



Notice of a public meeting of

Planning Committee

To: Councillors Reid (Chair), Derbyshire (Vice-Chair), Galvin, Ayre, S Barnes, Boyce, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Richardson, Shepherd and Warters

Date: Thursday, 17 March 2016

Time: 4.30 pm

Venue: The Council Chamber, The Guildhall, York

AGENDA

1. **Declarations of Interest**

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

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

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

2. **Minutes** (Pages 3 - 10)

To approve and sign the minutes of the meeting of the Planning Committee held on 18th February 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 16th March 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.

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4. Plans List

This item invites Members to determine the following planning applications:

- a) *****APPLICATION WITHDRAWN***Land at Grid Reference 458205 449925, West of Bradley Lane, Rufforth, York (15/02031/FULM)**
(Pages 11 - 28)

*****APPLICATION WITHDRAWN*****

A major full application for the erection of a poultry farm comprising of 6 poultry sheds with ancillary buildings, access road and landscaping with amended highway layout, aviation and ammonia pollution reports. [Rural West York Ward].

- b) The Retreat, 107 Heslington Road, York (15/00421/FUL) (Pages 29 - 52)**

A full application for the erection of a patient accommodation block and day care centre with associated landscaping following the demolition of the existing student accommodation building. *[Site Visit]* [Fishergate Ward].

- c) Crockey Hill Farm, Wheldrake Lane, Crockey Hill, York, YO19 4SN (15/02343/FULM) (Pages 53 - 72)**

A major full application for the siting of 6 holiday lodges, car park and wildlife pond together with landscaping works following change of use of agricultural land (resubmission). *[Site Visit]* [Wheldrake Ward].

- d) Pavers Ltd, Catherine House, Northminster Business Park, Harwood Road, Upper Poppleton, York (15/02721/FULM) (Pages 73 - 92)**

A major full application for an extension to a warehouse and extended car park. *[Site Visit]* [Rural West York Ward].

- e) Land on East Side of Appleton Road, Opposite Woodside Farm, Appleton Road, Bishopthorpe, York (15/02861/FUL) (Pages 93 - 104)**

A full application for the construction of a new vehicular access and associated access road. [Bishopthorpe Ward]

- f) Land at Grid reference 469030 444830, Church Lane, Wheldrake, York (15/02885/FUL) (Pages 105 - 122)**

A full application for the erection of four seasonal tents utilising existing access, the creation and maintaining of a footpath link and the incorporation of a habitat enhancement plan. [Wheldrake Ward].

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

Democracy Officer:

Name: Laura Bootland

Contact Details:

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

For more information about any of the following please contact the 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 جا سکتی ہیں۔ (Urdu)

 (01904) 551550

PLANNING COMMITTEE**SITE VISITS****Tuesday 15th March 2016**

| TIME | SITE | ITEM |
|--------------|---|-------------|
| 10:00 | Coach leaves Memorial Gardens | |
| 10:15 | Pavers Ltd, Northminster Business Park | 4d |
| 10:50 | Crockey Hill Farm, Wheldrake Lane | 4c |
| 11:25 | The Retreat, Heslington Road | 4b |

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City of York Council

Committee Minutes

| | |
|-----------|---|
| Meeting | Planning Committee |
| Date | 18 February 2016 |
| Present | Councillors Reid (Chair), Derbyshire (Vice-Chair), Galvin, Ayre, S Barnes, Boyce, Cannon (Substitute), Cullwick, Cuthbertson, D'Agorne, Doughty, Funnell, Mercer (Substitute), Richardson and Warters |
| Apologies | Councillor Dew |

68. Site Visits

| Application | Reason | In Attendance |
|--|--|--|
| Proposed caravan site, Northfield Lane | To enable members to familiarise themselves with the site. | Councillors Cannon, Cullwick, Galvin & Reid. |
| The Gardens, Boroughbridge Road | To enable members to familiarise themselves with the site. | Councillors Cannon, Cullwick, Galvin & Reid. |

69. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda. None were declared.

70. Minutes

Resolved: That the minutes of the last meeting held on 21st January 2016 be approved and signed by the Chair as a correct record.

71. Public Participation

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

72. 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.

73. Proposed Caravan Site, Northfield Lane, Upper Poppleton, York (15/01439/OUTM)

Consideration was given to a major outline application for the use of land for touring caravans (91 pitches), 10 camping pods with associated buildings, refuse points, access and landscaping.

Consideration was given to a major outline application for the use of land for touring caravans (91 pitches), 10 camping pods with associated buildings, refuse points, access and landscaping.

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

- The applicant had offered to plant a 14 metre deep wooded area to the western boundary with Northfield Lane
- A further representation in objection had been received concerned with extra traffic on the roads, change of character to Poppleton and damaging to businesses in the area.
- A correction to the location map. A new map was circulated showing the correct site area.

Diane Davies had registered to speak on behalf of local residents. She advised that development on the land would cause harm to the Green Belt and that currently, the site links together two areas of Green Belt land. She also raised concerns about the loss of agricultural land and the impact upon wildlife and the proximity of the site to homes along Northfield Lane.

Kenneth Crocket had registered to speak as a local resident. He raised concerns about the lack of consultation with residents on the application and the potential impact of light and noise pollution from the 90 caravans that would potentially be on the

site. He also raised concerns about the loss of privacy to homes along Northfield Lane.

Richard Baxter had registered to speak on behalf of the applicant. He advised that the proposal was for a high quality site for touring caravans and that York only had two other sites in the City that would come close to what would be offered at this location. The layout would be low density with 10 caravans per acre. He argued that the site was not in open countryside and as there is already development along Northfield Lane, that the proposals would infill the space.

Edie Jones had registered to speak on behalf of Upper Poppleton Parish Council and the Poppleton Neighbourhood Plan Committee. She advised that the interim Green Belt for Poppleton had been defined in the Neighbourhood Plan and this area of land was important as it prevented coalescence and protected the setting of the Poppleton villages. She also raised concerns about the potential for an increase in traffic, particularly along the A59.

Members commented that having viewed the site on the site visit, they felt that it did fulfil a Green Belt purpose. As the site is not open land, any development on it would result in coalescence.

Resolved: That the application was refused.

Reason: 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

**74. The Gardens, Boroughbridge Road, York, YO26 6QD
(15/01836/FUL)**

Consideration was given to a full application by Mr & Mrs Nimmo 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.

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

- Additional comments had been received from the neighbours at Wheatland House to advise that although not ideal, providing the new access was in accordance with the latest plans (enabling the two way traffic flow along the drive and a separate footpath), their main concerns had been addressed. They also requested that

they have a right of access over the drive and plan details are strictly enforced. Officers reminded members that a private right of access is not a matter for the planning authority.

- Additional conditions to limit the occupancy to 90 children at a time, removal of permitted development rights and the removal of permitted change of use rights.

Russell Trudgen spoke as the agent on behalf of the applicant. He advised that the site provided the best location for the relocation of the nursery and would also provide the applicant with an opportunity for expansion. The applicant, through the operation of the current business, had demonstrated that there is a need in the area for a nursery and the majority of parents had indicated they would be willing to travel the small extra distance to use the new site.

Members queried a number of points, in particular the traffic arrangements and number of children on site at any given time and sought assurances from the applicant that disruption to the neighbours would be minimised during the construction phase.

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

Reason: 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. 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.

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.

75. York Caravan Park, Stockton Lane, York, YO32 9UA (15/02073/FUL)

Consideration was given to a full application by Mr Richard Wilson for the replacement of six all weather surfaced camping pitches with six camping pods on land forming part of the York Caravan Park.

It was reported that there was no update to the committee report.

Some members referred to previous planning applications for caravan sites within the Green Belt which had recently been considered by the committee and queried why this similar application was being recommended by officers for approval when other applications had not. Officers advised that the site was already being used as a camping and caravanning site and the pods would allow a rural business to diversify in accordance with Government policy.

Some members disagreed with allowing permanent camping pods to be placed on the site and asked whether a condition could be added to ensure that out of season, the pods are removed and stored elsewhere. The applicant's agent who was in attendance confirmed that such a condition would be acceptable.

Resolved: That the application was approved subject to the conditions outlined in the committee report and the amended condition 4 as suggested by members, to ensure the pods were stored elsewhere on the site during the winter period.

Reason: 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.

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.

76. Appeals Performance

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 October and 31 December 2015 and provided them with a summary of the salient points from appeals determined in that period.

Resolved: That the report be noted.

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

Cllr A Reid, Chair

[The meeting started at 4.40 pm and finished at 5.50 pm].

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COMMITTEE REPORT

Date: 17 March 2016 **Ward:** Rural West York
Team: Major and **Parish:** Parish Of Rufforth With
Commercial Team Knapton

Reference: 15/02031/FULM

Application at: Land at Grid Reference 458205 449925 West of Bradley Lane
Rufforth York

For: Application for erection of poultry farm comprising 6 no poultry
sheds with ancillary buildings, access road and landscaping with
amended highway layout, aviation and ammonia pollution reports

By: Mr Edward Barker

Application Type: Major Full Application (13 weeks)

Target Date: 21 March 2016

Recommendation: Refuse

1.0 PROPOSAL

1.1 Land at OS grid reference 458205 449925 comprises a substantial area of presently arable land with woodland to the south west lying within the Green Belt to the south of Rufforth village. Planning permission is sought for the development of a 15,800 sq metre (approx) intensive poultry farm on the site to handle an operational stocking capacity of 288,000 chickens employing 2.5 staff. The proposal falls within Schedule 1 to the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations and as such is accompanied by a formal Environmental Impact Assessment. Rufforth Airfield lies directly to the east of the application site and a candidate SINC (Site of interest for Nature Conservation) lies to the south west. The scheme has been amended in terms of the proposed access layout, landscaping and odour control programme since initial submission.

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

2.2 Policies:

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

CGP15A - Development and Flood Risk

CYGB1 - Development within the Green Belt

CYGP1 - Design

CYGP4A - Sustainability

CYGP9 -- Landscaping

CYNE1 - Trees, woodlands, hedgerows

CYNE5A - Local Nature Conservation Sites

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

3.0 CONSULTATIONS

INTERNAL:-

3.1 Public Protection raise no objection in principle to the proposal subject to any permission being conditioned to require the submission and prior approval of a Construction Environmental Management Plan (CEMP) in respect of the construction phase of the development.

3.2 Highway Network Management initially expressed concern in respect of the proposed access layout and parking arrangements within the site. The proposal has subsequently been amended to deal with the concerns and no objection is now raised.

3.3 Trading Standards (Animal Welfare) raise no objection to the proposal.

3.4 Strategic Flood Risk Management were consulted with regard to the proposal on 29th September 2015. No response has been forthcoming at the time of writing.

3.5 Design, Conservation and Sustainable Development (Archaeology) raise no objection in principle to the proposal subject to an archaeological evaluation of the site being undertaken prior to the commencement of development.

3.6 Planning and Environmental Management (Ecology) raise no objection in principle to the proposal subject to any permission being conditioned to secure appropriate species mitigation.

3.7 Planning and Environmental Management (Landscape) raise no objection in principle to the proposal but express concern in relation to the impact of the proposal upon the open character of the surrounding landscape particularly when combined with the proposed lighting arrangements and during the months of the year when surrounding trees and other vegetation are not in full leaf.

EXTERNAL:-

3.8 Rufforth with Knapton Parish - Council object to the proposal on the grounds of impact of heavy traffic on unsuitable rural roads, impact upon the local surface water drainage network and associated flood risk, potential nitrate pollution to surrounding farm land, impact upon the safe and effective operation of the Civil Aviation activity at Rufforth Airfield and impact upon the residential amenity of neighbouring properties by virtue of noise and odour release.

3.9 York Gliding Club - object to the proposal on the grounds of safety impact to aircraft taking off and landing arising from the proximity of the building complex to the airfield runway, impact upon the welfare of the farmed birds arising from aircraft noise and risk of bird strike from pigeons, gulls and other birds feeding from the waste associated with the operation.

3.10 Harrogate Borough Council - raises no objection to the proposal.

3.11 The Environment Agency - raises no objection to the proposal.

3.12 Natural England - raises no objection to the proposal.

3.13 The Yorkshire Wildlife Trust - raises no objection to the proposal on the basis that impact upon the adjacent candidate SINC would be minimal.

3.14 The Ainsty (2008) Internal Drainage Board - object to the proposal on the grounds of impact of the proposed surface water drainage system upon water flows in surrounding water courses running at capacity.

3.15 The Civil Aviation Authority was consulted with regard to the proposal on 29th October 2015. No response has been received at the time of writing.

3.16 The National Planning Case Work Unit were consulted with regard to the proposal on 29th January 2016. No response has been forthcoming at the time of writing.

3.17 Yorkshire Water Services Ltd was consulted with regard to the proposal on 30th September 2015. No response has been forthcoming at the time of writing.

3.18 Julian Sturdy MP - objects to the proposal on the grounds of the impact of heavy traffic from the site upon neighbouring unsuitable rural roads, impact upon the safe operation of Rufforth Airfield, impact of odours from the site upon the residential amenity of neighbouring properties and impact upon the open character and purposes of designation of the York Green Belt.

3.19 Councillor Chris Steward - objects to the proposal on the grounds of impact upon the safe and efficient operation of Rufforth Airfield, impact of traffic from the site upon unsuitable rural roads in the surrounding area, impact of odours and light pollution upon the residential amenity of neighbouring properties and impact upon the open character and purposes of designation of the York Green Belt.

3.20 The Astronomer Royal - objects to the proposal on the grounds of impact upon animal welfare and impact upon the operation of the observatory of the York Astronomical Society.

3.21 The York Astronomical Society - object to the proposal on the grounds that the proposal would give rise to dust and light pollution to the detriment of the operation of their space exploration equipment.

3.22 The Rufforth Playing Fields Association - object to the proposal on the grounds of impact upon the safe operation of Rufforth Airfield, nitrate pollution from the waste produced by the site, impact upon the local surface water drainage network, the introduction of heavy traffic on to sub-standard rural roads, impact of odour and light pollution on the residential amenity of neighbouring properties and impact upon the open character of the Green Belt.

3.23 The NFU - support the proposal.

3.24 The Minster Veterinary Practice - support the proposal.

3.25 Chesterfield Poultry Limited - supports the proposal.

3.26 Animal Aid - object to the proposal on the grounds of impact upon the local surface water drainage system, possible nitrate pollution arising from the waste from the proposed farm, the impact of additional traffic upon unsuitable rural roads, serious concerns in respect of the standards of animal welfare at the proposed farm, concern in respect of standards at the destination processing plant and concern in respect of the impact of the meat from the farm on human health. Further concerns have also been expressed in relation to the robustness of the animal health inspection regime for the farm.

3.27 A 4,121 signature e-petition has been submitted on behalf of PETA (People for the Ethical Treatment of Animals) objecting to the proposal on the grounds of:-

- Impact from pollution on the local environment;
- Impact upon the local surface water drainage system and consequent increase in flood risk;
- Impact upon the residential amenity of neighbouring properties;
- Impact of heavy traffic upon unsuitable rural roads;
- Impact of the proposed intensive husbandry methods upon the health and welfare of the farm animals.

3.28 6,663 objections have been made to the proposal. The following is a summary of their contents:-

- Serious concern in respect of animal welfare practises at the applicant's other farming operations;
- Concern in respect of the impact of pollution from the proposed farm on human health;
- Concern in respect of the impact of the proposal upon the residential amenity of neighbouring properties by virtue of smell, noise and light pollution;
- Concern at the impact of the proposal upon the local surface water drainage network;
- Concern at the impact of additional traffic movements on unsuitable local roads;
- Concern at the lack of positive benefits to the local economy arising from the proposal;
- Concern at the impact of the proposal upon the open character and purposes of designation of the York Green Belt;
- Concern at the impact of the proposal upon the astronomical and space exploration activities of the York Astronomical Society;
- Concern at the impact upon private water supplies in the surrounding area;
- Concern at the lack of adequate consideration of alternative sites;
- Concern at the impact of the proposal upon the safety of aircraft taking off and landing at Rufforth Airfield;
- Concern at the impact upon the habitat and biodiversity provided by the adjacent candidate SINC.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the openness and character of the York Green Belt
- *The effect upon visual amenity of the locality;
- Consideration of Alternative Locations;
- Issues of Odour, Noise and Light Pollution;

- Impact upon the Adjacent Candidate SINC;
- Impact upon Local Aviation Activities;
- Impact upon the Operation of the York Observatory;
- Impact of Additional Traffic upon the Local Highway Network;
- Animal Welfare Issues;
- Impact upon the local pattern of surface water drainage;
- Sustainability.

PLANNING POLICY:-

Development Plan

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

Local Plan

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

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. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

4.5 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.

4.6 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.

4.7 GREEN BELT:- As noted above, saved Policies YH9C and Y1C of the Yorkshire and Humber Side Regional Strategy define the general extent of the York Green Belt and as such Government Planning Policies in respect of the Green Belt apply. Central Government Planning Policy as outlined in paragraphs 79 to 90 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. New built development is automatically taken to be inappropriate and therefore harmful to the Green Belt unless it comes within one of a number of excepted categories. Inappropriate development may only be permitted where "very special circumstances" have been demonstrated. Paragraph 88 of the National Planning Policy Framework indicates that "very special circumstances" will only exist where potential harm to the Green Belt and any other harm are clearly outweighed by other considerations. Policy GB1 of the DCLP sets a firm policy presumption against inappropriate development within the Green Belt.

4.8 AMENITY ISSUES: - Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Principles" urges Local Planning Authorities to give significant weight to the need to provide and safeguard a good standard of amenity for all new and existing occupiers of land and buildings.

4.9 RURAL ECONOMY: - Central Government Planning Policy as outlined in paragraph 28 of the National Planning Policy Framework urges Local Planning Authorities to support the development and diversification of agricultural and other land based rural businesses as well as supporting sustainable rural leisure developments which benefit rural communities and respect the character of the countryside.

4.10 HABITAT AND BIODIVERSITY: - Central Government Planning Policy as outlined in paragraph 118 of the National Planning Policy Framework indicates that Local Planning Authorities should seek to conserve and enhance biodiversity by ensuring that planning permission is not granted for development that would result in the loss of irreplaceable unless clear public benefits can be demonstrated that outweigh the harm caused by the loss.

4.11 SURFACE WATER DRAINAGE AND FLOOD RISK:-Central Government Planning Policy as outlined in paragraph 103 of the National Planning Policy Framework indicates that when determining planning applications Local Planning Authorities should ensure that flood risk is not increased elsewhere.

4.12 ENVIRONMENTAL IMPACT ASSESSMENT: - The 2011 Town and Country Planning (Environmental Impact Assessment) Regulations through Schedules 1 and 2 identify clear categories of development including waste management facilities which are likely to have significant non-local environmental effects. Schedule 3 and the accompanying Circular gives clear guidance as to how those effects can be assessed and mitigated against. The current proposal falls within Schedule 1 by virtue of the physical size of the building complex and the number of chickens to be processed when the operation is at full capacity. The appellant has produced an Environmental Statement and it is considered that it meets the requirements of the EIA Regulation.

IMPACT UPON THE OPENNESS AND CHARACTER OF THE YORK GREEN BELT:-

4.13 The proposal is for the erection of an intensive poultry farming unit within six sheds covering 15,800 sq metres with ancillary facilities to handle 288,000 chickens when operating at full capacity. The application site lies within the general extent of the York Green Belt and is presently undeveloped comprising an arable field. Paragraph 89 of the National Planning Policy Framework indicates that all new built development within the Green Belt is inappropriate and therefore harmful to its character unless it comes within one of a number of categories specifically identified as being not inappropriate. These include buildings to be constructed for the purposes of agriculture and forestry. The proposal would not therefore constitute inappropriate development within the Green Belt. As such, the issue of very special circumstances does not arise.

4.14 Paragraphs 79 and 80 of the National Planning Policy Framework state that the fundamental aim of 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.

4.15 Notwithstanding that it is acknowledged that the proposed development is classified as being not inappropriate within the Green Belt, it is necessary to consider the issue of harm to openness and character of the Green Belt by virtue of the scale of the proposed development. This is an approach supported in respect of rather smaller agriculturally related development within the Green Belt elsewhere.

4.16 The application site comprises a large field in arable cultivation gently sloping to the west and south west with areas of mature woodland in the middle and long distance beyond. Other than the former runways of Rufforth Airfield to the east there is little significant built development within the vicinity of the site. In addition to the

building complex itself which would be very substantial in size when compared with other farm developments in the locality, the applicant has indicated a wish to construct a regular landscaped bund around the site. The bund would be approximately 2 metres high and the building complex would be approximately 5.5 metres high with the associated feed hoppers some 8 metres high.

