



## 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, 18 February 2016
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

### AGENDA

Would Members please note that the mini-bus for this meeting will depart Memorial Gardens at 10am on Tuesday 16<sup>th</sup> February 2016.

#### 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 - 12)

To approve and sign the minutes of the meeting of the Planning Committee held on 21<sup>st</sup> January 2016.

### 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 17<sup>th</sup> February 2016**. 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**

*“Please note this meeting will be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.*

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### 4. Plans List

This item invites Members to determine the following planning applications:

#### **a) Proposed Caravan Site, Northfield Lane, Upper Poppleton, York (15/01439/OUTM) (Pages 13 - 46)**

A major outline application for use of land for touring caravans (91 pitches) and 10 camping pods with associated buildings, refuse points, access and landscaping. [Rural West York Ward] [Site Visit].

**b) The Gardens, Boroughbridge Road, York, YO26 6QD (15/01836/FUL)**  
(Pages 47 - 72)

A full application for the conversion, extension and change of use of outbuildings and adjacent land to pre-school nursery (use class D1), associated car and cycle parking and widening of access. [Rural West York Ward] [*Site Visit*].

**c) York Caravan Park, Stockton Lane, York, YO32 9UA (15/02073/FUL)**  
(Pages 73 - 86)

A full application for the use of land for siting 6 camping pods on site of existing all weather tent pitches. [Heworth Without Ward] [*Site Visit*].

**5. Appeals Performance** (Pages 87 - 102)

This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 October and 31 December 2015, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

**6. 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](mailto:laura.bootland@york.gov.uk)

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**

**PLANNING COMMITTEE****SITE VISITS****Tuesday 16<sup>th</sup> February 2016**

<b>TIME</b>	<b>SITE</b>	<b>ITEM</b>
<b>10:00</b>	<b>Coach leaves Memorial Gardens</b>	
<b>10:20</b>	<b>Proposed Caravan Site, Northfield Lane</b>	<b>4a</b>
<b>10:50</b>	<b>The Gardens, Boroughbridge Road</b>	<b>4b</b>

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City of York Council

Committee Minutes

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Meeting	Planning Committee
Date	21 January 2016
Present	Councillors Reid (Chair), Derbyshire (Vice-Chair), Galvin, Ayre, Boyce, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Richardson, Shepherd and Warters
Apologies	Councillors S Barnes

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**56. Site Visits**

Application	Reason	In Attendance
York Caravan Park, Stockton Lane	To enable members to familiarise themselves with the site.	Councillors Cullwick, Cuthbertson, D'Agorne, Dew, Galvin, Reid, Richardson & Shepherd
The Retreat, Heslington Road	To enable members to familiarise themselves with the site.	Councillors Cullwick, Cuthbertson, D'Agorne, Dew, Galvin, Reid, Richardson & Shepherd
St Lawrence Working Mens Club, Lawrence Street	To enable members to familiarise themselves with the site.	Councillors Cullwick, Cuthbertson, D'Agorne, Dew, Galvin, Reid, Richardson & Shepherd

**57. 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 Doughty declared an interest in agenda items 4b,4c and 4d as his partner was the former Director of The Retreat. Although not a prejudicial interest, he preferred not to participate in those items.

Councillor Richardson declared a personal interest in agenda item 4e as a member of Foss Drainage Board.

Councillor Cullwick declared a personal and prejudicial interest in agenda items 4f and 4g as manages a number of student properties in York. He left the room for this item.

**58. Minutes**

Resolved: That the minutes of the last meeting held on 10<sup>th</sup> December 2015 be approved and signed by the Chair as a correct record.

**59. Public Participation**

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

**60. Plans List**

Members then considered the following 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.

**61. Site Adjacent to Frog Hall Public House, Layerthorpe, York (14/00112/FULM)**

Consideration was given to a major full application by Tiger Developments for the erection of a five storey hotel (class C1) and a drive through restaurant (Class A3) at ground floor level, with associated parking, landscaping and access including extension to James Street/Heworth Green Link Road.



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:

- Since the report had been published, a 29 signature petition had been received from residents of Mill Lane and Heworth Parade who wished to see the Link Road completed in order to relieve traffic on Mill Lane.
- A re-word of Condition 10 to reflect that the roof top plant issues had now been resolved.
- A variation to Condition 8 to ensure the development will not be occupied until the James Street Link and connections to Eboracum Way are completed.
- Additional conditions to cover delivery/service vehicles and method of works.

Trevor Rowell had registered to speak on behalf of a number of residents who had signed a petition requesting the completion of the Heworth Green-James Street Link Road in order to reduce traffic into Mill Lane by signposting “No Turn-Off” from Heworth Green. He advised that Mill Lane was not built for 7000 vehicles a day, which it is currently experiencing, and residents are suffering from harmful pollutants and also have concerns about road safety. He noted that there were no objections from highways about the link road and felt the scheme was good for residents.

Members queried a number of points as follows:

- Whether a number could be provided to local residents for any environmental or noise concerns. It was confirmed this could be added to a condition if thought necessary.
- An explanation of the words ‘reasonably safe’ from flooding in relation to the site. Officers confirmed that the site meets all requirements of policy with floor levels well above highest recorded flood levels, but it can not be guaranteed that the site would not flood in the future.

Resolved: That the application be approved subject to the Section 106 agreement.

Reason: The site is derelict and the proposed scheme will deliver both a river walkway along the Foss and the James Street Link Road; two aspirations within the 2005 Draft Local Plan. The building would be constructed to meet sustainable construction requirements and

**62. The Retreat, 107 Heslington Road, York, YO10 5BN  
(15/00419/FUL)**

Consideration was given to a full application by The Retreat for the erection of a patient day care centre and associated landscaping within a walled garden.

Officers provided an update to conditions and informatives, full details of which are attached to the online agenda for this meeting for information.

Emily Roberts had registered to speak as the agent on behalf of the applicant. She advised that the application was part of a wider master plan for the site and the intention was to restore the wall and buildings in order to provide much needed patient facilities.

Members commented that they were pleased to see the garden wall and the buildings being restored and that the site was very much worth preserving. Members also welcomed the new hospital facilities.

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

**Reason:** The application site is within the general extent of the York Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPPF and by definition causes harm to the Green Belt. This harm to openness and purposes of the Green Belt must be afforded substantial weight and very special circumstances will not exist to justify the development unless the potential harm to the green belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

It is considered that the other considerations set out in the committee report together with mitigation of other harm through planning

conditions, clearly outweigh the potential harm to the Green Belt, even when affording this harm substantial weight. This, therefore, amounts to the 'very special circumstances' necessary to justify the development.

The proposal is considered to comply with national and local planning policies and is recommended for approval.

**63. The Retreat, 107 Heslington Road, York, YO10 5BN  
(15/00420/LBC)**

Consideration was given to a listed building consent application by Mr Robert Brownlow for the erection of a patient day care centre and associated landscaping within a walled garden.

Discussion on this item took place under the previous related item and following a separate vote it was:

**Resolved:** That the application be approved subject to the conditions outlined in the committee report and officer's update.

**Reason:** On the basis of the information submitted and subject to conditions covering the detailed design, the proposal would not cause harm to this curtilage listed building and the grade II listed buildings on site and is considered to be acceptable. The application for listed building consent is, therefore, recommended for approval as the proposal preserves the grade II listed building, its setting and its features of special architectural or historic interest, as required by Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and accords with national and local planning policies.

**64. The Retreat, 107 Heslington Road, York, YO10 5BN  
(15/00421/FUL)**

Further to paragraph 4.29 of the report which referred to the impact of the proposed building on a Beech Tree, it was recommended that this application be deferred until the issue was resolved.

Resolved: That the application be deferred to the next meeting of Planning Committee.

Reason: To enable the outstanding issues regarding the Beech tree to be resolved satisfactorily.

**65. Land to the Rear of York Caravan Park, Stockton Lane,  
York (15/02071/FUL)**

Consideration was given to a full application by Mr Richard Wilson for the erection of a 3 metre high earth bund with a 7 metre wide base at land to the rear of York Caravan Park, Stockton Lane, York.

Members queried how effective the bund would be in reducing sound levels at the caravan park. The Council's Public Protection Officer responded to advise that the proposed bund would be unlikely to reduce any traffic noise sufficiently for a reduction to be detected by the human ear.

Resolved: That the application be refused.

Reason: The application site, is considered to be within the general extent of the Green Belt as defined in the RSS. The erection of an earth bund on the site is considered to be inappropriate development in the context of section 9, paragraph 90 of the NPPF.

The NPPF confirms at paragraph 87 that inappropriate development is by definition harmful to the Green Belt. Paragraph 88 says substantial weight would need to be given to harm by reason of inappropriateness and any other harm. Very special circumstances will not exist unless the harm by reason of

inappropriateness and any other harm is clearly outweighed by other considerations.

The very special circumstances put forward by the applicant, that the bund will protect the caravan park from noise from Monks Cross, is not substantiated by Public Protection and does not constitute sufficient other considerations to outweigh the harm by reason of inappropriateness and other harm (that is harm to the purposes of Green Belt, openness, the character and appearance of the area and harm arising from insufficient information regarding ecological and drainage impacts of the development) identified in the committee report.

**66. St Lawrence Working Men's Club, 29-33 Lawrence Street, York, YO10 3BP (15/02440/FULM)**

Consideration was given to a major full application by S. Harrison Developments Ltd for the change of use of 29-31 Lawrence Street and 37 Lawrence Street to student residential accommodation with associated demolitions and alterations and part two/part three storey block to rear (with accommodation in roof) (use class C2).

Officers circulated an update to the committee report, full details of which are attached to the online agenda for this meeting, the main points being that two further objections had been received stating that there were too many student homes in the area, concerns about harm to the character of Lawrence Street and a takeaway operator querying the impact upon his property.

Roger Pierce had registered to speak as a local resident in support of the scheme. He advised that he was encouraged to see the proposals for the building having first noticed it was derelict many years ago. He referred to the historic importance of the one time owners and residents of the building, the Tuke family, and welcomed the building being restored as sympathetically as it could be. He also welcomed the addition of student homes which he felt would help relieve the pressure on family homes in the area.

Chris Hale, for the applicant, had registered to speak in support of the application. He advised that he was pleased to note that there was support for the scheme after the building had stood empty for a decade. The application for purpose built student housing had been made as no other viable uses had come forward and should the application not go ahead, it was unlikely any other use for the building would be found due to the level of work required. He confirmed that the building would be restored which would significantly improve the streetscape.

Members entered debate and while some members felt that there were already too many student homes in the area, other members felt that the building required saving before it was beyond repair and in view of no other suitable uses coming forward, were happy to approve the application.

Resolved: That the application be approved subject to

Reason: Whilst the proposal would give rise to a less than substantial level of harm to the significance of the listed building it is considered that such harm is more than outweighed by the clear public benefit of bringing the building back into a use which is consistent with its viability and conservation, and improvement to its setting, even when considerable weight and importance is attached to that harm. The setting of the conservation area will be enhanced and there will be some improvements to highway safety. Planning conditions can be used to ensure there would be no adverse effect in terms of residential amenity, flood risk and the impact on heritage assets. Overall the scheme is policy compliant and is welcomed by officers.

**67. St Lawrence Working Men's Club, 29-33 Lawrence Street, York, YO10 3BP (15/02441/LBC)**

Consideration was given to a listed building consent application by Harrison Developments Ltd for alterations and partial demolition in connection with proposed use as student accommodation.

Discussion on this item took place under the previous related item and following a separate vote it was:

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

Reason: There is significant public benefit in bringing a building which is at risk back into viable use, consistent with its conservation. The building's external appearance and setting will be vastly enhanced. Giving due consideration to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the scheme has officer support, because there would be no undue effect on features of special architectural or historic interest and significant public benefit as a consequence of the application

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 5.50 pm].

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**COMMITTEE REPORT**

**Date:** 18 February 2016      **Ward:** Rural West York  
**Team:** Major and      **Parish:** Upper Poppleton Parish  
Commercial Team      Council

**Reference:** 15/01439/OUTM  
**Application at:** Proposed Caravan Site Northfield Lane Upper Poppleton York  
**For:** Outline application for use of land for touring caravans (91 pitches)  
10no.camping pods with associated buildings, refuse points,  
access and landscaping  
**By:** SBO Lands Ltd  
**Application Type:** Major Outline Application (13 weeks)  
**Target Date:** 26 February 2016  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 The application seeks outline consent for touring caravan and camping site providing 91 touring caravan pitches, and 10 camping pods, with associated buildings (such as reception buildings, shop, amenity buildings, camping pods), refuse points, access and landscaping. All matters are reserved except access. A plan has been submitted showing an indicative layout of the proposed scheme. The proposed scheme would create up to 4.2 FTE jobs and it is proposed that it would be open all year round.

1.2 The site is within the general extent of the York Green Belt. The site is not within defined settlement limits or within a conservation area, and there are no listed buildings in close proximity. The application site is classified as Grade 1 agricultural land. To the north of the site is Poppleton Garden Centre, Minster Vets and a restaurant. To the east is Wheatlands Wood an area of woodland between the site and the ring road, the woodland currently has public access through the application site. To the south of the site is Oakwood Business Park, to the south west is Northminster Business Park, to the west are large arable fields, and to the north west is the newly constructed Park and Ride site. The proposed site surrounds a terrace of dwellings - 1 - 6 Northfield Lane on three sides.

1.3 Pre-application advice was sought from the applicant; the applicant was advised that without 'very special circumstances' for developing in the Green Belt the application would not be supported.

1.4 Under Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 a screening opinion is required. It was concluded that an Environmental Impact Assessment was not required. The proposed development does not comprise 'Schedule 1' development where an Environmental

Impact Assessment is always required. The proposed development is however of a type listed at 12 (e) in column 1 of Schedule 2 (Permanent camp sites and caravan sites) as revised in the Planning Practise Guidance. The site exceeds 1 hectare however it does not meet the further Indicative criteria and threshold of permanent camp sites or caravan sites with more than 200 pitches. It is the view of Officers that the proposed site is not within or adjacent to an environmentally sensitive area (as specified in the Regulations) and taking into account the characteristics of the proposed development, the location of the development, and characteristics of the potential impact and the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment was not required.

1.5 Revised indicative plans have been submitted reducing the number of caravan pitches, removing the camping element, introduction of a bund and soft landscaping surrounding the Northfield Terrace. A noise assessment has been submitted together with a report of the archaeological trial trenching. Revised Tourism Need and Economic Impact Assessment has been submitted after it was noted that the report omitted the majority of the caravan parks within the city boundary.

## **2.0 POLICY CONTEXT**

### **2.1 Draft Development Plan Allocation:**

- Air safeguarding GMS Constraints: Air Field safeguarding 0175
- City Boundary GMS Constraints: York City Boundary 0001
- York North West Boundary GMS Constraints: York North West Boundary CONF

### **2.2 Policies:**

City of York Draft Local Plan adopted for Development Control Purposes (2005) (CYLP):-

- CYSP2 The York Green Belt
- CYSP3 Safeguarding the Historic Character and Setting of York
- CYSP6 Location Strategy
- CYSP7A The sequential approach to development
- CYSP8 Reducing dependence on the car
- CYGP1 Design
- CYGP3 Planning against crime
- CYGP4A Sustainability
- CYGP4B Air Quality
- CYGP9 Landscaping
- CYGP13 Planning Obligations
- CYGP14 Agricultural land
- CGP15A Development and Flood Risk
- CYNE1 Trees, woodlands, hedgerows

- CYNE6 Species protected by law
- CYNE7 Habitat protection and creation
- CYNE8 Green corridors
- CYHE10 Archaeology
- CYGB1 Development within the Green Belt
- CYGB11 Employment devt outside settlement limits
- CYGB12 Shopping devt outside settlement limits
- CYT2B Proposed Pedestrian/Cycle Networks
- CYT4 Cycle parking standards
- CYT7C Access to Public Transport
- CYT18 Highways
- CYT20 Planning agreements
- CYV1 Criteria for visitor related devt
- CYV5 Caravan and camping sites

City of York Council Emerging Local Plan Publication Draft (2014) – see paragraphs 4.4 and 4.5 below. Most relevant policy is EC6 relating to the rural economy,

### **3.0 CONSULTATIONS**

#### **INTERNAL CONSULTATIONS**

##### Highway Network Management - No objections

3.1 Access to the site is proposed to be taken from a new access being formed on Northfield Lane. The access offers visibility in accordance with national guidance and is of sufficient width to enable two-way traffic flow.

3.2 The adjacent highway junctions of Northfield Lane/A59 and the A59/A1237 have recently been improved in terms of capacity, safety and pedestrian/cycle facilities. The peak periods of traffic generation of the proposed campsite will be outside of the peak periods of operation of the highway network and are not of a level that would cause capacity issues nor warrant mitigation works.

3.3 The improvement of the aforementioned junctions together with the construction of the Park & Ride site mean that the site can be considered to be sustainable. Pedestrian and cycle facilities exist (including an underpass to cross the A1237) to make journeys to the city centre by non car modes a viable option. The Park & Ride is a short walk away.

3.4 In order to improve the pedestrian and cycle facilities officers have negotiated and secured improvements to the footway running along the Western side of Northfield Lane. The existing footway will be widened to a minimum width of 2.4m in order to provide a shared unsegregated pedestrian/cycle facility.

3.5 No objections are therefore raised subject to the following conditions: Hwy 14 (drwg ref 15-183-TR-007 Rev B)), Hwy 22, Hwy 23, Hwy 28 (15m of rear of the highway), Hwy 31, Hwy 40, Off-Site Highway Works - provision of a shared unsegregated pedestrian/cycle route of minimum width 2.4m on the Western side of Northfield Lane, and INF 1(S184)(S62)

#### Planning and Environmental Management (Landscape) - Object

3.6 States the site lies within landscape character type 1 - 'Open arable farmland'. The landscape features of the site are fairly typical for the area.

