



## Notice of a public meeting of

### Planning Committee

- To:** Councillors Reid (Chair), Derbyshire (Vice-Chair), Galvin, Ayre, S Barnes, Boyce, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Richardson, Shepherd and Warters
- Date:** Thursday, 17 September 2015
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

Would Members please note that the mini-bus for the Site Visits for this meeting will depart from Memorial Gardens at 10am on Tuesday 15 September.

### 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 - 6)

To approve and sign the minutes of the last meeting of the Planning Committee held on 20 August 2015.

### 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 16 September 2015. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

#### Filming or Recording Meetings

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### 4. Plans List

This item invites Members to determine the following planning applications:

a) **Queen Elizabeth Barracks Strensall Road York YO32 5SW (15/01290/FULM) (Pages 7 - 26)**

Erection of workshop with office accommodation, garage with office accommodation and single living accommodation block with associated works in connection with the use of the site as an Army barracks [Strensall Ward] [*Site Visit*].

**b) The Stables Elvington Lane Elvington York YO41 4EH  
(15/01113/FUL) (Pages 27 - 44)**

Variation of condition 9 of permitted application 10/02082/FUL to replace existing showman's caravan with twin unit mobile home [Wheldrake Ward] [Site Visit].

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

Democracy Officers

Catherine Clarke and Louise Cook (job share)

Contact details:

Telephone – (01904) 551031

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[louise.cook@york.gov.uk](mailto:louise.cook@york.gov.uk)

(If contacting by email, please send to both Democracy officers named above).

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

**我們也用您們的語言提供這個信息 (Cantonese)**

**এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)**

**Ta informacja może być dostarczona w twoim własnym języku. (Polish)**

**Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)**

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

** (01904) 551550**

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**PLANNING COMMITTEE****SITE VISITS****Tuesday 15 September 2015**

<b>TIME</b>	<b>SITE</b>	<b>ITEM</b>
<b>10:00</b>	<b>Coach leaves Memorial Gardens</b>	
<b>10:20</b>	<b>Queen Elizabeth Barracks, Strensall</b>	<b>4a</b>
<b>10:55</b>	<b>The Stables, Elvington Lane, Elvington</b>	<b>4b</b>

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City of York Council

Committee Minutes

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Meeting	Planning Committee
Date	20 August 2015
Present	Councillors Reid (Chair), Derbyshire (Vice-Chair), Galvin, Ayre, S Barnes, Boyce, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Looker (Substitute), Mercer (Substitute), Shepherd and Warters
Apologies	Councillors Funnell and Richardson

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**23. Site Visits**

Site	Reason	In Attendance
Imphal Barracks	To enable members to familiarise themselves with the site.	Councillors Reid, Cullwick, Cuthbertson and Galvin

**24. 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. None were declared.

**25. Minutes**

Resolved: That the minutes of the last meeting held on 23<sup>rd</sup> July 2015 be approved and signed by the Chair as a correct record.

**26. Public Participation**

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

**27. Plans List**

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

**27a Land Lying to the West of Metcalfe Lane, Osbaldwick, York (15/00754/FULM)**

It was reported that this item had been withdrawn by the applicant prior to the meeting.

**27b Impfal Barracks, Fulford Road, York, YO10 4HD (15/01055/FULM)**

Consideration was given to a major full application for the erection of an accommodation block with associated landscaping.

Officers provided an update to the committee report, full details of which are attached to the online agenda for this meeting, the main points were as follows:

- Highway Network Management had confirmed they had no objection to the application.
- One further representation had been received from a member of the public to state that the design should maintain the character of the adjoining conservation area.
- An amendment to condition 4 to require the submission of the details of cycle storage prior to commencement of the development, rather than within 3 months of permission being granted.

Some Members queried the cycle parking provision at the site. Following some debate, it was accepted that as the accommodation was primarily for personnel in transit to other locations, the levels of cycle parking were sufficient.

Resolved: That the application be approved subject to the conditions outlined in the committee report and amended condition 4.



Reason: The development is required to accommodate military personnel returning to the UK. Due to its location within the confines of the larger barracks complex, and the mitigation measures proposed as described above, the development would have little external impact. The development accords with national planning policy set out in the NPPF and relevant policies of the 2005 City of York Draft Local Plan.

## **28. Enforcement Cases Update**

Members received a report which provided them with a quarterly update on planning enforcement cases and informed them of a change in the way in which updates on enforcement cases would be presented to Members from now on.

Some Members raised concerns about the new system for reporting enforcement cases to Members but it was agreed that if any queries arose, then Members should email the Head of Development Services and Regeneration.

Resolved: That the report be noted.

Reason: To update Members on the number of outstanding planning enforcement cases.

## **29. Appeals Performance and Decision Summaries**

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 January to 30 June 2015, and which provided them with a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date was also included in the report.

Members were pleased to note the good performance detailed in the report.

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 A Reid, Chair

[The meeting started at 4.30 pm and finished at 5.00 pm].

**COMMITTEE REPORT**

**Date:** 17 September 2015      **Ward:** Strensall  
**Team:** Major and                      **Parish:** Strensall With Towthorpe  
Commercial Team                      Parish Council

**Reference:** 15/01290/FULM  
**Application at:** Queen Elizabeth Barracks Strensall Road York YO32 5SW  
**For:** Erection of workshop with office accommodation, garage with office accommodation and single living accommodation block with associated works in connection with the use of the site as an Army barracks  
**By:** Mr David Burke  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 16 September 2015  
**Recommendation:** i. Refer to Secretary of State;  
ii. If the application is not called in, delegate authority to the Assistant Director (Development Services, Planning and Regeneration) to approve subject to conditions

**1.0 PROPOSAL**

1.1 Erection of three detached buildings in connection with the existing use of the site as an Army base:

a) Head Squadron Quarters Building (HSQ), 51m 47m x 11m. Footprint approximately 2150sqm. The building would provide a workshop and storage for the assembly and maintenance of mobile hospitals. The main part of the building would provide double-height hanging space for the assembly and drying of hospital tents. External materials would mainly comprise perforated aluminium cladding, grey/blue brickwork and Rodeca cladding (no colour).

b) Support Squadron Quarters Building (SSQ), 38m x 27m x 8m. Footprint approximately 870sqm. The building would be two storeys high and provide garaging, storage and ancillary offices. External materials would mainly comprise perforated aluminium cladding and grey/blue brickwork.

c) Single Living Accommodation Building (SLA), 55m x 16m x 11m. Footprint approximately 2330sqm. The building would be three storeys high and provide bedrooms/living space for 60 Army personnel based at the barracks. External materials would mainly comprise beige/cream and grey/blue brickwork.

