Natural England.

Resolved: That the application be approved.

Reason: The application seeks retrospective consent for engineering operations involved in the creation of a water vole habitat within a Site of Importance to

Nature Conservation south of Germany Beck to meet the requirements of a conservation licence from Natural England. It is considered not to be EIA Development. The works are not inappropriate development in the Green Belt under paragraph 90 of the NPPF. The works compensate for the impact on existing water vole habitat from development works in the adjacent beck and provide an enhanced habitat. There have been no objections raised from statutory consultees, subject to the imposition of conditions relating to the reporting of the already undertaken archaeological investigations and a SINC specific management plan. The proposal is, therefore, considered to accord with national and local planning policy and is recommended for approval.

25. James House, James Street [17/02657/GRG3]

Members considered a full application from City of York Council for the conversion of the former office building known as James House on James Street into 57 apartments for temporary accommodation by homeless households, with associated office/support facilities.

Officers provided Members with an update to the report. Members were advised that at 1.8 and 4.36 of the report it was stated that there would be two security staff on site from 8pm to 8am. This was an error as there was to be one security officer on duty overnight. Officers advised of an additional standard condition on the provision of car and cycle parking.

Members were informed that there had been an objection received from the neighbours to the north of the site (the Raylor Centre), who commented on privacy levels between the offices and proposed residential accommodation. The Raylor Centre had made a number of requests related to their concerns and the officer's response to these was explained to Members. In response to a Member question regarding the Raylor Centre's request for dog waste bins, it was confirmed that occupants would not be allowed pets in the building.

Tom Brittain, Assistant Director Housing and Community Safety, City of York Council, spoke in support of the application. He

explained that the proposal provided the opportunity to consolidate homeless accommodation. He outlined the types of accommodation and facilities that would be provided and noted that the accommodation would be allocated to those with a priority need for housing.

In response to Member questions, officers confirmed that:

- Energy from solar panels was collected in an energy centre which powered the communal areas and facilities.
- There was currently a no dog policy for tenants, which was one of a number of policies reviewed on a regular basis. If the policy was to change, there would be an examination of how dogs were looked after on the premises.
- Regarding the privacy levels for occupants of James House and the Raylor Centre, and noting the removal of trees, the difference in floor levels between the two buildings meant that viewing between rooms was at an oblique angle from rooms on the first floor.
- There had been discussion between the CYC housing team and the Raylor Centre regarding tinted windows in the building.

Resolved: That the application be approved subject to the conditions listed in the report and the following additional condition:

Additional condition

An additional standard condition on the provision of car and cycle parking to be laid out as shown on the plans is advised. It reads:

The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

Reason:

- i. The application is the conversion of the former office building known as James House on James Street into 57no. apartments for temporary accommodation

by homeless households, with associated office / support facilities. Amendments are made to update the external appearance of the building with replacement windows, a replacement lobby of contemporary design and ramped access into the building. A new vehicular access will be provided on the northern boundary to a secure staff car park at the rear. A safe and enclosed courtyard will provide new amenity space, including play equipment and landscaped garden for residents use. At the front of the building will be staff/resident car parking and secure cycle parking in a new brick building with green roof. Silver birch and cherry trees are retained on the street frontage.

- ii. Whilst bats, a European Protected Species, have been found in the building subject to the relevant license being obtained, officers advise the 'derogation tests' have been passed, and harm can be adequately mitigated. The proposals are found to be in accordance with the key principles at paragraph 17 of the National Planning Policy Framework (2012) and particularly sections 6 on housing and 7 on design. The proposals are also found to be in accordance with those relevant policies in the draft local plans which are in accordance with the NPPF. These key policies are GP1 Design, GP3 Planning against crime, H4a Housing windfalls and C1 Community facilities in the draft Local Plan adopted for development control purposes 2005 and DP3 Sustainable communities in the Pre-Publication Draft Local Plan 2017. The application is thus recommended for approval subject to the attachment of the following conditions.

**26. Whinney Hills, Appleton Road, Acaster Malbis
[17/00342/FUL]**

The Chair reported that the applicant had been unavoidably delayed on his way to the meeting and would not be able to attend.

Resolved: That the application be deferred.

Reason: To allow the applicant to make representation at the meeting.

27. Land To South East Of Ryedale Caravan Site, Green Lane, Clifton [17/02420/FULM]

Members considered a major full application from LNT Care Developments for the erection of a three storey, 66 bedroom care home (use class C2) on land to the south east of Ryedale Caravan Site, Green Lane, Clifton.

Officers provided an update to the report. Officers advised that revised plans had been received that showed an increase in the width of the vehicular access from 4.5m to 5.5m to allow for improved vehicular passing within the site. Officers further advised that there was an amendment to Condition 2 (approved drawings), an additional condition relating to the details of enclosure to the site boundaries, and additional informatives regarding footpaths and landscaping.

In response to Member questions, Officers advised that:

- With regard to overshadowing on the boundaries of housing not already built, there was a significant distance 24m between the proposed care home and those boundaries.
- There was a standard cycle parking condition with the application.

Tracy Spence, the applicant, was in attendance to answer Member questions. In answer to Member questions concerning cycle and car parking she explained that the shift patterns for the care home meant that there would only be 15 staff on site at any time and it was anticipated that staff would travel there by car and cycle.

Resolved: That the application be approved subject to the conditions listed in the report and amended condition 2, additional condition and additional informatives:

Amended Condition 2

Amend condition 2 (approved drawings) to include revised drawing YO305QX-A03-Rev C

Additional Condition

Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of the development and shall be provided in accordance with the approved details before the development is occupied.

Additional Informatives

Reinstatement of highway

The access works will be undertaken through Agreement under S278 of the Highways Act 1980 and through this Agreement the Highway Authority will be seeking that the full length of footway along the site frontage be resurfaced to CYC standard specifications.

Landscaping

The landscaping scheme submitted under condition 15 will be required to provide additional tree planting to the south west boundary of the site to provide an appropriate landscaped setting and break between the proposed care home and the housing to the south west given the lack of existing planting in this location.

Reasons:

- i. The provision of a care home on this brownfield site complies with relevant local and national policy. It is considered that the proposal makes good use of the site which is in a sustainable location and will provide much needed older persons accommodation for the city.
- ii. The proposal has been subject to public consultation and officers consider that the design will be a positive addition to the site and that impact on neighbouring residents will be minimal

Cllr N Ayre, Chair

[The meeting started at 4.30 pm and finished at 5.15 pm].

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COMMITTEE REPORT

Date: 14 February 2018 **Ward:** Bishopthorpe
Team: Major and **Parish:** Acaster Malbis Parish
Commercial Team Council

Reference: 17/00342/FUL
Application at: Whinney Hills Appleton Road Acaster Malbis York
For: Creation of new access, excavation of pond and siting of 2no. static caravans (part retrospective)
By: Mr and Mrs Clarke
Application Type: Full Application
Target Date: 16 November 2017
Recommendation: Refuse

1.0 PROPOSAL

1.1 Members will recall that this application was brought before the Committee in January. At that meeting Members resolved to defer the application following a request from the applicant.

1.2 The application site is located within the general extent of the York Green Belt on the south eastern side of Appleton Road. It comprises a flat area of grassland, with mature trees along the frontage and the western boundary. The site boundaries are well defined by mature hedging which have been left to grow so that the site is relatively well screened. The surrounding landscape is open farm land delineated by low level hedges and post and rail fence. There is an existing access in to the site towards its northern corner.

1.3 The application is part retrospective for the siting of two static caravans, and a driveway that runs along the south western boundary towards the static caravans and stable. Permission is also sought for a surface water soakaway/pond and a new access to the west of the existing access into the site. The static caravans are at the southern corner of the site. A stable building on the site was approved in June 2006.

1.4 The applicant has stated in supporting information that he intends to start a business on the site for a certified site for up to 5 caravans. This is not for consideration in relation to the current application, and subject to compliance with the relevant criteria may be Permitted Development.

1.5 HISTORY

04/03629/AGNOT (29.10.2004) Erection of a agricultural building (determined not permitted development).

04/04151/FUL (12/05/2005) Permission refused for general purpose agricultural building

05/01117/FUL (28.06.2006) Permission granted for Erection of detached stable block with associated storage.

2.0 POLICY CONTEXT

2.1 The City of York Draft Local Plan incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. The following policies are considered relevant to the application:

- CYSP2 The York Green Belt
- CYGP1 Design
- CYGP4a Sustainability
- CYGP9 Landscaping
- CYGP14 Agricultural Land
- CYGP15a Development and Flood Risk
- CYNE7 Habitat Protection and Creation
- CYHE10 Archaeology
- CYGB1 Development in the Green Belt
- CYH4a Housing Windfalls

2.2 Consultation ended on the Pre-Publication Draft Local Plan on October 30th 2017:

- DP4 Approach to Development Management
- SS1 Delivering Sustainable Growth for York
- SS2The Role of York's Green Belt
- D2 Landscape and SettingGB1 Development in the Green Belt
- GB1 Development in the Green Belt.
- ENV4 Flood Risk
- ENV5 Sustainable drainage
- EC4 Tourism

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Planning and Environmental Management (Heritage Project Officer)

3.1 The site is located within a broader Prehistoric and Romano-British landscape. The site appears to have been relatively undisturbed. It is possible that the development of the road and pond may reveal or disturb archaeological features relating to the prehistoric-medieval periods which may be located beneath the shallow topsoil. Ditches systems have been identified on aerial photographs to the west of

this site, whilst an Iron Age enclosure has been noted to the east. It will therefore be necessary to record any revealed features and deposits through an archaeological watching brief on all groundworks. Recommend a condition is imposed on any approval.

Highway Network Management

3.2 The location is unsustainable due to the rural nature; there are no footways, street lights, close facilities or public transport. Therefore anticipate that there will be an increased reliance on car borne trips from this location, compared to that of residential/ holiday accommodation in a sustainable location. The existing lawful access (prior to static caravan placement) is an historic agricultural field access expected to generate very few vehicle movements on an infrequent basis. The presence of residential/holiday accommodation would pose a measurable intensification exacerbated by the reliance on car borne trips due to its unsustainable location.

3.3 The proposal to use this field as a residential dwelling will increase the use of the existing access from that of its current lawful use. The visibility to the southwest of the current existing access is substandard for the traffic speeds. To achieve acceptable visibility of 200m from 2m back at the entrance, some hedgerow relocation will be required. This will require approximately 12m of hedge which is under the applicant's control to be set back. To the north east of the site visibility is obscured by overgrown vegetation, which is a maintenance issue, and can be controlled under separate legislation.

3.4 There is a Highway **objection** to the additional access for the following reasons:

- (i) To achieve the correct sight lines, mature trees and a substantial amount of hedgerow and mature tree/s will need to be removed.
- (ii) An acceptable entrance is already established for the proposed use as a dwelling.
- (iii) To reduce the number of accesses to that necessary, for the good management of the highway.

3.5 In summary, use of the existing access is supported if a condition to ensure correct sightlines is applied to the decision.

Required condition for existing access: Prior to the development coming into use 2m x 200m highway visibility splays shall be provided at the junction of the existing site access and Appleton Road free of all obstructions which exceed the height of the adjacent carriageway by more than 1.0m and shall thereafter be so maintained.

Planning and Environmental Management (Countryside and Ecology)

3.6 Note that the proposed pond is intended to act as a surface water soakaway and so have no comment to make with regards to this element of the application. From

aerial photos there appears to be some significant trees around the site boundary and in the area of the proposed static caravans, which could be impacted by hardstanding or the storage of materials within their root protection zone. The creation of a new access would require the removal of trees/hedgerow along Appleton Road - this may have already occurred.

Flood Risk Management Team

3.7 Object on basis that it is not clear from the submitted details how the applicant will satisfactorily dispose of the foul and surface water from the development. Insufficient drainage details to assess the effect the development will have on the site drainage and downstream watercourse.

EXTERNAL

Acaster Malbis Parish Council

3.8 Object: The Parish Council considers that the development is inappropriate development within the greenbelt and permission should be refused. Furthermore, the Parish Council has serious concerns regarding the risk to highway safety of slow moving vehicles towing caravans and other vehicles entering and leaving the site from Appleton Road. The road is subject to the national speed limit at which vehicles travel at high speed. Additional traffic entering and leaving the highway presents an unacceptable risk in view of the restricted sight lines and high potential speed of passing vehicles.

Ainsty Internal Drainage Board

3.9 The Board has assets adjacent to the site in the form of Intake Dyke. The risk of flooding should be reduced and surface water managed in a sustainable manner. The Boards consent is required for any development within 9m of the bank top of any water course. The Local Authority should be satisfied that surface water is satisfactorily catered for. It appears that the development will increase the impermeable area of the site and surface water run off if not constrained. The Board welcomes solution that retains water on site. Further information on the capacity of the pond is required. Further information required. No objection in principle but recommends conditions requiring the agreement of a scheme for surface water drainage.

Neighbour Notification/Publicity

3.10 One letter of objection has been submitted and includes the following points;

- The application sets a dangerous precedent and a mockery of planning legislation that a piece of land can be bought, static caravans sited and live on the site. Only applying for planning permission when challenged.

- Since the applicant has moved in, the access track has been defined and surfaced, and a shed structure sited.
- No details of foul drainage.
- Application is only for the caravan's access and pond but inextricably linked to intention to run a business on the site. There are already three caravan sites within a mile of the site and therefore it is not needed and will add little to tourism in York.
- Caravans being towed on this busy road particularly at the height of the farming season would create a potential hazard.
- The field was previously used by horses, hence the stable and did not present an obvious fly tipping problem.
- Further residential provision in the area is unnecessary and should neither be supported nor encouraged

4.0 APPRAISAL

KEY ISSUES

- Planning Policy
- Green Belt
- Principle of residential development
- Design and landscape considerations
- Archaeology
- Ecology
- Highway considerations
- Impact on Residential Amenity.
- Drainage/Flood Risk
- Assessment of supporting information

PLANNING POLICY

4.1 Section 38(6) of the Planning and Compensation Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies Y1 (C1 and dC2) which relate to York's Green Belt and the key diagram insofar as it illustrates the general extent of the Green Belt. 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.

4.2 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the

York Green Belt) and it is against this policy Framework that the proposal should principally be addressed. The NPPF sets out the presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 does not apply in this case as the more restrictive policies concerning green belt apply.

4.3 The NPPF should be considered as a whole; however the following sections have particular relevance to this application. Section 1 of the NPPF relates to building a strong competitive economy. Section 3 advises that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. This section makes specific reference to supporting sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. Section 6 relates to delivering a wide choice of high quality homes. Section 7 relates to the importance that the Government places on good design. Section 9 states that the Government attaches great importance to Green Belts. Section 10 relates to meeting the challenge of climate change, flooding and coastal change. Section 11 relates to conserving and enhancing the natural environment and Section 12 relates to Conserving and enhancing the historic environment including assets of archaeological interest.

DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

4.4 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Given the age and the untested nature of the DCLP, it is considered that the document should be given very limited weight and that its role should depend upon its consistency with the NPPF.

EMERGING LOCAL PLAN

4.5 The public consultation on the Pre-Publication Draft Local Plan ended on Monday 30 October 2017 and the responses have now been considered by the Executive. The Executive resolved to publish the Plan for the final six week consultation but at this stage it is not yet published. The emerging Local Plan policies can only be afforded limited weight at this stage of its preparation and subject to their conformity with the NPPF and the level of outstanding objection to the policies, in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Plan is capable of being a material consideration in the determination of planning applications.

GREEN BELT STATUS OF THE SITE

4.6 The site is located within the general extent of the York Green Belt, as described in the RSS. The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential

characteristics of the Green Belt are its openness and permanence. The Green Belt serves 5 purposes:

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

4.7 Policy GB1 'Development in the Green Belt' of both the DCLP and the Pre-Publication Local Plan set out a number of criteria of considering new sites, whilst some of the specific criteria do not comply with the National Planning Policy Framework (NPPF) the general aim of the policy is considered to be in line with the NPPF.

4.8 Policy SP2 'The York Green Belt' states that the primary purpose of the green belt is to safeguard the setting and historic character of the city. Policy SP3 'Safeguarding the Historic Character and setting of York' states high priority will be given to the historic character and setting of York. The general aim of the policy, to take account of the different roles and character of different areas, is considered to be in line with the NPPF.