3.8 Currently there exists a reasonable division between the southern edge of Upper Poppleton (adjacent to the A59) and the North Minster business Park, which is a distinctly separate item to both Poppleton and Knapton. The application site plays a part in this separation.

3.9 The presence of Oakwood Business Park and caravan storage area reduces the effectiveness of this margin of open countryside that forms part of the character of North Lane. Nonetheless, despite the influences of the northern ring road, this stretch of land suitably represents an important remnant of countryside lying between Knapton village and Upper Poppleton; an area that incidentally includes the terrace of 1-6 Northfield Lane. The countryside context plays an important part in the link to Moor Lane from Knapton and Poppleton, which is used by pedestrians and cyclists and equestrians.

3.10 The scheme involves the introduction of substantial areas of hard-standing - for roadways, cars, caravans. Whilst the pitches are separated with slithers of grass, the overriding impression would be of a densely spaced development, even without the temporary presence of cars and caravans and paraphernalia. This would be supplemented by low level lighting, and signage, which would be more obvious at the site entrance.

3.11 The pitches are pushed relatively tight up to the boundaries such that the perimeter vegetation is not given a suitable buffer for it to 'breathe' and read as a separate entity to the caravan park with a wider association with the other landscape elements. In some instances this does not meet the root protection areas of the trees.

3.12 The provision of open green space is fragmented; and quite small, relative to the quantity of hard standing. Furthermore these appear to be close-mown areas to provide for general outdoor recreation, rather than the creation of additional habitat areas to help blend the proposed and the existing and mitigate the loss.

3.13 The proposed development represents an intense use of the site over a substantial area. The development poses a significant and permanent change to the fundamental landscape character of the site. The association between arable and woodland is lost, thereby reducing the amenity value of Wheatlands wood and the landscape qualities of the site and the setting of Northfield Lane.

3.14 There would still be views through and an awareness of the change of use, and the reduction in the landscape quality. The effect of this screening would obviously be reduced during the winter months.

3.15 Complete development of this site, which the application represents, poses a risk of coalescence between Poppleton, North Minster Business Park and in turn Knapton.

3.16 This is a green field with natural drainage. Require further information as to what drainage interventions would be required

Planning and Environmental Management (Ecology) - No objections

3.17 Wheatlands Woodland is noted as a 'Site of Local Interest' (Ref: 131) as a newly created broadleaved woodland with sown wildflower grassland. Sites of Local Interest are sites that do not fulfil the criteria for the local designation, Site of Interest for Nature Conservation (SINC), but on which there is some interest and they do have significant value in helping to maintain the network of biodiversity across York. The woodland is connected to a local green infrastructure corridor '12 The Ring Road'. The woodland will be retained as part of the proposals.

3.18 The bat activity survey recorded low levels of common pipistrelle, a widely spread species. As would be expected the woodland and hedgerows recorded the greatest activity. The hedgerows will provide important links from the woodland into the wider countryside. None of the trees on site were found to be suitable to support roosting bats.

3.19 Two ponds were identified within 250m of the site. Both of these were surveyed in 2008 in connection with the new Poppleton P+R site and did not record any great crested newts. The more suitable and closer pond was subject to an eDNA test in June 2015 for great crested newts; the result was negative. The arable fields provide sub-optimal habitat for amphibians.

3.20 The creation of a caravan site would increase activity on the site including noise and lighting. There will be a loss of two short sections of hedgerow to create access into and across the site. The adjacent Wheatlands Woodland will see increased disturbance from recreation. Without maintaining connections the proposal could increase the isolation of the woodland from surrounding habitats. However this could be mitigated for by retaining the hedgerows, creating new hedgerows and creating wildflower areas.

3.21 Lighting has a detrimental effect on bat activity; many bats will actually avoid areas that are well lit. Lighting can cause habitat fragmentation by preventing bats from commuting between roosts and foraging grounds. As there is suitable foraging habitat surrounding the site details of the light via conditions is recommended.

3.22 It is requested that a biodiversity management plan is sought via condition, and informative advising the developer of Section 1 of the Wildlife and Countryside Act 1981.

#### Planning and Environmental Management (Archaeology)

3.23 The trial trenching has revealed Roman-British ditched field boundaries, enclosures and evidence of domestic use. The evaluation revealed more archaeological features than were suggested by the geophysical survey results meaning that further archaeology is likely to remain on the site.

3.24 Due to the finds of the evaluation request following standard conditions be applied to any consent which is given for this site: ARCH1 and ARCH2

#### Flood Risk Management Team - No objections

3.25 Seek drainage scheme details via condition

#### Public Protection - No objections

3.26 As part of the planning application a noise assessment was submitted. Measured background noise levels on site found that noise levels at the nearest residential properties on Northfield Lane were approximately 46dB(A) Leq during daytime hours with a night time Leq of 40dB(A). Whilst these levels of noise are not very high they are sufficiently high to provide a masking effect on any noise which may be caused by the presence of the new caravan site. The noise report specifically noted that noise in the area was dominated by traffic noise.

3.27 The report states that the nearest residential property will be located approximately 25 metres from the closest caravan pitch with a 2 metre high bund between the two. The report concludes that these two factors would effectively provide sound attenuation of up to 38dB, meaning that a single raised voice of

70dB(A) would be 32dB(A) at the property, a level which would be lower than the existing measured background levels. Based on this can confirm do not have any objections on the grounds of noise and the potential for loss of amenity.

3.28 A noise management condition can be sought via condition so that the proposed site proactively manages noise coming from the site, for example not allowing amplified music, no games after 8pm etc etc, having a noise complaints procedure. It is noted that there is concern that the provision of this condition highlighted the acceptance that there will be reason for residents to complain. This condition does not do that but rather places a responsibility on the site manager/owner to ensure that their operations on site do not cause loss of amenity or complaint. However if complaint are made then there is a suitably documented procedure to ensure that any issues found are resolved.

3.29 Lighting to be provided in buildings will be on timers with a low level of lighting around the site. Providing that the lighting does not include any floodlighting have few concerns over this matter, but would require further details.

3.30 The proposed site is currently used for agricultural purposes. Due to the potential for contamination from former uses recommended condition for unexpected contamination.

3.31 Request construction hours and electric vehicle recharging points are controlled via condition. In addition request INF11

### Planning & Environmental Management (Forward Planning)

3.32 States that for the purposes of determining this application the site should be treated as falling within the Green Belt in accordance with the RSS and both the City of York Council Local Plan incorporating the 4th set of changes and the emerging local plan. Only certain types of development are allowed in the Green Belt, all other forms of development (including caravan site proposals) are considered to be inappropriate development. As such, it is necessary for the applicant to demonstrate very special circumstances to justify why the presumption against development should not apply.

3.33 The applicant reviewed almost 800 sites and all sites were filtered out as part of the process above, no alternative sites have been put forward for further analysis. It is accepted that a full review of alternative sites has been undertaken and it is agreed that on the basis of the information submitted that there are no acceptable alternatives that are deliverable or viable.

3.34 Whilst it is accepted that the information submitted by the applicants to support the application, which includes a Tourism Economic Need Impact Assessment does appear to suggest that there is a need for this type of facility in York and that it

would help to boost the local economy, it is important to consider comments from colleagues in Economic Development relating to whether there is a need for this type of development in the city whether it is required as part of the wider economy.

3.35 The site is located within the Green Belt. However it appears to be a visually well screened and contained site. The visual impact of the proposals on the openness of the Greenbelt would need to be addressed through an on-site assessment by the DM Officer and Council's Landscape Officer.

### Economy and Place

3.36 No objections

## **EXTERNAL CONSULTATIONS/REPRESENTATIONS**

### Highways Agency

3.37 No objections

### Police Architectural Liaison Officer

3.38 If the indicative site layout plan is adopted, it will incorporate many positive Crime Prevention through Environmental Design principles.

3.39 There were 8 x crimes and 10 x anti-social behaviour incidents recorded. The analysis indicates that crime and anti-social behaviour levels within the vicinity of the proposal are low.

3.40 Request the following:

- A secure perimeter around the site must be provided. Any gaps in boundary hedging must be re-enforced.
- CCTV, particularly at the site entrance/exit;
- A management declaration displayed in prominent positions around the site to demonstrate a commitment to the provision of the standard of service and information that users can expect;
- Clear visible signage should be provided to identify entrances, exits, information points and short and long stay parking areas;
- Different areas of the site should be easily identifiable to staff and users.
- Lighting for surveillance in main entrance/exit, public areas etc;
- Any landscaping proposed for within the site should not restrict surveillance
- Anchorage points for securing cycles or secure covered cycle storage area
- Good physical security measures for the reception, cycle hire and site storage buildings;
- A responsible member of staff available on-site, outside normal working hours;



- A robust management plan include expected behaviour of persons using the facility, including visitors
- The site entrance should be clearly visible to approaching vehicles from both directions on Northfield Lane. It is suggested that the entrance should be clearly advertised

#### Environment Agency

3.41 A mains connection has been proposed for foul drainage disposal. Before determination, LPA should contact Yorkshire Water to confirm whether there is capacity in the receiving sewer and sewage treatment works to accommodate the proposed discharge.

3.42 If capacity is not available, sewerage improvement works may need to take place as part of the planning permission.

#### Yorkshire Water - No objections

3.43 No objections, request details of surface water and foul drainage are sought via condition

3.44 On the Statutory Sewer Map, there is a 225 mm diameter public foul sewer recorded to cross the site (south east corner of the red line site boundary). No obstruction requested within 3 metres of the sewer centre line. In this instance, the public sewer is unlikely to be affected. No new tree planting within 5 metres of a sewer centre line

3.45 An off-site foul water sewer may be required. This may be provided by the developer and considered for adoption by means of a sewer adoption agreement under Section 104 of the Water Industry Act 1991. Alternatively, the developer may in certain circumstances be able to requisition off-site sewers under Section 98 of the Water Industry Act 1991.

3.46 The public sewer network does not have any capacity available to accept any discharge of surface water. The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network.

#### Ainsty Internal Drainage Board

3.47 States the site is in an area where drainage problems exist and development should not be allowed until the Authority is satisfied that surface water drainage has been satisfactorily provided for. Any approved development should not adversely affect the surface water drainage of the area and amenity of adjacent properties.

3.48 The application form indicates a preference to discharge surface water from the site by means of a SUDs system in the form of soakaways. Should testing prove the site to be unsuitable and the applicant seeks to discharge to Board assets alternative proposals would need to be developed and submitted to the Board along with evidence that the site currently discharges to the respective Board asset.

3.49 The Board's prior consent is required for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposal to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent. The IDB did not provide any information as to whether any part of the site was within 9 metres of their watercourse.

3.50 Correspondence from Yorkshire Water alludes to the inhibition of the ability to discharge surface water to a public sewer, there would appear to have been no further information produced to influence the Board to reconsider their initial stance. As this is currently an outline application, the Board would not object to the site on principle but would require the applicant to produce a comprehensive drainage strategy before full planning permission was granted.

3.51 Drainage scheme details can be sought via condition

#### Campaign to Protect Rural England (York and Selby) - Object

3.52 States rely on the Policy YH9(C) that was in the Yorkshire & The Humber RSS and whose references to Green Belt policy have been acknowledged by City of York during a recent housing appeal. At the Inquiry it was said that Government was committed to ensuring that the open land around the City be fully protected, thus the Green Belt policy was not revoked at that stage.

3.53 The Poppleton Neighbourhood Plan which includes a Policy (PNP1) that green belt land surrounding the two villages forms an important part of the special and open agricultural character of the setting of the historic City of York. The Policy asserts that any development which harms the open character of such land will not be permitted. It should be noted that about 30% of the York Green Belt is Grade 1 or 2, with above the national average (81%) being in agricultural use. 3.54 This application has to be considered in the light of earlier loss of green belt land to Poppleton Park and Ride site, being an extensive urban focussed scheme with the bare minimum landscaping, added to visually intrusive junction engineering,

3.55 The number and scale of buildings proposed on this grade 1 agricultural land are felt to be out of character and there would be visual intrusion from lighting and other site facilities/layout

3.56 Proposal is inappropriate development. At odds with the fundamental aim of green belt policy laid down in NPPF para 79 to keep land permanently open

3.57 Current use has an increasingly important potential for storing carbon and preventing flooding as well as being a vital resource for food security and soil protection.

3.58 Will further urbanise the western approach to the city.

3.59 DCLG Good Practice Guide on Planning for Tourism (May 2006) is a material consideration. However, suggest the need to take a more circumspect view in respect of York, and look at environmental capacity of the city centre in particular.  
Welcome to Yorkshire

3.60 Support the application, enhances the visitor experience of Yorkshire.

#### Make it York

3.61 Support proposed development, consider there would be sufficient demand for the site and the proposal quality of the site would be a benefit to the York tourism offer. Location of the site is supported, would not be intrusive and located close to public transport

#### Upper Poppleton Parish Council - Object

3.62 States the outline development is inappropriate development in the Green Belt. It goes against the emerging Neighbourhood Plan for Poppleton (Green Belt Policy PNP 1 - Any development, which harms the open character and setting of either York or the villages of Upper and Nether Poppleton, will not be permitted. The Green Belt land surrounding the villages of Upper and Nether Poppleton villages forms an important part of the special open and agricultural character of the setting of the nationally significant historic city of York. Together with the other Green Belt land surrounding the villages it plays an important role in maintaining the identity, character and setting of the Poppleton Villages.)

3.63 Northfield Lane is a narrow road and not wide enough for the easy flow of two-way traffic. Exit onto the A59 is at a busy section shared by the Park and Ride, Wyevale Garden Centre and Luigi's Restaurant, near the congested A1237 roundabout.

3.64 The residents of the six properties which would be surrounded on three sides by the development would be deprived of quiet enjoyment of their homes by being subjected to the impact of noise, disturbance at unsociable hours, light pollution, and the loss of rural aspect.

3.65 Potential for light pollution

3.66 Adverse impact on wildlife and compromise access to the woodland

3.67 Loss of Grade I and II agricultural land

3.68 The site is not identified for development in the Preferred Options City of York Local Plan 2014, and is also contrary to the commitment made by the City Council for protection of Green Belt land.

3.69 The viability of the proposal does not fulfil established need since there are already two existing caravan /camping sites in Poppleton and a caravan site similar to the proposal at Strensall is under-subscribed. Residents in the vicinity of the Strensall site report continual drip-feed of extensions and modifications of building consent not envisaged in the original proposal in attempts to attract custom.

Nether Poppleton Parish Council - Object

3.70 Inappropriate development in the greenbelt

3.71 Many vacant space in existing caravan sites in the city

3.72 Would become brownfield land and subsequently available for housing

3.73 Result in encroachment, would impact on the village setting and would result in coalescence within the city

3.74 Not sustainable development

3.75 Loss of agricultural land

3.76 Contrary to Poppleton Neighbourhood Plan - PNP1, PNP3, PNP5, PNP10

3.77 Contrary to national planning policy,

Nether and Upper Poppleton Neighbourhood Plan Committee – Object

3.78 Contrary to first policy of neighbourhood plan - any development which harms the open character and setting of York or the villages of Upper and Nether Poppleton will not be permitted. The surrounding villages form an important part of the open agricultural character of the setting of the historic city

3.79 Loss of grade II agricultural land

3.80 Contrary to greenbelt policy

3.81 Would destroy bird a habitat

3.82 Requires surface water drainage

3.83 The toilet block are set to far away from many of the pitches and concerned may result in other areas being used

3.84 Traffic to the proposal would cause congestion resulting in disruption to the business park

3.85 Concerned it may become residential caravan park

3.86 Concerned regarding the potential noise and light issues

3.87 Concerned if allowed, may be further change of use to housing

3.88 If allowed would be contrary to Local Plan allocation, would affect safeguarded land adjacent to the site

## **NEIGHBOUR NOTIFICATION AND PUBLICITY**

3.89 38 Representations of objection to the original scheme and 30 representations of objection to the revised scheme as follows:

- Contrary to NPPF, Local Plan, and saved policies YH9c and Y1c greenbelt policy, no very special circumstances have been put forward, fails to comply with the purposes of the greenbelt. Impact on the setting of the village would result in the encroachment of development, coalescence of development and furthering in urban sprawl. Would result in an unbroken line of development from A59 to Northfield Business Park. Site creates a visual break between Poppleton and the business park. Reason for Green Belt is openness and permanence
- Sites have been allocated consider the application is trying to circumnavigate the Local Plan
- Contrary to emerging Neighbourhood Plan, policies including PNP1 and PNP3
- Loss of Grade II agricultural land, waste of natural resources
- There are a number of existing brownfield sites around York which could be considered for this use
- Northfield Lane is unlit, part of the rural character of the area, the lighting required for 10 acres would result in light pollution and would alter the character of the area. Out of scale with surrounding development
- Extension to Northfield Terrace have been refused on the grounds that they would impact on the openness of the greenbelt, and this was upheld by the Planning Inspectorate