1.2 A single-storey 1960's garage of no architectural merit would be demolished to provide access to the proposed HSQ building.

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1.3 The application follows pre-application discussion with officers, a screening opinion under the Habitats Directive (15/00726/EIASN) and a screening opinion under the Environmental Impact Regulations (15/00959/EIASN).

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies

The national and local policy context is explained and assessed at 4.3 below. The relevant local planning policies are listed as follows:-

2005 Draft York Local Plan (4th set of changes). Relevant policies include:

CYGB1 - Development in the Green Belt  
CYGP1 - Design  
CYGP4A – Sustainability  
CGP15A – Development and Flood Risk  
CYGP9 – Landscaping  
CYNE6 – Species Protected by Law

City of York Local Plan – Publication Draft 2014 Relevant Policies include:-

DP2 – Sustainable Development  
DP3 – Sustainable Communities  
SS1 – Delivering Sustainable Growth for York  
SS2 – The Role of York's Green Belt  
D1 – Landscape and Setting  
D2 – Placemaking  
D3 – Extensions and Alterations to Existing buildings  
G14 – Trees and Hedges  
GB1 – Development in the Green Belt  
CC2 – Sustainable Design and Construction  
ENV4 – Flood Risk  
T1 – Sustainable Access

### 3.0 CONSULTATIONS

#### INTERNAL

##### Flood Risk Management

3.1 The development is in low risk Flood Zone 1 and should not suffer from river flooding. No objections in principle but insufficient information has been provided to determine the impact that the proposals may have on foul and surface water drainage systems.

##### Environmental Management (Landscape)

3.2 The development proposal results in the loss of a significant number of mature trees. The tree cover within the barracks and surrounding streets is fundamental to its distinct character. Whilst the development represents a decline in sustainable tree cover within the barracks, this loss would not have a significant visual impact on views from the wider area nor its fundamental character. The proposed new tree planting would not fully compensate for the loss because the trees would be growing within smaller spaces. Nonetheless they would perpetuate the principle characteristic of providing tree cover to harmonise the buildings within an attractive setting.

##### Environmental Management (Ecology)

3.3 No objections. Add a condition requiring ecological measures to be carried out in accordance with the ecological information submitted with the application.

##### Environmental Management (Archaeology)

3.4 The area has archaeological potential. It is possible that groundworks associated with this proposal may reveal or disturb archaeological features. It will be necessary to record any revealed features and deposits through an archaeological watching brief which will take the form of a strip, map and record exercise. If consent is granted add condition ARCH2 (watching brief).

##### Environmental Protection Unit

3.5 No objections in principle. Attach conditions in relation to contaminated land.

##### Highway Network Management

3.6 No objections, subject to the imposition of conditions.

EXTERNAL

Strensall Parish Council

3.7 Supports the application to improve facilities but seeks safeguards as to an improved access/egress to the main entrance located on Strensall Road because visibility is currently obscured by brick pillars. The foul water from the site goes to a treatment plant which is believed to be life expired. Advice should be sought from the Environment Agency, Yorkshire Water and the Internal Drainage Board. A traffic management plan for construction vehicles should be made a condition of approval as it is believed that all traffic will use the main entrance on Strensall Road.

Foss Internal Drainage Board (IDB)

3.8 The site is in an area where drainage problems exist. The development should not be allowed until the local planning authority is satisfied that surface water drainage has been satisfactorily provided for. At this stage the Board objects to the planning application because the applicant intends to discharge surface water at an unacceptable rate. A greenfield run-off rate of 1.4lit/sec/ha is applicable.

Yorkshire Water

3.9 No comments are required.

Public Consultation

3.10 The consultation period expired on 13 August 2015. No representations received.

**4.0 APPRAISAL**

4.1 MAIN ISSUES

- Impact on the Green Belt
- Design and location
- Landscape
- Highway matters
- Drainage

THE APPLICATION SITE

4.2 The application site comprises three separate parcels of land within an Army base immediately to the south of Strensall village. The base, has an open

character, lies in the Green Belt, outside any settlement limit. To the east of the base is Strensall Common Special Area of Conservation (SAC).

## POLICY CONTEXT

4.3 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. There is no development plan in York other than the saved policies of the Regional Spatial Strategy (RSS) relating to the general extent of the Green Belt. The appeal site lies within the general extent of the Green Belt as shown on the Key Diagram of the RSS (the Yorkshire and Humber Plan) 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 the City of York administrative area. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

4.4 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy Framework (NPPF). It is against this Framework that the application proposal should principally be addressed. Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Footnote 9 of paragraph 14 contains restrictions where this presumption in favour of sustainable development does not apply, including land designated as Green Belt. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design and protecting Green Belt.

4.5 Although there is no formally adopted local plan the City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of s.38(6) its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are consistent with those in the NPPF. The most relevant Draft (2005) policies are listed and summarised at paragraph 2.2 of this report.

4.6 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, has been halted pending further analysis of housing projections. It carries very little weight in the Council's consideration of this application (in accordance with

paragraph 216 of the NPPF). The most relevant of the document's policies are listed at paragraph 2.2 of this report.

## PRINCIPLE OF DEVELOPMENT

4.7 The site is in a sustainable location with good access to public transport and local services. Furthermore the proposal would support the local economy so the principle of development such as this would normally be acceptable. However the site is in the Green Belt so the usual presumption in favour of sustainable development is reversed. Instead, the onus is on the applicant to demonstrate that there are very special circumstances to justify the grant of planning permission for inappropriate development.

## ASSESSMENT OF HARM TO THE GREEN BELT

4.8 The Framework makes clear at section 9 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open (paragraph 79). Furthermore that the essential characteristics of Green Belts are their openness and their permanence. Paragraphs 89 and 90 of the NPPF specify the types of development that are 'not inappropriate' in the Green Belt. All other development is inappropriate and by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering planning applications local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

4.9 The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPPF and by definition causes harm to the Green Belt. It does not fall within any of the categories of appropriate development in paragraph 89. The additional buildings enclose open land within the barracks and so have a greater impact on its openness, thereby representing inappropriate development within a previously developed site. However because of its location the development would result in some limited harm to the openness of the Green Belt and encroachment into the countryside, but is not considered to conflict with other green belt purposes set out at paragraph 80 of the NPPF. i.e:

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

4.10 In light of the identification of the proposal as constituting inappropriate development, the application should be refused unless other considerations are

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shown to exist to clearly outweigh the definitional harm to the green belt and any other harm caused. Whether there are such other considerations, amounting to very special circumstances, is assessed below at paras 5.2 – 5.4.

