

COMMITTEE REPORT

Date: 16 August 2023 **Ward:** Strensall
Team: East Area **Parish:** Strensall With Towthorpe
Parish Council

Reference: 21/02757/OUT
Application at: Pigotts Autoparts Sheriff Hutton Road Strensall York YO32 5XH
For: Outline application for the demolition of existing structures and erection of 6no. dwellings with associated access, car parking and landscaping (with all matters reserved except for access, layout and scale)
By: Jim Pigott
Application Type: Outline Application
Target Date: 10 November 2022
Recommendation: Refuse

1.1. The application seeks outline planning permission for the erection of 6 dwellings following demolition of existing buildings and structures. Approval is sought for access, layout, and scale, with appearance and landscaping reserved for later consideration. Access to the site would be from Sheriff Hutton Road in the same position as the existing access.

1.2. The plans show the 6 dwellings. The plans show 2 x 5 bed dwellings, 1 x 4 bed dwelling, 2 x 2 bed dwellings, and 1 x 1 bed dwelling. A total gross internal floor area of 788.4 m². The plans detail that Plots 1 – 3 would be 2 storey, from the provided floor area it would appear Plots 4 and 5 would be 2 storey and Unit 6 would be single storey . The layby within the highway verge would be formalised.

1.3. The site lies within the general extent of the Green Belt. The site is within Flood Zone 1. The site is in close proximity to a Roman road (MY04315). The site is within the Natural England Impact Risk Zone (IRZ) for Strensall Common Special Area of Conservation (SAC).

1.4. There is an extensive planning history for the above site, including a number of historic applications for residential development on the site, for which planning permission was refused. The site up until very recently has been used as a scrap/breakers yard for many years. When Officers visited the site at the beginning of August 2023 the site had been mostly cleared of cars and scrap material. When in operation as a scrap yard the vehicles were stacked towards the boundary facing Sheriff Hutton Road, however it was noted from a site visit that this did not occur across the remainder of the site. There is a long established portal framed building

on the site, and a modular building towards the front/east of the site. There is an open sided building, no planning permission can be found for this building, however the 2017 aerial photographs show this building, it is considered that the building has been in situ for in excess of 4 years as such is exempt from planning enforcement action.

1.5. During the application process revised plans have been submitted altering the access and revising the number and location of the proposed dwellings.

1.6. The application has been called into committee by Councillor Doughty. The Councillor requested that committee assess the sustainability of housing development in this location outside of the village.

1.7. Pre-application advise was sought for 9 dwellings on the site. The applicant was advised that the application would not be supported on the following grounds: Green Belt; unsustainable location; visual amenity; residential amenity. In addition officers also advised the applicant of the requirement for Habitat Regulations Assessment Stage 1 screening.

1.8 RELEVANT PLANNING HISTORY

4/2/522 (1952) – Use of Land for the stacking and sawing timber – Approved

4/2/522A (1952) Installation of underground petrol storage tank and erection of a petrol pump – Approved

4/2/522B (1958) – Alterations and improvements to retain existing buildings – Approved

4/2/522C (1958) – Erection of Office accommodation – Approved

4/2/522D (1961) – Retention of gantry for overhead crane – Approved

4/2/522E (1961) – Use of land for the storage of motor vehicles and the sale of scrap metal – Refused

4/2/522F (1966) – Change of use of timber yard to iron and steel storage yard with office – Refused

4/2/522G (1967) – Installation of petrol pumps – Refused

Appeal dismissed APP/2089/A/2243 (11.01.1968) – Ministry of Housing considered that there were road safety issues due to high vehicle speeds, introduction of development into a rural area which would be conspicuous

4/2/522H (1967) – Use of land for the sale of motor vehicles – Refused

Appeal dismissed APP/2089/A/22438 (11.01.1968), Ministry of Housing considered that there were road safety issues due to high vehicle speeds, the introduction of development into a rural area which would be conspicuous

4/2/522J (1967) Outline application for construction of dwellinghouse – Refused,

Appeal dismissed APP/2089/A/22439 (11.01.1968), Ministry of Housing considered that the site was situated in an open rural countryside where housing development is sporadic. At least half mile from development limits of Strensall and house would appear isolated and well-removed from any established pattern of development

3/131/93/PA (1979) - Outline application for the construction of a motor vehicle showroom, workshop and office – Refused for the following reasons: Green Belt, and lies within open countryside

3/131/93A/PA (1979) - Construction of a building to enclose existing gantry and to be used for the dismantling and repair of vehicles – Refused for the following reasons: Green Belt, and within open countryside

