

COMMITTEE REPORT

Date: 22 January 2015 **Ward:** Derwent
Team: Major and **Parish:** Dunnington Parish
Commercial Team Council

Reference: 14/02284/FUL
Application at: Land at The Junction of Hagg Lane And Common Road, Dunnington, York.
For: Construction of gravel surfaced car park and retrospective change of use of the land to 2no. playing pitches with siting of portable changing room buildings
By: Dunnington Football Club
Application Type: Full Application
Target Date: 30 December 2014
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is a playing field to the east of Common Road in Dunnington. The site is marked out with two full size football pitches. Associated car parking and changing accommodation is in the south west corner of the fields.

1.2 Permission to use the land for sports pitches was granted in June 2003 (02/03925/FUL). It was previously agricultural land. The 2003 permission was subject to the use as playing fields ceasing in June 2006 unless permission to extend the consent had been granted. The decision notice also stated that the car park shall be for the exclusive use of Dunnington Football Club.

1.3 Despite its continued use, no planning permission or other planning consent has been given to extend the use of the site for sports pitches beyond June 2006. In addition, in recent years the car park has been used as an overflow car park for staff working at the nearby Costcutter offices.

1.4 This planning application is to use the land as sport pitches on a permanent basis. It is also intended to increase the size of the playing field car park so that it can accommodate around 40 cars. The current car park has space for around 20 vehicles. The applicant has stated that the car park is to be used by the football club when matches are played, however, during the week it is intended to be unsecured and made available for Costcutter to use.

1.5 The application is brought to Committee as the use of the car park by staff employed at Costcutter would constitute inappropriate development in the Green Belt.

Site History

1.6 The only recent planning history relating to the application site is the 2003 consent for the sports fields.

1.7 Costcutter's head office has been located on the Common Road site for around 25 years. There were several consents to erect and extend offices on the site in the late 1980's and 1990's.

1.8 The most recent significant planning consent was granted in 2006. This permission was for a two-storey extension to the existing offices. It involved the demolition of an existing bungalow immediately to the north of the site and the creation of additional car and cycle parking.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: None

2.2 Policies:

CYGB1 - Development within the Green Belt

CYGB13 - Sports facilities outside settlements

CYGP15 - Protection from flooding

CYGB11 - Employment development outside settlement limits

3.0 CONSULTATIONS

INTERNAL

NETWORK MANAGEMENT

3.1 There are no objections to the scheme from a highways perspective. The Travel Plan indicates the need for additional car parking with a limited potential to further increase travel to the office by non-car means. It is recommended that the application is approved subject to conditions including the implementation and monitoring of initiatives proposed in the Travel Plan. The Travel Plan meets Department for Transport Travel Plan guidelines and has been accepted by the Council's Travel Plan Coordinator.

FLOOD RISK MANAGEMENT

3.2 No objections subject to the surface of the car park being permeable.

ENVIRONMENTAL PROTECTION UNIT

3.3 No objections. It is recommended informatives are included regarding contamination, car charging and construction times.

ECONOMIC DEVELOPMENT UNIT

3.4 Support the proposal as it will enable further growth of the company and benefit the local job market. The Council's Economic Development Unit are continuing to work with and support Costcutter in identifying suitable alternative premises to grow and expand the business.

EXTERNAL

3.5 Parish Council - No objections. The proposal benefits sport in the village and reduces on street car parking. The car park should be easy to remove and should be 'grasscrete'. Do not support the construction of permanent structures on the site.

SPORT ENGLAND

3.6 Supports the proposal.

INTERNAL DRAINAGE BOARD

3.7 No objections

NEIGHBOURS

3.8 No comments received.

4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

- The acceptability of the use and development in the Green Belt
- Drainage
- Highway safety

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour

of sustainable development. Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. The NPPF states that there are three dimensions to sustainable development - an economic role, a social role and an environmental role.

4.3 In respect to development in the Green Belt, the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states that facilities for outdoor sport, as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, are not inappropriate development.