4.9 The character of the area that includes the site is open and agricultural. Additionally, when the site is assessed on its merits it is concluded that it serves at least one of Green Belt purposes, namely assisting in safeguarding the countryside from encroachment. As such, the site should be treated as lying within the general extent of the York Green Belt and the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF.

4.10 NPPF paragraph 87 states that inappropriate development is, by definition, harmful to the greenbelt, and should not be approved except in very special circumstances. Paragraph 88 states that 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.' The siting of the static caravans, does not fall within any of the exceptions to inappropriate development identified within paragraphs 89 and 90 of the NPPF, and is therefore inappropriate development and harmful by definition. Furthermore, the siting of the caravans results in solid structures on the land and as such would result in the encroachment of development into the Green Belt contrary to one of the purposes of including land in the Green Belt.

4.11 Paragraph 90 of the NPPF establishes engineering operations as being not inappropriate within the Green Belt where they would preserve openness and would

not harm the purposes of designation. It is considered that the additional access, together with the surfaced driveways go beyond what would normally be required for agricultural purposes, and therefore will increase the urbanisation of the area. This is in particular if an alteration to the hedge to provide appropriate site lines is required. As such, the access and driveways are harmful to openness and as a consequence is inappropriate development. The loss of trees and hedges, together with the necessary alterations to form the access such as kerbing and hardstanding would also result in the encroachment of development into the countryside contrary to one of the purposes of including land in the Green Belt.

4.12 The formation of the pond/surface water soakaway, also falls to be considered in relation to paragraph 90 of the NPPF. It is considered that subject to natural contouring of the pond, this is a feature that can commonly be found in countryside locations that are agricultural in character. In view of this, it is not considered that it will impact on openness, or conflict with the five purposes of Green belt as detailed in paragraph 80 of the NPPF. Accordingly, it is considered that this part of the development is not inappropriate.

PRINCIPLE OF RESIDENTIAL DEVELOPMENT

4.13 Section 6 of the NPPF relates to the delivery of a wide choice of high quality homes. However paragraph 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It further states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside, where it relates to a heritage asset, the re-use of redundant buildings or for exceptional quality or innovative nature of the design. In this case the development does not relate to a heritage asset or re-use of a building. The design is not innovative or truly outstanding, and an essential need for a rural worker to live permanently at the site has not been established. Accordingly, it is not considered that the development satisfies the guidance within section 6 of the NPPF, and would result in the creation of a dwelling in an unsustainable location.

DESIGN AND LANDSCAPE CONSIDERATIONS

4.14 It is considered that the siting of the static caravans, the internal driveways (retrospective), and the proposed access within the site will result in an urbanisation of the area, and a change from the existing agricultural character. This urbanisation will be increased by virtue of the loss of trees/hedging to create the proposed entrance. One of the core planning principles of the NPPF states that planning should be about recognising the intrinsic character and beauty of the country. Furthermore Section 7 of the NPPF states that the government attaches great importance to the design of the built environment. The design of the caravans fails to reflect local distinctiveness, and does not demonstrate 'good design'. In addition the design and method of

construction is such that the caravans will have poor longevity and may deteriorate over time. It is further considered that the development is contrary to Policy GP1 of the Draft Local Plan which expects proposals to respect or enhance the local environment.

ARCHAEOLOGY.

4.15 One of the core principles of the NPPF states that planning should 'conserve heritage assets in a manner appropriate to their significance. The site is located within a broader Prehistoric and Romano-British landscape. The Heritage Project Officer has advised that it is possible that the development of the road and pond may reveal or disturb archaeological features relating to the prehistoric-medieval periods which may be located beneath the shallow topsoil. Ditches systems have been identified on aerial photographs to the west of this site, whilst an Iron Age enclosure has been noted to the east. It will therefore be necessary to record any revealed features and deposits through an archaeological watching brief on all groundworks. It is considered however that such work can be secured by condition.

ECOLOGY

4.16 Section 11 of the NPPF states that the planning system should contribute to, and enhance the natural and local environment. The site has not however been identified as a national or local site of nature importance. The ecologist has not raised any objection to the application; however she has advised that the hard standings and the access may impact on existing mature trees. It is therefore considered that a landscape management plan is required by condition should Members resolve to approve the application.

HIGHWAY CONSIDERATIONS

4.17 Highway officers have expressed concern regarding the unsustainable location of the proposed development, which is likely to result in an increased reliance on car borne trips. They have also raised concern regarding the existing site lines for the site, and also for the proposed access. Whilst they acknowledge that one access is existing, they state that there will be an intensification of the use, and sightlines achievable by works to the hedgerows under the applicants control would fall substantially below current standards for cars exiting the site. The location is such that maintenance of the hedges will be an ongoing issue, and providing the required sightlines would not be under the control of the applicant. No information has been provided to indicate that the hedge line will be altered in any way to achieve suitable sightlines. Acaster Malbis Parish Council has also raised serious concerns regarding the risk to highway safety of slow moving vehicles towing caravans and other vehicles entering and leaving the site from Appleton Road. This concern is re-iterated by a representation received as a result of the publicity of the application. Nevertheless, as stated earlier in the report, the current application does not include use of the site as a caravan site.

4.18 It is not considered that occupation for two static caravans will result in a significant increase in traffic generated. In addition paragraph 32 of the NPPF states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe. It is considered however that the provision of the additional access that is proposed, together with the required site lines, will result in the loss of a significant amount of hedgerow and trees. As such it would have an adverse impact on the intrinsic character of this part of open countryside.

IMPACT ON RESIDENTIAL AMENITY

4.19 The site is located in an area that is agricultural in character. The nearest residential property is a farm, situated to the north west of the site. Given the location of the site in relation to this property, it is not considered that the scale of development will have a significant adverse impact on their existing amenities.

DRAINAGE

4.20 The northern corner of the site lies within flood zone 2. However the majority of the site, including the area where the static caravans are located lies within flood zone 1. In view of this the development accords with the principle of that part of section 10 of the NPPF which aims to steer new development to areas with the lowest probability of flooding. In relation to drainage, there is a septic tank on the site for foul drainage and the proposed development includes a pond/soakaway. The Flood Risk Management Team has objected to the application on the basis of insufficient information being provided to assess the impact of drainage. It is considered however that the details could be secured by condition.

ASSESSMENT OF 'OTHER CONSIDERATIONS'

4.21 The proposal would involve inappropriate development in Green Belt that is by definition harmful due to its inappropriateness and would harm the openness and one of the five purposes of the Green Belt, in safeguarding the countryside from encroachment. Additionally the proposed static caravans and access/driveways would cause harm to the character and appearance of the surrounding countryside and be of a poor design. Paragraphs 87-88 of the NPPF advise that permission should be refused for inappropriate development unless other considerations exist that clearly outweigh potential harm to the Green Belt, and any other harm, which would amount to 'very special circumstances'. Substantial weight is to be given to the harm to the Green Belt.

In support of the application, the applicant has stated that the two caravans are to live in and to start a business which would comprise 5 touring caravans. They also state that the Government is encouraging people to start new businesses and create

tourism in this country. Furthermore they advice that the land has been used for fly tipping in the past, and living on the site will deter trespassers and poachers.

4.22 Whilst the value of tourism to the rural economy is acknowledged, the establishment of a caravan site is not part of the current application, nor has such a business been established. Subject to compliance with relevant criteria, sites for up to 5 caravans belonging to members of an exempted organisation may be permitted development. In addition, it is considered that the benefits occurring from a '5 caravan site' would be small and in any event is unlikely to justify an essential need for residential occupation of the site in accordance with any such business.

4.23 It is not considered therefore that the 'other considerations' put forward to support the application are sufficient, either individually or collectively, to clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. Consequently the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.

5.0 CONCLUSION

It is considered that the proposal would constitute inappropriate development in the Green Belt. According to paragraph 87 of the NPPF, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. In addition it is considered that the development would have some impact on the openness of the Green Belt, and the purposes of including land within it. It is further considered that the proposed static caravans and access/driveways would cause harm to the character and appearance of the surrounding countryside and be of a poor design. It is not considered that the supporting information submitted by the applicant are sufficient to outweigh the harm to the Green Belt by reason of inappropriateness or overcome the impact of the development on the character of the area . Therefore the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist and planning permission should be refused.

6.0 RECOMMENDATION: Refuse:

1 The application site is within the general extent of the Green Belt as set out in Policy Y1 of The Yorkshire and Humber Plan - Regional Spatial Strategy. In accordance with paragraph 89 of the National Planning Policy Framework it is considered that the elements of the development that relate to the access, siting of the static caravans and the driveways constitute inappropriate development which, according to Section 9 of the Framework is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal conflicts with the essential characteristics of Green Belts (their openness and their permanence) and the purposes of including land within the Green Belt by resulting in encroachment of development into the countryside, and is harmful to the openness of the Green Belt. The Local Planning Authority has carefully considered the 'other considerations' put

forward by the applicant in support of the proposals but has concluded that these considerations do not clearly outweigh the harm to the Green Belt and other harm (poor design, and harm to the intrinsic character of the countryside) when substantial weight is given to the harm to the Green Belt. As such very special circumstances do not exist to justify the proposal. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework and policy YH9 of the Yorkshire and Humber Plan and also conflicts with Draft Development Control Local Plan (2005) Policy GB1: Development in the Green Belt, and Policy GB1 of the Pre-publication Draft Local Plan (2017).

2 No special circumstances have been demonstrated that would justify the location of residential development in an unsustainable rural location that will increase car borne activities and is unrelated to services and amenities. As such it is contrary to paragraph 55 of the NPPF.

3 The proposed static caravans are of a poor design that fails to reflect local distinctiveness or the character of this rural area. As such the development is contrary to section 7 of the NPPF, policy GP1- Design criteria a), and b), of the City of York Draft Local Plan Incorporating the 4th set of changes, and policy D1 of the Pre-publication Draft Local Plan.

4 The proposed new access would result in the loss of a substantial area of hedge and tree planting in order to achieve the required sight lines. As such it would have an adverse impact on the intrinsic character of this part of open countryside, and conflict with one of the Core planning principles in the NPPF in relation to 'recognising the intrinsic character and beauty of the countryside, together with that part of paragraph 32 that relates to achieving a safe and suitable access to the site for all people.

7.0 INFORMATIVES:

STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

The Local Planning Authority has taken account of the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. Nevertheless, it was considered that there were fundamental policy objections to the application that could not be addressed by the submission of additional information. Accordingly it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

Contact details:

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17/00342/FUL

Whinny Hills, Appleton Road, Acaster Malbis



Scale : 1:2408

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Organisation	City of York Council
Department	Economy and Place
Comments	Site Location Plan
Date	10 January 2018
SLA Number	

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COMMITTEE REPORT

Date: 14 February 2018 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** New Earswick Parish Council

Reference: 17/02835/FUL
Application at: New Earswick Sports Club White Rose Avenue New Earswick York YO32 4AG
For: Erection of detached changing rooms for F1 Racing FC
By: Mr Ian Yeowart
Application Type: Full Application
Target Date: 15 February 2018
Recommendation: Refuse

1.0 PROPOSAL

1.1 The Sport's Ground, White Rose Avenue, New Earswick comprises a substantial grass playing field with single storey existing brick built changing rooms, presently used for playing rugby, football and cricket on a site within the Green Belt to the north west of New Earswick village. Planning permission is sought for erection of a single storey changing room building and "club house" for F1 Racing Football Club on land to the west of the existing Rugby League Club House and Changing Room. The proposal envisages the construction of a timber clad building with a reconstituted slate roof with the relocation of an existing temporary storage building. The proposal has been amended since submission to remove a requirement for erection of temporary fencing around the football pitches directly to the west.

2.0 POLICY CONTEXT

2.1 Policies:

National Planning Policy Framework

Paragraph 74 Building Healthy Communities;
 Paragraphs 79-90 Protecting Green Belt Land.

2005 York Development Control Local Plan(4th Set of Changes)

GB 1 Development in the Green Belt;
 L1a) Leisure Development.

Emerging Local Plan (Pre – Publication Draft (2017))

GB1 Development in Green Belt;

Application Reference Number: 17/02835/FUL

Item No: 4b

HW3 Built Sports Facilities.

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Landscape)

3.1 No comments received.

Strategic Flood Risk Management

3.2 No comments received.

Public Health Programme Manager

3.3 Supports the provision of additional changing facilities in principle however objects to the current proposal on the grounds that it would be harmful to the openness of the Green Belt and therefore amount to inappropriate development and that the requirements of the sport may be more appropriately provided for by means of a purpose built extension to the existing club house building. Concern is also expressed that the opportunity to rationalise the existing spread of storage structures at the site into one building has not been taken with the current proposal.

EXTERNAL

Yorkshire Water Services

3.4 Raise no objection to the proposal.

Sport England

3.5 Raise no objection to the proposal.

Foss (2008) Internal Drainage Board

3.6 Raise no objection to the proposal subject to the submission and approval of a detailed surface water drainage scheme.

New Earswick Parish Council

3.7 Raise no objection in principle to the proposal but raise concerns in respect of the proposed location of the changing rooms and the proposal for temporary pitch fencing which has subsequently been deleted from the proposal.

4.0 APPRAISAL

KEY CONSIDERATIONS

* Impact upon the open character and purposes of designation of the York Green Belt.

PLANNING POLICY CONTEXT

Regional Spatial Strategy

4.1 Whilst the RSS has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates the general extent of the Green Belt around York. The saved policies in the RSS state that the detailed inner boundaries and the rest of the outer boundaries of the Green Belt around York need to be defined to protect and enhance the nationally significant historical and environmental character of York. The inner and outer boundaries of the Green Belt have not formally been defined or identified in an adopted plan. However, the site has been included as within Green Belt in both the DCLP and the emerging Local Plan as serving the Green Belt purposes of safeguarding the setting of the Historic City and preventing encroachment of urban development into open countryside. As such the site falls within the general extent of the Green Belt and Central Government Policy in respect of Green Belts as outlined in the National Planning Policy Framework (NPPF) applies.

National Planning Policy Framework (NPPF)

4.2 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by ensuring that land is kept permanently open. The essential characteristics of Green Belts are their openness and permanence. Whilst there is no definition of openness in the NPPF, the courts have considered that it is a concept which relates to the absence of buildings or built development. Paragraph 80 sets out the five purposes of the Green Belt:

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

4.3 Paragraph 87 of the NPPF indicates that inappropriate development is by definition harmful to the Green Belt and should not be approved other than in very special circumstances. Paragraph 88 is clear that when considering a planning application Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.4 The presumption in favour of sustainable development set out in paragraph 14 of the NPPF does not apply in this case as the more restrictive NPPF policies concerning Green Belt apply.

Development Control Local Plan (DCLP) 2005

4.5 City of York Council does not have a formally adopted Local Plan. Nevertheless The City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) was approved for Development Management purposes (the DCLP).

4.6 The DCLP does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Given the age and the untested nature of the DCLP, it is considered that the document should be given very limited weight and that its role should depend upon its consistency with the NPPF.

Emerging Local Plan

4.7. The public consultation on the Pre-Publication Draft Local Plan ended on Monday 30 October 2017 and the responses have now been considered by the Executive. The Executive has resolved to publish the Plan for the final six week consultation, but at this stage it is not yet published

4.8 The emerging Local Plan policies can only be afforded limited weight at this stage of its preparation and subject to their conformity with the NPPF and the level of outstanding objection to the policies, in accordance with paragraph 216 of the NPPF. The evidence base that underpins the proposed emerging policies is however capable of being a material consideration in the determination of planning applications. The site is included within the Green Belt in the emerging Plan.

IMPACT ON THE GREEN BELT

4.9 The proposal envisages the erection of a single storey timber clad structure with a reconstituted slate roof directly to the west of the existing timber built club house primarily used by the New Earswick Rugby League Club along with the local Cricket Club. The area is partially occupied by a prefabricated unit used for storage and partially covered by an area of mature landscaping which contributes to the definition of the north and north western boundary of the site. The prefabricated unit would be located directly to the east in the event of the proposal being implemented. The New Earswick Sports Ground is extremely open in character with a hard edge to the development of New Earswick village to the south and east and clear long distance views from the village across the field towards the York to Scarborough Railway to the north. Existing built development is confined to the club house with a small number of other structures used for storage directly around it. The proposal would involve the erection of a new building directly to its west in an area presently

partly taken up with mature landscaping. The building would be designed to meet the requirements of the FA in respect of the tier of football at which the team participates.