Appeal (APP/5340/A/80/05733) for 3/131/93A/PA is dismissed (21.11.1980)
Planning Inspector considered the site falls within the Green Belt

3/131/93B/PA (1979) - Use of land for the siting of a caravan – Refused for the following reasons: Green Belt

3/131/93C/PA (1980) - Application for the siting of a caravan for use as temporary office accommodation - Refused for the following reasons: Green Belt

Appeal (APP/5340/A/80/07842) for 3/131/93C/PA is allowed (21.11.1980) for the siting of 1 caravan for two years. Planning Inspector considered the site falls within the Green Belt

3/131/93D/PA (1981) - Outline application for construction of a new office, workshop, and store to replace existing structures - Approved

3/131/93E/PA (1981) - Demolition of existing building and construction of a new office workshop and store – Approved subject to legal agreement

3/131/93F/PA (1985) - Construction of house with domestic garage - Refused for the following reasons: Green Belt

3/131/93G/OA (1988) - Outline application for erection of a two storey house with domestic garage (Appeal dismissed 01.06.89) – Refused for the following reasons: Green Belt

Appeal (APP/N2725/A/88/105962/P5) for 3/131/93F/PA is dismissed (01.06.1989) Planning Inspector considered the site falls within the Green Belt

3/131/93H/EU (1993) – Certificate of Lawful Use for the use of land, storage shed, workshop/office Building and Portable Building for the Storage and dismantling of vehicles with retail sale of parts

15/01424/OHL - Re-align existing overhead network and transformer point – No objections

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

2.1. The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in the determination of planning applications. Key chapters and sections of the NPPF relevant to this application are as following:

- 5 – Delivering a sufficient supply of homes
- 6 – Building a strong, competitive economy
- 8 – Promoting healthy and safe communities
- 9 – Promoting sustainable transport
- 11 - Making effective use of land
- 12 – Achieving well-designed places
- 13 – Protecting Green Belt land
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

THE DEVELOPMENT PLAN

2.2. The Statutory Development Plan for the City of York comprises the saved policies and key diagram of the otherwise revoked Yorkshire and Humber Plan Regional Spatial Strategy (2008) and any made Neighbourhood Plan. The relevant part of the Development Plan for this application is:

Strensall Neighbourhood Plan (2023)

- DH1 – Promotion of Local Distinctiveness
- DH2 - General Design Principles

The Publication Draft York Local Plan (2018)

2.3. The Publication Draft Local Plan 2018 was submitted for examination on 25th May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in late 2023. The draft policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.4. Key relevant DLP 2018 policies are:

- SS1 Delivering Sustainable Growth for York
- SS2 The Role of York's Green Belt
- EC2 Loss of Employment Land
- H2 Density of Residential Development
- D1 Placemaking
- D2 Landscape and Setting
- D6 Archaeology
- GI1 Green Infrastructure
- GI2 Biodiversity and Access to Nature
- GI3 Green Infrastructure Network
- GI4 Trees and Hedgerows
- GB1 Development in the Green Belt
- CC1 Renewable and Low Carbon Energy Generation and Storage
- CC2 Sustainable Design and Construction of New Development
- ENV1 Air Quality
- ENV2 Managing Environmental Quality
- ENV3 Land Contamination
- ENV5 Sustainable Drainage
- WM1 Sustainable Waste Management
- T1 Sustainable Access

2.5. Please see the Appraisal Section (5.0) for national and local policy context.

3.0 CONSULTATIONS

3.1. The application has been advertised via Site Notice, local press notice and neighbour notification letter.

INTERNAL CONSULTATIONS

HIGHWAY DEVELOPMENT CONTROL

3.2 Is unable to support the proposed works to the highway and internal layout of this scheme in its current form. The quality of design, resultant safety of highway users and amenity of residents are poor or not to sufficient standard. Furthermore, it is considered that the development is not situated in a sustainable location and will predominantly require dependency on motorised vehicles due to the lack of sustainable transport options available.

3.3 Proposed works to the highway - Due to the requirements of servicing and the fact that a suitable adopted highway is not to be provided within the site to receive refuse vehicles; a fully constructed layby is required on the highway verge, to ensure Sheriff Hutton Road is kept clear. The existing layby is not fit for the required purpose, being poorly maintained and extended without proper construction for some years. The proposed use as a bin lorry loading bay would not be acceptable without full construction (Tarmac or concrete).

3.4 Although a bin lorry loading bay would be acceptable within the existing layby if properly constructed, a refuse bin collection point located in the layby would not be acceptable as this is public highway (contravening paragraph 149 of the Highways Act 1980 - Obstruction/ Nuisance on the highway). A refuse bin collection point would have to be located within the site, within 15 metre drag distance to the highway/bin lorry loading bay.