4.17 If implemented the character of the site and its visual relationship to the remainder of the Green Belt would be fundamentally altered. The woodland to the west and south west would no longer be visible to the same extent and instead of the current open character to the site and its surroundings a large industrial complex would be created giving rise to substantial harm to the open character of the Green Belt. The regimented heavily engineered character of the proposed bunding would only serve to exacerbate such harm by emphasising its location within an otherwise open agricultural landscape. Notwithstanding that the development is otherwise not inappropriate within the Green Belt it is felt that the proposed size and location of the complex would cause substantial harm to the open character of the Green Belt.

CONSIDERATION OF VISUAL IMPACT ON LOCALITY:-

4.18 The application site lies in open countryside to the south of Rufforth village in an area of gently rolling landscape with clear and well defined long distance views to the south and south west in the direction of Long Marston and Askham Richard villages. Whilst not part of a designated landscape the views of areas of traditional native wood land add significantly to the wider character and visual amenity of the area. The proposal involving the erection of a substantial building complex with associated heavily engineered landscaping would fundamentally erode the character and visual amenity of the area to the extent that it would lose its natural, timeless, rural ambience and take on an alien, urbanised and industrial character.

CONSIDERATION OF ALTERNATIVE LOCATIONS:-

4.19 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 require that where alternative approaches to development have been considered, the Environmental Statement should include an outline of the main alternatives studied and the main reasons for the choice made, taking into account the environmental effects. The applicant's "do nothing" option looks at the need to restructure the poultry sector to maximise job growth and efficiency to meet customer demand without the need for extensive foreign imports.

4.20 The proposed development would service a re-developed poultry processing plant at Thorne near Doncaster and lead to modest job growth at that location. In terms of job growth at the application site the application details are clear that only a modest 2.5 full time equivalent posts would be created. A series of alternative sites both inside and outside of the Green Belt are also considered and discounted in the ES. A site is considered at Gateforth near Selby but discounted on the grounds of

being within 800 metres of an area of ancient woodland which would be vulnerable to ammonia pollution from the site and within 100 metres of an open air recreational use, Selby Golf Club. However, in examining the impact of the current proposal upon the adjacent candidate SINC, the submitted application details indicate that the risk of harm to the habitat through ammonia pollution is negligible and at the same time the current proposal is also in close proximity to a predominantly open air recreation use, York Gliding Club.

4.21 The possibility of expansion of the applicant's existing poultry operations at Riccall and Melbourne outside of the Green Belt and at Bilbrough is also considered but specifically discounted on the grounds of proximity to residential property. The applicant has however elsewhere highlighted the lack of noise and odour pollution complaints arising from the Bilbrough and Melbourne sites within the submitted application details.

POLLUTION ISSUES:-

4.22 ODOUR: - Intensive poultry units carry a risk of pollution from ammonia which is present within the associated manure and which research from continental Europe has indicated can be harmful to a range of habitats if uncontrolled. The application site lies within 60 metres of a candidate SINC notified as of significance as a grassland habitat and approximately 500 metres from an area of priority woodland identified by Natural England. The application has been accompanied by an ammonia modelling report which has at the same time been the subject of a successful application to the Environment Agency for an Environmental Permit for the proposed operation. The EA has examined potential impacts upon the Askham Bog SSSI to the south east and also Grange Wood an area of registered Ancient Woodland in the immediate vicinity and found the risk of harmful impact to be minimal.

4.23 LIGHT: - The application details as initially submitted indicated the usage of wall mounted sodium lights with a relatively high level output at the site. Subsequently and in the light of concerns expressed by neighbouring residential properties and by the York Astronomical Society the applicant has agreed to the usage of lower intensity LED lights and to have controls placed upon times of operation by condition to any planning permission. However, because of the scale of the development and its relatively remote location it can be argued that any significant usage of night time outdoor lighting could be harmful to the amenity and rural ambience of the area.

4.24 NOISE: - The mode of operation of the proposal ensures that the poultry would be confined within the building and any noise arising directly from the farm operation would be the subject to the operation of the Environmental Permit from the Environment Agency. Noise may also occur through traffic exiting and leaving the site when new chickens are brought to be fattened and when taken away for

processing. However in view of the frequency of such occurrences and their duration it is felt that any material harm would be modest.

IMPACT UPON THE ADJACENT CANDIDATE SINC:-

4.25 Paragraph 118 of the National Planning Policy Framework indicates that in determining planning applications Local Planning Authorities should aim to conserve and enhance biodiversity by ensuring that if significant harm arising from a development can not be avoided or at least mitigated against then planning permission should be refused. The current application site is 1.2 kilometres from an area of ancient woodland at Grange Wood to the east of Rufforth Airfield and 2.9 kilometres from Askham Bog a SSSI to the south east. A candidate SINC notified on the basis of being a rare grassland habitat lies directly to the south west. Detailed ammonia modelling of the proposal when fully operational has been undertaken in order to fulfil the relevant requirements of the Environmental Permit required for the development by the EIA. This clearly demonstrates that the development can be undertaken without material harm to the ecological and biodiversity value of the neighbouring habitat.

IMPACT UPON LOCAL AVIATION ACTIVITIES:-

4.26 Concern has been expressed in terms of the impact of the proposal upon the safe operation of Rufforth Airfield in respect of the activities of York Gliding Club. The proposed development would be aligned on a secondary runway aligned north east south west used by the Club for take off manoeuvres involving a towing aircraft. If a towing or other aircraft were to develop a mechanical problem whilst taking off it requires a clear area in order to perform an emergency landing a short distance away.

4.27 The relevant CAA technical guidance indicates that such an area should ideally be in a direct alignment with the take off run way which in the current case would be within the footprint of the proposed complex of buildings. The applicant's own aviation report acknowledges this and recommends that the airfield operator alter their operational practice including warning potential users and discourage the use of certain types of aircraft. A further issue relates to the proposed landscaping to the site and conditions it may create suitable for nesting birds with the possibility of bird strike affecting aircraft taking off and landing at the airfield. In order to address the potential for bird strike the applicant suggests that the level of the landscaping proposed for the site be purposefully lowered and that only low growing species be selected to be planted. However, by producing a lower more engineered topographic form to the proposed landscaping the overall visual impact of the scheme would be increased but without demonstrably lessening the risk of bird strike affecting the operation of the adjacent air field. It is not considered reasonable to expect the operator of the airfield to mitigate the impact of the proposal upon the safe operation of take off and landing procedures at the airfield.

4.28 Concern has also been expressed in terms of the height of the proposed buildings notably the proposed feed silos relative to the airfield safeguarding area for Rufforth Airfield and the general operational utility of activities there. It is however felt that the height of the feed silos and other buildings would not of themselves be harmful to the operation of the adjacent airfield. At the same time concern has been expressed on animal welfare grounds in respect of the impact of noise of aircraft taking off and landing at the adjacent airfield. However in view of the fact that the chickens would be kept in sealed sheds and the speed and frequency of flights would be relatively low this is not felt to be significant.

IMPACT UPON THE OPERATIONS OF THE YORK OBSERVATORY:-

4.29 Concern has been expressed in relation to the impact of the proposal upon the operation of the observatory of the York Astronomical Society some 400 metres to the north east of the application site. The concern focuses on two aspects of the proposal, the usage of LED floodlights at the application site which by virtue of the scale of the proposed development would impinge upon clear views of the night sky, and the production of dust and ammonia fumes from the fans attached to the shed roofs which would ham the specialist apparatus belonging to the observatory. Since the proposal was first submitted, the lighting specification has been amended from sodium to LED lights and the applicant has indicated that the complex would only be lit intermittently at night when the chickens are being transferred for processing. In view of the likely intermittent pattern of usage it is felt that any harm generated by the lighting to the observatory could effectively be mitigated by condition attached to any permission. In terms of the issue of dust and ammonia fumes their occurrence is dependent upon atmospheric conditions and the nature and efficiency of the ventilation apparatus for the sheds. Any harm could therefore be effectively mitigated by condition attached to any planning permission.

IMPACT OF ADDITIONAL TRAFFIC UPON THE LOCAL HIGHWAY NETWORK:-

4.30 Concern has been expressed in relation to the impact of additional traffic movements involving large lorries accessing Bradley Lane Rufforth from the B1224 within Rufforth village and travelling through Askham Richard village heading between the site and the A64 to the south west. Access to the site via Rufforth village would give rise to conditions prejudicial to highway safety by virtue of the size of vehicle and the configuration of the junction between Bradley Lane and the B1224 Wetherby Road. Vehicle movements to the site would however be modest involving five vehicles at a time and dependent upon the chicken growth cycles. Access to the A64 to the south via Askham Richard would not give rise to the same difficulties in terms of impact upon the safe and free flow of traffic. However in view of the timing of the cycles night time lorry movements would give rise to significant harm to the residential amenity of properties within Askham Richard village.

ANIMAL WELFARE ISSUES:-

4.31 Significant concern has been raised in respect of the conditions under which the intensively farmed chickens would be kept and the associated animal health inspection regime. Particular concern has been raised in respect of the spread of avian disease, the sheer numbers being held in a confined space without access to fresh air and daylight the use of antibiotics and the potential for creation of a source of human food poisoning. Whilst these are clearly important matters the farm operation is regulated by a separate and distinct system of control administered by DEFRA and associated agencies. These matters are not therefore in themselves material to the determination of this planning application. The ethical or moral values of the type of intensive farming proposed are not material to the determination of this planning application.

IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:-

4.32 Concern has been expressed in relation to the impact of the additional hard surfacing upon the levels and rate of run off of surface water into local water courses which are running at capacity together with the possible leaching of pollutants from farm into neighbouring water courses to the detriment of animal and human health. The applicant has indicated that the contaminated surface water from the site would be collected and used as a source of fertiliser in the nearby area with uncontaminated water being collected and used for cleaning and irrigation purposes within the holding. However detail of how both contaminated and uncontaminated flows would be dealt with and how storm flows would be attenuated have not been forthcoming. The area to the south and east of Rufforth has historically been subject to a high water table and has experienced surface water drainage difficulties.

4.33 On the basis of the information provided the applicant has failed to demonstrate that the additional flows created by the additional hard surfaced area created can be effectively dealt with without increasing flood risk elsewhere within the catchment as required by paragraph 103 of the National Planning Policy Framework.

4.34 At the same time chicken manure has a high ammonia content which leaves a distinctive pungent odour which can cause significant harm to residential amenity if uncontrolled. The applicant has not given clear information as to the usage of the contaminated surface water from the site as a fertiliser to be spread on neighbouring land and the circumstances in which it would take place. Without such detailed information a reasoned assessment of any impact upon amenity and the appropriate means of mitigation can not take place.

SUSTAINABILITY:-

4.35 The National Planning Policy Framework in paragraph 14 sets out a firm policy presumption in favour of sustainable development which runs as a “golden thread” through the wider Framework as a whole. The applicant contends that as the proposed development is not inappropriate within the Green Belt context as defined in paragraphs 89 and 90 of the Framework that the presumption applies in the current context. However, the definition of sustainable development is further clarified by paragraph 7 of the Framework which seeks a role for the planning system in preserving and enhancing the natural environment as an integral element of being sustainable development. It is felt that the degree of harm to the character and visual amenity of the surrounding area is such that the proposal would not amount to sustainable development within the terms of the Framework when this is read as a whole and should therefore be rejected on that basis.

5.0 CONCLUSION

5.1 The application site is presently undeveloped and the proposal would result in the construction of a substantial built complex in close proximity to the Askham Richard Rufforth road and the boundary of Rufforth Airfield. Following the development proposed, the physical and visual relationship of the site to its surroundings and notably the mature woodland to the west and south west would be fundamentally altered to the detriment of the open character of the Green Belt.

5.2 The potential safety risks arising from the proximity of an operational runway at Rufforth Airfield have not been adequately mitigated against and insufficient information has been forthcoming to demonstrate that both contaminated and uncontaminated surface water can adequately be disposed of. The proposal is therefore felt to be unacceptable in planning terms and refusal is recommended.

6.0 RECOMMENDATION: Refuse

1 Policies YH9 and Y1 of the Yorkshire and Humber Plan Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. The site is located in Green Belt as identified in the City of York Development Control Draft Local Plan (April 2005). The development by virtue of its scale, location and visual relationship to the local topography would give rise to serious detrimental harm to the open character of the Green Belt contrary to paragraph 79 of the National Planning Policy Framework.

2 The development by virtue of its close physical relationship to a principal runway of Rufforth Airfield without adequate mitigation measures incorporated in to the development would unacceptably compromise the safe and efficient operation of the aviation activities at the adjacent site.

3 Insufficient information has been forthcoming to establish whether or not the site may be safely drained without unacceptable increase in flood risk or pollution to adjacent properties contrary to paragraph 103 of the National Planning Policy Framework.

4. The development by virtue of its scale, location and relationship to the surrounding topography would cause unacceptable harm to the character, visual amenity and ambience of the surrounding landscape and would not constitute sustainable development as set out in the National Planning Policy Framework.

7.0 INFORMATIVES:

Notes to Applicant

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

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

Notwithstanding the harms identified:-

Sought submission of a detailed surface/contaminated water mitigation scheme.

Sought meeting/ discussion with applicant / agent about the application details.

Contact details:

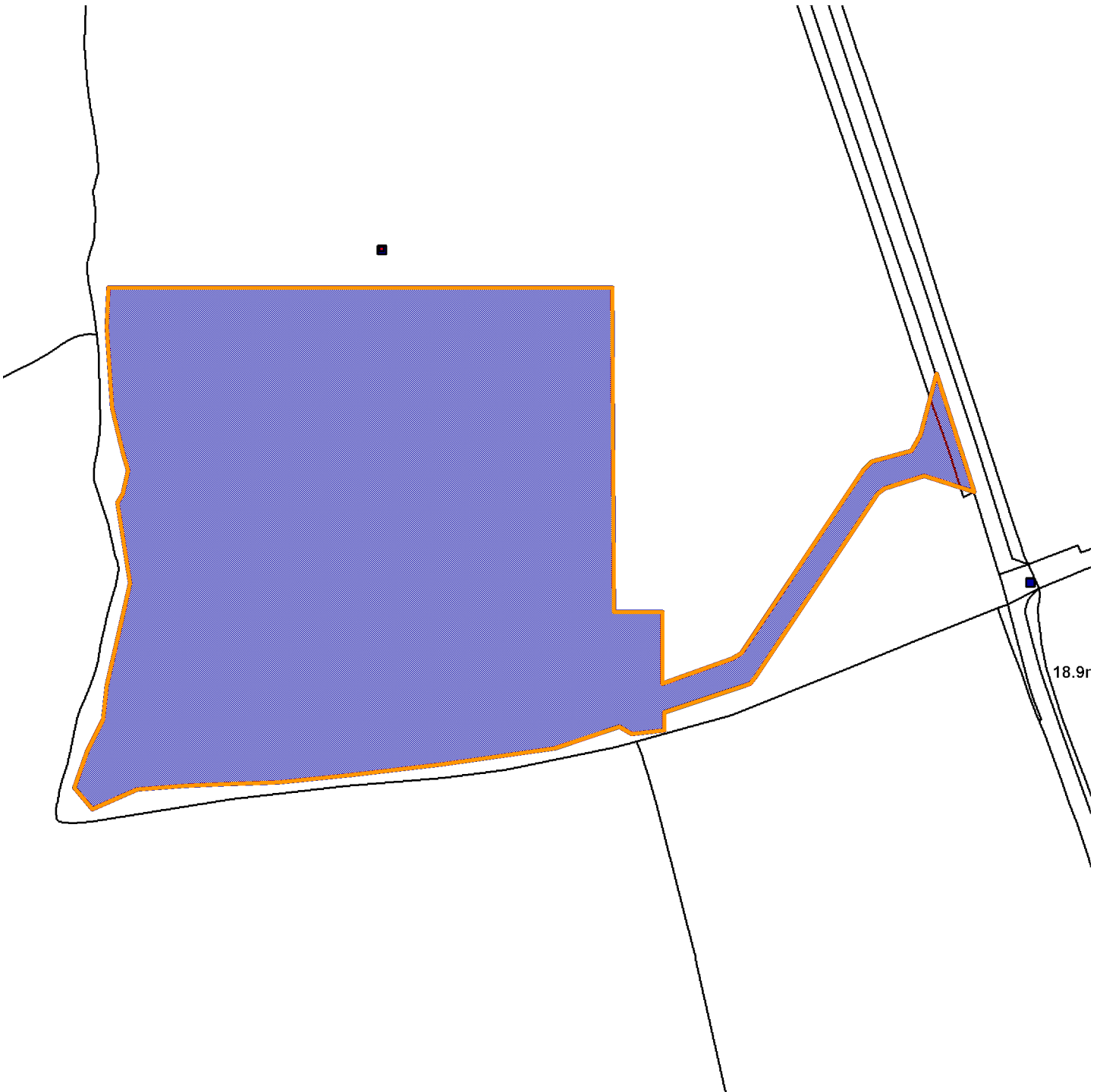
Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

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15/02031/FULM

Land at Grid Reference 458205 449925 West of Bradley Lane Rufforth



Scale : 1:2119

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| Organisation | CYC |
| Department | Not Set |
| Comments | Site Plan |
| Date | 08 March 2016 |
| SLA Number | Not Set |

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COMMITTEE REPORT

Date: 17th March 2016 **Ward:** Fishergate
Team: Major and Commercial Team **Parish:** Fishergate Planning
Panel

Reference: 15/00421/FUL
Application at: The Retreat 107 Heslington Road York YO10 5BN
For: Erection of a patient accommodation block and day care centre with associated landscaping following demolition of the existing student accommodation building
By: Mr Robert Brownlow
Application Type: Full Application
Target Date: 23 March 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks full planning permission for the erection of a part two and part single storey building within the grounds of The Retreat mental health care facility, which lies to the south of Heslington Road. The proposal is part of a wider development to the north of, and within an existing walled garden, that would provide a care facility for young adolescents (aged 12-18) with eating disorders (related applications 15/00419/FUL and 15/00420/LBC were approved by Committee in January 2016).

1.2 The proposed building is to be located to the east of the main grade II listed hospital buildings and to the north east of the grade II listed Garrow House. It would be situated immediately north of an historic walled garden, itself east of Garrow House, which has listed status by virtue of its age and location within the curtilage of the main listed buildings. The proposed building would replace, albeit on a different footprint, an existing two storey accommodation building, built circa 1970s, known as Catherine House.

1.3 The building would have an L-shaped plan, with the two storey element running north-south (parallel with Green Dykes Lane) and the single storey projection running east-west (parallel with Heslington Road). Its design is simple and modern incorporating a dual-pitched roof. It would be timber framed with external brickwork to walls and Westmorland roof slates. Windows and doors are to be painted timber. The block would accommodate a clinical/assessment room, office, communal dining facilities and activity rooms, 3 no. male bedrooms and 2 no. visitor bedrooms on the ground floor and further communal activity rooms and 9 no. female bedrooms on the first floor.

1.4 The application is supported by a planning statement, heritage and design statement, archaeological desk-based assessment report, bat survey, arboricultural assessment and tree planting scheme, drainage strategy and geo-environmental desk study report.

1.5 Revised plans have been submitted during the course of the application to address concerns raised by officers as well as further documentation provided. These included the re-positioning of the building north by approximately 2.5m and alterations to the external appearance of the building. The application was withdrawn from the January Committee agenda to allow further clarification about the position of the building and its relationship to a Beech tree, referred to as T14 in the tree survey. The consequence of this issue has been the submission of further revisions to move the building an additional 2m to the north (approximately 4.5m in total), so that it is outside the root protection area of the tree.

2.0 POLICY CONTEXT

2.1 2005 Draft Development Plan Allocation:

- Areas of Archaeological Interest: City Centre Area
- Conservation Area: The Retreat/Heslington Road

2.2 Policies:

1. Yorkshire and Humber Regional Spatial Strategy - Green Belt policies YH9(C) and Y1 (C1 and C2))

2. National Planning Policy Framework (March 2012)

3. 2005 Draft York Local Plan (4th set of changes). Relevant policies include:

- CYGB1 - Development within the Green Belt
- CYGB10 – Major Developed Sites in the Green Belt
- CYHE2 - Development in historic locations
- CYHE3 - Conservation Areas
- CYHE4 - Listed Buildings
- CYHE9 – Scheduled Ancient Monuments
- CYHE10 - Archaeology
- CYHE11 - Trees and landscape
- CYGP1 - Design
- CYGP3 - Planning against crime
- CYGP4A - Sustainability
- CYGP9 - Landscaping
- CGP15A - Development and Flood Risk

- CYC1 - Criteria for community facilities
- CYNE1 - Trees, woodlands, hedgerows
- CYNE6 - Species protected by law
- CYT4 - Cycle parking standards

4. Draft York Local Plan (2014) Publication Draft – relevant policies include:

- DP2 – Sustainable Development
- SS1 – Delivering Sustainable Growth for York
- SS2 – The Role of York’s Green Belt
- D1 – Landscape and Setting
- D4 – Conservation Areas
- D5 – Listed Buildings
- D7 - Archaeology
- G14 – Trees and Hedges
- GB1 – Development in the Green Belt
- CC2 – Sustainable Design and Construction
- ENV4 – Flood Risk
- T1 – Sustainable Access

3.0 CONSULTATIONS

3.1 The application was publicised by the display of notices in the local press and on site. Notifications were sent to statutory consultees and surrounding residents. The consultation period expired on 10.12.2015, however there has been further consultation with the Landscape Architect and Conservation Officer since the submission of the latest revised plans. The following responses have been received.