4.10 Paragraph 89 of the NPPF indicates that all new built development is inappropriate within the Green Belt unless it comes within one of a number of specific categories which include appropriate facilities for outdoor sport and recreation providing they do not harm the openness of the Green Belt or the purposes of its designation. The current proposal by virtue of the nature of the site and its characteristics would significantly harm the openness of the Green Belt by extending the footprint of built development in an ad hoc fashion.

4.11 Paragraph 80 of the NPPF sets out a series of five purposes for including land within the Green Belt which includes the prevention of encroachment into open countryside. The proposal by virtue of extending the built footprint of development in an ad hoc fashion would represent an encroachment into open countryside and would set a precedent for the other sports which are active at the site including tennis and cricket to seek their own separate permanently constructed facilities which would further encroach into open countryside. These factors mean that the proposed development does not fall within any of the exceptions within paragraph 89 of the NPPF and would therefore be inappropriate development in the Green Belt that is harmful by definition in accordance with paragraph 87 of the NPPF. Such development should not be approved unless 'very special circumstances' exist.

Other Considerations

4.12 Notwithstanding that in order to overcome the strong presumption against inappropriate development within the Green Belt a case for "very special circumstances" should be forthcoming, none has been submitted. The existing club house used by both Rugby and Cricket clubs is of substantial construction and may be capable of extension or adaptation to accommodate the requirements of the football club. This is however disputed by the applicant who indicates significant structural problems with the existing building and a lack of compliance with the Disability Discrimination Act 1995 (DDA). They further indicate that the grant awarding body for the development, the FA would not be willing to fund an extension to the existing building and that the Rugby Club themselves have a long term aspiration to replace the building. It is further indicated that the Rugby Club would be unwilling to share facilities with a further sport. The perceived structural problems have not however been substantiated as has the degree of modification required to secure DDA compliance. Furthermore no evidence has been put forward in terms of proposals to share facilities which are common amongst sports clubs at a local level with appropriate management. Consideration of alternative sites either outside of the Green Belt or within but with a lesser impact upon openness has also not been forthcoming although it is understood that the applicant has been in discussion with the Council's Sport and Active Leisure team in respect of alternative sites where the impacts may be less. The Council's Public Health Programme Manager has further

indicated that some grant funding may be available that may be used for the extension/refurbishment of the existing club house. As such it is considered that no "other considerations" of sufficient weight to clearly outweigh the harm identified to the Green Belt exist. Consequently the very special circumstances necessary to justify the proposal do not exist. There is also further concern, that if approved the proposal would lead to some pressure to provide separate club facilities for each of the number of sports presently operating at the sports ground with further consequential harm to the openness of the Green Belt.

5.0 CONCLUSION

5.1 The proposal would give rise to significant harm to the openness of the Green Belt in addition to representing a conflict with the purposes of including land within the Green Belt, being an encroachment into open countryside contrary to paragraph 80 of the NPPF. Paragraphs 87 and 88 of the NPPF advise that permission should be refused for inappropriate development in the Green Belt unless other considerations exist that clearly outweigh harm to the Green Belt, and any other harm, which would amount to 'very special circumstances'. Substantial weight is to be given to the harm to the Green Belt. It is considered that the significant harm that would be caused to the Green Belt would not be clearly outweighed by other considerations. Therefore the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist and planning permission should be refused.

6.0 RECOMMENDATION: Refuse

1 The proposal would give rise to significant harm to the openness of the Green Belt contrary to paragraph 89 of the NPPF in addition to representing a significant encroachment into open countryside contrary to paragraph 80 of the National Planning Policy Framework and is therefore inappropriate development within the Green Belt. "Very special circumstances" that would clearly outweigh any harm by reason of inappropriateness or any other harm as required by paragraphs 87 and 88 to justify the proposal do not exist.

7.0 INFORMATIVES:

STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH:-

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

Sought the submission of a case for "very special" circumstances that would clearly outweigh the harm caused to the Green Belt by virtue of inappropriateness and any other harm.

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

Contact details:

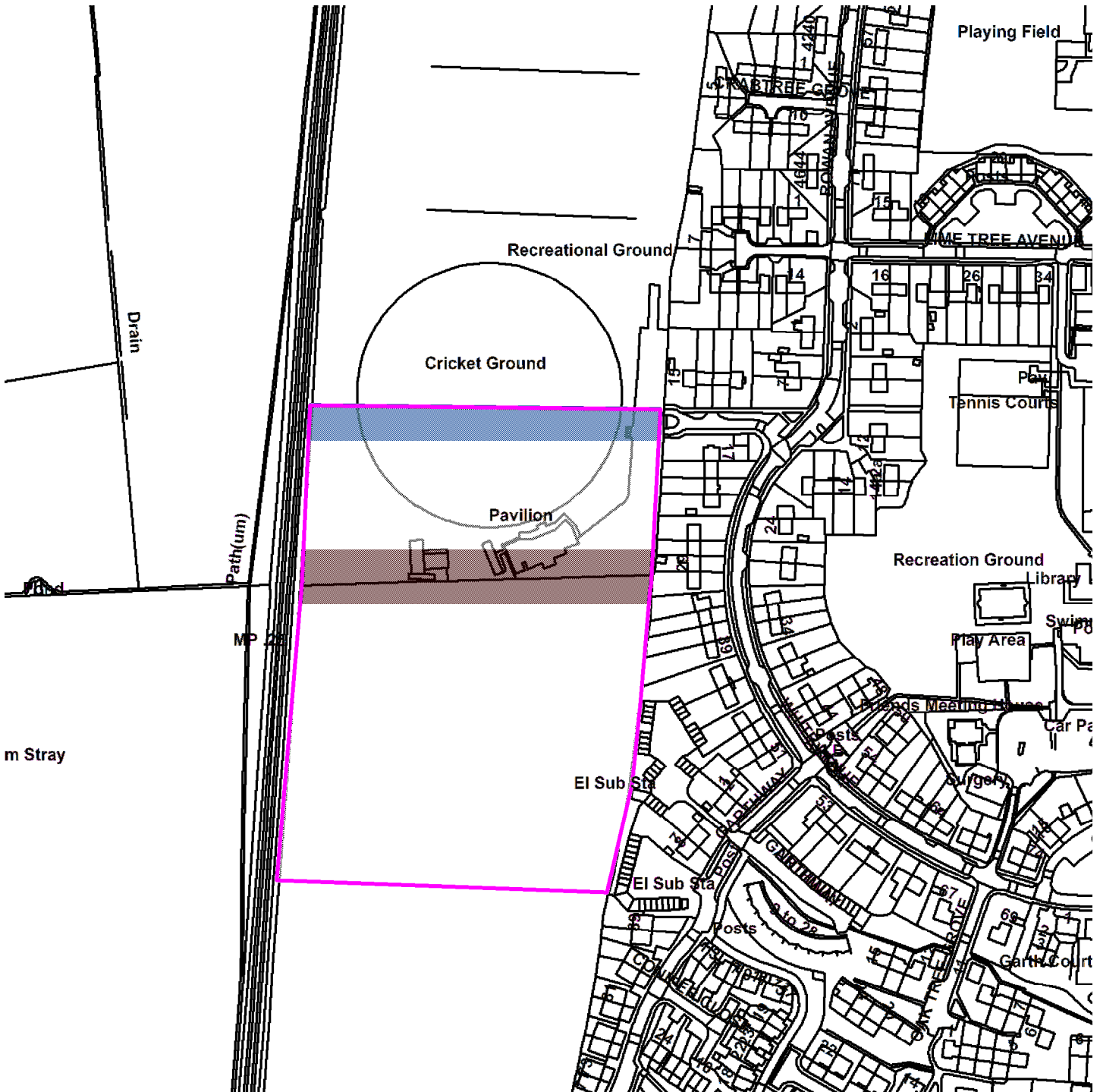
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17/02835/FUL

New Earswick Sports Club, White Rose Avenue YO32 4AG



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Organisation	City of York Council
Department	Economy and Place
Comments	Site Location Plan
Date	06 February 2018
SLA Number	

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COMMITTEE REPORT

Date: 14 February 2018 **Ward:** Wheldrake
Team: Major and **Parish:** Deighton Parish Council
Commercial Team

Reference: 17/02824/FUL
Application at: Crabtree New Farm York Road Deighton York YO19 6EY
For: Use of agricultural land for siting of 3no. glamping cabins
By: Mrs Anna Hopwood
Application Type: Full Application
Target Date: 15 February 2018
Recommendation: Refuse

1.0 PROPOSAL

1.1 The proposal is for the erection of 3 glamping pods measuring 6.5m by 5.1m and with a height of 2.7m. The wooden clad pods will include cooking and bathroom facilities and so no additional service buildings are proposed. They will be accessed by an existing farm track with parking and turning areas being constructed as well as paths to the pods.

1.2 The site is within the general extent of the Green Belt. It is part of a 47 acre holding owned by the applicant and their family. The site is adjacent to a number of existing farm storage buildings and is accessed via a track from the A19 and is currently used for silage. The farm house is further along the track than the farm buildings. The track is a public right of way which links in to the wider cycle and bridle ways network.

1.3 The site is on the edge of Escrick and about 700m from a bus stop and a similar distance from a petrol station providing local shopping facilities. The site is within Flood Zone 1.

2.0 POLICY CONTEXT**2.1 Draft Development Control Local Plan 2005**

GP1 Design
GP9 Landscaping
GB1 Development in the Green Belt
V5 Caravan/ camping sites

2.2 Pre-Publication Draft Emerging Local Plan 2017

D1 Placemaking
D2 Landscape and setting
SS1 The role of York's Green Belt

EC5 Rural economy

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 No objections subject to planning conditions.

Highways Network Management

3.2 No comments received.

EXTERNAL

Deighton Parish Council

3.3 No objections.

Neighbour notification and publicity

3.4 Ouse and Derwent Internal Drainage Board - No objections subject to planning conditions.

4.0 APPRAISAL

4.1 KEY ISSUES

- Policy context
- Principle of the development - Assessment of harm to Green Belt
- Other considerations - Business need; neighbouring amenity issues; impact on visual amenity and openness.

POLICY CONTEXT

Development Plan

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. 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.

Draft Development Control Local Plan

4.3 The City of York Draft 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.

Emerging Local Plan

4.4 The Regulation 18 consultation on the Pre-Publication Draft 2017 is now complete. The emerging Local Plan policies can only be afforded limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application. The Proposals Map accompanying the 2017 plan includes the site within the Green Belt.

The National Planning Policy Framework NPPF

4.5 The NPPF was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

4.6 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted such as policies relating to the Green Belt.

GREEN BELT

4.7 As noted above, saved Policies YH9C and Y1C of the Yorkshire and Humberside Regional Strategy define the general extent of the York Green Belt and as such Government Planning Policies in respect of the Green Belt apply. Central Government Planning Policy as outlined in paragraphs 79 to 90 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. Substantial weight should be given to any harm to the Green Belt.

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

The Green Belt serves 5 purposes:

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into one another
- to assist in safeguarding the countryside from encroachment

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

4.9 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It goes to say that 'very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. All development is considered to be inappropriate in Green Belt, unless it falls within the closed list of exceptions contained in paragraphs 89 or 90 of the NPPF. Paragraph 90 does allow certain types of development including the re-use of buildings provided they are of permanent and substantial construction.

PRINCIPLE OF THE DEVELOPMENT - ASSESSMENT OF HARM TO GREEN BELT

4.10 The proposal constitutes a change of use of the land from agricultural use to glamping pod pitches. As the National Planning Policy Framework makes no provision for changes in the use of land, as one of the exceptions to inappropriate development specified in paragraph 90, the proposal would therefore amount to inappropriate development in the Green Belt. The NPPF states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. Substantial weight should be attached to the harm to the Green Belt arising due to the inappropriate nature of the proposed glamping pods.

4.11 The glamping pods would conflict with one of the purposes of including land within the Green Belt by failing to safeguard the countryside from encroachment. The site is currently agricultural in its character with a range of modern agricultural buildings constructed from profile sheeting and Yorkshire boarding adjacent to it. However the site itself is currently open fields and the introduction of development in to this previously undeveloped area would have some limited harm on openness.

OTHER CONSIDERATIONS - VERY SPECIAL CIRCUMSTANCES

4.12 As stated above, the NPPF clarifies that the form of development proposed constitutes inappropriate development within the Green Belt and should therefore only be approved in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The applicant has therefore provided the following statement detailing these 'other considerations':

- The farm is currently 47 acres of arable land which was reduced from 325 acres in 2016. The additional land was rented from Escrick Park Estate. The holding

was reduced as a result of the financial pressures of low commodity prices and high input and maintenance costs based around rented land which eventually proved unsustainable. The farm was forced to reduce its size to reduce the high financial burden and risk. The income from 47 acres is not sufficient to run a viable business and so the farm is now needing to diversify. Following Brexit it is clear that European Union farming subsidies will not be available on the same scale as previously and the loss of these will mean that the farm trades at a loss.

- The location of the farm is excellent for the proposal as it is close to the city of York and a number of cycle and bridle ways. The proposal complements the existing farming operation without overly disrupting it and will provide benefits to the local economy.
- Planning committee approved application 16/02583/FUL in March 2017. This application was for the use of grain silos as holiday accommodation. The planning committee accepted the need of the farm to diversify in order to survive provided sufficient very special circumstances to outweigh harm through inappropriateness and any other harm. The applicant considers that this sets a precedent for the need of an agricultural business to diversify to provide very special circumstances. The holding related to the application 16/02583/FUL is 176 acres, the holding for this application is far smaller indicating a greater need to diversify.

4.13 Officers note the previous decision but highlight that very special circumstances by their nature should be unique to each application and cannot form a precedent for future decisions. Each application should be considered on its own merits and the very special circumstances considered in relation to the proposed scheme.

4.14 The submitted information indicates financial pressures on arable producers in general terms but it does not amount to a case for "very special circumstances" in respect of the holding itself. Whilst viability issues are highlighted in respect of the farm no specific detail is given and it is noted that the holding has been substantially reduced in recent years. The land is a mix of Grade 2 and 3 and therefore of average yield and the only indication of other proposals to diversify is a proposal for a wind turbine which was withdrawn in 2011.

4.15 It is noted that there will be some benefit to the local economy but this will be small given the scale of development proposed.

4.16 The NPPF does support sustainable rural tourism and leisure developments but these should respect the character of the countryside. As stated above, officers would argue that the introduction of glamping pods in to an otherwise agricultural landscape does not respect the character of this part of the city. The NPPF goes on to say that local plans should support the provision and expansion of tourist and visitor facilities where identified needs are not met by existing facilities. The applicant has failed to indicate whether there is any lack of such holiday accommodation in the locality but

has relied on the argument that the farm needs to diversify to remain viable to lend weight to their proposals.

4.17 Officers consider that the pods will be clearly visible in the landscape as a result of their scale, design and siting. The introduction of the 3 glamping pods, associated vehicles and parking areas into the landscape will appear alien and out of keeping with the rural character of the area. The development extends over open fields and increases the built development in to open countryside beyond the existing farm buildings. The area around the site is flat with boundary hedging with a public right of way which follows the access road and will give views of the pods beyond the existing barns. Likewise the pods will be visible from Escrick Surgery. The addition of the pods with their associated vehicles will be a visual intrusion in to the landscape changing the character of an area that is clearly agricultural at present. The impact of the pods combined with the impact of the associated parking/ turning area is considered to result in significant harm to visual amenity.

5.0 CONCLUSION

5.1 The site lies within the general extent of the Green Belt as identified in the RSS to which S38 of the 1990 Act applies. The proposal is therefore assessed against more restrictive policies in the NPPF relating to protecting the Green Belt.

