



## Notice of a public meeting of Planning Committee

- To:** Councillors Reid (Chair), Ayre, Boyce, Carr, Cullwick, Cuthbertson, D'Agorne, Doughty, Funnell, Galvin, Looker, Richardson, K Taylor, Warters and 1 x vacancy
- Date:** Thursday, 13 September 2018
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

### AGENDA

#### Site Visits

Would Members please note that the mini-bus for the site visits for this meeting will depart from Memorial Gardens at **10:00am on Tuesday 11 September 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 meeting of the Planning Committee held on 11 July 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 Wednesday 12 September 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.

### **Filming or Recording Meetings**

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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](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) **Crabtree New Farm York Road Deighton York [18/01256/FUL]**  
(Pages 13 - 22)  
Use of agricultural land for siting of 2 glamping cabins (resubmission)  
[Wheldrake Ward]
- b) **Pavers Ltd, Catherine House, Northminster Business Park, Harwood Road, Upper Poppleton, York** (Pages 23 - 44)  
Extension to existing warehouse with associated parking, loading, access, and sprinkler tanks [Rural West York Ward] **[Site Visit]**
- c) **Beetle Bank Farm And Wildlife Sanctuary, Moor Lane, Murton, York [18/01411/FUL]** (Pages 45 - 54)  
Erection of steel container for use as astronomical observatory  
[Osbaldwick And Derwent Ward] **[Site Visit]**

**5. Appeals Report (Pages 55 - 74)**

Members will be presented with a report outlining the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 April and 30 June 2018.

**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 جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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**PLANNING COMMITTEE****SITE VISITS****Tuesday 11 September 2018.****The Councillors mini-bus will depart from Memorial Gardens at  
10.00am.**

<b>TIME (Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10:20	Pavers Ltd, Catherine House , Northminster Business Park Harwood Road, Upper Poppleton	<b>4b</b>
11:15	Beetle Bank Farm and Wildlife Sanctuary, Moor Lane, Murton	<b>4c</b>

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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

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Meeting	Planning Committee
Date	11 July 2018
Present	Councillors Reid (Chair), Shepherd (Vice-Chair), Ayre, Boyce, Carr, Cullwick, Cuthbertson, D'Agorne, Doughty, Funnell, Galvin, Looker, Richardson and Flinders (Substitute for Councillor K Taylor)
Apologies	Councillors K Taylor and Warters

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<b>Application</b>	<b>Reason</b>	<b>In attendance</b>
Proposed Sports Pitch Development To The South East Of 235 Tadcaster Road	As the recommendation was to approve and objections had been received.	Councillors Reid, Shepherd, Cullwick and Galvin

## 7. **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.

Councillor D'Agorne declared a personal, non-prejudicial interest in Agenda Item 4a (Minute Item 11) as he was a Sustrans volunteer and one of their routes was referenced in the report.

Councillor Reid declared an interest in Item 4a (Minute Item 11) as the Executive Member for Culture, Leisure and Tourism at the time the proposal to lease the land was taken to Executive. She stated she would hand over to the Vice Chair for this item and leave the room.

Councillor Ayre declared an interest in Item 4a (Minute Item 11) as the current Executive Member for Culture, Leisure and Tourism. He also left the meeting for this item.

**8. Minutes**

Councillor Boyce asked that the minutes of 14 June be amended to reflect the fact she had sent apologies for the meeting and Councillor Flinders had attended as a substitute.

Resolved: That the minutes of the last meeting held on 14 June be approved and then signed by the chair as a correct record, subject to the above amendment.

**9. 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.

**10. 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.

**11. Proposed Sports Pitch Development to the South East of 235 Tadcaster Road, Dringhouses, York (18/00251/FUL)**

Members considered a Full Application for a change of use from agricultural holding to natural turf sports pitches, including erection of changing facilities, installation of sub surface land drainage and associated soft landscaping and the formation of emergency/maintenance vehicle access road.

Officers gave a detailed update, which was attached to the online agenda following the meeting. This included an update on the status of Woodthorpe Wanderers FC and details of additional representations which had been received since agenda publication. There was also an amended recommendation and several amended and additional conditions.

Josh Wong, Club Secretary for Bishopthorpe White Rose FC, spoke in support of the application. He stated that the club served over 400 players and had a large girls section plus two disabled teams. They currently had very limited facilities, one pitch for 11 teams, and this proposed development would give

them opportunity to further promote sport to young people. The location would also promote sustainable transport, using the cycle path and the park and ride.

In response to Member questions he stated that:

- The existing ponds would be lost but the proposed drainage plan would create two patches of biodiversity to replace this habitat;
- Pick up and drop off would be at the park and ride site; and
- There would be a lease arrangement for car parking spaces with the park and ride site.

Michael Jones spoke, on behalf of the applicant, to explain how the application would support the Council's strategic priorities by providing pitch space across four wards. Approval would trigger consideration of an application for a £500,000 grant from the Football Foundation which would help to pay for the works. Finally it would free up land at Lowfield Green by replacing two pitches which were at that site. This would allow for creation of 165 new homes a care home, and a large area of public open space. The pitches would have huge health and social benefits for the local community.

In response to Member questions he stated:

- The clubhouse was positioned in this location to encourage cycling as it was located next to the cycle path and as it was considered the least sensitive location as it was near trees;
- The use of space allowed for the maximum number of pitches; and
- An agreement would be put in place with the park and ride operator for parking provision.

During debate Members expressed their thanks for the hard work of the volunteers' who ran the football club. They felt that the proposal was going to provide desperately needed facilities which would have huge health and social benefits for the local community. It was also noted that the impact on wildlife would be minimal. They also highlighted the need to maintain the cycle path, if cycling to this site was to be encouraged.

Resolved: That Delegated Authority be given to the Assistant Director Planning and Public Protection to approve the proposal subject to:

1. an acceptable agreement being reached in respect of the provision of off-site car parking
2. The conditions listed in the Officers report and the update
3. An amendment to condition 13 in relation to the protection of the cycle path during construction
4. An additional condition on the provision of cycle parking
5. An additional informative being added in relation to the maintenance of the cycle route.

Reason: It was considered that the provision of permanent training and playing facilities in an accessible location for Bishopthorpe White Rose FC, whose facilities were currently sub-standard, was a consideration that clearly outweighed the harm to the Green Belt by reason of inappropriateness and any other harm so as to amount to very special circumstances to justify the proposed development. Thus very special circumstances existed to justify development in the Green Belt.

The presumption in favour of sustainable development contained in paragraph 14 of the NPPF applied to this application to the effect that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole. On that basis it was considered that the proposal would amount to sustainable development in applying the Framework as a whole, and the balance lay in favour of the proposal.

**12. Site of Former Fordlands House, 1 Fordlands Road, York (18/00495/FULM)**

Members considered a Full Major Application for the erection of a 64 bedroom care home, with car parking and landscaping, following the demolition of existing care home.

Officers gave a detailed update, which was attached to the online agenda following the meeting. This contained a revised recommendation and details of additional representations that had been received since agenda publication. They also showed the Committee several images of the site. In response to Member questions Officers stated:

- There would be a section 278 highway agreement in place if permission were granted and the need for parking restrictions could be assessed and then funded through this agreement;
- The application was accompanied by a highway statement and the proposed highway access had been considered the most efficient. It was not considered that this type of use would generate many large vehicles; and
- Car parking spaces had been angled to allow access to the site.

Mary Urmston, a local resident and Christopher Carroll her agent, spoke in objection to the application. They expressed concern over the safety of pedestrians and cyclists due to the site exit, access for emergency vehicles and the fact they considered the site was not suitable for this development due to falling within the green belt and flood zone 3.

Vivian Claire spoke on behalf of John Matthews, a local resident. He had concerns about the location of the crossing point which would fall directly outside his living room window. He felt this would severely impact on both his privacy and outlook. He asked Members to consider the relationship between his home and the crossing point, and to ensure this be moved further along the road. He also stated he felt there was insufficient parking for a development of this size.

Karin De Vries spoke, on behalf of Fulford Parish Council, to express their disappointment that this application had been recommended for approval. They felt that the wrong supply calculations had been used in the report and that there was not a shortfall of 90 beds. They felt there was a clustering of care homes in Fulford and Heslington. Finally she stated that vulnerable patients should not be placed in flood zone 2 and 3.

Kenneth Turner, a neighbouring resident, spoke in support of the application. He stated that he lived immediately opposite the site and felt that the application would benefit the community as

a modern, state of the art care home, needed by the aging population of York. He also felt content that concerns he originally had over parking at the site had been addressed by the developers.

Eammon Keogh, agent for the applicant, explained to Members that there was a significant shortfall of care places and that this development was an opportunity to turn a brownfield site into a state of the art care home to meet the needs of the City. Flooding, highways, design and archaeological issues had all been addressed and all technical consultees had reaffirmed that the proposal was acceptable.

In response to Member questions he stated:

- The dropped kerb/crossing would be moved as part of the section 278 agreement;
- The highways plan had been worked on for several months and the current proposal was considered technically acceptable from a highways point of view;
- National guidance was followed in relation to sequential testing;
- The basement had been designed to flood and then to positively drain

Officers also clarified that:

- Germany Lane would remain a bridleway; and
- The revised recommendation meant that, if the Secretary of State decided that this was an EIA application, the application would be deferred until an Environmental Statement was submitted and relevant consultation carried out. The Assistant Director would only be able to grant permission if a decision was received that this was not an EIA development.

During debate Members expressed the view that the City did have a shortage of this type of accommodation. Given that this was previously developed land, and a previous application had been approved, this was considered an acceptable development.

Resolved: That the committee delegate the authority to grant planning permission to the Assistant Director for

Planning and Public Protection subject to: **Protection**  
**Substance**

1. the conditions set out in the officer's report;  
and
2. the receipt either of a Screening Direction made by the Secretary of State that the proposal is not EIA development or notification from the Secretary of State that he has declined to make a Screening Direction.
3. The crossing/dropped kerb being moved under the section 278 agreement.

**Reason:** The presumption in favour of sustainable development contained in paragraph 14 of the NPPF applied to this application. This was to the effect that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted. On that basis, the main issue in this case was whether; having regard to material planning considerations, any adverse impacts of the development proposed would significantly and demonstrably outweigh any benefits, when assessed against the policies of the Framework as a whole.

The application was for a brown field site in a sustainable location that was at the time occupied by a vacant care home. It had been demonstrated that York had an under-supply of good quality residential and nursing care accommodation.

A Sequential Test (in relation to flood risk assessment) had been carried out by the developer using a more restrictive area of search. This was agreed with the Local Planning Authority to take account of the existing use of the site for a care home, the identified and increasing need for accommodation and because the wards chosen form a natural community. As such, the application passed the sequential and exception tests.

Great weight was given in the planning balance to the impact of the development on Fulford Village Conservation Area. Members considered however that given the low level harm identified, the public benefits of the delivery of elderly persons accommodation together with the jobs that would be provided in this sustainable location, outweighed the level of harm identified.

Consideration was given to objections raised in relation to the development. However, it was not considered that any other material considerations had been raised that would significantly and demonstrably outweigh the benefits of the development.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 6.10 pm].