## DESIGN AND LOCATION

4.11 The National Planning Policy Framework states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative (paragraph 60). Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

4.12 The proposed buildings would all be located within the general extent of existing buildings at the site. The largest of the buildings would be three storeys high. The barracks include a range of building types and sizes in a fairly open setting. The height, scale and design of the proposed building would not look out of place among the neighbouring buildings and the barracks in general. Materials should be made a condition of approval.

## LANDSCAPE

4.13 Large mature trees along Strensall Road and throughout the barracks make a major contribution to the distinct and attractive character of QEB.

4.14 Trees parallel to Ox Carr Lane have the greatest visual impact and hence public amenity value. The trees alongside Cheshire Avenue, at the end of St. Wilfred's Close and along the boundary with Alexandra Road contribute to the setting of the barracks as viewed from Ox Carr Lane and adjoining streets. The remaining trees scattered throughout the barracks (including those between buildings SLA and HSQ) plus small woodland blocks around the perimeter, form part of the backdrop and treed environment that can be appreciated both within the site and from the surrounding area.

4.15 The most valuable trees to be potentially affected by the proposed development are a line of Oaks to the west of HSQ, which are good, long-term, sizeable trees, forming a distinct landscape feature within the barracks. These are intended for retention. The new building comes quite tight to these, but it is an acceptable distance given the non-residential use.

4.16 There are a number of losses as a result of the SLA development, but these are generally of less value and have little impact on the overall effect of the tree cover, since the majority of the woodland block to the south of this is retained.

4.17 There is a considerable loss of trees as a result of the SSC building. This is unfortunate, as the development on the whole represents a potential gradual reduction in tree cover on the site. However, a group of trees to the west of the proposed SSC is to remain, thereby retaining a view of trees at the end of St. Wilfreds Close. And the woodland to the rear of Hollis Crescent protects views from the North.

4.18 It is essential that retained trees are properly protected during all development. This should be set out in a method statement compiled by a suitably qualified arboriculture expert and agreed under a planning condition.

4.19 The landscape plans are fine in principle. Submission of planting plans (including large tree species wherever space allows) should be made a condition of approval.

#### FLOOD RISK AND DRAINAGE

4.20 The National Planning Policy Framework (NPPF) sets out the Government's policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. The development is in low risk Flood Zone 1 and should not suffer from river flooding. The IDB has stated that surface water run-off should be restricted to greenfield run-off rates. The site is not greenfield so limiting run-off to greenfield rates would be unreasonably restrictive. Nevertheless attenuation is required, albeit to a higher rate than recommended by the IDB. The proposals show that surface water would be attenuated within the site. The details, including the rate of run-off can be made a condition of approval.

#### ACCESS AND TRANSPORT

4.21 The development would be accessed via the main entrance to the barracks, which is on Strensall Road. Entry is strictly controlled. The site is well away from any public highway. Cycle parking is to be provided. Car parking throughout the barracks is sufficient to prevent parking on the public highway as a result of the development. The level of traffic generated by the proposal is unlikely to have any material impact on traffic levels. The parish council is concerned about danger to traffic due to poor visibility for drivers of vehicles leaving the barracks. Strensall Road is straight at this point and the pillars are located behind the verge and public footpath. Sightlines are good. The increased use of the entrance as a consequence of the development would have no material impact on highway safety. The applicant intends to provide cycle parking/storage for the occupiers of the buildings but it is not shown on the submitted plans. Provision should be made a condition of approval, as should a traffic management plan for construction vehicles

should be made a condition of approval

## ECOLOGY

4.22 The project is located approximately 100m from habitat features within Strensall Common Special Area of Conservation (SAC), a European designation. The Habitat Regulations screening that was undertaken prior to submission of this planning application concluded that the proposed development would have no impact on the SAC.

4.23 Great crested newts occur on ponds close to but outside but the application site, and within a concrete assault course east of the proposed development site. Habitats within the proposed development area consist of regularly mown amenity grass which is in general considered unsuitable for great crested newts. As a precaution, due to the likelihood of a small number of great crested newts using the development area, the mitigation set out in the submitted Great Crested Newt Report should be implemented.

4.24 Vegetation on site is suitable for nesting birds and mitigation has been proposed to avoid any impact on breeding birds as well as a pre-construction survey. The mature trees have been assessed for roosting bats. A condition should be attached requiring ecological measures to be carried out in accordance with the ecological information submitted with the application.

## OTHER MATERIAL CONSIDERATIONS

4.25 The Applicant has put forward the following other material considerations which Members are asked to consider when applying the NPPF policy in respect of applications in the Green Belt. Queen Elizabeth Barracks (QEB) is the location of 34 Field Hospital of the British Army. The Army has three regular Field Hospital units. Each is required to hold, maintain and deploy the equipment needed to provide hospital facilities at short notice in any environment. Until recently one set of equipment was deployed in Afghanistan. The equipment has since been brought back to the UK and will be permanently located with 34 Field Hospital in Strensall. In addition to its hold and deploy role the Field Hospital is responsible for training and deploying the reservists that work alongside the regular Army personnel. This Reserve contingent is made up from individuals who work in NHS and Defence Healthcare units across the UK.

4.26 The army has selected QEB as the location of 34 Field Hospital mainly because it is strategically located to ensure that the three Field Hospitals are evenly dispersed across the UK. QEB is also strategically located to support the four Reserve Units for which 34 Field Hospital is responsible (in Newcastle-upon-Tyne, Belfast, Glasgow and Sheffield). A further reason is that QEB is the headquarters of 2nd Medical Brigade (which commands the three Field Hospitals, ten Reserve Field

Hospitals and other specialist medical units), which provides the medical planning, senior clinicians within and outside operational theatres and manages the deployment of over 1000 personnel from the Reserves. All pre-deployment training of military medical personnel is conducted in the Army Medical Services Training Centre, which is in Towthorpe, adjacent to QEB.