3.5 Internal Layout – The proposed design of the footway does not provide a safe access for pedestrians. The proposed car parking is insufficient and should be revisited.

3.6 Sustainable Access - The nearest bus stop and local facilities are located 1200 metres away in Strensall village with no footway or lighting and narrow verges for the initial 800 metres of this journey from the site alongside an unrestricted speed road. Cycling would be unattractive to all but the ardent cyclist due to the narrowness of the road lack of street lighting and unrestricted speed limit for the initial 800 metres towards Strensall village. This residential development will be significantly reliant on car borne vehicle trips as the alternatives are so unattractive/ unable to be mitigated by the developer.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT)

3.7 The existing use of the site has a negative influence on views and landscape character. The proposed tree and hedge planting would provide suitable mitigation for the loss of trees. Given the site's disparate location to Strensall village and the existing pattern of development seen within the surrounding rural landscape, the revised arrangement could render the scheme more in keeping with the character of farmsteads and individual detached houses that are found in the surrounding rural context.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY OFFICER)

3.8 The application site is located approximately 1.7km to the north west of Strensall Common Special Area of Conservation (SAC). In accordance with regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended), appropriate assessment should be undertaken where projects have the potential to adversely impact sites with European designation. The need for appropriate assessment is also address through national and local planning policy.

3.9 Consideration should be given to the potential impacts of increased visitor pressure and the potential environmental impacts of the construction works on Strensall Common, through a Habitats Regulations Assessment (HRA). The proposed development should not be assessed in isolation, the cumulative impacts of the proposed development in association with other current and proposed developments should also be fully evaluated.

3.10 HRA is the process that competent authorities must undertake to consider whether a proposed development plan or programme is likely to have significant effects on a European site designated for its nature conservation interest. HRA is often referred to as 'Appropriate Assessment' (AA) although the requirement for AA is first determined by an initial 'Screening' stage undertaken as part of the full HRA.

3.11 As a competent authority it is our (the LPA) responsibility to produce a Habitat Regulations Assessment. However, it is common practice for the applicant to produce a 'shadow HRA' and for the LPA, in coming to its own conclusions, to 'adopt' this to fulfil its legal duty.

3.12 Although it is the LPA's, responsibility to produce an HRA under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), the applicant would need to provide a greater level of detail to appropriately assess the likely significant effects of the proposed works, on Strensall Common SAC.

3.13 For the initial Screening process (Stage One) likely significant effects upon a European site of a project or plan would need to be identified, either alone or in-combination with other projects or plans. The following likely impacts resulting from the proposed works would need to be considered:

- Air quality
- Habitat disturbance and fragmentation
- Hydrological cycles
- Recreational pressure
- Species disturbance and isolation
- Water quality
- Water supply

- Urban edge effects

3.14 In addition to these specific impacts, impacts created by newly created pathways to the designated site (as a result of the proposed works) would also need to be assessed. These would include:

- Footpaths and associated foot traffic
- River networks
- Roads and subsequent pollution (noise, air quality, vibration, light, etc)
- Species movement
- Water supply
- Wind (air quality)

3.15 The above impacts and newly created pathways would need to be assessed for each feature that led to Strensall Common's European designation as a SAC. For Strensall Common this would include:

- Northern Atlantic wet heath with *Erica tetralix*
- European dry heaths

3.16 The likely significant effects for both the construction and operational phases of the proposed development would also need to be assessed for all of the above impacts.

3.17 Where adverse impacts are identified through the Screening process, further assessment and recommendations for mitigation would be required through an Appropriate Assessment (Stage Two of the HRA process).

3.18 To conclude that without a far greater level of detail regarding the potential impacts of the proposed construction works and the final development, the local competent authority, do not have sufficient information to carry out a Screening assessment (Stage One of the HRA process) for the proposed development.

3.19 Request following conditions: Up-to-date information should be submitted to ensure on-site ecology is afforded appropriate mitigations and enhancements; No vegetation clearance of tree works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests; an invasive non-native species protocol shall be submitted; biodiversity enhancement plan/drawing shall be submitted; lighting design plan shall be submitted. Request following informative: consideration of permeable fencing or leaving occasional gaps suitable to allow passage of hedgehogs

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT
(ARCHAEOLOGY)

3.20 Recommends a condition is attached to any grant of planning permission requesting a programme of post-determination archaeological evaluation.

