



Notice of a public meeting of Planning Committee

- To:** Councillors Horton (Chair), Galvin (Vice-Chair), Ayre, Boyce, Burton, Crisp, D'Agorne, Doughty, Firth, King, Looker, McIlveen, Reid, Simpson-Laing, Watt, Williams and Watson
- Date:** Thursday, 24 July 2014
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. **Minutes** (Pages 3 - 8)

To approve and sign the minutes of the meeting of the Planning Committee held on 15th May 2014.

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 **5pm on Wednesday 23rd July 2014**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

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4. **Plans List**

This item invites Members to determine the following planning applications:

a) Willow House, Wigginton Road, Wigginton, York, YO32 2RH (14/00497/FUL) (Pages 9 - 18)

A full application by Mr. John Pulleyn for the siting of eight camping pods and a single-storey reception building following the demolition of a horticultural glasshouse (retrospective). [Haxby and Wigginton Ward] *[Site Visit]*.

b) Land Adjacent to Hopgrove Roundabout, Beechwood Hopgrove, York (14/00672/OUTM) (Pages 19 - 32)

A major outline application with all matters reserved by Enita Europe Ltd for the erection of a petrol filling station, restaurant and 50-bedroom lodge accommodation with associated access, car parking and landscaping. [Huntington and New Earswick Ward].

c) Holly Tree Farm, Murton Way, York (14/00809/FUL). (Pages 33 - 48)

A full application by Mr. Robert Winston for the siting of 8 holiday let log cabins and the excavation of a fishing lake. [Osballdwick Ward] *[Site Visit]*.

d) OS Field 1138, Main Street, Holtby, York (14/01236/FUL). (Pages 49 - 62)

A full application by Ms. Chloe Smith for the development of a touring cyclist stop, comprising of 12 camping pods with ancillary amenity block and reception/managers accommodation (resubmission). [Derwent Ward] *[Site Visit]*.

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

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail – laura.bootland@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

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 (Polish)
własnym języku.**

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

PLANNING COMMITTEE**SITE VISITS****Tuesday 22nd July 2014.**

TIME	SITE	ITEM
12:30	Minibus leaves Memorial Gardens	
12:50	Willow House, Wigginton Road, Wigginton.	4a
13:25	Holly Tree Farm, Murton Way, Osbaldwick.	4c
13:55	OS Field 1138, Main Street, Holtby.	4d

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City of York Council

Committee Minutes

Meeting	Planning Committee
Date	15 May 2014
Present	Councillors Horton (Chair), Galvin (Vice-Chair), Ayre, Boyce, Burton, Crisp, D'Agorne, Doughty, Firth, Looker (Substitute), McIlveen, Reid, Riches, Simpson-Laing, Watt and Williams
Apologies	Councillor King

65. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda.

Councillor Horton declared a prejudicial interest in the minutes of the last meeting as the only item considered at that meeting was in respect of Pikehills GOLF Club, of which he is a Member. Councillor Galvin as Vice Chair agreed to take the Chair for this item.

66. Minutes

Resolved: That the minutes of the last meeting be approved and signed by the Vice Chair as a correct record.

67. Public Participation

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

68. Plans List

Members then considered three reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning applications, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

69. Land Adjacent to Hopgrove Roundabout, Beechwood, York (14/00672/OUTM)

It was reported that subsequent to the preparation of the Committee Report, attention had been drawn to a Planning Statement and Ecological Survey in respect of the proposal which had not been made available to the Case Officer and had not formed part of the application as consulted upon.

The information contained within both documents was felt to be material to a decision in respect of the proposal and it was recommended that the application be deferred from consideration to allow for the contents of both reports to be properly considered and consulted upon.

In response to questions by members, it was advised that the application will be brought back to a future Planning Committee as soon as possible.

Resolved: That the application be deferred.

Reason: To enable Officers to consider and consult on the further information as detailed above.

70. Block B Vanbrugh College, Wentworth Way, Heslington, York (14/00363/FULM)

Consideration was given to a major full application by Mr. Jon Meacock for the erection of a 4 storey research office and teaching building for the Environmental Department, following the demolition of an existing residential building.

Officers provided an update to advise that since the committee report was prepared, a supplementary consultation response had been received from the authority's Landscape Architect. It was advised that Architect did not object to the redevelopment of the site or the removal of existing trees, but objected to the proposed design as it represented a significant diversion from the original design intention of the University campus by removing an open space that was identified as protected lakeside landscape that should be retained in accordance with the campus development brief. In addition, existing buildings on

both sides of the water create a quadrangle across the lake, thereby affording views for all the buildings and providing a significant outdoor space by the lake. The proposal also results in a further restriction of the lakeside circulation route. The lakeside setting would be significantly diminished since it would result in buildings tight up to the edges of both sides of the lake.

Janet O'Neill had registered to speak as the agent for the applicant. She advised that the building to be demolished originated from 1973 and had 109 bed spaces. The University was opening a new 680 bed college in September and as such, there would be no loss of accommodation at the University. In response to the comments made by the Council's Landscape Architect, it was accepted that some green space would be lost but there was plenty of other green spaces still remaining. The new building was aiming for BREEAM excellent and would be highly sustainable.

Members had the following questions:

- If any of the 66 new jobs being provided as a result of the new department would be for local people. The agent confirmed that it was anticipated that some jobs would be specialised but the servicing of the building would be fulfilled by people employed locally.
- In response to a question about the cooling system, it was confirmed by the agent that the use of the lake to cool the building would not impact on the ecology in the area.

Following further discussion it was:

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

Reason: The proposed building would be designed to blend in with the recently constructed Biological Sciences building to the north west, which it would match in terms of its scale, massing and palette of materials. It has also been designed to achieve a high degree of sustainability with the aim of achieving a BREEAM standard of Excellent.

Concerns have been expressed in terms of the proposed surface water drainage arrangements and the proposed replacement bed spaces for the accommodation lost. In terms of surface water drainage, it would be possible to effectively drain the site by means of a bespoke attenuation scheme which can be secured by condition. Subject to inclusion of such a condition the development as amended is felt to be acceptable and approval is therefore recommended. The applicant has indicated that a replacement accommodation block would be brought on stream within the Heslington East Campus a short distance away in September 2014.

71. Proposed University Campus Lying Between Field Lane and Low Lane, A64 Trunk Road and Hull Road, York (14/00633/REMM)

Consideration was given to a major reserved matters application by the University of York, following outline permissions 04/01700/OUT and 08/00005/OUT for approval of a three storey education, social and catering building (Piazza Learning Centre).

Officers advised that condition 10 as outlined in the committee report had now been deleted as the 10% renewable energy requirement was now covered by new building regulations.

Janet O'Neill spoke as the applicants agent to advise that the building would provide teaching, lecture, catering and social space as part of the Heslington East campus. In response to Members' questions regarding the amount of cycle parking spaces, she advised that the majority of students walked from their residences and a recent survey showed that cycle parking on the campus was under used.

Following further discussion, it was:

Resolved: That the application be approved subject to the conditions outlined in the committee report.

Reason: The Learning Centre is intended to be one of the principal buildings of Cluster 2 on one of the most prominent sites of the campus. The proposal complies with the National Planning Policy Framework and policies of the local plan, particularly GP1 (Design)n GP4A (Sustainability) and ED9 (New campus at Heslington East).

72. Appeals Performance and Decision Summaries.

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 January to 31 March 2014.

Resolved: That the report be noted.

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

Cllr D Horton, Chair

[The meeting started at 4.30 pm and finished at 5.10 pm].

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COMMITTEE REPORT

Date: 24th July 2014 **Ward:** Haxby And Wigginton
Team: Major and **Parish:** Wigginton Parish Council
 Commercial Team

Reference: 14/00497/FUL
Application at: Willow House Wigginton Road Wigginton York YO32 2RH
For: Siting of eight camping pods and single-storey reception building
 following demolition of horticultural glasshouse (retrospective)
By: Mr John Pulleyn
Application Type: Full Application
Target Date: 5 May 2014
Recommendation: Approve

1.0 PROPOSAL

1.1 Retrospective application for the development of a campsite mainly comprising:

- (a) Eight pre-fabricated camping pods measuring approximately 4.8m x 3m x 2.8m;
- (b) Timber, pitch-roofed reception building measuring approximately 4m x 3m x 2.5m;
- (c) Informal car parking;
- (d) Picnic and barbeque facilities; and
- (e) Refuses facilities.

1.2 The pods and other facilities are located within a compound formed by a 2m-high close-boarded fence. The surface of the compound is part-gravel hardstanding and part-lawn with sporadic ornamental planting.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP4A - Sustainability

CYGB1 - Development within the Green Belt

Application Reference Number: 14/00497/FUL

Item No: 4a

CYV1 - Criteria for visitor related devt

CYV5 - Caravan and camping sites

3.0 CONSULTATIONS

INTERNAL

ENVIRONMENTAL PROTECTION UNIT

3.1 No objections.

HIGHWAY NETWORK MANAGEMENT

3.2 Defer pending confirmation of red/blue line boundary and details of parking, access including widths, turning and circulation space.

EXTERNAL

WIGGINTON PARISH COUNCIL

3.3 No objections.

PUBLIC CONSULTATION

3.4 The consultation period expired on 22 April 2014. No objections have been received.

4.0 APPRAISAL

4.1 KEY ISSUES

- Impact on the Green Belt
- Sustainability

APPLICATION SITE

4.2 The site is part of a long, narrow site (referred to here as 'the holding') formerly used as a horticultural nursery. The holding is in a predominantly rural area in the Green Belt. Access is from Wigginton Road. The holding is now occupied by a mixed commercial use including amenity lake, touring caravan park, farm shop and café. The holding still has a number of horticultural glasshouses which appear to be no longer in use. The application site comprises part of the central section of the holding and used to contained a large glasshouse, which was demolished in 2013.

Access to the compound is via the main internal road through the holding. To the east of the compound is the holding's caravan site, largely laid to lawn. To the west (towards Wigginton Road) are redundant greenhouses with the café and farm shop beyond. To the north and south is agricultural land.

PLANNING POLICY

4.3 The site is located within the Green Belt. One of the twelve core planning principles set out in the National Planning Policy Framework (NPPF) is to protect the Green Belt around urban areas, recognising the intrinsic character and beauty of the countryside (Paragraph 17).

4.4 Section 3 of the NPPF says that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

4.5 Section 9 of the NPPF says that the essential characteristics of green belts are their openness and their permanence (para.79). One of the five purposes of including land within the Green Belt is to assist in safeguarding the countryside from encroachment (Paragraph 80). Once defined Local Planning Authorities should plan positively to enhance the beneficial use of the green belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land (para.81). The construction of new buildings should be regarded as inappropriate. Exceptions to this include the provision of appropriate facilities for outdoor sport and outdoor recreation as long as the openness of the green belt is preserved and proposals do not conflict with the purposes of including land within the green belt (para.89).

4.6 Paragraph 87 says inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. Substantial weight should be 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 (Paragraph 88).

4.7 Paragraph 90 says certain forms of development are also 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 it. The list within paragraph 90 does not include the change of use of land save in relation to re-use of certain types of building.

4.8 The application site falls within the general extent of the Green Belt as shown on the Key Diagram of the RSS (the Yorkshire and Humber Plan) (RSS) saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013.