5.2 The NPPF indicates that very special circumstances cannot exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this case, harm has been identified by way of inappropriateness of the glamping pods. Additionally they conflict with one of the five purposes of including land within the Green Belt and have an impact on the openness of the Green Belt as a result of the introduction of the pods within an otherwise undeveloped location. Substantial weight is to be afforded to these harms to the Green Belt. The proposal would also harm character and appearance through the urbanising impact from the pods, parking areas and associated vehicles. The applicant has put forward a case for very special circumstances to clearly outweigh these harms which include the future viability of the farm and need to diversify; the good location of the site and impact on the local economy; and the precedent set by previous decisions. Officers do not consider that these considerations are of sufficient weight to clearly outweigh the significant harm identified to the Green Belt and other harm identified to the character and visual amenity provided by the rural landscape. Therefore the very special circumstances necessary to justify the inappropriate development in the Green Belt do not exist and planning permission should be refused.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

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

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17/02824/FUL

Crabtree New Farm, Deighton, YO19 6EY



Scale : 1:2842

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Organisation	City of York Council
Department	Economy and Place
Comments	Site Location Plan
Date	06 February 2018
SLA Number	

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COMMITTEE REPORT

Date: 14 February 2018 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 17/03032/REMM
Application at: Hungate Development Site Hungate York
For: Reserved matters application for approval of access, appearance, landscaping, layout and scale for Block G comprising 196 residential units with 459 square metres commercial floorspace at ground floor (to comprise flexible retail/leisure uses), landscaped courtyard, pedestrian, cycle and vehicular (service) access, and associated infrastructure
By: Hungate (York) Regeneration Limited
Application Type: Major Reserved Matters Application (13w)
Target Date: 22 March 2018
Recommendation: Approve

1.0 PROPOSAL

PLANNING HISTORY

1.1 A part outline and part detailed planning application for the redevelopment of the remaining phases of the Hungate site (Blocks D, F, G and H) was approved in April 2017, following a resolution to grant planning permission by members of the Planning Committee in December 2015 (15/01709/OUTM). Blocks D and F were granted full planning permission, whilst Blocks G and H were granted outline planning permission.

1.2 A Section 73 application (17/02019/OUTM) to vary a number of plans and to remove the air quality monitoring condition of planning permission 15/01709/OUTM was approved in December 2017. With the exception of the removal of the air quality condition, this application related solely to amendments to the approved plans relating to Block G. Block G is to comprise the fourth phase of the Hungate development to follow the completion of Block F, on which work has now commenced. The revisions to Block G included an increase in the height of the block to include an eight storey element on the corner of Hungate and Carmelite Street (comprising a revised maximum height of 35.7m AOD) and a six storey building with a seven storey set-back along Carmelite Street, turning the corner onto Garden Place and part of Hungate. A further revision involved an increase in the height of the central section of the elevation fronting Stonebow from 5 storeys (maximum height of 27.1m AOD) to 6 storeys (maximum height 30.4m AOD).

PROPOSAL

1.3 This application seeks approval for all Reserved Matters for Block G to include access, appearance, landscaping and layout pursuant to condition 4 of hybrid planning permission 17/02019/OUTM. In accordance with condition 8 of the outline planning permission which allows up to 375 residential units within Blocks G and H combined, Block G will provide 196 residential units.

1.4 Block G is to be brought forward on a build to rent basis to accelerate the delivery of housing on this part of the site. As part of this build to rent scheme, a number of communal facilities are proposed to meet the needs of future residents. These include a residents' lounge/games room, a concierge, residents' gym and a landscaped courtyard and rooftop terrace. The scheme for Block G would also include 479sqm commercial floorspace to comprise flexible retail/leisure uses along frontages at Stonebow and Hungate.

THE SITE

1.5 Block G is located in the north west corner of the Hungate development site on land currently occupied by the Hungate marketing suite and associated car park. It is bordered by The Stonebow to the north and to the south west by Garden Place, which is predominantly a service road which provides access to the NCP car park. The building on the opposite side of the road is the Telephone Exchange building. To the south east of Block G are Carmelite Street and the St Johns student accommodation building. To the north east is Hungate, which will be re-surfaced and pedestrianised as part of the masterplan proposals.

1.6 The Hungate development site lies just outside the Central Historic Core Conservation Area with the Conservation Area boundary following the north eastern side of the Stonebow and the northern bank of the Foss, directly adjacent to the recently built Block E (Phase 2). Rowntree Wharf, a Grade II listed building is sited opposite the development on the south bank of the river and Lady Hewley's Almshouses (Grade II listed) are located on the opposite side of Stonebow.

ENVIRONMENTAL IMPACT ASSESSMENT

1.7 The outline planning permission (15/01709/OUTM) and subsequent S73 permission (17/02019/OUTM) were subject to an Environmental Statement and Environmental Statement Addendum. Development on the site is controlled by a series of parameter plans which form part of the outline permission and are referred to in the planning conditions, as well as a planning condition controlling the type and quantum of development.

1.8 This reserved matters application is a subsequent application for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The environmental information provided with the outline planning permission to which it relates (Environmental Statement and Environmental Statement Addendum) is up to date and adequate to assess the significant effects of the

development on the environment. The Reserved Matters scheme is considered to be fully compliant with these documents, which have been taken into account in reaching the recommendation.

2.0 POLICY CONTEXT

2.1 Policies:

National Planning Policy Framework

2005 Draft York Local Plan

CYHE2 Development in historic locations

CYGP1 Design

CYGP9 Landscaping

CYGP4A Sustainability

Emerging Local Plan (Pre – Publication Draft (2017)):

Policy SS17 Hungate

Policy D1 Placemaking

Policy D2 Landscape and setting

Policy D4 Conservation Area

Policy CC2 Sustainable Design and Construction

3.0 CONSULTATIONS

INTERNAL

PLANNING AND ENVIRONMENTAL MANAGEMENT (DESIGN)

3.1 In the main, constructed buildings within the Hungate masterplan have a similar approach to choice of materials. This has been to adopt brick as the main wall element and to use other materials with more constraint for the purpose of visual accents (for various design reasons). Block G appropriately continues this approach.

3.2 In addition, to date, the use of red and brown brick tones within the Hungate masterplan similarly embeds the development into the predominant brick tones of the city. The proposed use of a light cream brick as the main brick type for Block G does not therefore fit in with this approach. It is understood that this choice is intended to help reflect light more, but this ambition does not override the need to keep following the above approach. Therefore we would recommend choosing a red/brown toned brick. The proposed more limited use of a darker brick (for the plinth etc.) is satisfactory because it is not the main brick type of the building.

PLANNING AND ENVIRONMENTAL MANAGEMENT (LANDSCAPE ARCHITECT)

3.3 The inclusion of green roofs across the three levels – sixth, seventh and eighth floors is commendable and greatly welcomed. Three of the roof areas will be put down to a bio-diverse wildflower and grass turf mix (all British native species). The scheme also includes an accessible garden on the sixth floor, with generous planting beds and artificial turf.

3.4 The ground floor soft works are attractive, with a good emphasis on herbaceous material and specimen trees. The ground floor hardworks are also okay but the mix of three different bench styles is questioned.

HIGHWAY NETWORK MANAGEMENT

3.5 The highway implications, including traffic impact, of the Hungate scheme have been previously considered and approved subject to contributions and off-site highway works through the hybrid application. As such all that is being considered through this application is to ensure the detail submitted complies with the parameters set through the Masterplan consent.

Car Parking/Access

3.6 Block G has no dedicated car parking for residents on site. Car parking for Block G has been considered and approved through the Hybrid Masterplan and consists of 74 car spaces within the multi story car park serving Block F. Block F is currently under construction and as such will be completed in time for the car parking to be available for Block G residents.

3.7 A new vehicular access will be formed on Garden Place which will only be used for servicing traffic.

Sustainability

3.8 The level of cycle parking being provided is to the same ratio as has been considered and approved through the aforementioned Hungate Hybrid masterplan.

3.9 Sustainable travel initiatives such as the provision of bus passes to first occupiers have been secured through the S106 for the Hungate site which covers the outline application to which this reserved matters application relates.

EXTERNAL

HISTORIC ENGLAND

3.10 We do not object to the proposal on heritage grounds. However, we do have some concern with regard to the colour of the proposed bricks. As York's Conservation Area Appraisal notes, historically only public buildings in York have

been constructed of stone. The proposed bricks still appear to be predominantly stone-coloured. Whilst close up to the building the jointing pattern and proposed texture would be actively readable, from more distant views it would be the stone-like colour which would be read and this would invite comparison with this long-standing tradition of using stone for York's public buildings. We suggest that if the buff brick was instead a light pink this inappropriate comparison could be avoided, without reducing the lightness or reflectivity of the block or darkening the surrounding streets.

3.11 Recommendation - Historic England does not object to the application on heritage grounds. We consider that subject to further consideration being given to the colour of the bricks, the application meets the requirements of the National Planning Policy Framework, in particular paragraph numbers 131, 132 and 134 and 137.

ENVIRONMENT AGENCY

3.12 No comments to make based on the understanding that the details submitted under this application have no impact on issues of concern within our remit. The requirements set out in our formal reply to 15/01709/OUTM, should still stand and the applicant should be required to meet the standards set out, as appropriate.

DESIGNING OUT CRIME OFFICER

3.13 It is very pleasing to note that the applicant has taken the principles of crime prevention through environmental design into consideration. Consultation has taken place regarding 'Secured By Design"(SBD), and a SBD application is expected in due course. Consequently, there are no comments to make at this stage.

NATURAL ENGLAND

3.14 No comment

PUBLICITY AND NEIGHBOUR NOTIFICATION

3.15 One representation received raising concerns about the provision for the disposal of waste commenting that the plans, which detail that a room is to be provided on the ground floor of the development for the housing of 38 bins, suggest bins will have to be lodged in Garden Place/Carmelite Street while they are being processed. If this is what is intended, it seems to be highly unsatisfactory from hygiene, security and road access points of view.

4.0 APPRAISAL

4.1 The key issues to be considered as part of this application are:-

- Design and External Appearance
- Landscaping and Public Realm
- Access / Highway Issues

POLICY CONTEXT

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no 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 relate to York's Green Belt.

Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

4.3. Section 66 of the 1990 Act requires that in determining planning applications for development which would affect a listed building or its setting the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The effect of a parallel duty under Section 72 of the Act is that decision-makers should give "considerable importance and weight" to the desirability of preserving or enhancing the character and appearance of conservation areas.

National Planning Policy Framework (NPPF, March 2012)

4.4 Central Government guidance is contained in the National Planning Policy Framework. Paragraph 7 of the NPPF says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design and a good standard of amenity for all and to proactively drive and support sustainable economic development to deliver the homes and businesses that the country needs.

4.5 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. Paragraph 65 says Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

City of York Draft Local Plan (2005)

4.6 Although there is no formally adopted local plan, the City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. However given the age and untested nature of the DLP it is considered that such policies can be afforded very limited weight and that its role should depend upon its consistency with the NPPF.

4.7 The site falls within the Hungate Development Site as shown on the Local Plan Proposals Map (2005). It is identified as a mixed use allocation for both office development (B1a) and residential development. Policies considered to be compatible with the aims of the NPPF and most relevant to the development are HE2 (Development in Historic Locations), GP1 (Design) and GP9 (Landscaping). A development brief for the site was prepared in 2005 and details the main planning and design principles that the development of the site should be based upon.

Emerging Local Plan

4.8 The public consultation on the Pre-Publication Draft Local Plan ended on Monday 30 October 2017 and the responses have now been considered by the Executive. The Executive has resolved to publish the Plan for the final six week consultation, but at this stage it is not yet published. The emerging Local Plan policies can only be afforded limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Plan is capable of being a material consideration in the determination of planning applications.

4.9 Policy SS17 of the emerging Local Plan identifies the Hungate site as a Strategic Housing Site (Allocation Reference ST32). The draft allocation reflects hybrid permission 15/01709/OUTM. Policy SS17 requires that "*design should respect local amenity and character whilst being imaginative and energy efficient. The special character and/or appearance of the adjacent Central Historic Core Conservation Area should be conserved and enhanced*".

DESIGN AND EXTERNAL APPEARANCE

4.10 The NPPF advises that good design is a key aspect of sustainable development and is indivisible from good planning. Planning policies and decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit

- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Are visually attractive as a result of good architecture and appropriate landscaping

4.11 Section 66 of the 1990 Act requires that in determining planning applications for development which would affect a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.12 The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset, the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 of the Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted.

4.13 In the NPPF listed buildings and conservation areas are classed as 'designated heritage assets'. When considering the impact of proposed development on such assets local authorities should give great weight to the asset's conservation. Any harm or loss should require clear and convincing justification (paragraph 132).

4.14 The site lies just outside the Central Historic Core Conservation Area. With reference to Block G, the boundary extends along the south-western elevation of the Telephone Exchange and runs along the north western side of the Stonebow (the opposite side of the road to the application site). Lady Hewley's Almshouses (Grade II listed) are located on the opposite side of Stonebow.

4.15 Block G is acknowledged as a key site within the Hungate masterplan, on the prominent corner from the approach from the City Centre. The proposals involve a 6 to 8 storey building comprising 190No. residential units (including studios, 1 and 2 bed units), 459sqm of flexible commercial floor space and associated development including access, landscaping, bin storage and cycle parking.

4.16 In the consideration of the various outline applications, Officers assessed whether Block G, by virtue of its scale and massing, would harm those designated heritage assets detailed at paragraph 4.14. Only the elevation of Block G to Stonebow was considered to cause some harm to the setting of the conservation area as the remaining elements of the Block are located towards the centre of the development at a distance from those listed buildings located on the opposite side of Stonebow and across the river at Rowntree Wharf and from the boundary of the conservation area, such that no harm would be caused.

4.17 In terms of the impact on heritage assets from the element of Block G fronting Stonebow, Officers assessed that by virtue of the width of the blocks to Stonebow

and their height, there would be some harm to the setting of the Conservation Area. The affected context was considered to be Stonebow itself rather than longer views to and from designated heritage assets, which were not considered to be significantly affected. The harm, which was assessed as minor, was balanced with other positive aspects of the proposal including the provision of much needed dwellings in the City.

4.18 Whilst the harm to heritage assets was assessed as being minor, such harm was afforded considerable importance and weight in the overall planning balance.

4.19 This reserved matters application, which provides details of the layout, external appearance and landscaping for Block G, is not considered to affect the conclusions made in the consideration of the outline application with respects to heritage assets. Whilst there may be minor harm to the setting of the Conservation Area resulting from the scale and massing of the Stonebow elevation of Block G, there would be no harm to the character and appearance of the conservation area or to the setting of those listed buildings on the opposite side of Stonebow and across the river at Rowntree Wharf, resulting from the details of layout, design and landscaping, submitted as part of this reserved matters application.

Layout

4.20 There are key differences between the layout of Block G and other blocks due to its design as a “build to rent” development. The design of a Build to Rent development can be structured into four clearly defined zones; (1) Front of house, (2) Residents’ amenity, (3) Residents’ apartments, (4) Back of house, management and operations.

4.21 At ground floor, commercial /retail units would line the pedestrian route from the city centre (Stonebow) into the wider site. The scheme would provide 420sq m of flexible commercial floor space which would be accessed directly off The Stonebow and Hungate. A variety of uses including residents’ entrance, lobby, gym and concierge would continue to provide an “active” frontage along the pedestrianised Hungate. The ground floor would also accommodate all plant, bins and bikes for residential and commercial use with the servicing and ancillary space predominantly located and accessed along Garden Place. Considered more of a service road, Garden Place would also provide a loading zone for those moving in and out. Floors above ground level consist of residential apartments with a communal terrace being accessible to residents on the sixth floor via a residents’ lounge and events space.

Appearance and Materials

4.22 In the main, constructed buildings within the Hungate masterplan have a similar approach to choice of materials. This has been to adopt brick as the main wall element and to use other materials with more constraint for the purpose of visual

accents. These accent materials have been stone or metal cladding and vary from building to building. It is considered that the use of brick gives both appropriate coherence to the group of buildings on the Hungate Masterplan and appropriately relates it to the predominant material of the city. The use and treatment of different accent materials contributes to a subtle sense of differentness between buildings within the masterplan.

4.23 In addition, the use of red and brown brick tones within the Hungate masterplan embeds the development into the predominant brick tones of the city. In differing views this contributes almost as much as the building massing as to whether it looks appropriate to its context. Again, different bricks of these tones are often chosen on different buildings to contribute to a subtle sense of difference.

4.24 The original submission proposed the use of a light cream brick as the main brick type for Block G (to help reflect light), which failed to respond to the predominant brick tones of the city. As such and in response to comments expressed by both Historic England and Officers, the applicants have changed the light buff brick to a red/brown toned brick.