## COMMITTEE REPORT

**Date:** 13 September 2018      **Ward:** Wheldrake  
**Team:** Major and                      **Parish:** Deighton Parish Council  
Commercial Team

**Reference:** 18/01256/FUL  
**Application at:** Crabtree New Farm York Road Deighton York YO19 6EY  
**For:** Use of agricultural land for siting of 2no. glamping cabins  
(resubmission)  
**By:** Mrs Anna Hopwood  
**Application Type:** Full Application  
**Target Date:** 17 September 2018  
**Recommendation:** Refuse

### 1.0 PROPOSAL

1.1 The proposal is for the erection of 2 glamping cabins measuring 6.5m by 5.1m and with a height of 2.7m. The wooden clad cabins will include cooking and bathroom facilities and so no additional service buildings are proposed. They will be accessed by an existing farm track. Parking and cycle storage is to be provided within the existing farm yard.

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. Since the previous application some saplings have been planted along the track adjacent to the proposed site.

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 not within Flood Zone 2 or 3.

### PLANNING HISTORY

1.4 Application 17/02824/FUL for 3 glamping cabins was refused by planning committee on 14th February 2018. A site visit was carried out by the committee prior to the meeting.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

## 2.2 Policies:

City of York Draft Local Plan Incorporating the 4th Set of Changes Development Control Local Plan (Approved April 2005)

GP1 – Design

GP9 – Landscaping

GB1 – Development in the Green Belt

V5 – Caravan/ camping sites

Emerging Local Plan

D1 - Placemaking

D2 - Landscape and setting

SS1 - The role of York's Green Belt

EC5 - Rural economy

## 3.0 CONSULTATIONS

### INTERNAL

3.1 No responses received.

### EXTERNAL

#### Deighton Parish Council

3.2 No objections.

#### Neighbour notification and publicity

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

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

- o Policy context
- o Principle of the development - Assessment of harm to Green Belt
- o 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.

## 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 as revised in July 2018, although the weight that can be afforded to them is very limited. Relevant policies are:

GP1 - Design

GP9 - Landscaping

GB1 - Development in the Green Belt

V5 - Caravan/ camping sites

## Emerging Local Plan

4.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

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

The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

The Proposals Map accompanying the 2018 plan includes the site within Green Belt land around York.

4.4 Relevant policies are:

D1 - Placemaking

D2 - Landscape and setting

SS1 - The role of York's Green Belt

EC5 - Rural economy

The National Planning Policy Framework NPPF

4.5 The revised National Planning Policy Framework was published on 24 July 2018 (NPPF) and its planning policies are 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 133 to 147 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:

- o to check the unrestricted sprawl of large built-up areas
- o to prevent neighbouring towns merging into one another
- o to assist in safeguarding the countryside from encroachment
- o to preserve the setting and special character of historic towns
- o 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 144 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 list of exceptions contained in paragraphs 145 or 146 of the NPPF. Paragraph 145 of the NPPF notes that the construction of new buildings within the Green Belt is inappropriate except for certain exceptions. These include the provision of appropriate facilities for outdoor recreation as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Paragraph 146 does allow certain types of development including the material change of use in the land provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

#### 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 cabin pitches. The 2012 NPPF made no provision for the material change of use of land within the Green Belt and the previous application was therefore determined the proposal to be inappropriate development. The 2018 amendment to the NPPF allows, at para.146, for a material change of use of land (such as changes of use for outdoor sport or recreation) as not inappropriate in the Green Belt providing that it preserves openness and does not conflict with the purposes of including land within the Green Belt. It is considered that the glamping cabins would harm openness as a result of the erection of structures within a field which is currently characterised by its lack of development and therefore constitute inappropriate development. The cabins would be a permanent addition to the landscape. Their appearance is not considered typical of an agricultural building. While curved buildings of this form can be seen on farms they would typically be constructed from corrugated metal not wood. The large glazed element to one end of the building further adds to the non-agricultural character of the building.

4.11 The glamping cabins 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. Alongside the impact from the cabins themselves, there would be inevitable intrusion in to the rural landscape from the paraphernalia associated with holiday accommodation. While parking will now be contained in the adjacent farm yard, the potential for additional domestic type items (ie picnic benches, barbecues, play equipment) to be sited within the land adjacent to the cabins is significant and the consequent intrusion into an otherwise agricultural landscape is considered harmful to the character of the area. Additional planting around the cabins is mentioned within the submission but not shown on plans. While this planting could be secured

via planning condition, additional planting would further harm openness by adding a further intrusive element in the landscape.

4.12 Therefore the proposal does not fall within the exceptions set out in paragraphs 145 or 146 of the NPPF. It is inappropriate development and harmful to the Green Belt, to which substantial weight attaches.

## LANDSCAPE CHARACTER

4.13 Officers consider that the cabins will be clearly visible in the landscape as a result of their scale, design and siting. The introduction of the 2 glamping cabins 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 cabins beyond the existing barns. Like wise views will be visible from Escrick Surgery. The addition of the cabins 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 cabins combined with the associated domestication of the site is considered to result in significant harm to visual amenity.

## OTHER CONSIDERATIONS VERY SPECIAL CIRCUMSTANCES

4.14 The proposal results in harm to openness and conflicts with one of the five purposes of including land within the Green Belt and is therefore inappropriate development that should 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 resulting from the proposal 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 now needs 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.

4.15 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.

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

4.17 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 cabins 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.

## **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 the 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 caused by the proposal, is clearly outweighed by other considerations. In this case, the proposal conflicts with one of the five purposes of including land within the Green Belt and has significant impact on the openness of the Green Belt as a result of the introduction of the cabins within an otherwise undeveloped location. The proposal is inappropriate development and substantial weight is to be attached to these harms to the Green Belt. In addition, the proposal would also significantly harm the character and appearance of the landscape through the urbanising impact from the cabins. 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 the impact on the local economy. Officers do not consider that these considerations collectively are of sufficient weight to clearly outweigh the significant harm identified to the Green Belt (to which substantial weight attaches) 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.

**6.0 RECOMMENDATION:** Refuse

1 It is considered that the proposed glamping cabins will result in harm to the openness of the Green Belt and will conflict with 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 cabins into an otherwise rural landscape. The considerations 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 13 'Protecting Green Belt land'.

**7.0 INFORMATIVES:**

**Contact details:**

**Author:** Alison Stockdale Development Management Officer (Tues - Fri)

**Tel No:** 01904 555730

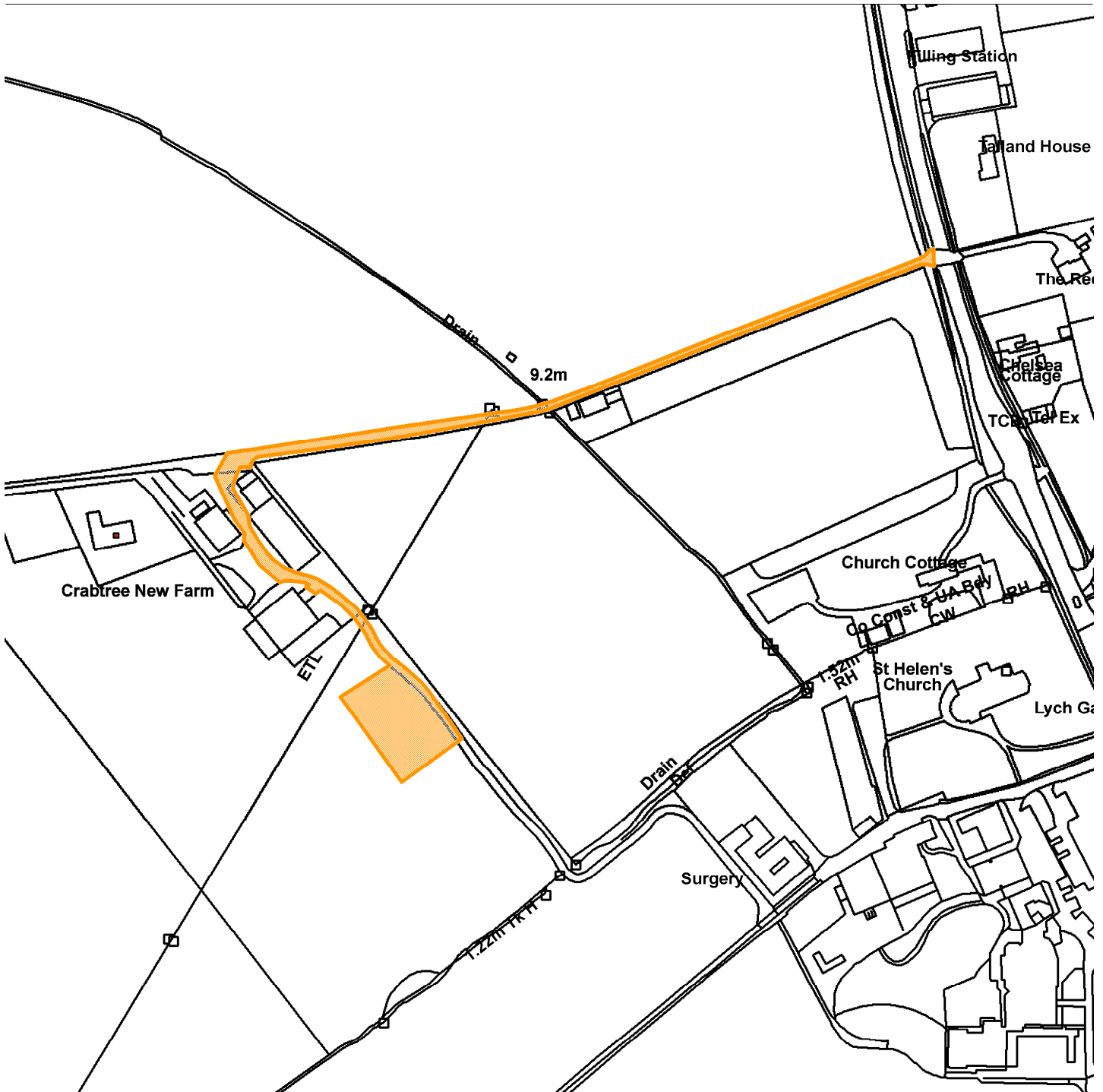


# Crabtree New Farm York Road Deighton

18/01256/FUL



GIS by ESRI (UK)



Scale : 1:2543

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	05 September 2018
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 13 September 2018      **Ward:** Rural West York  
**Team:** Major and Commercial Team      **Parish:** Upper Poppleton Parish Council

**Reference:** 18/00565/FULM  
**Application at:** Pavers Ltd Catherine House Northminster Business Park  
Harwood Road Upper Poppleton  
**For:** Extension to existing warehouse with associated parking,  
loading, access, and sprinkler tanks  
**By:** Mr Jim Young  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 31 August 2018  
**Recommendation:** Approve following Sec of State Decision

**1.0 PROPOSAL**

1.1 The application is for an extension to an existing office and warehouse within Northminster Business Park. The original building was granted planning permission in 2005. The existing building has a footprint of 3632sqm and is 10.6 metres (max) in height. The larger part of the proposed extension would measure 96 metres by 44 metres that would be mostly warehousing with offices and canteen. The height would be 11.8 metres, the floor level would be the same as the existing building to allow level access for vehicles within the building. It appears that the land levels across the site slope gently down towards the west of the site resulting in the floor level at the western part of the building being 1.4 metres above ground level. The extension would be connected to the existing building by link building measuring 22 metres by 30.8 metres and 11.2 - 11.6 metres in height. The footprint of the proposed extension would be 4901.6 sqm and would be an increase in footprint of 135% on the existing building.