3.21 The proposed development site has not been subjected to any significant development or any archaeological investigation. Its archaeological potential is unknown although any resource on the site is likely to be relatively shallow and date to the late prehistoric and/or Romano-British periods. The line of a Roman road may run through the eastern edge of this plot although its course is uncertain. The site will require an archaeological evaluation once the site has been cleared but prior to any development work starting. This will take the form of trial trenching covering approximately 4% of the site. The results of the evaluation will determine whether any further work is required.

LEAD LOCAL FLOOD AUTHORITY

3.22 Should follow the Planning Practice Guidance hierarchy for the management of surface water. Insufficient information has been submitted. The submitted information and drainage scheme should be in accordance with CYC Sustainable Drainage Systems Guidance for Developers. Further information is required prior to determination.

PUBLIC PROTECTION

3.23 The Public Protection Officer has no objection to the proposed development subject to conditions being attached to any grant of permission regarding noise insulation measures, submission of a site investigation and risk assessment; a remediation scheme; a verification report; EV charging points, a Construction and Environmental Management Plan and restrictions on hours of demolition and construction.

AFFORDABLE HOUSING

3.24 An affordable housing contribution may be required in accordance with Local Plan Policy H10. As the final layout and proposal is not known for this Outline application. It is recommended that a section 106 agreement sets the terms for establishing whether a contribution is required using the current Policy H10 obligations, and the amount.

3.25 If the relevant policy conditions are met, a commuted sum calculated at 11% provision equivalent for this brownfield site in the rural setting may be required. The total affordable housing obligation in respect of this application would be £25,283.06 per dwelling commuted sum. The full gross floor area will be used to determine whether the final layout exceed the policy requirement threshold of 1,000 square metres.

WASTE SERVICES

3.26 The maximum distances that operatives are required to wheel containers, measured from the furthest point within the storage/collection area to the loading position at the back of the vehicle, is 10 metres (*Officer Note – The Waste Guidance has been updated since the submission of these comments and the revised distance is now 15 metres*). The stopping point for the refuse collection vehicle should be safe, legal and designed to minimise any obstruction to traffic. The developer is required to provide an appropriate place and hardstanding on which to place these bins for collection. This area should be able to contain the household waste bins and the communal recycling bins.

3.27 Each dwelling is entitled to a 180 litre household waste bin and use of the communal recycling bins. As a central collection point is required for this site recycling waste will have to be presented in communal bins, to be located at the bin presentation point. The allocation of recycling bins for this site is 3 * 240 litre + 1 * 236 litre bins. Slopes should be avoided wherever possible along the pathway linking the bin storage / central collection point area to the refuse collection vehicle point.

FORWARD PLANNING

3.28 The site lies within the general extent of the City of York Green Belt. The site is currently in use as a vehicle scrap yard / vehicle dismantlers, with scrap vehicles stacked and a number of buildings on the site. It is therefore, regarded as previously developed land and the application should be considered against criterion (g) of NPPF paragraph 149, in relation to the impact of the proposed development on the openness of the Green Belt and whether it would have any greater impact than the existing use.

EXTERNAL CONSULTATIONS

STRENSALL AND TOWTHORPE PARISH COUNCIL

3.29 Object, inappropriate and unsustainable development within the Greenbelt

YORKSHIRE WATER

3.30 This proposal is in an area not served by the public sewerage network. The application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities.

FOSS INTERNAL DRAINAGE BOARD

3.31 Require further information regarding the proposed drainage on site and have recommended this information be required by a pre-commencement condition.

NORTHERN POWERGRID

3.32 No objections, providing that the rights of Northern Powergrid are not affected and will continue to ensure rights of access to the apparatus on the site for maintenance, replacement or renewal works necessary. Plans have been submitted indicating the NP infrastructure on the site. Ground cover must not be altered either above or below overhead cables, in addition no trees should be planted within 3 metres of existing underground cables or 10 metres of overhead lines

NATURAL ENGLAND

3.33 No comments

4.0 REPRESENTATIONS

4.1. One representation of Support

- High demand for dwellings within Strensall and would benefit the area and local business
- Would improve the visual appearance of the area
- Enhance wildlife
- Plenty of parking spaces

4.2 One representation of objection

- The existing use appears to have been abandoned, as such question the current use class
- Not suitable for residential by virtue of the distance from the facilities within the village.
- Business use would be more sustainable and would replace the jobs lost by the closure of the car breakers yard

5.0 APPRAISAL

Key Issues

5.1. The key issues are as follows:

- The Green Belt
- Habitats Regulations
- Housing Land Supply
- Loss of employment land
- Sustainability
- Highways

- Visual Amenity & Character
- Residential Amenity
- Drainage
- Archaeology
- Public Sector Equality Duty

THE GREEN BELT

5.2. The site is regarded as being within the general extent of the Green Belt. Paragraph 138 of the NPPF states that the fundamental aim of the Green Belt 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.