4.25 In relation to “accent” materials, Officers consider that Block G appropriately continues the approach taken within the wider Hungate Masterplan. For Block G, this approach involves the use of a dark brick plinth to wrap around the ground floor to signify the change of use from residential to commercial. Also, the upper levels would be set back in places and clad in metal and a vertical strip of metal cladding and glass would signify the entrance to the residential building. The use of glass here would encourage transparency with views through the entrance to the landscaped courtyard.

4.26 The treatment of the elevations has responded to comments made by Officers at pre-application stage that the approach for Block G should be one of textured facades that feel solid and not too fussy and which provide vertical emphasis. Officers consider that the elevations are appropriately simple with the verticality emphasised through stacking windows and recesses which divide up the facade. Windows are generally grouped into vertical pairs and aligned one on top of the other with regular spacing and sizes. Also, the taller corner element has been emphasised by combining the top three floors of windows and the introduction of brick recesses.

LANDSCAPE AND PUBLIC REALM

4.27 There are two areas of external residential amenity spaces proposed within the scheme; the courtyard at ground floor, and the residents’ roof terrace at the sixth floor. There are also small areas of planting and landscaping to the public realm.

Courtyard

4.28 The communal garden at ground floor level will provide a private leisure space for residents' use. Clipped formal hedgerows will define the planting beds and signal the various entrances. Bench seating in the central area will be constructed in timber and steel with feature sculptural loungers in cast concrete situated centrally. Planting arrangements will concentrate on specimen small trees supplemented by herbaceous, shrub and grass species. Officers consider the soft works scheme to be attractive, with a good emphasis on herbaceous material and specimen trees.

Roof Terrace

4.29 The main area will be decked with surrounding areas of artificial lawn and generous planting beds interspersed with small trees and shrub planting in containers. Areas will be set aside for residents to grow their own produce. The active terrace area will be defined along The Stonebow elevation by an arrangement of metal planters. Together with the lawns and planting areas, there will be bench seating and a barbeque area.

4.30 Green roofs will be incorporated across the sixth, seventh and eighth floors which is welcomed by Officers. Three of the roof areas will be put down to a bio-diverse wildflower and grass turf mix (all British native species).

Street level landscape

4.31 Street level planters will be provided along Garden Place and will be planted with low wall shrubs which will be grown to cover the plinth areas of the building.

ACCESS / HIGHWAY ISSUES

4.32 Block G has no dedicated car parking for residents on site. Car parking for Block G has been considered and approved through the Hybrid Masterplan and consists of 74 car spaces within the multi story car park serving Block F. A new vehicular access would be formed on Garden Place which would only be used for servicing traffic.

4.33 The level of cycle parking being provided is to the same ratio as has been considered and approved through the aforementioned Hungate Hybrid masterplan. This results in the provision of 196 cycle spaces (one for each apartment). 188 are provided in high density stores utilising 2 tier cycle racks with the remaining spaces provided in the courtyard.

Highways Works/Street Improvements

4.34 Whilst not part of the Reserved Matters application, the series of highway works and public realm improvements already secured through the masterplan / S106, may assist Members in understanding the context within which proposed

Block G would sit in relation to the approved highway works to be implemented with Block G;

- Garden Place: - The footway along the site frontage will be resurfaced.
- Carmelite Street: - Designed as at-grade shared space with managed areas of on-street parking and street trees. Design features will ensure vehicle speeds are below 20mph
- Hungate: - vehicular access will be removed and Hungate will become pedestrian/cycle only
- Peasholme Green: - continuation of the principles and materials established through the Hiscox works to ensure a cohesive approach. Works along the frontage will consist of widening of the current footway by reducing the carriageway width to approximately 6.5m with localised widening where appropriate. Trial runs undertaken as part of the Hiscox works have identified that two buses can pass within this width. The increased width of public realm to the building frontage will enable enhanced pedestrian facilities to be provided to accommodate the additional footfall generated by the development, enable street trees to be provided and areas of managed on-street parking/servicing facilities.
- Stonebow/Peasholme Green: - removal of the mini roundabout, realignment of kerbs, signing and surface material changes in order to reinforce the Stonebow restricted access restriction, provision of a priority system/throttle in order to provide enhanced pedestrian facilities between the site and adjacent bus stops and provision of the appropriate technology to support the access restriction.

4.35 The above works are covered by other conditions requiring Road Safety Audits and will be designed and constructed through agreement under the Highways Act 1980.

Arrangements for the collection of waste

4.36 In response to queries raised by a third party regarding the arrangements for the collection of waste from the site, the applicant has confirmed that as Block G will be brought forward on a build to rent basis, it will be a completely managed building with 24 hour concierge. As part of this, the building management team will move bins in and out on collection day for immediate emptying into the refuse vehicle; this will avoid storage on the pavement.

5.0 CONCLUSION

5.1 The development of Block G (the subject of this application for the approval of reserved matters) is derived from the outline element of Hybrid Planning Permission 17/02019/OUTM for the Revised Hungate masterplan. The Revised Masterplan was subject to an Environmental Statement, and is controlled by a series of

parameter plans which form part of the outline permission, and are referred to in the planning conditions, as well as a planning condition controlling the type and quantum of development. The hybrid planning permission is also bound by Section 106 legal obligations.

5.2 The detailed proposals that have come forward as part of this submission are in accordance with the parameter plans approved as part of the outline application. These parameter plans established an envelope within which the future detailed design of blocks G and H would be brought forward. These indicate building heights of up to eight storeys, or a maximum of 35.7m, an underground car park (below Block H) and on street car parking/servicing, internal courtyards, public realm improvements and landscaping.

5.3 The layout and the scale of the development proposed are considered appropriate within the context of the site and the surrounding area. At ground floor, commercial /retail units would line the pedestrian route from the city centre (Stonebow) into the wider site with the scheme providing 420sq m of flexible commercial floor space accessed directly off The Stonebow and Hungate. A variety of uses including residents' entrance, lobby, gym and concierge would continue to provide an "active" frontage along the pedestrianised Hungate.

5.4 The predominant building material would be a red/brown toned brick to embed the development into the predominant brick tones of the city and a dark brick plinth would wrap around the ground floor signifying the change of use from residential to commercial. The upper levels will be set back in places and clad in metal to give the appearance of a rooftop extension and to help break up the massing. The windows will be grouped into vertical pairs and aligned one on top of the other with regular spacing and sizes.

5.5 Two areas of external residential amenity spaces are proposed within the scheme; the courtyard at ground floor, and the residents' roof terrace at the sixth floor. There are also small areas of planting and landscaping to the public realm. Green roofs will also be incorporated across the sixth, seventh and eighth floors which is welcomed by Officers. Three of the roof areas will be put down to a bio-diverse wildflower and grass turf mix. The landscaping proposed is supported by the Council's Landscape Architect.

5.6 A new vehicular access (approved as part of the outline application) would be formed on Garden Place and would only be used for servicing traffic. Car parking for Block G has also been considered and approved through the Hybrid Masterplan and consists of 74 car spaces within the multi story car park serving Block F. Similarly, the level of cycle parking being provided is to the same ratio as has been considered and approved through the aforementioned Hungate Hybrid masterplan.

5.7 In terms of the impact on heritage assets, this reserved matters application, which provides details of layout, external appearance and landscaping, is not

considered to affect the conclusions made in the consideration of the outline application. Whilst there may be minor harm to the setting of the Conservation Area resulting from the scale and massing of the Stonebow elevation of Block G, there would be no harm to the character and appearance of the Conservation Area or to the setting of those listed buildings on the opposite side of Stonebow and across the river at Rowntree Wharf, resulting from the details of layout, design and landscaping, submitted as part of this reserved matters application.

6.0 RECOMMENDATION: Approve

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

Site Location (Red Line) Plan A2766 101 R23
Proposed Ground Floor Plan A2766 200 R23
Proposed First Floor Plan A2766 201 R23
Proposed Second Floor Plan A2766 202 R23
Proposed Third Floor Plan A2766 203 R23
Proposed Fourth Floor Plan A2766 204 R23
Proposed Fifth Floor Plan A2766 205 R23
Proposed Sixth Floor Plan A2766 206 R23
Proposed Seventh Floor Plan A2766 207 R23
Proposed Roof Plan A2766 208 R23

Proposed North East Elevation (Hungate) A2766 452 R23
Proposed South East Elevation (Carmelite Street) A2766 451 R23
Proposed South West Elevation (Garden Place) A2766 453 R23
Proposed North West Elevation (The Stonebow) A2766 450 R23

Proposed Site Sections AA & BB A2766 300 R23
Proposed Sectional Elevation CC A2766 350 R23
Proposed Sectional Elevation DD A2766 351 R23
Proposed Sectional Elevation EE A2766 352 R23
Proposed Sectional Elevation FF A2766 353 R23

Access Arrangements along Garden Place 3236 SK003 03 F

Landscape Block G Hardworks D0296_001 I
Landscape Block G Softworks D0296_002 E
Landscape Hardworks and Softworks 6th Floor D0296_003 F
Landscape Hardworks and Softworks 7th and 8th Floor D0296_004 A

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

2 Prior to the construction of any works above the ground floor slab, large scale detailed drawings of the items listed below shall be submitted to and approved in

writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

(i) Building sections and part (i.e. single bay) elevations through different key fenestration types. This should include sufficient information to understand the proposal so should include, for example: (windows) look-a-like glazing & window opener types; (cladding panels) types & joint positions; (sheet cladding) seam width & laying direction.

(ii) Component details to include (windows) vertical and horizontal sections through window reveals, heads and sills; (soffits) underside treatments to overhanging roofs or tunnels; (balconies) plan, elevation & section to projecting or inset types.

Note: Brick window reveals should be typically 150mm to 215mm (reveal from window frame to building face) in accordance with established site-wide design principles for Block E and punch-hole windows in cladding will be expected to be similar reveal depths.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the satisfactory appearance of the development.

3 Full details of any fixed or unfixed structures (eg. equipment or furniture), to be sited on the communal roof terrace which would protrude above the parapet level, shall be submitted to and approved in writing by the Local Planning Authority. Only structures approved in writing by the Local Planning Authority shall be installed.

Reason: In order to avoid roof clutter visible from near or distant views and therefore safeguard the character and appearance of the Conservation Area.

Contact details:

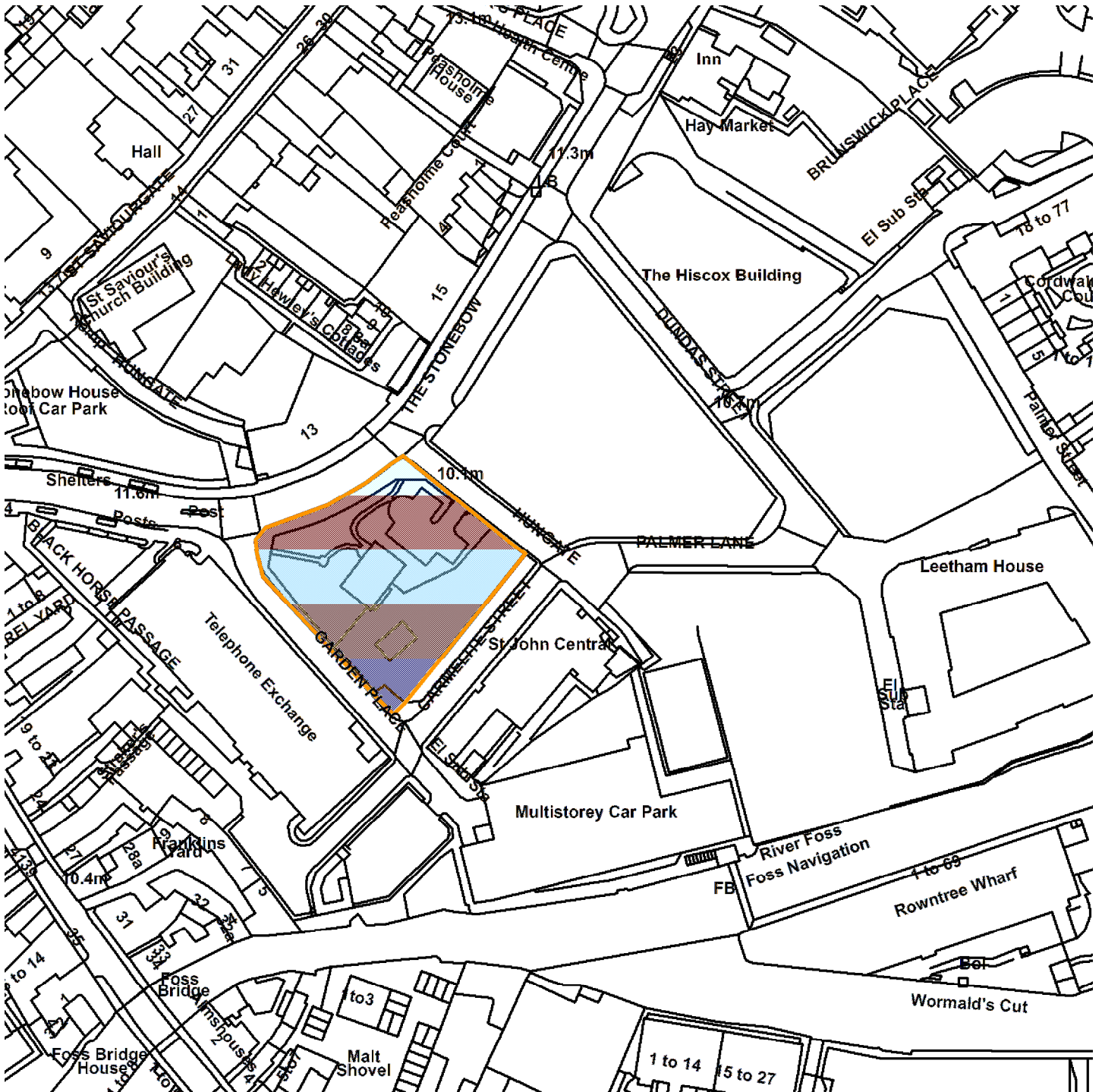
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17/03032/REMM

Block G, Hungate Development Site, York



Scale : 1:1585

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Organisation	City of York Council
Department	Economy and Place
Comments	Site Location Plan
Date	06 February 2018
SLA Number	

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COMMITTEE REPORT

Date: 14 February 2018 **Ward:** Rawcliffe And Clifton Without
Team: Major and Commercial Team **Parish:** Clifton Without Parish Council

Reference: 17/02572/FUL
Application at: Premier Inn Clifton Park Avenue York YO30 5PA
For: Two storey side extension to existing hotel to provide 19no. additional bedrooms and associated alterations to existing car park
By: Whitbread PLC
Application Type: Full Application
Target Date: 23 February 2018
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application seeks full planning permission for the erection of an extension to an existing hotel. The extension would be a two-storey addition to the eastern end of the linear hotel building and would provide an extra 19 bedrooms. As the extension would be built on part of the existing car park, replacement parking of 6 spaces is proposed within the existing car parking area south of the hotel building, on a grassed area to the north of four mature Acer trees. The wider site of the former Clifton Hospital is covered by an area Tree Preservation Order (ref. 173/1991-A1), which includes the four trees referred to above and the orchard trees to the east of the proposed extension.

2.0 POLICY CONTEXT

2.1 National Planning Policy Statement 2012

2.2 Draft Local Plan (2005):

CYSP6 - Location strategy
CYGP1 - Design
CYGP3 - Planning against crime
CYGP4A - Sustainability
CGP15A - Development and Flood Risk
CYNE1 - Trees, woodlands, hedgerows
CYNE6 - Species protected by law
CYHE10 - Archaeology
CYGB1 - Development within the Green Belt
CYT4 - Cycle parking standards
CYV1 – Visitor Related Development

CYV3 - Criteria for hotels and guest houses

2.3 Pre-Publication Draft Local Plan (2017) – relevant policies:

SS1 – Delivering Sustainable Growth for York

SS2 – The Role of York's Green Belt

GB1 – Development in the Green Belt

D1 – Placemaking

D2 – Landscape and Setting

D6 – Archaeology

GI2 – Biodiversity and Access to Nature

GI3 – Green Infrastructure Network

GI4 – Trees and Hedgerows

ENV3 – Land Contamination

ENV4 – Flood Risk

EC4 - Tourism

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 No objection subject to conditions relating to land contamination, noise and air quality.

