COMMITTEE REPORT

Date:	12 May 2016	**Ward:**	Rural West York
Team:	Major and Commercial Team	**Parish:**	Upper Poppleton Parish Council

Reference: 16/00878/FUL
Application at: Poppleton Garden Centre Northfield Lane Upper Poppleton York YO26 6QF
For: Part use of car park as mobile storage unit for public use for bulk re sale or recycling of clothing, shoes and clothing accessories (retrospective)
By: Mr Ian Woods
Application Type: Full Application
Target Date: 8 June 2016
Recommendation: Delegated Authority to Refuse

1.0 PROPOSAL

1.1 Planning permission is sought for the change of use of part of the car park for the siting of a modular storage unit. The site is to the northern boundary of the car park adjacent to the junction of the junction of the A59, Northfield Road and Station Road

1.2 The single storey modular unit 3.2 metres by 6.08 metres, and 2.3 metres in height. The unit would be used as a point for the collection of clothes, for cash reward. The collected clothes are recycled at a different site. Two full time employment positions would be created. The business is separate to the garden centre.

1.3 The application is retrospective.

1.4 The site is within the general extent of the greenbelt and is within Flood Zone 1. The proposed site sits outside the settlement envelope of Poppleton. The A59 is one of the main transport routes into the site.

2.0 POLICY CONTEXT

2.1 Please see paragraphs 4.1 to 4.11 of Appraisal for national and local policy context.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

3.1 No representations have been received at the time of writing the report; any submissions received will be reported at the committee meeting.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

UPPER POPPLETON PARISH COUNCIL

3.2 No comments received

4.0 APPRAISAL

RELEVANT SITE HISTORY:-

4.1 The planning history for the site relates to the garden centre; there is no planning history for structures within the existing car park.

KEY ISSUES:-

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

PLANNING POLICY

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.

4.4 Policy GB1 'Development in the Green Belt' of the DCLP sets out a number of criteria of considering new sites, whilst some of the specific criteria do not comply with the NPPF the general aim of the policy is considered to be in line with the NPPF.

4.5 Policy SP2 'The York Green Belt' states that the primary purpose of the green belt is to safeguard the setting and historic character of the city. Policy SP3 'Safeguarding the Historic Character and setting of York' states high priority will be given to the historic character and setting of York, particularly the protection of main gateway transport corridors into York from development which, cumulatively, could have an adverse impact on the setting of he corridor and surrounding environment (d). Thee general aim of the policy - take account of the different roles and character of different areas, - is considered to be in line with the NPPF.

Emerging Local Plan

4.6 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.

4.7 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.

4.11 The Poppleton Neighbourhood Plan is at an early stage; pre-submission consultation has been undertaken. Whilst the weight given to such a report grows as it passes each consultation stage, the weight that can be given to the plan is currently very limited.

4.12 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; The attractive green corridor approach to York along the A59 should be protected and development along this road should be discouraged.

GREEN BELT STATUS OF THE SITE

4.13 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) it is designated as green belt. In the emerging local plan the application site is allocated for a general employment. 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.

4.14 Additionally, when the site is assessed on its merits (in paragraphs 4.15 to 4.19 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

4.15 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.

4.16 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF paragraph 89 states that the construction of new buildings is inappropriate in the Green Belt, save in the case of a list of exceptions. The wider site is used as a garden centre and the proposed site is within the car park. As such the site is considered to be previously developed. However by virtue of the proposed location of the site and unit: set away from the building, it appears detached, and so it has a greater impact on the openness of the greenbelt and purposes of including land within it than the existing development. Therefore the proposed change of use of the land for the stationing of a modular unit does not fall within the exceptions of paragraphs 89 and 90. The change of use is therefore inappropriate development in the Green Belt. The proposed development by virtue of the use and structure would result in an increase in the built form and a coalescence of development and encroachment of development into the Green Belt in a particularly prominent location adjacent to a main transport route into the city therefore resulting in harm to the openness and permanence of the greenbelt.

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

4.18 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 documents 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.