- Proposal similar to other development such as Naburn Lock which has been refused and dismissed at appeal
- The Park and Ride should not be used for precedent in allowing development in the greenbelt
- Concerned may become residential site unless restrictions are imposed. Concerned if principles of use is permitted would be easier to secure planning permission for other uses on the sites such as housing and industrial uses
- May affect the adjacent safeguarded land if approved
- Concerned proposal may become more densely developed over time
- Negative impact to the ecology of the neighbouring Wheatlands Wood. Concerned it may have an impact on the community woodland by virtue of the proximity of the caravans and the increase in use. The proposed development would break a vital wildlife corridor between current open farmland and the Wheatlands Community Woodland. Applicant has stated that the woodland would fall into disrepair if they are unable to gain funding from the proposed use. Concern public access to the woodland would be obstructed
- Would lead to traffic congestion, exacerbate existing problems. Caravans would cause obstruction to the goods vehicles travelling to the nearby business park. Northfield Lane is not wide enough for 2 way traffic of large vehicles. Northfield Lane has no parking restrictions will result in caravans etc parking on the road resulting in traffic issues. The proposal; should contribute towards accommodating traffic it will generate to prevent erosion of any benefit created by the existing road junction. Should contribute to lighting, footpaths, cycle paths. Objector's business has contributed via S106 towards the existing infrastructure in the area. The erosion of any future capacity in the road/cycle/pedestrian network would lead to a dilution of the employment uses that can be provided in the future at Northminster Business Park.
- Creating only 2 - 4 low paid jobs, the supporting information vastly inflates this figure
- The economic case is questionable,
- Applicants argument appear to be base argument on that there is a shortage of pitches at Rowntree Park during peak times. There is capacity in existing caravan and camping sites within the area, as such there is no justification for an additional site
- Economic figures appear to be based 50 - 55% occupancy with a spend of £55 per person per day, which appear to be rather high, the national average for tourism is £66 per day this is the average including hotel meals etc. Assumes that all the 60000 visitors nights would be incremental whereas it may result in a reduction in stays on other sites
- The applicant has stated that the site would be for a certain type of person, not possible to vet people before they arrive
- Loss of an amenity area
- Occupants of the dwellings adjacent to the site has not been consulted by the applicant, local business were consulted

- Occupants of Northfield Terrace would result in a loss of residential amenity, noise and light disturbance, too close to dwellings, Loss of quiet enjoyment of homes. The noise of the potential users could not be controlled the screening barrier (native trees) between Northfield Terrace and the proposal may be virtue of the proximity result in damage to properties, overshadowing resulting in a loss light and loss of view/outlook. Concerned re hazardous materials, Concerned re odours
- Noise levels would not be alleviated by the proposed bund and planting, by stating that the residents will have a mechanism for complaint is an admission that there would be noise and disruption
- Visual Impact Statement makes no reference to views of the site from neighbouring properties
- Existing and proposed screening would not mask the view of the caravans etc
- Design and Access statement has a number of errors and anomalies
- The applicants has refused trim and thin existing trees close to Northfield Terrace, existing trees drop branches, potential to result in damage to caravans
- Result in devaluation of properties on Northfield Lane
- Do not agree with the findings of the noise impact assessment
- Position of the bund and fence will have detrimental impact on the woodland and its wildlife
- Existing surface water drainage issues in Northfield Lane and the surrounding area
- Concerned that by virtue of the distance between the toilets and the pitches other areas of the proposed site may be used rather than the formal facilities
- Human Rights Act Article 8, states person has right to peaceful enjoyment of all their possessions, which include the home and other land. A person has the substantive right to respect for their private and family life. In the case of *Britton v SoS* the courts reappraised the purpose of law and concluded that the protection of the countryside falls within the interests of Article 8. Private and family life therefore encompasses not only the home but also the surroundings. Loss of quiet enjoyment
- West boundary deciduous hedge and trees provide very little screening of the proposed development during the winter months therefore proposed caravans would be visually prominent and visible from the A59
- Nearby water vole habitat on Moor Lane may be affected by increased use
- No overriding benefit that justifies the approval, no meaningful mitigation is possible
- Concerned re loss of trees
- Effect on listed building and conservation area
- Does not fulfil the description of 'in-filling' - the infilling of a small gap within an otherwise built up frontage or group of houses. Would create ribbon development resulting in urban sprawl

- Applicant has not accurately quoted from appeal decision particularly Brecks Lane.
- Contrary to policy V5 which restricted site to 20 pitches and there is no adverse effect on the openness of the Green Belt
- Provides an important green corridor/green wedge

3.90 1 Representation of general comments to the original scheme

- Business case appears to be based on number of misleading assumptions
- Comments from the a person whose partner owns a caravan site in the nearby area and the occupancy rate is usually 30%, rare for the site to be fully booked
- The assumption is that there is an unsatisfied demand, does not agree rather there is currently a substantial overcapacity. Would result in the site diverting customers from other sites resulting in a negative impact to these existing sites, or it would fail to attract visitors and the business would fail
- It only creates 4 jobs, the 68 jobs that the applicant states would be created in the wider economy are unlikely

3.91 6 Representations of support to the original scheme and 2 representations of support to the revised scheme as follow:

- Good location close to the park and ride, A1, A59 and A64
- would benefit local businesses
- Small caravan park locally which is always full
- Knows the applicant
- Caravan users are attracted to rural, unlikely to visit York because of the issues of negotiating it with a large vehicle
- Attract families and retirees which would more benefit to York than stag/hen parties
- Create additional employment
- Screened from view
- Minister Vets have been assured that there would be adequate fencing between the proposal and the paddocks
- Has problems getting a pitch in Rowntree Park

## 4.0 APPRAISAL

### RELEVANT SITE HISTORY:-

08/02024/FULM - Erection of garden centre (5,823 sq metres) with associated landscaping and extended car park following demolition of existing - Withdrawn



## KEY ISSUES:-

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

## ASSESSMENT

### PLANNING POLICY

#### Development Plan

4.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

#### Local Plan

4.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

4.3 Policy V5 'Caravan/Camping Sites' of the DCLP sets out a number of criteria of considering new sites, whilst some of the specific criteria do not comply with the NPPF the general aim of the policy is considered to be in line with the NPPF.

## Emerging Local Plan

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

4.5 The most relevant of the document's policies is policy EC6 which states that York's rural economy will be sustained and diversified through, among other things, permitting camping and caravan sites for holiday and recreational use where proposals can be satisfactorily integrated into the landscape without detriment to its character, are in a location accessible to local facilities and would not generate significant volumes of traffic. Seasonal occupancy should be conditioned on visitor accommodation. At the present early stage in the statutory process the weight that can be given to the draft policy is limited. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application. In the emerging draft York Local Plan the site is allocated as green belt land.

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

4.7 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. This presumption does not apply in Green Belt locations.

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

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

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

4.11 The Poppleton Village Design Statement was adopted as supplementary planning guidance in 2003 following consultation. It has a number of relevant design guidelines including: Expansion of Poppleton outside the existing curtilage towards the Ring Road and other principal road links such as the A59 should be discouraged; Any new development on the village periphery should be in keeping with both the surrounding properties and the countryside and should give high priority to landscape design, to protect and enhance the external views of the village. Any further commercial and industrial development within or within direct influencing distance of Poppleton should be well screened and not exceed existing height, for example, Northminster Business Park is predominantly viewed from Red Lion Bridge and any proposed extension should protect the open views of the surrounding flat landscape; The existing quiet and peaceful atmosphere should be preserved; The attractive green corridor approach to York along the A59 should be protected and development along this road should be discouraged.

#### Evidence Base - Site Selection Process

4.12 The application site was first submitted to the council for consideration in the call for sites in 2008, the applicants proposed that the site be allocated for employment /housing. Following the decision to cease work on an LDF and to move forward with a new local plan, a new spatial strategy was devised and a new NPPF compliant site selection methodology was developed. A further call for sites was held in August 2012. The site was considered for its potential as they were within the council's database of known land due to the earlier submissions. The Council also received a late call response for sites (2012) on this site and updated records accordingly that the site had a recently confirmed willing landowner. A number of criteria were established as part of the new Local Plan Site Selection Process to help identify the most suitable available land in line with the new spatial strategy. The site was assessed for suitability for potential residential, employment and retail allocation but was found to be less preferable to other sites in all cases. The site did not meet the minimum criteria in terms of access to services to be considered for housing allocation. It did however pass the minimum threshold for consideration for employment uses. The site was evaluated through the Council's Site Selection Paper (June 2013) and was analysed for its potential employment uses. The site passed Criteria 1,2,3 (It was not wholly within Historic Character and Setting, Nature conservation designations, Regional Green Corridor, Ancient Woodlands, Functional Floodplain, Flood Zone a or Open space designation) and it also passed criteria 4 for employment purposes (access to services). All sites which passed the first 4 criteria as having suitability for employment were then passed to consultants Drivers

Jonas Deloitte for further analysis and to develop a shortlist of those with the greatest potential to fill the current Employment demand for uses B1, B2, B8.

4.13 The comments on the site made by Drivers Jonas Deloitte are as follows:

"This site would form a natural part of the Northminster Business Park. The site would form part of the wider parcel of land to accommodate a range of B class uses (B1 (a), B1(c) B2 and B8) and benefits from an established location, existing infrastructure and direct access to the A59 and wider road network. Ancillary uses C1/A3/A4/D2 could also be included within this new Business Park as it is developed over the plan period. Poppleton railway station is a 10 minute walk and connectivity improvements could be delivered with early phases of development, however the site does provide a natural buffer between Northminster Business Park and the A1237. On balance, this site may be better left undeveloped to provide an appropriate buffer between future development and the A1237 and expansion focused towards the west of site 684."

4.14 The site was not shortlisted for this purpose or carried forward for further employment analysis. The proposed site was therefore not one of the Council's preferred shortlisted B1 employment sites and it was not allocated.

4.15 The Site Selection Paper was consulted on through the Preferred Options Consultation. Any new sites which were submitted through this process or any sites which had additional evidence or information submitted by landowners and developers were then re-evaluated and considered through the Further Sites Consultation. The site in question however did not submit any further evidence through the Preferred Options Consultation. A response to the site was however received through the Further Sites Consultation (despite this site not featuring in that document) The response asked for the site to be reconsidered for Tourism and Caravan Park uses. While the site was not part of the Further Sites document the representation received on the site was still considered against the earlier published information within the Site Selection Paper (June 2013). The Local Plan officers considered that the site was not appropriate for allocation in the local plan for a caravan site and was rejected.

## GREEN BELT STATUS OF THE SITE

4.16 As noted in the above Planning Policy section of this report, the site is located within the general extent of the York Green Belt as described in the RSS; is shown as being within the Green Belt on the proposals map in the DCLP and retained within the Green Belt in the draft York Local Plan.

4.17 Additionally, when the site is assessed on its merits (in paragraphs 4.20 to 4.23 below) it is concluded that whilst the York Green Belt has not yet been fully defined, the site falls within the general extent of the Green Belt and serves a number of

Green Belt purposes. As such, the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF.

## OPENNESS AND PURPOSES OF THE GREEN BELT

4.18 The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence. The Green Belt serves 5 purposes:

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

4.19 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF paragraph 89 states that the construction of new buildings is inappropriate in the Green Belt, save in the case of a list of exceptions. Whilst the NPPF supports the provision in the Green Belt of facilities for outdoor sport and recreation (paragraph 81), use of land as a caravan site is not fall within these exceptions in paragraphs 89 and 90. The change of use is therefore inappropriate development in the Green Belt. Furthermore, the buildings and engineering operations involved in the application (the amenity buildings, reception buildings, lighting, loop roads, passing places, pods, caravan pitches, car parking, bin store, fencing and lighting) together with the presence of the caravans and cars would undermine the openness of the Green Belt and conflicts the purposes of the Green Belt, which is to assist in safeguarding the countryside from encroachment, check the unrestricted sprawl of large built-up areas. Therefore these structures and engineering operations, also, constitute inappropriate development in the Green Belt (NPPF, paragraph 90). The proposed buildings with the proposed intensification of activity over and above that expected with the existing fields would of itself significantly harm the character of the area and the Green Belt. The proposed development by virtue of the use and structures would result in an increase in the built form and a coalescence of development and the loss of this visual buffer between developments and therefore resulting in actual harm to the openness and permanence of the greenbelt.

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

4.21 The fundamental purpose of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The proposal gives rise to harm to the green belt by reason of inappropriateness which should not be approved except in very special circumstances. The proposal would result in substantial harm to the openness and permanence of the Green Belt. It also conflicts with the Green Belt purposes of preventing encroachment into the countryside and coalescence of development. The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

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

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

- (i) The land should not be defined as greenbelt
- (ii) There is a 'need' for the development
- (iii) Economic benefit to the city
- (iv) Lack of suitable, available and deliverable sites within the urban area
- (v) Screening

#### (i)The land should not be defined as greenbelt

4.23 To the north of the site is Poppleton Garden Centre, Minster Vets and a restaurant. To the east is Wheatlands Wood an area of woodland between the site and the ring road, there is currently public access allowed to this area. To the south of the site is Oakwood Business Park (within the greenbelt in the Local Plan, 2005 and the halted local plan), to the south west is Northminster Business Park (not shown within the greenbelt in the Local Plan, 2005 or the halted local plan), to the west are large arable fields, and to the north west is the newly constructed Park and Ride site. The proposed site surrounds a terrace of dwellings - 1 - 6 Northfield Lane on three sides.

4.24 The site has been submitted a number of times through the LDF and Local Plan Process and has been rejected each time as it is considered that the site forms an important buffer between existing development. The site to the west had been initially allocated as an employment allocation use in the emerging local Plan. Whilst mindful that in allowing the proposed use this may impact on the feasibility of the nearby employment allocations, it should be noted that the proposed employment allocation has not been tested by public consultation and as such, the potential allocation of this land can only be given limited weight at this stage. There is currently no public confirmed timetable for the Local Plan to be submitted to public consultation or to the Planning Inspectorate.

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

4.26 In general terms, it is not appropriate to assume every un-built on piece of land within the general extent of the Green Belt should necessarily be considered as Green Belt, rather each case should be considered on its own merits. The 2 no. fields (the application site) and the established field boundaries are considered to fulfil two of the purposes of the greenbelt and acts as a buffer between the village of Poppleton and the industrial buildings to the south and south west as well as between the outer ring road and Northminster Business Park thus the aim of preventing the encroachment, sprawl and coalescence of development and therefore maintaining the essential Green Belt characteristics of openness and permanence. Additionally, the site can not reasonably be considered to be close to the inner boundaries of the greenbelt because there is a clear gap created by fields between Acomb and Poppleton. These fields have been considered through the site selection process for the LDF and the emerging Local Plan however they did not progress as they were assessed as having importance in the setting and special character of the city. As such it is considered that the application site should be treated as falling within the general extent of the Green Belt.

#### (ii) Need for the development

4.27 The site is close to good public transport links such as the park and ride site and Poppleton train station, and there is a pedestrian route into Poppleton and York. There are some nearby facilities such as a restaurant and cafe within the garden centre, and as such the proposed development is considered to be in a sustainable location.

4.28 The applicant has submitted a revised Tourism Need Statement after it was noted that they had significantly underestimated the number of caravan sites (the stated 14) and pitches (495) within the city boundary. There is still some disagreement between Officers and the applicant regarding the specific number of sites within the York area; however it is considered that the total number of pitches are relatively similar, there are approximately 43 caravan sites (GVA consider 29 sites in the revised report) (the applicant does not include sites providing 5 pitches, when added up they provide between 85 and 90 additional pitches), with circa 1038 to 1075 pitches (GVA 854 to 986, Figure 5.1). The applicant states that there is difficulty in obtaining a pitch during peak periods and that the proposal can provide better facilities than the current caravan parks. The applicant argues that they called only 14 sites regarding potential spaces for a weekend in June (19 - 21st) 2015

requesting the information on the 18th June, 4 of the 14 sites had spaces for the whole weekend break. For the week long break 9 of the 14 sites the consultants contacted had available sites (no details were submitted as to when the survey took place). It is considered that a sample of 14 out of 43 (29) is rather small and does not provide a sufficiently robust case. When officers searched for available accommodation the end of July and for the whole of August 2015, (the caravan sites with internet booking (the majority)) with the exception of the Rowntree Park in the city centre (which showed some full weekends), all showed availability.

4.29 Officers undertook a basic internet search and found sites within York offering similar facilities to those being proposed. The applicant argues that the quality of the proposed development is a very special circumstance. It should be noted this is an outline application and the quality of the proposed development may be different on the receipt of a reserved matters application and may alter during the construction and/or commencement and running of the business, as such the quality of the site can only be given limited weight. Whilst a range of accommodation is required for the tourism offer, it is not considered that the accommodation proposed differs so significantly from the quality already existing as to be exceptional.

4.30 Whilst a range of accommodation is required for the tourism offer it is not considered that on the basis of the information the applicant has submitted that it has been convincingly demonstrated there is a compelling 'need' for this type of development. It is considered that this factor carries little weight in favour of the proposal.

#### (iii) Economic benefit to the city

4.31 The applicant argues that the principal benefit of the application is the contribution it would make to the local economy and that this benefit constitutes very special circumstances that justify approval. The NPPF says that planning policies should support economic growth in rural areas by taking a positive approach to sustainable new development. Nevertheless, this policy does not outweigh green belt policy, as the presumption in favour of sustainable development does not apply to sites within the green belt.

4.32 The council supports in principle investment in tourism for the economic benefits it brings to the local area and the city as a whole. The proposed development would create 4.2 full time equivalent jobs. The level of direct employment created is not considered to be of a sufficient economic benefit to outweigh the harm. The applicant has stated that a further 53 full time equivalent jobs may be created in the wider area from visitor spending, these figures are based on a number of assumptions. If there is not an actual convincing demonstrable need for the park, it raises the question as to whether the spend would have occurred anyway from visitors using other touring sites within the York area, or whether the proposed site would create additional visitors. Setting aside the reliability of the



submitted figures it is expected there would be some economic benefit from the spend of the users of the park. Whilst there is a need to balance the economic benefits against other planning considerations, it is considered appropriate to give this factor little weight due to the uncertainties surrounding the scale and spread of these benefits.

(iv) Lack of suitable, available and deliverable sites within the urban area

4.33 The applicant has submitted information demonstrating that they have looked at other sites within the city, and concluded apart from the application site (that they own) there no other sites meet the criteria they require. As the applicant has not adequately demonstrated that there is a need for this development, the lack of other available sites is considered to carry little weight in favour of the proposal.

