

COMMITTEE REPORT

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

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

1.0 PROPOSAL

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

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

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

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

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

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

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

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

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGB1 - Development within the Green Belt

CYGP4A - Sustainability

CYV1 - Criteria for visitor related devt

CYV5 - Caravan and camping sites

3.0 CONSULTATIONS

INTERNAL

Environmental Protection Unit

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

Design, Conservation & Sustainable Development

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

Flood Risk Management [Verbal]

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

EXTERNAL

Holtby Parish Council

3.4 No objections.

Environment Agency

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

Foss Internal Drainage Board

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

Public Consultation

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

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

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

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

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

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

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

4.0 APPRAISAL

4.1 KEY ISSUES

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

APPLICATION SITE

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

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

PLANNING POLICY

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

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

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

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

4.7 Paragraph 87 says inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness and any other harm is clearly outweighed by other consideration (Paragraph 88).

4.8 Paragraph 90 says certain forms of development are also not inappropriate in green belt provided they preserve the openness of the green belt and do not conflict with the purposes of including land in it. The list within paragraph 90 does not include the change of use of land.

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

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

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

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

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

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

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

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

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

IMPACT ON THE GREEN BELT

Inappropriate Development

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

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

Very Special Circumstances

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

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

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

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

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

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

Provision of a Dwelling

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

Provision of Outdoor Facilities

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

SUSTAINABILITY

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

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

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

TEMPORARY PLANNING PERMISSION

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

OTHER MATTERS

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

5.0 CONCLUSION

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

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

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

7.0 INFORMATIVES: Notes to Applicant

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

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

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