

## COMMITTEE REPORT

**Date:** 17 August 2017      **Ward:** Osbaldwick and Derwent  
**Team:** Major and      **Parish:** Osbaldwick Parish  
Commercial Team      Council

**Reference:** 17/01671/FUL  
**Application at:** Holly Tree Farm Murton Way York YO19 5UN  
**For:** Construction of realigned and widened access road and bridge (retrospective) to serve approved log cabins and fishing lake adjacent to property (resubmission)  
**By:** Mr Peter Mandy  
**Application Type:** Full Application  
**Target Date:** 1 September 2017  
**Recommendation:** Approve

### 1.0 PROPOSAL

- 1.1 Holly Tree Farm comprises an agricultural small holding lying in a prominent location within the York Green Belt at the eastern edge of Osbaldwick village. Planning permission has previously been given on appeal for change of use and conversion of a former domestic stable into a two bedroom holiday let which is now in separate ownership and operation to the farm. A further permission was subsequently given for construction of a separate access incorporating a bridge over the Osbaldwick Beck.
- 1.2 Planning permission was refused in respect of retention of a shuttered concrete bridge with a widened and re-aligned access track at the 15th June 2017 meeting of this Committee on the grounds of impact upon the open character of the Green Belt. The proposal has now been resubmitted on the basis of the revised alignment and widening of the bridge by 70cm but with the width of the access track reduced to that previously approved with the bridge itself clad in brick.

### 2.0 POLICY CONTEXT

See section 4 below.

### 3.0 CONSULTATIONS

INTERNAL:-

- 3.1 Highway Network Management were consulted with regard to the revised proposal on 13th July 2017. Views will be reported orally at the meeting.

3.2 Strategic Flood Risk Management were consulted with regard to the revised proposal on 13th July 2017. Views will be reported orally at the meeting.

EXTERNAL:-

3.3 Osbaldwick Parish Council was consulted with regard to the revised proposal on 13th July 2017. Views will be reported orally at the meeting.

3.4 The Ouse and Derwent (2008) Internal Drainage Board was consulted with regard to the revised proposal on 13th July 2017. Views will be reported orally at the meeting.

3.5 The Environment Agency raises no objection to the proposal as revised.

## **4.0 APPRAISAL**

### KEY CONSIDERATIONS

#### 4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the open character and purposes of designation of the York Green Belt;
- Landscape impacts
- Impact upon the local pattern of surface water drainage.

#### PLANNING POLICY CONTEXT:-

##### Development Plan

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

##### Local Plan

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the

DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. Relevant draft policies are:

- CGP15A - Development and Flood Risk
- CYGB1 - Development within the Green Belt
- CYV2 - Infrastructure and services for visitors

## Emerging Local Plan

4.4 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was halted pending further analysis of housing projections. An eight week consultation on a further Preferred Sites document has concluded. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

4.5 Relevant draft policies are:

- GB1 - Development within the Green Belt
- ENV4 - Development and Flood Risk

## The National Planning Policy Framework (NPPF)

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

4.7 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. Officers' view is that this presumption does not apply to this proposal as the site lies within the general extent of the Green Belt as identified in the RSS and therefore justifies the application of the Green Belt policies in Section 9 to the NPPF.

4.8 GREEN BELT:- As noted above, the general extent of the York Green Belt is defined within saved Yorkshire and Humber RSS Policies YH9C and Y1C as such Central Government Policy in respect of Green Belts as outlined in the National

Planning Policy Framework applies. Central Government Planning Policy as outlined in paragraph 87 of the National Planning Policy Framework indicates that inappropriate development within the Green Belt is by definition harmful to the Green Belt and should not therefore be approved other than in very special circumstances. Paragraph 88 establishes that when considering a planning application Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm by reason of inappropriateness and any other harm are clearly outweighed by other considerations.

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

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

4.10 FLOOD RISK:-Paragraph 103 of the National Planning Policy Framework urges that significant weight should be afforded to ensuring that flood risk is not increased elsewhere and only consider development as appropriate in areas at risk of flooding where informed by a site specific risk assessment and following a Sequential Test.

#### IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE GREEN BELT:-

4.11 Policy GB1 of the York Development Control Local Plan sets out a firm policy presumption that planning permission for development within the Green Belt will only be forthcoming where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it is for one of a number of purposes identified as being appropriate within the Green Belt including agriculture and forestry. Central Government Policy as outlined in paragraph 79 of the National Planning Policy Framework establishes their fundamental characteristics as being their openness and permanence.