Polices YH9 and Y1 (C1 &C2) and the key diagram on page 214 of the RSS form the statutory Development Plan for York. Policy YH9 says the detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city. All other policy documentation can be accorded weight as material considerations in accordance with Annex 1 of the NPPF.

4.9 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF.

4.10 Development Control Local Plan Policy GB1 'Development in the Green Belt' states that planning permission for proposals involving essential facilities for outdoor sport and outdoor recreation will only be granted where:

- a) the scale, location and design of such development would not detract from the open character of the Green Belt; and
- b) it would not conflict with the purposes of including land within the Green Belt; and
- c) it would not prejudice the setting and special character of the City of York.

4.11 Policy V1 says that visitor related development will be encouraged. In determining applications account will be taken of whether the proposal has made adequate servicing arrangements; is accessible by public transport; will result in increased traffic; is likely to improve the prosperity of the tourism industry and the city's economy; will adversely impact on the reasonable use and enjoyment of adjacent buildings and land and adverse impacts on the countryside setting of the city.

4.12 Development Control Local Plan Policy V5 'Caravan/Camping Sites' states that planning permission for new caravan/camping sites outside settlement limits will only be granted provided:

- a) the number of pitches does not exceed 20; and
- b) there will be no pitches for static caravans; and
- c) the proposal does not involve the erection of permanently-sited ancillary buildings other than toilets/washrooms and a site office; and
- d) the site is associated with an existing settlement and of a compatible scale to the settlement; and
- e) the site is readily accessible by public transport; and
- f) there is no adverse effect on the openness of the Green Belt; and
- g) it provides a direct benefit to the local residential workforce; and
- h) the approach roads are suitable for caravans; and
- i) there is no adverse effect on the provision of local services; and
- j) the proposal is complimentary to recreational opportunities in the vicinity; and
- k) it provides a direct benefit to the local residential rural community.

4.13 Policy GP4a 'Sustainability' of the DCLP seeks, amongst other things, to ensure that developments are accessible by other means than the car and be easily accessible for pedestrians and cyclists.

IMPACT ON THE GREEN BELT

4.14 The types of development that are not inappropriate in the Green Belt exclude change of use, therefore the use of land as a campsite is inappropriate development and is by definition harmful to the green belt. This is accepted by the applicant. Such development should not be approved except in very special circumstances, which will not exist unless potential harm to the green belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

4.15 Officers consider that any harm to the Green Belt is extremely limited because:

- Most of the holding is already in leisure use;
- The pods are well screened behind a 2m perimeter fence and cannot be seen from outside of the site. They are of a sensitive design which is entirely appropriate to their rural setting;
- The proposal improves a damaged/derelict part of the site previously occupied by a large single storey glasshouse, which had fallen into disrepair;
- The combined footprint of the eight pods and reception building is approximately 130sqm, which is significantly less than the glasshouse, which had a footprint of 1200 sqm.

4.16 Any effect on the openness of the Green Belt is therefore very limited, the purpose of including the site in the Green Belt would not be materially infringed and there would be no material harm to the character and appearance of the area. However, in demonstrating 'very special circumstances', it is important to consider whether the potential harm caused to the Green Belt is outweighed by other considerations. The applicant argues that the following factors are considered to be relevant:

- There is a clear demand for this type of accommodation within the city and this is demonstrated by the campsite having operated successfully since July 2013.

- Potential locations for such uses are limited. If camping facilities are to add to variety of tourist accommodation available in the York, then they need to be in the Green Belt in order to provide access to both the open countryside as well as the tourist attractions of the city. The principle of camping, caravanning and similar recreational uses in the Green Belt has been accepted by the Council in the past. Indeed, the land to the east of the camping pods already operates as a successful caravan site.
- The proposal is in accordance with paragraph 81 of the NPPF, which seeks to enhance the use of the Green Belt by looking for opportunities to provide access and to provide opportunities for outdoor recreation.
- The Willow Farm site is already fully equipped with the necessary infrastructure to support the proposed use. There are shower and toilet facilities located to the west of the camping area and there is also a small farm shop and café in this area, offering drinks, food and convenience goods. Other than the pods themselves, there are no additional facilities required to support the proposed use.

4.17 Furthermore, the site is in a moderately sustainable location because:

- The holding fronts onto Wigginton Road, which is served by two separate hourly bus services running between York and Wigginton Road (nos 20 and 40);
- Shops and services within Haxby and Wigginton can be reached via a public footpath at the eastern end of the caravan park.

OTHER MATTERS

4.18 Highways officers have asked for the application to be deferred pending submission of details of parking, access and circulation space. Planning officers consider that the number of vehicle movements associated with the development would be small and that the information supplied is sufficient for the application to be determined. All other matters are acceptable or could be dealt with by conditions.

5.0 CONCLUSION

5.1 On balance, officers consider that the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations that amount to very special circumstances and that consequently the application is acceptable. In accordance with the Town and Country Planning (Consultation) (England) Direction 2009, It is not considered that the matter need

be referred to the Secretary of State as the development is in total less than 1000 sq.m and does not have a significant impact on the openness of the Green Belt.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The development shall not be carried out otherwise than in complete accordance with approved drawings YWF1402A.LP.CP, YWF1402A.CP.GH, YWF1402A.SP.GH, WFRM001 and un-numbered site layout all received by City of York Council on 5 March 2014. The number of camping pods at the site shall not exceed eight at any one time.

Reason: For the avoidance of doubt and to achieve an acceptable form of development.

2 The pods shall not be used for residential purposes other than holiday letting. For the purpose of this condition "holiday letting" means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.

Reason: The premises are unsuitable and inappropriate for permanent residential occupation due to the site's unsustainable location within the Green Belt, absence of a separate curtilage and absence of dedicated amenity space.

3 The owners/operators shall maintain an up-to-date register of the names of all occupiers of the holiday cottages on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: To ensure that the holiday accommodation is not used for unauthorised permanent residential occupation. The premises are unsuitable for permanent residential occupation due to the site's unsustainable location, impact on the openness of the green belt, absence of a separate curtilage and absence of dedicated amenity space.

4 Prior to the development commencing details of covered, secure cycle parking for six cycles shall be submitted to and approved in writing by the Local Planning Authority. The holiday lets shall not be occupied until the cycle parking facilities have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

7.0 INFORMATIVES:

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

In considering the application, the Local Planning Authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. In an attempt to achieve an acceptable outcome the council sought further information from the applicant to demonstrate very special circumstances and attached appropriate conditions to the consent.

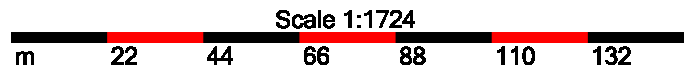
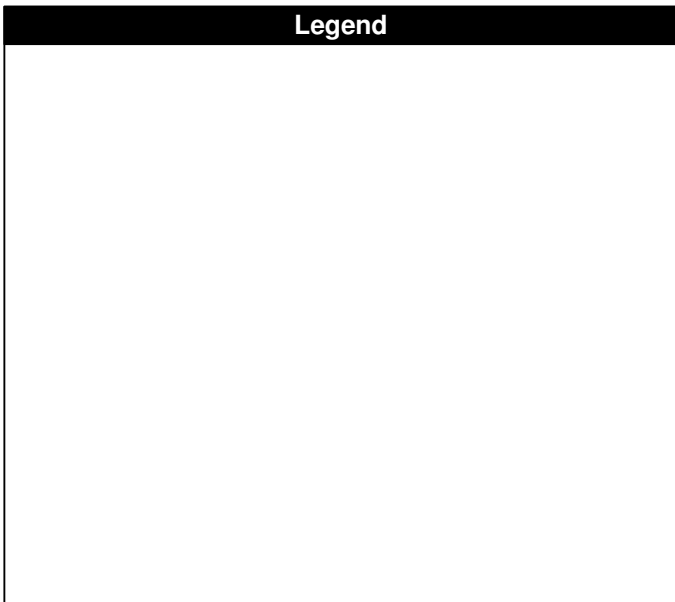
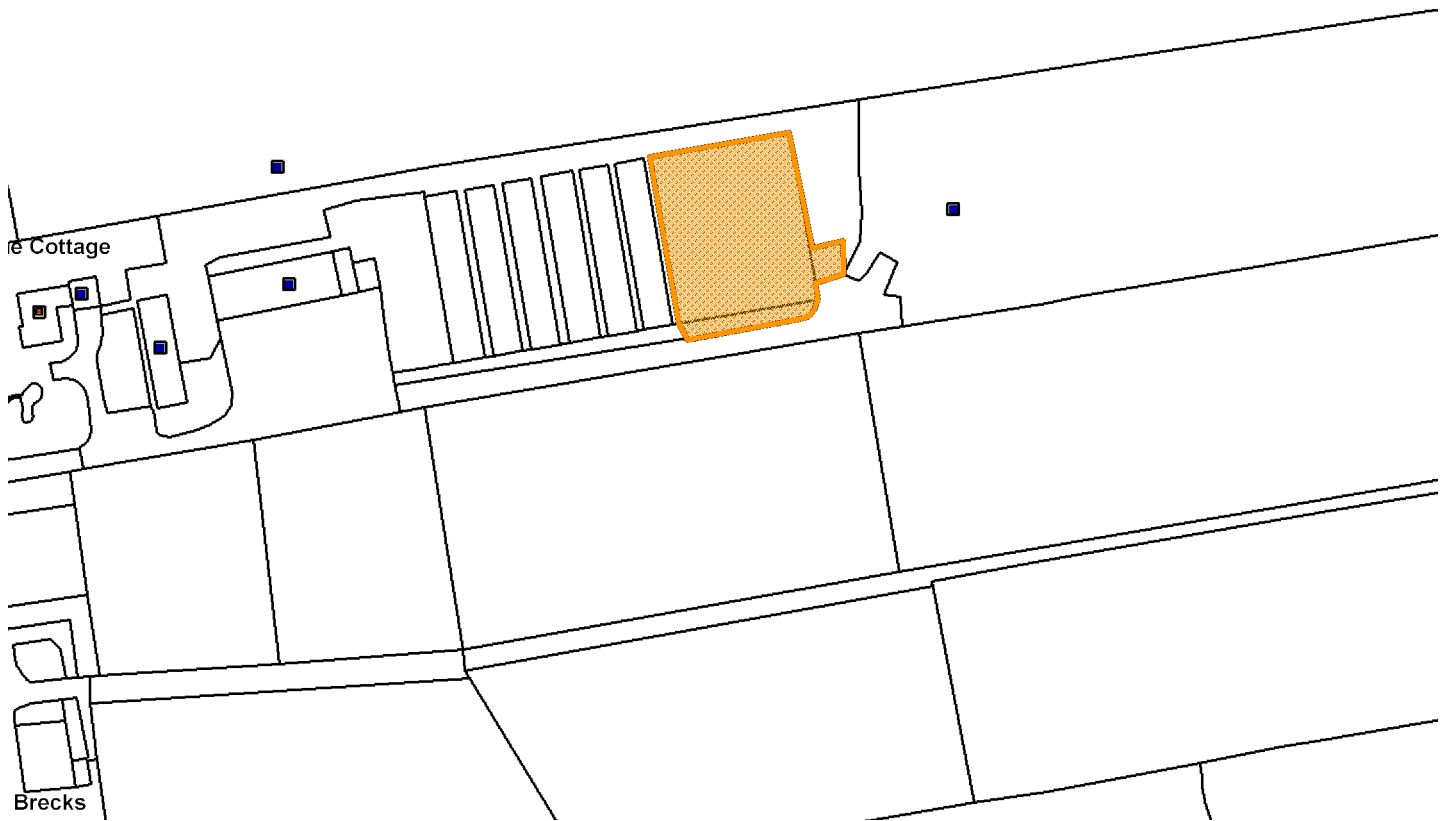
Contact details:

Author: Kevin O'Connell Development Management Officer

Tel No: 01904 552830

14/00497/FUL

Willow House, Wigginton



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Organisation	Not Set
Department	Not Set
Comments	
Date	15 July 2014
SLA Number	Not Set

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COMMITTEE REPORT

Date: 24th July 2014 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** Huntington Parish Council

Reference: 14/00672/OUTM
Application at: Land Adjacent Hopgrove Roundabout Beechwood Hopgrove York
For: Outline planning application with all matters reserved for erection of petrol filling station, restaurant and 50-bedroom lodge accommodation with associated access, car parking and landscaping
By: Enita Europe Limited
Application Type: Major Outline Application (13 weeks)
Target Date: 24 June 2014
Recommendation: Refuse

1.0 PROPOSAL

1.1 Beechwood, Hopgrove Roundabout Malton Road comprises a large partially secluded area currently in pasture use circumscribed by the A64 and A1237 York Outer Ring Road . The site is well landscaped along the eastern, south western and southern edges with residential properties set within large grounds adjacent to the former Malton Road to the north. The site is accessed from the A1237 and lies within the York Green Belt as well as being partially within Flood Zone 3. Outline planning permission is sought with all matters reserved for erection of a "signed" trunk road service area comprising a petrol filling station, restaurant/cafe, 50 bedroom lodge accommodation and a range of ancillary works.

1.2 A Screening Request in respect of the 2011 Town and Country Planning(Environmental Impact Assessment) Regulations has previously been received in respect of the proposal ref:- 13/00651/EIASN.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CGP15A - Development and Flood Risk

CYGB1 - Development within the Green Belt

CYGP1 - Design

CYGP4A - Sustainability

CYNE6 - Species protected by law

3.0 CONSULTATIONS

INTERNAL:-

3.1 Design, Conservation and Sustainable Development express concern in respect of the impact of the proposal upon water vole and bat habitat and the lack of information submitted with the proposal relating to sustainability.

3.2 Highway Network Management raise no objection to the proposal.

3.3 Environmental Protection Unit object to the proposal on the grounds of adverse impact upon residential amenity by virtue of increased noise, light pollution and odour from cooking equipment. Serious concern is also expressed in relation to the possibility of land contamination being present in the area.

EXTERNAL:-

3.3 The Environment Agency object to the proposal on the grounds that a non-mains system of drainage is proposed where it would be feasible to connect to the public sewer network. In the event of the proposed system failing a significant risk of pollution to the water environment would arise.

3.4 Huntington Parish Council object to the proposal on the grounds that it fails to respect official Highways Agency Guidelines in respect of motorist facilities, it would cause a harmful build up of traffic on the local highway network and it would seriously harm the residential amenity of neighbouring properties by virtue of noise and light pollution.

3.5 The Foss (2008) Internal Drainage Board object to the proposal on the grounds it lies partially within Flood Zone 3 and that it would seriously exacerbate issues of flood risk in the surrounding area.

3.6 Yorkshire Water Services Ltd raise no objection to the proposal.

3.7 The Highways Agency raise no objection to the proposal.

3.8 One letter of objection has been received in respect of the proposal expressing concern in relation to its impact upon the open character and purposes of designation of the Green Belt along with increased traffic levels on the surrounding highway network.

3.9 A further detailed letter of objection has also been received on behalf of a Local Resident's Action Group living directly adjacent to the proposal. The following is a summary of its contents:-

- Serious concern in respect of the inappropriate nature of the development within the Green Belt and its associated detrimental impact upon its open character and the reasons for its designation;
- Concern in respect of the complete absence of a case for "very special circumstances" to overcome the usual presumption against inappropriate development within the Green Belt and to justify the intended location of the proposal;
- Serious concern in respect of the impact of the proposal upon the residential amenity of neighbouring properties by virtue of noise, light pollution and very substantial increases in traffic levels;
- Serious concern in respect of the impact of the proposal upon the level of flood risk to properties down stream in Hopgrove village;
- Serious concern in respect of the impact of the proposal upon the habitat of the water vole a protected species.

Accompanying the letter of objection is a detailed critique of the submitted Transport Assessment.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the open character and purposes of designation of the York Green Belt;
- Impact upon the residential amenity of neighbouring properties;
- Impact upon the level of flood risk in the locality;
- Impact upon the habitat of a protected species;
- Impact upon traffic levels on the surrounding highway network;
- Sustainability of the proposal;
- Proposed means of foul drainage.

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN:-

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations in arriving at Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

POLICY BACKGROUND:-

4.3 Paragraph 17 of the National Planning Policy Framework, "Key Planning Principles" is of particular relevance in considering this application. This urges Local Planning Authorities to give significant weight to securing a good standard of amenity for all existing occupants of land and buildings.

4.4 Paragraphs 87 -90 of the National Planning Policy Framework are of particular relevance in considering the proposal. Paragraph 87 identifies that inappropriate development within the Green Belt is by definition harmful to the Green Belt and should not be approved except in "very special circumstances". Paragraph 88 indicates that substantial weight should be given to any harm to the Green Belt. "Very special circumstances will not be deemed to exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations. Paragraph 89 , meanwhile identifies the construction of new building within the Green Belt as inappropriate unless it falls within one of a number of specific categories deemed to be appropriate and paragraph 90 identifies certain other forms of development including local transport infrastructure that can demonstrate the need for a Green Belt location as being not inappropriate providing it preserves the open character of the Green Belt and does not conflict with the purposes of including land within it.

4.5 Paragraph 103 of the National Planning Policy Framework urges that significant weight should be afforded to ensuring that flood risk is not increased elsewhere and only consider development as appropriate in areas at risk of flooding where informed by a site specific risk assessment and following a Sequential Test.

4.6 Paragraph 118 of the National Planning Policy Framework is of relevance in that it urges Local Planning Authorities to refuse planning applications which would result in harm to or the loss of important areas of wildlife habitat.

IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE YORK GREEN BELT:-

4.7 The application site comprises a partially secluded area presently used for pasture to the north east of Hopgrove village within the York Green Belt. The proposal envisages the erection of a 50 bed room hotel, a restaurant and a petrol filling station with substantial associated areas of hard surfacing, which would be accessed from the Old Malton Road connected with the A1237 Outer Ring Road a short distance away. The detailed Planning Statement submitted with the application seeks to justify the proposal on the grounds of the A64 being a Trunk Road and the proposal coming within one of the categories deemed to be appropriate development within the Green Belt, as outlined in paragraph 90 of the NPPF as "local transport infrastructure which can demonstrate a requirement for a Green Belt location." This derives ultimately from DfT Circular 02/2013 which identifies a functional need for a range of services on long distance transport routes, what that range of facilities should be as well as the ideal operational distance between facilities. The Circular sets out minimum criteria which facilities should achieve to secure signing from the strategic road network. The submitted planning statement examines the perceived need for the facility in relation to the requirements of the Circular. It does however fail to acknowledge the characteristics of the road or more importantly the close proximity of the site to its final destination. The A64 whilst a trunk road in the area of the application is not a long distance route in the sense of the A1 between Newcastle and Edinburgh and the A38 between Exeter and Penzance. The A64 runs between West Yorkshire and Scarborough and the application site is within an hour's drive time of Scarborough and many of the host destinations in West Yorkshire. An appeal case is cited in support of the development from the South West which however relates to the A38, a road with fundamentally different characteristics and which does not lie within a Green Belt area.

4.8 Furthermore in order to be considered as compliant with the DfT criteria the development must be either accessed from the Trunk Road or accessed directly from a conjoining road. The current application does not fulfil the criteria since it is accessed from an unclassified road, in turn accessed from the A1237 Outer Ring Road at some removed from the Trunk Road itself. The test in paragraph 90 of the National Planning Policy seeks to establish that the highway infrastructure proposed requires a Green Belt location. Other sites to the east and outside of the Green Belt are discounted in the submitted Planning Statement on the basis that traffic travelling in one direction either east or west must cross the line of on-coming vehicles, however that is the case in terms of the existing facilities at both Staxton and Bilbrough which operate without significant difficulty. It is therefore argued that the exemption outlined in paragraph 90 does not apply and the proposal remains inappropriate within the Green Belt.

4.9 The purposes of including land within the Green Belt include the prevention of encroachment into open countryside, the protection of the setting of historic towns and cities and the prevention of coalescence of built up areas. The application site forms a green wedge separating peripheral development around Stockton on the Forest from more recent development to the north east of Huntington. As such it makes a significant contribution to the fulfilment of Green Belt purposes as so defined which would be substantially prejudiced by the implementation of the proposal. Green Belt areas are also specifically characterised by their openness and the application site makes a significant contribution with its lightly landscaped fringes to the open character and setting of the north eastern approach to York. This character would be substantially compromised by the implementation of the proposal.

4.10 In emphasising the perceived need for the proposed facility the submitted information fails to address the presence of each of the identified facilities singly located adjacent to the A64 in the near vicinity with a range of restaurant and hotel accommodation lying within the 2 mile stretch of the A64 directly to the north east with petrol available a short distance further on. In view of the need to depart from the Trunk Road to access the site the presence of similar facilities within Hopgrove village or the Monks Cross Retail Park both of which are within a 10 minute drive time are also material and reflective of actual driver behaviour. Accident statistics are also used in order to further support the case; however in no case is driver fatigue given as a contributory factor. As such the submitted case for the development can be afforded very little material weight and the proposal can be seen as contrary to Central Government Planning Policy as outlined in paragraphs 87 to 90 of the National Planning Policy Framework.

IMPACT OF THE PROPOSAL UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

4.11 Paragraph 17 of the NPPF "Core Planning Principles" urges Local Planning Authorities to give significant weight to the provision and safeguarding of a good standard of amenity for all new and existing occupants of land and buildings. Policy GP1 of the York Development Control Local Plan at the same time establishes a firm policy presumption that new developments should ensure that residents living nearby are not unduly affected by noise or disturbance. The application site comprises a relatively quiet and tranquil area of pasture land partially circumscribed by a landscaped bund and accessed from a very lightly trafficked section of Malton Road. The adjacent highway provides access to a number of residential properties, some of which are set a significant distance back from the road frontage. Two properties, Beechwood Cottage and Beechwood Lodge are however directly on the road frontage in the vicinity of the proposed access points to the proposal. In marked contrast to the existing situation the occupants of the two properties would be subject to significant volumes of traffic at regular intervals throughout the day and night.

