

COMMITTEE REPORT

Date: 7 January 2016 **Ward:** Strensall
Team: Major and **Parish:** Strensall With Towthorpe
 Commercial Team Parish Council

Reference: 15/02353/OUTM
Application at: Site Lying Between 92 and 100 The Village Strensall York
For: Outline application for erection of 11no. dwellings including approval of means of access (resubmission)
By: Shirethorn Limited
Application Type: Major Outline Application (13 weeks)
Target Date: 14 January 2016
Recommendation: Refuse

1.0 PROPOSAL

1.1 This is an outline application for the erection of residential development on 0.6Ha of land at The Village, Strensall.

1.2 As an outline application matters may be reserved for later submission. In this case matters reserved are layout, scale, appearance and landscaping details; the access arrangements have been provided as part of the submission. The site comprises land located on the south side of Strensall village. Access is from the village frontage and the land extends to 0.6ha. To the north and east is existing residential development to the south is the Scarborough to York railway line and to the west is open land.

1.3 Although in outline with matters reserved an illustrative layout indicates the erection of 11 houses. The proposed access is located between 100 and 102 The Village and consists of 5.5metres wide access road with 2 metre footpaths either side. The plan in the submitted access details appraisal shows visibility of 43 metres in either direction along The Village frontage.

PLANNING HISTORY

1.4 An application for the same proposal was withdrawn in May 2015 (application reference: 14/02962/OUTM)

1.5 In 1991 permission was granted on appeal for the site and adjoining land through to Southfields Road/Princess Road, 6.5Ha of land, to be developed for residential development. This appeal decision was quashed by order of the high court and the application re-determined by the Secretary of State in November 1995.

The November 1995 appeal was dismissed on the grounds that the development was premature pending the outcome of the then emerging local plan (Southern Ryedale Local Plan) and the site was in Green Belt and represented inappropriate development.

1.6 The North Yorkshire Green Belt local plan post modification document September 1995 showed the site being retained within the Green Belt and the last version of the Southern Ryedale Local Plan (not adopted) before Strensall became part of the city of York area showed the site within Green belt.

1.7 Early versions of the City of York Council Development Control Local Plan (1998, 1999 and 2003) shows the site retained within Green belt as does the Development Control Local Plan document adopted for development control purposes in April 2005.

1.8 The site has been allocated for development in the emerging local plan, paragraphs 4.23 to 4.25 of this report sets out the site selection process leading to the site's allocation.

2.0 POLICY CONTEXT

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|------|---|
| SP2 | The York Green Belt |
| SP7a | The sequential approach to development |
| GB1 | Development in the Green Belt |
| GB6 | Housing Development Outside Settlement Limits |
| GP1 | Design |
| GP4A | Sustainability |
| GP9 | Landscaping |
| HE10 | Archaeology |
| NE1 | Trees Woodlands and Hedgerows |

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 Do not object to the principle of the proposal but are not satisfied with the detailed access arrangements shown on the submitted drawings. More information is needed to show how the access can be achieved with the position of adjacent driveways and existing landscape features.

Planning and Environmental Management – Ecology

3.2 A large population of great crested newts exists at the pond located c.200m west of the site, within Strensall Village Meadows SINC (Site of Importance to Nature Conservation). The application contains optimum terrestrial habitat for great crested newts. A European Protected Species Licence will be required from Natural England for the development. Currently there is similar habitat readily available around and within 250m of the pond and therefore if considered in isolation the loss of this relatively small area (0.6ha) is unlikely to have a significant impact on the long term conservation status of the population of great crested newts. The current proposals will reduce the area of optimum terrestrial habitat for great crested newts, making them more dependant on the land within the larger H30 allocation, which if developed is likely to have a more significant impact and require more substantial mitigation. Further detail on the habitat enhancement proposed in the ecology report is required to confirm that it is deliverable - gardens are considered to be of lower value and outside of any management control and therefore not generally acceptable as compensation.

Planning and Environmental Management - Archaeology

3.3 The construction of the proposed dwellings may reveal or disturb archaeological features relating to the village or to the earlier prehistoric-Romano-British landscape. A strip, map and record exercise is recommended to further investigate this area.

Public Protection

3.4 No objection to the principle of the development. Sound attenuation can be provided within the dwellings close to the railway line on the southern side of the site to protect the internal area of the dwellings from noise. Externally an acoustic fence will be needed along the southern boundary to protect external amenity areas. The acoustic fence should be 2 metres high. Details of the fence may be conditioned. Conditions are requested to protect the amenity of adjacent residents during the construction period, in relation to contamination of the site given its proximity to the railway line and to ensure the provision of electric recharging points for vehicles.