5.3. In line with the decision of the *Court in Wedgewood v City of York Council [2020]*, and in advance of the adoption of a Local Plan, decisions on whether to treat land as falling within the Green Belt for development management purposes should take into account the RSS general extent of the Green Belt, the 2005 DCLP, the 2018 Draft Plan, insofar as can be considered against paragraph 48 of the NPPF (2019) and site specific features in deciding whether land should be regarded as Green Belt.

5.4. The site is identified as falling within the Green Belt in the proposals maps of the emerging Local Plan (2018), the plan has been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan and maps will be adopted in late 2023. The outer Green Belt boundary in the emerging Local Plan has been drawn to maintain openness and retain permanence based on an assessment of land against the Green Belt purposes set out in para 138 of the NPPF. The proposed Green Belt boundary follows historic features such as administrative and parish boundaries, natural features such as field boundaries and manmade features such as tracks and roads. The swathe of land within which the application site sits has been assessed against the five purposes. In particular the land lies within an area of open, typically agricultural countryside to the north of Strensall and is dominated by flat open fields, with views of isolated farms and hedge and tree boundaries. It is considered that the area within the site sits seeks to safeguard the countryside from encroachment and preserve the setting and special character of the historic town of York, which compromises the main urban area of York encircles by a number of smaller

peripheral settlements sit within relatively flat open countryside. As such, the site should be treated as lying within the general extent of the York Green Belt and the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF.

5.5. The NPPF (paragraph 147) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include: 149(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. It is considered that the application sites falls under the exception of complete redevelopment of previously developed land and is therefore considered to be appropriate development within the Green Belt.

5.6. In terms of the impact on openness the site sits within open countryside, a significant distance from Strensall village. The permanent built form is to the front of the site, the rest of the site has until very recently been occupied by piles of cars between 2 and 4 vehicles high, they were often piled higher towards the Sheriff Hutton Road boundary. Whilst the cars were not a permanent fixture, the storage of cars has taken place on the site for in excess of 30 years. Over the years an informal lay-by has been created on the grass verge of Sheriff Hutton Road. The proposal would be for 6 dwellings and a permanent form of development to the existing a wider access road into the site and the formalised lay-by. Officers on balance would consider that the dwellings on the site would have no further impact on the openness of the greenbelt than the existing use, and it could be considered that the proposal would be an improvement in character and appearance of this site within the countryside. The existing lay-by is of a similar scale to that proposed on the plans, and as such it not considered to impact further on the openness of the Green Belt.

HABITATS REGULATIONS

5.7. A Habitats Regulations Assessment (HRA) refers to the several distinct stages of Assessment which must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) to determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it. European Sites identified under these regulations (such as Strensall Common Special Area of Conservation (SAC) are referred to as 'habitats sites' in the NPPF. The application site is located approximately 1.7 kilometres from the Strensall Common SAC, within the Natural England Impact Risk Zone (IRZ), which indicates that development within these zones could potentially have adverse impacts on the SAC, and therefore a HRA

must be carried out to determine if the proposed development may affect the protected features of Strensall Common.

5.8. With regards to undertaking a HRA, the NPPG sets out that all planning applications 'which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration – typically referred to as the 'Habitats Regulations Assessment screening' – should take into account the potential effects both of the plan/project itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, a competent authority, in this instance the Local Planning Authority (LPA), must make an appropriate assessment of the implications of the plan or project for that site, in view the site's conservation objectives. The competent authority may agree to the development only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the development can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

5.9. If a proposed development is considered likely to have a significant effect on a protected habitats site (either individually or in combination with other plans or projects) then an appropriate assessment of the implications for the site, in view of the site's conservation objectives, must be undertaken (Part 6 of the Conservation of Habitats and Species Regulations 2017).

5.10. Policy G12a 'Strensall Common Special Area of Conservation (SAC)' of the draft Local Plan (2018) sets out in (b(ii)) 'Proposals for other housing development which are not within plan allocations will not be permitted unless it can be demonstrated that they will have no adverse effects on the integrity of the SAC, either alone or in combination with other plans or projects. Any necessary mitigation measures may be sought through planning contributions and must be secured prior to the occupation of any new dwellings and secured in perpetuity. Open space provision must also satisfy policy G16.' The supporting text advises that where windfall development is proposed between 400 metres and 5.5 kilometres from the SAC, permission will not be granted unless it can be demonstrated that the proposals will not have an adverse effect on the integrity of the SAC, both in respect of the proposals themselves and in combination with other development; any necessary measures which avoid or reduce such effects must be provided before first occupation and established in perpetuity. The Council will have to consider whether planning obligations will be required, including financial contributions to secure such measures.