INTERNAL

HIGHWAY NETWORK MANAGEMENT

3.2 No objections as there will be little difference in the floorspace allocated to residential institution. The proposed access car parking and cycle parking remains unaltered. No conditions/informatives requested.

PLANNING AND ENVIRONMENTAL MANAGEMENT

(i) Countryside and Ecology

3.3 The site lies within District Green Infrastructure Corridor 7 Tillmire, which has priorities for wildlife enhancement including neutral grassland, ponds, hedges and scrub. To the south of The Retreat is Walmgate Stray, which is recorded as a Site

of Local Interest. The proposed development should not impact negatively on these.

3.4 An internal inspection of the existing building identified features suitable for roosting bats and recommended further survey which was undertaken in September 2014. Overall the buildings were assessed as having a low potential to support roosting bats and no bats were seen to emerge from the building during dusk emergence survey. It is considered that the development will not impact on roosting bats.

3.5 The mature horse chestnut (T32), which has been identified as having some potential for roosting bats, is to be retained. The area of land that will be built on is managed amenity grassland with low ecological interest. The area of the demolished block will be restored to amenity grassland.

3.6 There are opportunities for the development to enhance the site for bats through the new building.

(ii) Landscape

3.7 The large number of mature trees within The Retreat, play a key role in the attractive setting of the conservation area and The Retreat, as well as providing a number of health benefits. It is vital such trees should be retained and adequately protected through appropriate design. The large trees located around the outside of the walled garden and adjacent to the existing student accommodation are not subject to a tree preservation order (TPO), but are definitely worthy of one. They are subject to protection mechanisms by way of their location within the conservation area.

3.8 The proposed new tree planting is welcomed and is considered necessary to introduce the next generation of large-species trees, and to increase age and species diversity, and hence resilience to the potential effects of climate change. Nonetheless the proposed tree planting is not considered to be an alternative to providing adequate tree protection for the existing mature trees, which are category A. The location of the accommodation block avoids the root protection area (RPA) of the Horse chestnut (T32) and appears to create a reasonable association, and a more practical relationship, with the walled garden and at the same time offers more space and better views of the listed building. However, raises concern about the proximity of the southern arm of the proposed accommodation block to Beech T14 and the encroachment of its RPA. It is requested that this element of the design be revised to avoid disturbance from the development.

3.9 Following the submission of revised plans, continues to raise concern about the extent of construction operations within the RPA of the Beech tree, despite the southern arm of the accommodation building being pulled back from the Beech tree

by almost 2.5m. The Landscape Architect seeks further confirmation from the arboriculture consultant that development operations would not result in long term harm to the Beech tree. In conclusion, she is happy to condition previous comments about proposed tree planting by condition (LAND1), but considers that the southern arm of the proposed accommodation block should be pulled out of the RPA of Beech T14 unless the arboriculture consultant can guarantee that feasible operations will not pose significant risk to the health and longevity of the adjacent trees.

3.10 Since the last Committee meeting and the submission of further revised plans, the officer comments that the building is at an acceptable distance from the trunk of the adjacent trees. Requests conditions to cover landscaping and tree protection method statement.

(iii) Archaeology

3.11 It is normal practice in York to require pre-determination evaluation work on sites of archaeological interest. This practice is in line with the guidance in the NPPF and City of York emerging Local Plan. In exceptional circumstances, this requirement can be waived and a condition imposed to provide for and archaeological evaluation and any further archaeological work that might arise as a consequence.

3.12 The applicants have commissioned a desk-based assessment (DBA) that identifies the considerable archaeological significance and interest and acknowledges the direct impact and potential damage to undesignated heritage assets.

3.13 The Archaeologist accepts that because of access problems, it is not possible to carry out a pre-determination archaeological evaluation of the walled garden site and notes comments made by the applicant that carrying out the evaluation in two phases would impose cost and efficiency penalties and cause disruption and disturbance around the student accommodation block. In these circumstances, it is accepted that this evaluation can take place after approval. If evaluation indicates that there are archaeological features and deposits present on the site, then the evaluation trenches must be extended to cover the footprint of the new development so that all archaeological features and deposits can be recorded prior to construction commencing. Conditions are recommended.

(iv) Conservation

3.14 The scheme in principle is supported and has been very clearly thought through, both in terms of functionality, and in its intention of enhancing the setting of both Garrow House and The Retreat, both grade II listed buildings. The proposals potentially sustain the future use of The Retreat in the use for which it was

constructed, and in doing so preserve its significance. Requests that the following issues be addressed:

- clarification to be provided about the height to ridge and eaves;
- external materials of the building be brick cladding for the walls and slates for the roof due to the effect on the character and appearance of the conservation area;
- clarification about the articulation and recess of windows.

3.15 It is regrettable that the building has had to be moved approximately 4.5m to the north. This will result in the building being more intrusive than the previous iteration in the setting of the listed building in some views, although the degree of intrusion remains less than that of the *existing* building overall. In terms of the impact on the character and appearance of the conservation area, again, the building will be more prominent in some views, but this has to be weighed against the benefit of preserving the tree, which makes a positive contribution to the parkland character of this part of the CA. Balanced against the public benefit which will derive from the scheme, the development can be supported.

FLOOD RISK MANAGEMENT TEAM

3.16 The development is in low risk Flood Zone 1 and should not suffer from river flooding. Having assessed the further information within the Drainage Strategy dated October 2015 by Campbell Reith Consulting Engineers and onsite infiltration testing, the team has no objections to the development in principle but requests drainage conditions be applied to any approval.

ENVIRONMENTAL PROTECTION UNIT

3.17 No direct concerns raised about the proposals in terms of the suitability of the site for the proposed end use. Some concerns are raised over the potential for the proposals to affect existing amenity during construction and from plant during operation. Therefore, conditions and informatives are requested on these matters as well as in relation to contamination and air quality.

EXTERNAL

HISTORIC ENGLAND

3.18 Recommends that consent be granted subject to appropriate archaeological, arboricultural and materials conditions.

YORKSHIRE WATER

3.19 Requests conditions to cover foul and surface water drainage.

LOCAL COMMUNITY

3.20 No responses received.

4.0 APPRAISAL

4.1 The key issues pertinent to the determination of this application are:

- principle of development;
- Green Belt policy;
- impact on designated and non-designated heritage assets;
- design considerations;
- impact on trees and ecology;
- flood risk and drainage assessment;
- access, parking and impact on highway safety;
- affect on residential amenity;
- contamination risks.

THE SITE AND HISTORY

4.2 The Retreat is a Grade II listed hospital located on the south side of Heslington Road. It is bounded by Heslington Road to the north, which then cuts through the site as a cycle/pedestrian route, Thief Lane to the north and University Road to the east. The hospital is situated within a parkland setting. In addition to the main hospital building, Garrow House and a summerhouse are also Grade II listed. There are various other ancillary structures and buildings of varying dates within the grounds. The site falls within The Retreat/Heslington Road Conservation Area (no.8). It sits between the City Centre Area of Archaeological Importance, which is adjacent to the east, and the Retreat Area of Archaeological Importance, centred around the site of Lamel Hill Battery to the west of the main hospital building. It lies within Flood Zone 1 (low probability). There are many mature trees within the parkland that are protected by the conservation status of the site.

4.3 There is a lengthy planning history for The Retreat site. The date of approval for the building to be replaced by the proposed accommodation block is unclear, but it dates to circa. 1970s. No other permissions or consents are relevant to the consideration of the application. The current application has been subject to lengthy pre-application discussions with officers for the proposed health care facility (14/00909/PREAPP).

POLICY CONTEXT

4.4 Section 38(6) of the Planning and Compensation Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for York other than the retained policies in the Yorkshire and Humber regional Spatial Strategy (“RSS”), saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies, YH9(C) and Y1(C1 and C2), relate to York’s Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt. The policies state that the detailed inner and 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.

4.5 Central Government guidance is contained in the National Planning Policy Framework (“NPPF”, March 2012). Paragraph 7 of the NPPF says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Footnote 9 of paragraph 14 contains restrictions where this presumption in favour of sustainable development does not apply, including land designated as Green Belt and designated heritage assets. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design, protecting Green Belt and conserving heritage assets.

4.6 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development, that is indivisible from good planning and should contribute positively to making places better for people.

4.7 Section 9 ‘Protecting Green Belts’ says that the essential characteristics of Green Belts are their permanence and openness (paragraph 79). Paragraph 80 sets out the purposes of Green Belt. These 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. Paragraph 88 states that when considering any planning application, 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. With regard to new buildings, paragraph 89 states that the construction of new buildings is inappropriate in Green Belt unless it falls within one of the listed exceptions.

4.8 Section 10 ‘Meeting the challenge of climate change, flooding and coastal change’ offers advice on locating new development to avoid increased flood risk.

4.9 Section 11 'Conserving and enhancing the natural environment' says that the planning system should contribute to and enhance the natural environment by, amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible as well as preventing adverse affects on pollution and land instability.

4.10 Section 12 'Conserving and enhancing the historic environment' requires local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness. It advises consent to be refused where there is substantial harm unless it can be demonstrated that this is necessary to achieve substantial public benefits or where there is less than substantial harm, this be weighed against the public benefits of the proposal.

4.11 Although there is no formally adopted local plan, the City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Whilst it does form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. The relevant policies are summarised in section 2.2 above. Policies considered to be compatible with the aims of the NPPF and most relevant to the development are policies GP1, GB1, HE2, HE4 and HE10.

4.12 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of planning applications.

PRINCIPLE OF DEVEOPMENT

4.13 Whilst the RSS has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates the general extent of the Green Belt around York. These policies comprise the S38 Development Plan for York. The policies in the RSS state that the detailed inner and rest of the outer boundaries of the Green Belt around York need to be defined to protect and enhance the nationally significant historical and environmental character of York. The 2005 Draft Local Plan proposals map identifies the site within the general extent of Green Belt. In accordance with footnote 9 to paragraph 14 of the NPPF, the usual presumption in favour of sustainable development established by the NPPF does not apply in Green Belt locations. Furthermore, the location of the site within the grounds of three listed buildings and in a designated conservation area means that the usual presumption does not apply by virtue of footnote 9. Instead, the more restrictive policies in section 9 and 12 of the NPPF apply.

GREEN BELT POLICY

4.14 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. Paragraph 80 sets out the five purposes of the Green Belt:

- 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.

4.15 Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt unless they fall within one of the exceptions listed. One such exception is the replacement of an existing building with a new building in the same use and not materially larger than the one it replaces. The existing and proposed buildings, as residential accommodation associated with an institution, would fall within use class C2. The proposed building would be of a similar footprint and overall mass to that it replaces. On this basis, the proposal is considered to be appropriate development in the Green Belt. As the assessment of the harm to Green Belt turns on the fact that the proposed building replaces another, which is adjacent to it, a condition should be attached to any approval to require the removal of the existing accommodation block through condition and within a suitable time frame following completion of the new building.

IMPACT ON OPENNESS AND GREEN BELT PURPOSE

4.16 In addition to considering whether there is any harm arising from inappropriateness, consideration needs to be given to other harm to the Green Belt. The NPPF states that the essential characteristics of Green Belts are their openness and their permanence. The site would remain as a collection of buildings within a parkland setting and there would be no increase in the number of buildings or a significant change in the footprint of the buildings on site as a result of this application. The proposal would, therefore, preserve the overall open character of the site. Again, as a replacement building of similar footprint, the proposal would not conflict with any of the five purposes of Green Belt. As a result, officers are of the opinion that the proposal would not result in any other harm to openness or Green Belt purpose, subject to a condition requiring the removal of the existing accommodation block.

HERITAGE ASSETS

4.17 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“1990 Act”) imposes a statutory duty on local planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interests which it possesses. Section 72(1) of the 1990 Act imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining planning applications. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply in these circumstances.

4.18 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings, conservation areas and scheduled monuments as “designated heritage assets”. Section 12 advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset’s significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness. Paragraph 132 establishes the great weight that should be given to a designated heritage asset's conservation with a clear and convincing justification being provided to justify any harm or loss. Paragraph 135 requires the effect of an application on the significance of a non-designed heritage asset to be taken into account in determining an application. Draft Local Plan policies HE2, HE4 and HE10 reflect legislation and national planning guidance. In particular, Policy HE2 states that proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.19 The application site lies within the setting of grade II listed buildings, The Retreat and Garrow House. It falls within the designated Retreat/Heslington Road Conservation Area, which was designated in 1975. Its description explains that the land occupies high ground to the south of the City and commands views northwards across the city and southwards over Walmgate Stray towards Fulford. The character of the conservation area results from ‘an institutional use set in parkland surrounded by obscuring walls but with views out’. The conservation area includes

Lamel Hill, a large mound raised during the Civil as part of works that encircled York and an extensive late Roman or Anglian cemetery. As a result of its historic significance, the mound is a Scheduled Ancient Monument that has been designated an area of archaeological importance. The City Centre Area of Archaeological Importance lies to the east of the site and focuses on Green Dykes Lane/University Road and the land either side of it.

4.20 The application building would replace an existing two storey building that is of little architectural or historical merit with another of similar scale, mass and design. However, the building would be positioned east of the existing building, closer to University Road, and, as a result, further away from the listed Garrow House. The proposed building has been designed with the two storey element positioned furthest away from Garrow House and the nearest element being single storey. It would be built into the slope of the site, as is the arrangement with the existing accommodation block. The building would continue to be subservient to Garrow House and adopts a simple design approach that would not compete or detract from the special interest of the listed buildings. The re-siting of the replacement building would maintain views of the grade II listed building and would open up views from the north, thereby, enhancing its setting.

4.21 Whilst closer to the site boundaries with University Road, and Thief Lane to a lesser extent, there would still be a distance of approximately 46m to the boundary with Thief Lane and 31m to that with University Road. Furthermore, the building would be largely screened by the existing trees and vegetation along the site's boundary with University Road (which is itself at a lower land level than the site) and read in the context of the walled garden, to which it would be linked operationally, and Tuke House. There would continue to be a stand-alone building of modern appearance to the east of the site. The proposed development would, therefore, retain the value of the site as a mental health hospital within a parkland setting, which is cited in the conservation area description as the main element of the conservation area's character. The use of bricks (subject to further approval) and Westmorland slates for the roof, which is a characteristic material in the conservation area, would provide a visual link between the new building and the older ones. The proposed building has been re-sited to avoid any impact on the mature Beech tree (T14), the loss of which would have an adverse impact on the historic setting.

4.22 The location of the proposal within the site would not impact on the Scheduled Ancient Monument or the Area of Archaeological Importance centred around it. The applicant has submitted a desk-based assessment that highlights that the site is of considerable archaeological potential as it appears to have been part of an important Anglo-Saxon landscape with definite and potential burial mounds and cemeteries and a 6th century settlement within 400m. It considers that the proposal would potentially impact on these remains and there is a high likelihood that the

extant remains of the 19th century gardening and leisure buildings would be impacted.

4.23 The City Archaeologist did ask at pre-application stage for an archaeological evaluation to be carried out before submission of the application. However, following further discussion, he agreed that the application could be approved subject to conditions. As such, and in line with advice in paragraph 40 of the Planning Policy Guidance document that accompanies the NPPF, conditions relating to archaeological evaluation have been requested by the City Archaeologist.

4.24 In light of the above, the proposal would not result in harm to the significance of the grade II listed buildings on site, particularly Garrow House, nor that of the conservation area. Indeed, the proposal would preserve the setting of the listed building, as required by section 66(1) of the 1990 Act, and in doing so would preserve the character and appearance of the conservation area, as required by section 72(1) of the Act. Any harm to archaeological deposits and features can be adequately addressed and mitigated through the imposition of conditions.

DESIGN

4.25 Chapter 7 of the NPPF gives advice on design, placing great importance to the design of the built environment. At paragraph 58 it states that planning decisions should aim to ensure that, amongst other things, developments will function well and add to the overall quality of an area, establish a strong sense of place, incorporate green and other public space as part of them, respond to local character whilst not stifling innovation, create safe and accessible environments and include appropriate landscaping. It goes on to say that great weight should be given to outstanding or innovative designs which help raise the standard of design in the area (para. 63). At paragraph 64, it advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.26 The advice in chapter 7 is replicated in Draft Local Plan policies GP1 (Design) and GP9 (Landscaping) and these policies, therefore, accord with the NPPF. In particular, Policy GP1 which requires new development to respect or enhance its local environment and be of an appropriate density, layout, scale, mass and design compatible with neighbouring buildings and using appropriate materials. Policy GP4a requires development to incorporate sustainable construction methods as well as be sustainable and accessible in its location.

4.27 A simple design approach has been adopted for the replacement building, which offers an understated facade to its north facing elevation, in order that it does not compete with or detract from the setting of the grade II listed Garrow House. Its scale and mass would be subservient to the listed building.

4.28 The building would have a L-shape footprint that is orientated, firstly, towards the south in order to maximise natural light and heating and, secondly, towards the walled garden thereby allowing a connection between these two elements of the proposed facility. The building would enclose an area between the building and the existing walled garden. The main entrance would be accessed via this garden space and is proposed on the south-facing elevation to provide a visual link to the associated day centre accommodation proposed within the walled garden. The inner elevations of the building are more decorative than the outer elevations and incorporate roof glazing, timber clad panels and timber brise-soleil over windows. The incorporation of roof glazing on the south facing roof slope would allow natural light to penetrate the entrance foyer and communal dining room, with brise-soleil features over windows to prevent glare to south facing rooms.

4.29 The external materials, particularly the Westmorland roof slates, are appropriate to the setting of the building. Windows and doors are to be painted timber. The planning statement refers to the promotion of high levels of sustainability by using locally sourced reclaimed bricks and high quality insulation and glazing to control the temperature of the building along with brise-soleil on south facing windows to manage solar gain.

4.30 In order to address the slope in the land from the walled garden towards Thief Lane, the building is proposed to be built into the slope in the same way as the existing accommodation block. The intention is that the elevation facing towards Thief Lane is at existing ground level and that the path leading from the walled garden to the main entrance would be on a downwards slope. The land around the accommodation block would be levelled to allow for a flat amenity garden to serve the facility. The agent has confirmed that the land level and slope shown on the revised elevation drawing is based on a topographical survey of the site.

4.31 On the basis of the above, the proposal would respect the local environment and would accord with the aims of the NPPF to achieve high quality and inclusive design. A condition requiring material samples should be imposed if the application is approved. Further details of hard and soft landscaping to the gardens and around the building should also be covered by condition.

TREES AND ECOLOGY

4.32 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural local environment by, amongst other things, minimising impacts on biodiversity. Paragraph 118 of the NPPF aims to conserve and enhance biodiversity, including the refusal of planning applications where significant harm cannot be avoided or adequately mitigated and where development would adversely affect Sites of Special Scientific Interest, ancient woodland and European protected sites. Policies NE1 and NE6 of the Draft Local Plan reflects this advice in relation to trees and protected species.

4.33 There are no such designated sites within the vicinity of the site that would be adversely affected. The proposal would not impact negatively on Walmgate Stray, a Site of Local Interest. A bat survey was undertaken of the existing building and surrounding trees. The building was assessed as having a low potential to support roosting bats and no bats were identified during the survey. As a result the proposed development would not impact on roosting bats. The building would be erected on an area of low value amenity grassland, which would be replaced on the site of the demolished accommodation block.

4.34 The site is characterised by large mature trees, particularly around the walled garden and adjacent to the site boundary with University Road. A tree survey and arboricultural implications assessment has been submitted in support of the application. Concern was raised following the submission of the application by the Council's Landscape Architect about the impact of the proposed building on the root protection area of a mature Beech tree (identified as T14 in the survey). The officer's concerns related to the harm that development operations, including foundations and utilities, would have on the tree's health and longevity. The building has been re-sited north, by approximately 4.5m, to address the concerns raised. The officer has confirmed that the building is now at an acceptable distance from the tree. Conditions are requested by the officer, including a tree protection method statement.