4.4 It is considered that a car park and modular buildings associated with the outdoor sport use can be considered appropriate, as they do not materially affect the openness of the Green Belt. However, it is considered that the use of the car park by staff working at the local Costcutter office is inappropriate development as such a use is not specified as being appropriate in the Green Belt in the NPPF. For inappropriate development to be acceptable, very special circumstances must exist. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.5 In terms of transport policy the NPPF states that transport systems should be balanced in favour of sustainable transport modes and encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In respect to parking standards local planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

4.6 In respect to the economy, the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. The NPPF has policies relating to supporting the rural economy. Although Dunnington is a village it is considered the proximity to York is such that the economy as a whole could not be described as being rural in character.

4.7 The NPPF states that local planning authorities should plan positively to enhance the beneficial use of the Green Belt; such beneficial uses include outdoor sport. New buildings relating to sport are appropriate as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it

4.8 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF.

4.9 The application site is in the Green Belt. The employment uses (including Costcutter) on the opposite side of Common Road from the playing field are not in the Green Belt.

4.10 Local Plan Policy GB1 'Development in the Green Belt' is consistent with the NPPF in that it states that development in the Green Belt will only be acceptable where it does not detract from the open character and setting of York and is for one of several uses. One of these uses is essential facilities for sport. It states that very special circumstances will be required to justify proposals not within the list (i.e. use of land for staff car parking).

4.11 Local Plan Policy GP11 'Employment Development Outside Settlement Limits' relates to the extension of an existing employment building rather than a proposal, such as a shared use of a car park, however, it does seem to have some relevance to the proposal. The supporting text to Policy GP11 states that where companies proposes the small scale expansion of curtilages rather than re-locating, the circumstances of the company concerned and the benefits to the local economy will be assessed against any relevant impact on the local environment or amenity.

4.12 Local Plan Policy GB13 relates to 'sports facilities outside settlement limits'. The use of land for sport is appropriate in the Green Belt. In respect to ancillary facilities (such as car parking and changing rooms) it states that they should be essential, kept to a scale consistent with the use and not detract from openness.

THE ACCEPTABILITY OF THE USE AND DEVELOPMENT IN THE GREEN BELT

4.13 The continued use of the playing fields indicates the demand for such a use in the Green Belt. The creation of the pitches required minimal alteration to the shape of the land and clearly if no longer required can easily be returned to agricultural use. The site is surrounded by hedgerows along Common Road and Hagg Lane to the south and also along the northern boundary of the site. The western boundary of the fields has limited hedging.

4.14 Two modular buildings used for changing are intended to be retained at the southern end of the eastern boundary. They are currently screened from Hagg Lane and Common Road by high hedging. Condition 5 of the 2003 temporary consent required the hedge along these roads to be maintained at 3.5 metres. There are long views of the modular buildings from the fields to the east; however, the functional 3m high green structures are viewed against the hedgerows behind and it is the case that Costcutter's offices are only located around 30 metres from the structures and create a 'developed' backdrop when seen from the east.

4.15 The extended gravel car park will in itself have little impact on visual amenity. The use by cars associated with the sports use will have a visual impact; however, the vehicles will from most directions be largely screened by hedgerows that surround the site. Officers from the Council's Network Management team are satisfied that the provision of 40 spaces associated with the sporting use of the field does not exceed the maximum parking standards set out in Annex E of the Local Plan. It would be expected that if both pitches were used at the same time around 56 players would be present along with management, organisers, match officials and spectators/family.

4.16 As outlined earlier, the use of a car park that is ancillary to a sports pitch by staff of a local company is a use that needs planning permission. Such a use is inappropriate and is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.17 The car park is intended to be used by Costcutter during the week. The applicant has stated that they agree to a condition that a post and rail fence is erected around the car park and a deciduous hedgerow planted adjacent to the fence to provide screening. It is considered that the fence and hedge will help to reduce the visual impact of parked cars. In addition it will stop cars parking on the adjacent grass should the car park be full. It is not considered that the use of the car park by cars associated with Costcutter would significantly prejudice the setting and special character of York.