(v) Screening

4.34 The applicant argues that, the site is well screened from outside the site by the hedges and trees. The proposed use would be screened from the ring road by the established Wheatlands woodland. The visual impact of the proposed caravan park and associated buildings, lighting, and infrastructure when viewed from the A59 the site would be viewed in context of the neighbouring employment uses and the existing park and ride site. The deciduous hedge and trees would only provide an element of screening during the summer months and during the winter months the site would be clearly visible from a significant distance and from one of the main transport routes into York (A59) as well as the Northfield Lane. The western boundary is considered to provide little screening during the winter months and additional vegetation could be planted although it would be likely to take some years for this to mature sufficiently to completely obscure the caravans, buildings, engineering works from view, from the road throughout the year. The indicative plans indicate a proposed 2 metre high fence behind (to the east) of the western boundary the fence would be clearly visible particularly during the winter months and would exacerbate the built form, creating a consolidation of development along the horizon when viewed from the A59, the fencing would appear overly urban and out of character in this location particularly when viewed from Northfield Lane. It is considered therefore that this factor carries little in favour of the proposals.

DESIGN AND LANDSCAPE CONSIDERATIONS

4.35 The proposed site is classified as grade 1 agricultural land, of which there is little within the authority area. The NPPF states Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. That some of the surrounding

grade 1 agricultural land has been allocated for other uses in the emerging local plan is considered to have little weight by virtue of the lack of public consultation and there is not a published timetable for the progression of the Local Plan. The proposed use would result in the loss of this agricultural land. Whilst it is considered that it is not a sufficient reason to refuse the application on these grounds alone, it is considered to result in additional harm to the Green Belt by reason of inappropriateness and the harm to the openness of the Green Belt as set out above.

4.36 Despite the degree of deciduous vegetation along Northfield Lane, there are glimpsed views of the fields beyond and an awareness of the rural openness. The application is screened from the ring road by Wheatlands wood. Northfield Lane is subject to development pressure from Northfield Business Park and potential extensions thereof. Similarly several sites have been proposed (though they may not come forward) within the emerging local plan that potentially reduce the physical and perceived separation between Poppleton village and the edge of town on Boroughbridge road and the ring road. Currently there exists a reasonable division between the southern edge of Upper Poppleton (adjacent to the A59) and the Northminster Business Park, which is a distinctly separate item to both Poppleton and Knapton. The application site plays a part in this separation.

4.37 The presence of Oakwood Business Park and caravan storage area reduces the effectiveness of this margin of open countryside that forms part of the character of Northfield Lane. Nonetheless, despite this, and despite the influences of the northern ring road, this stretch of land suitably represents an important remnant of countryside lying between Knapton village and Upper Poppleton.

4.38 All matters relating to the site layout and appearance apart from the entrance to Northfield Lane have been reserved; however the indicative plans show a number of buildings including a reception/shop/cycle hire store, wardens accommodation, garage, amenity blocks, service buildings, refuse store, camping pods together with an extensive internal road layout, parking spaces, and a 2 metre high bund surrounding Northfield Terrace as well as a 2 metre high fence to the western boundary. An indicative plan has been submitted however this could significantly alter on the submission of a reserved matters application. However the aforementioned structures and engineering works would be on the site in some form. The proposed development would result in a change of character and an increase in activity in the area. The proposed fence (or soft landscaping) to the western boundary would provide an awareness of the change of use, and result in a reduction in the landscape quality.

4.39 The indicative plan shows the pitches sited relatively tight up to the boundaries such that the perimeter vegetation is not given a suitable buffer for it to 'breathe' and read as a separate entity to the caravan park with a wider association with the other landscape elements. The proposed development represents an intense use of the site over a substantial area.

4.40 As such the proposed use and buildings and associated works etc would not be compatible with the prevailing character of the area. The proposed change of landscape character from agricultural fields to a developed site would result in a reduction in the quality of the landscape. The current landscape serves to provide a setting for Northfield Lane and separation from the ring road, and separation between Poppleton and Northminster Business Park. Development of the site would further erode these divisions, and as such would be contrary to the NPPF which expects proposals take account of the different roles and character of different areas, and improve the character and the quality of an area.

#### IMPACT TO RESIDENTIAL AMENITY

4.41 The proposed development would surround Northfield Terrace on three sides. The Victorian dwellings have long gardens enclosed by mature hedges. The applicant has shown on the indicative plan a 2 metre high bund adjacent to the three boundaries with the terrace. The proposed development would result in activity that currently does not exist, close to the proposed dwellings, however it is not considered that this change in activity would result in harm to the residential amenity to the occupants of this terrace. Public Protection has advised that the proximity of the use shown on the indicative plan would be unlikely to result in statutory noise issues. The distance between pitches and the dwellings could be sought via a condition. Public Protection considers the bund is required to provide noise mitigation.

4.42 The proposed caravan park would result in a change of outlook from the buildings from fields to a caravan park however by virtue of the large gardens the alterations to the outlook are considered not to result in a loss but rather a different outlook and it is not considered that the development could be refused on this basis. The siting of the enclosing bund and the proposed landscaping is not considered to result in a loss of light or overshadowing by virtue of the distance and large size of the gardens.

#### IMPACT TO ARCHAEOLOGY

4.43 The archaeology within the site is a non designated heritage asset. The NPPF states that Local Authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and that they should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise (paragraph 129). The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced

judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 135).

4.44 During the trial trenching twelve of the thirteen trenches excavated contained archaeological features which were cut into natural layers.

4.45 Several of these trenches exposed features indicative of more intensive activity and/or settlement and are suggestive of further significant remains elsewhere on the site. Features identified which were not detected by geophysical survey also suggest that further undetected archaeological remains may be present on the site.

4.46 Ditches identified during the evaluation may form part of a rectangular enclosure. Despite a lack of dating evidence, this series of features is likely to represent a pre-medieval field system, and possibly settlement, most likely of Romano-British date. Two pits which contained burnt bone also probably date to this period and are suggestive of domestic activity on the site. Charred cereals found on the site may relate to this domestic occupation too. The later ridge and furrow field system was found to extend across much of the site with furrows aligned east to west. The system probably has its origins in the medieval or post-medieval period. The land was probably still used for agriculture through to the present day though a large feature in one trench may represent quarrying in the 18th-century. A scatter of flints found across the site is representative of prehistoric activity in the general area.

4.47 Although not unique, the archaeological evidence of prehistoric/Romano-British agricultural practices and/or settlement activity on this site is of local and regional significance. The information gained from the excavation carried out so far and any further investigation will assist in the understanding of the wider pre-medieval landscape of York. The archaeology on this site is not required to be retained in-situ.

4.48 The archaeology is largely located between 0.5m-1.10m below ground level (bgl). The more significant features - ditches and pits were generally found at depths of 0.5-0.8m bgl. Topsoil stripping in preparation for the creation of caravan pitches and excavations for drainage and erection of amenity blocks will have a negative impact on the archaeology on this site. Due to the shallow nature of the archaeology the Archaeology Officer recommends that a strip map and record exercise take place in the areas which have produced the most in terms of archaeological results and which will be affected by drainage, amenity blocks and pitches and an archaeological watching brief should be maintained across the rest of the site when groundworks are taking place. This can be sought by condition.

## ECOLOGY

4.49 The NPPF sets out that the Planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible.

4.50 The bat activity survey recorded low levels of common pipistrelle, a widely spread species. The woodland and hedgerows recorded the greatest activity. The hedgerows will provide important links from the woodland into the wider countryside. None of the trees on site were found to be suitable to support roosting bats.

4.51 Two ponds were identified within 250m of the site. Both of these were surveyed in 2008 in connection with the new Poppleton P+R site and did not record any great crested newts. The more suitable and closer pond was subject to an eDNA test in June 2015 for great crested newts; the result was negative. The arable fields provide sub-optimal habitat for amphibians.

4.52 The creation of a caravan site would increase activity on the site including noise and lighting. There will be a loss of two short sections of hedgerow to create access into and across the site. The adjacent Wheatlands Woodland will see increased disturbance from recreation. Without maintaining connections the proposal could increase the isolation of the woodland from surrounding habitats. However this could be mitigated for by retaining the hedgerows, creating new hedgerows and creating wildflower areas.

4.53 Lighting has a detrimental effect on bat activity; many bats will actually avoid areas that are well lit. Lighting can cause habitat fragmentation by preventing bats from commuting between roosts and foraging grounds. Details of the lighting could be sought via condition if the development was considered acceptable

4.54 Objectors are concerned that access to Wheatland's woodland would be restricted. The plans have show the access moved to outside of the application site. As it is privately owned woodland with access allowed at the owner's discretion it is considered that the potential restriction of access is not a planning consideration.

## DRAINAGE

4.55 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan policy GP15a: Development and Flood Risk advises discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced. It is considered that the drainage details could be sought via condition to be submitted with the reserved matters application if the proposed development was considered to be acceptable

## TRAFFIC, HIGHWAY, PARKING AND ACCESS ISSUES

4.56 The National Planning Policy Framework states that developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport. Policy SP8 seeks to reduce dependence on the private car within new developments through, amongst others, accessibility and linking the development with surrounding uses. Policy T7c seeks to ensure all new developments are within 400m of a frequent bus service. Policy T4 seeks to promote cycle parking to encourage sustainable transport choice. These local plan policies are considered to accord with the aims of the NPPF.

4.57 Access to the site is proposed to be taken from a new access being formed on Northfield Lane. The access offers visibility in accordance with national guidance and is of sufficient width to enable two-way traffic flow. The adjacent highway junctions of Northfield Lane/A59 and the A59/A1237 have recently been improved in terms of capacity, safety and pedestrian/cycle facilities. The peak periods of traffic generation of the proposed campsite will be outside of the peak periods of operation of the highway network and Highway Network Management Officers consider that it would not be of a level that would cause capacity issues nor warrant mitigation works.

4.58 The improvement of the aforementioned junctions together with the construction of the Park & Ride site mean that the site can be considered to be sustainable. Pedestrian and cycle facilities exist (including an underpass to cross the A1237) to make journeys to the city centre by non car modes a viable option. The Park & Ride is a short walk away, within 400 metres.

4.59 In order to improve the pedestrian and cycle facilities Highway Network Management Officers have negotiated and secured improvements to the footway running along the Western side of Northfield Lane. The existing footway will be widened to a minimum width of 2.4 metres in order to provide a shared unsegregated pedestrian/cycle facility which is considered to be a reasonable requirement; this could be secured via a condition.

## **5.0 CONCLUSION**

5.1 The application site is located within the general extent of the York Green Belt and serves a number of Green Belt purposes. As such it falls to be considered under paragraph 87 of the NPPF which states inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations (Loss of Grade I agricultural land, and harm to landscape). National planning policy dictates that substantial weight should be

given to any harm to the Green Belt. In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on openness and that the proposal would undermine two of the five Green Belt purposes. Substantial weight is attached to this harm which the proposal would cause to the Green Belt. Planning permission should only be granted if the potential harm caused to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. It is only if those “other considerations” are of sufficient weight that very special circumstances will exist. It is the cumulative weight of these other factors that matters; they do not individually need to be “very special” in their own right.

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

- The land should not be defined as greenbelt
- There is a 'need' for the development
- Economic benefit to the city
- Lack of suitable, available and deliverable sites within the urban area
- Screening

5.3 The Local Planning Authority has carefully considered the justification put forward by the applicant in support of the proposals and, having weighed these considerations against the harms that have been identified, has concluded that these considerations do not individually or cumulatively clearly outweigh these harms. It is concluded that very special circumstances do not exist to justify the proposal.

5.4 If the decision is taken to approve the application the Town and Country Planning (Consultation) (England) Direction 2009 requires that proposals that constitute inappropriate development within the Green Belt, and are recommended for approval, are referred to the Secretary of State for consideration.

## **6.0 RECOMMENDATION: Refuse**

1 The application site is within the general extent of the Green Belt as set out by policy Y1 of The Yorkshire and Humber Plan - Regional Spatial Strategy. In accordance with paragraph 89 of the National Planning Policy Framework it is considered that the touring caravan site including 91 caravan pitches, 10 camping pods, reception/shop/cycle hire store, wardens accommodation, garage, amenity blocks, service buildings, refuse store, together with an extensive internal road layout, parking spaces, 2 metre high bund surrounding Northfield Terrace, and 2 metre high fence to the western boundary constitutes inappropriate development which, according to Section 9 of the Framework is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The

proposal conflicts with the essential characteristics of Green Belts (their openness and their permanence) and the purposes of including land within the Green Belt by resulting in encroachment of development into the countryside, the sprawl, merging and coalescence of development; and is harmful to the openness of the Green. The Local Planning Authority has carefully considered the justification put forward by the applicant in support of the proposals but has concluded that these considerations do not clearly outweigh the harm to the Green Belt and other harm (being loss of Grade 1 agricultural land, harm to visual and landscape amenity) when substantial weight is given to the harm to the Green Belt. As such very special circumstances do not exist to justify the proposal. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework and policy YH9 of the Yorkshire and Humber Plan and also conflict with Draft Development Control Local Plan (2005) policy GB1: Development in the Green Belt.

## **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:

- Advised applicant on the issues with the Tourism Need and Economic Impact Assessment
- Advised applicant of initial concerns regarding green belt, noise, and archaeology.
- Applicant requested additional time to submit information to support their case

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

#### **Contact details:**

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15/01439/OUTM

Proposed Caravan Site, Northfield Lane Upper Poppleton



Scale : 1:2119

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<b>Organisation</b>	CYC
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	09 February 2016
<b>SLA Number</b>	Not Set

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## THE PROPOSAL

1.3 The applicant own "Muddy Boots Nursery" in York. The nursery currently operates from the Old Manor School site on Low Poppleton Lane, 0.4 miles to the east of the application site. They are seeking to relocate the nursery from the existing premises to The Gardens. The existing nursery provides an 80 place nursery (per day) and employs 27 members of staff.

1.4 The proposal involves converting and extending the modern barn and stables to reprovide the nursery and extend it to a 90 place nursery (per day) with 27 staff overall (maximum 19 on site per day). The extension includes inserting a first floor into the barn and infilling the area between the stables as well as a single storey extension the full length of the south elevation of the barn and attached stables. The existing gross internal floorspace is 315 sq.m and with the extension and conversion it will total 554 sq.m. This is an additional gross internal floorspace of 239 sq.m.

1.5 Following revisions to the plans, the single width drive will be widened from 4m to 6m. The triangular portion of land to the east of the drive will become an 18 space car park and an additional 2 disabled car parking spaces will be provided in front of the converted barn together with a turning area. Buggy and cycle parking enclosures, decking area and outside play areas are proposed to the west and south of the barn, bordered by low fencing. 2m wide footpaths will provide off-road pedestrian access from the car park and to the west of the drive to connect with the pedestrian refuge island on Boroughbridge Road and from there to the bus stops and residential areas by foot. Low level lighting is proposed in the car park and along the footpaths.

1.6 Original plans showed the removal of the hedgerow by the car park on Boroughbridge Road and two small sections to facilitate the creation of the footpath to the west of the access road. Two signs 2.5m in width were also shown on the plans on either side of the access. Revisions to plans now show replacement hedging placed to protect sightlines and a single totem-style sign.

1.7 The new nursery building will benefit from numerous large new windows and timber folding doors on the front, rear and south elevation and rooflights giving the nursery plenty of natural daylight and connecting it to the outside. To the north elevation, the character of the building reflects its previous use as stables with original doors retained and additional windows inserted. Decking and canopies will add to amenity and use of the outdoor space.

1.8 The blockwork of the barn will be painted white and the front gable will be timber panelled. The windows will be timber stained and the drawings indicate close boarded timber fencing to the buggy and cycle parks. To the rear is a first floor decking area (west facing).

1.9 The original submission did not include drainage information but this was subsequently received on 18th December 2015. Revised plans were also received to address highways concerns on 25th November 2015. A document titled 'Planning Support Document' which sets out the applicant's consideration of 'very special circumstances' to justify the harm to the Green Belt and a basic Transport Statement was received on 2nd December 2015. This was further expanded upon via email following additional request for information from highways.

## **PLANNING HISTORY**

### The Gardens, Boroughbridge Road

1.10 There is no recent planning history and it seems no record of an application to erect the barn. However, as the barn was reportedly constructed in the 1980s, due to this being more than four years, the building is now considered 'lawful' development.

1.11 Other history includes:

- 6/127/8/PA Planning application to demolish the old disused cottage and erect a bungalow: Refused 22.01.1975
- 6/127/53/PA Planning application to extend the property: Approved 02.06.1976
- 6/127/115/OA Planning application to erect a house and garage: Refused 09.01.1980
- 6/127/53A/PA Planning application to erect a self-contained flat over the existing garage: Refused 02.02.1988

### Other

1.12 Of relevance to this application, it also worth commenting on formal planning application/pre-application advice the applicant has sought in relocating the nursery from the Old Manor School.

- 14/00577/PREAPP The applicant sought pre-application planning advice for the erection of a single storey building for a children's nursery at NTL Communication Service Limited, Millfield Lane, Nether Poppleton and the Council considered that in principle it was being acceptable. The applicant subsequently advised this option was not being pursued and a number of other sites were being investigated, including sites in the Green Belt. The applicant was encouraged to seek formal pre-application advice about further sites and that it would be unlikely that permission would easily be granted for a large nursery in the Green Belt.

1.13 The government has introduced a provision for the conversion of agricultural buildings to nursery use through Part 3, Class S of the amended the Town and Country (General Permitted Development) Order (2015). However because the application involves operational development including extension to the barn and the size of the nursery, and land within its curtilage brings it over the threshold it means it falls outside the permitted development rights under this provision and a full planning application is necessary.