4.35 In light of the above, subject to conditions, the proposal would not result in any adverse impacts on biodiversity.

FLOOD RISK

4.36 Paragraph 103 of the NPPF states that development should be directed to the areas of low flood risk and that development should not result in an increase of flood risk within the site or elsewhere. Policy GP15a of the Draft Local Plan supports this approach to flood risk.

4.37 The site lies within low risk flood zone 1 and should not suffer from river flooding. Foul water would be discharged to the existing sewers that serve the site. A drainage strategy has been submitted to support the application. It explains that following an infiltration test, topographic site survey and site walkover, it is proposed that surface water run-off from the site would be discharged to the existing sewer outfall, controlled so as not to exceed run-off rates agreed with the Council's Flood Risk Engineer and Yorkshire Water. The Council's Flood Risk Engineer has assessed the submitted drainage strategy and is satisfied in principle subject to detailed drainage information being submitted for approval prior to development commencing. The proposal, therefore, accords with national and local planning policies and is, in principle, acceptable in flood risk terms.

HIGHWAY SAFETY

4.38 The NPPF encourages sustainable travel and the siting of development in sustainable and accessible locations. The proposal involves the provision of additional mental health services and facilities in connection with an existing and long established mental health hospital that is close to the City Centre and accessible by public transport and other non-car modes of travel. The building would be served from the existing site entrance with the public highway on Heslington Road and there is existing car and cycle parking facilities that serve the hospital including the accommodation block that is to be demolished to make way for the proposal building. As such, the proposal would comply with the aims of national planning policy and no objections are raised on highway grounds.

AMENITY

4.39 One of the core principles of planning outlines in the NPPF is to seek a good standard of amenity for all existing and future occupants. Paragraph 120 of the NPPF also states that new development should be appropriate for its location to prevent unacceptable risks from pollution and land instability, with the responsibility for securing a safe development resting with the developer. Paragraph 123 in particular advises that planning decisions should avoid and mitigate any impacts from noise and light pollution. Policy GP1(i) of the Draft Local Plan seeks to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

4.40 The Environmental Protection Unit has raised concerns about the impact on amenity during construction and from plant and have requested conditions and informatives be imposed on any approval to address this. A further condition is recommended in the event that contamination is found during construction works.

4.41 The houses on University Road and Thief Lane are at a sufficient distance from the proposed building and, therefore, there would be no detrimental impact on residential amenity from overlooking, overshadowing or over-dominance. The proposed building would be located further away from Garrow House, whose occupants would be less affected than occupation of the current accommodation block. The layout of the new building and its inclusion of indoor communal space and outside private seating areas would benefit future occupants of building.

5.0 CONCLUSION

5.1 The application proposes the construction of a replacement building of the same use and similar in its scale and mass to the existing vacant building. As such, the proposal constitutes development that is not inappropriate development according to Green Belt policy. It is officer's opinion that the proposed development

would not cause harm to the significance of the identified heritage assets, being the setting of the grade II listed buildings, the character and appearance of the conservation area or the scheduled ancient monument. Conditions can be imposed to mitigate any harm to non-designated archaeological deposits and features. Further conditions are required to address materials, landscaping, tree protection, drainage, contamination and disturbance during development.

5.2 Subject to the above, the proposal is considered to comply with national and local planning policies and is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve with conditions

1. TIME2 Development start within three years
2. PLANS Approved plans – Drawing numbers 1402/201 rev.B 'Site Plan as Proposed', 1402/204 rev.C 'Ground floor plan as proposed', 1402/205 rev.C 'First floor plan as proposed', 1402/206 'Roof Plan as proposed' and 1402/209 rev.C 'Elevations as proposed', dated February 2016 and received on 11.2.16.
3. No development will take place until an archaeological evaluation of the site has been carried out in accordance with a detailed methodology (which will detail a trial trench, analysis, publication and archive deposition) which shall first be submitted to and approved in writing by the Local Planning Authority and a report submitted to and approved in writing by the Local Planning Authority. A report on the results of the evaluation shall be submitted to the Local Planning Authority within six weeks of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to identify the presence of significance of archaeological features and deposits and enclosure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

4. If, following the carrying out of the archaeological evaluation required by the above condition, the Local Planning Authority so requires, an archaeological excavation of the site will be carried out before any development is commenced. The excavation shall be carried out in accordance with a detailed methodology (to include trenches, community involvement, post-excavation analysis, publication and archive deposition), which shall first be submitted to and approved in writing by the said Authority. Reasonable access shall be afforded to any Local Planning Authority nominated person who shall be allowed to observe excavations. A report on the excavation

results shall be submitted to the Local Planning Authority within twelve months of completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to ensure that archaeological features and deposits identified during the evaluation are recorded before development commences, and subsequently analysed, published and deposited in an archaeological archive.

5. LAND1 New landscape details (within the garden areas serving the accommodation block)
6. Before the commencement of development, including demolition, excavations, building operations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, and locations for stored materials, and locations and means of installing utilities. The methodology shall also include construction details and existing and proposed levels, where a change in surface material is proposed within the root protection area of existing trees. The development shall be carried out in accordance with the approved method statement.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development.

7. VISQ2 Large scale details - Typical vertical and horizontal cross-section drawings (at a scale of 1:10) including details of the following features: verge, eaves, pilasters, fenestration recess, roof glazing and brise-soleil features.
8. VISQ7 Sample panel ext materials to be approved
9. VISQ8 Samples of exterior materials to be app
10. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

11. 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 details shall be in accordance with the Drainage Strategy dated October 2015 by Campbell Reith Consulting engineers. 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.

12. 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.

13. Any surface water from vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor.

Reason: In the interest of satisfactory drainage

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

Reason: To protect the amenity of local residents.

15. NOISE7 Restricted hours of construction

16. Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which would be audible at the boundaries of the nearest residential properties when in use, shall be submitted to the local planning authority for approval prior to coming into use. These details shall include maximum sound levels ($L_{Amax}(f)$) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant and equipment and any approved noise

mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenities of adjacent residents.

17. 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.

18. Condition to cover timing for demolition of existing building (to be confirmed).

Informatives:

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:

- pre-application discussion raising material considerations and issues to be addressed;
- revised drawings sought to address the impact of design and materials on heritage assets and siting in relation to mature tree;
- submission of additional information in respect of trees and drainage;
- imposition of conditions to address outstanding impacts.

2. INFORMATIVE – To be read in conjunction with conditions 10-13

(i) Development of the site should take place with separate systems for foul and surface water drainage. The separate systems should extend to the points of discharge.

(ii) Foul water domestic waste should discharge to the 225 mm diameter public combined water sewer recorded in University Road, at a point approximately 110 metres from the site. The existing connection serving the current site may be re-utilised. Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

(iii) The developer is proposing to discharge surface water to soakaway and public sewer. Details explaining why all surface water draining from the site cannot be disposed of via infiltration techniques should be provided. Upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to the public surface water sewer. The developer will also be required to provide evidence of existing positive drainage to a public sewer from the site by means of physical investigation.

On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event.

Surface water run-off from communal parking (greater than 800 sq metres or more than 50 car parking spaces) and hard standing must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge to the public sewer network. Roof water should not pass through the traditional 'stage' or full retention type of interceptor/separator. It is good drainage practice for any interceptor/separator to be located upstream of any on-site balancing, storage or other means of flow attenuation that may be required.

3. INFORMATIVE - To be read in conjunction with condition 16.

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

(ii) For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken.

In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

(iii) For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of 2 barriers, use of water bowsers and spraying, location of stockpiles and position on site. In addition, details should be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

(iv) For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting. In addition, to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (ie investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

4. INFORMATIVE - To be read in conjunction with condition 17.

The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics. Whilst it is acknowledged that at background levels of less than 30dB(A) use of BS4142 is inappropriate, it is considered that in such circumstances the combined rate level of plant inclusive of any character correction should not exceed 30dB(A).

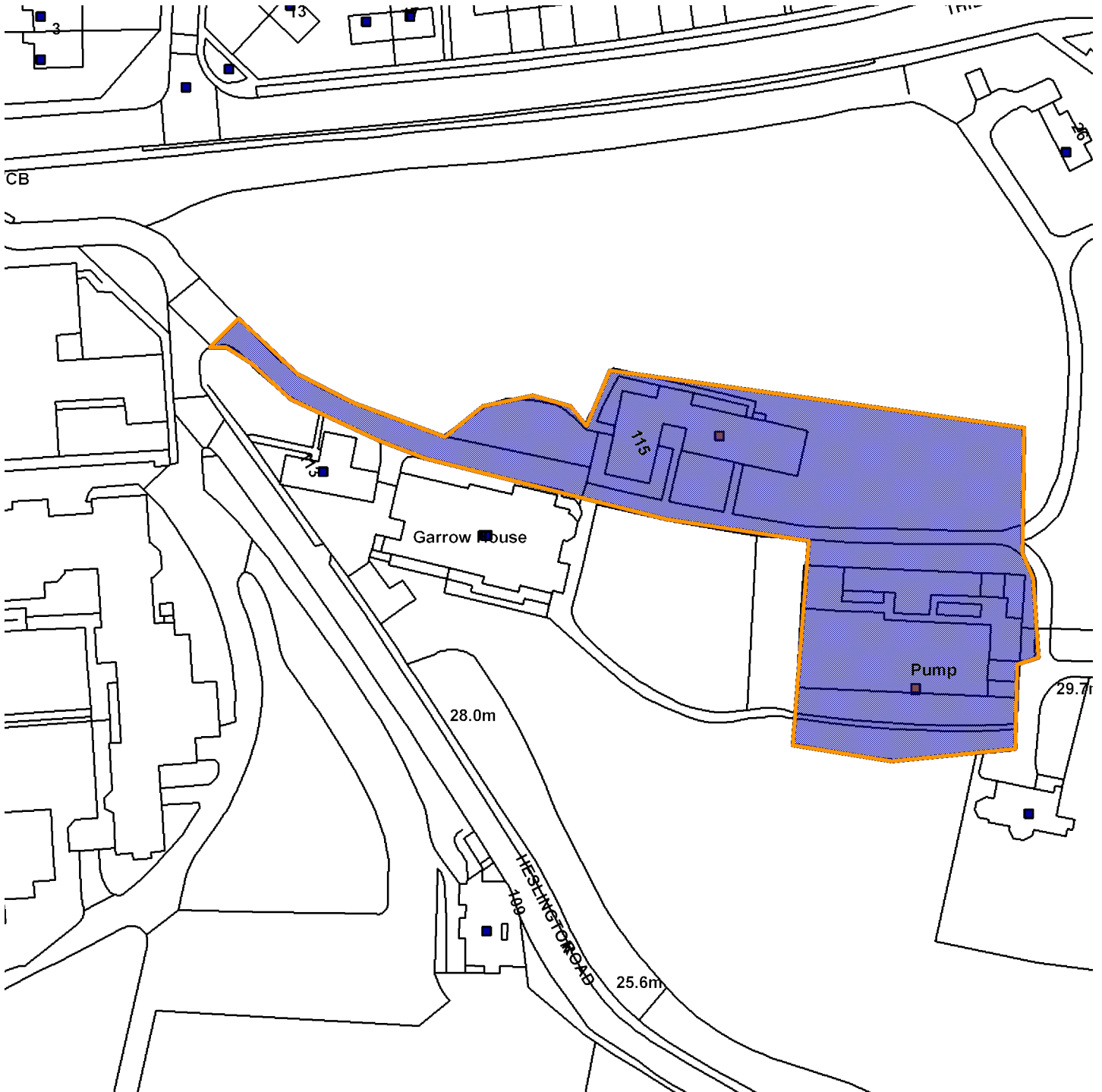
Contact details:

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The Retreat 107 Heslington Road

15/00421/FUL



Scale : 1:1059

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|---------------------|---------------|
| Organisation | CYC |
| Department | Not Set |
| Comments | Site Plan |
| Date | 08 March 2016 |
| SLA Number | Not Set |

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proposal as being agricultural diversification, making use of an otherwise redundant piece of agricultural land, which would positively contribute to the tourist economy through the provision of high quality visitor accommodation. It would create jobs, increase biodiversity, enhance the appearance of the countryside and provide a recreational facility for local residents and visitors. It considers that the area would remain largely open as the holiday cabins cover less than 2% of the total ground area of the site. The scheme is considered to be sustainable and accessible and, due to the limited number of cabins, would not affect residential amenity, drainage or local facilities.

2.0 POLICY CONTEXT

2.1 Policies:

1. Yorkshire and Humber Regional Spatial Strategy - Green Belt policies YH9(C) and Y1 (C1 and C2))

2. National Planning Policy Framework (March 2012)

3. 2005 Draft York Local Plan (4th set of changes). Relevant policies include:

- GB1 - Development within the Green Belt
- GP1 - Design
- GP3 - Planning against crime
- GP4A - Sustainability
- GP9 – Landscaping
- GP14 – Agricultural Land
- GP15A - Development and Flood Risk
- HE10 – Archaeology
- NE1 - Trees, woodlands, hedgerows
- NE6 - Species protected by law
- T4 - Cycle parking standards
- V1 – Visitor related development
- V5 – Caravan/camping

4. Draft York Local Plan (2014) Publication Draft – relevant policies include:

- DP2 – Sustainable Development
- SS2 – The Role of York's Green Belt
- D1 – Landscape and Setting
- D7 - Archaeology
- G14 – Trees and Hedges
- GB1 – Development in the Green Belt
- ENV4 – Flood Risk

- T1 – Sustainable Access
- EC6 – Rural Economy

3.0 CONSULTATIONS

PUBLICITY

3.1 The application was publicised by means of a site notice.

PLANNING AND ENVIRONMENTAL MANAGEMENT

(i) Archaeology

3.2 The application site lies in close proximity to two sites of archaeological interest: Myer Croft (MYO91) and Cockey Hill Post Medieval Buildings (MYO92). Both are mentioned in the A History of the County of York East Riding: Volume III, also available online at British history online:

- MYO91: Myer Croft is mentioned as a rabbit warren that was 'replenished with coneys' in 1619. A house lay in the warren.
- MYO92: Cockey Hill Post Medieval Buildings were mentioned as houses situated in the NW corner of the north closes in 1619.

3.3 Approximately 1km to the north-west a series of complex crop-marks recorded on aerial photographs that indicate the existence of a well-developed late-prehistoric and Romano-British landscape. This landscape consists of fields, enclosures and remains of settlement including round-houses. It is likely that this landscape extends through the application site. The application site is therefore of archaeological interest and an archaeological watching brief on all groundworks will be required. Requests ARCH2 be imposed on any consent that is granted for development on this site.

(ii) Ecology

3.4 The Ecological Assessment was undertaken by MAB Environment and Ecology Ltd, in September 2013 and, therefore, the information is now over two years old. The officer visited the site on 22nd February 2016 and found that conditions on site remain the same and, therefore, the findings of the Ecological Assessment can be considered still valid.

3.5 The proposals on the east of the site do not appear to have changed since the previous two applications and, therefore, previous comments made on the application still apply. However, this application differs as the west of the site, for which there was a proposal to include a wildlife area, is now excluded from the application.

3.6 The site contains species poor acid grassland. The area where the lodges are to be located was found to be more improved and is managed as short mown grassland. There are no objections to this proposal on grounds of ecology.

3.7 To maximise the new pond's value for wildlife guidance from the Freshwater Habitats Trust on pond creation should be followed. Often it is best to let ponds naturally colonise with plants, however if planting is used it is important that invasive non-native species such as new zealand pigmyweed (*Crassula helmsii*) and floating pennywort (*Hydrocotyle ranunculoides*) are not used.

3.8 Requests condition requiring locally native plant species for creation of semi-natural habitats if the application is approved.

PUBLIC PROTECTION

3.9 Contaminated Land - Due to the proposed site being a change of use from agricultural land to holiday lodges it is possible that contamination may have occurred historically. A condition should be placed upon any approval granted.

3.10 Air Quality and Emissions - In accordance with paragraph 35 of the NPPF and the Council's Low Emission Strategy (October 2012), a condition requiring the installation of an electric vehicle charge point is requested.

ENVIRONMENT AGENCY

3.11 Under the Development Management Procedure Order (DMPO), the Agency is only a statutory consultee on non-mains foul drainage proposals for major development. For this reason, no detailed comments are made, but the agency strongly advises that the LPA satisfies itself that the proposal complies with the requirements of the Planning Practice Guidance and the Environment Agency's Pollution Prevention Guidance Note 4. You may wish to consult with your Environmental Health team for further guidance.

3.12 In addition, the applicant may also require an Environmental Permit from the Environment Agency for water discharge activity and are advised to contact the Agency's National Permitting Service.

OUSE AND DERWENT INTERNAL DRAINAGE BOARD

3.13 The Board would like to mitigate any negative impact that may arise from development as the Board maintained watercourses in the vicinity of the site are currently running at capacity. Affirms that, where practicable, the risk of flooding should be reduced and surface water emanating from the site should be managed in a sustainable manner. The application states the intention to use a soakaway to dispose of surface water and the Board recommends that the viability of any soakaway should be tested using BRE Digest 365 guidelines to ensure that all

surface water is captured in a 1:30 rainfall event and that no overland flow or inundation of buildings occurs during a 1:100 rainfall event. If the test proves unsuccessful, the applicant should produce a design of soakaway for further consideration by the LPA. If unsuccessful, the applicant must produce an alternative strategy. The Board seeks assurance that the proposed pond will have the capacity to accommodate flows in a 1:100 year event. The applicant also has stated the intention to use a Package Treatment Plant and the Board wishes to ensure that no contaminant or uncontrolled flows enter the surface water drainage system as a result of this development. Requests conditions.

DEIGHTON PARISH COUNCIL

3.14 No objections are raised, but the Parish Council is mindful of the questions and responses to/from Mrs Lisa Elletson regarding signage, vehicle use/lights out of hours and noise levels, as well as the number of responses given in support of this application.

LOCAL RESIDENTS

3.15 Letter of support from resident at Fieldside House on Wheldrake Lane for following reasons:

- the application can only enhance the area;
- traffic entering and exiting the area would not be a problem as after the initial rush hours the road is relatively quiet.

3.16 Letter of objection on behalf of resident of Westfield, Wheldrake Lane, on following grounds:

- concerned about impact on volume of traffic in Wheldrake Lane and increased flow of traffic gaining access to and from the site as it can be difficult to see oncoming traffic from this access when the sun is low in the sky.

4.0 APPRAISAL

KEY ISSUES

4.1 The key material considerations relevant to the determination of this application are as follows:

- principle of development;
- Green Belt policy;
- Highways, access and parking;
- Flood risk and drainage;
- Nature conservation;
- Pollution;

- Residential amenity;
- Archaeology;
- Other considerations.

LEGISLATIVE CONTEXT

4.2 The Caravan Sites Control and Development Act 1960 defines a caravan as: 'any 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) and any motor vehicle so designed or adapted. This definition was added to by Section 13 of the Caravan Sites Act 1968 to include twin-unit caravans, provided that they were composed of not more than two sections designed to be assembled on site by means of bolts or clamps, capable of being transported assembled and no more than 20m long x 6.8m wide with an internal height of 3.05m.

POLICY BACKGROUND

4.3 The development plan for York comprises the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies are YH9(C) and Y1(C1 and C2), which relate to York's Green Belt and the key diagram on page 2014 insofar as it illustrates the general extent of the Green Belt (figure 6.2). The policies require the inner and the rest of the outer boundaries to 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. The application site falls within the general extent of the Green Belt as shown on the Key Diagram of the RSS.

4.4 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", March 2012). Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking. The principles include: seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings; protecting the Green Belt around main urban areas and recognising the intrinsic character and beauty of the countryside; taking full account of flood risk; contributing to conserving and enhancing the natural environment; conserving heritage assets; and, actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.

4.5 Section 3 'Supporting a prosperous rural economy' states 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. Such policies should support the provision of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

4.6 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development, that is indivisible from good planning and should contribute positively to making places better for people.

4.7 Section 9 'Protecting Green Belts' says that the essential characteristics of Green Belts are their permanence and openness (paragraph 79). Paragraph 80 sets out the purposes of Green Belt. These 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. Paragraph 88 states that when considering any planning application, 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.

4.8 Section 10 'Meeting the challenge of climate change, flooding and coastal change' offers advice on locating new development to avoid increased flood risk.

4.9 Section 11 'Conserving and enhancing the natural environment' says that the planning system should contribute to and enhance the natural environment by, amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible as well as preventing adverse effects on pollution and land instability.