4.18 The above view that the use of the car park by Costcutter will have a modest impact on the openness of the Green Belt is not a reason for approving the application. The proposed use by Costcutter is inappropriate development and is by definition harmful to the Green Belt. Substantial weight should be given to any harm to the Green Belt. It is necessary to show that the potential harm to the Green Belt and any other harm are outweighed by the benefits and that the benefits are such to amount to very special circumstances in accordance with paragraphs 87 and 88 of the NPPF.

4.19 It is understood that Costcutter have doubled their staff numbers at their head office in the last 10 years. Costcutter currently have 170 staff based at the office with a further 100 staff employed in food sales working from home. Around two-thirds of staff live outside the York area. It is understood that around 35 staff based at the office need immediate access to a car for site visits. There are currently 85 spaces at the site (a ratio of 0.5 spaces per resident staff). The use of the playing field car park will increase the ratio to 0.73 spaces per resident staff member. There is no further space on Costcutter's site or on available adjacent land to provide an enlarged car park for the company.

4.20 The ratio of proposed parking to floor space proposed by Costcutter exceeds the standards set out in Annex E of the Local Plan. Because of this apparent over-supply, a comprehensive travel plan has been requested and submitted. The travel plan sets out initiatives that have previously been undertaken by Costcutter to reduce car use and also initiatives that could further reduce car use. The travel plan indicates that measures could be used to reduce single occupancy car travel to work from around 90% to 80%. Even if this reduction were reached there would be a need for the additional off-site car parking proposed in this application. The location away from a city centre and main public transport nodes makes commuting by non-car means difficult for many staff.

4.21 Further, because of the broad geographical spread of their stores, Costcutter consider staff travelling between the head office and shops and suppliers are largely reliant on travel by car and as such a head office location relatively convenient to the motorway network is beneficial. The site is not particularly well served by public transport from the wider area, though buses do travel from York to Dunnington.

4.22 It is considered that approving use of the car park by Costcutter will have road safety benefits in the sense that it will reduce pressure on on-street car parking that currently occurs. The case officer has visited the site on several occasions in the past year. At each time the car park on the Costcutter site has been full and overspill car parking has occurred in the nearby lay-by on Common Road, on Hagg Lane and on the existing playing field car park. The increase in size of the car park will reduce the pressure on on-street car parking which will assist highway safety.

4.23 If the application is refused it is likely that the current car parking situation will remain. It is considered that the specific requirements of Costcutter are such that their use of the playing field car park equates to very special circumstances. The NPPF puts a strong emphasis on supporting sustainable economic growth. It is considered that the applicant has indicated through their travel plan that there is a demand for additional car parking that can not reasonably met by other means. The travel plan indicates that through their own initiatives the maximum Costcutter can reduce staff car travel by is around 10%. This reduction would still result in the need for the use of the additional car parking.

4.24 It is considered that if Costcutter are granted permission to use the enlarged car park the consent should be restricted to their use and that of the football club. Should a new company locate in the existing offices they would need to indicate why their use of the playing field car park is justified in planning terms.

4.25 In light of the above assessment it is considered that there are cumulatively Very Special Circumstances that can be summarised as follows:-

- Road safety benefits of providing the alternative to existing vehicle parking along the adjacent highway
- Existence of the current (albeit smaller) car park,
- The securing of sufficient parking for the existing employer across Common Lane to continue to operate efficiently from their site.
- Lack of any proposed built form and so lack of impact on openness off the Green Belt
- Opportunity to prevent car parking on adjacent grassed areas through boundary treatment to the new car park.
- Opportunity to screen currently open views of parked vehicles at the site through requirement for hedge planting around new car park

DRAINAGE

4.25 The gravel car park will be permeable and otherwise drain onto the playing fields. The first five metres of the entrance to the car park will be hard surfaced to reduce the likelihood of gravel getting on to the adjacent lane. It is not considered that this will have a significant impact on local drainage conditions.

HIGHWAY SAFETY

4.26 Hagg Lane is lightly used. The junction of Hagg Lane with Common Road is of an acceptable standard. It is not considered that the increase in size and use of the car park creates highway safety concerns. The proposal will reduce pressure on existing parking on Hagg Lane and Common Road.