## 5.0 CONCLUSION

5.1 The application site is situated within the general extent of the Green Belt. Planning policy dictates that substantial weight should be given to any harm to the Green Belt and that inappropriate development should not be permitted unless very special circumstances exist. 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.

5.2 The applicant has advanced the following other considerations, which they consider to amount to very special circumstances in respect of the proposal:

- The army has selected Queen Elizabeth Barracks (QEB) as the location of 34 Field Hospital mainly because it is strategically located to ensure that the Army's three Field Hospitals are evenly dispersed across the UK.
- QEB is strategically located to support four Reserve Units for which 34 Field Hospital is responsible (in Newcastle-upon-Tyne, Belfast, Glasgow and Sheffield).
- QEB is the headquarters of 2nd Medical Brigade (which commands the three Field Hospitals, ten Reserve Field Hospitals and other specialist medical units), which provides the medical planning, senior clinicians within and outside operational theatres and manages the deployment of over 1000 personnel from the Reserves.
- All pre-deployment training of military medical personnel is conducted in the Army Medical Services Training Centre, which is in Towthorpe, adjacent to QEB.

5.3 The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPPF and by definition causes harm to the Green Belt. Because of its location the proposed development within the barracks complex and would result in some limited harm to the openness of the Green Belt and encroachment into the countryside, but is not considered to conflict with other green belt purposes set out at paragraph 80 of the NPPF.

5.4 It is considered that the other considerations put forward by the applicant outlined above, together with the mitigation of other harm (loss of trees, possible limited impact on ecology), through planning conditions clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other

harm, and thereby amount to very special circumstances to allow the inappropriate development in the York Green Belt.

5.5 The other impacts of the development (on surface drainage, local highway network, archaeology) do not result in significant harm and can be mitigated through planning conditions.

5.6 The Town and Country Planning (Consultation) (England) Direction 2009 requires that proposals of over 1,000sqm floorspace that constitute inappropriate development within the Green Belt are referred to the Secretary of State for consideration.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:**

i) Refer to Secretary of State;

ii) If the application is not called in, delegate authority to the Assistant Director (Development Services, Planning and Regeneration) to approve subject to the following conditions:-

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the submitted plans numbered 14169/QEB(9-)004/P4, 14169/QEB(9-)00/P6, 14169/QEB(9-)003/P8, 14169/QEB-SLA-(04)001/P6, 14169/QEB-SLA-(04)002/P6, 14169/QEB-SLA-(04)003/P6, 14169/QEB-SLA-(04)004/P2, 14169/QEB-SLA-(04)022/P3, 14169/QEB-SLA-(04)021/P3, 14169/QEB-SLA-(9-)003/P8, 14169/QEB-HSQ-(04)001/P9, 14169/QEB-HSQ-(04)002/P8, 14169/QEB-HSQ-(04)004/P3, 14169/QEB-HSQ-(04)022/P3, 14169/QEB-HSQ-(04)021/P3, 14169/QEB-HSQ-(9-)003/P8, 14169/QEB-SSQ-(04)001/P8, 14169/QEB-SSQ-(04)002/P8, 14169/QEB-SSQ-(04)004/P2, 14169/QEB-SSQ-(04)022/P3, 14169/QEB-SSQ-(04)021/P3, 14169/QEB-SSQ-(9-)003/P8 and MMD-348033-E-DR-00-GF-6001/P1.

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

3 The development shall be used only in connection with the authorised use of the site as an Army barracks.

Reason: The development constitutes inappropriate development in the green belt, for which very special circumstances have been demonstrated that justify consent. Any other use of the buildings hereby approved would be unacceptable.

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4 VISQ8 Samples of exterior materials to be app

5 Within three months of the grant of planning permission details for the secure storage of cycles, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority and provided within the site in accordance with the approved details. 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.

6 Before the commencement of development, including demolition, building, or the importing of materials, or any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to be shown on a plan, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used in proximity of existing trees, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles; locations for storage of materials, location of site cabin(s). The protective fencing will include as much of the existing grassland shown to be retained around the trees as practicable. The method statement shall also include construction details and existing and proposed levels, where a change in surface material is proposed within the canopy spread and likely root zone of a tree. The protective fencing line shall be adhered to at all times during development operations to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation, parking or manoeuvring of vehicles. Within the exclusion zone there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches or services or drains. The fencing shall remain secured in position throughout the development process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development, which make a significant contribution to the amenity of the area and/or development.

7 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or

diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species throughout the site, since the landscape scheme is integral to the amenity of the development; and in order to compensate for the loss of mature trees that make a significant contribution to the setting of the barracks and the local public amenity.

8 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

9 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details, which shall include:

- a) Calculations and invert levels to ordnance datum of the existing surface water system should be provided together with details to include calculations and invert levels to ordnance datum of the proposals for the new development.
- b) Topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- c) In accordance with City of York Council' s Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

10 All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (PEA) (Mott MacDonald 2014) and Great Crested Newt Report (Mott MacDonald 2015) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: In the interests of bio-diversity.

11 ARCH2 Watching brief required

12 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced, submitted to the local planning authority and approved in writing. The report of the findings shall include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

The investigation and risk assessment shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination during the whole of the construction period and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human



health, buildings and other property and the natural and historical environment) shall be prepared and submitted in writing to the Local Planning Authority and approved. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination during the whole of the construction period and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

15 In the event that previously unidentified contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16 Prior to commencement of the development, an Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason. To protect the amenity of local residents

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the local planning authority would also expect the CEMP to provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

## 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 order to achieve an acceptable outcome the local planning authority sought further information from the applicant and attached appropriate conditions to the planning permission.

### 2. NESTING BIRDS

All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended). To ensure that breeding birds are protected from harm during construction, works that would impact on building features or vegetation that would be suitable for nesting birds should be undertaken outside of the breeding bird season between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period. There are opportunities for the development to provide enhancement for birds without detriment to the building by the addition of bird boxes, examples of which can be found on the RSPB website [http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds/roofs/internal\\_boxes.aspx](http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds/roofs/internal_boxes.aspx).

### 3. CONTROL OF POLLUTION ACT

The developer's attention should also be drawn to the following which should be attached to any planning approval as an informative.

- a) All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:
  - a. Monday to Friday 08.00 to 18.00
  - b. Saturday 09.00 to 13.00
  - c. Not at all on Sundays and Bank Holidays.
- b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Parts 1 and 2: 2009, a code of practice for "Noise and Vibration Control on Construction and Open Sites".
- c) Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions.