1.2 There would be a creation of a 75 vehicle parking spaces to the north and west of the proposed warehouse extension. The existing parking provision is to the front of the original building (38 spaces), currently vehicles park along the access road to the delivery yard and within the delivery yard. In addition 2 no sprinkler tanks (10 metres in height) would be sited in the north west corner of the site.

1.3 The proposed site currently has a circular concrete road and mounds of earth, the site is surrounded by a tall conifer hedge to the north, south, and west which forms part of the established boundary to the Northminster Business Park. Aerial photographs and maps show this part of the site being historically being used as a horticultural nursery.

1.4 The application site including the existing building is 2.1ha. The site is not within a conservation area, and there are no listed buildings in close proximity. The site is within Flood Zone 1.

1.5 In the Local Plan (2005) the site is proposed to be within the York Green Belt. In the proposals maps of the recently submitted draft Local Plan 2018 the site is no longer proposed to be within the York Green Belt but is instead within the existing adjacent business park. The site to the south is allocated (ST19) as an extension to the business park.

1.6 The proposed development does not comprise 'Schedule 1' development where an Environmental Impact Assessment is always required. The proposed development is however of a type listed at 10 (b) in column 1 of Schedule 2 (Urban Development Projects) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposed development does fall within 1 of the 3 criteria set out in the Schedule 2 - The development includes more than 1 hectare of urban development which is not residential development – However in screening the proposal it is the view of officers that the proposed site is not within or adjacent to an environmentally sensitive area (as specified in the Regulations) and taking into account the characteristics of the proposed development, the location of the development, and characteristics of the potential impact and the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment was not required.

1.7 Northminster Business Park started after an appeal was allowed in 1997 for business use of 3 existing warehouse buildings after the closure of the Challis Nursery (warehouse and distribution of plants) which previously occupied the site (granted planning permission in 1984). Subsequently outline permission was granted in 1999 for the larger site to be used for business, and storage and distribution uses.

1.8 Despite the land to the south and west of the site being in the general extent of York Green Belt, the business park was subsequently extended as follows -

1.9 In 2003 the site was extended by 0.66ha on the south side to accommodate the area where Acer House, Cherry Tree House, Maple House and Aspen House are now located (03/00403/OUT). It was determined there were special circumstances to allow the development in the green belt, on the grounds that:

- The site had previously been developed, as glasshouses (although these had been demolished).
- There would be limited impact on the openness of the green belt.
- There was a shortage of available employment sites in the city.

1.10 The site was extended to the west in 2005 (04/03805/OUT) to accommodate Catherine House. A further extension to the rear (west) of Catherine House (occupied by Pavers shoes) for a 2456 sq m warehouse building was given outline planning permission in 2008 (07/02963/OUTM). Again it was determined that special circumstances warranted an extension into the green belt. The grounds being that:

- The development was important for the local economy.
- There was no alternative site available.
- The site had been identified in the Local Plan for possible development in future.
- There would not be an undue adverse impact on the openness of the green belt.

1.11 The site was extended to the south of the business park (Redwood House) in 09/02291/OUTM and 12/00024/REMM to allow a new headquarters for Measurement Devices Limited (MDL), to be used for research and development, light industry and offices. The very special circumstances being:

- Economic benefits and employment
- No preferable sites
- The site had been identified in the Local Plan for possible development in future.

1.12 In 2016 Planning permission (15/02721/FULM) was again granted for an warehouse extension (4075.9sqm) to Pavers. No reserved matters followed the previous outline permission of 07/02963/OUTM. Planning permission 15/02721/FULM has not been implemented. The very special circumstances put forward for 15/02721/FULM were as follows:

- Principle set by 07/02963/OUTM planning permission
- Efficient operation of the business
- Economic benefits and increase in employment
- Within physical/visual boundaries of business park

1.13 During the application process a revised plan was submitted altering the layout, a revised drainage report, and a lighting assessment, together with the applicant's justification for developing in a Green Belt location.

## **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:

- CYP2 The York Green Belt
- CYP3 Safeguarding the Historic Character and Setting of York
- CYP6 Location strategy

- CYSP8 Reducing dependence on the car
- CYGP1 Design
- CYGP4A Sustainability
- CYGP6 Contaminated land
- CYGP9 Landscaping
- CGP15A Development and Flood Risk
- CYGP24 Safeguarded land
- CYNE1 Trees, woodlands, hedgerows
- CYGB1 Development within the Green Belt
- CYGB11 Employment devt outside settlement limits
- CYT4 Cycle parking standards
- CYT7C Access to Public Transport
- CYT13A Travel Plans and Contributions
- CYE3B Existing and Proposed Employment Sites

## 2.2 The Publication Draft York Local Plan (2018)

- DP2 Sustainable Development
- DP3 Sustainable Communities
- DP4 Approach to Development Management
- SS1 Delivering Sustainable Growth for York
- SS2 The Role of York's Green Belt
- SS23 Land at Northminster Business Park
- EC1 Provision of Employment Land
- D1 Placemaking
- D2 Landscape and Setting
- GB1 Development in the Green Belt
- ENV1 Air Quality
- ENV2 Managing Environmental Quality
- ENV3 Land Contamination
- ENV4 Flood Risk
- ENV5 Sustainable Drainage
- T1 Sustainable Access
- T7 Minimising and Accommodating Generated Trips

2.3 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).

2.4 Please see the Appraisal Section (4.0) for national and local policy context.

## **3.0 CONSULTATIONS**

### INTERNAL CONSULTATIONS

## HIGHWAY NETWORK MANAGEMENT

3.1 No objections, the application is very similar in terms of highway implications to that approved in 15/02721/FULM. Request following conditions: HWAY18, HWAY19, and Travel Plan.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT) (following comments are based on the original scheme, comments if received will be reported at the meeting)

3.2 The width of planting along the western boundary should be deeper - at least 10-15m, in order to provide more fitting, long-term screening.

3.3 The conifer hedge provides a good screen, however this uniform type of planting is not in keeping with the surrounding rural arable landscape character. Management of the vegetation should aim to gradually replace the conifer belt to provide a mixed shelter belt in the long term, which would have greater aesthetic appeal - both from within and outside the site, and greater bio-diversity value; and would have a far better relationship with the landscape context.

3.4 There appears to be no provision of amenity space for the additional employees and this should be considered.

3.5 The proposed water attenuation system is too close to the existing conifers and screening belt, the roots of which would be affected by the excavations.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY OFFICER)

3.6 An extended Phase 1 Habitat Survey of the site was undertaken in 2015. The results of this are still considered valid as habitats on site were found to be of low ecological value and unlikely to be able to support protected or notable species, and little appears to have changed on site in the intervening years. The development is acceptable in terms of ecology.

3.7 Support the recommendation for more native species in the landscaping scheme, as made by our landscape architect. An informative with regards to nesting birds and vegetation clearance should be used

## FLOOD RISK MANAGEMENT TEAM

3.8 Object, Insufficient information has been submitted. The information does not establish or prove the suitability of an existing connection nor existing surface water run-off and the appropriate 30% reduction applied or its final discharge point

## PUBLIC PROTECTION

3.9 The lighting report is acceptable, the lighting will provide an appropriate level of lighting for the premises in line with the CIBSE Lighting Guides, SLL Code for Lighting 2006 – Obtrusive Light Guide, Guidance Notes on Reduction of Light Pollution, and within the guidance levels set out by the CIE/ILP (International Institute On Illumination/Institute of Lighting Professionals) on illumination levels.

3.10 As the application includes parking facilities for 68 cars request condition seeking 2 electric vehicle recharging points. Request Developers Informative

#### PLANNING AND ENVIRONMENTAL MANAGEMENT

3.11 The very special circumstances argument put forward by HTC Architects holds. The principal of development was already established through the 2015 planning application and they do consider that the proposed extension in this application would be materially different in Green Belt terms. It is understood why the extension needs to be connected to the existing Pavers operation. It is predicted that the proposal will also create an increase of 70 jobs since the 2016 application which is welcomed

#### EXTERNAL CONSULTATIONS/REPRESENTATIONS

##### UPPER POPPLETON PARISH COUNCIL

3.12 No objections

##### ENVIRONMENT AGENCY

3.13 No comments

##### YORKSHIRE WATER

3.14 No objections if constructed in full accordance with the FRA

##### AINSTY INTERNAL DRAINAGE BOARD

3.15 Object, the IDB has been unable to determine from the submitted information precisely how the existing drainage arrangements on the site operate and how this relates the proposed development. The Board is concerned to note that the attenuation storage for the proposed building appears to be under an area of hardstanding this is contrary to the Boards expectations as it raises concerns regarding the ability for that facility to be maintained in the future. The Board add that they would usually seek betterment on the existing drainage discharge whenever a development takes place, whereas this application appears to show the applicant simply maintaining the current level of discharge.



3.16 Therefore the Board objects on the grounds that: The proposed development would result in an increased rate of discharge to an existing surface water sewer and lead to unacceptable flow conditions in the receiving watercourse thereby increasing the risk of flooding downstream; and Insufficient information has been provided by the Developer to determine the potential impact the proposals may have on the existing drainage systems.

## PUBLICITY AND NEIGHBOUR NOTIFICATION

3.17 No representations were received within the consultation period

## **4.0 APPRAISAL**

### KEY ISSUES

- Planning policy
- Green belt and consideration of very special circumstances
- Design and landscape considerations
- Impact to residential amenity
- Highways
- Drainage

### ASSESSMENT

#### PLANNING POLICY

4.1 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.

- PUBLICATION DRAFT YORK LOCAL PLAN (2018)

4.2 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

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

4.3 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

4.4 The revised National Planning Policy Framework was published on 24 July 2018 (NPPF) and its planning policies are material to the determination of planning applications. It is against the NPPF (as revised) and the saved RSS policies relating to the general extent of the York Green Belt that this proposal should principally be assessed.

- DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

4.5 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 as revised in July 2018, although the weight that can be afforded to them is very limited.

POPPLETON NEIGHBOURHOOD PLAN (2017)

4.6 The supporting text within the Plan states that it is not for the Neighbourhood Plan to define the Greenbelt boundaries and this is a matter for the Local Planning Authority to determine through the Local Plan process. The revised wording of Condition PNP1 'Green Belt' states that '*The general extent of the York Greenbelt within the Plan area is shown on the Policies Map*' which shows the site as unallocated. The Neighbourhood Plan goes on to say that "*the Neighbourhood Plan needs to be in general conformity with the strategic policies of the development plan*". Currently this would be policies YH9(C) and Y1 (C1 and C2), the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) which illustrate the general extent of the greenbelt. Whilst the Neighbourhood Plan does have statutory weight, in respect of greenbelt the examiners report is clear that it is for York's Local Plan to define the detailed boundaries of the greenbelt and until that time should continue to apply the approach to the identification of the Green Belt as

set out currently in the RSS and the Fourth Set of Changes Development Control Local Plan (2005). Therefore it is considered that the site is within the general extent of the greenbelt

4.7 Policy PNP 7 states Proposals for new business development on established business parks in the Plan Area will be supported where they provide car parking for staff and customers to City of York Council standards at the time of the determination of the applications. The supporting text of the policy states "Expansion within the curtilage of this site would be acceptable. Further expansion would compromise the green belt."

