

COMMITTEE REPORT

Date: 12 May 2016 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
 Commercial Team Panel

Reference: 15/02733/FUL
Application at: York Racecourse Racecourse Road Knavesmire York YO23 1EJ
For: Construction of a single lane service road adjacent to racing surface
By: Mr William Derby
Application Type: Full Application
Target Date: 13 May 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for an access road to the east side of the 12th and 14th furlong. The tarmac road would be to the east of the two sets of fences and would extend 382 metres. The majority of the road would be 3.5 metres in width, however at the northern part it would extend to 12 metres in width, and at the southern end 8.9 metres in width. The proposed road would be set 4 metres to the east of the nearest fence. The proposed road would be for the use of vehicles (such as ambulances, racecourse maintenance vehicles) during races. The agent has confirmed that access between the proposed road and the existing circular road across the racing surface would be open on non-race days. This part of the track is used up to 13 times a year.

1.2 The racecourse land is owned by the Council but leased by the Racecourse.

1.3 During the application a revised plan has been submitted correcting drafting errors together with further justification for the siting of the road.

1.4 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 (f) in column 1 of Schedule 2 (construction of road) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The site does not meet the 1 hectare threshold. 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 is not required.

1.5 The proposed site is within the general extent of the greenbelt. It is adjacent to and affects the setting of the Tadcaster Road Conservation Area, as well as the Racecourse Conservation Area .The site is within Flood Zone 3.

2.0 POLICY CONTEXT

2.1 Please see paragraphs 4.1 to 4.8 of Appraisal for national and local policy context.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

ENVIRONMENTAL MANAGEMENT (LANDSCAPE)

3.1 Due to the flat nature of the site, the existing service roads are not overtly apparent in the long views experienced across the racecourse except at close quarters. The service roads are a familiar feature of the race course, i.e. the development does not introduce a foreign or new element to the landscape. Furthermore, they provide a convenient surface for walking, wheelchairs, and push chairs, for much of the time when the race course is not in use.

3.2 Seen in the context of the white rails in the relatively large scale landscape of the Knavesmire, the visual impact of the development would not have a significantly detrimental impact on the amenity of the Knavesmire.

3.3 The land rises across the Knavesmire common to Tadcaster Road, giving elevated views, but the width of the proposed track is not so excessive as to take away from the fundamental characteristics of the Knavesmire racecourse, namely a large grassed area with far-reaching views of the city surrounds, such as South bank, the race course complex, Terrys factory, and the attractive buildings on Tadcaster Road. Provided the need is justified, the proposal is acceptable in landscape terms

ENVIRONMENTAL MANAGEMENT (CONSERVATION)

3.4 No Comments.

FLOOD RISK MANAGEMENT TEAM

3.5 No objection, seek condition requesting no raising of ground levels to construct the road, and all excess spoil arising from the works is to be removed from the flood plain

EXTERNAL CONSULTATIONS/REPRESENTATIONS

MICKLEGATE PLANNING PANEL

3.6 No comments received

ENVIRONMENT AGENCY

3.7 No objection subject to a condition specifying no increase in ground levels.

4.0 APPRAISAL

4.1 Relevant site history:-

- 07/01311/FULM - Widening of South Bend of race course, surfacing of service track and associated works including drainage works - Approved
- 07/01644/EIASN - Screening opinion for whether an environmental impact assessment (EIA) is required in connection with the proposed alterations and development of the Melrose Stand, John Carr building, Racecourse – No EIA required

4.2 KEY ISSUES:-

- Planning policy
- Green Belt and consideration of very special circumstances
- Design and landscape considerations
- Setting of Tadcaster Road Conservation Area and the Racecourse and Terry's Factory Conservation Area
- Drainage

PLANNING POLICY

Development Plan

4.3 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

4.4 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.

Emerging Local Plan

4.5 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, has been halted pending further analysis of housing projections. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF.

4.6 The most relevant of the document's policies is Policy SS2 (The Role of York's Green Belt) and GB1 (Development in the Green Belt) the aim being that proposed development should not conflict with the purposes of including land within the Green Belt; the scale, location and design of development would not detract from the openness of the Green Belt; and should not prejudice harm those elements which contribute to the special character and setting of York. In the emerging draft York Local Plan the site is allocated as green belt land.

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

4.8 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. This presumption does not apply in Green Belt locations.

4.9 The National Planning Practice Guidance (NPPG) explains how weight may be given to policies in emerging plans. Arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the NPPF and any other material considerations into account.