- d) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
- e) There shall be no bonfires on the site.
- f) In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

#### 4. DRAINAGE

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuDs). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided to discount the use of SuDs.

The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

#### **Contact details:**

**Author:** Kevin O'Connell Development Management Officer

**Tel No:** 01904 552830



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**COMMITTEE REPORT**

**Date:** 17 September 2015      **Ward:** Wheldrake  
**Team:** Major and                      **Parish:** Elvington Parish Council  
                    Commercial Team

**Reference:** 15/01113/FUL  
**Application at:** The Stables Elvington Lane Elvington York YO41 4EH  
**For:** Variation of condition 9 of permitted application  
10/02082/FUL to replace existing showman's caravan with  
twin unit mobile home  
**By:** Mr & Mrs J Peel  
**Application Type:** Full Application  
**Target Date:** 15 July 2015  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application is to vary condition 9 of planning permission 10/02082/FUL for the change of use of agricultural land to a site for travelling showpeople. Condition 9 states that

No more than 9 vehicles (a living showman's caravan, a living tourer caravan, 2 touring caravans, a commercial van, a hot food sales trailer, a mobile trampoline and 2 domestic vehicles) shall be stationed on the site at any one time.

1.2 The variation being sought is to allow the permitted showman's living caravan listed in the condition to be replaced with a twin-unit mobile home. The applicant has offered to accept a condition restricting the length of the mobile home to no longer than 60 feet (18.29m).

1.3 The condition as varied would thus be:

No more than 9 vehicles (a twin-unit mobile home not exceeding 18.29m long, a living tourer caravan, 2 touring caravans, a commercial van, a hot food sales trailer, a mobile trampoline and 2 domestic vehicles) shall be stationed on the site at any one time.

1.4 The application does not seek permanent planning permission for the use nor to extend the period of consent which expires in June 2016.

## PLANNING HISTORY

1.5 In 2011 the council refused planning permission for the change of use of agricultural land to a site for one family of travelling showpeople (the current applicants). The family comprised three adults and two children. Their vehicles comprised a living showman's caravan, a living tourer caravan, 2 touring caravans, a commercial van, a hot food sales trailer, a mobile trampoline and 2 domestic vehicles. Whilst acknowledging a shortage of travelling showpeople's sites in the York area and the needs of the applicants' family for a suitable site the application was refused due to harm to the Green Belt and impact on the attractive rural character of the area.

1.6 At the subsequent appeal the inspector found, among other things, that:

- The use of the land, including the stationing of caravans, was inappropriate development in the green belt and would be harmful to its openness, to which he attributed substantial weight;
- The loss of openness as a result of the proposal would be considerable, to which he attached significant weight;
- The proposal would be harmful to the purposes of the Green Belt (moderate weight) and harmful to the character and appearance of the area (moderate weight).

1.7 The inspector weighed this harm against the factors in favour of the proposal:

- The need for sites generally (significant weight);
- The need of the appellants for a site (significant weight);
- The lack of alternative sites (significant weight);
- The educational and medical needs of the appellants (moderate weight); and
- The location of the site (some weight).

1.8 He concluded that the case was finely balanced with the factors against the proposal being broadly in balance with those in favour. He found that the substantial harm to Green Belt objectives was such that the other considerations did not amount to very special circumstances that would justify the grant of permanent planning permission. However, given the lack of alternatives sites at that time and the potential for sites to be brought forward in the longer term through the development plan process, a temporary consent would be appropriate, subject to conditions. He therefore allowed the appeal. The consent was limited to five years only and made personal to the family of the appellants.

1.9 Other conditions were attached to ensure that harm to the area would be minimised. These conditions addressed the number of vehicles/amount of equipment on site, number of caravans on site, restrictions on outside storage,



landscaping, lighting, surfacing and provision of appropriate coverings for equipment storage.

1.10 The appeal (known as Appeal B) was one of two appeals considered concurrently by the inspector. Both appeals were by the same appellant. The other appeal (Appeal A, 10/00586/FUL) was similar to Appeal B but proposed a more extensive site layout. The inspector found that the case was so finely balanced that the layout of Appeal A would be unacceptable due to the greater harm that it would cause.

1.11 The applicants have occupied the site since 2012.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Contaminated Land  
City Boundary York City Boundary 0001  
DC Area Teams East Area (1) 0003

2.2 Policies:

The national and local policy context is explained and assessed at paragraph section 4.0 below. The relevant local planning policies are listed as follows:

2005 Draft York Local Plan (4th set of changes). Relevant policies include:

CYGB1 - Development in the Green Belt  
CYH16 - Residential sites for gypsies/travellers  
CYGP1 - Design  
CYGP4A – Sustainability  
CGP15A – Development and Flood Risk  
CYGP9 – Landscaping

City of York Local Plan – Publication Draft 2014 Relevant Policies include:

SS1 Delivering Sustainable Growth  
SS2 Role of York's Green Belt  
SS2 – The Role of York's Green Belt  
GB1 – Development in the Green Belt  
H6 - Gypsy, Roma, Traveller and Travelling Showpeople Sites  
ENV4 – Flood Risk

### 3.0 CONSULTATIONS

#### INTERNAL

##### Planning and Environmental Management (Forward Planning)

3.1 The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF. At the present early stage in the statutory process such weight will be limited. However, the evidence base that underpins the proposed emerging policies is a material consideration in the determination of the planning application.

3.2 The City of York Council Gypsy, Roma, Traveller and Travelling Showpeople Accommodation Assessment (2014) forecasts a need for five sites for travelling showpeople over the first five years of the plan period. The Stables was assessed as part of the Gypsy, Traveller and Showpeople Accommodation Needs Supporting Paper (June 2013) which identified it as a suitable site and it was subsequently included as an allocation in the Local Plan Preferred Options (June 2013). The Further Sites Consultation (June 2014) also recognised the suitability of The Stables as a site for Showpeople and is supported by the Site identification Study Final Report (September 2014).

3.3 Emerging Policy H6 Gypsy, Roma, Traveller and Travelling Showpeople Sites identifies the application site as a proposed allocation for one plot for travelling showpeople for the first 5 years of the plan period, with a further 2 plots in the same yard for the future expansion of the existing family in years 2020/21 - 2024/25. Therefore, no planning policy objections are raised. The development management officer will need to assess whether the proposal is proportional to the special circumstances demonstrated by the applicant and whether or not the proposal will have a greater impact on the openness of the Green Belt than the existing structure.