4.12 The indicative site plans also indicate that the majority of the built development and parking area would be in close proximity to the road frontage in order to mitigate for the location of the application site partially within Flood Zone 3 . Little if any opportunity is thereby afforded to lessen any impact in terms of noise and light pollution on the adjacent residential properties. The submitted application fails to take any account of impacts upon the residential amenity of nearby properties . Attention is drawn to the presence of lighting columns on the A64 and it is argued on that basis that the required lighting for the site would not impact upon the visual amenity of the surrounding area. However that fails to take into account the substantial landscape bund running around the south and east of the site which has the effect of substantially lessening the impact of light and noise from the A64 into the surrounding area. A road traffic noise assessment has been submitted but that solely addresses the impact of traffic on the A64 and within the site on the occupants of the hotel bedrooms. The proposal therefore fails to comply with the requirements of paragraph 17 of the NPPF or Policy GP1 of the York Development Control Local Plan.

IMPACT UPON THE LEVEL OF FLOODRISK IN THE LOCALITY:-

4.13 Policy GP15a) of the York Development Control Local Plan sets out a clear policy presumption that developers must satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely. The application site lies across the boundaries of Flood Zones 1 and 3 although the proposed buildings are illustrated as being within Flood Zone 1. A water course crosses the site before draining to the south west through Hopgrove village into the River Foss. A detailed Flood Risk assessment has been submitted. This recommends the controlled closure of the hard surfaced parking areas in the event of a severe rainfall or flooding event and the provision of a separate system of attenuation for the petrol filling station which gives rise to a higher risk of pollution to surrounding water courses. However, the consequence of controlled closure of the parking areas which may in all likelihood be at short notice, would be significant additional parking along Old Malton Road seriously exacerbating the previously identified concerns in relation to impact upon residential amenity. The Foss IDB has raised serious concerns in respect of the substantially increased areas of hard surfacing exacerbating flood risk to properties a short distance away in Hopgrove village. The submitted Flood Risk assessment simply fails to address this issue and as a consequence the proposal fails to comply with the requirements of Policy GP15a) of the York Development Control Local Plan or paragraph 103 of the National Planning Policy Framework.

IMPACT UPON THE HABITAT OF A PROTECTED SPECIES:-

4.14 Paragraph 118 of the National Planning Policy Framework urges Local Planning Authorities to refuse planning permission if significant harm to biodiversity resulting from a development cannot be avoided, mitigated or compensated for. A water course draining south west wards Hopgrove village and the River Foss crosses the site. This has been identified as being a habitat for water voles a species protected by the 1981 Wildlife and Countryside Act. Serious concerns have been expressed in respect of the physical destruction of the water vole habitat through the proposal, the encouragement of water vole predators such as the brown rat and adverse consequences to water quality as a result of the proposed foul water treatment facilities. The application mentions the presence of the water vole within the site but fails to indicate how harm would be properly mitigated during the process of development. Mention is made of trapping the brown rat (a principal predator of the water vole during the operational phase of the development), but this is felt to be insufficient in terms of the overall scale of harm caused. Central Government Planning Policy in respect of planning and the natural environment is very clear in this respect, the presumption in favour of sustainable development simply does not apply in respect of the habitat of protected species if harm can not be properly mitigated then permission should simply be refused. The scheme is therefore contrary to the requirements of paragraph 118 of the National Planning Policy Framework.

IMPACT UPON THE LEVELS OF TRAFFIC USING THE SURROUNDING HIGHWAY NETWORK:-

4.15 The proposal has been justified on the basis of being a signed Trunk Road MSA in relation to the A64 which links West Yorkshire conurbation with Scarborough. Notwithstanding that the proposal is not accessed from the Trunk Road or even directly related to it but accessed from a short section of unclassified road linked by a signal controlled roundabout to the A1237 Outer Ring Road. As consequence significant volumes of traffic would be flowing backwards on to the local highway network from the A64 including onto a section of road not designed to cope with it. A detailed Transport Assessment has been submitted with the proposal. This identifies only a modest impact upon local traffic levels arising from the proposal. However, the assumptions behind the study fail to take account of the degree of functional disassociation between the application site and the A64 Trunk Road and fails to take account of potential cumulative impacts resulting from recent developments at the nearby Monks Cross Retail Park including the impending relocation of the York City Football Club. The Local Highway Authority does not however feel that the development would result in such material harm on traffic grounds as to warrant refusal of the proposal.

SUSTAINABILITY OF THE PROPOSAL:-

4.16 Policy GP4a) of the York Development Control Local Plan sets out a firm policy presumption that new developments must demonstrate how they comply with the principles of sustainable development including the usage of sustainably sourced materials, the use of recycling and access by non-car modes of transport. At the same time the associated Supplementary Planning Guidance covering Sustainable Construction sets out a clear requirement for new commercial developments to achieve a BREEAM standard of "Very Good". The submitted planning application indicates that the proposal would support the requirement of the NPPF to support sustainable development but it fails to indicate precisely how it would do so and furthermore it fails to establish that the normal presumption in favour of sustainable development does not apply within the Green Belt. As a consequence the requirements of Policy GP4a) of the York Development Control Local Plan would not be complied with.

MEANS OF FOUL DRAINAGE:-

4.17 Serious concern has been expressed in respect of the proposed means of foul drainage. A treatment plant is proposed which would discharge treated water into a feeder watercourse into the River Foss which is also a water vole habitat. The Environment Agency indicates that it is possible to connect to the public sewer network in this location and that there is a significant risk of pollution to the water environment by the usage of a treatment plant as an alternative.

ENVIRONMENTAL IMPACT ASSESSMENT:-

4.18 The proposal has previously been the subject of a formal Screening Request to determine whether or not an Environmental Impact Assessment in line with Schedule 2 of the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations was required. Taking into account the indicative criteria within Schedule 3 of the 2011 Regulations it was felt that the proposal would not have significant environmental effects so as to require the undertaking of a formal Environmental Impact Assessment.

THE CASE FOR "VERY SPECIAL CIRCUMSTANCES" TO JUSTIFY DEVELOPMENT WITHIN THE GREEN BELT:-

4.19 The fact that the proposal comprises inappropriate development within the Green Belt sets up a requirement for a detailed case of "very special circumstances" to overcome the usual presumption against inappropriate development within 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 outweighed by other considerations. No case for "very special circumstances" other than the

perceived need for the proposal in relation to DfT Circular advice has been brought forward. The applicant has sought a derogation from the DfT from the normal policy requirements which the DfT appear minded to give however they at the same time indicate that they are reviewing their policy criteria as a whole and as such this can be afforded little weight.

5.0 CONCLUSION

5.1 Beechwood, Old Malton Road, Hopgrove, comprises a large partially secluded area presently in pasture use within the Green Belt to the north east of the City Centre. The proposal fails to provide adequate justification for location within the Green Belt; it fails to address the impact of the development upon the residential amenity of neighbouring properties, the impact of the development upon the habitat of the water vole, a protected species, or the impact of the development upon the level of flood risk to properties in the vicinity. As such the development is wholly unacceptable and it is recommended that planning permission be withheld.

6.0 RECOMMENDATION: Refuse

1 The proposed development is inappropriate within the Green Belt within the definition outlined in paragraphs 89 and 90 of the National Planning Policy Framework and therefore by definition materially harmful to its openness. The proposal runs clearly contrary to the principles of including land within the Green Belt namely the prevention of encroachment into open countryside and the safeguarding of the setting of historic towns and cities. No case for "very special circumstances" has been brought forward to overcome the strong policy presumption against inappropriate development within the Green Belt and to justify the clearly unacceptable harm that the development would cause to the character and openness of the Green Belt.

2 The proposed development would give rise to a severe and on-going harmful impact to the residential amenity of occupants of the adjacent residential properties Beechwood Lodge and Beechwood Cottage in terms of light pollution, noise and general disturbance contrary to paragraph 17 of the National Planning Policy Framework "Core Planning Principles" and Policy GP1 of the York Development Control Local Plan.

3 The development site lies partially within Flood Zone 3 and is therefore defined as being at a high risk of flooding. The applicant has failed to demonstrate that the proposed development by its nature involving substantial increases in the areas of hard paved surface, would not materially increase the level of flood risk to neighbouring properties in Hopgrove village contrary to paragraph 103 of the National Planning Policy Framework and Policy GP15a) of the York Development Control Local Plan.

4 The application site forms part of the habitat of a group of water voles, a protected species. The planning application fails to demonstrate how the very significant harm to the water vole habitat can be effectively mitigated within the context of the development proposal contrary to the requirements of paragraph 118 of the National Planning Policy Framework.

5 The submitted planning application fail to demonstrate how the proposal would address the principles of Sustainable Development and ensure that the development achieves a minimum standard of BREEAM "very good" contrary to Policy GP4a) of the York Development Control Local Plan and the Adopted Interim Policy Guidance on Sustainable Design and Construction(2007).

6 The proposal envisages the use of a treatment plant discharging into a watercourse which forms a sensitive wildlife habitat. In the event of a likely failure of the plant serious pollution would occur that would unacceptably harm the habitat of the water vole and the wider water environment,

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:

Sought clarification of the case for "very special circumstances" justifying the location of the site within the Green Belt.

However, the applicant/agent was unwilling to withdraw the application and enter into further discussions, resulting in planning permission being refused for the reasons stated.

Contact details:

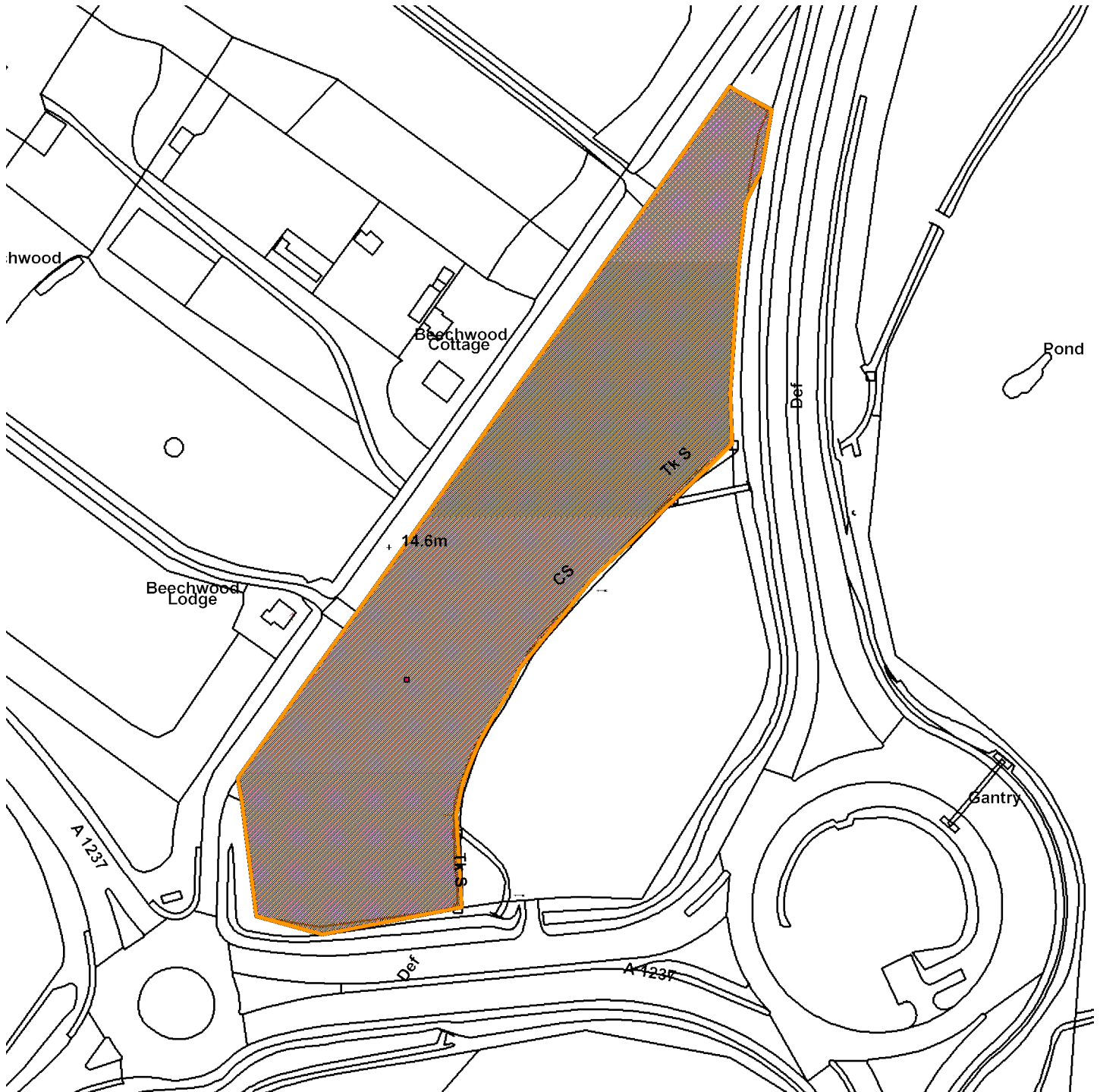
Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