4.10 The NPPF states that the refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

GREEN BELT STATUS OF THE SITE

4.11 As noted in the above Planning Policy section of this report, the site is located within the general extent of the York Green Belt as described in the RSS. In the DCLP (2005) and the emerging local plan the application site is designated as green belt. These allocations have not been tested by public consultation and as such, the potential allocation of this land can only be given very limited weight at this stage. There is currently no public confirmed timetable for the Local Plan to be submitted to public consultation or to the Planning Inspectorate.

4.12 Additionally, when the site is assessed on its merits (in paragraphs 4.14 to 4.16 below) it is concluded that whilst the York Green Belt has not yet been fully defined, the site falls within the general extent of the Green Belt and serves a number of Green Belt purposes. As such, the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF.

OPENNESS AND PURPOSES OF THE GREEN BELT

4.13 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.

4.14 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF paragraph 90 states certain other forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. Within this list are 'engineering operations', a service road would be considered to be an engineering

operation however the proposed service track would have a greater impact on the openness than the existing and for this reason it is not considered that the site falls within this exception. The proposed road therefore is inappropriate development in the Green Belt. The proposed development would result in coalescence of development and encroachment of development into the Green Belt therefore resulting in harm to the openness and permanence of the greenbelt.

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

4.16 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. 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.

ASSESSMENT OF THE CONSIDERATIONS FORWARDED BY THE APPLICANT

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

- (i) Safety and recovery of riders and horses
- (ii) Economic benefit to the city
- (iii) Access for maintenance vehicles and allow transit and positioning of the starting stalls
- (iv) Public access
- (v) Safety and recovery of riders and horses

4.18 The applicant argues that the service road is required to meet the level of safety and recovery for the riders and horses set out by the 'British Horseracing Authority' (BHA), a supporting letter from the BHA has been accompanied the application. The Racecourse Manual (2014) and the General Instructions (2015) both by the BHA requires a service track adjacent to the racecourse. The proposed service road would be used on race days for vehicles such as ambulances, doctors and vets, allowing them to respond safely and quickly in an emergency situation from the 14 furlong start to the back straight. These vehicles are required to maintain a similar speed to the racing horses and the applicant argues that the current grass surface makes this difficult. The vehicles currently travel alongside on the existing grass for the first 2 furlongs of a 14 furlong race, before they join the existing service road around the inside of the course. This 12 to 14th furlong section

of the racing surface is currently the only section where there is not an adjacent service road allowing access to the course. The applicant argues that in wet weather conditions the ability of emergency teams to respond to a fallen rider or injured horse is impaired by the lack of a formal surface, as is the braking distances and control of these vehicles in slippery conditions placing both the emergency teams and other users of the Knavesmire at risk. It is considered that the service road would continue to increase the resilience of York Racecourse, allowing the continuation of racing in inclement weather conditions and the above arguments are considered to have weight.

(ii) Economic benefit to the city

4.19 The applicant argues that the course is considered a Grade 1 racecourse, and to maintain this standard the road is required. Currently 15%/13 races start from this part of the course, including the Ebor race. Without the proposed road the applicant argues that there would be a reduction in the number of races throughout the season. This part of the track forms a fundamental part of the racecourse due to the long stretch and the races could not be started from another position around the track. The applicant argues that the proposed road future proofs the racecourse. The races bring a significant amount of income into the city hotels, restaurants, public houses, retails, transport, the services provided to the racecourse from local business etc. The reduction in the number of races would be a detriment to the visitor experience and the economic benefit of the city. It is an existing successful racecourse, much of the course has an adjacent road, it is considered that the additional road to the 12 to 14th furlong would help to future-proof the track and continue to provide a good quality course and this argument is considered to have weight.

(iii) Access for maintenance vehicles and allow transit and positioning of the starting stalls

4.20 The applicant argues that the new service road will also aid with the transit and positioning of the starting stalls at the 14th furlong start in wet weather. In addition they argue that the proposed road would allow maintenance vehicles outside race days to access the racing surface. This justification is considered to have little weight, as maintenance vehicles can access the racing track without the need for a tarmac road and the number of times the type of access would be required is not considered to merit a permanent road.

(iv) Public access

4.21 There is an existing tarmac circular access road (07/01311/FULM) around the rest of the race track and this is considered to be a benefit to the public users of the Knavesmire. It allows for a walking/running/cycle track/wheelchair access particularly when the surrounding ground suffers from drainage issues. The

proposed additional track would be a benefit to public access. However it is not considered to add significantly to the public access and amenity of the Knavesmire by virtue of its location, and the relationship to the pedestrian access to Knavesmire and as it is separated from the existing circular road by the racetrack. The racecourse will vary the exact crossing point over the north bend so to spread the wear over the racing surface. This reason is considered to have limited weight.