##### Flood Risk Management

3.4 The development is in low risk Flood Zone 1 and should not suffer from river flooding. No objections in principle but as the proposals will require a formal method of surface water disposal please attach a condition requiring submission of drainage details.

##### Highway Network Management

3.5 No objections.

EXTERNAL

Elvington Parish Council

3.6 Objection. Too large; Impact on the green belt; Would represent creeping development of the site; Inadequate screening; Visual impact on highways and neighbours.

Julian Sturdy MP (on behalf of local residents)

3.7 The larger size would be out of keeping with area; Inappropriate development in the green belt; Visual impact on the green belt; Returning the site to open land when the temporary planning permission expires would be more difficult.

Public Consultation

3.8 The consultation period expired on 7 July 2015. Four objections have been received raising the following planning issues:

- Contrary to green belt policy;
- Visual impact on the green belt;
- The proposed caravan is too large;
- Need for larger caravan not justified;
- Impact on the character of the area;
- Inadequate screening;
- Travelling community should not receive special treatment;
- Part of strategy to provide a permanent residential unit on the site;
- Contrary to wording and intention of the appeal decision.

3.9 Seven letters of support have been received, raising the following issues:

- The applicants are valued members of the local community;
- The application is not contrary to the 2011 appeal decision;
- No other sites are available;
- The applicants have provided a site at no cost to the council or the taxpayer;
- The existing caravan is reaching the end of its life;
- The static caravan would be a visual improvement to the site;
- The caravan would provide a better standard of accommodation for the family;
- The static is not a permanent structure and can be easily removed;
- The static would not exceed the definition of caravan;
- Substantial screening has been carried out;
- The static would not be more visible from the public highway than the existing caravan;

- The family cause no nuisance and endeavour to keep the site tidy;
- The council has recognised the need for suitable sites but has not identified any;
- The council has put forward this site as being suitable but has not identified any others.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

- Impact on the Green Belt
- Character and Appearance
- Neighbour Amenity
- Flood Risk and Drainage

### POLICY CONTEXT

4.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. There is no development plan in York other than the saved policies of the Regional Spatial Strategy (RSS) relating to the general extent of the Green Belt. The appeal site lies within the general extent of the Green Belt as shown on the Key Diagram of the RSS (the Yorkshire and Humber Plan) 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 the City of York administrative area. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

4.3 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy Framework (NPPF). It is against this Framework that the application proposal should principally be addressed. Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Footnote 9 of paragraph 14 contains restrictions where this presumption in favour of sustainable development does not apply, including land designated as Green Belt. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design and protecting Green Belt.

4.4 Paragraph 4 of the NPPF states that Local planning authorities taking decisions on travellers sites should also have regard to the policies in Planning Policy for Traveller Sites (August 2015). Policy E states that traveller sites (temporary or permanent) in the Green Belt are inappropriate development and should not be approved except in very special circumstances. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances (paragraph 16).

4.5 Although there is no formally adopted local plan the City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of s.38(6) its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are consistent with those in the NPPF. The most relevant Draft (2005) policies are listed and summarised at paragraph 2.2 of this report.

4.6 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, has been halted pending further analysis of housing projections. It carries very little weight in the Council's consideration of this application (in accordance with paragraph 216 of the NPPF). The most relevant of the document's policies are listed at paragraph 2.2 of this report.

## THE APPLICATION SITE

4.7 'The Stables' occupies approximately 1.6 hectares. It mainly comprises two paddocks edged by mature woodland with vehicular access from Elvington Lane. The application site is a relatively small part of the holding. It mainly comprises the access, a former stable block, some small sheds and an area of hardstanding. Access is from Elvington Lane through a tree belt protected by TPO.

4.8 The site is in the Green Belt and outside any settlement limit. It is occupied by the applicants (Mr & Mrs Peel), their children and Mrs Peel Senior, who is a dependent. Together they comprise a traditional travelling showman's family with strong business and family links to York. They are members of the Showmen's Guild of Great Britain and attend fairs and other local events in and around York.

4.9 The caravans, other vehicles and equipment used in connection with the applicants' business are parked on the hardstanding or stored within the buildings.

4.10 The showman's caravan is the main residence of the applicants and their children. It has a traditional showman's design with wheels, two axles, an articulated towbar and side pull-outs. The dimension of the living accommodation

(i.e. with pull-outs extended but not including the towbar) are approximately 12.2m x 3.7m wide, giving a floor area of approximately 45sqm. The caravan has two bedrooms and stays at the site at all times. When travelling to fairs, etc, in connection with their business the applicants use a touring caravan, which is stored at the site when not in use).

## ASSESSMENT OF HARM TO THE GREEN BELT

4.11 The only proposed change to the current planning permission is to vary condition 9 to allow the 'living showman's caravan' to be replaced by a 'twin-unit mobile home'. The applicants have not settled on the type and size of caravan that they are wishing to use, other than that it would be a 'twin-unit mobile home'. The applicants have provided photographs of the type of home that they are seeking. They are more commonly known as static caravans or park homes. Whilst they have the general appearance of a chalet-style home they are classed as caravans as long as they comply with the definition of caravan which is, in essence:

Any structure designed or adapted for human habitation which is composed of no more than two separate sections and capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any other motor vehicle so designed or adapted. The dimensions should not exceed 20m long by 6.8m wide with an internal height no greater than 3.05m.

4.12 Varying condition 9 to include a twin-unit mobile home as proposed by the applicants (and no more than 18.29m long) would allow the existing caravan of approximately 45sqm to be replaced by a mobile home of up to 125sqm - an increase of up to 177%.

4.13 The Framework makes clear at section 9 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open (paragraph 79). Furthermore that the essential characteristics of Green Belts are their openness and their permanence. Paragraphs 89 and 90 of the NPPF specify the types of development that are 'not inappropriate' in the Green Belt. All other development is inappropriate and by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering planning applications local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

4.14 The proposal does not fall within any of the categories of appropriate development in paragraph 89. It therefore constitutes inappropriate development for the purposes of paragraph 88 of the NPPF and by definition causes harm to the Green Belt. The main issue for the local planning authority is the additional harm, if

any, of the increase in size of the proposed caravan over the approved caravan is clearly outweighed by other considerations.