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14/00672/OUTM

Land Adjacent Hopgrove Roundabout



Scale : 1:2119

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	07 July 2014
SLA Number	Not Set

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COMMITTEE REPORT

Date: 24th July 2014 **Ward:** Osbaldwick
Team: Major and **Parish:** Osbaldwick Parish
Commercial Team Council

Reference: 14/00809/FUL
Application at: Holly Tree Farm Murton Way York YO19 5UN
For: Siting of 8no. holiday let log cabins and excavation of fishing lake
By: Mr Robert Winston
Application Type: Full Application
Target Date: 6 June 2014
Recommendation: Refuse

1.0 PROPOSAL

1.1 Planning permission is sought for the creation of a lake and the siting of eight log cabins with access and parking provision on 0.75ha of paddock land associated with Holly Tree House, Murton Way, Osbaldwick.

1.2 Holly Tree House is located on the south side of Murton Way. The current access to the property is via a bridge access over Osbaldwick Beck. The existing property is a modest two storey dwelling with detached double garage. To the rear of the house is a traditional stable block building which has permission for conversion into a two bed holiday let. A new vehicular access to serve the stable conversion has also been granted to the east of the existing access. This has not yet been implemented but will necessitate the removal a section of front boundary hedge. The front boundary is presently defined by a hedge standing in excess of 3 metres high; there is a wide verge between the hedge and the Murton Way frontage. The application land is currently used as a paddock. Although the traditional stable buildings are now no longer used there are stable buildings to the rear of the house and to the side of the house which are in use.

1.3 To the north of the site, along the Murton Way frontage, is a residential dwelling, Carr Close. This property has a significant land holding to the rear which abuts the northern boundary of the application site. To the south there is a residential property to the road frontage, Brook Nook, also set in a substantial land area. Part of the land to the rear of Brook Nook has an extant permission for a caravan and camping site (partially commenced but not brought into use).

1.4 The proposal is to construct a 3 metre wide tarmac one way circulation road within the application site to serve eight log cabins set around the site perimeter. Within the circle created by the cabins a lake will be excavated. The plans indicate that the lake will be between 1200 and 1500mm deep, a central island will remain

within the lake and will be landscaped. The overall dimensions of each log cabin is shown as 9.6 metres (2.8 of which is an open veranda area) by 8.8 metres. The overall internal height is shown as 4.2 metres. Each log cabin has two bedrooms as well as a first floor mezzanine sleeping area in the roof space. A gravel car parking area is provided for each unit and separate gravel parking space for visitors to the lake are proposed. The lake will be operated as a fishing lake open to the general public. It is proposed that the fishing lake and log cabins will operate year round. Access to the site will be via the approved new access road from Murton Way.

POLICY HISTORY

1.5 Planning permission was refused for the conversion of stable to a 2 bedrooled holiday let in August 2011 because of the site's location within flood zone 3b (Planning reference 11/00497/FUL). The application was subsequently allowed on appeal in June 2012 where the Inspector accepted modelling showing the site to be in flood zone 3a.

1.6 Planning permission was granted for a new vehicular access to approved holiday let and paddocks in October 2012 (Planning reference 12/02993/FUL).

ENVIRONMENTAL IMPACT ASSESSMENT:-

1.7 Because of its scale and nature the development is not considered to fall within the scope of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Floodzone 2 GMS Constraints: Flood zone 2

Floodzone 3 GMS Constraints: Flood zone 3

2.2 Policies:

CYGP4A	Sustainability
CYGB1	Development within the Green Belt
CYV1	Criteria for visitor related devt
CYV5	Caravan and camping sites

3.0 CONSULTATIONS

INTERNAL

HIGHWAY NETWORK MANAGEMENT

3.1 No objections subject to conditions. Murton Way is part of the Way of the Roses cycle route; cycle parking should be provided.

FLOOD RISK MANAGEMENT TEAM

3.2 The sequential test has not been proven. The drainage information is inadequate to show the potential impact on the existing drainage system.

EXTERNAL

MURTON PARISH COUNCIL

3.3 Object for the following reasons:

- The scheme erodes the separation of Osbaldwick and Murton villages, a key policy for the villages in the City of York Local Plans. Coalescence is to be avoided wherever possible. The rural setting would be endangered by this development. Successive decisions to protect villages against coalescence have been beneficial to both communities.
- The development being proposed is in the Green Belt and there are no very special circumstances that would allow the development. It will detract from the open character of this area. This proposal appears to have considerable similarities to the proposal for caravans along the Malton Road which was refused on appeal (APP/C2741/A/13/2203642). Further, there have been recent decisions within this parish in which the openness of the Green Belt was a paramount element in the decision. The Parish Council see no mitigating circumstances which would allow for this development (NPPF 2012).
- It is noted that the Local Plan Draft 2014 excludes a proposal for development from a nearby property (number 112) which was refused on criteria 1.
- The buildings and facilities being proposed are out of scale for the area.
- There will be another incremental increase in traffic using Murton Way.

OSBALDWICK PARISH COUNCIL

3.4 Object for the following reasons:

- The proposals represent inappropriate development within the greenbelt and would form part of the incremental loss of the greenbelt separation between Osbaldwick and Murton.

- The applicant fails to demonstrate 'very special circumstances' to outweigh the harm to the openness of the greenbelt and reference is made to the recent planning inspector's decision regarding 12/03690/FUL, Chowdene, Malton Road. The conclusions of which can be applied to the change of use of this greenbelt land to accommodate the applicants proposals.
- The flood risk status of the land was clearly established when 11/0049/FUL was refused. The application site lies within flood zone 3b (function floodplan) and as such should not be considered for development.
- The potential for extra traffic entering/existing the site not only to use the holiday lets but the fishing lake is a major concern. The potential for conflict on a bad bend on a narrow road given the proximity of the Outgang Lane Industrial Estate and Link Road Junction needs to be addressed. As does the potential for harm to the rural nature of Murton Way, as this point should the need to mitigate against such an increase in potential traffic conflict require highway safety measures/signage.
- Concern is expressed as to the future use of the advertising signage associated with the operation of the site on the rural character of Murton Way.

NEIGHBOUR NOTIFICATION AND PUBLICITY

3.5 An adjacent occupier has written expressing his support or the development. A further letter of support makes the following points:-

- The landscape proposals in the design and access statement are supported
- The log cabins are considered a modern interpretation of the Viking houses once found in this area and at the nearby Murton Park Open Air Museum.
- Consider that the proposal is 'permitted development' in the green belt, as it will make a positive contribution to both the local environment and the economy

3.6 One letter of concern has been received covering the following points:-

- The question of flood risk is not clear
- Murton Way is a rat run taking the overflow of traffic from Hull Road
- There is already a planning permission for a caravan site next door to the site, concerned that the area may turn into a CentreParcs type location.

FOSS INTERNAL DRAINAGE BOARD

3.7 This application site is within the Foss 2008 Internal Drainage Board District. The Board has two maintained watercourse adjacent to the site. The nature of the proposed drainage would dictate that any surface water discharged from the new development would enter either of these watercourses and would in any event enter Osbaldwick Beck. The site must be regulated to that of a 'greenfield' runoff and the applicant should be asked to demonstrate how this will be achieved. Detailed calculations including invert levels to ordnance datum should be produced covering a range of scenarios should be produced along with information in regard to how the

flow will be regulated and full details of the attenuation. Although the application is not one that the Board would object to in principle, there is a need to ensure that no additional volumes of surface water enter Osbaldwick Beck. If permission were to be approved a condition is proposed to ensure 'green field' run off through sustainable means.

ENVIRONMENT AGENCY

3.8 The Environment Agency have reviewed the model information and flood risk investigation report. Subject to the applicant clearly demonstrating to them that the model has been amended as described in Environment Agency review of the flood zone investigation for Holly Tree Farm, Murton Way (dated 20 December 2011), we agree with the findings that the site does not appear to flood in a 1 in 25 year event. The designation in the Strategic Flood Risk Assessment (SFRA) will need to be formally challenged as the flood zone designation is clearly critical in deciding the outcome of this application. If permission is granted a condition is requested which stipulated that finished floor level should be set a minimum of 600mm above whichever is the greater of the 1 in 100 modelled level or existing ground levels. The Environment Agency agree with the Internal Drainage Board's (IDB's) comments that all surface water drainage arrangements must be agreed with the IDB before any development commences.

4.0 APPRAISAL

4.1 Key Issues:

- Policy background
- Principle of the development
- Highways, Access and parking arrangements
- Flood risk

PLANNING POLICY

4.2 The site is located within the Green Belt. One of the twelve core planning principles set out in the National Planning Policy Framework (NPPF) is to protect the Green Belt around urban areas, recognising the intrinsic character and beauty of the countryside (Paragraph 17).

4.3 Section 3 of the NPPF says that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

4.4 Section 9 of the NPPF says that the essential characteristics of green belts are their openness and their permanence (para.79). One of the five purposes of including land within the Green Belt is to assist in safeguarding the countryside from

encroachment (Paragraph 80). Once defined Local Planning Authorities should plan positively to enhance the beneficial use of the green belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land (para.81). The construction of new buildings should be regarded as inappropriate. Exceptions to this include the provision of appropriate facilities for outdoor sport and outdoor recreation as long as the openness of the green belt is preserved and proposals do not conflict with the purposes of including land within the green belt (para.89).

4.5 Paragraph 87 says inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. Substantial weight should be 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 (Paragraph 88).

4.6 Paragraph 90 states that certain forms of development are also 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 it.

4.7 Paragraph 100 says inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where necessary, making it safe without increasing flood risk elsewhere. Paragraph 101 to 103 sets out how to apply the sequential and exceptions test to development proposals which are within flood zone 2 and 3, and require these tests to be applied.