4.19 In general terms, it is not appropriate to assume every piece of land within the general extent of the Green Belt should necessarily be considered as Green Belt, rather each case should be considered on its own merits. The surface car park acts as a visual buffer between the village of Poppleton and the development to the south, and thus contributes to the aim of preventing the encroachment, sprawl and coalescence of development and therefore maintaining the essential Green Belt

characteristics of openness and permanence. Additionally, the site can not reasonably be considered to be close to the inner boundaries of the greenbelt because there is a clear gap created by fields between Acomb and Poppleton. These fields have been considered through the site selection process for the LDF and the emerging Local Plan. However they did not progress as they were assessed as having importance in the setting and special character of the city. As such it is considered that the application site should be treated as falling within the general extent of the Green Belt.

4.20 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

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

- Reduced landfill
- Economic Benefit

REDUCTION IN LANDFILL

4.22 The applicant states that they process 10,000 tonnes of textiles that are saved from being sent to landfill, these are collected from over 60 sites in Britain as well as collections through schools and from charity shops. The reduction in materials to landfill is admirable; however it does not provide justification for why the unit is required to be sited within a Green Belt location rather than an urban location closer to large residential areas and the source of the unwanted textiles. As such this argument is considered to have little weight.

ECONOMIC BENEFIT

4.23 The NPPF states that planning policies should support economic growth in taking a positive approach to sustainable new development. Nevertheless, this policy does not outweigh green belt policy, as the presumption in favour if sustainable development does not apply to sites within the green belt.

4.24 The applicant argues that the proposed development creates an economic benefit to the adjacent garden centre by virtue of rent and footfall. The rent would benefit the garden centre and there may be some limited increase in footfall to the garden centre. However this economic advantage is considered be relatively minor and have very little weight.

4.25 The applicant also argues that the proposal benefits the public with a cash reward for the used clothing (50p per kilo of clothes/shoes/handbags etc). The likely monetary advantage to members of the public disposing of their goods is considered to be very limited. In addition it could be argued that in providing cash reward it is encouraging people to travel to the site rather than use the nearby clothing recycling bins in city car parks and supermarkets or to send clothes to local charity shops. By virtue of its location outside of the urban area it is likely that they would travel by private vehicle and as such the sustainability of the location is questionable.

4.26 The applicant argues that each unit supports a local charity, but provides no further details; as such no weight can be given to this justification.

4.27 The proposed development would create 2 full time equivalent jobs. Individually or cumulatively the aforementioned 'economic benefit' is considered to have very little weight and provide very little benefit to the city.

4.28 No evidence of consideration of other sites has been submitted. No justification has been submitted as to why the proposed unit is required to be located on this particular site in the greenbelt rather than a site within the urban area closer to larger residential population.

DESIGN AND LANDSCAPE CONSIDERATIONS

4.29 The proposed site is within a car park of the garden centre to the east, to the south is a restaurant, to the west are Northfield Lane and the recent park and ride development, and the village of Poppleton to the north.

4.30 When travelling along the A59 in an east-west direction, the proposed site is at a point where the landscape around the road opens out with wide views of the open landscape, and it is against this backdrop that the unit is viewed. The proposed unit creates a cluttered appearance adjacent to a relatively complicated road layout (with large number of associated signs and signals). By virtue of its close proximity to the road the proposed development is prominent and jarring within the streetscene, particularly as the existing development on this side of the road is significantly set back. Whilst the site is a car park, the proposed modular unit is larger than the parked vehicles. Any parked vehicles are there during opening hours only while the proposed unit would be permanently located. The proposed site is visible from a significant distance along Station Road. The proposed unit creates a solid block in an area of general open character. It is considered that screening of the proposed

development would not overcome the harm of the proposed location; it would likely exacerbate the prominence of the development. The proposed use and unit would not be compatible with the prevailing character of the area. The proposed change introduces development adjacent to the road and would result in a reduction in the quality of the landscape. The proposed development is considered to result in significant other harm in addition to the inappropriateness of the development in the greenbelt.