#### POPPLETON VILLAGE DESIGN STATEMENT (2003)

4.8 The Poppleton Village Design Statement was adopted as supplementary planning guidance in 2003 following consultation. It has a number of relevant design guidelines including: Any further commercial and industrial development within or within direct influencing distance of Poppleton should be well screened and not exceed existing height, for example, Northminster Business Park is predominantly viewed from Red Lion Bridge and any proposed extension should protect the open views of the surrounding flat landscape; The existing quiet and peaceful atmosphere should be preserved; The attractive green corridor approach to York along the A59 should be protected and development along this road should be discouraged.

#### OPENNESS AND PURPOSES OF THE GREEN BELT

4.9 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.

4.10 In the Draft Local Plan (2005) the site is designated as reserved/safeguarded land for post 2011 development to ensure the greenbelt boundaries did not have to be altered. Policy GP24a (Land Reserved for Possible Future Development) states that "Until such time as the Local Plan is reviewed, planning permission on sites designated as reserved land, will only be granted for development that is required in connection with established uses, or alternative uses which will preserve the open nature of the land and will not prejudice the potential for the future comprehensive development of the site". The supporting text to the policy states: it is not allocated

for development at the present time but will be brought forward with a review of the plan and therefore should be kept free from any development that would prejudice future development following the review of the Local Plan.

4.11 In the draft Local Plan 2018 the site is not within the Green Belt, is not allocated for a use but viewed as part of the existing business estate, the land to the south is allocated (ST19) as an extension to the business park .

4.12 The site was not identified in the City of York Local Plan - The Approach to the Green Belt Appraisal (2003) which the Council produced to aid in the identification of those areas surrounding the City that should be kept permanently open. However, whilst this document identifies key important areas, which do not include this site, it leaves large areas of countryside as similarly not being of particular importance and it does not set out that all that remaining land within the extent of the Green Belt is necessarily suitable for development or that it has no Green Belt purpose.

4.13 Additionally, when the site is assessed on its merits it is concluded that whilst the York Green Belt has not yet been fully defined it serves a number of Green Belt purposes, including assisting in safeguarding the countryside from encroachment and to check the unrestricted sprawl of large built up areas; to preserve the setting and special character of historic towns. 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 (2018).

4.14 NPPF paragraph 145 states that the construction of new buildings is inappropriate in the Green Belt, save in the case of a list of exceptions, including the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. By virtue of the proposed increase in size in comparison to the existing building it is not considered to fall within this exception. The proposed development is not considered to fall within the exception of limited infilling or the partial or complete redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The NPPF defines previously developed land as land that is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes land that is or has been occupied by agricultural or forestry buildings. From the aerial photographs the land did not have any permanent structures associated with the previous horticultural use, in addition this use ended in 1997. The proposed extension and associated hard landscaping by virtue of their scale and mass would have a significantly greater impact on the openness of the Green Belt and the purposes of including land within the greenbelt than the existing building. Therefore the proposed development is not considered to fall within any of the exception criteria of paragraphs 145 and 146 of the NPPF.

4.15 The proposed extension therefore is inappropriate development in the Green Belt. The proposed development by virtue of the use and structures would result in an increase in the built form and a coalescence of development and encroachment of development into the Green Belt therefore resulting in harm to the openness and permanence of the greenbelt.

4.16 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

4.17 The fundamental purpose of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The proposal gives rise to harm to the green belt by reason of inappropriateness which should not be approved except in very special circumstances. Additionally, the proposal would result in harm to the openness and permanence of the Green Belt. It also conflicts with the Green Belt purposes of preventing encroachment into the countryside and coalescence of development. The NPPF states that 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. Whether very special circumstances exist is assessed at paragraphs [4.26 to 4.31] below.

## DESIGN AND LANDSCAPE CONSIDERATIONS

4.18 The proposed site is not classified as agricultural land by DEFRA. The surrounding landscape is flat and open, with the exception of the application site and the adjacent Northminster Business Park which are bounded by a tall evergreen hedge which screens much of the business park from the surrounding public vantage points. The proposed development would result in limited change in landscape character. The current building (of a similar height to the proposed) is barely visible from outside of the site by virtue of the screening conifer hedging. The plans show the conifer hedging being retained (and its retention can be conditioned) together with additional soft landscaping to the boundaries and this would screen the proposed building in a similar manner to the host building. The siting of the host building would result in the proposed building not being visible from within the business park. By virtue of the screening it is not considered there is harm to the landscape.

4.19 The design and proposed materials are similar to the existing building, the height of the building is to accommodate a level floor space throughout the building as the majority of the existing and proposed building would be used for warehousing and the level floor plate allows use through out the building for fork lift trucks and more efficient business operation.

## IMPACT TO RESIDENTIAL AMENITY

4.20 The proposed development would result in more traffic to Northfield Lane, however the increase is not considered to be sufficient as to cause a nuisance or disturbance to the terrace of dwellings opposite the business park entrance resulting in harm to their residential amenity. A business split over 2 sites would be likely to result in a greater increase in traffic than the proposed development.

## DRAINAGE

4.21 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. The NPPF requires that suitable drainage strategies are developed for sites so there is no increase in flood risk elsewhere. Policy GP15a of the Development Control Local Plan (2005) and Policy ENV5 of the Publication Draft Local Plan (2018) advise discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced. Unfortunately the drainage information that has been submitted is not acceptable and the applicant has been unable to demonstrate adequate drainage of the site. Further information has been requested from the applicant to enable officers to assess if a drainage scheme can be sought via a condition. At the time of writing this had not been received. If information is received committee members will be advised at the meeting.

## TRAFFIC, HIGHWAY, PARKING AND ACCESS ISSUES

4.22 NPPF advises significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe

4.23 Planning decisions should ensure:

- appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users;
- and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

4.24 The business park is not served by public transport, the nearest bus route (Poppleton Park and Ride) operating approximately every 15 minutes. The bus stop is approximately 900 metres from the proposed development. However the wider

area has already been developed as a business park without the provision and benefit of public transport. It is not considered that the refusal of the units on the grounds of lack of access to public transport would be defended at appeal given the surrounding development.

4.25 The application was accompanied by Transport Statement and Travel Plan. The Highway Network Management Officers have confirmed they have no objections to the proposed development from a highways point of view. The access is existing.

4.26 No vehicle recharging points are shown on the plans. The Public Protection Team advise that City of York Council's draft Low Emissions Supplementary Planning Guidance requires 2% of all car parking spaces to be provided with electric vehicle charge points. Therefore Public Protection have requested 2 vehicle recharging points, it is considered the recharging points can be sought via condition.

#### ASSESSMENT OF THE CONSIDERATIONS FORWARDED BY THE APPLICANT

4.27 The Applicant has forwarded the following factors to be considered as very special circumstances:

- Efficient operation of the business
- Economic benefits and increase in employment

4.28 Over the last 5 years Pavers has opened 40 new stores, with a 5% increase in online sales for the same period. Pavers have acquired Jones the Bootmakers which has seen an increase in turnover of 50%. The office side of Jones has moved to York and is currently in local and remote 3rd party buildings to accommodate staff and stock. The business expects that given this growth and its current business plan that its storage requirements are expected to double over the next 5 years. The current stock holding is 575,000 pairs of shoes, the business has out grown this and is using shipping containers in the service yard and 3rd party warehousing which the applicant states is inefficient and uneconomical. The expected holding requirements are predicted to increase to 1,200,000 pairs of shoes to service the target of 200+ stores pairs of shoes over the next 5 years. They state that a single centralised facility is required for efficient operation of the business, as well as the environmental benefits of single site operation. The scale of the proposed extension is required to take account of predicted growth of the business. The current business employs 190 people; the proposed extension of the business would provide an increase of 40 jobs within 5 years.

4.29 For both the previous planning permissions 07/02963/OUTM (2008) and 15/02721/FULM (2016) application they were considered to be inappropriate development in the green belt. However it was considered there were economic factors that outweighed the harm. Green Belt policy has not significantly changed in subsequent national policy (Revised NPPF). As the previous outline permission has

lapsed, and there little remaining time on the 2016 planning permission the current application still needs to be properly considered on its own merits and prevailing economic factors assessed. As set out in 4.27, there will in fact be significant additional employment resulting from the development, with a consolidation and expansion of the business at the site. Rather than the existence of a previous permissions, it is this that is considered to be material to the overall assessment of very special circumstances.

4.30 No evidence of consideration of other sites has been submitted; however in the supporting information it is stated that to consider larger sites would necessarily lead to assessment of sites outside of the York area closer to motorway/distribution networks. They also argue that the cost of moving to a larger site is prohibitive.

4.31 It is an established successful business that currently exists on the site and whilst the proposed development would be a significant increase on the existing host building, it would be sited within the confines of a tall screening conifer hedge that marks the boundary of the rest of Northminster Business Park. The site by virtue of the existing enclosure forms a natural extension to the business park, and already appears as part of the business park.

4.32 The economic benefits and job creation, the existing business already established on the site and the significant screening/ containment of development within the perceived boundary of the existing Business Park are considered to be cumulatively 'very special circumstances' that are considered to clearly outweigh the definitional harm to the greenbelt and the harm to the openness and permanence of the Green Belt.

## **5.0 CONCLUSION**

5.1 The application site is located within the general extent of the York Green Belt and serves a number of Green Belt purposes. As such it falls to be considered under paragraph 143 of the NPPF which states inappropriate development, is by definition, harmful to the Green Belt and should not be approved except 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 are clearly outweighed by other considerations. National planning policy dictates that substantial weight should be given to any harm to the Green Belt.

5.2 In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green Belt when one of the most important attributes of Green Belts are their openness and that the proposal would undermine three of the five Green Belt purposes. Substantial weight is attached to the harm that the proposal would cause to the Green Belt. The harm to the Green Belt is added to by the harm to the visual character and amenity identified in this report.



5.3 It is considered that cumulatively the considerations put forward by the applicant: the economic benefits and job creation, the successful business already established on the site, and the significant screening are considered to be very special circumstances that are considered to outweigh the definitional harm to the openness and permanence of the greenbelt even when substantial weight is given to any harm to the Green Belt. Approval subject to the following conditions is recommended.

5.4 If councillors consider that the principle of the recommendation of approval is acceptable it is recommended that the application be delegated to officers to seek an adequate drainage method or sufficient details to condition a drainage scheme. The Town and Country Planning (Consultation) (England) Direction 2009 requires that proposals that constitute inappropriate development within the Green Belt, and are recommended for approval, are referred to the Secretary of State for consideration.

**6.0 RECOMMENDATION:** Delegated Authority to be given to the Assistant Director (Planning and Public Protection) to approve the proposal subject first to agreement relating to the resolution of the surface water drainage, and any resultant additional conditions that may be required in respect of this issue, and no objection following referral to Secretary of State.