4.12 The development as constructed has comprised the construction of a 6.2 metre wide reinforced concrete bridge with associated concrete surfaced access road to give access across the Osbaldwick Beck to the previously approved holiday let beyond to which a development of eight timber holiday lodges were subsequently

added. Together with the widened tarmaced and kerbed access drive and the removal of a section of the existing hedge boundary it was felt to be harmful to the openness of the Green Belt in that locality and is inappropriate development in the Green Belt. The scheme as amended envisages the cladding of the exterior of the bridge in brick as in part originally envisaged and the reduction of the width of the access road to that previously envisaged. The reduction in the width of the access road and the cladding of the bridge would make it appear considerably less stark and raw within the wider street scene and would address the issue of impact upon openness of the Green Belt as with weathering it would settle into the surrounding townscape as other similar bridges have done within the length of the Osbaldwick Beck further to the west.

4.13 Paragraph 90 of the NPPF establishes engineering operations as being not inappropriate within the Green Belt provided they would preserve openness and would not conflict with the purposes of Green Belt designation. The construction of the bridge and associated access track is an engineering operation. It is felt on balance that the scheme as revised with a brick cladding that reflects the design approach to other bridges further to the west on the Osbaldwick Beck within Osbaldwick village and with the access track reduced to its approved dimensions would not compromise the openness of the Green Belt or the purposes of including land within it and so is not inappropriate development in Green Belt terms. Development that is not inappropriate because it falls within one of the exceptions in paragraph 90 of the NNPF is deemed not harmful to the Green Belt.

#### HARM TO LANDSCAPE/VISUAL AMENITY

4.14 The bridge as erected combined with the access road as constructed appeared both crass and raw within an otherwise rural, well landscaped setting. The proposal as re-submitted involving cladding the bridge in brick as originally intended and as occurs with other bridges within Osbaldwick village together with reducing the access track width to that previously approved would successfully address the harm giving rise to a development far more characteristic of the local area and therefore in broad terms acceptable.

#### IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:-

4.15 Paragraph 103 of the NPPF indicates that in considering development Local Planning Authorities should ensure that flood risk is not transferred elsewhere. Policy GP15a) of the York Development Control Local Plan sets out a firm policy requirement that within areas of high flood risk that the developer should satisfy the Local Planning Authority that any flood risk can be satisfactorily managed with the minimum environmental effect whilst ensuring that the site can be developed, serviced and occupied safely. The site lies within Flood Zone 3a) and is therefore judged to be at high risk of flooding in the event of a severe rainfall event. However, the construction of an access road and bridge of the type proposed is considered

within the Environment Agency's risk matrix to be flood compatible development. As a consequence the requirements for a sequential test and site specific Flood Risk Assessment otherwise required does not apply in this case. With the reduction in the width of the access track the area of impermeable surfacing will be materially reduced and the dimensions of the bridge culvert have previously been the subject of approval by the Ouse and Derwent IDB in terms of allowing a reasonable through flow of water in the event of a severe rainfall event. The proposal is therefore felt to be acceptable in flood risk terms.

## 5.0 CONCLUSION

5.1 The proposal to retain the shuttered concrete bridge has now been resubmitted on the basis of the revised alignment and widening of the bridge by 70cm but with the width of the access track reduced to that previously approved, with the bridge itself clad in brick.

5.2 It is felt on balance that the scheme as resubmitted successfully addresses the earlier concerns that led to the previous application being refused, in terms of impact upon the openness of the Green Belt and is appropriate development in terms of Green Belt policy. At the same time it is felt that the revised proposals would address the earlier concerns in respect of harm to landscape character and visual amenity and are therefore acceptable in planning terms. Approval is therefore recommended.

## 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Refs: - 1584-300 P00; 1584-107 P01; 8174/01A.

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

3 VISQ8 Samples of exterior materials to be app

4 LAND1 IN New Landscape details

5 Prior to the external cladding of the bridge hereby authorised being undertaken full details of the proposed balustrade including colour, finish, dimensions, location and design shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved before being brought into use and

maintained as such thereafter.

Reason: - To safeguard the open character of the Green Belt and to secure compliance with Policy GB1 of the York Development Control Plan.

**7.0 INFORMATIVES:  
Notes to Applicant**

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

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

- i) Sought a reduction in width of the access road to the previously approved dimensions.
- ii) Sought a cladding of the bridge as previously approved.

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