4.8 The application site falls within the general extent of the Green Belt as shown on the Key Diagram of the RSS (the Yorkshire and Humber Plan) (RSS) saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. Policies YH9 and Y1 (C1 & C2) and the key diagram on page 214 of the RSS form the statutory Development Plan for York. Policy YH9 says the detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city. All other policy documentation can be accorded weight as material considerations in accordance with Annex 1 of the NPPF.

4.9 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except in accordance with the NPPF. Development Control Local Plan Policy GB1 'Development in the Green Belt' states that planning permission for proposals involving essential facilities for outdoor sport and outdoor recreation will only be granted where:

Application Reference Number: 14/00809/FUL

Item No: 4c

- a) the scale, location and design of such development would not detract from the open character of the Green Belt; and
- b) it would not conflict with the purposes of including land within the Green Belt; and
- c) it would not prejudice the setting and special character of the City of York.

4.10 Policy V1 says that visitor related development will be encouraged. In determining applications account will be taken of whether the proposal has made adequate servicing arrangements; is accessible by public transport; will result in increased traffic; is likely to improve the prosperity of the tourism industry and the city's economy; will adversely impact on the reasonable use and enjoyment of adjacent buildings and land and adverse impacts on the countryside setting of the city.

4.11 Development Control Local Plan Policy V5 'Caravan/Camping Sites' states that planning permission for new caravan/camping sites outside settlement limits will only be granted provided:

- a) the number of pitches does not exceed 20; and
- b) there will be no pitches for static caravans; and
- c) the proposal does not involve the erection of permanently-sited ancillary buildings other than toilets/washrooms and a site office; and
- d) the site is associated with an existing settlement and of a compatible scale to the settlement; and
- e) the site is readily accessible by public transport; and
- f) there is no adverse effect on the openness of the Green Belt; and
- g) it provides a direct benefit to the local residential workforce; and
- h) the approach roads are suitable for caravans; and
- i) there is no adverse effect on the provision of local services; and
- j) the proposal is complimentary to recreational opportunities in the vicinity; and
- k) it provides a direct benefit to the local residential rural community.

4.12 Policy GP4a 'Sustainability' of the DCLP seeks, amongst other things, to ensure that developments are accessible by other means than the car and be easily accessible for pedestrians and cyclists.

4.13 Policy GP15a 'Development and flood risk' proposals for new built development on previously developed land outside development limits will only be granted where it can be demonstrated that the development will not result in net loss of floodplain storage capacity not impede water flows and not increase flood risk elsewhere. The use of sustainable drainage systems is encouraged.

PRINCIPLE OF THE DEVELOPMENT

4.14 The proposal is for the siting of log cabins to be used for holiday accommodation and the forming of a fishing lake for public use and available to occupiers of the log cabins. The site is located within green belt on an area of land used as a paddock between the villages of Osbaldwick and Murton.

4.15 The proposed log cabins each represent a substantial physical presence which would be erected permanently on the site. The log cabins would not sit on traditional foundations but would have some form of ground level strengthening. The cabins could be moved off the site in sections although the application is for the cabins to be permanently sited. Given their size, permanence and degree of physical attachment to the land, it is Officers' view that the log cabins would comprise operational development and would therefore be treated in policy terms as buildings.

4.16 In terms of the green belt status of the site the main considerations in relation to the proposed development is

- whether the proposal constitutes inappropriate development in the Green Belt,
- its effect on the openness of the Green Belt and the purposes of including land within it
- if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development;

4.17 Buildings for holiday accommodation are not listed in Paragraph 89 of the NPPF as exceptions to inappropriate development in the Green Belt. The formation of the fishing lakes for commercial use form part of the wider scheme for holiday lodges.

4.18 Paragraph 79 of the NPPF says that the essential characteristics of Green belts are their openness and their permanence. The boundaries of the land are defined by mature hedges and there is a reasonably wide grass verge between the hedge and the road. Officers have noted the detail of the approved access road (not yet implemented) which is proposed to serve the development as well as the conversion details for the approved, but not implemented, stable conversion into a holiday let. Murton Way beyond the entrance to the industrial estate to the west of Murton Way maintains a rural character consisting of a small number of dwellings set in substantial land areas and defined by mature green boundaries. Beyond the application site boundaries to the south and east existing industrial buildings and infrastructure are discernible but the landscaped backdrop within which these are set and the separation of the site from the southern boundary by a neighbouring field gives the site a separate rural feel. The amount of development, its siting and design, the year round opening of the site, with necessary lighting and reduced level

of cover from existing hedges and greenery in winter months, would mean that the development would impact on the openness of the green belt.

4.19 In accordance with paragraph 88 very special circumstances will not exist unless potential harm to the green belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Very special circumstances are considered at paragraph 4.26 – 4.28 below.

4.20 Furthermore policy V5 of the DCLP does not support development of touring caravan and camping sites where there is an impact on the openness of the green belt. More permanent accommodation (referred to in the policy as static caravans) is stated not to be appropriate due to their visually intrusive characteristics and permanence; permanent facilities other than toilets/washrooms are discouraged.

HIGHWAYS ACCESS AND PARKING ARRANGEMENTS

4.21 Permission was granted for the construction of a new access to serve the approved stable conversion to holiday lets in October 2012. Highway Network Management did not object to the formation of the new access and consider that the traffic generated by this proposal can be accommodated within the design of the access road. It is pointed out that the Way of the Roses cycle route runs past the site and that any approval should include conditions to ensure cycle parking provision within the site.

FLOOD RISK

4.22 The National Planning Policy Guidance says that flood zones as defined in the Strategic Flood Risk Assessment (SFRA) for the area provides the basis for applying the sequential test. The SFRA for York (updated 2013) identifies the site as falling within flood zone 3b. The National Planning Policy Guidance (NPPG) says development should be directed to the areas at least risk of flooding. Local Planning Authorities should take into account the flood risk vulnerability of land uses and consider reasonably available sites in flood zone 2 applying the exceptions test if required. Only where there are no reasonably available sites in flood zone 1 and 2 should the suitability of sites in flood zone 3 be considered taking into account the flood risk vulnerability of land uses and applying the exceptions test if required.

4.23 The site is identified as being within Flood zone 3b in the SFRA. Modelling undertaken for the change of use of the stables into holiday accommodation showed that the site could be re-categorised as flood zone 3a. The Flood Risk Management team indicate that the modelling for this application has not been incorporated into the flood risk assessment and therefore re-categorisation to flood zone 3a cannot be confirmed. The Inspector in allowing the appeal for the use of the stables on site as a holiday cottage accepted the modelling for the re-categorisation and this re-categorisation was accepted by both the Environment Agency and our Flood Risk

Management Team at this time. In Officers view this application can be considered to be within flood Zone 3a based on the findings of the Inspector.

4.24 The NPPG advises that land within flood zone 3a is assessed as having a 1 in 100 or greater annual probability of river flooding where water compatible and less vulnerable uses are considered appropriate. The SFRA regards sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan, as falling within the more vulnerable category. In these circumstances the SFRA and the NPPF requires the sequential and exception test to be applied to the proposed development. In accordance with paragraph 102 of the NPPF the exception test is applied where the sequential test has been passed (the sequential test will not be passed if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding), for the exceptions test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and a site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account the vulnerability of its users without increasing flood risk elsewhere.

4.25 In relation to the sequential test the applicant indicates that there are no sites allocated in the emerging local plan for log cabins and therefore there are no sequentially available sites. The NPPG says that the developer should justify with evidence to the local planning authority what area of search has been used for the sequential test when making the application. Officers accept that the emerging local plan is not sufficiently far advanced to identify sites suitable for the use proposed or a criteria by which such development could be assessed. However policy V1 and V5 of the DCLP set out the basis upon which new visitor/ tourist facilities will be considered. The aims of these policies are considered to be consistent with NPPF and it is reasonable that there will be other sites that may be outside flood zone 3 that could meet the requirements of these policies. The area of land to the rear of the site is located within flood zone 2 and were the scheme to be considered acceptable from a green belt perspective the rear part of the site would more easily pass the sequential test because of its lower probability of flood risk. The scheme is not sufficiently detailed to pass the sequential test. The exceptions test cannot be applied as the sequential test has not been passed however Officers consider that the submitted information does not demonstrate that there are wider community benefits to the surrounding community the outweigh flood risk. Furthermore the submitted details do not show how the scheme will be drained giving priority to the use of sustainable drainage systems.

WHETHER THERE ARE VERY SPECIAL CIRCUMSTANCES TO OUTWEIGH THE HARM TO THE GREEN BELT

4.26 Supporting information from the applicant sets out the factors they consider to represent very special circumstances to outweigh harm to the Green Belt by reason of inappropriateness and any other harm. These are:-

- The site at present is a poor grade pony paddock; the proposal will enhance the site and its surroundings
- The scheme provides for outdoor sport and recreation and the land is already a leisure activity
- Paragraph 81 says that Local Planning Authorities should plan positively to enhance the beneficial use of the green belt. There are no specific policies or allocations that provide for this type of tourist accommodation
- Log cabin schemes have been approved in adjacent Local Planning Authority areas

4.27 The present equestrian use of the site is clearly that which paragraph 81 of the NPPF is seeking to support. In this sense the site is already being put to a beneficial use. The supporting information does not indicate that the current use is not viable. Change to a more intensive use with the associated buildings would have a greater visual impact which would be detrimental to the openness of the green belt. The use of the site as a paddock is accommodated without detriment to the role the land plays in providing a transition between the urban edge of the settlement and rural land beyond.

4.28 The proposal would undoubtedly increase both the quantity and variety of tourist accommodation serving York and the wider area but that is a consideration that could apply to any number of sites. The factors set out by the applicant to justify inappropriate development do not clearly outweigh the harm to the green belt due to inappropriateness and any other harm. The harm arising from the inappropriateness of the development and the harm identified above are not outweighed by the very special circumstances advanced by the Applicant.

5.0 CONCLUSION

5.1 For the reasons set out above the development considered to be inappropriate development in the Green Belt. The harm arising from the inappropriateness of the development and the harm identified above are not outweighed by the very special circumstances advanced by the Applicant.

5.2 The application details raises no highway concerns.

5.3 The site is considered to be in Flood Zone 3a. The scheme is not sufficiently detailed to pass the sequential test. The exceptions test can not be applied as the sequential test has not been passed, however, the submitted information does not demonstrate that there are wider community benefits to the surrounding community that outweigh flood risk. Furthermore the submitted details do not show how the scheme will be drained giving priority to the use of sustainable drainage systems.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre . Murton Way is located in Green Belt as identified in the City of York Development Control Local Plan (Approved April 2005). It is considered that the proposed development consisting of 8 log cabins, fishing lake open to the public and associated infrastructure constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework which is by definition harmful to the Green Belt. No 'very special circumstances' have been put forward by the applicant that would outweigh harm by reason of inappropriateness and any other harm, including the impact on the openness of the Green Belt and conflict with the purposes of including land within Green Belt. The proposal is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land'.