1 TIME2 Development start within three years

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

Drawing Number C100 Revision B 'Proposed Ground Floor Plan' received 23 August 2018;

Drawing Number C101 Revision B 'Proposed First Floor Plan' received 23 August 2018;

Drawing Number C200 Revision D 'Proposed Elevations' received 23 August 2018;

Drawing Number C450 Revision A 'Site Plan' received 23 August 2018;

Drawing Number 1645/2 Revision A 'Details Landscape Proposals: Phase 2' received 21 August 2018;

Drawing Number P102 Revision A 'Proposed Roof Plan' received 14 March 2018;

Drawing Number P001 'Location Plan' received 14 March;

Drawing Number D34382/JP/A received 27 July 2018;

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

3 The external materials of the proposed development shall be in accordance with the materials schedule set out in Drawing Number C200 Revision D (received 23 August 2018).

Reason: So as to achieve a visually cohesive appearance.

4 The landscaping shall be in accordance with Drawing Number 1645/2 Revision A (received 21 August 2018). This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area.

5 The existing boundary hedge, which bounds the site to the north, south, and west boundary of the site and shown as being retained on Drawing Number 1645/2 Revision A (received 21 August 2018) and Drawing Number C450 (received 20 July 2018) shall not be removed or reduced in height below 11.00 m in height.

If in the circumstances that a the hedge or part of the hedge is removed details illustrating the number, species, height and position of the replacement trees and/or shrubs shall be submitted to and approved in writing by the Local Planning Authority. This replacement planting shall be implemented within a period of six months of the original removal of the tree/s and/or hedge.

Reason: In order to preserve the visual appearance of York's Green Belt and to minimise the visual impact of the warehouse within the Green Belt.

6 Before the commencement of and during building operations, adequate measures shall be taken to protect the hedges shown as being retained on Drawing Number 1645/2 Revision A (received 21 August 2018) and Drawing Number C450 (received 20 July 2018). Land levels should not be altered (raised or excavated) within the root protection areas. A site specific tree protection method statement shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area. In order to preserve the visual appearance of York's Green Belt and to minimise the visual impact of the warehouse within the Green Belt.

7 HWAY18 Cycle parking details to be agreed

8 HWAY19 Car and cycle parking laid out

9 Prior to first occupation of the development hereby approved, a Full Travel Plan should be submitted and approved in writing by the Local Planning Authority.

The travel plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan. In formulating the Travel Plan consideration should be given to the following options, and used in connection with information contained within the itravelyork website and in consultation with the iTravel York Programme Manager:

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the Local Planning Authority. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with advice contained in local and national planning and transportation policy, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users. The travel plan submitted with the planning application lacked some details.

10 Two electric vehicle recharge point shall be provided with the parking areas hereby approved. The recharge points should be installed prior to first occupation of the extension. The location and specification of the recharge points and an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 10 years shall be submitted to approved in writing with the Local Planning Authority prior to installation

INFORMATIVE: Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. They should also include facilities for 'Mode 2' charging using a standard 13A 3 pin socket. Each Electric Vehicle Charge Points should include sufficient cabling and groundwork to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point of the same specification, should demand require this in this future. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

Reason: To promote the use of low emission vehicles on the site in accordance with the Council's Low Emission Strategy, Air Quality Action Plan and paragraph 110 of the National Planning Policy Framework.

## **7.0 INFORMATIVES: Notes to Applicant**

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH  
Application Reference Number: 18/00565/FULM                      Item No: 4b

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

- Request revised plans
- Request additional information
- Use of conditions

## 2. INFORMATIVE:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

## 3. INFORMATIVE ON BREEDING BIRDS

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st

August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

**Contact details:**

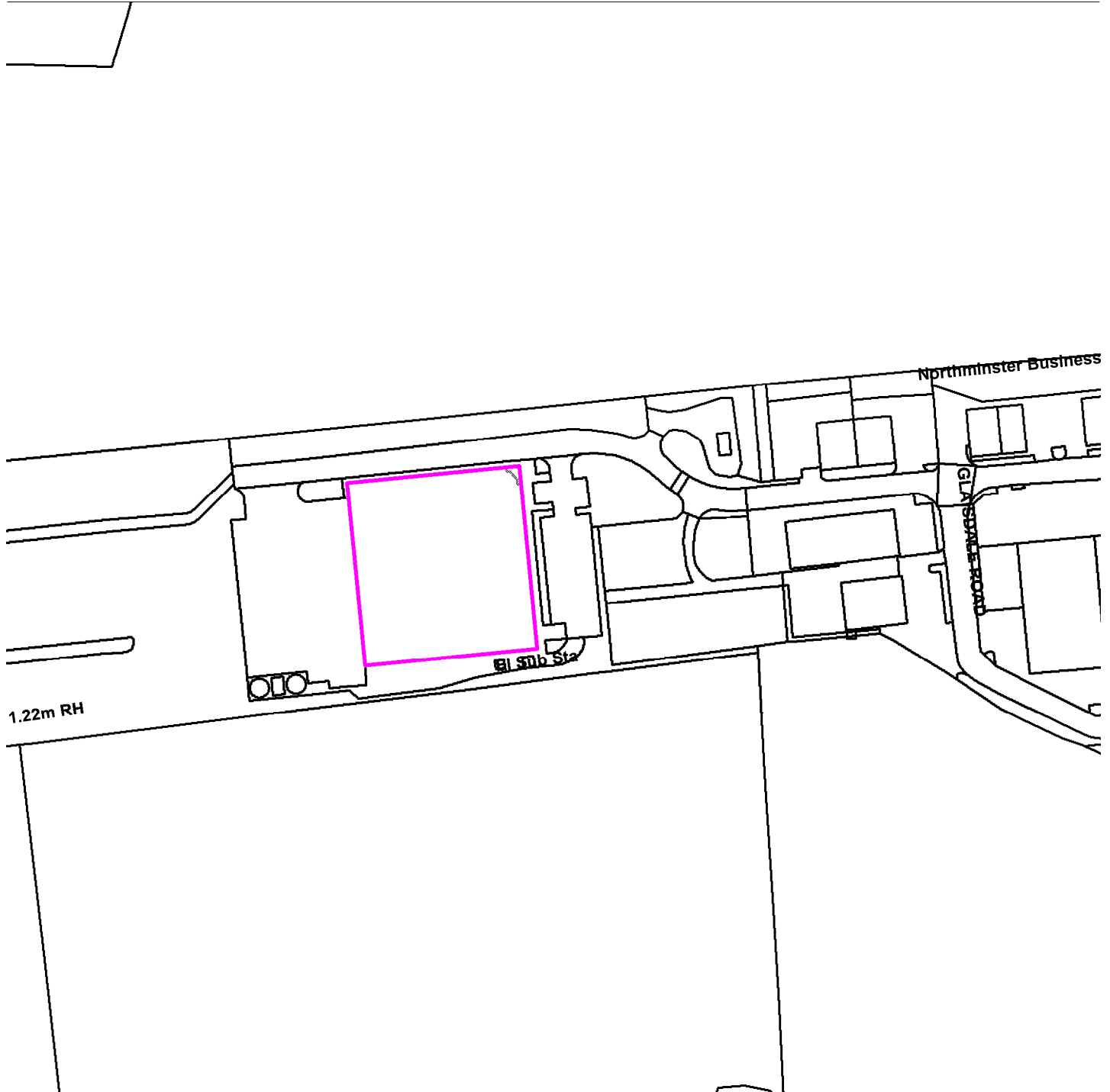
**Author:** Victoria Bell Development Management Officer

**Tel No:** 01904 551347

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18/00565/FULM

Pavers Ltd Catherine House Northminster Business Park



Scale : 1:1936

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	05 September 2018
<b>SLA Number</b>	Not Set

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## COMMITTEE REPORT

**Date:** 13 September 2018    **Ward:** Osbaldwick And Derwent  
**Team:** Major                      and    **Parish:** Murton Parish Council  
Commercial Team

**Reference:** 18/01411/FUL  
**Application at:** Beetle Bank Farm And Wildlife Sanctuary Moor Lane Murton  
York YO19 5XD  
**For:** Erection of steel container for use as astronomical  
observatory  
**By:** Mr Derek Farmer  
**Application Type:** Full Application  
**Target Date:** 13 August 2018  
**Recommendation:** Refuse

### 1.0 PROPOSAL

1.1 The application seeks permission for the siting of a steel container to be used as an observatory by York Astronomical Society on land at Beetle Bank Farm, Murton.

### RELEVANT HISTORY

13/00363/FULM -Use as an open farm with erection of agricultural building, ancillary amenity building, car parking and associated facilities - Approved at committee 16.05.2013

### SCHEME

The application site lies outside of the village of Murton, approximately 1.5km from the outer ring road and is accessed via a narrow country road. The proposed container would be constructed of steel and would measure 19.8m by 2.4m with a height ranging from 2.5m to 3.5m. The container would be painted green. It would be located within an open field to the rear of the existing car parking area serving Beetle bank farm.

### 2.0 POLICY CONTEXT

2.1 National Planning Policy Framework (2018)

2.2 Yorkshire and Humber Regional Spatial Strategy (Saved Policies)

2.3 Publication Draft Local Plan (2018)

Policy GB1            Development in the Green Belt  
Application Reference Number: 18/01411/FUL

Item No: 4c

Policy D1            Placemaking  
Policy D2            Landscape and Setting

## 2.4 City of York Draft Local Plan (2005)

CYGB1            Development within the Green Belt

## **3.0 CONSULTATIONS**

### INTERNAL

#### Flood Risk Management Team

3.1 Members will be updated at committee

### EXTERNAL

#### Neighbours Notification and Publicity

Sixteen responses of support raising the following points:

- This planning application is on behalf of the York Astronomical Society who are now a registered charity in England and Wales.
- The objects of the society are "to advance public education and interest in the science of astronomy and it's related sciences, in the Yorkshire region
- The site needs relatively dark skies
- Toilet facilities are provided on site
- The reuse of a container is sustainable and the site is already developed
- The site is in close proximity to York
- The society open up the site for educational purposes including schools and scout groups
- The container could be easily removed if site circumstances changed
- The site is accessible for wheelchair users
- Noise levels from the use of the site would be low

## **4.0 APPRAISAL**

### 4.1 Key Issues

- Acceptability within the Green Belt
- Visual impact
- Highway implications
- Noise and disturbance

- Drainage

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no statutory development plan for York other than the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS"), saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt around York with an outer boundary about 6 miles from the City Centre. The application site falls within the general extent of the Green Belt as shown on the Key Diagram of the RSS.

### National Planning Policy Framework

4.3 The National Planning Policy Framework (NPPF) was published in July 2018. 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.

4.4 Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

### Publication Draft Local Plan 2018

4.5 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

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

The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

Policies D1 'Placemaking', SS2 'The Role of York's Green Belt', GB1 'Development in the Green Belt' and D2 'Landscape and Setting' are all relevant to consideration of this application.