DESIGN AND LANDSCAPE CONSIDERATIONS

4.22 Unlike the existing service track which is sited adjacent to the fence, the proposed service road would be sited 4 metres from the closest track fence, and as such there would be a degree of detachment. The agent has stated the reason for not siting the road closer is that the area adjacent to the fence is occupied by drainage runs and the sprinkler system. The applicant argues that the 4 metre distance creates a safe and optimum distance between vehicles and the horses.

4.23 Due to the flat nature of the site, the existing service roads are not overtly apparent in the long views experienced across the racecourse except at close quarters. The land rises across the Knavesmire common to Tadcaster Road, giving elevated views, but the width of the proposed track is not so excessive as to take away from the fundamental characteristics of the Knavesmire racecourse, namely a large grassed area with far-reaching views of the city surrounds. The service roads are a familiar feature of the racecourse; as such the development does not introduce a new element to the landscape. Seen in the context of the white rails in the relatively large scale landscape of the Knavesmire, the visual impact of the proposed development would not have a detrimental impact on to the visual amenity of the Knavesmire.

IMPACT TO SETTING OF CONSERVATION AREA

4.24 The NPPF states that Local Authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and that they should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise (para 129).

4.25 In accordance with section 72 of the Planning (Listed Building and Conservation Area) Act 1990, the Local Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in exercising its planning duties. Section 66 of the same Act requires the Local planning authority to have regard to preserving the setting of features of special architectural or historic interest it possesses.

4.26 Within views from adjacent Tadcaster Road Conservation Area and the nearby Racecourse conservation Area the road would be visible as part of a wider landscape and as such would have a limited impact and viewed in contact of the existing race track and access road. The proposed service road is considered to be a minor additional intervention and is not considered to result in any harm to the setting of the nearby conservation areas or any listed buildings.

DRAINAGE

4.27 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan policy GP15a 'Development and Flood Risk' advises there is a presumption against development within the functional floodplain outside of settlement limits. The LPA must be satisfied that any flood risk will be successfully managed with the minimum environmental effect. Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long term run-off from development sites should be less than the level of pre-development rainfall run-off.

4.28 The application site is within functional flood Zone 3b. A flood risk assessment has been submitted. The proposed development would fall within 'water-compatible development' in the EA Flood Risk Vulnerability Classification as such development can be appropriate within Flood Zone 3b, and therefore an exception test is not required.

4.29 The proposed road would have a camber on it, and no formal drainage is proposed. The developer proposes that the surface water would run off the road into the surrounding ground. It is unlikely that the proposal would result in an increase in surface water.

4.30 The proposed site is functional floodplain and regularly floods. No flood proofing of the service road is proposed. The Flood Risk Assessment submitted by the applicant states that when the Knavesmire floods the proposed service road (as with the existing service road) would also flood. The proposal would not result in an increase in land levels and loss of flood storage volume. The proposal would not result in an increased flood risk to surrounding property. For the aforementioned reasons together with the implementation of conditions the proposed development is considered to comply with part 10 of the NPPF. The Flood Risk Engineer and the Environment Agency have no objections to the proposed development.

5.0 CONCLUSION

5.1 Having regard to S72 and S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal does not cause any harm to either the adjacent Conservations Areas or the setting of listed buildings.

5.2 The application site is within the general extent of the Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPPF, and by definition causes harm to the Green Belt. The road would result in harm to the openness and permanence of the Green Belt.

5.3 Cumulatively the safety and recovery of riders and horses, the economic benefits to the city, the limited visual impact on the Knavesmire, the absence of any harm to the adjacent Conservation Areas and the absence of any harm to the setting of the listed building are considered to amount to 'very special circumstances' to clearly outweigh the definitional harm to the openness and permanence of the greenbelt and any other harm, even when substantial weight is given to any harm to the Green Belt. Approval subject to the following conditions is recommended.

5.4 The proposed service road is not considered to have a significant impact on the openness of the Green Belt and therefore under the Town and Country Planning (Consultation) (England) Direction 2009, need not be referred to the Secretary of State, if members are minded to approved the application.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Drawing Number Y-SB-BSP-4864-15-100 Revision A received 04 April 2016;
Drawing Number Y-SB-BSP-4864-15-101 Revision A received 04 April 2016;

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

2 TIME2 Development start within three years

3 There shall be no raising of ground levels to construct the road, and all excess spoil arising from the works is to be removed from the flood plain and disposed of appropriately.

Reason: To ensure that there is no loss of storage from the floodplain and that flood waters are not displaced to other areas.

7.0 INFORMATIVES: Notes to Applicant

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

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

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

Contact details:

Author: Victoria Bell Development Management Officer

Tel No: 01904 551347