



respect of Green Belts as outlined in the National Planning Policy Framework applies.

## National Planning Policy Framework – Relevant policies

2.2 Paragraphs 87 -90 of the National Planning Policy Framework are of particular relevance in considering the proposal. Paragraph 87 identifies that inappropriate development within the Green Belt is by definition harmful to the Green Belt and should not be approved except in "very special circumstances". Paragraph 88 indicates that substantial weight should be given to any harm to the Green Belt. "Very special circumstances will not be deemed to exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations. Paragraph 89 , meanwhile identifies the construction of new building within the Green Belt as inappropriate unless it falls within one of a number of specific categories deemed to be appropriate and paragraph 90 identifies certain other forms of development including local transport infrastructure that can demonstrate the need for a Green Belt location as being not inappropriate providing it preserves the open character of the Green Belt and does not conflict with the purposes of including land within it.

2.3 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.

## Status of the York Development Control Local Plan (2005 4th set of changes)

2.4 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions although it is considered that any weight is limited except where in accordance with the National Planning Policy Framework. Relevant policies are noted below:-

CYGB1 - Development within the Green Belt

CGP15A - Development and Flood Risk

CYV2 - Infrastructure and services for visitors

## Status of the Emerging Local Plan

2.5 The (Emerging) Publication Draft York Local Plan (2014) is currently not progressing through its statutory consultation. At the present early stage in the statutory process the emerging Local Plan policies carry only very limited weight (here relevant and in accordance with the terms of the National Planning Policy

Framework). The evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application. The following policies are of relevance in considering the application:-

ENV4 - Flood Risk

ENV5 - Sustainable Drainage

GB1 - Development in Green Belt

D2 - Place making

### **3.0 CONSULTATIONS**

INTERNAL:-

Highway Network Management

3.1 Raises no objection to the proposal.

Strategic Flood Risk Management

3.2 Was consulted with regards to the proposal on 21st April 2017. Views will be reported orally at the meeting.

EXTERNAL:-

Osboldwick Parish Council

3.3 Objects to the proposal on the grounds of its extremely harmful nature to both the visual amenity of the wider street scene and the openness of the Green Belt. It is furthermore felt that the design of the bridge would ensure that it acts as an obstruction in the event of a severe rainfall event in the locality with a consequent increase in flood risk to those properties upstream of its location.

The Environment Agency

3.4 Was consulted with regards to the proposal on 21st April 2017. Views will be reported orally at the meeting.

The Foss (2008) Internal Drainage Board

3.5 Raises no objection to the proposal.

Neighbour Notification and Publicity:-

Application Reference Number: 17/00846/FUL

Item No: 4f

3.6 The application was publicised by means of a site notice and by neighbour notification on 8<sup>th</sup> May 2017. One letter of objection has been received objecting to the proposal on the grounds that it would substantially increase flood risk for neighbouring properties in the event of a severe rainfall event.

## 4.0 APPRAISAL

### KEY CONSIDERATIONS

4.1 Key considerations include:-

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

### PLANNING POLICY CONTEXT

4.2 GREEN BELT:- The general extent of the York Green Belt is defined within saved Yorkshire and Humberside RSS Policies YH9C and YIC 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 is by definition harmful to the Green Belt and should not therefore be approved other than in very special circumstances. Paragraph 88 provides 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 is clearly outweighed by other considerations. Policy GB1 of the (Emerging) Publication Draft Local Plan is also relevant in this respect.

4.3 FLOOD RISK:- Paragraph 103 of the National Planning Policy Framework states 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

4.4 Paragraph 79 of the National Planning Policy Framework identifies the essential characteristics of Green Belts as being their openness and permanence. Following on from that paragraph 80 identifies five purposes of designation of the Green Belt. Of particular relevance in consideration of the current proposal is the safeguarding of the open countryside from urban encroachment. The structure as erected has a harsh and visually obtrusive urban appearance which detracts from the character of

the Green Belt as the village opens out into the countryside to the east giving rise to further harm quite over and above the clear harm caused to openness.