#### Policy GB1: Development in the Green Belt

4.6 The relevant policy is Policy GB1: Development in the Green Belt which states that within the Green Belt, planning permission for development will only be granted where:

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

AND it is for one of the acceptable purposes which include buildings for agriculture and forestry, appropriate facilities for outdoor sport and outdoor recreation, extension or alteration to existing buildings, replacement buildings, limited infilling in villages and limited affordable housing. All other forms of development within the Green Belt are considered inappropriate. Very special circumstances will be required to justify instances where this presumption against development should not apply.

4.7 Policy D1 'Placemaking' of the Publication Draft Local Plan 2018 states that development proposals should enhance and complement the character and appearance of landscape and D2 'Landscape and Setting' which states that proposals should conserve and enhance landscape quality and character, the public's experience of it and make a positive contribution to York's special qualities.

#### Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) (DCLP)

4.8 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 as revised in July 2018, although the weight that can be afforded to them is very limited

4.9 Policy GB1 'Development in the Green Belt' and policy SP2 'The York Green Belt' are relevant although the weight that can be afforded to them is very limited.

#### OPENNESS AND PURPOSE OF THE GREENBELT

4.10 The application site is located within the general extent of York green belt. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. Paragraph 144 goes on to state 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 resulting from the proposal, is clearly outweighed by other considerations.

4.11 The construction of new buildings within the Green belt is inappropriate and should be resisted. Paragraph 145 state that exceptions to this general presumption includes the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the green belt and do not conflict with the purpose of including land within it, extension or alteration to existing buildings, replacement buildings, limited infilling in villages and limited affordable housing.

4.12 The site is located within the general extent of the York Green Belt as described in the RSS. In the emerging Local Plan and DCLP (2005) it is also proposed to be designated as Green Belt.

4.13 The scheme seeks permission for the erection of a new building within the green belt to be used as an observatory. The building comprises of a 19.8m long steel container with an average height of 2.5m. A raised section measuring 3.5m is proposed which allows for a sliding roof to operate to allow for viewing. The container would be located within the grounds of Beetle Bank Farm and would be at a distance of approximately 20m from the existing amenity building.

4.14 The applicant argues that the proposal complies with Green Belt policy in that it should be considered as an appropriate facility for outdoor sport and recreation. It is appreciated that the use of telescope equipment benefits from dark skies but this is not dependant on a Green Belt location. Edge of City or village sites would still provide reduced light pollution but would not conflict with the purposes of the Green Belt. Sports facilities located with the green belt are often sited within these locations due to the level of space which is requires i.e. football facilities. The use as an observatory does not require this level of open space to function; clearly only the building is required to house the equipment and visiting members. As such it is considered that the proposal conflict with green belt policies and is considered to be inappropriate development within the green belt for which very special circumstances do not exist.

4.15 Were it considered to be an acceptable use within the green belt the NPPF is clear when it states that 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: the provision of appropriate facilities for outdoor sport, outdoor recreation...; as long as the facilities preserve the openness of the Green Belt and do no conflict with the purpose of

including land within it.' The use of the site is purely dependant on the siting of a large structure. The container is 19.4m in length and up to 3.5m at its highest point and could not be considered to be small scale. The applicant argues that it would be seen in context with the existing buildings on site and screened from public views by fencing and landscaping. However, the container is proposed to be located approximately 20m from the existing amenity building, to the rear of the open car parking area and inset from the boundary by 24m. A low timber fence lies to the rear of the proposed location.

4.16 The container would be visually prominent within this location and intrusive when seen in context with the existing open land to the side and rear. It can not be considered that the container preserves the openness of the Green Belt and as such conflicts with the NPPF.

## VISUAL IMPACT

4.17 Irrespective of the sites location within the green belt concerns are expressed in relation to the visual impact of the proposed structure on the character of the area, in particular the visual amenity and landscape character of the location. The proposed structure takes the form of a steel container painted green. The existing site is characterised by the new timber and render amenity building and timber barns utilised by Beetle Bank Farm. The steel container would appear out of character within this setting. Its location centrally within the site, at a distance to existing buildings, would create a visually intrusive development which would have a detrimental impact upon the character of the area and the landscape value of the site.

## HIGHWAYS

4.18 The use by the Astronomical Society would generate approximately 6 vehicular movements once a week, although this would increase on occasion when educational groups are invited to site. As the site would only be used after dark the existing car parking space used by Beetle Bank Farm would be available for parking and as such parking would be acceptable

## NOISE DISTURBANCE

4.19 The use of the site would be limited during the evening and vehicle movement would be limited. The use would generally take place within the fabric of the building and as such there would be limited disturbance to nearby residential properties.

## 5.0 CONCLUSION

5.1 The proposed erection of the building within the general extent of the York green belt amounts to inappropriate development. As such the application fails to accord

with the NPPF 2018 paragraphs 143 to 145, policy GB1 of the Publication Draft Local Plan 2018 and policy GB1 of the City of York Draft Local Plan 2005.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 It is considered that the proposed building does not fall within one of the acceptable uses within the green belt location as outlined within the NPPF 2018 and thus constitutes an inappropriate form of development that would, by definition, be harmful to the Green Belt. No very special circumstances have been put forward that would clearly outweigh the harm and as such it is considered that the proposal is contrary to national planning advice contained within paragraphs 143 to 145 of the National Planning Policy Framework (June 2018) and Policy GB1 of the Publication Draft Local Plan (2018) and Policy GB1 of City Of York Draft Local Plan (2005).

2 It is considered that the proposed building would have a detrimental impact upon the character and visual amenity of the site and the landscape amenity value of the area. The proposal is considered to be contrary to policy D1 of the Publication Draft Local Plan 2018 which states that development proposals should enhance and complement the character and appearance of landscape and D2 which states that proposals should conserve and enhance landscape quality and character, the public's experience of it and make a positive contribution to York's special qualities.

The proposal would also be contrary to the National Planning Policy Framework (Para 127) which states that decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscape and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

### **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. However, as the application clearly conflicted with Green Belt policy no negotiations could take place to make the scheme acceptable.

**Contact details:**

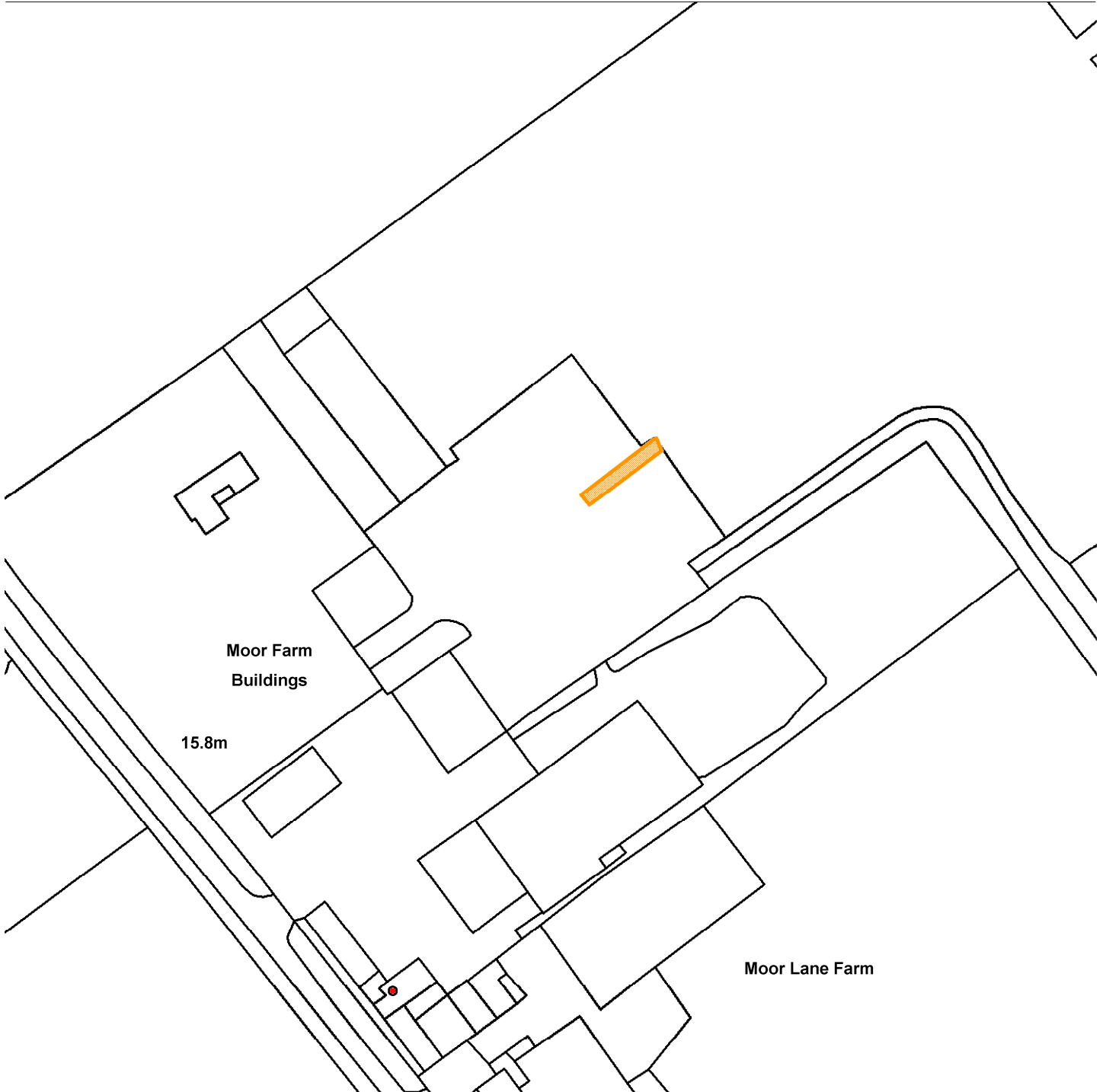
**Author:** Heather Fairy Development Management Officer

**Tel No:** 01904 552217



# Beetle Bank Farm And Wildlife Sanctuary Moor Lane

18/01411/FUL



Scale : 1:1140

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	05 September 2018
<b>SLA Number</b>	Not Set

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**Planning Committee**

**13 September 2018**

**Area Planning Sub Committee**

**6 September 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 April and 30 June 2018, 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 April to 30 June 2018 and the corresponding quarter for 2017, Table 2 shows performance for the 12 months 1 July 2017 to 30 June 2018 and the corresponding period 2016/17.