5.0 CONCLUSION

5.1 The application is to continue use of the land off Common Road for sports pitches including the retention of two modular buildings for changing accommodation and the increase in size of the playing field car park from 20 to 40 spaces. It is considered that the proposed sporting use of the land is in line with local and national policy relating to development in the Green Belt.

5.2 The use of the car park by Costcutter is inappropriate development in the Green Belt. In assessing the acceptability of the application, the key issue is considered to

be whether there are very special circumstances to justify its use by the company. As summarised at 4.25, it is considered that the specific economic and road safety benefits and minimal harm to the Green Belt from allowing Costcutter the use of the extended car park are very special circumstances that outweigh harm to the Green Belt, and any other harm in accordance with paragraphs 87 and 88 of the NPPF.

5.3 It is therefore recommended that the application is approved.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The extension to the car park shall be begun not later than the expiration of three years from the date of this permission.

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

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

Location Plan received by the Local Planning Authority on 30/10/2014 showing the site boundary and the proposed site layout plan v4 dated 04/12/2014 received by the Local Planning Authority on 05/12/2014.

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

3 Prior to the extended car park coming into use, the initial 5m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site. Elsewhere within the site all areas used by vehicles shall be surfaced and drained, in accordance with the approved plans.

Reason: To prevent the egress of water and loose material onto the public highway.

4 Prior to the use of the extended car park, details of secure cycle parking within the playing field site, shall be submitted to and approved in writing by the Local Planning Authority. The extended car park shall not be used until the cycle parking areas have been provided in accordance with such approved details, and these areas shall be retained and not used for any purpose other than the parking of cycles.

Reason: To promote the use of cycles by visitors to the playing fields.

5 The site shall be occupied in accordance with the aims, measures and outcomes of the Travel Plan and associated Action Plan submitted on 19 December 2014. Within 12 months of the extension of the car park a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the Authority's travel plan officer 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.

6 Prior to the extension of the car park, details of the proposed design of the post and rail fencing and native hedgerow planting (along with timescales for provision and maintenance) around the proposed car park shall be submitted to and agreed in writing with the Local Planning Authority. The works shall be completed and maintained in accordance with the agreed details.

Reason: To minimise the visual impact of the car parking.

7 The height of the hedge along the Common Road and Hagg Lane frontage shall be retained at no less than 3.5 metres and the standard trees within the hedge shall be left as trees.

Reason: The hedge is considered to make a significant contribution to the amenities of the area.

8 The areas shown on the approved plans for the parking and manoeuvring of vehicles shall be constructed in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

9 The car park shall always be made available for use when the playing fields are operational and shall be for the exclusive use of Dunnington Football Club and staff or visitors to Costcutter head office (Harvest Mills, Common Road, Dunnington).

Reason: To maintain highway safety and ensure that the car park is used only in association with outdoor sports uses that are considered appropriate in the Green Belt, and by the staff and visitors to Costcutter which is justified by Very Special Circumstances to outweigh the harm arising from the inappropriate use in the Green Belt

10 If Costcutter Supermarkets Group vacates its existing head office (Harvest Mills, Common Road, Dunnington), within 28 days of the vacation the playing field car park shall be secured with a lockable gate; details of which shall be agreed in writing by the Local Planning Authority prior to its installation and thereafter the car park shall be only be made available for the parking of cars associated with the use of the associated playing field.

Reason: To ensure that in the absence of Very Special Circumstances to justify the use of the car park by visitors to Costcutter, the car park is only available in association with outdoor sports uses that are considered appropriate in the Green Belt, in accordance with local and national Green Belt policy.

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 an acceptable outcome:

Permeable surface agreed, screening and boundary to car park proposed and travel plan submitted.

2. for Information - Re-charging

If the applicant would like advice on the installation of an electric vehicle recharging point, they should contact the Council's Low Emission Officer, Derek McCreadie

3. For Information - Contaminated land

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

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