4.15 The mobile home would be significantly larger than the showman's caravan and would have a greater impact on the openness of the Green Belt. However, the caravan is only one component (albeit the largest) of a group of structures, caravans, other vehicles and equipment occupying the site and specifically authorised at appeal. Furthermore the mobile home would occupy the same position within the site as the showman's caravan so the general extent of caravans, vehicles and equipment on the site would not change. Because of its location the development would result in some limited harm to the openness of the Green Belt and encroachment into the countryside, but that harm is not considered to conflict with other green belt purposes set out at paragraph 80 of the NPPF. i.e:

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

4.16 In light of the identification of the proposal as constituting inappropriate development, the application should be refused unless other considerations are shown to exist to clearly outweigh the definitional harm to the Green Belt and any other harm caused. Whether there are such other considerations, amounting to very special circumstances, is assessed below at section 5.0.

## CHARACTER AND APPEARANCE

4.17 The site lies in an attractive rural enclave between Airfield Industrial Estate to the west and Laveracks Industrial Estate to the east. This section of Elvington Lane is bounded on both sides by a tree belt and has an attractive rural character although, as noted by the appeal inspector, the rural character is severely diluted by the two industrial areas. However, public views into the site are extremely limited, confined solely to fleeting glimpses, during the cooler months only, from Elvington Lane through the tree belt. Such glimpses of the mobile home would be seen against a backdrop of the other caravans, structures, other vehicles and equipment on the site, thereby further reducing its visual impact.

## NEIGHBOUR AMENITY

4.18 The site is easily visible (at all times of the year) from an attractive Chestnut-lined drive between Elvington Lane and Brinkworth Hall to the south-west of the site. These trees also are protected by TPO. Whilst the drive is not a public highway it makes a significant contribution to the character and appearance of the area. The

drive is the main access to a Brinkworth Hall and a small group of converted dwellings within its grounds. The appeal inspector considered the impact of the (now approved) use as a showpersons site and concluded that it would not significantly impair the living conditions of the neighbouring occupiers. He acknowledged that some views would be changed but that those changes would not equate to harm to living conditions. Although the proposed mobile home would be significantly larger than the approved showman's caravan, from the drive the mobile home would be seen among the group of other caravan, vehicles and equipment on the site. The views from the drive would change to some extent but, as before, the changes would not cause harm to the living conditions of the neighbouring occupiers. The proposal is unlikely to have any other impact on the amenity of the neighbouring occupiers.

## FLOOD RISK AND DRAINAGE

4.19 The National Planning Policy Framework (NPPF) sets out the Government's policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. The development is in low risk Flood Zone 1 and should not suffer from river flooding. Mobile homes typically have a pitched roof with rain water gutters and down pipes that require formal surface water disposal. The submitted flood risk assessment states that there would be no increase in impermeable surfaces and, therefore, no increased flood risk so drainage would continue to be to an existing soakaway. This is not the case as the ground conditions at the site are predominantly clay which does not support the use of soakaways. Therefore drainage details, including the rate of run-off, should be made a condition of approval.

## OTHER MATERIAL CONSIDERATIONS

4.20 The Applicant has put forward the following other material considerations which Members are asked to consider when applying the NPPF policy in respect of applications in the Green Belt:

- A mobile home would be larger and therefore more suitable than the showman's caravan for meeting the family's needs.
- A mobile home up to 60' long (18.29m) would provide flexibility in selecting mobile homes from those that become available for purchase.
- There would be no material impact on the Green Belt or visual amenities of the area;
- Substantial landscaping has taken place around the site since planning permission was first granted;



- The existing and proposed caravan both fall within the legal definition of caravan;
- There is considerable need for showman's sites in York;
- The application site is the only site recommended for use as a showman's site in the council's site identification study so the replacement of one caravan by another would be consistent with these emerging plans.

## OTHER MATTERS

4.21 The application would have no material impact on access, traffic, highway safety, flood risk (subject to drainage details being submitted for approval), sustainability, bio-diversity or landscaping.

4.22 Article 8 of the European Convention on Human Rights provides a right to respect for, among other things, one's home life and family. The proposal and officers' recommendation to approve do not impact on those rights. However, should members be minded to refuse the application it would be necessary to consider the impact on the applicant's Article 8 rights and whether refusal is necessary and proportionate in all the circumstances.

## 5.0 CONCLUSION

5.1 The application site is situated within the general extent of the Green Belt. Planning policy dictates that substantial weight should be given to any harm to the Green Belt and that inappropriate development should not be permitted unless very special circumstances exist. 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.

5.2 The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPPF and by definition causes harm to the Green Belt. Because of the partially open character of the site the larger size of the mobile home relative to the existing would result in some limited harm to the openness of the Green Belt and encroachment into the countryside, but is not considered to conflict with other green belt purposes set out at paragraph 80 of the NPPF.

5.3 A twin-unit mobile home would be much more suitable than the showman's caravan for meeting the family's needs. The applicants now have three children; when planning permission was granted they had only two. The showman's caravan has two bedrooms which was adequate for the family when consent was granted because the children (two girls aged nine) were able to share the second bedroom. The third child is a boy (aged approximately 6 months). A replacement caravan is therefore essential in order to provide a separate bedroom for the boy and more living space for growing children and for the family as a whole.

5.4 The proposed mobile home is substantially larger than the showman's caravan - larger than would reasonably be expected for an extra child and growing siblings to need. However 3-bedroom caravans appear to be rare, mainly because mobile home manufacturers mainly cater for retired couples and the holiday market. Smaller mobile homes are as a consequence not readily available and are likely to have to be constructed or adapted to order. Consent for a mobile home up to 60' long (18.29m) is sought in order to provide some flexibility in the selection of a suitable mobile home from those that become available.

5.5 Officers consider that these other considerations put forward by the applicant for the proposed mobile home, together with mitigation through a planning condition of possible limited impact on flood risk and drainage, clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm, and thereby amount to very special circumstances to allow the inappropriate development in the York Green Belt.

5.6 The matters covered by planning conditions has been revised and reduced as appropriate particularly as many of the conditions of the previous consent (10/02082/FUL) have already been complied with. The condition for which a variation is being sought would become condition 5.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Approve**

1 The development hereby permitted shall be occupied only by Mr James Peel, Mrs Emma Peel, Mrs Peel Senior and resident dependants and shall be for a limited period until 14 June 2016, or the period during which the premises are occupied by them, whichever is the shorter.