4.5 The application site lies in a visually prominent location at the eastern edge of Osbaldwick village where the built edge of development opens out into open countryside. The Osbaldwick Beck flows within a wide green verge which contributes to the pleasant rural ambience of the area. A number of other properties in the direct vicinity are accessed across the Beck by small scale bridge accesses which sit comfortably within the street scene. The development has involved 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 lets beyond. The previously approved but unimplemented scheme involved the construction of a brick clad bridge with a carriageway lined in porous material some 3 metres wide directly to the east. The bridge as constructed is executed in shuttered concrete which appears raw and visually highly obtrusive in the wider street scene. In addition the bridge appears totally out of scale when viewed against its neighbours in close proximity.

4.6 The proposal amounts to an engineering operation within the general extent of the Green Belt. Paragraph 90 of the NPPF states that engineering operations can be “not inappropriate” within the Green Belt where they would preserve openness and would not harm the purposes of designation. In officers’ view, the bridge as constructed is clearly harmful to openness and as a consequence is not appropriate development. In order to meet the NPPF Green belt policy tests the proposal would need to demonstrate that there are other material considerations that clearly outweigh the harm by reason of inappropriateness and any other harm, which amount to very special circumstances.( Paragraphs 87 and 88 of the NPPF). No other material considerations have been put forward and as such the scheme is unacceptable in Green Belt terms.

## IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE

4.7 Paragraph 103 of the NPPF indicates that in considering development Local Planning Authorities should give particular weight to the need to ensure that flood risk is not transferred else where. 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 scheme as approved incorporated a number of sustainable drainage methods including sections of permeable paving gravel through which surface water can free flow within the structure of the bridge. The bridge as constructed is however in shuttered concrete which is absolutely impermeable and which would cause the surface water to run off in one single mass thereby exacerbating problems of existing high levels of surface water run off. Additionally the nature of the structure is such that in the event of a

severe rainfall event notwithstanding the size of the culvert incorporated within it, it would act as an obstruction causing flood water to be held behind with the increased risk of flooding to properties along its alignment to the east. The development is therefore felt to be unacceptable in flood risk terms.

## **5.0 CONCLUSION**

5.1 Holly Tree Farm comprises an agricultural small holding lying in a prominent location within the general extent of 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 with sustainable drainage measures over the Osbaldwick Beck. Permission is now sought for the retention of a more substantial shuttered concrete bridge access on a slightly different alignment.

5.2 The bridge as erected comprises a substantial shuttered concrete structure much larger in scale and more harmful in terms of visual impact than that previously approved. The development through its harm to openness represents inappropriate development within the Green Belt. No other considerations have been put forward by the Applicant that would clearly outweigh the harm to the Green Belt, and in the absence of any very special circumstances the proposal conflicts with Green Belt policies in the NPPF. Additionally the development lacks the sustainable drainage methods incorporated within the approved scheme and would form an obstruction to flood waters in the event of a severe rainfall event. The proposal is considered to conflict with Flood Risk policies within the NPPF and is therefore not felt to be acceptable in planning terms and refusal is recommended.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 The proposal constitutes an engineering operation. Due to its scale, design and palette of materials it gives rise to substantial harm to the openness of the Green Belt and as such is inappropriate development contrary to paragraph 90 of the NPPF. No other considerations have been put forward by the Applicant that would clearly outweigh the harm to the Green Belt and therefore in the absence of any very special circumstances the proposal is therefore contrary to Section 9 of the National Planning Policy Framework and policy YH9 of the Yorkshire and Humber Plan and also conflict with Draft Development Control Local Plan (2005) policy GB1: Development in the Green Belt.

2 The structure by virtue of its scale, materials and mode of construction would give rise to an obstruction to flood waters in the event of a severe rainfall event with

consequent increased risk of flooding to those resident along the line of the Osbaldwick Beck to the east of the site, contrary to paragraph 103 of the National Planning Policy Framework and Policy GP15a) of the 2005 York Development Control Local 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 an attempt to achieve a positive outcome:

Sought clarification of the capacity of the bridge to allow water through in the event of a severe rainfall event.

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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