Planning and Environmental Management (Landscape Architect)

3.2 Objects to intervention into grassed area under the group of existing trees. This area was originally left undeveloped/unsurfaced in order to protect the group of trees, which add to the amenity of the vicinity and surrounding developments. 'No-dig' construction would be inappropriate due to the extent of intervention and potential for further ground compaction from traffic, resulting in reduced porosity that would reduce the vitality of the rooting system. To summarise, the proposed additional parking spaces are not acceptable because they are likely to have a detrimental impact on the health of the protected trees which have significant public amenity value and contribute to the setting of the existing development.

Planning and Environmental Management (Ecologist)

3.3 Supports conclusion of the ecology report that no protected or notable species, or habitats will be impacted by the proposal. The "tree survey" statement says no trees will be impacted, but the existing and proposed site plans show the direct loss of one tree, which it appears has already been removed. Compensation for the loss of this tree could be made by the planting of a traditional apple species to compliment the adjacent Dormouse Orchard.

EXTERNAL

Yorkshire Water

3.4 Requests conditions regarding waste water to protect the local aquatic environment and YW infrastructure.

4.0 APPRAISAL

4.1 The main considerations relevant to the determination of this application are:

- Principle of development;
- Green Belt policy;
- Openness and purposes of the Green Belt;
- Character and appearance;
- Biodiversity;
- Heritage assets;
- Access, parking and highway safety;
- Flood risk;
- Residential amenity;
- Provision of visitor accommodation;
- Other considerations.

THE SITE

4.2 The application site is situated to the west of Shipton Road (A19), at the eastern extent of an area of commercial uses on the former Clifton Hospital site. The site consists of an existing two storey hotel in a linear building with parking to its south and a in a smaller area to its east, which is shared with The Dormouse Public House, located to the south of the hotel building. Immediately to the north is Equinox House office building. To the east of the application site, Dormouse and Equinox House is an open area that was previously an orchard and within which fruit and other trees remain. Access to the hotel is via Clifton Park Avenue, which serves the commercial uses on the former hospital site. Outside the former hospital site are residential areas - to the east, the established area of Rawcliffe, and to the north, a more modern housing estate. To the south of the main access road, Clifton Park Avenue, is open land. An area Tree Preservation Order (no.173/1991) covers the numerous trees within the former hospital site. The site access and southern end of the hotel car park lies within Flood Zone 2 (medium probability), though the hotel building itself lies within Flood Zone 1 (low probability).

PLANNING HISTORY

4.3 The planning history for the site is as follows:

Application Reference Number: 17/02572/FUL

Item No: 4e

- 06/1570/FUL - Extension to western end of hotel building withdrawn prior to refusal due to threat to protected trees;
- 15/01197/FUL - Extension to eastern end of hotel to provide 20 bedrooms, plus additional car parking, withdrawn prior to refusal on Green Belt grounds and harm to protected trees.

POLICY CONTEXT

4.4 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no 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 extending from the edges of the built up area to 'about 6 miles' from the centre of the City. 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.

4.5 Central Government guidance is contained in the National Planning Policy Framework (NPPF, March 2012). Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 14 explains that at the heart of the Framework is a presumption in favour of sustainable development. This presumption does not apply where there are specific policies in the Framework which indicate that development should be restricted, such as policies relating to land designated as Green belt or locations at risk of flooding. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as protecting Green Belt, seeking high quality design and a good standard of amenity for all, taking full account of flood risk, conserving and enhancing the natural environment, encourage the effective use of land, conserve heritage assets, and actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.

4.6 Although there is no formally adopted local plan, the City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. However such policies can be afforded very limited weight. The relevant policies are summarised in section 2.2 above. The site lies within the City of York Green Belt, though within an area identified as a 'Major

Development Site' on the Proposals Map that accompanies the draft 2005 plan. This designation relates to two remaining buildings within the former hospital site only that have been identified as suitable for employment and housing and does not therefore provide any policy guidance relating to the application site itself. Policy V3 'Hotels and Guest Houses' of the Local Plan is relevant to the application and supports extensions to existing hotels within defined settlement limits providing they are compatible with surroundings in terms of siting, scale and design, would not adversely effect residential character of an area and is in an accessible location.

4.7 The public consultation on the Pre-Publication Draft Local Plan 2017 ended on Monday 30 October 2017 and the responses have now been considered by the Executive. The Executive has resolved to publish the Plan for the final six week consultation, but at this stage it is not yet published. At this stage, the emerging Local Plan policies can only be afforded limited weight in the decision making process, subject to conformity with the NPPF and the level of outstanding objection to the policies (in accordance with paragraph 216 of the NPPF). However, the evidence base underpinning the emerging Plan is capable of being a material consideration in the determination of planning applications. The Proposals Map accompanying the 2017 draft plan includes the site within Green Belt land around York and identifies it as part of a Green Wedge extending from the outer ring road to the edge of the City Centre in Figure 3.1 Historic Character and Setting of York. The emerging plan includes Policy EC4 'Tourism', which seeks to maintain and improve choice and quality of visitor accommodation in York, with particular emphasis on higher spending individuals.

4.8 The City of York 'The Approach to Green Belt Appraisal' February 2003 identified the site within a Green Wedge C6, a tract of land extending from the City Centre to outer ring road and which is key in its contribution to the City's historic character and setting being one of the key purposes of York's Green Belt. This designation has been retained in subsequent Historic Character and Setting Technical Update Papers (2011 and 2013).

PRINCIPLE OF DEVELOPMENT

4.9 Whilst the RSS has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates the general extent of the Green Belt around York. These policies comprise the S38 Development Plan for York. The policies in the RSS state that the detailed inner boundaries and the rest of the outer boundaries of the Green Belt around York need to be defined to protect and enhance the nationally significant historical and environmental character of York. The inner and outer boundaries of the Green Belt have not formally been defined or identified in an adopted plan. However, the site has been included within Green Belt in both the 2005 Draft Local Plan and the emerging Local Plan and has been identified as being within one of the City's green wedges that contributes to the historic character and setting of the City - a primary purpose of the York Green Belt. The initial inclusion of the site within the Green Wedge C6 was following a Green

Belt Review and publication in the supporting document to the Draft Local Plan 'The Approach to the Green Belt Appraisal' February 2003. This identified a tract of land from the City Centre to outer ring road within which the application site sits, as an important green wedge within the Green Belt that was key to the City's historic character and setting. This designation has been retained in subsequent Historic Character and Setting Technical Paper Updates 2011 and 2013. As such, the site is considered to serve a Green Belt purpose, being the preservation of the setting and special character of the historic town, and falls within the general extent of Green Belt.

GREEN BELT POLICY

4.10 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. Whilst there is no definition of openness in the NPPF, the courts have considered that it is a concept which relates to the absence of buildings or built development. Paragraph 80 sets out the five purposes of the Green Belt:

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

4.11 Paragraph 87 confirms that inappropriate development is, by definition, harmful to Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It goes to say that 'very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. All development is considered to be inappropriate in Green Belt, unless it falls within the closed lists contained in paragraphs 89 or 90 of the NPPF.

4.12 The proposal is for an extension to an existing building within the Green Belt with engineering operations to provide replacement car parking.

4.13 Paragraph 89 regards the extension or alteration of existing buildings as appropriate providing they are not disproportionate additions over and above the size of the original building. The existing hotel has not been extended since first built. The proposed extension proposes an increase of approximately 37% in the length of the building, its footprint and floor space and an increase of approximately 40% in volume. Whilst the majority of the extension's roof ridge would be a continuation of the existing building, the proposed front gable feature would project

above the ridge height of the existing building. The extension would be readily visible given the public nature of the building and immediate area and open aspect to Shipton Road. The combination of these factors, mean that the extension is considered to be a disproportionate addition to the existing building and does not fall within the exceptions in paragraph 89 and is, therefore, inappropriate development in the Green Belt.

4.14 Paragraph 90 considers that engineering operations are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The creation of six parking places to replace the loss of the car park to the hotel extension would result in the loss of a section of grassed land around four protected trees. However, whilst built over with amended kerb lining and a different surface finish, the works would not harm openness nor conflict with any of the purposes for including the land as Green Belt given the limited size of the works and the retention of some grassed area. This element of the proposed scheme is considered to be appropriate in Green Belt policy terms.

4.15 Aspects of the scheme are considered to constitute inappropriate development within the Green Belt that is, in accordance with paragraph 87 of the NPPF, harmful by definition. Such development should not be approved unless 'very special circumstances' exist.

IMPACT ON GREEN BELT OPENNESS AND PURPOSE

4.16 In addition to the harm by reason of inappropriateness, consideration also needs to be given to other harm to the Green Belt. The NPPF states that the essential characteristics of Green Belts are their openness and their permanence.

4.17 The proposal would involve the erection of further built form on an existing hard surfaced car park to the eastern side of the existing hotel and visible in views across the grassed open land separating the hotel from Shipton Road. The extension would be contained within the outer edges of the car parking area and would not encroach onto the grassed land. However, the increase in built form due to proposed size and bulk of the extension in a publicly visible location, would reduce the openness of the site and, as a result, that of the Green Belt within which the site sits. In doing so, the proposal would distract from the purpose of including the land within the Green Belt, being the preservation of the setting and special character of the historic town.

CHARACTER AND APPEARANCE

4.18 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development that is indivisible from good planning and should contribute positively to making places better for people.

4.19 The proposed scheme would increase the length of the existing building towards the open space to the east and beyond the existing line of built form established by The Dormouse Inn to the south and Equinox House to the north. The general massing and elevation treatment would continue that of the existing building and could potentially provide balance to the building given the existing off-set location of the main entrance. However, the front gable feature would protrude higher than the roof ridge and would be larger in scale than the other gable features on the building with increased spaces between fenestration and a higher proportion of brick to openings. It would not be subservient to the existing building nor the primary gable feature containing the main hotel entrance. The end elevation that would face the open space to the east would comprise a hipped roof above a blank wall of two storey height with a brick enclosed fire escape and recessed ground floor fire escape door. Whilst the existing elevation is limited in its architectural features, it does have a projecting gable feature and first floor window and is set further back from the open space than the proposed end wall would be.

4.20 As a result, the proposal is not considered to be of good design that positively contributes to the appearance of the locality and does not take the opportunities available to improve the character and quality of the area and the way it functions, contrary to the aims of the NPPF. Substantial weight is attributed to this additional harm.

BIODIVERSITY

4.21 The Town and Country Planning Act 1990 and subsequent Acts and regulations, allow for the protection of trees for amenity reasons. Section 11 'Conserving and enhancing the natural environment' gives advice to support the core planning principle of conserving the natural environment. It states that the planning system should contribute to and enhance the natural environment by, amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible as well as preventing adverse affects on pollution and land instability. Paragraph 118 requires LPAs to aim to conserve and enhance biodiversity, including the refusal of planning applications where significant harm cannot be avoided or adequately mitigated and where development would adversely affect Sites of Special Scientific Interest (SSSI), ancient woodland and European protected sites. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss. Draft Local Plan policies NE1 and NE6 of the 2005 Local Plan and GI2 and GI4 of the 2017 Pre-Publication Draft Local Plan reflect this advice in relation to trees, protected species and habitats.

4.22 The site is not a SSSI, ancient woodland or European protected site. The locally designated Clifton Ings and Rawcliffe Meadows SINCs are located to the west of the former Hospital site. There is a pond to the north of the building that was previously identified as a potential habitat for Great Crested Newts. There are

numerous trees within the site of varying species and maturity, which are all covered by a Tree Preservation Order.

4.23 A habitats survey identified no protected species habitats that would be adversely affected by the proposal. The proposed car parking area would be in close proximity to the group of four protected Acer trees, which have a significant public amenity value and contribute to the setting of the existing development. These trees are already enclosed on two sides by car parking and the proposal would appear to intrude into the root protection areas of the northern two trees. The Council's Landscape Architect has objected to this intervention, on the basis of the likely detrimental impact that the proposal would have on the health of the protected trees. The officer highlights the original design of the car park that left the land around the trees undeveloped and un-surfaced in order to protect the group. The applicant has been made aware of the concern and approached to remove the parking bays from the scheme.

4.24 In light of the above, and lack of information to demonstrate that the proposal would not have a detrimental impact on the protected trees, the creation of the additional parking bays is not supported. The identified harm is given substantial weight.

HERITAGE ASSETS

4.25 The NPPF provides advice on the impact of proposals on designated and non-designated heritage assets. Paragraph 135 states that the effect of proposals on the significance of a non-designated heritage asset should be taken into account in determining an application. Further, in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

4.26 The site relates to an unlisted building outside a designated conservation area. The site does not lie within an area of archaeological importance, but there is an unscheduled archaeological monument in the form of an air raid shelter in the open land to the east of the application site (MYO2173). As this would be at a sufficient distance from the proposed extension (over 30m), it would not adversely affect this archaeological feature and, hence, there is no need to assess its significance in accordance with paragraph 129 of the NPPF. In addition, the ground where the extension is proposed would already have been disturbed by the creation of the car parking area. As such, no harm to archaeological features or deposits is likely.

HIGHWAY MATTERS

4.27 The existing hotel is located outside the City Centre, though adjacent to an established residential area of Rawcliffe and within the outer ring road. Shipton Road is a main route into the City Centre along which bus services pass between

the City Centre and Skelton, Easingwold and Thirsk - there are bus stops on Shipton Road within walking distance of the hotel. The site is within close driving distance of the no.2 Park and Ride at Rawcliffe Bar. Therefore, whilst the use proposed to be extended is likely to attract largely car-borne visitors, there are other means of transport available to them for travel to and from the City Centre once they have arrived.

4.28 As an extension to the existing hotel, the access arrangements remain the same. The existing parking area for the hotel is shared with The Dormouse public house to its south. Parking is restricted along the adopted access roads of Shipton Road and Clifton Park Avenue. The proposed extension would be built on an existing parking area that serves it and would therefore result in the loss of 3 no. spaces overall whilst increasing the number of bedrooms within the hotel. This number is considered to be minimal in comparison to the number of spaces available and the accessible location of the site to a public transport route. However, it is noted that the reduction in the number of parking spaces could increase due to the unacceptable location of six of the replacement bays. The agent has confirmed that the company is contractually obliged to maintain a level of parking provision. Therefore, it may be that the impacts of maintaining a level of parking provision within a reduced and constrained site area may prevent or limit the aspirations for increasing the number of rooms at the hotel.

FLOOD RISK AND DRAINAGE

4.29 Paragraph 103 of the NPPF states that development should be directed to the areas of low flood risk and that development should not result in an increase of flood risk within the site or elsewhere. Policy GP15a of the Draft Local Plan supports this approach to flood risk.

4.30 The existing hotel building, the site of the proposed extension and the six parking spaces lie within Flood Zone 1 (low probability) and are therefore at low risk of river flooding. As such, the sequential test does not need to be applied. Use as a hotel is classified as a 'more vulnerable use', which is considered to be appropriate development in Flood Zones 1 and 2 and therefore, the exception test does not need to be applied. The lower section of the car parking area falling outside the application site boundary and the vehicle access to the car park lies within Flood Zone 2 (medium probability). However, a safe means of escape for hotel customers and staff by foot exists across the orchard field to the east of the site to Shipton Road in the event of flooding to the site access.

4.31 The proposal would build on an existing car parking area that is hard-surfaced and as such would not increase the amount of surface water run-off from the site. The additional parking area could be provided with permeable surfacing. Foul water would be connected to the existing system serving the hotel.

4.32 On the basis of the above, it is considered that the proposal is acceptable in flood risk terms and that there is an available solution to drainage.

RESIDENTIAL AMENITY

4.33 One of the core principles of the planning system outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants. Paragraph 120 of the NPPF also states that new development should be appropriate for its location to prevent unacceptable risks from pollution and land instability, with the responsibility for securing a safe development resting with the developer.

4.34 Public Protection raise no objections to the scheme subject to conditions to cover potential contamination, noise and air quality.

4.35 There are no private houses in the immediate vicinity that would be adversely affected by the proposals. The houses on the opposite side of Shipton Road are at a sufficient distance from the site. The nearest buildings are the offices to north and public house to south (with potential associated accommodation above). The hotel is a perpendicular angle to these two neighbouring buildings. The same distance between the offices and hotel that currently exists would be maintained. The windows serving the guest rooms in the hotel are provided with nets and additional curtains to protect the privacy of hotel guests.