**Table 1: CYC Planning Appeals Last Quarter Performance**

	<b>01/04/18 to 30/06/18(Last Quarter)</b>	<b>01/04/17 to 30/06/17 (Corresponding Quarter)</b>
Allowed	4	2
Part Allowed	0	1
Dismissed	11	5
Total Decided	15	8
<b>% Allowed</b>	<b>27%</b>	<b>25%</b>
% Part Allowed	-	12.5%

**Table 2: CYC Planning Appeals 12 month Performance**

	<b>01/07/17 to 30/06/18 (Last 12 months)</b>	<b>01/07/16 to 30/06/17 (Corresponding 12 month period)</b>
Allowed	13	9
Part Allowed	0	4
Dismissed	44	31
Total Decided	57	44
<b>% Allowed</b>	<b>23%</b>	<b>20%</b>
% Part Allowed	-	9%

**Analysis**

- 5 Table 1 shows that between 1 April and 30 June 2018, a total of 15 appeals were determined by the Planning Inspectorate. Of those, 4 were allowed (27%). There were no appeals relating to “major” developments during this reporting period. By comparison, for the same period 2017, out of 8 appeals 2 were allowed (25%) and 1 part allowed/part dismissed. Using the assessment criteria set out in paragraph 2 above, 0.86% of the total decisions made in the quarter were overturned at appeal.
- 6 For the 12 months between 1 July 2017 and 30 June 2018, 23% of appeals decided were allowed, which is below to the national percentage figure of 31% of appeals allowed, but marginally up on the previous 12 month figure. Using the assessment criteria set out in paragraph 2 above, 0.74% of the total decisions made in the 12 month period were overturned at appeal.
- 8 The summaries of appeals determined between 1 April and 30 June 2018 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 three appeals were determined following a decision to refuse permission made by the sub-committee/committee.

**Table 3: Appeals Decided 01/04/2018 to 30/06/2018 following Refusal by Committee / Sub-Committee**

Ref No	Site	Proposal	Officer Recom.	Appeal Outcome
17/00954/ OUTM	Land Adjacent Hopgrove Roundabout	Hotel, restaurant and petrol filling station	Refuse	Dismiss
17/01507/ FUL	Cherry Tree Cottage Millfield Lane Nether Poppleton	1 no. dwelling	Refuse	Dismiss
17/02380/ FUL	Deighton Lodge Ltd Rush Farm York Road, Deighton	Variation of conditions to increase number of weddings from 15 to 25 per annum	Approve	Dismiss

- 9 The list of current appeals is attached at Annex B. There are 16 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals but including appeals against enforcement notices).
- 10 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**

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

### **Council Plan**

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

### **Implications**

- 13 Financial – There are no financial implications directly arising from the report.
- 14 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.
- 15 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 16 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

### **Risk Management**

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

### **Recommendation**

- 18 That Members note the content of this report.

### **Reason**

- 19 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  
Development Manager,  
Directorate of Economy  
and Place

#### **Chief Officer Responsible for the report:**

Mike Slater  
Assistant Director (Planning and Public  
Protection)

Report  
Approved



Date 28.08.2018

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 April and  
30 June 2018

Annex B – Outstanding Appeals at 28 August 2018

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## Appeal Summaries for Cases Determined 01/04/2018 to 30/06/2018

**Application No:** 17/00251/CLU  
**Appeal by:** Mr Steven Davis  
**Proposal:** Certificate of lawfulness for use as a House in Multiple Occupation within Use Class C4.  
**Site:** 54 Barstow Avenue York YO10 3HE  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal was refused ostensibly, because an original CLU had been refused on the grounds that there had not been 3.no unrelated persons occupying the property. Even if the applicants evidence was considered to be credible, the application would have been refused. In terms of that appeal. The applicant re-submitted and introduced an additional tenant, previously not mentioned. The inspector noted contradictions in the appellants statements and changes in the spelling of the name of the newly mentioned tenant. The spelling of this 'tenant's' family name, on the tenancy agreement submitted by the applicant' is different to that on on her affidavit and ID card. Given the Inspector gave little weight to the evidence relating to the previously unmentioned tennant; he refered back to the circumstances at the critical date of 20th April 2012. He considered it more than likely that the property was occupied by the applicant, his wife and 2.no unrelated tenants. Therefore it did not fall into Use Class C4.

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**Application No:** 17/00954/OUTM  
**Appeal by:** Enita Europe Limited  
**Proposal:** Outline planning application with all matters reserved for erection of petrol filling station, restaurant and 50-bedroom hotel with associated access, car parking and landscaping (resubmission)  
**Site:** Land Adjacent Hopgrove  
RoundaboutBeechwoodHopgroveYork  
**Decision Level:** CMV  
**Outcome:** DISMIS

The proposal relates to an application for Outline Planning Permission for the erection of a 50 bed hotel, petrol station, restaurant and petrol station comprising a signed Trunk Road MSA on land adjacent to but not accessed from the A64 at Hopgrove. The site lies within Green Belt and the applicant contended that the proposal constituted local transport infrastructure and was therefore appropriate development within the Green Belt. It was felt that it would give rise to significant harm to the openness of the Green Belt and was clearly not local transport infrastructure within any accepted definition and therefore inappropriate. The applicant contended that the proposal was required in order to secure compliance with the DTR Circular in respect of roadside services on Trunk Roads and that there was a clear need in the locality. Notwithstanding that planning permission was refused on Green Belt and residential amenity grounds. The Inspector agreed that the proposal was not local transport infrastructure and therefore inappropriate development within the Green Belt with further significant harm to openness and encroachment into the open countryside. He concurred with the view that the development would further harm the residential amenity of two neighbouring properties and whilst he agreed that such a facility would be desirable in terms of catering for traffic travelling east bound on the A64 he felt that the need for Green Belt location had not been demonstrated. The appeal was therefore dismissed.

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**Application No:** 17/01259/FUL  
**Appeal by:** Mr G Wilkinson and Mrs J Sunderla  
**Proposal:** Two storey side and rear extension, single storey rear extension and alterations to existing single storey front projection (revised scheme)  
**Site:** Orchard Cottage Moor Lane Bishopthorpe York YO23 2UF  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal relates to a two storey side and rear extension, single storey rear extension and alterations to the existing front porch belonging to Orchard Cottage, a semi-detached property situated in the green belt. The scheme was refused due to its scale, mass and design which was considered disproportionate to the main house (36% increase in footprint over two floors) resulting in inappropriate development in the green belt that would also harm its openness. In addition the design and appearance of the extension failed to relate to the existing building, specifically the first floor feature glazing to the front gable which would have resulted in an incongruous form of development. The Inspector agreed that the extension would represent a significant increase in footprint resulting in a disproportionate addition, and that the use of the 25% increase threshold in policy GB4, whilst having limited weight, serves as a reasonable benchmark to assess the proportionality of a proposed extension. In addition the extension would be positioned in a prominent and visible location and the scale and massing would have a significant visual impact on the surrounding green belt. Furthermore it was also reasoned that the extension would fail to reflect the simple character of the rural cottage appearing prominent and non-subservient. The appeal was dismissed.

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**Application No:** 17/01336/OUT  
**Appeal by:** Mr Robert Worthington  
**Proposal:** Outline application for the erection of a single storey dwelling to the rear of 69 The Avenue following demolition of existing garage  
**Site:** 69 The Avenue Haxby York YO32 3EJ  
**Decision Level:**  
**Outcome:** ALLOW

The application was to demolish a domestic garage and erect a two bedroom bungalow. The appeal was against non-determination of the application, which the applicant had been told was to be refused. The main issue was the effect of the proposal upon the character and appearance of the area. The inspector concluded that due to the dwellings single storey height and considerable set back, along with the existing built form of the garage, the principle of a dwelling at the site would have a neutral effect upon the street scene and the character and appearance of the area. The application was allowed.

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**Application No:** 17/01372/FUL  
**Appeal by:** Mr Peter James  
**Proposal:** Replacement of mobile home with dwelling  
**Site:** The Homestead Murton Lane Murton York  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application was to replace an authorised mobile home - occupied by a Gypsy family - with a detached dwelling. The site is in the Green Belt. In 2010 personal planning permission for the mobile home had been granted on appeal due to the very special circumstances of the family. The family now wanted to replace the mobile home with a permanent dwelling. The inspector concluded that the dwelling would be inappropriate development in the Green Belt, would reduce openness to a small degree and harm the purposes of the Green Belt. She concluded that the considerations in support of the application carried very limited weight and did not amount to the very special circumstances necessary to justify the development in Green Belt. The appeal was dismissed.

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**Application No:** 17/01413/FUL  
**Appeal by:** Mr & Mrs Bruce Bettison De Bethun  
**Proposal:** Conversion of workshop and erection of three storey extension to create 1 no. dwelling (revised scheme)  
**Site:** Land Adjacent To 15 Monk Bar Court York  
**Decision Level:** DEL  
**Outcome:** DISMIS

Full planning permission was sought for the conversion of a workshop and the erection of a three storey extension to create 1 no. dwelling on land adjacent to 15 Monk Bar Court. The site is located within the Central Historic Core conservation area close to Monk Bar. The area is a quiet residential enclave and most of the buildings off the court are listed at Grade II. Permission was refused on the grounds that the development, due to its design, failed to respect the significance of the Central Historic Core Conservation Area. The design did not reference the details, scale, proportion and character of the surrounding area such that rather than reflecting the modest, unassuming character of the immediate vicinity, the design was over elaborate and too grand for its context. The proposed development, therefore, would not preserve or enhance the character and appearance of the designated heritage asset. The Inspector agreed that for reasons relating to design (for example the roof pitch, fenestration, dormer window, and arch detail on the gable), the proposal would not reinforce local distinctiveness as required by the NPPF nor take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. The development would therefore not preserve or enhance the character or appearance of the Conservation Area or preserve the setting of the listed buildings within Monk Bar Court. The Inspector forwarded that the provision of 1 dwelling and the re-use of a vacant plot did not amount to public benefits which outweigh the less than substantial harm to the heritage assets, particularly given there was no good reason to believe that this could not be achieved in a more sympathetic manner without resulting in such harm.

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**Application No:** 17/01507/FUL  
**Appeal by:** Mr & Mrs Reynolds  
**Proposal:** Erection of 1 no. dwelling  
**Site:** Cherry Tree Cottage Millfield Lane Nether  
Poppleton York YO26 6NX  
**Decision Level:** CMV  
**Outcome:** DISMIS

The application was for the erection of a new dwelling within the green belt on land between applicants existing dwelling and caravan site. A number of temporary and permanent buildings were present on the site. the proposed dwelling was a two storey detached dwelling of considerable size. the applicant argued it was previously developed land but the council did not hold this view as the site did not form part of the curtilage of the adjacent dwelling and as such was not part of the garden. The Inspector dismissed the appeal on the harm to the openness of the green belt. They did not make a decision as to whether the land was classed as previously developed or not. The Inspector stated 'I conclude that given my findings on openness and the purposes of including land within the Green Belt, the proposal would be inappropriate development in any event, even if I were to consider it previously developed land.'

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**Application No:** 17/01732/FUL  
**Appeal by:** Mr And Mrs Gibbons  
**Proposal:** Three storey side extension, single storey rear extension and dormer to rear  
**Site:** 56 Nunthorpe Crescent York YO23 1DU  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal relates to the refusal of a three storey side extension, single storey rear extension and rear dormer to 56 Nunthorpe Crescent, a traditional two storey semi-detached dwelling situated on an incline. The application was refused due to the excessive height and raised location of the side extension in relation to the neighbouring dwelling as well as impact on neighbour amenity. The basement level garage and its projection were also not considered subservient and would have appeared dominant and overbearing and would have introduced development at a level where there previously isn't any. In addition the design height and scale of the rear extension and dormer were also not considered subservient. The inspector agreed that the three storey side extension, by virtue of its height, level difference, and basement garage, would look unattractive and at odds with the surrounding two storey development. The extension would also fill the width of the plot which in combination with the basement garage would appear incongruous and dominant within the street scene. The inspector did not however agree that the proposals to the rear would appear dominant or have a detrimental impact on the amenity of the adjacent neighbours. The appeal was dismissed on the grounds of harm to the character and appearance of the area only.