## **2.0 POLICY CONTEXT**

### 2.1 Draft Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

York North West Boundary GMS Constraints: York North West Boundary CONF

### 2.2 Policies:

City of York Draft Local Plan adopted for Development Control Purposes (2005)

CYSP2: The York Green Belt

CYGP1: Design

CYGP9: Landscaping

CYGB1: Development within the Green Belt

CYGB3: Reuse of buildings

CYC7: Criteria for childrens nurseries

City of York Council Emerging Local Plan Publication Draft (2014)

Policy CF1: Provision of community facilities

## **3.0 CONSULTATIONS**

### **INTERNAL**

#### Childcare Sufficiency Group

3.1 The Childcare Sufficiency Group strongly support the application. Under the Childcare Act 2006 Local Authorities are required by legislation to secure sufficient childcare, so far as is reasonably practicable, for working parents, or parents who are studying or training for employment.

3.2 The existing nursery building is not really fit for purpose and provides only temporary accommodation. The CYC Capital and Asset Board agreed on 3rd June 2015 that the building should be vacated and demolished as soon as possible to

capture full capital receipt from the sale of the land for future development and because maintenance costs are increasing.

3.3 There is also a lack of alternative buildings in this area of York which would be suitable for use as a nursery. Current providers in the local area are close to capacity across all age ranges. This application is for the relocation of an existing nursery and if the application was refused and the existing nursery closed down, there would be a sufficiency issue for childcare for all ranges in this part of York.

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

3.4 Highlight how the application site is within the Green Belt and therefore the presumption in favour of sustainable development contained within the NPPF does not apply to this site. They also note that the proposed car park for the nursery is within the north-western section of strategic housing site ST29 "Land at Boroughbridge Road" in the emerging Local Plan although this Plan is currently on hold subject to review of housing sites. It is noted that the area of land which falls into ST29 is however within the applicant's ownership.

3.5 The emerging Local Plan identifies part of the site as within a designated Historic Character and Setting Area which are important for preserving York's historic character and setting. The site is also within an 'Area Retaining the Rural Setting' in the 2013 update to the 2003 York Green Belt Study and it is therefore necessary to demonstrate very special circumstances to justify the nursery development in this location.

3.6 Forward Planning have reviewed the 'very special circumstances' case put forward by the applicant. They accept that a full review of alternative sites has been undertaken and that on the basis of the information submitted there are no acceptable alternatives that are deliverable or viable for the nursery. The need for the new site is clear and the proposals involve the conversion of existing redundant outbuildings which are of permanent and substantial construction and are capable of conversion without major reconstruction. The proposed design of the building will also be more in keeping with the local landscape which is welcomed. The visual impact of the proposals on the openness of the Greenbelt should be assessed together with highway impact. Overall no policy objections are raised.

#### Highway Network Management (HNM)

3.7 Following receipt of further information requested, HNM have no objections to the proposed development. The development consists of a relocated nursery on the A59, just inside the ring road. The applicant has provided details of current usage of their premises which is close in capacity to the proposed development.

3.8 Revised plans show the access widened to 6m in width to accommodate two-way traffic. Sight lines are to be created by alterations to the boundary treatment.

There will be an intensification of use of this access, however officers anticipate a minimal increase in the traffic generated in the vicinity as the nursery is relocating from a plot approximately 600m away.

3.9 Car parking meets Appendix E standards of the DCLP for the number of places and staff proposed. Due to its proximity to the ring road and more than 500m from the existing nursery, officers feel that the vast majority of trips will be by car to this venue. It is likely that the car park will be mostly occupied by staff, particularly when the nursery is fully occupied. They envisage that the majority of parents will arrive to the nursery by car for convenience compared with other more sustainable methods. The nursery is providing a drop off area near the building entrance with turning. Due to the length of the driveway, vehicles should be able to stack and manoeuvre adequately without affecting the A59. Cycle parking is included but not detailed.

3.10 Standard planning conditions and informatives are proposed relating to providing details of access and car and cycle parking, and for parking and turning areas to be laid out before occupation. Vehicle sight lines will also be protected via condition.

#### Planning and Environmental Management (Countryside and Ecology)

3.11 No objections but minor amendments to plans and a condition on bird mitigation (nest boxes) and informatives on nesting birds and non-native invasive species is advised.

3.12 The proposals for the car park including the removal of trees is unlikely to have a significant impact on biodiversity and could be mitigated by the 'gapping up' the eastern boundary hedgerow with native species. The in-hedge tree opposite the pedestrian refuge should be retained and the gap off-set. The introduction of limited lighting in this area, if sensitively designed is unlikely to have a significant impact as Boroughbridge Road is already well lit. Low level bollard lighting would be preferable over downlights.

#### Planning and Environmental Management (Landscape Architect)

3.13 The site falls within a stretch of greenbelt that separates the built up edge of the city and the outer ring road and Poppleton village beyond. There is a distinct change from the urban context to the open, agricultural landscape. The hedgerows and trees on Boroughbridge Road and the open fields beyond are fundamental to the landscape character within this zone. The farmsteads and properties within this area of greenbelt are fairly incidental to view.

3.14 The change of use is not objectionable in landscape terms however the introduction of a car park at the site entrance represents a limited but marked intrusion into the open greenbelt, and is out of character with the rural arable landscape. As it is a relatively short distance between the residential edge to the



ring road/Poppleton, a cautionary approach is advised over further incremental degradation of the rural greenbelt character along this critical stretch.

3.15 The trees of most significance are retained within the proposed car park. The proposed transplanting of existing trees provides a setting for the car park but is little compensation for the overall effect. Whilst the removal of the hedge is not objectionable as it is of little value in itself being largely bramble, the hedge line is an important long-standing feature of Boroughbridge Road. The proposed replacement hedge is supported and a suitable landscape condition is proposed to ensure it is established.

#### Flood Risk Management (FRM)

3.16 Drainage investigations undertaken by the applicant concluded that traditional SuDS for the disposal of surface water was not possible and that the site would need to be drained to the public sewer via attenuation with a storage tank and pump. A Drainage Statement was submitted which set out the principles of the proposed drainage of the site for both foul and surface water. This was reviewed by FRM.

3.17 FRM have no objections to the development in principle subject to the attachment of conditions relating to separate systems of drainage for foul and surface water; the approval of details of foul and surface water drainage; and that buildings should not be occupied until drainage works are complete.

#### Public Protection (PP)

3.18 PP have advised that given the location and the proximity of the A59, noise in the area is already elevated. It is anticipated that noise from the nursery at the farmhouse and Wheatlands House will be masked by background noise. No objections are raised subject to the attachment of conditions that restricts hours of operation of the nursery to protect the amenity of nearby properties, to address any unexpected contamination associated with the farm and the provision of an electric vehicle charging point.

### **EXTERNAL**

#### Yorkshire Water

3.19 No response received.

#### Ainsty Internal Drainage Board (IDB)

3.20 Do not object to the proposals but raise concerns that the water from the development is likely to run into Golden Farm Dyke, a Board maintained asset. This watercourse currently conveys large amounts of water and additional discharge may

result in an increased likelihood of flooding. The risk of flooding should be reduced and where possible, surface water should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. Drainage problems exist in the area and the LPA must be satisfied that surface water will be satisfactorily disposed of and should not affect neighbouring properties.

### Upper Poppleton Parish Council

3.21 Has no objections but comments that the application is for a major change of use to commercial enterprise by conversion of farm outbuildings. There is a narrow concealed private drive for access and egress onto congested section of A59 at times of peak traffic. There is no pavement on the side of the entrance and the access drive also serves two other properties which would be affected by increased traffic.

### Neighbours

3.22 Site notice expired: 24.09.2015

### Supporting comments

3.23 The Council has received 23 supporting comments from neighbours, existing nursery customers and staff. They note the existing high quality nursery facility and the need for a permanent new site. The proposals are considered exciting and will provide an improved space for the children, particularly additional inside space and access to the outdoors. The nursery is an established nursery for the local community and the proposed site is ideally located at the heart of the community with good access by car, on foot or by bicycle.

3.24 Two additional letters of support are contained in the submitted planning statement from the head teacher of Carr Infant School and the Vice Principal of Poppleton Ousebank Primary School. They comment that the current premises is not suitable for the needs of young children, the proposed site will provide improved premises and general supporting comments for the nursery.

### Objections

3.25 The neighbours at Wheatland House who share the drive to the proposed nursery have no objections in principle to the nursery. However they explain that access and egress to their property is via an easement over the shared driveway, which is part of the land owned by the applicant and themselves. They are concerned over landownership and also believe that the splay to the drive entrance is owned by the Council.

3.26 Responding to the original submission, the neighbours raise strong concerns about the impact of nursery traffic severely compromising their ability to access and exit their property at peak times as the drive is single width. They raise safety concerns for pedestrians using the single width drive. They hope a better solution can be achieved.

3.27 Electricity and water supplies to their property run beneath the proposed application site and should be maintained during construction and operation of the nursery. They also raise concerns over possible light pollution if any security lights are installed.

## **4.0 APPRAISAL**

### **KEY ISSUES**

4.1 The key issues are considered to be:

- Principle of the relocation of the nursery
- Green Belt
- Design
- Landscape and ecology
- Access and highways
- Drainage
- Impact on neighbour amenity

### **PLANNING POLICY CONTEXT**

#### National Planning Policy Framework

4.2 The National Planning Policy Framework (March 2012) (NPPF) sets out the Government's overarching planning policies, paragraph 14 advises that at its heart is a presumption in favour of sustainable development, of which there are three interdependent dimensions: economic, social and environmental. Development of a strong, responsive, competitive economy; strong, vibrant and healthy communities whilst protecting and enhancing the natural and built environment is promoted. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise, and there is a presumption in favour of sustainable development. However as paragraph 14 explains, for decision taking this means approving development proposals that accord with the development plan without delay unless specific policies indicate development should be restricted, which includes policies on Green Belt (foot note 9). As explained further below, the presumption in favour of sustainable development in this instance does not apply as the proposals are defined as inappropriate development within the Green Belt.

4.3 Twelve core planning principles are identified (paragraph 17), which include the need to support sustainable economic development; always seeking high quality design and a good standard of amenity for existing and future occupants of land and buildings; promoting the vitality of urban areas and protecting Green Belts around them; encouraging the reuse of existing resources including the conversion of buildings; and encouraging non-car modes of travel.

4.4 The NPPF does not contain specific policies relating to nurseries. However at paragraph 70 within the section 'promoting healthy communities' it states that planning decisions should aim to deliver the social, recreational and cultural facilities and services the community needs. It should guard against the unnecessary loss of valued services and facilities, especially those that meet day-to-day needs. Such services should be able to develop and modernise in a sustainable manner so that they are retained for the benefit of the community.

4.5 The NPPF at section 9 explains the importance of Green Belts; their fundamental aim being to prevent urban sprawl by keeping land permanently open; the essential characteristics being openness and permanence. Included at paragraph 80 is the desire to safeguard the countryside from encroachment. Inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 87). When considering planning applications, 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.

4.6 The construction of new buildings is inappropriate development in the Green Belt. Exceptions include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Limited infilling is also included in the exceptions at paragraph 89. Other forms of development are also not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. These include the re-use of buildings provided that they are of permanent and substantial construction (paragraph 90).

#### Saved policies from the Regional Spatial Strategy

4.7 The application site falls within the general extent of the York Green Belt as shown on the Key Diagram of the Regional Spatial Strategy (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 215 of the RSS form the statutory Development Plan for York. The general extent of Green Belt is identified in 'Figure 6.2: York sub area context diagram'. 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.

4.8 Whilst the general extent of the York Green Belt in the RSS key diagram is irregular in shape, it is clear from policy Y1(C)(1) that the western outer limit is intended to be about 5 miles from the city centre. The key diagram also shows the inner limit on the west side of York as being about one-third the distance from York city centre than the outer limit. The application site is 2.5 miles from York city centre. Notwithstanding the indicative nature of the RSS and that the detailed inner boundaries of the Green Belt around York have yet to be defined, it is considered that these dimensions place the site within the general extent of the York Green Belt.

#### Development Control Local Plan

4.9 The City of York Draft Local Plan (incorporating 4th set of changes, April 2005) has been adopted for Development Control purposes (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are however 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. Policy SP2 on York's Green Belt states that the primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York. Policy GB1 states that planning permission will only be given for development in the Green Belt where the scale, location and design of such development would not detract from the open character of the Green Belt; and it would not conflict with the purposes of including land within the Green Belt; and it would not prejudice the setting and special character of the City of York AND it should be for one of several purposes including the reuse of existing buildings. All other forms of development within the Green Belt are considered inappropriate. Very special circumstances will be required to justify instances where this presumption against development should not apply.

4.10 Policy GB3 on the re-use of buildings in the Green Belt that planning permission should be granted provided that the reuse does not have a materially greater impact than the present use on the openness of the Green Belt; that the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction; and the proposed reuse will generally take place within the fabric of the existing building and will not require extensive alteration, rebuilding or extension; and the form, bulk and general design of the buildings are in keeping with their surroundings; and ... there is already a clearly defined curtilage.

4.11 GP1 sets out general policy on design. In summary it states that development proposals will be expected to respect and enhance the local environment, be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials

and avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment. Development should ensure that residents living nearby are not unduly affected by noise, disturbance or overlooking.

4.12 Policy GP9 on landscaping states that where appropriate development proposals will be required to incorporate a suitable landscaping scheme, and this must include an appropriate range of indigenous species; and reflect the character of the locality and surrounding development; and form a long term edge to developments adjoining or in open countryside.

4.13 The DCLP contains a policy (C7) on Children's Nurseries. Planning permission will be granted for the development of, or the change of use to, a children's nursery provided that adequate internal and external play space is provided; that there will be no adverse impact on neighbouring amenity and that the proposed development is well served by footpaths, cycleways and public transport routes.

#### York Local Plan Publication Draft (2014)

4.14 Following the motion agreed at Full Council in October 2014, the Publication Draft of the York Local Plan is currently not progressing through its statutory consultation pending further consideration of the Council's housing requirements and how it should meet those requirements. The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and 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 capable of being a material consideration in the determination of the planning application.

4.15 Policy CF1: 'Provision of community facilities' supports the development of strong, supportive and durable communities where every community has access to quality community facilities to meet day to day needs. Any new community facilities should be in locations which are well served and linked by public transport and easily accessible by walking and cycling. Policy CF3 relates to the provision of new nurseries or extensions of existing, rather than relocations.

4.16 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.

## CONSIDERATON

### Principle of the relocation of the nursery

4.17 The NPPF advises that sustainable development consists of three interdependent dimensions; economic, social and environmental. Development of a strong, responsive, competitive economy; strong, vibrant and healthy communities whilst protecting and enhancing the natural and built environment is promoted. It is recognised that the existing nursery provides good quality childcare for the local community (Ofsted inspection, 04.12.2012) and that the relocation will serve to strengthen the nursery as a business and continue to provide good quality childcare in an enhanced and improved setting. The number of positive responses to the consultation, further supported by the Council's Childcare Sufficiency Group and the head teacher and vice principal of the local primary schools positive comments underline this assessment. In these respects the proposals accord with fundamental principles of the NPPF (paras. 14 and 17).

4.18 It is also accepted that the existing premises for Muddy Boots Nursery at the Old Manor School Site is not a long term option. Consultation with the Council's Childcare Sufficiency Group established strong support for the relocation of the nursery and of the shortfall in nursery provision in this part of York should the existing nursery not be able to relocate, and subsequently close.

4.19 Sustainable development seeks to support economic development and the strengthening of communities and whilst this is a private day nursery, it also offers wider sustainable objectives of enabling parents to return to work. It is also able to provide free early (pre-school) education for three and four year olds. As evidenced by the applicant, recent legislation is extending this to a further 15 hours for eligible families, increasing the demand for early childcare further. The NPPF (paragraph 70) and Publication Draft Local Plan (2014) Policy CF1 generally supports community facilities and the need to guard against the unnecessary loss of valued services and facilities, especially those that meet day-to-day needs.

4.20 The proposed nursery will provide an attractive setting for a nursery with access to a large outside play area. The free flow between inside and outside space is a critical aspect of early years' education and the proposed building further capitalises on its location through the use of large windows and doors to bring the outside in. Various rooms and storage areas are created within the extended building. The proposals are considered to accord with DCLP Policy C7 Nurseries.

### Green Belt

4.21 However, bearing in mind the above discussion, the application site is located within the general extent of the Green Belt as described in the RSS; is shown as being within Green Belt on the proposals map in the DCLP and retained within the Green Belt in the emerging Local Plan. Therefore restrictive Green Belt policies

apply. The presumption in favour of sustainable development and provision of community facilities in determining applications does not apply.

*Inappropriate development, harm to openness and purposes of Green Belt*

4.22 The application involves the conversion of a now redundant agricultural building and the extension of the building. The existing gross internal floorspace is 315 sqm and through the conversion and extension the total gross internal floorspace proposed will be 554 sqm, an increase of 239 sq.m. Whilst some of this will be the insertion of first floor accommodation in the barn, the footprint of the extension is approximately 180sqm. The proposals also involve the widening of the access, creation of an 18 space car park, buggy store and cycle store, new footpaths, fencing, decking, lighting and signage.

4.23 Green Belt policy in the NPPF and DCLP defines the construction of new buildings as inappropriate development. Exceptions include that extension or alteration of a building provided that it does not result in disproportionate additions over the size of the original building. The footprint of the extension is calculated to be approximately 76% of the original footprint of the barn and stables. As such it is considered to be a moderate increase but being all single storey in height, subservient to the original building. Further, some of the extension between the stable blocks is considered 'infill' which on its own would fall within the exception.