4.36 Therefore, the proposal would achieve a good standard of amenity for all existing and future occupants in line with the aims of the NPPF. No further harm is identified.

HOTEL DEVELOPMENT

4.37 The NPPF considers tourism related developments such as hotels to be a main town centre use. To ensure the vitality of town centres, the NPPF advises LPAs to apply a sequential test to planning applications for such uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. Such a test would direct town centre uses to town centres, then edge of centre location, particularly those that are in accessible locations and well connected to town centres. Draft Local Plan policies seek to improve the prosperity of the tourism industry in the City (Policy V1) and support extensions to existing hotels within defined settlement limits and where it is well related in terms of access (Policy V3). No sequential test has been submitted with the application, though it is noted that the proposal is for the extension of an existing established hotel that is located on a public transport route to the City and close to one of the City's park and ride sites.

OTHER CONSIDERATIONS

4.38 In summary, the proposal would involve inappropriate development in Green Belt that is by definition harmful to the Green Belt due to its inappropriateness. It

would result in additional harm to the openness and purposes of the Green Belt, the character and appearance of the area and protected trees. Paragraphs 87-88 of the NPPF advise that permission should be refused for inappropriate development unless other considerations exist that clearly outweigh identified harm to the Green Belt, and any other harm, which would amount to 'very special circumstances'. Substantial weight is to be given to the harm to the Green Belt.

4.39 The applicant considers that the proposed extension would not represent a disproportionate addition to the existing building as it involves an extension that is similar to the scale and design of the existing building, is within the brownfield element of the site and within the building line of the adjoining development and will have a limited impact on perceived Green Belt openness in real terms. It is pointed out that the building has not been added to since it was built 20 years ago, that it would not encroach into the landscaped area to the east nor the Green Belt and that given its distance of 2.5 miles from the City Centre would not impact on the historic character and setting of York and the surrounding area. However, a very special circumstances case is put forward by the applicant in the event that the LPA considers the proposal to be disproportionate. In summary, the case is:

- identified need for additional bedrooms in this location;
- sustainable and accessible location of the site;
- limited loss of parking provision;
- creation of new jobs during construction and operation;
- income generation for other local businesses;
- acceptable in terms of ecology, flood risk and contamination.

4.40 The proposal would provide an additional 19 hotel rooms. This would clearly add to the viability and profitability of the business. Information, in the form of occupancy rates, is provided to demonstrate that there is a significant need for additional guest bedrooms in this location. This information shows that the business is usually operating at between 75.3% to 95.4% occupancy (Sunday and Saturday nights respectively) with little capacity to cope with demand during peak times such as Saturdays, Christmas, school holidays and York Races events. Occupancy figures are similarly high at the nearby York North West Premier Inn (York Business Park) with rates ranging from 67.2% to 93.9% (Sunday and Saturday nights respectively). On the basis of these figures, the applicant considers that the identified need and demand, and retention of a thriving hotel business in this location, should be considered a very special circumstance.

4.41 According to the York Tourism Accommodation Study (2014), the City is a key tourist destination, with demand for bedstock and high levels of occupancy throughout the year. It is noted that there are four Premier Inn hotels in the York area including the aforementioned, a City Centre location and York South West (adjacent to the A64 at Bilborough Top). Additional hotels with bedstock are currently being delivered within the City Centre (150 bed Malmaison hotel on Rougier Street and an extension to The Grand Hotel). Recently completed hotels

include a 124 bed hotel on Layerthorpe and a new hotel adjacent to the Barbican centre. Planning permissions for new hotels that are still to be delivered include a 140 bed hotel at Piccadilly (17/00429/FULM), an 80 bed hotel at Monks Cross (17/01181/FULM), a 119 bed hotel on Dundas Street (16/02801/FULM) and a 97 bed hotel at Terry Avenue.

4.42 The business - as part of a larger hotel chain with three other premises in and around the City - would continue to operate as a successful enterprise given the indicated hotel occupancy rates. The additional bedrooms would likely offer a small uplift in employment and local income generation as a result of the additional bedrooms.

4.43 Therefore, whilst the proposal would add to the portfolio of visitor accommodation in the City, there are no compelling reasons for the expansion of this particular hotel, which lies within Green Belt on the outskirts of the main urban area of the City, albeit on a public transport route. It is considered that, on balance, and attaching substantial weight to the harm to the Green Belt, the benefits of the scheme are not sufficient to clearly outweigh the identified harm.

5.0 CONCLUSION

5.1 The proposal involves the erection of an extension to an existing hotel that would provide further visitor accommodation within the City and likely result in a slight increase in employment and local income generation. However, the site lies within the general extent of York's Green Belt and within an area identified as contributing to the historic character and setting of the City. As specific Green Belt policy within the NPPF indicates that development should be restricted, the presumption in favour of sustainable development established by paragraph 14 of the NPPF is not engaged and the more restrictive Green Belt policies in the NPPF apply. The proposal would result in harm by reason of inappropriateness as well as additional harm to the openness and purposes of the Green Belt and the visual amenity of the local area. There would be further harm to protected trees within the site.

5.2 On balance, it is considered that the benefits that could be provided by the scheme would not clearly outweigh the harm identified and therefore no very special circumstances have been demonstrated. In accordance with paragraph 88 of the NPPF, the application is recommended for refusal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The application site lies within the general extent of York's Green Belt, as set out by policies Y1 and YH9 of The Yorkshire and Humber Plan - Regional Spatial Strategy and supported by the City of York 'The Approach to Green Belt Appraisal'

February 2003 (as amended). It is considered that the proposed extension to the existing hotel building is a disproportionate addition over and above the size of the original building in a highly visible location within the Green Belt and green wedge. In accordance with paragraph 89 of the National Planning Policy Framework, it constitutes inappropriate development within the Green Belt that is, according to paragraph 87 of the NPPF, by definition, harmful to the openness of the Green Belt and the purposes of including land within it, namely the safeguarding of the setting of historic towns and cities. The Local Planning Authority has carefully considered the justification put forward by the applicant in support of the proposals but has concluded that these considerations do not clearly outweigh the harm to the Green Belt and other harm when substantial weight is given to the harm to the Green Belt. As such very special circumstances do not exist to justify the proposal. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework.

2 The proposed development would result in built form that would protrude beyond the building line created by the buildings immediately to the north and south of the site. The end elevation of the extension is considered to be of a poor design that does not relate to the open space to the east of the site. As such, it would not integrate well with the local environment and would detract from its character and appearance. It fails to take the opportunities available for improving the character and quality of an area and the way it functions, as required by paragraph 64 of the National Planning Policy Framework. The proposal is therefore contrary to advice in the National Planning Policy Framework and policies GP1 'Design' of the 2005 City of York Draft Local Plan and D1 'Placemaking' of the 2017 Pre-Publication Draft Local Plan.

3 The application site lies within the former Clifton Hospital site that is the subject of an area Tree Preservation Order (no.173/1991). Four of the protected trees are located to the south of the existing hotel building within a grassed area and have a significant public amenity value that contribute to the setting of the existing development. The proposal would introduce six parking bays to the north of the trees that would intrude into the grassed area and are likely to adversely affect the health and longevity of the protected trees. Insufficient evidence has been submitted to demonstrate that this intrusion would not adversely affect the trees. The proposal is therefore considered to be contrary to the Town and Country Planning Act 1990 and subsequent Acts and regulations that allow for the protection of trees for amenity reasons, one of the core planning principle cited in paragraph 17 of the National Planning Policy Framework being the conservation of the natural environment, and policy NE1 'Trees, Woodlands and Hedgerows' of the 2005 City of York Draft Local Plan and policies D2 'Landscape and Setting' and GI4 'Trees and Hedgerows' of the 2017 Pre-Publication Draft Local Plan.

7.0 INFORMATIVES:

1 STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

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

- Written to the applicant to explain the planning status of the site and advice provided on the extent of development that could be supported in Green Belt terms and with regards to visual amenity and trees;
- Extension of time agreed to allow the applicant the opportunity to revise the scheme in order to receive a positive outcome;
- Considered a submitted draft revised scheme.

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

Contact details:

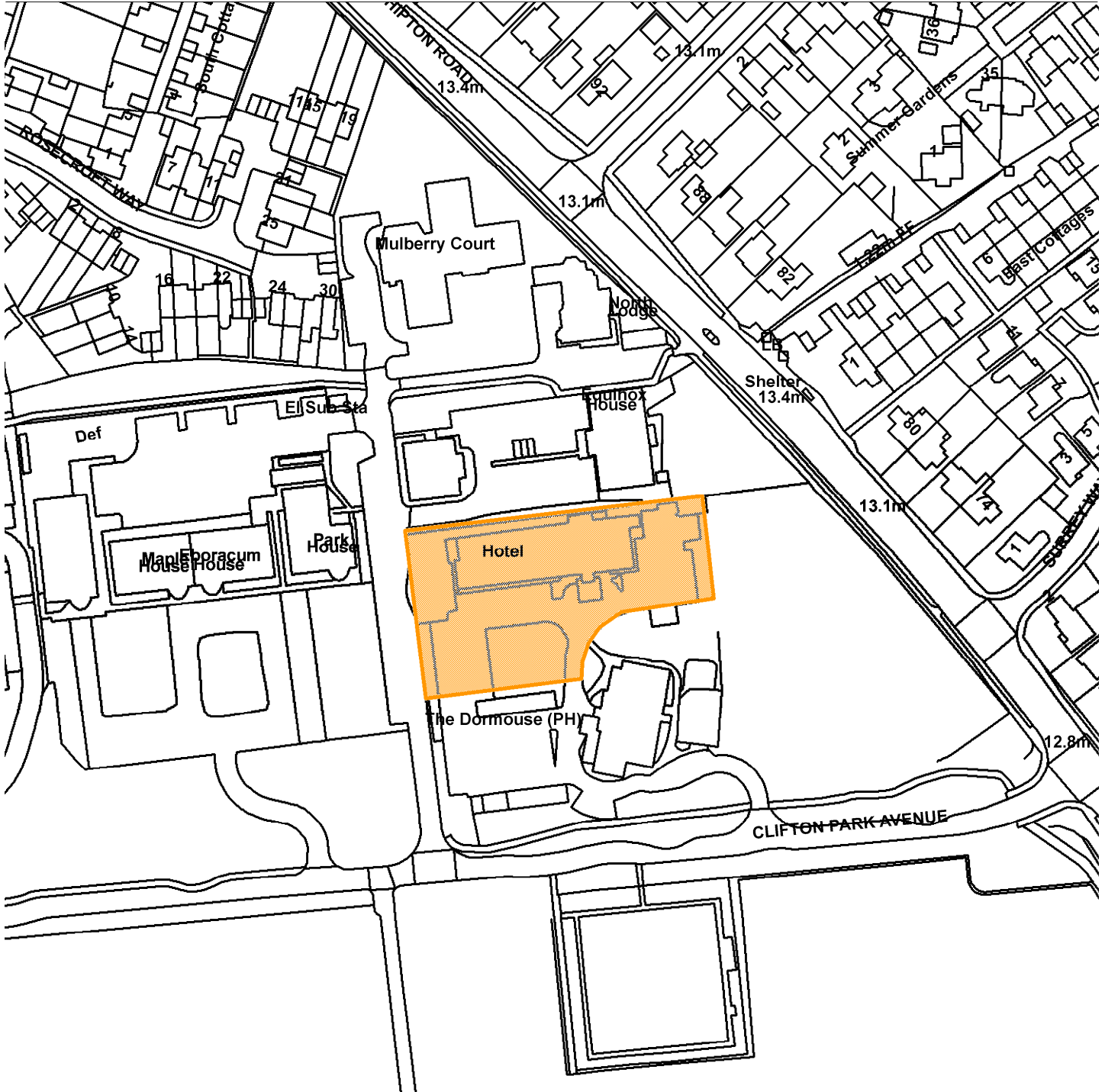
Author: Hannah Blackburn Development Management Officer

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17/02572/FUL

Premier Inn, Clifton Park Avenue, YO30 5PA



Scale : 1:1659

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Organisation	City of York Council
Department	Economy and Place
Comments	Site Location Plan
Date	05 February 2018
SLA Number	

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Planning Committee

14 February 2018

Area Planning Sub Committee

7 February 2018

Appeals Performance and Decision Summaries

Summary

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

Background

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

Table 1: CYC Planning Appeals Last Quarter Performance

	01/10/17 to 31/12/17 (Last Quarter)	01/10/16 to 31/12/16 (Corresponding Quarter)
Allowed	4	1
Part Allowed	0	2
Dismissed	6	10
Total Decided	10	13
% Allowed	40%	8%
% Part Allowed	-	15%

Table 2: CYC Planning Appeals 12 month Performance

	01/01/17 to 31/12/17 (Last 12 months)	01/01/16 to 31/12/16 (Corresponding 12 month period)
Allowed	12	4
Part Allowed	1	3
Dismissed	27	32
Total Decided	40	39
% Allowed	30%	10%
% Part Allowed	2.5%	8%

Analysis

- 4 Table 1 shows that between 1 October and 31 December 2017, a total of 10 appeals were determined by the Planning Inspectorate. Of those, 4 were allowed (40%). One related to a “major” development (erection of 11 dwellings at land rear of 1 – 9 Beckfield Lane). By comparison, for the same period 2016, out of 13 appeals 1 was allowed (8%), 2 were part allowed (15%). Using the assessment criteria set out in paragraph 2 above, 0.1% of the total decisions made in the quarter were overturned at appeal.
- 5 For the 12 months between 1 January and 31 December 2017, 30% of appeals decided were allowed, which is close to the national percentage figure of 31% of appeals allowed (Jul-Sept 2017), but up on the previous 12 month figure. Using the assessment criteria set out in paragraph 2 above, 0.7% of the total decisions made in the 12 month period were overturned at appeal.
- 6 The summaries of appeals determined between 1 October and 31 December 2017 are included at Annex A. Details as to of whether the application was dealt with under delegated powers or by committee are

included with each summary. In the period covered one appeal was determined following a decision at sub-committee/committee.

Table 3: Appeals Decided 01/07/2017 to 30/09/2017 following Refusal by Committee / Sub-Committee

Ref No	Site	Proposal	Officer Recom.	Appeal Outcome
16/02269/ FUL	Land r/o 1-9 Beckfield Lane	11 houses	Refuse	Allowed

- 7 The list of current appeals is attached at Annex B. There are 18 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals but including appeals against enforcement notices).
- 8 We continue to employ the following measures to ensure performance levels are maintained at around the national average or better:
- i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the NPPF and draft Development Control Local Plan Policy.
 - ii) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine. This approach is reflected in the reduction in the number appeals overall. This approach has improved customer satisfaction and speeded up the development process and, CYC planning application performance still remains above the national performance indicators for Major, Minor and Other application categories.
 - iii) Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued.

Consultation

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

Council Plan

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

Implications

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

Risk Management

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

Recommendation

- 16 That Members note the content of this report.

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

Contact Details

Author:

Gareth Arnold
Interim Head of
Development Services,
Directorate of Economy
and Place

Chief Officer Responsible for the report:

Mike Slater
Assistant Director (Planning and Public
Protection)

**Report
Approved**



Date 29.01.2018

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Annexes

Annex A – Summaries of Appeals Determined between 1 October and 31 December 2017

Annex B – Outstanding Appeals at 29 January 2018

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Appeal Summaries for Cases Determined 01/10/2017 to 31/12/2017

Application No: 16/02230/FUL
Appeal by: Mr Darren Leeper
Proposal: Erection of 4no. two-storey houses
Site: Site To Side Of 2 Holyrood Drive Fronting Onton Manor
Lanark
Decision Level: DEL
Outcome: ALLOW

The application is for the erection of two pairs of semi-detached houses on an undeveloped residential plot with consent for two single houses. The appeal scheme was refused due to impact on townscape and neighbour amenity. The inspector disagreed. He found that the proposal was relatively modest in scale and would assimilate comfortably with the modern properties nearby in terms of layout, design and appearance. It would appear as an attractive extension of the modern development nearby. Further, that the proposal would not have an unacceptably harmful effect on the living conditions of neighbours and that, therefore, the proposal accords with the Framework which requires a good standard of amenity for existing occupants.