Reason: To protect the openness of the Green Belt.

2 When the premises cease to be occupied by Mr James Peel, Mrs Emma Peel, Mrs Peel Senior and resident dependants or on 14 June 2016, whichever shall first occur, the use hereby permitted shall cease, all caravans, materials and equipment brought on to the premises in connection with the use shall be removed and the land restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

Reason: To protect the openness of the Green Belt and the character and appearance of the area.

3 The development hereby permitted shall be carried out in accordance with the following approved plan: 10042-4 Rev.B.

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

4 No development shall be carried out until details of foul and surface water drainage have been submitted to and approved in writing by the local planning authority. The mobile home hereby approved shall not be occupied until the drainage details have been implemented as approved.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

NOTE: The drainage details should include:

Invert levels to ordnance datum of the existing surface water system should be provided together with details to include calculations and invert levels to ordnance datum of the proposals for the new development.

Topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

Please note that City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test and their use can not be conditioned.

If the above soakaway proves to be unsuitable then In accordance with City of York Council's Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha should be used.

5 No more than 9 vehicles (a twin-unit mobile home not exceeding 18.29m long, a living tourer caravan, 2 touring caravans, a commercial van, a hot food sales trailer, a mobile trampoline and 2 domestic vehicles) shall be stationed on the site at any one time.

Reason: To ensure that visual harm to the area is minimised.

6 No more than the 4 caravans referred to at condition 5 above, only 2 of which shall be used for human habitation whilst on site, shall be stationed on the site at any time.

Reason: To ensure that visual harm to the area is minimised.

7 No barrier or gate to the vehicular access shall be erected within 20m of the rear of the footway on Elvington Lane abutting the site, and no barrier or gate shall open towards the public highway.

Reason: In the interests of highway safety.

8 Other than the storage of the items listed in condition 5 there shall be no other outside storage on the site.

Reason: To ensure that visual harm to the area is minimised.

9 No maintenance of equipment involving the use of power tools shall take place outside the hours of 0700 to 1800 and not at any time on Sundays and Bank or Public Holidays.

Reason: To protect the amenities of nearby residential occupiers.

## **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 order to achieve an acceptable outcome the local planning authority sought further information from the applicants and revised the list of planning conditions in accordance with the proposals.

**Contact details:**

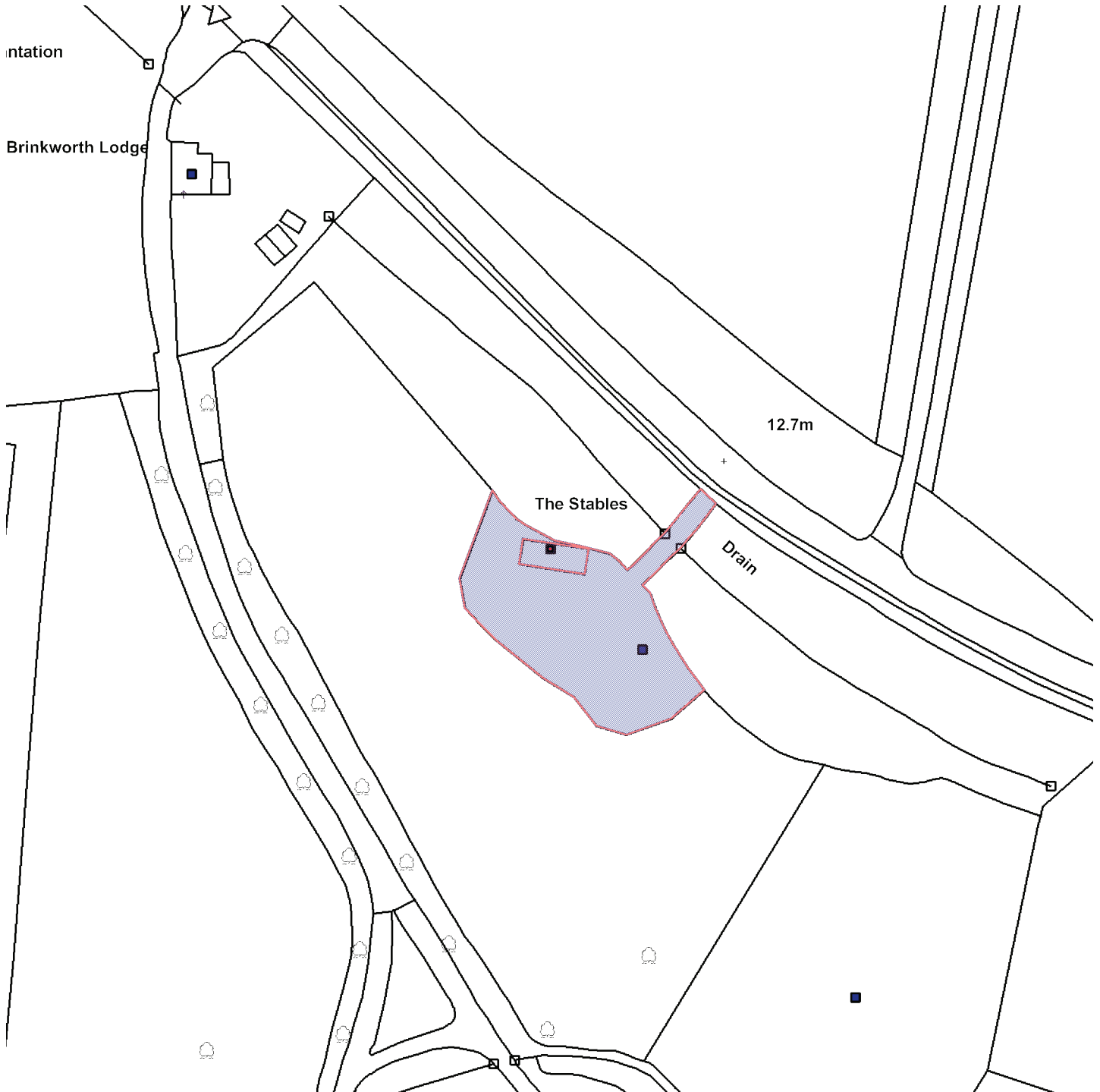
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15/01113/FUL

The Stables Elvington Lane Elvington



Scale : 1:1059

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<b>Organisation</b>	CYC
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	08 September 2015
<b>SLA Number</b>	Not Set

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