4.24 Paragraph 79 of the NPPF indicates that openness and permanence are essential characteristics of Green Belt. Paragraph 80 of the NPPF sets out the purposes of Green Belt. These include, amongst others, to check the unrestricted sprawl of large built up area; assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and to assist in urban regeneration by encouraging the recycling of derelict and other urban land. Considering whether the scheme overall preserves the openness of the Green Belt and does not conflict with the purposes of the Green Belt, the extensions to the building and in particular the creation of the car park, together with the ancillary elements such as the buggy and bicycle parks, fencing, decking, signage and footpaths will have a notable impact on the permanence and openness of the Green Belt in addition to the relatively modest extension to the building. The curtilage of the existing barn is clearly extended. As advised by the Council's landscape architect the proposed car park and access road will have a limited but marked intrusion into the open green belt and is out of character with the rural arable landscape. Forward Planning advise that the site is within an 'historic character and setting area' and 'area retaining the rural setting' in the 2003 Green Belt Study.

4.25 Whilst some mitigation of the visual impact of the car park is enabled by the landscape treatment and in particular the replacement hedge, it is concluded that overall, the proposals must be considered as 'inappropriate development' in the Green Belt as they do not wholly fall within the permitted exceptions and will have a permanent, although moderate and localised impact on the essential characteristics



of the Green Belt as set out in the NPPF and policies SP2, GB1 and GB3. The NPPF advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except in 'very special circumstances'. The proposal would also cause some harm to openness and Green Belt purposes. Substantial weight must 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. Whether there are such other considerations which amount to 'very special circumstances' is assessed below at paragraph 4.35.

### Design

4.26 The proposals are considered to be a significant positive enhancement to the existing building whilst still reflecting the agricultural history of the site. Whilst involving extension, these are single storey and thus the building will still appear subservient to the adjacent host farmhouse. The large windows, folding doors and large number of rooflights will draw in natural daylight and ventilation and views out. Level thresholds enable free flow for the children to inside and outside areas. Internally the building will be subdivided into a number of rooms, play areas, service areas and storage. Overall, it is considered the building to be of good design visually and for its intended purpose.

4.27 DCLP policy C7 on children's nurseries requires adequate internal and external play space to be provided and it considered the proposals will provide a high quality, valuable space. As such the proposals accord with this policy.

### Landscape and Ecology

4.28 DCLP policy GP9 states that development proposals should include a suitable landscaping scheme and reflect the character of the locality. Being in the Green Belt and in an historic character and setting area, this is particularly important as underlined by the Council's landscape architect. However specific objections are not raised and it is considered that the revised plans, with replacement hedging together with permeable green "grasscrete" surface and retained and relocated trees will serve to mitigate the harm overall and the proposals acceptable overall.

### Access and highways

4.29 Much discussion has taken place with the applicant regarding the highway impact of the proposals on the local road network and neighbours who share the access. The submitted Planning Supporting Statement contains a simple Transport Statement and subsequent to this submission, further information has been requested from the applicant.

4.30 Design revisions include a widening of the access to 6m in width to allow two-way flow of traffic. A new 2m wide footpath is shown to provide off-road pedestrian access from the car park and to the island on Boroughbridge Road. There are two disabled parking spaces and a turning area in front of the nursery. The car park provides spaces to meet the maximum parking standards contained within Appendix E of the DCLP. Whilst it is considered that in practice as the site is outside the urban area, although benefitting from bus services along Boroughbridge Road, most of the journeys will be by car and that staff will use the car park. It is likely that customers will drop-off children by stack parking on the drive. Secure, under cover cycle parking is shown. However, as the highways officer raised no objections overall, subject to compliance with the attached proposed conditions, and then the scheme is considered acceptable from a highways perspective.

4.31 Members are reminded that easements, or private rights of way, are a private civil matter between a property owner and the person/party who has the right of easement. The granting of planning permission does not override private rights of way or easements over land.

#### Drainage

4.32 The IDB identified that there were drainage issues in the area and investigations undertaken by the applicant confirmed that a traditional SuDS for the disposal of surface water was not possible and that the site would have to be drained to the public sewer via attenuation with a storage tank and pump.

4.33 An outline drainage scheme was submitted, which showed that the site will be developed with separate foul and surface water systems. Foul water will be pumped to the existing house drain connecting at a point close to the site boundary. Surface water will be drained from the new roof to the existing house drain and thus to the public sewer beyond. In order not to increase flows to the public sewer, surface water from the existing farmhouse will be diverted into the new drainage system for attenuation purposes. The Council's drainage engineers have confirmed that the details can be conditioned.

#### Impact on neighbour amenity

4.34 The neighbours have not objected to the principle of the nursery and PP have advised that in this location with existing background noise levels and distance to Wheatlands House, no objections are raised from a neighbour amenity perspective. It is considered appropriate however to attach a lighting condition to agree details.

#### Other considerations - Very special circumstances (VSC)

4.35 Once the Council confirmed that they considered the proposals as being 'inappropriate development' in the Green Belt, the applicant was invited to set out the factors considered to amount to VSCs to outweigh harm to the Green Belt by

reason of inappropriateness and any other harm. These were presented in the 'Planning Support Document' received 2nd December 2015. Whilst various arguments were presented, officers consider that cumulatively the following may amount to VSCs:

- The short term nature of the current location;
- The lack of an alternative site within the built up area;
- The demand for and success of the nursery; and
- The relatively moderate and localised level of impact on the green belt given that it is a conversion with extension including infill of the existing barn and the other development associated with the proposals were not buildings themselves (parking, widened access, decking, minimal necessary infrastructure such as low level lighting and minimal signage).
- There is no other identified harm that cannot be mitigated through the revised plans or attached proposed conditions.

4.36 The applicant cannot remain within the Old Manor School site as it is to be redeveloped. They must find alternative premises if the nursery is to remain open. Their customer base is in this part of York, to the west of the city centre and they provide a valued community need for childcare and early years education.

4.37 Officers are aware that they have sought alternative locations, including the evidence of the pre-application enquiry for a building in Millfield Industrial Estate. Other sites were also examined and discounted for various reasons including being unsuitable, unviable or because owners sought more profitable alternatives. It is accepted that a full review of alternative sites has been undertaken and it is agreed that on the basis of the information submitted that there are no acceptable alternatives that are deliverable or viable for the nursery.

4.38 The nursery is popular and evidence has been gathered that it provides good quality childcare and should it no longer be operating, there will be a sufficiency gap with other providers in the vicinity being close to capacity. Moreover, under the Childcare Act 2006 Local Authorities are required by legislation to secure sufficient childcare, so far as is reasonably practicable, for working parents, or parents who are studying or training for employment. The Childcare Sufficiency Group strongly support the relocation of the nursery. The existing site is 0.4 miles away.

4.39 The proposals will improve the visual appearance of the existing barn and the character and design is appropriate to its context and a positive improvement of the local environment. Comprising extension of an existing building and soft landscaping of the car park, the overall impact on the permanence and openness of the Green Belt is notable but not significant.

4.40 Other than harm to the Green Belt by definition by reason of inappropriateness and harm to the openness and purposes of the Green Belt, the consultation exercise has resulted in no specific other harm caused by the proposals being identified. There is some impact on landscape character, but the impact has been mitigated and minimised through the submitted revised plans and landscape treatment. Any other potential harm has not been identified that could not be controlled by the imposition of conditions to any planning permission (such as highway impact).

4.41 Taking into account the above matters, very special circumstances are considered to have been evidenced to clearly outweigh the harm to the Green Belt and any other potential harm, when substantial weight is given to the harm to the Green Belt. Further, it should be noted that some elements of the extension of the building are infill and would be defined as permitted exceptions.

## **5.0 CONCLUSION**

5.1 In conclusion, whilst the proposals are considered to be inappropriate development in the Green Belt, and therefore harmful by definition, for which the presumption in favour of development does not apply, the impact on the permanence and openness of the Green Belt is moderate in scale and localised. However any harm to the Green Belt should be given substantial weight in the planning balance.. No other harm has been identified that cannot be mitigated by the imposition of conditions to any planning permission. The particular considerations here cumulatively amount to very special circumstances, that in this particular instance are considered to clearly outweigh the harm to the green belt by reason of inappropriate development and localised limited harm to the purposes and openness of the Green Belt. As such the proposals are in accordance with core principles of the NPPF, and specific principles and policies protecting the Green Belt in Section 9 of the NPPF and Policies SP2, GB1 and GB3 of the DCLP.

5.2 The proposals for the relocation of the nursery will continue to provide essential high quality childcare in this part of York. The existing nursery is a valued community asset and its relocation will ensure it remains so. The design of the nursery building and associated play space, and the landscape mitigation will create an attractive nursery and setting meeting the wider aspirations of early years education provision whilst minimising any change to the established rural character in this particular locality. The current barn is not attractive and the proposals will significantly improve its appearance. Overall the proposals are considered to comply with relevant sections of the NPPF (paras 14, 17 and 70) and GP1, GP9 and C7 of the DCLP.

5.3 The application is recommended for approval subject to the attachment of the following conditions.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

- Location Plan, logged 10.08.2015
- Site plan and context (red and blue line) (026.01 Rev A) logged 08.12.2015
- Site plan as proposed (026.06 Rev B) received 22.01.2016;
- Site plan and context as proposed (026.11 Rev B) received 22.01.2016;
- Site entrance and car park as proposed (026.12 Rev. A) received 22.01.2016;
- Ground floor plan as proposed (026.07) logged 10.08.2015;
- First floor plan as proposed (026.08) logged 10.08.2015;
- West and east elevations and sections as proposed (026.09) logged 10.08.2015;
- South and north elevations as proposed (026.10) logged 10.08.2015;
- Design and access statement amended January 2016, received 22.01.2016; and
- Drainage Statement prepared by Stevensons Associates dated 18.12.2015.

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 nursery's opening hours shall be restricted to 7.30am to 6.00pm Monday to Friday. It shall not be open on Saturdays or Sundays.

Reason: To protect neighbouring residential amenity

4 HWAY14 Access to be approved, details reqd

5 HWAY18 Cycle parking details to be agreed

6 HWAY21 Internal turning areas to be provided

7 HWAY23 Vehicular sight lines protected

8 HWAY19 Car and cycle parking laid out

9 One electric vehicle charge point shall be provided before the nursery is first brought into use? in a position first to be agreed in writing with the Local Planning Authority and thereafter retained in working order for the lifetime of the development. The point shall be retained for the exclusive use of zero emission vehicles.

Notes: Electric Vehicle Recharging Point means a free-standing, weatherproof, outdoor recharging unit for electric vehicles with the capacity to charge at 7kw (32A)

that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

10 In the event that 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.

11 All lighting shall be positioned and angled to prevent glare, reflection or distraction to highway users and neighbouring residential properties.

Reason: In the interests of road safety and neighbouring residential amenity.

12 VISQ8 Samples of exterior materials to be app

13 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. It should be broadly compliant with the revised and approved plans:

- Site plan as proposed 026.06 Rev. B received 22.01.2016;
- Site plan and context as proposed 026.11 Rev. B received 22.01.2016 and
- Site entrance and car park as proposed 0.26.12 Rev. A received 22.01.2016.

This scheme as approved shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

14 The development hereby permitted shall not be occupied until mitigation comprising of a minimum of three bird nest boxes, suitable for use by swifts and swallows, have been installed/constructed within the site in accordance with guidance from a suitably qualified ecologist.

Reason: To take account of and to enhance the habitat for biodiversity and comply with Section 11 of the NPPF.

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

Reason: In the interest of satisfactory and sustainable drainage.

16 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

17 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs

186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Invited the applicant to set out any very special circumstances as the proposals were defined as inappropriate development in the Green Belt.
- Requested additional necessary highways information from the applicant which was submitted in a Transport Statement and subsequent emails.
- Requested the submission of a suitable drainage scheme.
- Requested confirmation of land ownership and submission of a 'red and blue line' plan.
- Requested revised plans to widen the access, create a separate off-road footpath along the drive, create adequate visibility spays, provide a replacement hedge, reduce the proposed signs to one smaller one, provide low level bollard lighting rather than LED lighting to the car park and access, specify the low fencing as no more than 1.2m in height, and retain the hedge tree opposite the pedestrian island.

## 2. HIGHWAY WORKS

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

## 3. NON-NATIVE INVASIVE SPECIES

The invasive species Himalayan balsam (*Impatiens glandulifera*) is present on site. The applicant is reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to "introduce plant or cause to grow wild any plant listed on Schedule 9 Part 2 of the Act" and prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features. Further information is available from the Non-native Species Secretariat (NNS) web site at <http://www.nonnativespecies.org/home/index.cfm>.

## 4. NESTING BIRDS

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



Trees, hedgerows and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees, hedgerows and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

## 5. DEMOLITION AND CONSTRUCTION INFORMATIVE

The developer's attention should also be drawn to the following:

- a) All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:
  - Monday to Friday 08.00 to 18.00
  - Saturday 09.00 to 13.00
  - Not at all on Sundays and Bank Holidays.
- b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, 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.

## 6. DRAINAGE

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.

## Drainage Design Considerations

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.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils 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 shall be used for the above.

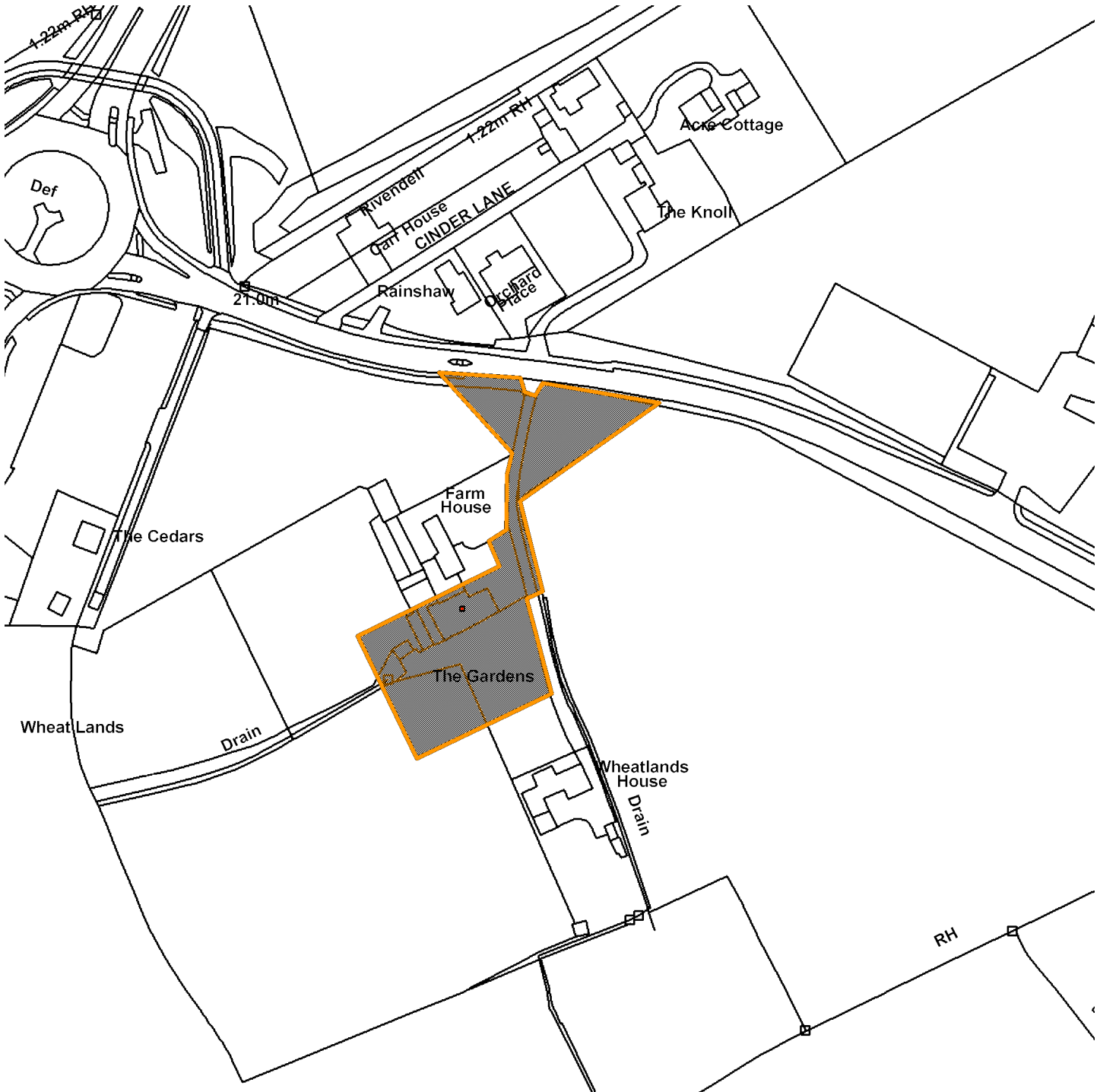
### **Contact details:**

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15/01836/FUL

The Gardens, Boroughbridge Road



Scale : 1:2119

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<b>Organisation</b>	CYC
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	09 February 2016
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 18 February 2016      **Ward:** Heworth Without  
**Team:** Major and      **Parish:** Heworth Without Parish  
Commercial Team      Council

**Reference:** 15/02073/FUL  
**Application at:** York Caravan Park Stockton Lane York YO32 9UA  
**For:** Use of land for siting 6no. camping pods on site of existing all weather tent pitches  
**By:** Mr Richard Wilson  
**Application Type:** Full Application  
**Target Date:** 22 February 2016  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This is an application for the replacement of six all weather surfaced camping pitches with six camping pods on land forming part of the York Caravan Park, Stockton Lane, York.

1.2 The site is located on the north side of, and accessed from, Stockton Lane. The existing caravan site has 55 pitches and covers an area of approximately 2 ha. The utility block, which is quite newly constructed, is located centrally within the site and is sufficient to serve the existing and proposed development. There is a small office/reception building at the front of the site. To the west are a number of residential properties, within the same ownership, and a large former agricultural building which is used for caravan storage; beyond these is the residential curtilage of Orchard House. To the east is landscaping associated with the approval of the original caravan site and open farmland. The north of the site is bounded by Old Foss Beck. Relatively new agricultural buildings are located to the south-east.