4.10 Section 12 'Conserving and enhancing the historic environment' requires local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness. It advises consent to be refused where there is substantial harm unless it can be demonstrated that this is necessary to achieve substantial public benefits or where there is less than substantial harm, this be weighed against the public benefits of the proposal.

4.11 Although there is no formally adopted local plan, the City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Whilst it does form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. The policies are listed in section 2.1 above, but those considered to be compatible with the aims of the NPPF and most relevant to the development are: GB1 (Green Belt), GP1 (Design), GP3 (Crime), GP4a (Sustainability), GP15a (Development and flood risk), HE10 (Archaeology), NE1 (Trees, woodlands and hedgerows) and NE7 (Habitat Protection and Creation). Policies V1 and V5 concern visitor related development and the latter, in particular, caravan and camping sites.

4.12 Development Control Local Plan Policy V5 'Caravan/Camping Sites' allows new caravan and camping sites outside settlement limits provided that there are no pitches for static caravans, that the site is associated with an existing settlement and of a compatible scale to the settlement and that there is no adverse effect on the openness of the Green Belt. However, this policy does not accord with guidance within the NPPF and, therefore, no weight can be attached to it.

4.13 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application. Whilst little weight can be attributed to it, the most relevant of the policies is 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.

SITE AND PLANNING HISTORY

4.14 The application relates to a piece of agricultural grassland, to the south of Wheldrake Lane, and immediately to the west of Spindle Cottage. It lies to the south of Crockey Hill, a small hamlet centred round the junction of Wheldrake Lane and the A19. This comprises a mix of residential properties and a number of small businesses, including a cafe and farm shop about 500 metres to the north of the site along the A19.

4.15 The site, itself down to grass, has generally well landscaped boundaries. To the south of the site is the AG Motors business, which is accessed from Wheldrake Lane, and beyond it the existing farm business, which is accessed from the A19. The site lies in Flood Zone 1 (low probability).

4.16 There have been two previous planning applications submitted for the erection of six lodges on the land that is subject of the current application.

4.17 The first application (ref. 13/03205/FULM) for the erection of six lodges on the land was withdrawn prior to determination. A pre-application response was provided by the case officer (ref. 12/02928/PREAPP). This raised concern with what was considered to be a relatively sizable development in a small hamlet within the Green Belt, which constituted inappropriate development in the Green Belt. As such, it was highlighted that very special circumstances would need to be demonstrated to outweigh inappropriateness.

4.18 A subsequent application (14/01845/FULM) was refused in 2014 on the grounds of harm to the Green Belt and lack of 'very special circumstances' that would outweigh this substantial harm. The proposal was considered to be contrary

to advice within the National Planning Policy Framework and City of York Draft Local Plan Policies GB1 and V5.

PRINCIPLE OF DEVELOPMENT

4.19 Whilst the RSS has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates the general extent of the Green Belt around York. These policies comprise the S38 Development Plan for York. The policies in the RSS state that the detailed inner and rest of the outer boundaries of the Green Belt around York need to be defined to protect and enhance the nationally significant historical and environmental character of York. The Key Diagram of the RSS and the 2005 Draft Local Plan proposals map identify the site within the general extent of Green Belt. The site is considered as having Green Belt status when assessing the merits of the proposed development against the National Planning Policy Framework and Guidance, relevant local plan policies and other material considerations. In accordance with footnote 9 to paragraph 14 of the NPPF, the usual presumption in favour of sustainable development established by the NPPF does not apply in Green Belt locations.

GREEN BELT POLICY

4.20 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. Paragraph 80 sets out the five purposes of the Green Belt:

- 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.

4.21 Paragraph 88 of the NPPF establishes that 'substantial weight' should be given to any harm to the Green Belt. Paragraph 87 states that inappropriate development that is, by definition, harmful to the Green Belt, 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.

4.22 In terms of the Green Belt status of the site, the main considerations are:

- whether the proposal constitutes inappropriate development in the Green Belt;
- its effect on the openness of the Green Belt and the purposes of including land within it;

- if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

4.23 The applicant has applied for the change of use of the land to allow the siting of 6 holiday lodges on the basis that the lodges would fall within the definition of a caravan outlined in the Caravan Sites Control and Development Act 1960 and the Caravan Sites Act 1968. The application, therefore, includes both a change of use and operational development including the engineering works involved in the creation of the pond and provision of parking areas.

4.24 Paragraph 90 of the NPPF lists the other forms of development that are not new buildings and that are considered not to be inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. These include engineering operations. Whilst there is no specific definition in the NPPF of openness, the courts have considered that it relates to the lack of buildings or development; it is the loss of unbuilt on land that would have a harmful effect on openness.

4.25 Development in the Green Belt is inappropriate unless it is either development falling within one or more of the categories set out in paragraph 90 of the NPPF or is the construction of a new building or buildings that comes within one of the exceptions referred to in paragraph 89. The proposed change of use of the land is inappropriate development in the Green Belt, as it is not included as one of the listed forms of development in paragraph 90. Even if the lodges are considered to be buildings, because of their permanence and connection to the land through services, they would not fall within the exceptions listed in paragraph 89 of the NPPF and as such would be inappropriate development in the Green Belt.

4.26 In light of the above, the proposed change of use of the land to allow the siting of the 6 no. lodges is considered to be inappropriate development in the Green Belt. The engineering operations involved in creating the new pond would preserve openness and would not conflict with the purposes of including land within the Green Belt. However, the additional hard surfacing involved in extending the access and creating the car park onto the agricultural land would erode openness and would involve encroachment into the countryside. The proposal, therefore, constitutes inappropriate development that is, by definition, harmful to the Green Belt for the purposes of the Green Belt policy tests. In accordance with paragraph 88 of the NPPF, substantial weight is given to this harm. 'Very special circumstances' must, therefore, exist that outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm identified below, for the development to be acceptable.

IMPACT ON OPENNESS AND GREEN BELT PURPOSE

4.27 In addition to the harm by reason of inappropriateness, consideration also needs to be given to other harm to the Green Belt. The NPPF states that the essential characteristics of Green Belts are their openness and their permanence.

4.28 The site is part of the open agricultural fields around the cluster of buildings that are Wheldrake Hill Farm. The site is considered to make a positive and significant contribution to the sense of openness and open character of the Green Belt and serves in providing a visual break between the buildings on the farm and the houses on Wheldrake Lane.

4.29 The introduction of the lodges on this land between the existing farm buildings, and the employment buildings within its curtilage, and the houses on Wheldrake Lane would erode the openness of the Green Belt and would add to the sense of encroachment of built form into the Green Belt. Whilst the boundaries of the land are defined by mature native hedges and trees, which contribute to the rural character, the reduced level of cover in the winter months would mean that the development would be more visible in terms of its physical presence and associated lighting, thereby impacting on the open character and visual amenity of the Green Belt. Overall, it is considered that the proposed development fails to protect the essential characteristic of openness or to safeguard the countryside from encroachment, which is one of the five key purposes of including land within the Green Belt as set out in paragraph 80 of the NPPF.

4.30 Therefore, in addition to definitional harm, it is considered that the proposal would result in further harm to the open character of the Green Belt and one of the key purposes for including land within it. Substantial weight is to be attached to the harm to Green Belt.

ACCESS AND PARKING

4.31 The site lies on a public transport route between York and Selby and is a short drive away from the park and ride facility at the Designer Outlet. There is a cafe approximately 500 metres to the north of the site along the A19 as well as a farm shop and there is public house at Deighton to the south along the A19. A cycle track between York and Selby lies to the west, on the opposite side of the A19, at a distance of approximately 3km. Therefore, whilst it is likely due to the nature of the scheme and location of the site that the primary means of transport would be by private car, it is acknowledged that alternative means could be utilised and local facilities, albeit limited, do exist within the locality.

4.32 Vehicles related to the holiday lodges would utilise the existing access from Wheldrake Lane. Occupants of the lodges could also access the site on foot via the existing field opening on Wheldrake Lane and then across the adjoining field to the west of the application site. No objection is raised on highway safety terms. As

such, the proposal is considered to be acceptable in highway terms and officers are satisfied that there would be no additional harm caused.

FLOOD RISK AND DRAINAGE

4.33 Paragraph 103 of the NPPF states that development should be directed to the areas of low flood risk and that development should not result in an increase of flood risk within the site or elsewhere. This advice is reflected in Policy GP15a of the Local Plan.

4.34 The site falls within low risk Flood Zone 1 and is, therefore, not at risk from river flooding. The Internal Drainage Board request conditions if the application is to be approved to cover detailed drainage arrangements. Officers' consider that the proposal is acceptable in drainage terms, subject to the condition. The proposal is considered to be acceptable in flood risk terms and limited weight is attributed to harm from flood risk.

NATURE CONSERVATION

4.35 Section 11 of the NPPF deals with the conservation and enhancement of the natural environment. Paragraph 118 of the NPPF aims to conserve and enhance biodiversity, including the refusal of planning applications where development would adversely affect Sites of Special Scientific Interest, ancient woodland and European protected sites.

4.36 There are none of the aforementioned designations close to the site that would be adversely affected by the development. An Ecological Assessment, dated September 2013, has been submitted in support of the application. The assessment included the area of the former quarry, which lays outside of the application redline. It highlights that the site includes areas of acid and neutral grassland, which are priority habitats in the City of York Local Biodiversity Action Plan. However, the area of the site where the lodges are proposed is of less interest in terms of biodiversity than the former quarry site, because it has been managed as short mown grassland. The intention of the applicant to enhance biodiversity through the creation of the pond is in line with advice in Section 11 of the NPPF and Local Plan Policy NE7. The pond would offer minor wildlife enhancement of the land due to its size and the close proximity of the lodges around it. As such, officers are satisfied that there is no significant harm to biodiversity nor any further harm to the Green Belt.

POLLUTION

4.37 Section 11 of the NPPF also sets out Government policy with regards contaminated land and pollution. It states in paragraph 120 that new development must be appropriate for its location to prevent unacceptable risks from pollution and land instability.

4.38 The Council's Public Protection Unit request a condition be imposed on any approval due to the potential for contamination from the site's historic agricultural use, which would require further investigation and remediation. A further condition is requested requiring the installation of an electric vehicle charge point, in accordance with paragraph 35 of the NPPF and the Council's Low Emission Strategy 2012. In light of the above, the proposal would not result in any unacceptable risks from pollution and land instability, subject to conditions. There would be no further harm to the Green Belt.

RESIDENTIAL AMENITY

4.39 One of the core planning principles outlined in the NPPF is the need to seek a good standard of amenity for all (paragraph 17) and this is reflected in Local Plan Policy GP1.

4.40 The application has the potential to increase noise disturbance from activity associated with the holiday accommodation, particularly Spindle Cottage, which lies to the east at a distance of approximately 29m and has windows in its side elevation facing the site of the proposed lodges. There is an existing established hedge between the cottage and the site and it is indicated in the application that additional planting within the site along the entire length of boundary of the curtilage of Spindle Cottage. The separation distance and the planting belt would help to lessen any adverse impact on the amenity that the residents of Spindle Cottage can reasonably expect to enjoy. The existing field enclosure along the northern boundary with Wheldrake Lane is also proposed to have a row of trees planted along its inner length. Details of the new planting would have to be covered by condition. The environment created around the holiday lodges is considered to be acceptable in terms of amenity space, privacy and security.

4.41 Therefore, in light of the above, no objections are raised to the proposal on the grounds of residential amenity and there would be negligible harm caused in this respect.

ARCHAEOLOGY

4.42 Section 12 of the NPPF requires LPAs to take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 139 states that non-designated heritage assets of archaeological interest should be considered subject to the policies for designated heritage assets. This is reflected in Local Plan Policy HE10.

4.43 The site lies in close proximity to two recorded post-medieval sites of archaeological interest and within a well-developed late-prehistoric and Romano-British landscape. The City Archaeologist considers that it is likely that this landscape extends through the application site and, as such, an archaeological watching brief would be required on any ground works. This could be addressed

through condition. Therefore, subject to condition, the proposal would conserve identified non-designated heritage assets. There would be no further harm caused to the Green Belt.

IMPACT OF CHARACTER AND APPEARANCE OF THE AREA

4.44 As suggested at 4.28, the site makes a positive and significant contribution to the open character of this area, providing a gap between the buildings on the farm and the houses on Wheldrake Lane.

4.45 The siting of the lodges on this land between the existing farm buildings, the employment buildings, and the houses on Wheldrake Lane would reduce the rural character of this area. Reduced leaf cover in the winter months would exacerbate this by increasing visibility of activity and light at the site. This effect on the character and appearance of the area is considered to be harmful.

OTHER CONSIDERATIONS

4.46 Paragraph 88 of the NPPF explains that 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.47 The planning statement submitted by the applicant includes a justification for the proposal in paragraph 15 that can be summarised as follows:

(i) Lack of sprawl – The proposal is considered to find a new use for 'an otherwise redundant piece of agricultural land', which has buildings on three sides and a major road to its fourth side. As such, there would be no sprawl and the proposal would 'infill' a piece of land in the centre of the village. The scheme is stated as being reversible, with the lodges being capable of being removed from the site at such time as the operator of the site wishes to cease letting them.

(ii) Benefits to the economy - The proposal constitutes agricultural diversification, which is encouraged to support the rural economy and make use of redundant land and buildings. The proposal would appeal to the higher end of the tourist market, thereby positively contributing to the tourist economy in York and creating additional jobs in the maintenance and operation of the site (stated as two full time and one part time employees).

(iii) Benefits to biodiversity - This refers to the provision of 'an oasis for wildlife...in an area where agriculture and farming practice currently leans towards monoculture', thereby adding to the provision of wildlife corridors within the green belt area. The siting of the holiday lodges is considered to provide an income and economic base to support the landscape and wildlife improvements.

(iv) Benefits to local community - The planning statement refers to the opportunity offered by the proposal to provide a managed feature as a clearly defined focal point for a small settlement with no clearly defined centre. There would be no increased demand on local services.

(v) Limited impact on amenity of local area - The planning statement refers to the existing and new planting that could screen the cabins and as such the proposal would have a 'very minimal visual impact'. Lighting is to be kept to a minimum and the additional planting would also seek to reduce noise to local residents. The emphasis of the proposal is on a quiet, high quality, well maintained, small holiday site.

(vi) Sustainability - The planning statement states that the proposal is in a sustainable location that is accessible by public transport, with its own drainage provision.

(vii) Precedent – Planning applications for lodges in the Green Belt have been passed by the City of York Council.

4.48 Officers do not concur with the statement that the proposal would not result in sprawl as it would infill a piece of land in the centre of the village. As stated in 4.26 above, the site is part of the open agricultural fields around the cluster of buildings that are Wheldrake Hill Farm, which make a positive and significant contribution to the sense of openness and open character of the Green Belt as well as providing a visual break between the farm and the houses on Wheldrake Lane. Furthermore, the proposal would result in encroachment of the countryside from the loss of undeveloped land.

4.49 Whilst the proposal would undoubtedly increase both the quantity and variety of tourist accommodation serving York and the wider area, this consideration could apply to any number of sites within the City. Section 3 of the NPPF does encourage planning policies to support economic growth in rural areas in order to create jobs, however, there is no relevant local policy. It is noted that the number of jobs to be created by this proposal is limited. No evidence has been submitted to show that the existing agricultural holding is not viable, thereby supporting the claim of agricultural diversification. The planning statement makes reference to the need for the holiday cabins in order to provide 'an income and economic base to support the landscape and wildlife improvements', rather than to sustain the operation of the agricultural holding. However, it is noted that there are already employment uses in the buildings immediately to the north and east of the farm buildings and that land to the east is used for caravan storage.

4.50 With regards the landscape and wildlife improvements, the intention of the applicant to enhance biodiversity through the creation of the pond is in line with advice in Section 11 of the NPPF and Local Plan Policy NE7. The Council's Countryside and Ecology Officer confirms that acid and neutral grassland are priority

habitats in the City of York Local Biodiversity Action Plan. Such areas can be enhanced through wildflower plug planting and appropriate management such as annual cutting as is referred to in the Ecological Assessment submitted with the application. There is no supporting evidence to demonstrate that the cost of the improvements to the grassland and biodiversity from the creation of the pond would necessitate the erection of six holiday lodges. Furthermore, with regards the creation of a new pond, it is likely that its biodiversity potential would be limited due the proximity of holiday cabins surrounding it and the impact of disturbance to it from noise and lighting associated with the use of the lodges.

4.51 The site is close to a public transport route between York and Selby along the A19 as well as being a short drive along the A19 from the park and ride facility at the Designer Outlet. Officers concur with the comments in the planning statement in relation to the limited impact on schools and local facilities, but would query the stated benefits to the local community that would be delivered by the provision of six holiday lodges on an enclosed site. Drainage arrangements and any required planting to screen the cabins could be dealt with by condition and are matters that apply to urban and as well as rural locations.

4.52 Every planning decision must be taken on the merits of the individual case. Precedent is not a material planning consideration in the determination of this application, which should be determined on its own merits.

4.53 As a result of the above, the issues set out by the applicant to justify inappropriate development in the Green Belt are not of overriding weight, either individually or collectively, in the consideration of the application to clearly outweigh the identified harms to the Green Belt. Therefore the very special circumstances necessary to justify the development do not exist.

5.0 CONCLUSION

5.1 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. The proposed development would cause additional harm to the openness of the Green Belt and conflicts with one of the key purposes of including land within it. The definitional harm and other harm to the purposes and openness of the Green Belt must be afforded substantial weight when applying the NPPF policy test – namely, that very special circumstances will not exist unless the potential harm to Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

5.2 It is considered that the other considerations put forward by the applicant, when considered individually and collectively, are not compelling reasons sufficient to clearly outweigh the identified harm to the openness and purposes of the Green Belt

and that the very special circumstances necessary to justify the development do not exist.

5.3 As the proposal does not differ to that previously considered and refused in 2014, the application is recommended for refusal on the same grounds.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1. Policies YH9 and Y1 of the Yorkshire and Humber Plan Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. Crockey Hill Farm is located in Green Belt as identified in the City of York Development Control Draft Local Plan (April 2005). It is considered that the proposed development consisting of six holiday lodges, as well as the associated infrastructure, constitutes inappropriate development in the Green Belt as set out in Section 9 of the National Planning Policy Framework. As such, the proposal results in harm to the Green Belt, by definition, and harms the openness of the Green Belt and conflicts with the purposes of including land within it. No 'very special circumstances' have been put forward by the applicant that would outweigh this harm. The proposal is, therefore, considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land' and City of York Draft Local Plan Policies GB1.

INFORMATIVES:

STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

1. 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. 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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15/02343/FULM

Crockey Hill Farm Wheldrake Lane Crockey Hill



Scale : 1:1059

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|---------------------|---------------|
| Organisation | CYC |
| Department | Not Set |
| Comments | Site Plan |
| Date | 08 March 2016 |
| SLA Number | Not Set |

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COMMITTEE REPORT

Date: 17th March 2016 **Ward:** Rural West York
Team: Major and **Parish:** Upper Poppleton Parish
Commercial Team Council

Reference: 15/02721/FULM
Application at: Pavers Ltd Catherine House Northminster Business Park Harwood
Road Upper Poppleton
For: Extension to warehouse and extended car park
By: Mr Jim Young
Application Type: Major Full Application (13 weeks)
Target Date: 21 March 2016
Recommendation: Approve after referral to Sec. of State

1.0 PROPOSAL

1.1 The application is for an extension to an existing office and warehouse within Northminster Business Park. The original building was granted planning permission in 2005. The existing building has a footprint of 3632.1sqm and is 10.6 metres in height. The larger part of the proposed extension would measure 70.8 metres by 47.4 metres that would be mostly warehousing. The offices, training room, canteen, and tv studio would be spread over two storeys. The height would vary between 10.6 and 11.3 metres in height, the floor level would be at the same height as the existing building to allow level access for vehicles within the building. It appears that the land levels across the site are different, and slope gently down towards the west of the site resulting in the floor level at the western part of the building being 1.8 metres above ground level. The extension would be connected to the existing building by link building measuring 45 metres by 16 metres and 9.1 metres in height. This link extension would be sited on part of the current service yard and would be used for the incoming goods as well as a holding and sorting area. The footprint of the proposed extension would be 4075.9sqm and would be an increase in footprint of 112% on the existing building.

1.2 There would be a creation of a 73 space car park to the north of the proposed warehouse extension. The existing parking provision is to the front of the original building (38 spaces), currently vehicles park along the access road to the delivery yard and within the delivery yard.