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**Application No:** 17/01841/FUL  
**Appeal by:** Mr Richard Lofthouse  
**Proposal:** Erection of dormer bungalow with parking and external alterations to outbuilding  
**Site:** 40 Main Street Wheldrake York YO19 6AE  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal application sought planning permission for the erection of a dormer bungalow and works to an existing outbuilding to provide parking on a grassed area of land to the rear of 40-42 Main Street in the centre of Wheldrake Village. The site lies within the the Wheldrake Conservation Area. It was part of the historic curtilage of 40-42 and was proposed to be accessed between the joint vehicular driveway through an archway between 40-42 and 44-46 Main Street. There were four reasons for refusal: failure to preserve or enhance the character and appearance of the conservation area; harm to general visual amenity; and, detrimental impact on living conditions of 40 and 42 Main Street from turning vehicles immediately behind the properties and on 9 Kitty Garth from overlooking. There had been a lengthy planning history including previous attempts spanning 18 years for one dwelling on the land. In dismissing the appeal, the Inspector concurred with the reasons for refusal with the exception of the harm to 9 Kitty Garth from overlooking from first floor windows. He concluded that the proposed dwelling would fail to preserve or enhance the character and appearance of the Conservation Area (whilst the harm would be less than substantial, he attributed it significant importance and weight), would seriously harm the character and appearance of the area from an unduly assertive and dissonant feature out of keeping with the form and pattern of surrounding development, and would materially harm the living conditions of nearby occupiers caused by passing vehicles and loss of available amenity space.

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**Application No:** 17/01971/FUL  
**Appeal by:** Mr And Mrs Balding  
**Proposal:** Erection of 2no. semi detached dwellings following demolition of motor vehicle repair workshop  
**Site:** Rear Of RedthorneMurton WayYorkYO19 5UJ  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal application sought full planning permission to build a semi-detached pair of two storey dwellings on land to the rear of Redthorn and accessed from Murton Garth. Redthorn is a bungalow on a corner plot facing Murton Way with access from Murton Garth, with a commercial workshop in the same ownership to the rear accessed from Murton Way. The site lies within the general extent of green belt and close to the boundary of the Murton Conservation Area. Permission was refused on the grounds that the proposal would detract from the character and appearance due to the resulting cramped appearance on site and impact on the occupants of Redthorn from the close proximity to its rear elevation and loss of amenity space. The Inspector considered the appropriateness of the development in Green Belt and concluded that it was infill development and as such was not inappropriate. The Inspector agreed that the proposal would harm character and appearance, including that of the adjacent conservation area and would adversely impact living conditions of residents of Redthorn. The benefits of additional housing in a sustainable location was acknowledged, but this was not considered to outweigh harm. Appeal dismissed.

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**Application No:** 17/02197/FUL  
**Appeal by:** Mr P Smith  
**Proposal:** Two storey side extension to form two bedroom self contained annex including dormer window to front.  
**Site:** 55 Lamplugh CrescentBishopthorpeYorkYO23 2SR  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal relates to a two storey side extension to form two bedroom annexe including front dormer to a detached bungalow with substantial rear dormer (constructed under pd rights).The application was refused due to the design, scale and location of the extension in close proximity to the side/rear boundary which would have had a detriemntal impact on the appearance of the street scene by virtue of its forward projection beyond the building line. In addition it was propped to erect fencing to replace existing boundary hedging which was also considered to result in a form of enclosure out of keeping with the open aspect of the street, resulting in an incongruous addition.The inspector agreed that the extension would appear as an incongrous, poorly designed and unduly prominent feature which would significantly disrupt the existing pattern of development and would erode the sense of spaciousness which is a distinctive characteristic of the street scene. It was felt that the information regarding the fencing was limited and therefore no judgement was made regarding its acceptability.The appeal was nevertheless dismissed.

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**Application No:** 17/02284/FUL  
**Appeal by:** Cardtronics UK Ltd, Trading As CA  
**Proposal:** Installation of 1no. freestanding ATM  
**Site:** Todays Local143 Haxby RoadYorkYO31 8JW  
**Decision Level:** DEL  
**Outcome:** ALLOW

This appeal related to the retention of a free-standing Automated Teller Machine (ATM) on the forecourt to the side of a convenience store. Whilst there are a few other retail and service outlets in the vicinity of the appeal site, the area is predominately residential in character. The application was refused due the likelihood of unacceptable noise and disturbance and resultant loss of amenity to the occupiers of residential properties adjacent to the site, particularly between 2300 and 0600hours. At the time of the Inspectors site visit during late-morning, ambient noise levels on Haxby Road were fairly high and the Inspector considered that during late evening periods and early hours of the morning, noise levels would be much lower and the operation of the ATM keypad would be far more apparent to nearby residents. The appeal is allowed subject to a condition restricting the hours of the use of the ATM between 2300 and 0600, which are inline with the hours of the shop it is adjacent to.

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**Application No:** 17/02380/FUL  
**Appeal by:** Mrs Carla Mitchell  
**Proposal:** Variation of conditions 3 and 4 of permitted application 16/00267/FUL (for the change of use from guesthouse to mixed use guesthouse and wedding venue) to increase number of weddings from 15 to 25 in total in any calendar year and to allow the side garden to be used for wedding ceremonies  
**Site:** Deighton Lodge LimitedRush Farm (Game Farm)York RoadDeightonYorkYO19 6HQ  
**Decision Level:** CMV  
**Outcome:** DISMIS

The application sought permission to increase the number of weddings from 15 to 30. The application was refused on impact upon neighbours amenity. The appellants submitted a noise report with the application and appeal and a Noise Management Plan was in place. However, The Inspector noted that existing doors were being propped open and this would be likely to continue. Furthermore, the additional events proposed would lead to increased levels of activity associated with guests outside the building and from the comings and goings of both guests and delivery vehicles. The Inspector went on to state that 'noise and disturbance is likely to arise from dispersing wedding guests waiting for/getting into vehicles, car doors slamming, engines revving and vehicles manoeuvring in the field and along the access track. This would take place late in the evening when background noise levels, including from the A19, are lowered and when local residents could reasonably expect a quieter environment'.

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**Application No:** 17/02442/FUL  
**Appeal by:** Mr William Betteridge  
**Proposal:** Change of use of newsagent (use class A1) to cafe (use class A3)  
**Site:** 18 Eastholme Drive York YO30 5SW  
**Decision Level:** DEL  
**Outcome:** ALLOW

The appeal sought to vary condition 2 (hours of opening) and remove condition 3 (tables and chairs) of a recent approval for a change of use of newsagent (A1 use) to cafe (A3 use) at 18 Eastholme Drive. The hours of operation (condition 2) approved were those given by the applicant as part of the application submission. The applicant decided however that he wished the premises to be open for an extra three hours on a Saturday from 0800-1700hrs instead of 0800-1400hrs. Officers did not have an issue with this. Condition 3 prohibited the siting of tables and chairs on the forecourt as seating in this location was deemed harmful to the amenity of the immediate residents at 20 Eastholme Drive by virtue of noise, disturbance and privacy. The inspector reasoned that the size and location of the forecourt, including the location of the post box would restrict any proliferation of outdoor seating and that the use would be restricted by the opening hours which would close at 5pm. In addition, given the proximity of neighbouring properties to other retail premises it was felt that the area would already experience comings and goings and the addition of seating would not increase the existing amount of activity. It was therefore concluded that due to the site constraints and limited opening hours, the provision of outside seating would not adversely impact local noise or disturbance or privacy to an unacceptable degree. Condition 2 has therefore been varied and condition 3 removed.

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

## Outstanding appeals

**Officer: Alison Stockdale** **Total number of appeals: 3**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
15/06/2018	18/00032/REF	APP/C2741/W/17/3192253	W	3 Hawthorne Mews Strensall York YO32 5RR	Extension of garden curtilage into field at the rear (retrospective)
15/06/2018	18/00033/REF	APP/C2741/W/17/3192020	W	2 Hawthorne Mews Strensall York YO32 5RR	Change of use of paddock to domestic garden (retrospective)
14/06/2018	18/00031/REF	APP/C2741/W/17/3192125	W	4 Hawthorne Mews Strensall York YO32 5RR	Extension of garden curtilage into field at the rear (retrospective)

**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: 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: Elizabeth Potter** **Total number of appeals: 3**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
19/04/2018	18/00023/REF	APP/C2741/D/18/3200306	H	30 Southfield Close Rufforth York YO23 3RE	Variation of condition 2 of permitted application 16/01635/FUL to part render front elevation.
04/07/2018	18/00034/REF	APP/C2741/W/18/3203204	W	Bracken Hill North Lane Huntington York YO32 9SU	Erection of replacement dwelling
30/07/2018	18/00040/REF	APP/C2741/D/18/3208233	H	86 Tedder Road York YO24 3JF	First storey side extension and conversion of garage into living accommodation (resubmission).

<b>Officer: Heather Fairy</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
23/07/2018	18/00038/REF	APP/C2741/W/18/3205603	W	Home Farm Buildings 81 Main Street Bishopthorpe	Removal of condition 5 of permitted application 15/02919/FUL to allow retention of external seating	
23/07/2018	18/00037/REF	APP/C2741/W/18/3205580	W	115 Fulford Road York YO10 4ET	Erection of dormer bungalow with garage	
<b>Officer: Jonathan Kenyon</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
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)	
<b>Officer: Kevin O'Connell</b>						<b>Total number of appeals: 3</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
06/11/2017	17/00054/EN	APP/C2741/C/17/3188555	I	Crabtree Farm York Road Deighton York YO19 6ES	Appeal against Enforcement Notice dated 6th October 2017	
06/11/2017	17/00054/EN	APP/C2741/C/17/3188556	I	Crabtree Farm York Road Deighton York YO19 6ES	Appeal against Enforcement Notice dated 6th October 2017	
09/07/2018	18/00036/REF	APP/C2741/W/18/3200824	W	Beechwood Grange Caravan Club Site Malton	Provision of additional 26no. serviced all-weather pitches accessed by new tarmac road and installation of new service point with bin store, water and drainage pump	
<b>Officer: Matthew Parkinson</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
03/08/2018	18/00039/REF	APP/C2741/D/18/3203464	H	6 Little Meadows Haxby York YO32 3YY	Two storey side extension, new vehicular access crossing to front and timber fence to side boundary.	
20/08/2018	18/00042/REF	APP/C2741/D/18/3204776	H	96 Acorn Way York YO24 2RP	First floor side extension and porch extension to front.	

<b>Officer: Neil Massey</b>					<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>
04/07/2018	18/00035/REF	APP/C2741/W/18/3202435	W	Fresh Dental Smile Clinic Ground Floor Manor House	Second floor extension and alterations to roof and insertion of window in first floor north elevation (retrospective).
<b>Officer: Sandra Duffill</b>					<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>
20/08/2018	18/00041/REF	APP/C2741/D/18/3204773	H	91 Bishopthorpe Road York YO23 1NX	Single storey rear extension.
<b>Total number of appeals: 20</b>					

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