Application No: 16/02269/FULM
Appeal by: Mr Craig Smith
Proposal: Erection of 11no. dwellings with associated access road and parking
Site: Site Lying To The Rear Of 1 To 3 Beckfield Lane York
Decision Level: COMM
Outcome: ALLOW

The appeal was against the refusal of the introduction of a row of terrace properties where semi detached dwellings had previously been approved. The Inspector noted that the elongated roof profile of the proposed terrace would be evident when viewed from various points along Runswick Avenue. There are though buildings in the vicinity that would provide some context for the relatively short terrace of houses proposed. The terraced row would not be significantly greater in length than that of the two semi-detached bungalows, 9 and 11 Runswick Avenue, which are situated in a much more prominent location, opposite the entrance to the site. The substantial gable end of No 18 Runswick Avenue, a bungalow with two large dormer windows, would dominate views of the site from the direction of Beckfield Lane. The roof line would otherwise be generally seen only through the gaps between bungalows further along Runswick Avenue. There is variation of roof profile within the development introduced by the bungalows and the pair of semi-detached houses situated at either end of the terraced row. He noted that although a row of houses does not conform to the general pattern of development found in the area, which is predominantly of detached and semi-detached dwellings, the terrace is relatively short and set amongst dwellings of mixed character. Consequently he considered that only limited harm would be caused and the development would generally be consistent with these policies and with the Framework. With regard to the financial contributions requested he held that the contributions are necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development. This was given significant weight in reaching the decision.

Application No: 16/02735/FUL
Appeal by: Mr And Mrs Boyland
Proposal: Two storey rear extension and dormer to rear
Site: 110 Holgate Road, York YO24 4BB
Decision Level: DEL
Outcome: DISMIS

The application site is no. 110 Holgate Road, York, a grade II listed building dating from the mid nineteenth century located in St. Paul's Square/Holgate Road Conservation Area. The proposals related to a two storey rear extension and dormer to the rear roof plane of the mid terrace dwelling house. The application was refused consent as it was considered that the design, form and mass of the two storey rear extension, that would be open to public view within the conservation area, would result in less than substantial harm to the significance of the designated heritage asset. Also, the design of the rear extension would appear at odds with the architectural character of the rear elevations of the adjoining listed buildings to the west and would lead to less than substantial harm to the setting of the designated heritage assets. No public benefits were identified that would outweigh this harm. The Inspector considered that the two storey rear extension would obscure a significant proportion of the original rear elevation and introduce an incongruent, single dormer onto the otherwise intact roof slope of the listed building. The design of the extension was considered to be poorly conceived and would lead to a tense juxtaposition of opposing architectural forms given the different roof pitches and heights of the proposed extension. The Inspector found that the proposal would be detrimental to the layout and simple architectural form of the rear elevation of the listed building and that the resultant loss and further erosion of its traditional architecture and form, as a residential building, would also be detrimental to the character and appearance of the conservation area, as the majority of the changes would be visible from Watson Terrace. The Inspector concluded that the proposals would fail to preserve the special historic interest of the listed building and the character and appearance of the conservation area. The appeal was dismissed.

Application No: 16/02736/LBC
Appeal by: Mr And Mrs Boyland
Proposal: Internal and external alterations including two storey rear extension and dormer to rear following demolition of existing single storey rear extension and associated internal alterations including alterations to internal layout.
Site: 110 Holgate Road, York YO24 4BB
Decision Level: DEL
Outcome: DISMIS

The application site is no. 110 Holgate Road, York, a grade II listed building dating from the mid nineteenth century located in St. Paul's Square/Holgate Road Conservation Area. The proposals related to internal and external alterations, including a two storey rear extension, dormer to the rear roof plane and associated internal works including alterations to the internal layout of the mid terrace dwelling house. The application was refused consent as it was considered that the proposed internal alterations to the first and second floors together with the design of the rear extension would lead to less than substantial harm to the significance of the designated heritage asset, its setting and the setting of listed buildings adjacent. No public benefits were identified that would outweigh this harm. The Inspector considered that the internal alterations to the first and second floors of the listed building would lead to a significant erosion of the original layout and proportions of the rooms as well as loss of original fabric. The two storey rear extension would obscure a significant proportion of the original rear elevation and introduce an incongruent, single dormer onto the otherwise intact roof slope of the listed building. The design of the extension was considered to be poorly conceived and would lead to a tense juxtaposition of opposing architectural forms given the different roof pitches and heights of the proposed extension. The rear extension would be detrimental to the layout and simple architectural form of the rear elevation of the listed building. The parapet wall to the rear of the single storey element would partially obscure views of the elongated staircase window that is considered an important design feature of evidential value. The Inspector concluded that the proposals would fail to preserve the special historic interest of the listed building and the character and appearance of the conservation area. The appeal was dismissed.

Application No: 17/00004/FUL
Appeal by: Mr And Mrs Metcalfe
Proposal: First floor side extension and conversion of garage into habitable room
Site: Wheatlands House, Boroughbridge Road, York YO26 6QD
Decision Level: DEL
Outcome: DISMIS

The proposal sought permission for the erection of a large first floor extension over an existing flat roof element of a dwelling in the greenbelt. The property had been previously extended and the application was refused on inappropriate development within the green belt and the unacceptable design of the proposed extension. The Inspector stated that as the DCLP predates the Framework which refers to size and not footprint they were required to assess the overall size increase in terms of volume and external dimensions in addition to considering footprint. They concluded that the proposal would almost double the width of the first floor of the dwelling and it would extend beyond the main rear elevation of the property resulting in significant additional mass and bulk. They concluded that it was a disproportionate addition and would result in a loss of openness and was therefore inappropriate development. In terms of the design the inspector noted that it would lack architectural coherence and be visually awkward resulting in an incongruous addition which would be at odds with the character and appearance of the host property and would therefore harm the character and appearance of the area and the host property.

Application No: 17/00445/LBC
Appeal by: Debbie Ambler
Proposal: Display of non illuminated sign on wall of gentlemen's toilet block at the end of Platform 2
Site: Railway Station, Station Road, York
Decision Level: DEL
Outcome: DISMIS

The application related to the attachment of a large 1.8m by 6.0m sign on the Gentlemans toilet block promoting the appellants forthcoming Azuma trains with a colourful and bold image and text on a light background. As the Railway Station is a Grade II* listed building, it was refused consent because the advert was visually incongruous with the historic character of the station interior, caused harm to the setting of the Tea Room building and was harmful in views of the train shed from many public viewpoints. No public benefits were identified that could outweigh the significant harm to the listed building. Considering the Appeal, the Inspector referenced the York Station Conservation Development Strategy (2013) as well as the planning policy context. He noted the high national significance of the Station recognised by its Grade II* status and of its historic, aesthetic and communal value. He found that whilst the sign was placed on a part of the station which was not of value, the modern toilet block generally receded into the background. However the sign attached to it caused harm as a conspicuous, discordant and distracting element in views of the trainshed and environs of the Tea Room. The works did not preserve the listed building, nor features of special architectural or historic interest it possesses. Whilst this was defined as being less than substantial harm in the context of the whole station, the public benefits put forward by the applicant did not provide clear and convincing justification for the scheme to outweigh such harm and the advert was thus contrary to the Act, the NPPF and so far as it is material, the development plan.

Application No: 17/00501/FUL
Appeal by: Mr And Mrs D Pinkney
Proposal: Erection of 1no. dwelling with associated landscaping and access following the demolition of existing barn
Site: Dutton Farm, Boroughbridge Road, YO26 8JU
Decision Level: DEL
Outcome: ALLOW

The site is within the greenbelt. Planning permission had previously been granted for the conversion of a barn to a dwelling. A subsequent application proposed constructing a dwelling of a similar size to the barn but further away from the original farmstead, together with demolishing the existing barn (which has planning permission for conversion). Officers considered that the proposed development did not fall within any of the criteria in the NPPF for acceptable development in the Green belt amend that siting the dwelling further away from the original farmstead would have a greater impact on the openness of the greenbelt. As such the proposed development was considered to be inappropriate development in the Greenbelt. The Planning Inspector considered that the proposed dwelling did not lead to a greater impact on the openness of the Greenbelt than the existing planning permission despite the greater separation. The Inspector did not considered that dwelling would be inappropriate development and the development was acceptable. The appeal was allowed. In the text of the decision the Planning Inspector considered the appeal on the grounds that the existing barn would be demolished. However the Inspector has not added a condition for the timing and removal of the existing shed, and as a result appears to have potentially allowed two dwellings in the greenbelt rather than one.

Application No: 17/00876/FUL
Appeal by: Mrs Uzmah Zaman
Proposal: Installation of roller shutter door (retrospective)
Site: Broadway Post Office And Newsagents
 Broadway, Woking, Surrey, GU24 0JX
Decision Level: DEL
Outcome: DISMIS

The above dismissed appeal related to the refusal of a retrospective planning application for perforated external security shutters. They are located across the frontage of a post office/newsagents in a small commercial parade in suburban Fulford. The planning application was refused for the following reasons: it is considered that the external shutters and their housing detract from the appearance of the property and when secured create a poor quality environment that undermines the visual amenities of the area and potentially increases the fear of crime. In the absence of any specific information indicating the need for the particular installation and the impracticality of less oppressive options, the proposal conflicts with advice in paragraphs 56-58 of the National Planning Policy Framework and Policy GP17 (Security Shutters) of Development Control Local Plan 2005. The appeal statement failed to include any justification for the shutters. The Inspector in his decision stated that they gave the parade a run-down appearance. He noted that the appellant did not include any clear information to show why they were needed or why less intrusive security methods could not be used.

Application No: 17/01027/FUL
Appeal by: Mr & Mrs Hunt
Proposal: Two storey side and rear extensions and single storey rear extension
Site: 53 The Avenue, Laxby, Woking, Surrey, GU24 3EJ
Decision Level: DEL
Outcome: ALLOW

The application was for two storey side and rear extensions and a single storey rear extension on a residential property. The property was a traditional two storey semi-detached dwelling in a residential area. It had an existing single storey rear extension with conservatory beyond that. The application was refused as a result of the impact on the adjoining neighbours resulting from the scale and projection on the boundary of the two storey rear extension. The Inspector considered that outlook from the neighbouring property was not affected. It would be prominent from their garden but it was considered that the main outlook would be down the garden and the neighbouring patio extended beyond the extent of the proposed extension. There would be some overshadowing in the afternoon but given the size of the patio the impact on enjoyment of the garden would be limited.

Application No: 17/01087/FUL
Appeal by: Mr Daniel Brown
Proposal: Erection of boundary fence and trellis to side (part retrospective)(revised plans)
Site: 29 Runswick Avenue York YO26 5PP
Decision Level: DEL
Outcome: DISMIS

This application sought permission for the erection of timber boundary fencing approx. 1.8m high, to enclose the side garden area, adjacent to the highway. The application was retrospective. The host dwelling is a modest bungalow sited within a modern residential estate on a prominent corner location. The surrounding area, is characterised by open plan front and side gardens resulting in the structure appearing out of character and harming visual amenity, and the application was refused on these grounds. The inspector agreed with this view, stating that the spacious character of the area is further to the open plan nature of the gardens and that the enclosing of the host side garden area has resulted in a loss to the feeling of spaciousness around this junction. The inspector advised that even if a landscaping scheme were provided he was not persuaded that planting alone would satisfactorily resolve the adverse enclosing effect that the fence has on the streetscene.

Decision Level:	Outcome:
DEL = Delegated Decision	ALLOW = Appeal Allowed
COMM = Sub-Committee Decision	DISMIS = Appeal Dismissed
COMP = Main Committee Decision	PAD = Appeal part dismissed/part allowed

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Outstanding appeals

Officer: Carolyn Howarth						Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
20/04/2017	17/00012/REF	APP/C2741/D/17/3172865	H	211 Hamilton Drive West York YO24 4PL	Single storey side extension		
Officer: David Johnson						Total number of appeals:	4
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
01/11/2017	17/00038/REF	APP/C2741/X/17/3176205	W	31 Blossom Street York YO24 1AQ	Certificate of lawfulness for use as a House in Multiple Occupation for up to 4no. occupants within Use Class C4		
21/11/2017	17/00046/REF	APP/C2741/Y/17/3187509	W	Carluccios 3 St Helens Square York YO1 8QN	Display of 3no. awnings		
21/11/2017	17/00047/REF	APP/C2741/Y/17/3187509	W	Carluccios 3 St Helens Square York YO1 8QN	Retention of 3no. awnings to front (retrospective)		
06/12/2017	17/00048/REF	APP/C2741/W/17/3188703	W	34 Deramore Drive York YO10 5HL	Use of house as a large 8 bed House in Multiple Occupation, two storey side and single storey rear extensions and bike store to rear.		
Officer: Erik Matthews						Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
29/09/2017	17/00035/REF	APP/C2741/W/17/3180738	I	Proposed Dwelling To The South Of Mayfields Dauby	Erection of 1no. agricultural/horticultural workers dwelling		
Officer: Esther Priestley						Total number of appeals:	3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
29/09/2016	16/00041/TPO	APP/TPO/C2741/5453	W	Two Oaks 39 York Road Strensall York YO32 5UB	Fell Oak tree (T1) protected by Tree Preservation Order No.: 1975/1		
12/05/2014	14/00017/TPO	APP/TPO/C2741/3909	W	14 Sails Drive York YO10 3LR	Fell Silver Brch (T3,T11), Mountain Ash (T5), Oak (T8), Trees protected by Tree Preservation Order CYC15		
09/05/2014	14/00015/TPO	APP/TPO/C2741/3907	W	7 Quant Mews York YO10 3LT	Crown Reduce Silver Birch (T1,T2), Trees protected by Tree Preservation Order CYC 15		

Officer: Hannah Blackburn						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
21/11/2017	17/00043/REF	APP/C2741/W/17/3187752	W	44 Tranby Avenue Osbalwick York YO10 3NJ	Outline application for erection of 1no. dwelling	
16/01/2018	18/00002/REF	APP/C2741/W/17/3191509	W	Land Adjacent To 141 Broadway York	Erection of 4no. detached dwellings with integral garages (resubmission)	
Officer: Jonathan Kenyon						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
13/06/2017	17/00029/NON	APP/C2741/W/17/3177821	P	British Sugar Corporation Ltd Plantation Drive York	Outline application for the development of the site comprising up to 1,100 residential units, community uses (D1/D2) and new public open space with details of access (to include new access points at Millfield Lane and Boroughbridge Road and a new link road, crossing the Former Manor School Site) and demolition of the Former Manor School buildings (duplicate application)	
Officer: Kevin O'Connell						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
12/01/2018	18/00001/NON	APP/C2741/W/17/3191235	W	69 The Avenue Haxby York YO32 3EJ	Outline application for the erection of a single storey dwelling to the rear of 69 The Avenue following demolition of existing garage	
06/12/2017	17/00049/REF	APP/C2741/W/17/3189768	W	The Homestead Murton Lane Murton York	Replacement of mobile home with dwelling	
Officer: Matthew Parkinson						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice	
Officer: Neil Massey						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
21/11/2017	17/00045/REF	APP/C2741/W/17/3187365	W	The Ridings 95 York Street Dunnington York YO19 5QW	Erection of 1no. dwelling	

Officer: Paul Edwards						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
13/11/2017	17/00044/REF	APP/C2741/X/17/3177133	W	54 Barstow Avenue York YO10 3HE	Certificate of lawfulness for use as a House in Multiple Occupation within Use Class C4	
Officer: Sharon Jackson						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
20/12/2017	17/00050/REF	APP/C2741/D/17/3188429	H	35 The Cranbrooks Wheldrake York YO19 6AZ	Retention of existing rooflights to side roofslope.	
18/12/2017	17/00051/REF	APP/C2741/D/17/3188803	H	6 Rawcliffe Drive York YO30 6PE	Two storey side and single storey rear extensions, porch to front and 2no. dormers to rear (resubmission)	
Officer: Sophie Prendergast						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
17/11/2017	17/00042/REF	APP/C2741/W/17/3187942	W	8 Wenlock Terrace York	Conversion of 5no. flats to 9no. flats and four storey rear extension	
Officer: Victoria Bell						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
06/09/2017	17/00040/EN	APP/C2741/C/17/3179132	W	Poppleton Garden Centre Northfield Lane Upper	Appeal against Enforcement Notice dated 11 May 2017	
Total number of appeals: 21						

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