1.3 The proposed site currently has a circular concrete road and mounds of earth, the site is surrounded by a tall conifer hedge to the north, south, and west which forms part of the established boundary to the Northminster Business Park. Aerial photographs and maps show this part of the site being historically used as a horticultural nursery.

1.4 The application site is 1.7ha, the area including the existing building is 2.10ha. 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 site is within Flood Zone 1.

1.5 The proposed development does not comprise 'Schedule 1' development where an Environmental Impact Assessment is always required. The proposed development is however of a type listed at 10 (b) in column 1 of Schedule 2 (Urban Development Projects) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The proposed development does fall within 1 of the 3 criteria set out in the NPPG - The development includes more than 1 hectare of urban development which is not residential development - However 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.

1.6 Northminster Business Park began life after 1997 for business use of 3 existing warehouse buildings after the closure of the Challis Nursery (warehouse and distribution of plants) which previously occupied the site (granted planning permission in 1984). The development was allowed on appeal. Subsequently outline permission was granted in 1999 for the larger site to be used for business, and storage and distribution uses.

1.7 Despite the land to the south and west of the site being in the green belt, the business park was subsequently extended as follows -

1.8 The site was extended by 0.66ha on the south side to accommodate the area where Acer House, Cherry Tree House, Maple House and Aspen house are now located in 2003 (03/00403/OUT). It was determined there were special circumstances to allow the development in the green belt, on the grounds that:

- The site had previously been developed, as glasshouses (although these had been demolished).
- There would be limited impact on the openness of the green belt.
- There was a shortage of available employment sites in the city.

1.9 The site was extended to the west in 2005 (04/03805/OUT) to accommodate Catherine House. A further extension to the rear (west) of Catherine House (occupied by Pavers shoes) for a 2456 sq m warehouse building was given outline planning permission in 2008 (07/02963/OUTM). Again it was determined that special circumstances warranted an extension into the green belt. The grounds being that:

- The development was important for the local economy.
- There was no alternative site available.
- The site had been identified in the Local Plan for possible development in future.
- There would not be an undue adverse impact on the openness of the green belt.

1.10 The site was extended to the south of the business park (Redwood House) in 09/02291/OUTM and 12/00024/REMM to allow a new headquarters for Measurement Devices Limited (MDL), to be used for research and development, light industry and offices. The special circumstances:

- Economic benefits and employment
- No preferable sites
- The site had been identified in the Local Plan for possible development in future.

1.11 During the application process a revised travel plan was submitted together with the applicant's justification for developing in a Green Belt location

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) (CYLP):-

- CYSP2 The York Green Belt
- CYSP3 Safeguarding the Historic Character and Setting of York
- CYSP6 Location strategy
- CYSP8 Reducing dependence on the car
- CYSP9 Action Areas
- CYGP1 Design
- CYGP4A Sustainability
- CYGP9 Landscaping
- CYGP13 Planning Obligations
- CGP15A Development and Flood Risk
- CYGP24 Safeguarded land
- CYNE1 Trees, woodlands, hedgerows
- CYH10 Car parking not required for CC housing

- CYGB1 Development within the Green Belt
- CYGB11 Employment devt outside settlement limits
- CYT4 Cycle parking standards
- CYT7C Access to Public Transport
- CYT13A Travel Plans and Contributions
- CYT20 Planning agreements
- CYE1A Premier Employment Sites

City of York Council Emerging Local Plan Publication Draft (2014) – see paragraphs 4.3 and 4.4 below. Most relevant policy is SS3.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 No objections, access is as existing. Car parking exceeds CYC Annex E standards, however seems reasonable for the amount of staff expected as part of the expansion. A travel plan has been submitted as part of the application

3.2 Request following conditions HWAY 18 and 19, and Travel Plan

Planning and Environmental Management - Ecology

3.3 The main habitat on site is tall ruderal herb and ephemeral vegetation, typical of land that has been previously cleared/disturbed and allowed to regenerate naturally. There is a well established coniferous hedge with some semi-mature trees around the perimeter of the site which will be retained in the development. This provides suitable bird nesting habitat. None of the trees were considered to be suitable to support roosting bats.

3.4 There was no evidence of protected species or invasive species identified within the site. The development will involve the loss of habitat of low ecological value. The proposals state that the existing trees and hedge will be retained, to be selectively pruned and supplemented as required.

3.5 There are no objections to this development on grounds of ecology. Enhancement to the proposed development could be achieved by using native species within the landscaping and including bird and bat boxes in/on the new buildings. External lighting should be minimised and positioned to avoid shining directly onto the perimeter hedgerow.

Flood Risk Management Team

3.6 No objections

Public Protection

3.7 No comments received

Planning and Environmental Management (Forward Planning)

3.8 No objections

3.9 For the purposes of determining this application the site should be treated as falling within the Green Belt in accordance with the RSS. Only certain types of development are allowed in the Green Belt, all other forms of development are considered to be inappropriate development.

3.10 The very special circumstances argument put forward by HTC Architects holds. The principal of development was already established through the 2008 planning application and do not consider that the proposed extension in this application would be materially different in Green Belt terms. It is understood why the extension needs to be connected to the existing Pavers operation. The proposal will also create 50 jobs over a 5 year period which is welcomed.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Upper Poppleton Parish Council

3.11 No objections

Police Architectural Liaison Officer

3.12 No objections, analysis of police recorded incidents covering the business park over the past twelve-months from the 1st December 2014 to the 30th November 2015. During that period there were no incidents of anti-social behaviour and only one crime recorded, the theft of a motor vehicle.

3.13 Although no mention has been made in the Design and Access Statement to show how crime prevention is being considered, would anticipate that the measures that are currently in place, e.g. car parking areas well lit, building lit and covered by CCTV, intruder alarm system fitted, will be replicated in respect of the proposed extension and extended car parking area. If this is the case, have no concerns or issues to raise.

Environment Agency

3.14 No comments received

Yorkshire Water

3.15 No comments received

Ainsty Internal Drainage Board

3.16 The Board maintain Golden Farm Dyke: a watercourse currently running at capacity, and would therefore like to mitigate any negative impact that may arise from development.

3.17 The site is in an area where drainage problems exist and development should not commence until the Local Flood Risk Authority is satisfied that surface water drainage has been appropriately considered. Any approved development should not adversely affect nearby property's amenity.

3.18 This site is dependent on a pump in the SE corner currently discharging at 5 l/s. The proposal is to attribute the additional surface water to the pre-existing drainage strategy and into the pumping station, which will discharge at the same rate as before. The applicant has calculated the necessary additional storage to be 342.4m³. Subject to this volume being sufficiently provided for, the IDB would not have any objections to this application.

Yorkshire Gliding Centre

3.19 No comments received

4.0 APPRAISAL

RELEVANT SITE HISTORY:-

- 11/00403/FUL - Installation of roof mounted photovoltaic panels
- 07/02963/OUTM -Extension to warehouse (2456sqm) with associated parking and access - Approved
- 05/01207/REMM - Reserved matters application for erection of warehouse with ancillary office on land to west of Unit B, C and D - outline application 04/03805/OUT refers - Approved
- 04/03805/OUT - Re-submission of outline planning application 04/02448/OUT for erection of warehouse with ancillary office - Approved

- 04/02448/OUT - Outline application for erection of warehouse with ancillary office on land to west of units B,C and D - Withdrawn

KEY ISSUES:-

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

Emerging Local Plan

4.3 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.

4.4 The most relevant of the document's policies is policy SS3 (The creation of an enduring green belt) which sets out areas of safeguarded land for longer term development needs. The policy states planning permission will be granted for development which is required for established operational uses on the site and for temporary uses.

4.5 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.

4.6 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.

4.7 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.

4.8 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.

4.9 The Poppleton Neighbourhood Plan is at an early stage of its preparation; 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.

4.10 The Poppleton Village Design Statement was adopted as supplementary planning guidance in 2003 following consultation. It has a number of relevant design guidelines including: Any further commercial and industrial development within or within direct influencing distance of Poppleton should be well screened and not exceed existing height, 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.

GREEN BELT STATUS OF THE SITE

4.11 As noted in the above Planning Policy section of this report, the site is located within the general extent of the York Green Belt as described in the RSS. In the DCLP (2005) it is designated as reserved/safeguarded land for post 2011 development to ensure the greenbelt boundaries did not have to be altered. Policy GP24a (Land Reserved for Possible Future Development) states that "Until such time as the Local Plan is reviewed, planning permission on sites designated as reserved land, will only be granted for development that is required in connection with established uses, or alternative uses which will preserve the open nature of the land and will not prejudice the potential for the future comprehensive development of the site". The supporting text to the policy states: it is not allocated for development at the present time but will be brought forward with a review of the plan and therefore should be kept free from any development that would prejudice future development following the review of the Local Plan. In the emerging local plan the application site is not allocated for a use but viewed as part of the existing business estate, the land to the north, south, or west designated as safeguarded land. These allocations have 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.

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

OPENNESS AND PURPOSES OF THE GREEN BELT

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

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

4.14 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF paragraph 89 states that the construction of new buildings is inappropriate in the Green Belt, save in the case of a list of exceptions, including 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. By virtue of the proposed increase in size in comparison to the existing building it is not considered to fall within this exception. The proposed development is not considered to fall within the exception of limited infilling or the partial or complete redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The NPPF defines previously developed land as land that is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes land that is or has been occupied by agricultural or forestry buildings. From the aerial photographs the land did not have any permanent structures associated with the previous horticultural use, in addition this use ended in 1997. The proposed development would have a greater impact on the openness than the existing and it is not considered that that the site falls within this exception. The proposed extension therefore is inappropriate development in 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 encroachment of development into the Green Belt therefore resulting in harm to the openness and permanence of the greenbelt.

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

4.16 The fundamental purpose of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The proposal gives rise to harm to the green belt by reason of inappropriateness which should not be approved except in very special circumstances. Additionally, 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. Whether very special circumstances exist is assessed at paragraphs [4.29 to 4.34] below.

DESIGN AND LANDSCAPE CONSIDERATIONS

4.23 The proposed site is not classified as agricultural land, by DEFRA or Natural England. The surrounding landscape is flat and open, with the exception of the application site and the adjacent Northminster Business Park which are bounded by a tall evergreen hedge which screens much of the business park from the surrounding public vantage points. The proposed development would result in limited change in landscape character. The current building (of a similar height to the proposed) is barely visible from outside of the site by virtue of the screening conifer hedging. The plans show the conifer hedging being retained (and its retention can be conditioned) and this would screen the proposed building in a similar manner to the host building. The siting of the host building would result in the proposed building not being visible from within the business park. By virtue of the screening it is not considered there is harm to the landscape.

4.24 The design and proposed materials are similar to the existing building, the height of the building is to accommodate a level floor space through out the building as the majority of the existing and proposed building would be used for warehousing and the level floor plate allows use through out the building for fork lift trucks and more efficient business operation.

IMPACT TO RESIDENTIAL AMENITY

4.25 The proposed development would result in more traffic to Northfield Lane, however the increase is not considered to be sufficient as to cause a nuisance or disturbance to the terrace of dwellings opposite the business park entrance resulting in harm to their residential amenity. A business split over 2 sites would be likely to result in a greater increase in traffic than the proposed development.

DRAINAGE

4.26 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. The Flood Risk Management Engineer, on the basis of the drainage scheme submitted, is satisfied that the site can be suitably drained.

TRAFFIC, HIGHWAY, PARKING AND ACCESS ISSUES

4.27 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.

4.28 The application was accompanied by Transport Statement and Travel Plan. The Highway Network Management Officers have confirmed they have no objections to the proposed development from a highways point of view. The access is existing. The site is within relatively close proximity to a regular bus service (every 10 mins - park and ride). The car parking does exceed CYC Annex E standards, however it is considered reasonable for the amount of staff expected as part of the expansion.

ASSESSMENT OF THE CONSIDERATIONS FORWARDED BY THE APPLICANT

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

- Principle set by 07/02963/OUTM planning permission
- Efficient operation of the business
- Economic benefits and increase in employment
- Within physical/visual boundaries of business park

4.30 The business currently has 125 retail units in Britain and Ireland and over the last 3/4 years has opened 10-12 new stores year on year, with a 5% increase in online sales for the same period. The business expects that given this growth and its current business plan that its storage requirements are expected to double over the next 5 years. The current stock holding is 575,000 pairs of shoes, the business has outgrown this and is using shipping containers in the service yard and 3rd party warehousing which the applicant states is inefficient and uneconomical. The expected holding requirements are predicted to increase to 750,000 to 800,000 pairs of shoes over the next 5 years. They state that a single centralised facility is required for efficient operation of the business, as well as the environmental benefits of single site operation. The current business employs 160 people; the proposed extension of the business would provide an increase of 50 jobs over 5 years (25 office jobs and 25 warehouse jobs).

4.31 The applicant argues that the principle of the development has been allowed by a previous planning permission, granted in 2008 (07/02963/OUTM) for a smaller extension of similar layout. The proposed development was assessed against PPG2 and was considered to be inappropriate development in the green belt. However it was considered there were economic factors that outweighed the harm. Green Belt policy has not significantly changed in subsequent national policy (NPPF). However, given that the previous outline permission has lapsed, the current application still needs to be properly considered on its own merits and prevailing economic factors assessed. As set out in 4.30, there will in fact be significant additional employment resulting from the development, with a consolidation and expansion of the business

at the site. Rather than the existence of a previous permission, it is this that is considered to be material to the overall assessment of very special circumstances.

4.32 No evidence of consideration of other sites has been submitted; however in the supporting information it is stated that to consider larger sites would necessarily lead to assessment of sites outside of the York area closer to motorway/distribution networks. They also argue that the cost of moving to a larger site is prohibitive.

4.33 It is an established successful business that currently exists on the site and whilst the proposed development would be a significant increase on the existing host building, it would be sited within the confines of a tall screening conifer hedge that marks the boundary of the rest of Northminster Business Park. The site by virtue of the existing enclosure forms a natural extension to the business park, and already appears as part of the business park.

4.34 The economic benefits and job creation, the existing business already established on the site and the significant screening/ containment of development within the perceived boundary of the existing Business Park are considered to be cumulatively 'very special circumstances' that are considered to clearly outweigh the definitional harm to the greenbelt and the harm to the openness and permanence of the Green Belt.

5.0 CONCLUSION

5.1 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. The proposed building and associated works would also result in harm to the openness and permanence of the Green Belt. The application should not be approved unless very special circumstances have been demonstrated to clearly outweigh the harm to the Green Belt and any other harms.

5.2 It is considered that cumulatively the considerations put forward by the applicant: the economic benefits and job creation, the successful business already established on the site, , and the significant screening as well as the containment of development within the perceived boundary of the existing Business Park are considered to be very special circumstances that are sufficient to clearly outweigh the identified harms to of the Green Belt even when substantial weight is given to any harm to the Green Belt. Approval subject to the following conditions is recommended.

5.3 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.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve after referral to Sec. of State

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

Drawing Number A817.PL.10 'Location Plan' received 27 November 2015;

Drawing Number A817.PL.11 'Overall Site Layout Plan' received 27 November 2015;

Drawing Number A817.PL.12 'Site & Ground Floor Plan' received 27 November 2015;

Drawing Number A817.PL.13 'First Floor Plan' received 27 November 2015;

Drawing Number A817.PL.14 'Elevations' received 27 November 2015;

Report 13696-Y-RP-001 'Flood Risk Assessment' received 27 November 2015;

Report 13696-Y-RP-002 'Drainage Strategy Report' received 27 November 2015;

Ground Investigation Report by Soils Engineering Services received 21 January 2016;

Ground Investigation Report by L. J. Church Laboratory Services Ltd received 21 January 2016;

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

2 TIME2 Development start within three years

3 The external materials of the proposed development shall be in accordance with the materials schedule set out in Drawing Number A817.PL.14 received 27 November 2015.

Reason: So as to achieve a visually cohesive appearance.

4 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs . This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

5 The existing boundary hedge, which bounds the site to the north, south, and

west boundary of the site and shown as being retained Drawing Number A817.PL.11 received 27 November 2015 and Drawing Number A817.PL.12 received 27 November 2015 shall not be removed or reduced in height below 11.00 m in height.

If in the circumstances that a the hedge or part of the hedge is removed details illustrating the number, species, height and position of the replacement trees and/or shrubs shall be submitted to and approved in writing by the Local Planning Authority. This replacement planting shall be implemented within a period of six months of the original removal of the tree/s and/or hedge.

Reason: In order to preserve the visual appearance of York's Green Belt and to minimise the visual impact of the warehouse within the Green Belt.

6 Before the commencement of and during building operations, adequate measures shall be taken to protect the hedges shown as being retained on Drawing Number A817.PL.11 received 27 November 2015 and Drawing Number A817.PL.12 received 27 November 2015. Land levels should not be altered (raised or excavated) within the root protection areas. A site specific tree protection method statement shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area. In order to preserve the visual appearance of York's Green Belt and to minimise the visual impact of the warehouse within the Green Belt.

7 HWAY18 Cycle parking details to be agreed

8 HWAY19 Car and cycle parking laid out

9 Prior to first occupation of the development hereby approved, a Full Travel Plan shall be submitted and approved in writing by the Local Planning Authority. The travel plan shall be developed and implemented in accordance with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan. The shall be used in connection with information contained within the itravelyork website and in consultation with the iTravel York Programme Manager or equivalent

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the Local Planning Authority. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer or equivalent for approval.

Reason: To ensure the development complies with advice contained in local and national planning and transportation policy, and to ensure adequate provision is

made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users. The travel plan submitted with the planning application lacked some details.

10 Prior to the first use of the development hereby approved details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux of all external lighting associated with that building. The development shall be carried out in accordance with the approved lighting scheme.

Reason: in the interests of visual amenity and the openness of the greenbelt, to prevent light disturbance and nuisance.

11 The development hereby approved shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of occupation of each building. Should the development fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'very good'. Any agreed remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local Plan and the City of York Council Interim Planning Statement 'Sustainable Design and Construction'.

12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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 including a timetable for the implementation of its terms, which is subject to the approval in writing of the Local Planning Authority. The scheme shall then be implemented in accordance with that timetable. 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.

7.0 INFORMATIVES:

Notes to Applicant

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

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

- Request justification for the development within the Green Belt
- Request revised Travel plan
- Use of conditions

2. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch 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: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) 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.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

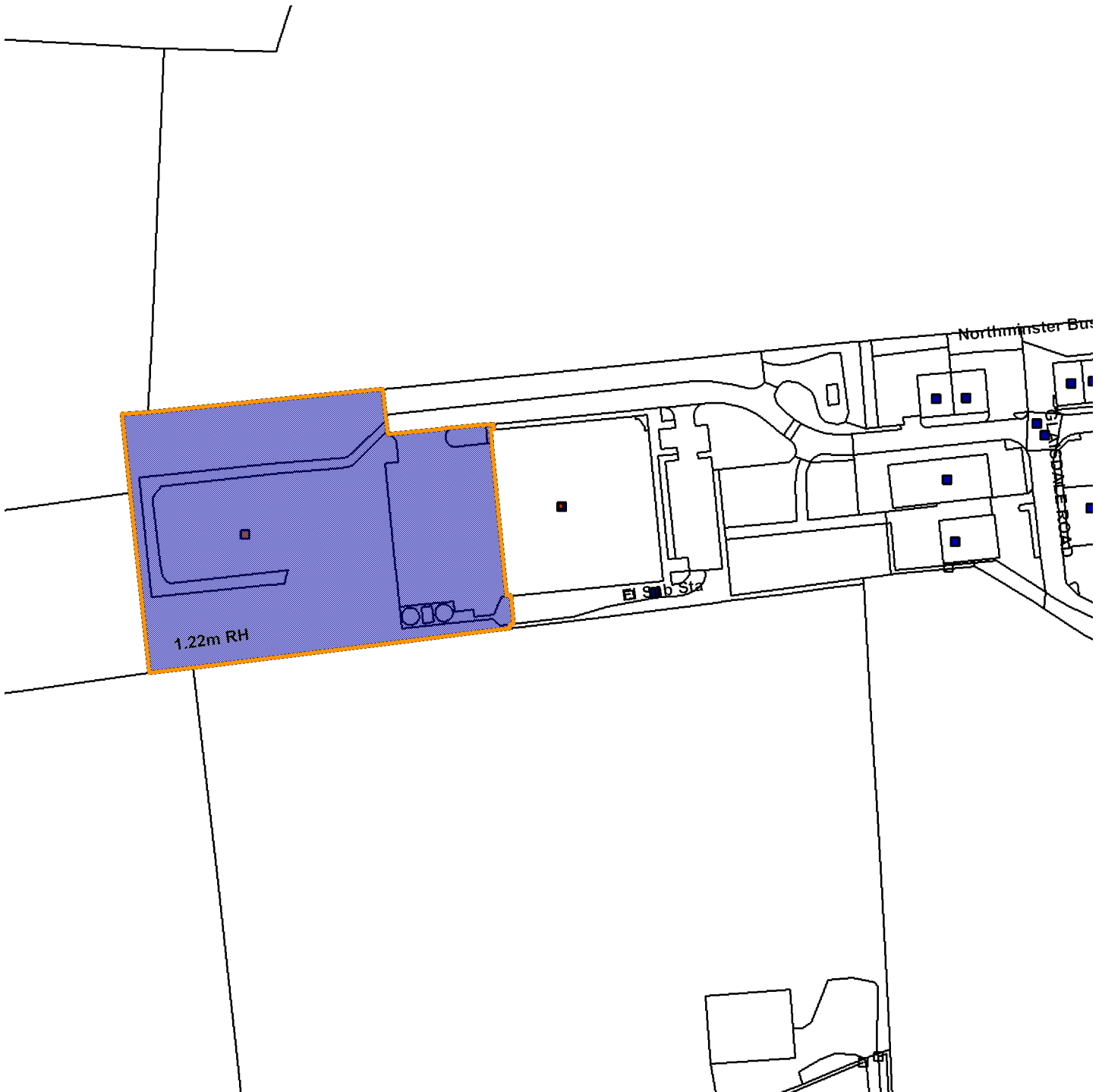
Contact details:

Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

15/02721/FULM

Pavers Ltd, Catherine House Northminster Business Park Harwood Road



Scale : 1:2119

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|---------------------|---------------|
| Organisation | CYC |
| Department | Not Set |
| Comments | Site Plan |
| Date | 08 March 2016 |
| SLA Number | Not Set |

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3. 2005 Draft York Local Plan (4th set of changes). Relevant policies include:

- CYGP1 - Design
- CYGB1 - Development within the Green Belt
- CYHE10 – Archaeology
- CYNE1 – Trees, Woodlands and Hedgerows

4. Draft York Local Plan (2014) Publication Draft – relevant policies include:

- SS2 – The Role of York's Green Belt
- D7 – Archaeology
- G14 – Trees and Hedges
- GB1 – Development in the Green Belt
- CC2 – Sustainable Design and Construction

3.0 CONSULTATIONS

3.1 The application was publicised by means of a site notice and notification to statutory consultees. The consultation period expired on 3.2.16.