1.3 The proposal is to utilise six of the tent pitches for the siting of six camping pods which will be sited all year round although only open for use during the opening times of the caravan park. The camping pods are designed as curved wooden structures with a maximum height of 2.75 metres. The pods measure 2.85 metre by 4.1 metres.

1.4 From the planning history below the most relevant application is 14/00464/FUL which granted permission for the all weather surfacing of the ten pitches. In addition permission has recently been granted to extend the times of operation of the whole of the caravan and camp site to between 15<sup>th</sup> March to 6th January (thus the site is closed between 6th January and 14th March in each year).

## PLANNING HISTORY

1.5 The site has the following relevant planning history:

- 03/03529/OUT - Touring Caravan site for 135 pitches on 3.9ha of land withdrawn following concerns over the effect of the development on the Green Belt and on drainage/flood risk issues
- 04/03206/OUT - Touring caravan site and ancillary outbuilding and 04/012888/FUL. Conversion of agricultural building to caravan storage and rebuilding a former dwelling as a security/reception building. These two applications were WITHDRAWN following concerns over the effect of the development on the Green Belt, the amount of landscaping required to screen the development, lack of information on foul drainage.
- 05/01395/FUL - Touring caravan site for 20 pitches and the use of existing buildings for the storage of caravans was granted in 2005
- 07/02755/FUL - Provision of 20 hardstandings for the 20 pitches approved in 2005 was granted in January 2008
- 08/02729/FUL - Extension to existing caravan park to provide an additional 20 touring caravan pitches was withdrawn by the applicant in January 2009
- 09/01271/FUL - Extension to existing caravan park to provide an additional 20 touring caravan pitches refused in 2009 and subsequently allowed on appeal February 2010
- 10/02848/FUL - Replacement toilet and shower block and alterations to vehicular entrance granted in March 2011
- 12/03524/FUL - Additional 10 camping pitches granted in January 2013
- 14/00464/FUL - Increase in the number of pitches from 50 to 55 and the provision of all weather surfacing was granted in April 2014.

## 2.0 POLICY CONTEXT

2.1 Policies:

Please refer to paragraphs 4.2 to 4.13 of this report.

### **3.0 CONSULTATIONS**

#### INTERNAL

3.1 No internal consultations undertaken.

#### EXTERNAL

3.2 Clifton Without Parish Council - Comments awaited

3.3 One letter of objection has been received covering the following points:-

- The area is Green Belt land and should be kept free of permanent structures.
- Pods would be a further encroachment to the pastoral nature and openness of the site
- The pods would be clearly visible from the next door property from Stockton Lane and from Malton Road
- Boundary hedge to adjacent property is the only screening along the boundary and this is bare between October and April. Pods would be clearly visible during the winter months.
- Development unsightly in a sensitive, rural, Green Belt location

### **4.0 APPRAISAL**

#### 4.1 Key Issues

- Planning policy
- Green Belt
- Sustainability
- Residential amenity
- Access and parking arrangements
- Ecology and landscape

#### PLANNING POLICY

4.2 The site is located within the general extent of the Green belt on the north side of York.

#### National Policy

4.3 Paragraph 14 of the National Planning Policy Framework (NPPF) says that at the heart of the NPPF is a presumption in favour of sustainable development for decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless specific

policies in the framework indicate development should be restricted. (Foot note 9 indicates restrictions include Green Belt locations).

4.4 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 and supporting thriving rural communities (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).

4.7 The NPPF says at Annex 1, paragraph 216, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Weight may also be given to relevant policies in emerging plans according to the stage of preparation.

#### Development Plan

4.8 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt . These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

#### Local Plan

4.9 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are



considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

4.10 The relevant policies applicable to this application include: GP1: 'Design' which requires that development among other things respects or enhances the local environment; policy V1 'visitor related development' encourages appropriate visitor related development and V5 'caravan and camping sites'.

4.11 Policy V5 says 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.

#### Emerging Local Plan

4.12 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, has been halted pending further analysis of housing projections. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight is limited. The most relevant of the document's policies is policy EC6 which says that York's rural economy will be sustained and diversified through, among other things, permitting camping and caravan sites for holiday and recreational use where proposals can be satisfactorily integrated into the landscape without detriment to its character, are in a location accessible to local facilities and would not generate significant volumes of traffic. Seasonal occupancy should be conditioned on visitor accommodation.

4.13 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.

## ASSESSMENT OF HARM TO THE GREEN BELT

4.14 The site is located within the general extent of the Green Belt as described in the RSS; is shown as being within Green Belt on the proposals map in the DCLP and retained within the Green Belt in the emerging Local Plan.

4.15 Although paragraph 14 of the NPPF sets out a presumption in favour of sustainable development, in accordance with the footnote referenced within paragraph 14 the presumption in favour of sustainable development does not apply in Green Belt locations.

4.16 Camping pods fall within the statutory definition of a caravan - that is a structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer). The camping pods are fabricated elsewhere and then delivered to the site where they are placed in position on the land without the need for foundations and without being connected to any services. The current planning permissions for the caravan and camping site allows the site to operate between the 15th March and 6th January. When the site is open a particular tent/caravan can only be on site for a maximum period of 28 days and clearly during the time the site is closed there are no tents or caravans on the pitches. The proposed pods whilst being designed to be non-permanent structures in the sense that they are not attached to the ground by a foundation and are not attached to services are a permanent feature of the landscape as they are not removed between seasons thus they will have more visual significance than tents or caravans.

4.17 Paragraph 89 and 90 of the NPPF set out those developments that may be considered exceptions to inappropriate development 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

4.18 The proposal, which is considered to be an intensification of an existing use of land, does not fall within any of the exceptions to inappropriate development in paragraphs 89 and 90. It therefore constitutes inappropriate development within Green Belt. Paragraph 87 says that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 says that substantial weight should be given to harm and that 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Whether there are such other considerations which amount to very special circumstances is assessed below at paragraph 4.27 to 4.32.

## Openness

4.19 Paragraph 79 establishes that openness is an essential characteristic of Green Belt. The proposed camping pods are to be sited on existing tent pitches which are designed with all weather surfaces and surrounded by hedging that has been in place for two seasons and is quite mature. The back of the pitches is defined by the extensive landscaping introduced following the original grant of planning permission for a caravan and camp site in 2005. The landscaping between pitches and the hard surface mean that even when not open the layout of the camp site can be readily discerned. Nevertheless the permanent siting of the pods will introduce further built form that will reduce openness because more of the site will be occupied all year round. Given the existing site characteristics harm to openness will be limited.

## Purposes of Green Belt

4.20 The purposes of Green Belt set out in paragraph 80 of the NPPF are to check unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and to assist in urban regeneration by encouraging the use of derelict or other urban land. The camping site already exists with clear defined boundaries, the landscaping adjacent to the pitches is significant and the location of the pods would not encroach beyond what can be readily recognised as the extent of the existing caravan and camping site. Officers consider that there will be no impact on the purposes of the Green Belt attributable to the siting of the camping pods.

## SUSTAINABILITY

4.21 The previous applications on this site have established that the site is sustainably located, with good access by bus to the city centre, close to park and ride facilities and a relatively short cycle and walk to the city centre.

## Residential Amenity

4.22 A letter of objection has been received from the occupiers of the adjacent house to the south west of the site. Part of the concern is that the pods will be visible from the adjacent property. The adjacent property is a detached house set in substantial grounds which extend to open fields adjoining the caravan site on its western/south western side. An existing deciduous hedge separates the caravan site from the land. The proposed pods are located on the eastern side of the site and are divided from the objectors land by a large area of the camp site the toilet block, lake and significant landscaping. It is considered that the siting of the pods will not cause a loss of amenity to the adjacent property even when considering the permanent siting of the structures and the reduced cover of the landscaping in the winter months.

## DRAINAGE

4.23 The application site (that is the area where the pods are to be placed) is located, according to the Environment Agency flood risk maps, within flood zone 2. Other parts of the site are located within flood zone 3. However the previous applications have been supported by a flood risk assessment that concluded, on the basis of an appraisal of channel capacity of the adjacent Old Foss Beck, that the site lies in flood zone 1 or 2. The Environment Agency has not objected to previous proposals. An evacuation condition has been sought and applied to all previous permissions. The evacuation plan requirement is proposed on this application.

4.24 Sites used for holiday or short-let caravans and camping subject to a specific warning and evacuation plan are classed as more vulnerable uses in table 2 'Flood Risk Vulnerability Classification' in the flood risk and coastal change section of the National Planning Policy Guidance (NPPG). Table 3 'Flood Risk Vulnerability and Flood Zone 'Compatibility'' identifies that in more vulnerable development in flood zone 2 is acceptable. With the evacuation plan condition proposed the development is considered to be acceptable from a drainage perspective.

4.25 The existing all weather surfaces are permeable allowing surface water to drain from the pitches.

4.26 In summary, the proposal would be inappropriate development. According to the NPPF, paragraph 87, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would also cause a small loss of openness. No harm is associated with the sustainability, residential amenity and drainage of the site.

## OTHER CONSIDERATIONS - Very Special Circumstances

4.27 The site although not in use year round has all the infrastructure, hard surfacing, landscaping, lighting and toilet facilities set out such that it is clear that the site is used primarily for caravan and camping. The introduction of the new pods will be seen in the context of this existing infrastructure and is compatible with it.

4.28 The applicant has provided a limited amount of additional information which sets out the reasons for the diversification into camping pods. The applicant describes the use of pods as 'glamping'.

4.29 The applicant says that the camping and caravanning club has seen a 15% rise in families holidaying in yurts and pods over the last 12 months. The introduction of pods on to the application site would mean that the applicant would no longer have to turn away guests looking for 'glamping' accommodation.

4.30 The pod accommodation, the applicant says, would not take long to generate a return on the investment of purchasing the pods and would provide the type of accommodation that is being sought within York.

4.31 The NPPF section 3 supports the diversification of agriculture and other rural businesses. York is a centre for tourism; tourism in this area is not restricted to the summer months the area provides year round tourist attractions. The provision of good quality facilities that are well related to York will support the York centre economy as well as the local rural businesses along Stockton Lane. The more efficient use of an existing site will also reduce the need for new facilities in rural locations and supports the Government aim of enhancing the beneficial use of the Green Belt (paragraph 81).

4.32 Overall it is considered that the site is already used as a camping and caravanning site. The infrastructure for the site is in place all year. The pods would allow the existing rural business to diversify in accordance with Government policy. The NPPF supports the beneficial use of Green Belt locations. Officers consider that even when attaching substantial weight to the harm to the Green Belt these benefits are considered to amount to very special circumstances in this case sufficient to outweigh the potential harm to the Green Belt and any other harm.

## **5.0 CONCLUSION**

5.1 The application site is within the general extent of the Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPPF, and by definition causes harm to the Green Belt. The proposed intensification of the use would result in some limited harm to the openness of the Green Belt but the use is not considered to conflict with the purposes of Green Belt set out at paragraph 80 to the NPPF.

5.2 It is considered that the other considerations put forward by the applicant, the benefits to tourism on this existing camping and caravan site and the more efficient use of an existing sites which reduces the need for new facilities in rural locations and supports the Government aim of enhancing the beneficial use of the Green Belt together with the mitigation of other harm through the imposition of 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 justify the inappropriate development in the York Green Belt even when substantial weight is given to any harm to the Green Belt.

## **6.0 RECOMMENDATION:** Approve

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

*To be confirmed at Committee*

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

3. There shall be no more than six Camping pods sited within the site.

Reason: In the interests of the openness of the Green Belt.

4 The six camping pods hereby approved shall not be occupied between 10th January and the 15th March in any year.

Reason: To avoid any pods becoming a permanent residence in the interests of the openness of the Green Belt.

5 None of the six camping pods hereby permitted shall be connected to a water supply or be provided with drainage.

Reason: To prevent any pods becoming a permanent residence and in the interests of the openness of the Green Belt.

6 None of the six camping pods hereby permitted shall be connected to mains electricity supply otherwise than by means of a single campsite electrical hook-up cable. The hook-up shall only be installed in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent any pods becoming a permanent residence in the interests of the openness of the Green Belt.

7 The six camping pods hereby permitted shall not be occupied otherwise than for short term holiday letting purposes and in any case each let shall not be for more than 28 days. The owner/operator shall maintain an up to date register of the names and addresses of the occupiers of the pods and shall make the register available at all reasonable times to the Local Planning Authority upon request.

Reason: To avoid any pods becoming a permanent residence and in the interests of the openness of the Green Belt.

8 None of the six camping pods hereby permitted shall be replaced by any other structure(s) differing from the approved details. There shall be no alterations or additions to the six Camping Pods

Reason: In the interests of the openness of the Green Belt.

9 The flood warning and evacuation plan approved under discharge of condition application AOD/14/00239 shall be implemented in accordance with the approved details before the pods are first brought into use and thereafter maintained to the satisfaction of the Local Planning Authority. The notices shall be kept legible and clear of obstruction.

Reason: To ensure safe access and egress to and from the site at times of flood.

**7.0 INFORMATIVES:  
Notes to Applicant**

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

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

-A business plan sought to inform whether very special circumstances exist for the development in the Green Belt.

**Contact details:**

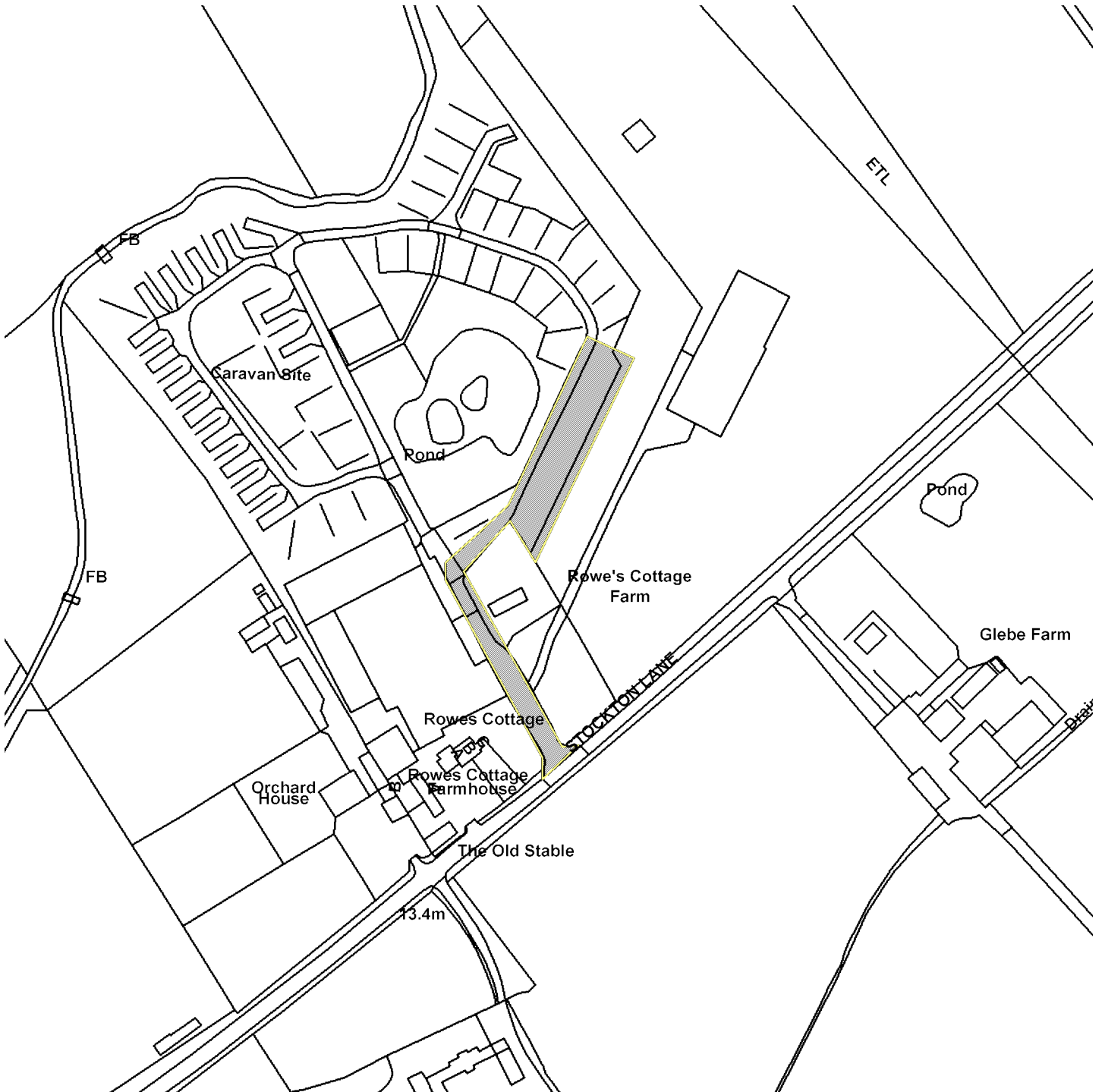
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15/02073/FUL

York Caravan Park, Stockton Lane



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<b>Organisation</b>	CYC
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	09 February 2016
<b>SLA Number</b>	Not Set

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## Planning Committee

18 February 2016

## Appeals Performance and Decision Summaries

### Summary

- 1 This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 October and 31 December 2015, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

### Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, the Government will use appeals performance in identifying poor performing planning authorities, with a view to the introduction of special measures and direct intervention in planning matters within the worst performing authorities. This is now in place for Planning Authorities where more than 60% of appeals against refusal of permission for major applications are allowed.
- 3 The table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows performance on appeals decided by the Planning Inspectorate, for the last quarter 1 October to 31 December 2015, and for the 12 months 1 January to 31 December 2015.