5.11. The application site is located approximately 1.7 kilometres to the north west of Strensall Common SAC and within the Natural England IRZ. The proposal would result in 6 additional dwellings, the development would provide garden space for

each dwelling. The site is isolated and there are no footpaths, public rights of way, or pavements in the immediate vicinity, as such the SAC is the closest public access amenity space (via vehicle) to the application site. The Council's Local Plan Habitats Regulations Assessment identified a likelihood of increased recreational impact on the SAC/SSSI as a result of development within the IRZ.

5.12 The CYC Ecologist has reviewed the application and considers that the information submitted by the applicant is insufficient to enable the LPA as the competent authority to undertake the HRA screening assessment and appropriate assessment as required by the Conservation of Habitats and Species Regulations 2017 (as amended). The CYC Ecologist has set out in detail the required information which is set out in Section 3 of this report. **LOSS OF EMPLOYMENT LAND**

5.13 The NPPF at paragraph 38 states that the LPA should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development (paragraph 81).

5.14 Draft Policy EC2 (Loss of Employment Land) of the Draft Local Plan (2018) sets out that when considering proposals which involve the loss of land and/or buildings which are either identified, currently used or were last used for employment uses, the council will expect developers to provide a statement to the satisfaction of the Council demonstrating that: the existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses. The supporting text for Draft Policy EC2 sets out that the Council will expect the applicant to provide evidence proportionate to the size of the site of effective marketing the site/premises for employment uses for a reasonable period of time, the Local Plan Policy Modifications details an 18 month marketing period.

5.15 Where an application is seeking to prove a site is no longer appropriate for employment use because of business operations, and/or condition, the LPA will expect an objective assessment to be submitted with the application detailing the shortcomings of the land/premises that demonstrates why it is no longer appropriate for employment use. The proposed modifications to the Policies are now with the Planning Inspectorate following consultation earlier in the year. The wording of Draft Policy EC2 has not altered in the proposed modifications to the Planning Inspector, only the supporting text as set out above as such this policy is considered to have moderate weight.

5.16 No marketing evidence or an objective assessment as required by Draft Policy EC2 has been submitted with the application. Without this information Officers are unable to assess if the loss of employment land is acceptable. Therefore, the

proposed development does not comply with Draft Local Plan Policy EC2 paragraph 81 of the NPPF.

SUSTAINABILITY

5.17 The NPPF is clear that the purpose of the planning system is to contribute to the achievement of sustainable development. The development is not situated in a sustainable location. It will require dependency on motorised vehicles due to the lack of sustainable transport options available. The nearest bus stop and local facilities are located 1200 metres away in Strensall village with no footway or lighting and narrow verges for the initial 800 metres of this journey from the site alongside an unrestricted speed road. Cycling would be unattractive to all but the ardent cyclist due to the narrowness of the road, lack of street lighting, and unrestricted speed limit for the initial 800metres towards Strensall village.

5.18 Residents of the proposed dwellings would be entirely reliant on private cars and local services are some distance from the site. The proposal would result in relatively high comings and goings by vehicle to access local services. To this extent the proposal would result in vehicle movements with no potential for more sustainable modes of transport being utilised.

5.19 As such the proposed development fails to comply with paragraphs 92 104, 105, 112, 124 and 130 of the NPPF, which sets out that decision should create places that are safe, inclusive and accessible, and development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

HIGHWAYS

5.20 The NPPF encourages development that is sustainably located and accessible. Paragraph 110(b) of the NPPF requires that all development achieve safe and suitable access for all users. It advises at paragraph 111 of the NPPF that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Further, paragraph 112 of the NPPF requires development to, inter alia, give priority first to pedestrians and cycle movements and create places that are safe, secure and attractive thereby minimising the scope for conflicts between pedestrians, cyclists and vehicles. Draft Local Plan Policy T1 supports the approach of the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway, giving priority to pedestrians and cyclists. The proposed modifications to the Policies are now with the Planning Inspectorate following consultation earlier in the year. Draft Local Plan Policy T1 has been revised to 'For all development, public transport services should be within reasonable safe walking distance of all parts of the development'. This policy is considered to reflect the aims of the NPPF.

5.21 The Highways team have expressed dissatisfaction at the vehicle parking layout/provision within the site, however this is not considered to result in sufficient harm as to warrant a recommendation for refusal on this basis.