INTERNAL

HIGHWAY NETWORK MANAGEMENT

3.2 No objection raised, subject to conditions requiring that the access is formed in accordance with drawing no. YEW/277/31/004B and visibility spays provided. An informative is requested re: construction of access.

DESGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (CITY ARCHAEOLOGIST)

3.3 The site is located within a broader Prehistoric and Romano-British landscape. This patch of land appears to have been relatively undisturbed apart from use as agricultural land. Cropmarks of unknown origin exist within the field adjacent. It is possible that excavations for the construction of the road may reveal or disturb archaeological features relating to the prehistoric-medieval periods. It will be necessary to record any revealed features and deposits through an archaeological watching brief on all groundworks. Requests condition ARCH2 on any consent that is granted for this application.

EXTERNAL

ACASTER MALBIS PARISH COUNCIL

3.4 No comments received.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues material to the consideration of this application are:

- Principle of development;
- Green Belt policy;
- Access and highway safety;
- Nature conservation;
- Archaeology;
- Other considerations.

POLICY BACKGROUND

4.2 The development plan for York comprises the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies are YH9(C) and Y1(C1 and C2), which relate to York's Green Belt and the key diagram on page 2014 insofar as it illustrates the general extent of the Green Belt (figure 6.2). The policies require the inner and the rest of the outer boundaries to 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. The application site falls within the general extent of the Green Belt as shown on the Key Diagram of the RSS.

4.3 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", March 2012). Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking. The principles include: seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings; protecting the Green Belt around main urban areas and recognising the intrinsic character and beauty of the countryside; taking full account of flood risk; contributing to conserving and enhancing the natural environment; and, conserving heritage assets..

4.4 Section 9 'Protecting Green Belts' says that the essential characteristics of Green Belts are their permanence and openness (paragraph 79). Paragraph 80 sets out the purposes of Green Belt. These 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. Paragraph 88 states that when considering any planning application, 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.

4.5 Section 10 'Meeting the challenge of climate change, flooding and coastal change' offers advice on locating new development to avoid increased flood risk.

4.6 Section 11 'Conserving and enhancing the natural environment' says that the planning system should contribute to and enhance the natural environment by, amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible as well as preventing adverse affects on pollution and land instability.

4.7 Section 12 'Conserving and enhancing the historic environment' requires local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness. It advises consent to be refused where there is substantial harm unless it can be demonstrated that this is necessary to achieve substantial public benefits or where there is less than substantial harm, this be weighed against the public benefits of the proposal.

4.8 Although there is no formally adopted local plan, the City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Whilst it does form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. The policies are listed in section 2.1 above, but those considered to be compatible with the aims of the NPPF and most relevant to the development are: GB1 (Green Belt), GP1 (Design), GP15a (Flood risk) and HE10 (Archaeology).

4.9 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

SITE AND PLANNING HISTORY

4.10 The application site relates to an existing field on the east side of Appleton Road, north of its junction with Broad Lane and approximately 1km west of the settlement of Acaster Malbis. There are three small buildings on the site, lying adjacent to the northern site boundary. Access to the site from Appleton Road is currently via a field entrance at the northern end of the site's front boundary, immediately south of the buildings. The surrounding area is flat and open in character and primarily used for agricultural purposes. The site falls outside defined settlement development limits, within the general extent of York's Green Belt.

4.11 It is understood from the application documentation that the land was originally part of the airfield located south of Acaster Malbis and that the buildings were used in association with this use. The predominant use since the Second World War has been for agricultural purposes. A previous application seeking prior notification under Class Q of the General Permitted Development Order was refused in 2015 on the grounds that the existing access was inadequate to serve three residential properties due to poor visibility along Appleton Road for vehicles exiting the site. A further prior approval submission is before the Council for determination (ref.15/01141/ABC3) and is dependent on the outcome of this application.

4.12 Planning applications for surrounding land have been allowed where it relates to agriculture and horsiculture purposes. The use of the land to the east for community football pitches with related buildings was refused in 2004 and 2005. Permission was refused for a large general purposes agricultural storage building on land to the north in 2004, with a subsequent application for a modest stable building being granted in 2005.

PRINCIPLE OF DEVELOPMENT

4.13 Whilst the RSS has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates the general extent of the Green Belt around York. These policies comprise the S38 Development Plan for York. The policies in the RSS state that the detailed inner and rest of the outer boundaries of the Green Belt around York need to be defined to protect and enhance the nationally significant historical and environmental character of York. The Key Diagram of the RSS and the 2005 Draft Local Plan proposals map identify the site within the general extent of Green Belt. The site is considered as having Green Belt status when assessing the merits of the proposed development against the National Planning Policy Framework and Guidance, relevant local plan policies and other material considerations. In accordance with footnote 9 to paragraph 14 of the NPPF, the usual presumption in favour of sustainable development established by the NPPF does not apply in Green Belt locations.

GREEN BELT POLICY

4.14 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. Paragraph 80 sets out the five purposes of the Green Belt:

- 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.

4.15 Paragraph 88 of the NPPF establishes that 'substantial weight' should be given to any harm to the Green Belt,. Paragraph 87 states that inappropriate development that is, by definition, harmful to the Green Belt, 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.

4.16 In terms of the Green Belt status of the site, the main considerations are:

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

4.17 Paragraph 90 of the NPPF lists the other forms of development that are not new buildings and that are considered not to be inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. These include engineering operations. Whilst there is no specific definition in the NPPF of openness, the courts have considered that it relates to the lack of buildings or development; therefore, it is the loss of unbuilt on land that would have a harmful effect on openness.

4.18 The engineering operations proposed would replace undeveloped grassland with a hard surfaced access and constructed driveway measuring 6m in width by approximately 31m in length. As such, and in light of the above, the proposal would not preserve the openness of the Green Belt and would not safeguard the countryside from encroachment. The proposal, therefore, constitutes inappropriate development that is, by definition, harmful for the purposes of the Green Belt policy tests. In accordance with paragraph 88 of the NPPF, substantial weight is given to this harm. 'Very special circumstances' must exist that outweigh the harm to the Green Belt by reason of inappropriate, and any other harm identified below, for the development to be acceptable.

IMPACT ON OPENNESS AND GREEN BELT PURPOSE

4.19 In addition to the harm by reason of inappropriateness, consideration also needs to be given to other harm to the Green Belt. The NPPF states that the essential characteristics of Green Belts are their openness and their permanence.

4.20 The proposal would replace a 4m wide field access and informal track, which are physically and visually related to the existing buildings on site and commensurate with the agricultural use of the land, with a formal 6m wide access and internal roadway, which is visually separate and requires a wider opening in the characteristic field hedgerow. It is noted that the existing field gate is to be removed and the hedgerow continued to compensate for the loss of the hedgerow to the new access. The internal roadway would be screened to from views of the site, to an extent, by the hedgerow along the front boundary and the replacement vegetation. The width of the roadway within the site, after the initial 10m could be reduced to allow single passage. Regardless, the physical and visual separation of the proposed access from the built form on site would cause harm, albeit limited, to the open character and visual amenity of the Green Belt as it would increase the extent of development on this agricultural field.

4.21 Overall, it is considered that the proposed development fails to protect the essential characteristic of openness or to safeguard the countryside from encroachment, which is one of the five key purposes of including land within the Green Belt as set out in paragraph 80 of the NPPF. Therefore, in addition to definitional harm, it is considered that the proposal would result in further harm, albeit limited, to the open character of the Green Belt and the purpose for including land within it.

ACCESS AND HIGHWAY SAFETY

4.22 Two drawings have been submitted with the application showing different roadway layouts. The Council's Highway Network Management Team has raised no objection to the proposal in highway safety terms on the basis of drawing no. YEW/277/31/004B, which shows the roadway as described in section 1.0 of this report. The agent has confirmed that this is the correct drawing and is the basis on which the application should be determined. Conditions are requested by the Highway team to ensure that the access is formed in accordance with this drawing along with an informative about its construction. As such, the proposal is considered to be acceptable in highway terms and officers are satisfied that there would be no additional harm caused.

NATURE CONSERVATION

4.23 Section 11 of the NPPF deals with the conservation and enhancement of the natural environment. Paragraph 118 of the NPPF aims to conserve and enhance biodiversity, including the refusal of planning applications where development would

adversely affect Sites of Special Scientific Interest, ancient woodland and European protected sites.

4.24 There are none of the aforementioned designations close to the site that would be adversely affected by the development. Whilst there would be loss of existing hedgerow, this is proposed to be mitigated by replacement planting at the existing access to the site. The land within the site is grassland and of limited ecological value. As such, officers are satisfied that there is no significant harm to biodiversity, nor any further harm to Green Belt.

ARCHAEOLOGY

4.25 Section 12 of the NPPF requires LPAs to take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 139 states that non-designated heritage assets of archaeological interest should be considered subject to the policies for designated heritage assets. This is reflected in Local Plan Policy HE10.

4.26 The site is a relatively undisturbed area of land lying within a Prehistoric and Romano-British landscape and in close proximity to identified cropmarks. The City Archaeologist has requested that, in light of this, a condition be attached to require a watching brief on all groundworks as it is possible that the proposed works may reveal archaeological features. Therefore, subject to condition, the proposal would conserve identified non-designated heritage assets.

IMPACT OF CHARACTER AND APPEARANCE OF THE AREA

4.27 As set out at 4.20 and 4.21, the proposal is considered to be harmful to the open character of the green belt. For similar reasons i.e. physical and visual separation of the access from the built form on site and the extent of development on this agricultural field, notwithstanding the green belt location the proposal is equally considered to cause some harm to the rural character and appearance of the area.

OTHER CONSIDERATIONS

4.28 Paragraph 88 of the NPPF explains that 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations.

4.29 The agent disagrees with officers' Green Belt assessment and conclusion that the proposal is inappropriate development that does not preserve the openness of the Green Belt and results in encroachment of it. As such, no Green Belt case has been submitted to justify the development, other than the Design and Access

Statement. This concludes that the proposed entrance and roadway will have no negative impact on the surrounding village or the immediate context.

4.30 The proposal would provide an access to the existing agricultural land and the buildings contained within it. The applicant's intention is to convert these three redundant buildings to residential use under permitted development rights and a prior approval application is currently before the authority pertaining to this. The conversion cannot take place without an alternative access to the current field entrance, which is considered to be inadequate for a more intensive use of the land in highway safety terms. National Planning Practice Guidance advises that unmet housing need is in itself unlikely to outweigh harm to the Green Belt and other harm to constitute very special circumstances. There would be a limited number of houses that would become available if the access roadway is allowed. Therefore, it is considered that the provision of housing to meet the City's housing need is not a compelling argument in this case. No other circumstances can be identified by officers.

4.31 As a result of the above, there are no material considerations in support of the proposal that are of overriding weight, either individually or collectively, in the consideration of the application to amount to very special circumstances.

5.0 CONCLUSION

5.1 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. The proposed development would cause additional harm to the openness of the Green Belt and conflict with one of the key purposes of the Green Belt. The definitional harm and other harm to openness and purposes of the Green Belt must be afforded substantial weight when applying the NPPF policy test - namely, 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.

5.2 It is considered that there are no other considerations in support of the application that, when considered individually and collectively, are compelling reasons to clearly outweigh the identified harm to the openness and purposes of the Green Belt to justify inappropriate development on a site within the Green Belt.

6.0 RECOMMENDATION: Refuse

1 Policies YH9 and Y1 of the Yorkshire and Humber Plan Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. The agricultural field, the subject of this application, is located in Green Belt as identified in the City of York Development Control Draft Local Plan (April 2005). It is considered that the

proposed development consisting of engineering operations to create a new vehicular access and internal roadway constitute inappropriate development in the Green Belt as set out in Section 9 of the National Planning Policy Framework. As such, the proposal results in harm to the Green Belt by definition and harm to the openness of the Green Belt and conflicts with the purposes of including land within it. Substantial weight is attached to this harm. No 'very special circumstances' have been put forward by the applicant that would outweigh this harm, nor have any been identified by the Local Planning Authority. The proposal is, therefore, considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt Land' and City of York Draft Local Plan Policy GB1.

INFORMATIVE:

STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

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

Contact details:

Author: Hannah Blackburn Development Management Officer

Tel No: 01904 551325

15/02861/FUL

Land On East Side Of Appleton Road Opp Woodside Farm Appleton Road



Whinny Hills



Scale : 1:1059

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| Organisation | CYC |
| Department | Not Set |
| Comments | Site Plan |
| Date | 08 March 2016 |
| SLA Number | Not Set |

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COMMITTEE REPORT

Date: 17 March 2016 **Ward:** Wheldrake
Team: Major and **Parish:** Wheldrake Parish
 Commercial Team Council

Reference: 15/02885/FUL
Application at: Land At Grid Reference 469030 444830 Church Lane Wheldrake
York
For: Erection of four seasonal tents utilising existing access, the
creation and maintaining of a footpath link, and the incorporation of
a habitat enhancement plan
By: Derwent Valley Glamping
Application Type: Full Application
Target Date: 21 March 2016
Recommendation: Refuse

1.0 PROPOSAL

1.1 This is a full application for the change of use of land to allow the siting of four seasonal tents (described in some of the submitted documentation as Yurts) on land at Church Lane Wheldrake.

1.2 The site comprises an area of land located between Church Lane and the Lower Derwent Valley Nature Reserve. To the west of the site is a public footpath and Church Lane. Natural England offices are located on the site's south side. The Lower Derwent Valley Nature Reserve is located on the east side of the site. The Lower Derwent Valley National Nature Reserve (NNR) is a designated Ramsar site, Special Protection Area (SPA), Special Area of Conservation (SAC) as well as the Derwent Ings Site of Special Scientific Interest (SSSI).

1.3 The application site is an area of grass land which is raised above the level of the reserve but slightly below road level. The land area is approximately 2 Ha of which the applicant considers that 0.1 Ha will be covered by the development. The development is for the siting of four tents termed yurts because the tents are to be placed on the land permanently for a 17 week period each year, will be serviced with bathrooms and kitchens and appropriately furnished to provide ready accommodation for visitors. The timing of the 17 week period has been specified as May to September. The application includes the provision of car parking facilities. An existing access into the site will be utilised to provide vehicular access to the site. The red line area of the application has been confined to the area of each tent structure and the car parking area although the whole of the 2 Ha site is within the applicant's ownership. The description of development also refers to the creation of a footpath on the west side of the site. This path is already constructed and is

proposed as a public access extending an existing footpath to the south of the site. Habitat enhancement proposals include bat, bird and barn owl boxes within the site.

1.4 Additional information has been provided since the application was first submitted. This clarifies that:-

- The season for the tents runs between May and September.
- Construction and removal of the tents will be two days before and after the season.
- Toilets and showers will be in the tents and will discharge to sewers under the site
- Cooking facilities restricted to hob in tent and BBQ on patio
- No lighting required other than small light in tent
- Electricity will be provided as on other camp sites via pole outside tent
- There will be two people per tent
- Dogs camp fires and additional tents are not permitted to comply with Natural England's requirements
- A small chiminea would be used in each tent as a heat source
- Noise would be enforced through strict rules at the time of booking
- The grass around the tents would be maintained by hand mower once a week
- Mitigation of ecology through ecology mitigation and enhancement submission
- The site would work in close collaboration with natural England
- Employment level is a statement of fact and can not be proved.

1.5 The additional information also includes images of the proposed tents. The images indicate that the tents are to be 5 metres by 7.5 metres and 3.5 metres in height.

1.6 An additional plan has also been submitted which shows the position of the footpath as constructed and confirms that the footpath can be maintained and provided for public use. A condition requiring the footpath's retention would be acceptable.

PLANNING HISTORY

1.7 There is no relevant planning history on the site.

2.0 POLICY CONTEXT

2.1 Please see paragraphs 4.2 to 4.15 of this report.

3.0 CONSULTATIONS

INTERNAL

3.1 HIGHWAY NETWORK MANAGEMENT - Additional information is needed to show a paved cross over and turning area for parked vehicles.

3.2 COUNTRYSIDE AND ECOLOGY - required additional information to be submitted to understand the details of the application and to allow a Habitat Regulations Assessment to be undertaken. Following the submission of further information it is concluded that the submitted information does not alter the original comments that there is insufficient information for the council to undertake a Habitat Regulations Assessment screening opinion for likelihood of significant effects. The ecology report states that the proposed development has the potential to cause disturbance and displace wintering birds and breeding birds (including Schedule 1 listed species) and this issue has not been addressed. Currently it cannot be ascertained that the proposal would not adversely affect the integrity of the European sites and therefore the application should be refused on these grounds.

3.3 LANDSCAPE - Overall the site and surrounding landscape is of a high quality and sensitive to the introduction of these exclusive man-made structures, which, although intended to be seasonal, are fairly permanent in their appearance, and also involve the introduction of hard standing. The topography is very uneven - would not like to see the creation of levelled platforms and roadways and parking spaces; furthermore it is not just the presence of the yurts, but also the cars and all the additional paraphernalia. not against yurts in the open countryside, especially ones with an appreciative view of the lngs, but this isn't the right location - too publicly exposed in relation to views and visitors to Wheldrake lngs.

3.4 FLOOD RISK MANAGEMENT TEAM - comments to be reported.

EXTERNAL

3.5 WHELDRAKE PARISH COUNCIL - Object to the application. The Parish Council are concerned about the impact on the greenbelt and would like to seek clarification on this matter. There were also concerns raised regarding insufficient information on the application.

3.6 NATURAL ENGLAND -In considering the European site interest, Natural England advise that the Council are the competent Authority under the Habitat regulations. The conservation objectives for each European site explain how the sit should be restored and/or maintained and may be helpful in assessing potential impacts (if any). The information submitted does not include information to demonstrate that the requirements of the habitat regulations have been considered.

3.7 Natural England advise that the proposals are not necessary for the management of the European site. There is currently not enough information to determine whether the likelihood of significant effects can be ruled out. The proposal has the potential to cause disturbance to bird species. The period when birds would be most vulnerable to disturbance would be during the winter months and the spring breeding period April to late May. Tents should be avoided during these periods. A

mitigation strategy should be sought from the applicant in order to inform the Habitat Regulations assessment; this should include measures to demonstrate that disturbance to Special Protection Area birds is unlikely to occur.

3.8 Concerns about the impact of the development on the Reserve as a Site of Special Scientific Interest are similar to concerns about the impact on the Special Protection Area.