2 The Council accept that the site is located within Flood zone 3a based on the modelling set out the flood zone investigation report and the additional information submitted with the application. The use of the site for siting of holiday log cabins is a more vulnerable use as identified in table 4.1 of the City of York Council Strategic Flood Risk Assessment (Table 2 of the National Planning Policy Guidance flood zone and flood risk tables). The applicant has not demonstrated in accordance with paragraph 102 of the National Planning Policy Framework and advice within the National Planning Policy Guidance that there are no sequentially preferable sites that could accommodate the development that are at lower risk of flooding . It is considered that the application fails to provide sufficient information for the sequential test to be passed. Furthermore the Local Planning Authority consider that were the sequential test considered to be satisfied the application does not demonstrate, in accordance with paragraph 103 of the National Planning Policy Framework that there are wider community benefits arising from the development to the surrounding community that outweigh flood risk or that the scheme will be drained giving priority to the use of sustainable drainage systems.

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:

No pre-application submission was made however Officers wrote to the applicant with concerns about the application following its submission and subsequently met with the applicant on site to explain the concerns about the inappropriateness of the development in green belt. However, the applicant/agent was unwilling to withdraw the application.

Contact details:

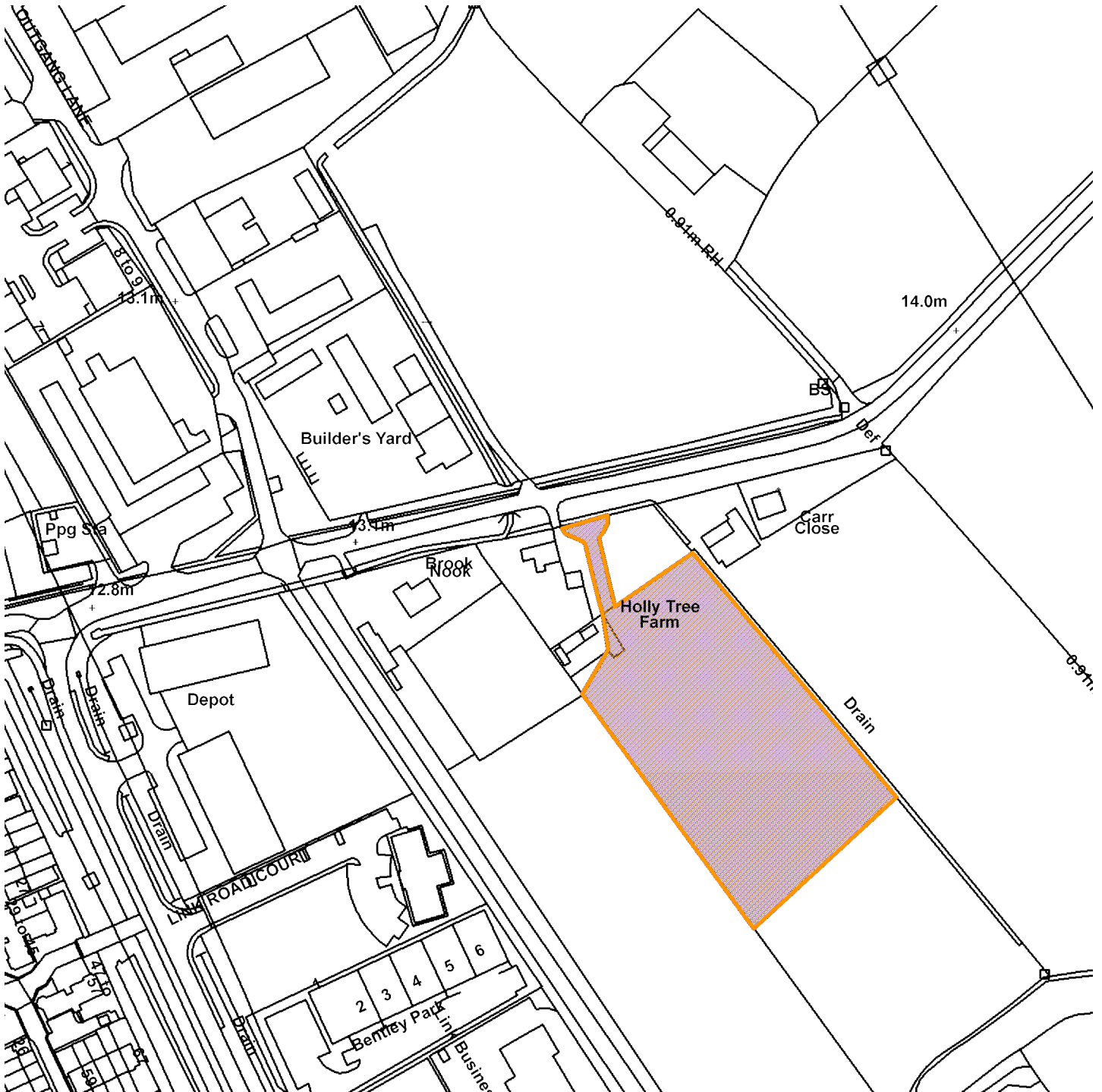
Author: Diane Cragg Development Management Officer (Mon/Tues/Wed)

Tel No: 01904 551351

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04/03833/FUL

Holly Tree Farm



Scale : 1:2119

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	07 July 2014
SLA Number	Not Set

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COMMITTEE REPORT

Date: 24 July 2014 **Ward:** Derwent
Team: Major and **Parish:** Holtby Parish Council
 Commercial Team

Reference: 14/01236/FUL
Application at: OS Field 1138 Main Street Holtby York
For: Development of a touring cyclist stop, comprising 12 camping pods with ancillary amenity block and reception/managers accommodation (resubmission)
By: Miss Chloe Smith
Application Type: Full Application
Target Date: 25 July 2014
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application is for the development of a touring cyclist stop, mainly comprising:

- (a) 12 pre-fabricated camping pods measuring approximately 3.8m x 2.6m x 2.5m ;
- (b) pre-fabricated amenity block measuring 6.8m x 3.9m x 3.3m;
- (c) managers pre-fabricated living quarters with office, reception, a small laundry, a guest meeting area and fridges for dispensing food and drink, 15m x 6.8m x 3.6m;
- (d) one detached, secure cycle store for each pod. Each store would measure 1.9m x 0.9m x 1.2m and accommodate two cycles plus cycle equipment;
- (e) shared use of the premises' existing car parking which is for up to 11 cars.

1.2 The submitted information indicates that cycle repair/maintenance supplies would be available at reception as well as basic food provision and an ordering service for breakfast sandwiches, packed lunches and BBQ packs. The normal information available at a camping destination would also be available at reception such as weather forecasts, maps and books related to cycling in the area.

1.3 The application states that the proposal would be cycle specific i.e. the focus of the business would be towards attracting cyclists from the long distance cycle routes running near the site (such as route 66 which runs across the country from Manchester to Spurn Head, the Way of the Roses from Morecombe to Bridlington, the Yorkshire Wolds Cycle Route as well as cycle routes into the centre of York).

1.4 The application is supported by a business plan and a design and access statement. There are also a number of letters of support for the application both from individuals, tourist and cycle bodies and politicians.

1.5 In the short term the applicant expects to create one full-time job (the site manager) and two part-time jobs. The applicant hopes to increase the number of employees as the business develops.

1.6 The application is for permanent planning permission but the applicant has offered to accept a 3-year temporary consent.

1.7 The application is a resubmission of 14/00253/FUL, which was withdrawn following officer/consultee concerns about impact on the green belt, ecology, drainage and access to Osbaldwick Beck.

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:

CYGB1 - Development within the Green Belt

CYGP4A - Sustainability

CYV1 - Criteria for visitor related devt

CYV5 - Caravan and camping sites

3.0 CONSULTATIONS

INTERNAL

Environmental Protection Unit

3.1 No objections. Add standard conditions/informatives to protect local residents during construction.

Design, Conservation & Sustainable Development

3.2 No objections. Add a condition requiring the development to be carried out in accordance with the recommendations of the ecological assessment report submitted with the planning application.

Flood Risk Management [Verbal]

3.3 No objections. [Members to be updated at the meeting]

EXTERNAL

Holtby Parish Council

3.4 No objections.

Environment Agency

3.5 The percolation tests do not appear to have been carried out in accordance with national guidance. As a result we are unable to be confident that this proposal would be satisfactory. Once we have received the results of appropriate tests we will be able to assess whether the site is suitable for soakaways. Until then we object to the application.

Foss Internal Drainage Board

3.6 No objection to the proposal including the use of soakaways.

Public Consultation

3.7 The consultation period expired on 15 July 2014. No objections have been received.

3.8 Seven letters of support have been received covering the following points:

- The site is already in a commercial area
- Would help the local and tourist economy
- Would support an existing local business
- Appears sympathetic to the local environment
- Would encourage cycling and benefit the cycling community
- Would be a low impact development
- May encourage the council to improve local roads

3.9 One letter of comment seeks traffic calming measures if the application is approved.

3.10 A letter of support has been received from Julian Sturdy MP covering the following points:

- Impressed by the innovative approach to diversifying the existing business.
- Development could contribute significantly to the local economy by adding to the thriving tourism industry.
- Note that the site is within green belt but consider the development planned could constitute special circumstances
- The pods are eco-friendly, designed for cyclists and have a minimal footprint.
- The managers accommodation is the biggest building but it is in the centre of the site and will be well screened.

- Provided the applicant continues to engage with the local community the proposal has my full support.

4.0 APPRAISAL

4.1 KEY ISSUES

- Impact on the green belt
- Sustainability
- Permanent or temporary planning permission

APPLICATION SITE

4.2 The site comprises part of the premises of an established landscape design and contracting business on the northern edge of Holtby but outside the defined settlement limit of the village. The site and the village are in the green belt. The site has a reception/office/storage building, plant nursery, garden display area, outside storage area and ancillary car parking for up to 11 cars. The remainder of the land is laid to lawn with trees and shrubs planted informally. Access is from Main Street. The site is largely enclosed by hedging.

4.3 The pods and other buildings would occupy the predominantly-lawned area in the north-eastern part of the site. The cyclist stop would be function separately from the landscaping business apart from the shared use of the access and car parking.

PLANNING POLICY

4.4 The site is located within the green belt. One of the twelve core planning principles set out in the National Planning Policy Framework (NPPF) is to protect the Green Belt around urban areas, recognising the intrinsic character and beauty of the countryside (Paragraph 17).

4.5 Section 3 of the NPPF says that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

4.6 Section 9 of the NPPF says that the essential characteristics of green belts are their openness and their permanence (para.79). One of the five purposes of including land within the Green Belt is to assist in safeguarding the countryside from encroachment (Paragraph 80). Once defined Local Planning Authorities should plan positively to enhance the beneficial use of the green belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land (para.81). The construction of new buildings

should be regarded as inappropriate. Exceptions to this include the provision of appropriate facilities for outdoor sport and outdoor recreation as long as the openness of the green belt is preserved and proposals do not conflict with the purposes of including land within the green belt (para.89).

4.7 Paragraph 87 says inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. Substantial weight should be 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 consideration (Paragraph 88).

4.8 Paragraph 90 says certain forms of development are also 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 it. The list within paragraph 90 does not include the change of use of land.

4.9 The application site falls within the general extent of the Green Belt as shown on the Key Diagram of the RSS (the Yorkshire and Humber Plan) (RSS) saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. Policies YH9 and Y1 (C1 &C2) and the key diagram on page 214 of the RSS form the statutory Development Plan for York. Policy YH9 says the detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city. All other policy documentation can be accorded weight as material considerations in accordance with Annex 1 of the NPPF.