5.22 Approval is sought for access and layout as part of this outline application. Access into the site is proposed over the existing informal layby. The existing informal layby is located on highway verge and has grown over time, no consent can be found for this layby. The existing layby is earth with no formal surfacing. The proposed access and site layout does not allow refuse vehicles to enter the site. Therefore Highway Development Control would require the layby to be formally constructed and surfaced to allow for access to the site but also to allow the bin lorry to pull off the road when collecting refuse. The submitted site plan (Reference 660-01-PL Revision M) shows proposals to form a new layby constructed to the Highway Authority Specification. This would be the subject of a Section 278 Highway Agreement.

5.23 The proposed plan shows the refuse bins storage area located on the adopted highway. Highway Development Control have advised this is contrary to paragraph 149 of the Highways Act (1980) and that the refuse bin storage area should be located within the site with a maximum 15 metre drag distance for operatives to the bin lorry. As such it is considered that the proposed site layout which is subject to approval under this outline application could not be delivered as it is contrary to the Highways Act 1980.

VISUAL AMENITY AND CHARACTER

5.24 Chapter 12 of the NPPF gives advice on design, placing great importance to that design of the built environment. In particular, paragraph 130 of the NPPF states that planning decisions should ensure that development, inter alia, will add to the overall quality of the area, be visually attractive, sympathetic to local character and history and have a high standard of amenity for existing and future users. This advice is reflected in Draft Policies D1 and D2 of the Draft Local Plan. These policies are subject to minor modifications as such moderate weight can be afforded.

5.25 Field and property boundaries are marked with hedges and trees in the immediate vicinity of the application site. There are a few detached dwellings and farm houses directly accessed off Pottery Lane and Sheriff Hutton Road, within a short distance of the site. The impression from Sheriff Hutton Road is of a minor road traveling through open countryside, with occasional farmsteads and small rural businesses. Public visibility of the site is restricted to Sheriff Hutton Road, which has no pavement and is mostly travelled by vehicles. The deciduous trees and hedges around the perimeter of the site provide some screening, but the operational site is nonetheless visible, especially in the winter months. The content of the site is only

apparent within the immediate approach/proximity. The proposed development would also be visible from Sheriff Hutton Road. Screening of the site from Pottery Lane would be more effective in the long term due to the greater physical distance between the lane and the narrowest edge of the site, the proposed planting, and the context of other neighbouring dwellings and vegetation.

5.26 The development would be of a substantially different and permanent character than the existing. The plans indicate one and two storey buildings. The dwellings have been grouped towards the eastern part of the site, the height and scale of the buildings would be similar to the existing buildings on site. Materially, it would be quieter than the scrap vehicles, and would present a more pleasing aesthetic. Retention of the existing landscaping and replacement/mitigating landscaping is considered to be important to the success of the development.

5.27 The proposed density of 12 units per hectare is lower than that required by Policy H2 (35 units per hectare), however the proposed density is considered to be appropriate to the area, an increase in density would likely impact on the openness of the greenbelt and visual amenity.

5.28 In terms of the proposed formalisation of the existing layby and the storage of refuse bins fronting onto Sheriff Hutton Road, whilst Officers have concerns that the formalisation of the layby could result in an overtly urban appearance in this mainly rural location, it is not considered that this would warrant a reason for refusal. Furthermore, if planning permission were to be granted for this application the proposed layby design would be the subject of a Grampian Condition.

RESIDENTIAL AMENITY

5.29 The NPPF seeks a good standard of amenity for all existing and future occupants, and that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are sympathetic to local character and history, including the surrounding built environment and landscape setting. Policy GP1 of the 2005 Development Control Draft Local Plan and policies D1 and ENV2 of the 2018 Draft Local Plan seek 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.

5.30 The sites is likely to be heavily contaminated from the existing use, as such the Public Protection team have requested conditions for the decontamination of the report, it is consider that if the development was considered acceptable that these conditions would be necessary.

5.31 There would be minimal impact on other properties outside the site given the separation distances. The proposed properties would have adequate internal and external private space and there would be limited overlooking between the dwellings subject to conditions regarding boundary treatment. As such the proposed development would comply with Draft Policies D1 and ENV2.

DRAINAGE

5.32 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) and Publication Draft York Local Plan (2018) Policy ENV5 (Sustainable Drainage) advise discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced. Insufficient details have been provided to demonstrate that a soakaway would be suitable in this location. There appear to be no surface water sewers in the locality. The applicant intends to discharge water into the watercourse. We would usually require details of the drainage scheme to be submitted prior to determination. Officers consider that an acceptable drainage scheme can be achieved on site as such if the development was considered to be acceptable details of the foul and surface water could be sought via condition to be submitted with the reserved matters application.