4.31 There is an existing car wash and canopy adjacent to the proposed site however it should be noted that this does not have planning permission and is subject of a Planning enforcement investigation.

IMPACT TO RESIDENTIAL AMENITY

4.32 Opening hours have not been specified in the application form. By virtue of the distance from the nearby dwellings it is not considered that the proposed development would result in disturbance or harm to residential amenity.

DRAINAGE

4.33 The site was hardstanding prior to the placement of the unit. The proposed development would not result in additional surface water run-off and as such it is considered unreasonable to require further details for the surface water drainage method.

TRAFFIC, HIGHWAY, PARKING AND ACCESS ISSUES

4.34 The proposed development results in a minor loss of parking spaces. The garden centre has a generous number of vehicle parking spaces and it is considered that that demand for all of the parking spaces is limited as such the reduction in number is not considered to result in on-street parking or harm.

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 87 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 (harm to visual amenity and character of the A59 transport corridor). 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 openness and that the proposal would undermine two of the five Green Belt purposes. Substantial weight is attached to this harm which the proposal would cause to the Green Belt. Planning permission should only be granted if the potential harm caused to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. It is only if those 'other considerations' are of sufficient weight that very special circumstances will exist. It is the cumulative weight of these other factors that matters; they do not individually need to be 'very special' in their own right.

5.3 The applicant has advanced the following factors which they consider to amount to very special circumstances in respect of the proposal:-

- Economic benefit to garden centre and public
- Reduction of materials sent to landfill

5.4 The Local Planning Authority has carefully considered the justification put forward by the applicant in support of the proposals and, having weighed these considerations against the harms that have been identified, has concluded that these considerations do not individually or cumulatively clearly outweigh these harms. It is concluded that very special circumstances do not exist to justify the proposal. The consultation period runs until 16.05.2016 as such Officers seek delegated authority to refuse the application once this period has run. If any representations are received after the meeting that present further planning issues not addressed above the application will be brought back to for committee to determine.

6.0 RECOMMENDATION:

(i) Defer pending expiry of the statutory consultation period on 16th May 2016, and subject to no new material planning considerations being raised within any consultation responses during this period,
(ii) Delegated Authority be given to the Assistant Director of Development Services, Planning and Regeneration to Refuse for the following reasons:

1 The application site is within the general extent of the Green Belt as set out by policy Y1 of The Yorkshire and Humber Plan - Regional Spatial Strategy. In accordance with paragraph 89 of the National Planning Policy Framework it is considered that the change of use of the site for a modular unit to allow the collection of clothes, shoes etc constitutes inappropriate development which, according to Section 9 of the Framework is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal conflicts with the essential characteristics of Green Belts (their openness and their permanence) and the purposes of including land within the Green Belt by resulting

in encroachment of development into the countryside, the sprawl, merging and coalescence of development; and is harmful to the openness of the Green Belt. The Local Planning Authority has carefully considered the justification put forward by the applicant in support of the proposals but has concluded that these considerations do not clearly outweigh the harm to the Green Belt and other harm (harm to visual amenity and character of the A59 transport corridor) when substantial weight is given to the harm to the Green Belt. As such very special circumstances do not exist to justify the proposal. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework and policy YH9 of the Yorkshire and Humber Plan and also conflict with Draft Development Control Local Plan (2005) policy GB1: Development in the Green Belt.

2 The application site in area which is open in character and appearance and contributes to the character and setting of the A59 transport corridor. The proposed change of use of the land and the modular unit, by virtue of its location adjacent to a junction on the A59 transport corridor, would be unduly prominent and intrusive in the streetscene in addition to create a cluttered appearance as such the proposed development would fail to respect the character of the area and cause harm to the visual amenity and open character and therefore would conflict with Policy SP3 and GP1 of the City of York Council Development Control Local Plan (2005) and contrary to the core principles and part 7 of the National Planning Policy Framework.

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 an attempt to achieve a positive outcome:

Considered the applicant's submissions in support of the application.

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

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