4.10 Development Control Local Plan Policy GB1 'Development in the Green Belt' states that planning permission for proposals involving essential facilities for outdoor sport and outdoor recreation will only be granted where:

- a) the scale, location and design of such development would not detract from the open character of the Green Belt; and
- b) it would not conflict with the purposes of including land within the Green Belt; and
- c) it would not prejudice the setting and special character of the City of York.

4.11 Policy V1 says that visitor related development will be encouraged. In determining applications account will be taken of whether the proposal has made adequate servicing arrangements; is accessible by public transport; will result in increased traffic; is likely to improve the prosperity of the tourism industry and the city's economy; will adversely impact on the reasonable use and enjoyment of adjacent buildings and land and adverse impacts on the countryside setting of the city.

4.12 Development Control Local Plan Policy V5 'Caravan/Camping Sites' states that planning permission for new caravan/camping sites outside settlement limits will only be granted provided:

- a) the number of pitches does not exceed 20; and
- b) there will be no pitches for static caravans; and
- c) the proposal does not involve the erection of permanently-sited ancillary buildings other than toilets/washrooms and a site office; and
- d) the site is associated with an existing settlement and of a compatible scale to the settlement; and
- e) the site is readily accessible by public transport; and
- f) there is no adverse effect on the openness of the Green Belt; and
- g) it provides a direct benefit to the local residential workforce; and
- h) the approach roads are suitable for caravans; and
- i) there is no adverse effect on the provision of local services; and
- j) the proposal is complimentary to recreational opportunities in the vicinity; and
- k) it provides a direct benefit to the local residential rural community.

4.13 Policy GP4a 'Sustainability' of the DCLP seeks, amongst other things, to ensure that developments are accessible by other means than the car and be easily accessible for pedestrians and cyclists.

4.14 Policy GP15a 'Development and flood risk' proposals for new built development on previously developed land outside development limits will only be granted where it can be demonstrated that the development will not result in net loss of floodplain storage capacity not impede water flows and not increase flood risk elsewhere. The use of sustainable drainage systems is encouraged.

4.15 Holtby Village Design Statement which has been approved for development management purposes acknowledges at the time of publication (2005) that the village has no amenities within it including shops pubs or sporting facilities. The statement says within its design guidelines that development at the periphery of the village settlement limit should only be considered where it would not adversely affect the open character of the village's setting and entrances to the village.

IMPACT ON THE GREEN BELT

Inappropriate Development

4.16 The types of development that are not inappropriate in the green belt exclude change of use, therefore the use of land as a cyclist stop is inappropriate development and is by definition harmful to the green belt. This is accepted by the applicant. Such development should not be approved except in very special circumstances, which will not exist unless potential harm to the green belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

4.17 The applicant argues that the harm to the green belt would amount to only a very limited reduction in the openness of the green belt due to the low height of the buildings and the screening provided by the boundary hedge. Officers acknowledge that the site is bounded along the highway frontage by a mature hedge and that there is a wide grass verge between the hedge and the road. The existing building and associated storage and car parking connected to the existing business are set well back in the site so that along the road frontage the site maintains its rural character. However, from the Holtby Lane frontage the proposed development would be visible through gaps in the hedge. The necessary associated lighting, cycle stores, car parking and access pathways, some of which are referred to in the supporting information but not shown on the submitted plans, would also be discernible. The number and mass of permanent buildings, their siting and design, the year round opening of the site with necessary lighting, the additional parking that is likely to be required and the reduced level of cover from existing hedges and greenery in winter months would, in officers' view, have an impact on the openness of the green belt. This would conflict with one of the five purposes of including land within it, which is to assist in safeguarding the countryside from encroachment. This harm is in addition to the harm caused by the proposal being, by definition, harmful to the green belt due to its inappropriateness.

Very Special Circumstances

4.18 The applicant argues that very special circumstances exist to outweigh the harm to the green belt. They include:

- The use would support outdoor sport and recreation in line with the National Planning Policy Framework;
- The proposal is supported by a wide range of parties including cycling organisations, tourism-related bodies and local politicians;
- The location is close to national cycle routes notably Route 66, the Way of the Roses, and the Yorkshire Wolds Cycle Way;
- There is high unmet demand in York for such a facility;
- The proposals are in line with a range of local and national sport initiatives, as well as the agenda of promoting York as a cycling city and creating a legacy for the Tour de France;
- The proposal would create quality, cycle-specific, short-stay accommodation for cyclists;

- It is intended that the facility would become a hub for local and visiting cyclists;
- The proposal would bring economic benefits through visitors use of local services and facilities;

4.19 The applicant further argues that all marketing would be targeted specifically at tourists and that the majority of visitors would cycle to the site via national cycle routes in the area. Officers consider that this is unlikely; particularly as the intention is that the site would be open throughout the year. The site is 2km from Route 66 (through Dunnington), which is part of the coast to coast Way of the Roses but all of the other routes mentioned are much further from the site. Furthermore the road linking the site to Route 66 (and all other designated national and local cycle routes) is narrow, unlit and has no cycle path or footpath. Officers consider that the location will not be attractive for visitors arriving by bicycle via the national cycle routes, particularly outside the Summer months, when daylight hours are short and weather has a greater likelihood of being poor. Furthermore, facilities for cyclists upon arrival at the site would be limited. It is reasonable to assume that visitors arriving by bicycle would want their accommodation to be close to facilities such as cafes, restaurants, pubs, sporting facilities, visitor attractions, and/or shops when they arrive. Holtby has none of these. The application states that basic food provisions would be available for sale in the reception and could be cooked in the amenity building. Also, that take-away food could be arranged and delivered. Officers consider that this is unlikely to be an attractive proposition for many visiting cyclists. In short, officers consider that most visitors would not arrive by bicycle (even if they were to travel by train and be collected by the applicant from the station as the applicant proposes). It is much more likely that the majority of cyclists would arrive by car and use the site as a base for visiting the surrounding area. The applicant intends that this would be by bicycle but the means of effectively restricting the use of the site to cyclists are limited. The application includes a site management plan and suggests that a planning condition be used to restrict use to cyclists only. But such a condition would be very difficult to enforce and therefore would not meet the tests for conditions set out in paragraph 206 of the NPPF (i.e. they must be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects).

4.20 The application is supported by various leisure and cycling organisations/businesses including, among others, Visit York, Welcome to Yorkshire, British Cycling and local cycle shops. The proposal would increase the quantity and variety of tourist accommodation serving York and the wider area so support from these groups is to be expected. However, any number of sites in the locality could provide - and more effectively - the level and quality of provision proposed in the application. There is no compelling reason for a cyclist stop to be provided on this site. It is not close to the cycle network and the facilities in the area available to visitors are limited. The applicant argues that the particular facilities proposed and the benefits they would provide for cyclists constitute very

special circumstances to justify approval. But those facilities would be limited, mainly comprising secure cycle storage (which could easily be provided on other sites), cycle repairs/maintenance and sale of basic food items (which are likely to be more readily available in more sustainable locations). Officers consider that there are no other very special circumstances put forward in the application that would outweigh the harm to the green belt.

Provision of a Dwelling

4.21 The applicant submits that the proposed living quarters (an independent dwelling) are an essential part of the proposal due to the need for on-site security and for the operation of the facilities. Officers are not persuaded that the scale and type of the proposal would require a dwelling on the site. The landscaping business already has an office building, with spacious reception, close to the proposed pods. With some adaptation, suitable daytime/evening reception space could be provided for the relatively small number of guests on the site, particularly as the proposal already includes some shared use of the premises (i.e. access and car parking). One would expect the secure cycle stores to effectively deter bike theft at any hour and the risk to the landscaping business is unlikely to increase as a consequence of the pods being next door. A staff presence on site from, say, 7am to 10pm would appear to be sufficient with a staff member on call by telephone outside these hours.

Provision of Outdoor Facilities

4.22 The applicant argues that the provision of appropriate facilities for outdoor recreation is not inappropriate as long as it preserves the openness of the green belt and does not conflict with the purposes of including land within it, as stated in paragraph 89 of the NPPF. This lesser test (than the test for change of use in the green belt) applies to applications where the site is already in recreational use. The site of the current application is not in recreational use so the higher test (very special circumstances) applies.

SUSTAINABILITY

4.23 At the heart of the NPPF is a presumption in favour of sustainable development, which is described at paragraph 14 as the 'golden thread' which should run through the decision making process for applications. Paragraph 14 states that proposals that accord with the development plan should be approved without delay and where the development plan is out of date (as at York), planning permission should be granted. Unless (among other things) specific policies in the Framework indicate development should be restricted. A footnote to Paragraph 14 specifically includes green belt policy among those policies in the Framework which indicate that development should be restricted. In short, the general presumption in favour of development does not outweigh policies in the NPPF to protect the openness of the

4.24 In achieving sustainable development, the NPPF dedicates a chapter to the promotion of sustainable transport choice. This sets an overarching aim of creating developments which provide an efficient, safe and accessible transport choice, including walking and cycling, car sharing and public transport resulting in a low impact on the environment. The applicant proposes to target the use of the site for cyclists but ensuring this is difficult and unlikely to be effective - as described above. The proposal is likely to result in the majority of users accessing by car, particularly as the facility would be a year round operation.

4.25 Given the isolated nature of the site and its lack of connection to the existing village settlement, which in any case lacks facilities, it is not considered that the proposal would have any significant social benefit. In economic terms the application says that the proposal would provide one full time and two part time jobs so some benefit would accrue to local businesses if goods ordered in to the site are sourced locally. These economic benefits are not considered to outweigh the unsustainable nature of the location, thus the scheme is not considered to be sustainable development as required by the NPPF.

TEMPORARY PLANNING PERMISSION

4.26 The applicant is willing to accept a condition restricting planning permission to three years. Officers understand that at the end of that time the applicant would seek permanent consent. Granting temporary consent is not a reasonable option because the impact on the openness of the green belt is largely known. Temporary planning permission would not avoid harm to the green belt caused by the development. Furthermore, the applicant anticipates that the cost of setting up the cyclist stop would be approximately £215,000. The planning authority would be acting unreasonably if it imposed a condition requiring the cessation of a use and removal of buildings that were clearly intended to be permanent.

OTHER MATTERS

4.27 All other matters are acceptable or could be dealt with by conditions.

5.0 CONCLUSION

5.1 For the reasons set out above the proposal is considered to be inappropriate development in the Green Belt. The harm arising from the inappropriateness of the development and the harm identified above are not outweighed by the very special circumstances advanced by the Applicant.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. Holtby and its environs are located in Green Belt as identified in the City of York Development Control Local Plan (Approved April 2005). It is considered that the proposed touring cyclist stop comprising 12 pre-fabricated camping pods, secure cycle storage, amenity block and managers living quarters with office, reception and guest meeting area and associated infrastructure constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework which is by definition harmful to the Green Belt. No 'very special circumstances' have been put forward by the applicant that would outweigh harm by reason of inappropriateness and any other harm, including the impact on the openness of the Green Belt and conflict with the purposes of including land within Green Belt. The proposal is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt Land'.

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. In an attempt to achieve an acceptable outcome the council was advised that the application was being recommended for refusal. The applicant did not withdraw the application, resulting in planning permission being refused for the reasons stated.

Contact details:

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14/01236/FUL

OS Field1138, Main Street Holtby



Scale : 1:1059

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	07 July 2014
SLA Number	Not Set

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