ARCHAEOLOGY

5.33 Paragraph 203 of the NPPF requires the effect on an application on the significance of a non-designated heritage asset to be taken into account in determining the application. Paragraph 194 advises that an appropriate desk-based assessment and where necessary a field evaluation be submitted where a development site includes heritage assets with archaeological interest. Policy D6 (Archaeology) of the draft Local Plan (2018) is considered to reflect national policy.

5.34 The Council's Archaeologist has been consulted and considers any resource on the site is likely to be relatively shallow and date to the late prehistoric and/or Romano-British periods. The line of a Roman road may run through the eastern edge of this plot although its course is uncertain. The Archaeology Officer has confirmed they would require a condition for archaeological investigation.

PUBLIC SECTOR EQUALITY DUTY

5.35 Section 149 of the Equality Act 2010 contains the Public Sector Equality Duty (PSED) which requires public authorities, when exercising their functions, to have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.36 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

5.37 The PSED does not specify a particular substantive outcome, but ensures that the decision made has been taken with “due regard” to its equality implications.

5.38 Insufficient information has been provided to determine if the loss of employment and loss of the particular business would impact people with protected characteristics. However the unsustainable location and the resulting difficulties in accessing local facilities, schools, public transport etc and accessing the application site would affect people with protected characteristics in particularly those with disabilities and those of age and disability where they are unable to drive a vehicle. Officers have given due regard to the equality implications of the proposals in making its recommendation.

6.0 CONCLUSION

- 6.1 The presumption in favour of sustainable development set out at paragraph 11 of the NPPF does not apply when the application of policies relating to Green Belt and habitats sites (180) indicate that permission should be refused.
- 6.2 The application site is located within the general extent of the York Green Belt and serves a number Green Belt purposes. The proposal is not considered to further impact on the openness of the Green Belt and proposed development is considered to fall within exceptions 149 (g) of the NPPF.
- 6.3 Insufficient information has been submitted with the application for the LPA, as the Competent Authority, to undertake a Habitats Regulations screening Assessment and Appropriate Assessment. On the basis of the lack of information, Officers are unable to assess whether there are any adverse

effects on the integrity of the SAC, either alone or in combination with other plans or projects, or if any necessary mitigation measures may be required.

- 6.4 The proposed development is in an unsustainable location. It will require dependency on motorised vehicles due to the lack of sustainable transport options available. The nearest bus stop and local facilities are located 1200 metres away in Strensall village. Residents of the proposed dwellings would be entirely reliant on private cars. The proposed development fails to comply with paras 92 104, 105, 112, 124 and 130 of the NPPF.
- 6.5 No information has been submitted with respect of policies EC2 (Loss of Employment Land)), as such without further information officers are unable to assess whether the loss of employment land is acceptable and therefore determine if the proposed development complies with Draft Local Plan Policy EC2 and paragraph 81 of the NPPF
- 6.6 It is noted that the proposal would provide additional housing, however this is not considered to outweigh the above specified harms. Refusal is recommended.

7.0 RECOMMENDATION: Refuse

1 Insufficient information has been submitted with the application for the Local Planning Authority, as the Competent Authority, to undertake a Habitats Regulations Screening Assessment and Appropriate Assessment as required by the Conservation of Habitats and Species Regulations 2017 (as amended). As a result, Officers are unable to undertake the required screening assessment and assess whether there are any adverse effects on the integrity of the SAC, or if any necessary mitigation measures may be required. Due to the insufficient information, Officers are also unable to determine if the application complies with Policy G12a 'Strensall Common Special Area of Conservation (SAC) of the draft Local Plan (2018).

2 The proposed development is in an unsustainable location. Residents of the proposed dwellings would be entirely reliant on private vehicles due to the lack of sustainable transport options available. The proposal would result in vehicle movements with no potential for more sustainable modes of transport being utilised. As such the proposed development fails to comply with paras 92, 104, 105, 112,

124 and 130 of the NPPF, that requires developments to 'create places that are safe, inclusive and accessible' and to promote walking, cycling and public transport.

3 No information has been submitted to demonstrate that the proposal would comply with the requirements of Policy EC2 (Loss of Employment Land) of the draft Local Plan (2018) and Policy E3b (Existing and Proposed Employment Sites) of the Development Control Local Plan (2005). On the basis of the lack of information, Officers are unable to assess whether the proposed development complies with these policies and Paragraph 81 of the NPPF.

8.0 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 (paragraph 38) 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.

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