3.9 YORKSHIRE WILDLIFE TRUST - Insufficient information within the planning application for the authority to carry out an Appropriate Assessment under the Habitats Regulations. The Lower Derwent Valley (LDV) SPA SAC SSSI and Ramsar site, is internationally important for a wide range of bird species. The Trust agree with the comments of the Councils ecologist and also considers that It may be necessary to have bird survey data as to the use of the field by birds important for the SPA. Would like evidence of the applicant's assertion that two full time and two part time jobs will be created by the development. Concerned that the approval of the scheme on only limited evidence will set a precedent for similar schemes adjacent to the reserve in other council areas. This could lead to a cumulative impact on the nature reserve.

3.10 Three letters of objection have been received covering the following points:-

- On many visits to the nature reserve before dusk never failed to see at least one barn owl hunting over the field on which the development is proposed. It therefore must be concluded that this field is an important resource for the local barn owl population and is used on a daily basis.
- Local barn owl population may decline as a result of the development
- The proximity to the National Nature Reserve makes a development such as this entirely inappropriate. The reserve is a haven for wildlife and for considerate wildlife watchers. Introducing a campsite adjacent to the reserve will create unacceptable levels of disturbance.
- There is a lack of detail with the application which suggests that the applicant has not taken the ecological interest of the site seriously.
- Wheldrake Ings is an internationally renowned site for birds and needs preserving and developing for wildlife, not taking over by humans.
- Barn owls are considered by the objector to be a species at risk in Yorkshire.

4.0 APPRAISAL

4.1 Key Issues:-

- Principle of the development - Green Belt
- Character and appearance of the area
- Habitat Regulation Assessment
- Access and parking Arrangements

- Drainage
- Other considerations - very special circumstances

PLANNING POLICY

4.2 The site is located within the general extent of the Green Belt on the south side of York.

National Planning Policy Framework

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, sites protected under the Birds and Habitats directive and Sites of special scientific interest).

4.4 The core planning principles in paragraph 17 of the NPPF says planning should support economic growth; among other things protect the Green Belt around urban areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities and contribute to conserving and enhancing the natural environment.

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 Paragraph 109 says that the planning system should contribute to and enhance the natural and local environment and soils by protecting and enhancing valued landscapes, recognising the wider benefits of ecosystem services and minimising impacts on biodiversity. Paragraph 118 seeks to conserve and enhance biodiversity; it says that development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect should not normally be permitted. Paragraph 119 confirms that the presumption in favour of development at Paragraph 14 of the

NPPF does not apply to sites requiring assessment under the Birds or Habitats directives.

4.8 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

4.9 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

4.10 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.

4.11 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, V5 'caravan and camping sites', GB1 'Development in the Green Belt' and policy NE4a 'International and National Nature Conservation Sites'.

4.12 Policy GB1 says that planning permission for development will only be granted where development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and development would not prejudice the setting and special character of York. 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.

4.13 Policy NE4a says that where development could have an adverse effect, directly or indirectly, on an international or national nature conservation site it will only be permitted where the reasons for the development clearly outweigh the special nature conservation value of the site.

Emerging Local Plan

4.14 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.

Wheldrake Village Design Statement

4.15 The Wheldrake Village design statement sets out characteristics of the setting of the village. In noting the key characteristics of the village setting it says (page 11) that the village is approached from open countryside on all routes and that grass verges and hedgerows beautify the approach roads. Key issues include the need for connections between public footpaths and the lack of circular walks. Guidelines say that the open character of the Green Belt should not be affected and for the design of development seek to protect verges and the International and national nature conservation designations should be strictly enforced.

In the absence of a formally adopted local plan 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) is the National Planning Policy Framework (NPPF). It is against this Framework that the application proposal should principally be addressed.

ASSESSMENT

4.16 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.

4.17 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.

4.18 Paragraph 89 and 90 of the NPPF set out those developments that may be considered exceptions to inappropriate development in the Green Belt. Paragraph 89 refers to certain exceptions for new buildings; as the proposal does not relate to new buildings this paragraph is not relevant. Paragraph 90 lists other development that may be considered as not inappropriate. This does not include the change of use of land. It is Officers opinion that the change of use of the land to seasonal camp site does not fall within any of the exceptions to inappropriate development identified in paragraphs 89 and 90 of the NPPF. 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 any harm to the Green Belt 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.

Openness

4.19 Paragraph 79 establishes that openness is an essential characteristic of Green Belt. The proposal will necessitate the improvement of the vehicular access into the site, will necessitate the provision of some hard standing, which would be there permanently and would introduce canvas tents and decked areas which would be there for a portion of each year. Additionally during the time that the site is unoccupied the infrastructure associated with the provision of electricity and drainage turning areas for vehicle and the formalisation of the access entrance with new hardsurfacing would remain. Although the site has established boundaries to the road frontage, the land is very open to its eastern and southern side and the footpath along the western side of the site. It is Officers' opinion that the combination of the visibility of the site, the necessary parking areas and access improvements (likely to be permanent) and the additional traffic movements that the development

would impact on the openness of the Green Belt as more of the site would appear developed.

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. Officers consider that in this relatively isolated location the addition of tents and ancillary works would appear intrusive and so would conflict with the purpose of safeguarding the countryside from encroachment, thereby causing additional harm to the Green Belt.

CHARACTER AND APPEARANCE OF THE AREA

Visual Amenity

4.21 The site is located next to Church Lane; adjacent to the lane is a substantial tree belt which shields much of the site from the road although the existing access point from the road has been cleared and opened up somewhat since officers visited the site as part of a pre-application submission. The site's eastern and southern sides are open to the nature reserve and to the Natural England Offices. There is a public right of way on the southern side and a raised platform on the Natural England site from which you can view the nature reserve. In addition the footpath that runs next to the tree belt on the west side is open to the land and the reserve beyond. From all these vantage points the site is very visible and in fact provides an integral part of the overall experience of the views to and from the nature reserve. It is considered that the introduction of development on to the field would seriously diminish the setting of the nature reserve as experienced by visitors.

Noise and Disturbance

4.22 The applicant has clarified a number of points since submitting the application. In the main the protection of the site from noisy visitors is to be controlled by a set of rules the details of which will be provided to visitors when booking the accommodation. In addition to this it is indicated that the tents will be limited to two occupants, each tent will be lit by a single light, heating will be provided via a chiminea and cooking will be by barbecue on patio areas and in the tent on a hob.

4.23 The additional tent elevations provided do not reflect these submitted details. The images show a bedroom with four beds and significantly more than one light, the cooking facilities and level of comfort within the tents suggest that the appearance of the units will be much more imposing than the description suggests.

In any case in Officers' opinion the use of chimneys and barbeques and the provision of facilities to make the best use of outside space does not lend itself to the maintenance of a tranquil atmosphere as one would currently experience late in the evening at this site.

4.24 Overall it is considered that the proposal would not be compatible with the prevailing character of the area, would detract from the open rural setting of the nature reserve and would cause significant harm to the character and appearance of the area. This is contrary to the core planning principle of the NPPF of recognising the intrinsic character and beauty of the countryside and GP1 of the DCLP which similarly expects proposals to respect or enhance the local environment.

Sustainability

4.25 It is generally accepted that visitors to caravan and camping sites are more likely to arrive by car. The site is close to the village of Wheldrake and although there is a public footpath along part of the site towards the village there is limited footpath access to the village along the road and no dedicated cycle routes. Access to the city is via an infrequent bus service. The site has a moderate level of sustainability but overall it is considered that visitors to this site are likely to access services within the village and within York using their cars.

HABITAT REGULATIONS ASSESSMENT

4.26 The Lower Derwent Valley National Nature Reserve as a European protected site is afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). Under the Habitat Regulations the Council as the competent authority must make a judgement under Regulation 61 and 62 as to the 'likely significant effect', if any, of the scheme on the European designated sites before permission is granted. The project is not directly connected with or necessary to the management of any European site and therefore a Habitat Regulation Screening opinion will need to be made by the Local Planning Authority. It is accepted practice that the promoter (the applicant in this case) provides sufficient information to rule out the need for appropriate assessment under the Habitat Regulations. Currently there is a lack of information to ascertain that the project would not adversely affect the European sites. The ecology report states that the proposed development has the potential to cause disturbance and displace wintering birds and breeding birds. The Draft Habitat Enhancement Plan submitted does not address any concerns as to the potential impact on birds using the designated sites. Based on the information submitted it is not possible to carry out a screening opinion under the Habitat Regulations other than to conclude that an appropriate assessment is required. This would present a ground for refusal of the application. Furthermore without ascertaining the impact of the development on the reserve, the application conflict with advice in the NPPF (paragraphs 109, 118 and 119) which seek to conserve and enhance biodiversity. In particular paragraph 119

says that the presumption in favour of development does not apply where development requiring an appropriate assessment under the Birds or Habitat Directives is being considered, planned or determined.

ACCESS AND PARKING ARRANGEMENTS

4.27 Highway Network Management require additional information about how vehicles will turn in the site and about the construction of the vehicular entrance. Were the application to be supported in principle appropriate conditions could secure the required detail.

FLOODING/DRAINAGE

4.28 The site is bounded by flood zone 3 to the east and is partly located within flood zone 2 along the eastern side of the site. The location of the tents as shown on the submitted site location plan indicates that the tents will be placed in areas of the site that are in Flood Zone 1, low risk. Although Camp sites are classed as more vulnerable uses in the Flood Risk Vulnerability Classification set out in the National Planning Policy Guidance (NPPG) as the tents are located in areas of the site in flood zone 1 the development should not suffer from river flooding.

4.29 The comments of the Flood Risk Management Team on the drainage proposals for the site are awaited.

OTHER CONSIDERATIONS - VERY SPECIAL CIRCUMSTANCES

4.30 It is the Applicant's view that the proposed development is appropriate development in the Green Belt. For the reasons set out in Paragraph 4.16 to 4.20 above Officers do not agree with this.

4.31 The applicant has set out a number of considerations within his statement that he considers weigh in favour of the development. These are:

- A positive impact on tourism in the area
- Benefits to the rural economy through the provision of new jobs
- Opportunity to bring revenue to the adjacent Natural England who own and maintain the adjacent Ings
- Provision of a footpath link along the western side of the site
- Habitat enhancements

These considerations are assessed below.

TOURISM

4.32 On a general level it is accepted that tourism facilities benefit the rural economy. Local shops and pubs can benefit and there may be increase spend associated with visitors to York. The amount of benefit to the rural economy is limited because the number of tents proposed is small and is not quantified within the submitted information. However a small amount of benefit to the rural economy through the additional provision of facilities is considered to be associated with the use.

NEW JOBS

4.33 The agent suggests that the siting of the tents for the 17 week period will provide two full time and two part time jobs. Further evidence of the number of jobs required has been requested, but none has been forthcoming. Officers consider that a use that operates for 17 weeks of the year with a week of preparation either side of opening is unlikely to generate the quantity of jobs suggested. A small amount of weight is however attached to job creation at a general level as it is accepted that new employment could be created.

NATURAL ENGLAND

4.34 Natural England has provided advice on the detail of the scheme requesting further information in order that a Habitat Regulation Assessment can be undertaken. The consultation response does not detail any benefits to its own operation on the adjacent site. The applicant says that the use will bring additional visitors to Natural England's site but does not say how this will equate to additional revenue. It is noted that objectors say that the siting of the development will impact on barn owls and on their enjoyment of the site. Thus there may be a balance between lost and gained visitors. It is not clear that there would be any benefits to Natural England associated with the development.

PROVISION OF A FOOTPATH LINK

4.35 The footpath link on the western side of the site is provided and is welcomed as an addition to the network of footpaths in the area. The link is already in place. Natural England as part of its response has not indicated that the link is of particular importance to its operation. The footpath is said to link public footpaths on the south and north of the site but there would still be a significant gap between the two adopted footpaths that is not linked via a safe route away from the road. This is not to take away from the efforts of the land owner in providing a length of dedicated footpath along the side of his land; more that its benefits have not been supported by Natural England; it does not link two existing footpaths and would make the site and the proposed scheme much more visible. On balance therefore the provision of the link is not considered to be a benefit of the proposed scheme.

HABITAT ENHANCEMENTS

4.36 The application includes a habitat enhancement plan. That is a plan to encourage wildlife including birds to use the site. It does not however provide sufficient information to address how the proposed development may impact on the existing reserve. The ecology report suggests that there is potential for there to be displacement of birds on the reserve. The site already provides an open undisturbed setting for the adjacent reserve the provision of habitat enhancement is presumably to offset harm associated with the development on existing wildlife it is not considered a benefit of the scheme.

4.37 In officers' opinion the considerations put forward by the applicant are not sufficient either individually or cumulatively to clearly outweigh the definitional harm to the Green Belt by reason of inappropriateness and other harms identified in this report (that is harm to the purposes and openness of the Green Belt, harm to the character and appearance of the area through visual impact and noise and disturbance, lack of information to assess the impact of development on the Lower Derwent Valley National Nature Reserve) and the very special circumstances necessary to justify the development do not exist. As advised by paragraph 87 and 88 of the NPPF development that is harmful to the Green Belt for which there are no very special circumstance should not be approved.

5.0 CONCLUSION

5.1 The application site, undeveloped land to the east of Church Lane Wheldrake,, is considered to be within the general extent of the Green belt as defined in the RSS. The erection of tents on a season basis with associated car parking on the site is considered to be inappropriate development in the context of section 9, paragraph 89 and 90 of the NPPF.

5.2 The NPPF confirms at paragraph 87 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 any harm to the Green Belt. Very special circumstances will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

5.3 In officers' opinion the considerations put forward by the applicant; a positive impact on tourism in the area, benefits to the rural economy through the provision of new jobs, opportunity to bring revenue to the adjacent Natural England who own and maintain the adjacent Ings, provision of a footpath link along the western side of the site and habitat enhancements, are not sufficient to clearly outweigh the definitional harm arising from inappropriate development and other harm (that is harm to the purposes of Green Belt and openness, harm to the character and appearance of the area through visual impact and noise and disturbance, lack of information to assess the impact of development on the Lower Derwent Valley

National Nature Reserve) identified in this report and the very special circumstances necessary to justify the development have not been demonstrated.. As advised by paragraph 87 and 88 of the NPPF development that is harmful to the Green Belt for which there are no very special circumstance should not be approved.

5.4 Based on the information submitted it is not possible to carry out a screening opinion under the Habitat Regulations other than to conclude that an appropriate assessment is required. Therefore the application should be refused on these grounds. Without ascertaining the impact of the development on the reserve the application conflicts with advice in the NPPF (paragraphs 109,118 and 119) which seek to conserve and enhance biodiversity. In particular paragraph 119 says that the presumption in favour of development does not apply where development requiring an appropriate assessment under the Birds or Habitat Directives is being considered, planned or determined.

6.0 RECOMMENDATION: Refuse

1 Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. The site is identified as Green Belt in the City of York Development Control Local Plan (Approved April 2005). It is considered that the proposed development constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework which is by definition harmful to the Green Belt. No 'very special circumstances' have been put forward by the applicant that would clearly outweigh harm by reason of inappropriateness and any other harm, including harm to the purposes of Green Belt and openness, harm to the character and appearance of the area through visual impact and noise and disturbance, lack of information to assess the impact of development on the Lower Derwent Valley National Nature Reserve). The proposal is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land', guidance within National Planning Practice Guidance (March 2014) and Policy GB1 of the City of York Development Control Local Plan (April 2005).

2 The Lower Derwent Valley National Nature Reserve as a European protected site is afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). Under the Habitat Regulations the Council as the competent authority must make a judgement under Regulation 61 and 62 as to the 'likely significant effect', if any, of the scheme on the European designated sites before permission is granted The project is not directly connected with or necessary to the management of any European site and therefore a Habitat Regulation Screening opinion needs to be made by the Local Planning Authority. The ecology report states that the proposed development has the potential to cause disturbance and displace wintering birds and breeding birds. The

application does not include sufficient information to rule out the need for appropriate assessment under the Habitat Regulations. In the absence of sufficient information the application is considered to conflict with the requirements of the Conservation of Habitats and Species Regulations 2010 and advice in paragraphs 109,118 and 119 of the National Planning Policy Framework which seek to conserve and enhance biodiversity and confirms that the presumption in favour of development does not apply where development requiring an appropriate assessment under the Birds or Habitat Directives is being considered, planned or determined.

7.0 INFORMATIVES:

Contact details:

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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:

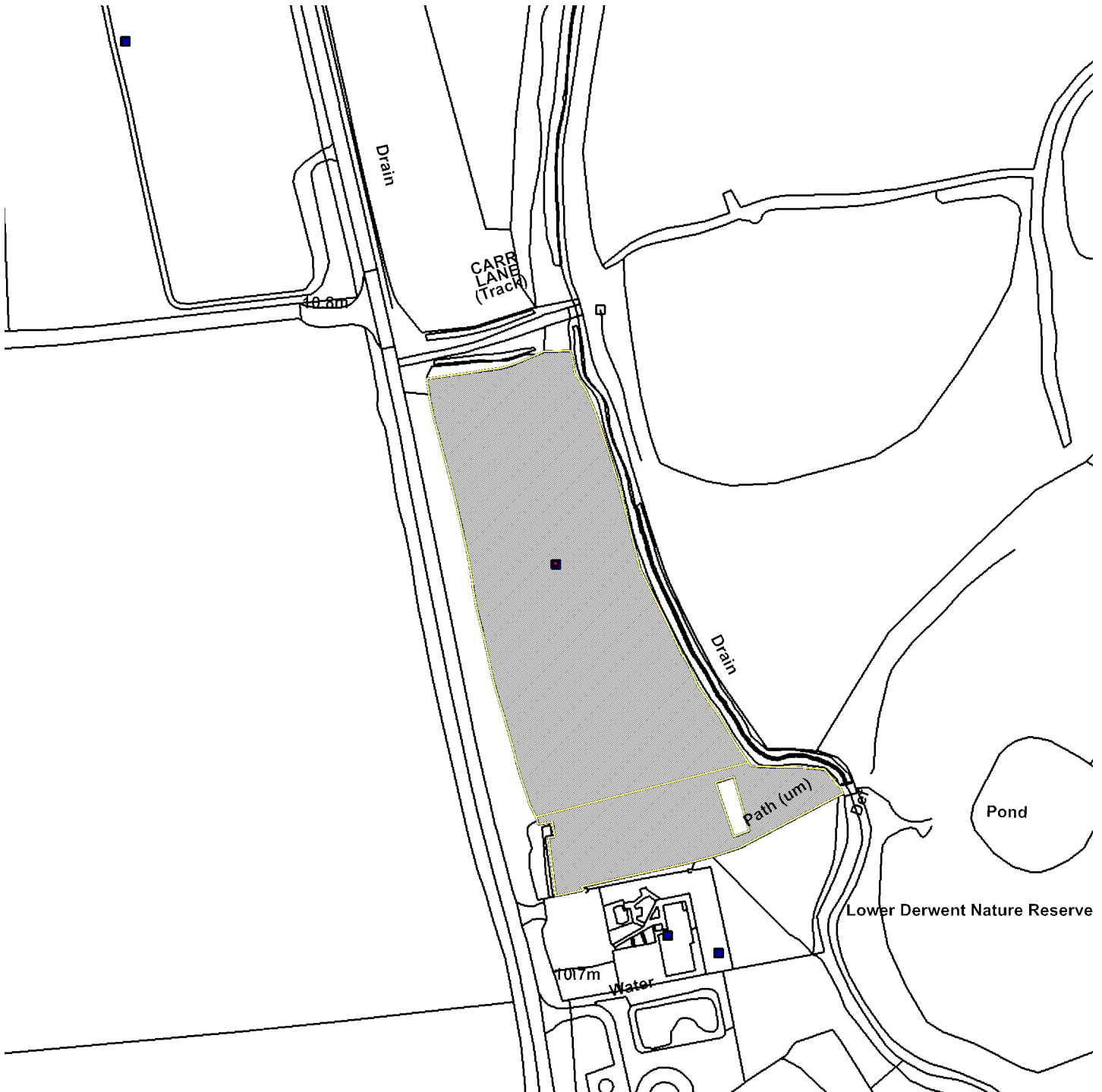
- Request for additional information with advice that the development represented inappropriate development in the Green Belt and could not be supported. Advice in line with an earlier pre-application submission.

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

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15/02885/FUL

Land At Grid Ref 469030 444830 Church Lane Wheldrake



Scale : 1:2119

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|---------------------|---------------|
| Organisation | CYC |
| Department | Not Set |
| Comments | Site Plan |
| Date | 08 March 2016 |
| SLA Number | Not Set |

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