**Fig 1: CYC Planning Appeals Performance**

	<b>01/10/15 to 31/12/15 (Last Quarter)</b>	<b>01/01/15 to 31/12/15 ( Last 12 months)</b>
Allowed	1	9
Part Allowed	-	2
Dismissed	8	32
Total Decided	9	43
<b>% Allowed</b>	<b>11%</b>	<b>21%</b>
% Part Allowed	-	5%

**Analysis**

- 5 The table shows that between 1 October and 31 December 2015, a total of 9 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 1 was allowed. At 11% the rate of appeals allowed is below the national annual average of appeals allowed which is around 35%. By comparison, for the same period last year, out of 10 appeals 3 were allowed (70%), 0 were part allowed (0%). One of the appeals allowed between 1 October and 3 December 2015 related to a “major” application which is the case of Naburn Lock Caravan Park.
- 6 For the 12 months between 1 January and 31 December 2015, 21% of appeals decided were allowed, again below the national average, and below the previous corresponding 12 month period of 36% allowed.
- 7 The summaries of appeals determined between 1 October and 31 December 2015 are included at Annex A. Details as to whether the application was dealt with under delegated powers or by committee are included with each summary. In the period covered one appeal was determined following refusal at sub-committee.

**Fig 2: Appeals Decided 01/10/2015 to 31/12/2015 following Refusal by Committee**

Ref No	Site	Proposal	Outcome	Officer Recom.
14/02806/FUL M	Naburn Lock Caravan Park Naburn Lock Track Naburn York	Change of use of land for touring caravans with associated amenity building, gas compound and bin store	Dismissed	Refuse

- 8 The list of current appeals is attached at Annex B. There are 7 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals but including appeals against enforcement notices).
- 9 We continue to employ the following measures to ensure performance levels are maintained at around the national average or better:
- i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the NPPF and draft Development Control Local Plan Policy.
  - ii) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine. This approach is reflected in the reduction in the number appeals overall. This approach has improved customer satisfaction and speeded up the development process and, CYC planning application performance still remains above the national performance indicators for Major, Minor and Other application categories.
  - iii) Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued.

### **Consultation**

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

### **Council Plan**

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

### **Implications**

- 12 Financial – There are no financial implications directly arising from the report.
- 13 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.
- 14 Legal – There are no known legal implications associated with this report or the recommendations within it.

- 15 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

**Risk Management**

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

**Recommendation**

- 17 That Members note the content of this report.

**Reason**

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

**Contact Details**

**Author:**

Gareth Arnold  
Development Manager,  
Directorate of City and  
Environmental Services

**Chief Officer Responsible for the report:**

Mike Slater  
Assistant Director Planning &  
Sustainability, Directorate of City and  
Environmental Services

**Report  
Approved**



**Date** 25 January  
2016

**Specialist Implications Officer(s)** None.

**Wards Affected:**

All  Y

**For further information please contact the author of the report.**

**Annexes**

**Annex A – Summaries of Appeals Determined between 1 October and 31 December 2015**

**Annex B – Outstanding Appeals at 25 January 2016**

## Appeal Summaries for Cases Determined 01/10/2015 to 31/12/2015

**Application No:** 14/02729/FUL  
**Appeal by:** Miss Raquel Nelson  
**Proposal:** Variation of conditions 2, 7 and 8 of permitted application 12/03270/FUL to allow an increase in number of caravans from 40 to 55 and allow use of part of the site (15 caravans) all year  
**Address:** Country Park Pottery Lane Strensall York YO32 5TJ

**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal site relates to a touring caravan park first permitted in 2004 but which has been the subject of a number of further proposals by the appellant in the intervening period. It lies to the north west of Strensall village within a flat open site within the Green Belt. The appellant sought planning permission for the creation of a further 15 touring pitches above and beyond the 40 previously approved within the area of the approved landscape bund at the southern end of the site. Whilst the site is subject to a seasonal closure between October and March the proposal sought permission for the additional pitches on a year round basis. A previous proposal for usage of the site for caravan storage was refused permission and the subsequent appeal dismissed on Green Belt grounds in 2014. The proposal was again refused planning permission on the grounds of being inappropriate development within the Green Belt and harmful to its purposes of designation virtue of being an encroachment into open countryside. In a thorough examination of the case the appeal inspector considered that the proposal was inappropriate development within the Green Belt by virtue of not coming within any of the listed categories within paragraph 89 of the NPPF. She then went on to consider whether the proposal harmed any of the purposes of including land within the Green Belt and concluded that it did by virtue of being an encroachment of development into open countryside. She then considered whether the submitted justification amounted to a case for "very special circumstances" that would justify development within the Green Belt. She determined that it did not and that the development was therefore harmful to the character of the Green Belt. She concluded that any impact upon openness could be mitigated by appropriate landscaping but that did not override the fundamental harm to the Green Belt caused by inappropriateness and therefore the appeal was dismissed.

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**Application No:** 14/02765/FUL  
**Appeal by:** Mr Paul Harrison  
**Proposal:** Erection of detached dwelling and garage on land adjacent to Whinchat House  
**Address:** Whinchat House York Road Deighton York YO19 6EY

**Decision Level:** DEL

**Outcome:** DISMIS

The application was for a new dwelling within the greenbelt outside of the settlement limits of Escrick. The Inspector stated that 'Although the appeal site is relatively small, it is an undeveloped area that contains a number of mature trees. This is in keeping with the open, spacious and predominantly green character of this area. The essential characteristics of Green Belts are openness and permanence and there is little firm evidence before me to suggest that the appeal site has ever been anything but open.' The property would be built between two existing buildings but the Inspector stated that a vast area of open land extended beyond it. Given the degree of separation from the built envelope of Escrick and the predominant green spacious character of the area I consider the appeal site to have more affinity with, and to read very much as a part of, the adjoining open agricultural land form and countryside. He stated that the development would be inappropriate development within the green belt, would reduce openness and would amount to substantial harm

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**Application No:** 14/02806/FULM  
**Appeal by:** Peter And Catherine Wilkinson  
**Proposal:** Change of use of land for touring caravans with associated amenity building, gas compound and bin store  
**Address:** Naburn Lock Caravan Park Naburn Lock Track Naburn York  
**Decision Level:** CMV  
**Outcome:** DISMIS

The proposal related to the formation of a further 20 touring pitches on a field directly to the south west of Naburn village adjacent to the well established Naburn Lock Caravan Site and overlooking the River Ouse. Planning permission was refused on two grounds, the fact that it was inappropriate development in the Green Belt and therefore by definition harmful to its openness and at the same time it was felt that by virtue of its location and visual relationship to Naburn Banqueting House, a Grade II Listed Building, it was felt to be harmful to its setting. The question also arose as to whether or not "very special circumstances" exist such as to warrant the usual presumption against inappropriate development being overridden. The Inspector examined the issue of impact upon the setting of the Listed Building and concluded that whilst it would give rise to some impact it would not be such of itself as to justify refusal of planning permission in line with the Statutory duty included in Section 66 of the 1990 Planning (Listed Buildings and Conservation Areas) Act. The Inspector then looked at the Green Belt issue and concluded that despite the case put forward by the applicant that the development was inappropriate within the criteria identified within paragraphs 89 and 90 of the NPPF. At the same time he concluded that in view of the nature and highly prominent location of the development it would of itself be harmful to openness. In terms of the case for "very special circumstances" it was acknowledged that the case put forward by the appellant did carry some merit. However, the Inspector clearly concluded that it was not such as to fulfil the test contained within paragraph 88 of the NPPF of overcoming harm by virtue of inappropriateness and any other harm. The appeal was therefore dismissed.

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**Application No:** 15/00321/FUL  
**Appeal by:** Mr & Mrs J & L Webster  
**Proposal:** Two storey rear extension, front dormer, front porch, side extension to connect existing garage to house including the conversion of the garage space into habitable room with rear extension; and conversion of detached shed to 4no garages with associated alterations  
**Address:** Broad Oak Cottage Dauby Lane Elvington York YO41 5LJ

**Decision Level:** DEL  
**Outcome:** ALLOW

The appeal site is a residential dwelling which lies to the east of Dauby Lane situated outside the village settlement limits of Elvington and within the City Of York Green Belt. Planning permission was sought for a side and rear extension to the existing detached garage in order to create a link to the main house for the purpose of converting into habitable living space. The extension would then extend at full height of the existing garage to include a dormer style window in the existing roof space for first floor accommodation. A small porch was proposed to the front of the property. The Council refused the application on the grounds that the proposed extensions would result in disproportionate additions to the size of the original dwelling and would thus represent an inappropriate form of development in the green belt that would, by definition, be harmful to the Green Belt. In addition it was decided that the mass of the development size of the extensions, including linking the existing detached garage to the house would significantly increase the size and massing of the original building, thus harming openness. The Inspector disagreed that the extensions would be disproportionate on the grounds that the overall development constructed of matching materials would be subservient to the host dwelling. The Inspector agreed that would be some effect on the openness of the Green Belt. However, concluded that the extensions would appear as a subordinate addition and would not amount to disproportionate additions over and above the size of the original building. The Inspector allowed the appeal on the grounds that the impact on openness would be limited and would not cause material harm to the Green Belt.

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**Application No:** 15/00396/FUL  
**Appeal by:** Miss Sally Cakebread  
**Proposal:** Change of use from dwelling (use class C3) to House in Multiple Occupation (use class C4)  
**Address:** 20 Hartoft Street York YO10 4BN

**Decision Level:** DEL

**Outcome:** DISMIS

The appeal related to the refusal of planning permission for a change of use from a dwelling house C3 to a house in multiple occupations HMO C4. The proposal was a resubmission of a previous refusal for a change of use to an HMO. The application site comprised of a two bed mid terrace, which proposed to alter the ground floor layout by providing one additional bedroom to the front and a shared communal living area, kitchen and bathroom facilities at the rear of the property. The application was refused because the number of existing houses in multiple occupation within 100 metres of the property already exceeded the 10 percent threshold set out in the draft SPD. The councils figures indicate that 19.51 percent of the homes within 100 metres of the property are HMOs. The Inspector acknowledged that the proposal would create just one additional occupant to the property, (3 occupants) however dismissed the appeal on the basis that this still formed a new HMO within a residential area of terraced housing and the already high concentration of houses in multiple occupation in the locality therefore detracted from its character and would contribute to an imbalance in the make up of the local community. There was no material change in circumstance since the previous case.

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**Application No:** 15/00514/FUL  
**Appeal by:** Ruth And Nelson McConnell  
**Proposal:** Single storey rear extension  
**Address:** 15 Norfolk Street York YO23 1JY

**Decision Level:** DEL

**Outcome:** DISMIS

Permission was sought for a 5.5m long, single storey full width extension to infill the yard to the rear of this mid-terrace dwelling along the common boundary with 17 Norfolk Street. A small courtyard would be created in the return adjacent to the kitchen, with a second larger courtyard created to the rear of the extension. There is a 1.2m land level difference in favour of the application site. It was considered that the proposed extension, by virtue of its length, relative height and proximity to the boundary would appear as an unduly dominant and overbearing feature to the detriment of the amenity and outlook of neighbouring residents. The inspector stated that the impact on the living conditions of those using the kitchen and yard area at No. 17 would be significant as the upper part of the proposed garden room would extend substantially above the existing shared boundary wall. He concluded that the resultant harm is made more severe by the difference in ground levels between the two properties.

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**Application No:** 15/00776/FUL  
**Appeal by:** Mr And Mrs Thomas Holliday  
**Proposal:** Front and side dormers  
**Address:** 12 St Peters Grove York YO30 6AQ

**Decision Level:** DEL

**Outcome:** DISMIS

Flat roof dormers were proposed to the front and side roof slopes of the Victorian dwelling house located in Clifton Conservation Area in a prominent position at the head of St. Peter's Grove cul de sac. The inspector considered that the Victorian dwelling house makes a positive contribution to the significance of the heritage asset. Two existing pitched roof gables would be removed to enable construction of the flat roof dormers. The inspector considered that the flat roof dormers would introduce additional visual bulk and dominance to the upper part and three sides of the house. The horizontal window frames of the proposed dormers would be at odds with the narrow proportions and style of the windows within the main house. All the modifications would result in an intrusive and dominant feature that would fail to respect the design and form of the existing dwelling. The inspector considered that the harm to the conservation area would be less than substantial and that the public benefits presented would not outweigh the level of harm to Clifton Conservation Area and its significance as a heritage asset. The inspector concluded that the proposal would have detrimental effect on the character and appearance of 12 St. Peter's Grove and fail to conserve the character and appearance of Clifton Conservation Area. The appeal was dismissed.

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**Application No:** 15/00818/FULM  
**Appeal by:** Mr T Allison  
**Proposal:** Removal of condition 4 of application 13/02712/FULM  
(Conversion and extensions to create 12no flats) to allow  
the use of UPVC windows and doors  
**Address:** Shepherd Group Social Club 131 Holgate Road York YO24  
4AZ  
**Decision Level:** DEL  
**Outcome:** DISMIS

Planning permission was granted to convert/extend a 3-storey pitch roofed social club in a conservation area to flats. Condition 4 required all new and replacement windows and external doors to be made of timber to protect the character of the conservation area. The applicant sought to vary condition 4 to allow the use of uPVC. The application was refused and appealed. The inspector found that the original window openings were an important part of the building's character and that their replacement with uPVC frames would appear conspicuous, overly prominent and at odds with the retained timber window frames and neighbouring properties. As such the proposal would fail to preserve the character and appearance of the conservation area. Although the harm would be relatively localised and less than substantial it would need convincing justification and be weighed against the public benefits of the proposal. uPVC is more energy efficient, requires less maintenance and provides better sound insulation than timber window frames but these benefits are not of such public benefit to outweigh the harm that would be caused to the conservation area. Appeal dismissed.

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**Application No:** 15/01576/FUL  
**Appeal by:** Miss Raquel Nelson  
**Proposal:** Variation of condition 2 of permitted application  
12/03270/FUL to allow camping pods on pitches 1-10  
**Address:** Country Park Pottery Lane Strensall York YO32 5TJ

**Decision Level:** DEL

**Outcome:** DISMIS

The application site comprises a 40 pitch touring caravan site subject to a seasonal restriction within the Green Belt to the north of Strensall village. The proposal was for the erection of 10 camping pods on existing touring pitches within the north eastern section of the site closest to Sheriff Hutton Road. The camping pods proposed for use were unusually large and had the character of static caravans which are subject to a specific proscription in the operating planning permission for the site. Planning permission was refused on the grounds of being inappropriate development within the Green Belt and harmful to its open character. The refusal was duly appealed and the Inspector agreed that the proposal did amount to inappropriate development within the Green Belt, which by virtue of the largely permanent character of the camping pods would also be harmful to its open character. The Inspector particularly noted that the pods would be significantly larger than the approved touring caravans, would be stationed on site permanently unlike the touring caravans and would be accompanied by a variety of domestic paraphernalia not normally associated with touring caravans. Notwithstanding her view that the proposal was inappropriate development within the Green Belt and also harmful to openness the Inspector took the view that it would not materially harm the visual amenity of the Green Belt and by virtue of already being within the confines of an established caravan site would not harm the purposes of designation of the land as defined by paragraph 80 of the National Planning Policy Framework. In summing up the Inspector determined that no case for very special circumstances that would outweigh harm by reason of inappropriateness or any other harm had been forthcoming and therefore dismissed the appeal.

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**Decision Level:**

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

**Outcome:**

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

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## Outstanding appeals

<b>Officer: Diane Cragg</b>						<b>Total number of appeals:</b>	<b>2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
23/12/2015	15/00040/REF	APP/C2741/W/15/3140414	W	Former Garage Site 172 Fulford Road York YO10	Erection of petrol service station with retail unit		
25/08/2015	15/00030/REF	APP/C2741/W/15/3132727	W	Log Cabin (Orchard Lodge) Adjacent To Mount Pleasant	Removal of condition 3 of permitted application 07/00102/FUL to allow existing log cabin to be occupied as a main residence		
<b>Officer: Esther Priestley</b>						<b>Total number of appeals:</b>	<b>2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
12/05/2014	14/00017/TPO	APP/TPO/C2741/3909	W	14 Sails Drive York YO10 3LR	Fell Silver Brch (T3,T11), Mountain Ash (T5), Oak (T8), Trees protected by Tree Preservation Order CYC15		
09/05/2014	14/00015/TPO	APP/TPO/C2741/3907	W	7 Quant Mews York YO10 3LT	Crown Reduce Silver Birch (T1,T2), Trees protected by Tree Preservation Order CYC 15		
<b>Officer: Kevin O'Connell</b>						<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
26/09/2014	14/00036/EN	APP/C2741/C/14/2225236	P	Land At OS Field No 9122 Holtby Lane Holtby York	Appeal against Enforcement Notice dated 31 July 2014		
<b>Officer: Matthew Parkinson</b>						<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice		
<b>Officer: Paul Edwards</b>						<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
13/11/2015	15/00037/REF	APP/C2741/D/15/3134974	W	28 Third Avenue York YO31 0TX	Change of use from a dwelling (use class C3) to a house of multiple occupation (use class C4)		

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**Officer: Sophie Prendergast** **Total number of appeals: 1**

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Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
12/11/2015	15/00036/REF	APP/C2741/W/15/3136728	W	Lidgett House 27 Lidgett Grove York YO26 5NE	Erection of two storey dwelling

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**Officer: Victoria Bell** **Total number of appeals: 1**

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Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
11/12/2015	15/00039/REF	APP/N2739/W/15/3140157	W	Spring Wood Stables New Road Deighton York YO19	Erection of dog boarding kennels and siting of temporary dwelling for a period of 3 years

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**Total number of appeals: 9**

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