Flood Risk Management Team

3.5 Any comments will be reported verbally at the meeting.

EXTERNAL

Strensall Parish Council

3.6 The Parish Council object to the application. Their response is a 13 page document and can be summarised as follows:-

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- Premature as the new Local Plan is still under consideration
- The site is outside the settlement limits for Strensall and within the Green Belt
- Despite reference to appeals in 1991 and 1995 the appeal at the Brecks shows that only the saved policies in the RSS are current guidance applications in Green belt are being refused in line with the Brecks decision.
- The 1991 appeal (which allowed permission on the site as part of a larger area) was quashed by the high court. The 1995 appeal was dismissed in which it was said that there was no basis to question the Green belt status of the site.
- The site fulfils four of the five purposes of Green Belt.
- The advice in the NPPF regarding Green Belt should be taken into account
- No changes in circumstances since the withdrawal of the last application the planning officer letter to the agent setting out the reasons why that application could not be supported is still relevant.
- Brownfield land should be considered for development before Green Belt
- The site access is unsuitable for the housing development
- Strensall Village Design Statement should be taken into account
- There were concerns about the development of the site in the further sites consultation (call for sites) to the Local Plan
- There is a wonderful variety of wildlife on the site.
- Yorkshire wildlife trust says there will be an adverse effect on wildlife including Greater Crested Newts
- The development will have an adverse effect on Strensall Village Meadows a Site of Interest to nature Conservation
- NPPF requires enhancement of the local environment
- Similar applications have been refused in York
- Since the 1960's lots of development without sufficient infrastructure being put in place.
- Strensall referred to as a village but has the population of a town
- The site provides the only remaining view from the village into open countryside
- Concerned about the capacity of existing surface and foul drainage to accept further development.
- Cumulative developments having an adverse effect on the capacity of Robert Wilkinson Primary school
- Scheme shows family housing which will have larger impact on school capacity
- Facilities in Haxby referred to by the applicant but there is no public transport to Haxby
- The development will cause further congestion on The Village.
- Health Centre likely to be overwhelmed by additional development
- Attention is drawn to the petition on behalf of residents by Cllr Ann Reid to the allocation of the site.

Foss Internal Drainage Board

3.7 Pumping of surface water to the water course is unacceptable to the Board. An infiltration method of drainage would be favoured. Surface water run off shall be restricted to existing green field run off rates. Conditions are requested.

Yorkshire Water Services

3.8 No comments.

Network Rail

3.9 Would like to place a holding objection on the application due to lack of drainage information. All foul and surface water must be directed away from the railway. Drainage should be conditioned. Network Rail set out a comprehensive list of safety requirements in relation to development near railway lines. Such requirements do not preclude planning permission but require care to be taken with construction machinery, access, boundary protection, sound proofing, drainage and landscaping. Network Rail's comments will be forwarded to the applicant for information.

Natural England

3.10 No objections

Yorkshire Wildlife Trust

3.11 Due to the isolated nature of the triangle of fields to the north of the railway track, it is considered that the development will not have an adverse impact on the protected sites to the south of the railway such as the Yorkshire Wildlife Trust's Strensall common reserve, the larger Strensall common SAC or most of the Sites of Importance for Nature Conservation (SINC). Strensall Village Meadows SINC is however likely to be affected by the development. The SINC is designated for its population of Great Crested Newts. The development will affect the amount of land available for the newts to forage in. The current plans for mitigation are not sufficient to ensure that the development will not adversely impact on the population of great crested newts. A more effective mitigation strategy would be to include an area of mitigation land in the adjacent field managed to provide optimal foraging habitat for Great Crested Newts as well as an additional breeding pond. This strategy would accord with advice in the NPPF.

Ward Councillors

3.12 A letter of objection has been received from the local members for Strensall - Cllr Paul Doughty and Cllr Helen Douglas covering the following points:-

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- Concerns centre around the loss of an essential greenbelt wedge and the impact on the local infrastructure including local roads, related congestion and access, amenities, wildlife, local schools and drainage.
- The principal material planning consideration is that this application cannot demonstrate very special circumstances for developing in the greenbelt.
- As with the Brecks site the development is considered premature.
- There are still significant brownfield opportunities for available development across the city
- There is also proven recognition that we already have at least a 5 year supply of housing land available in the council authority area.
- The revisions to the new local plan are yet to be published
- No applications on this site should be considered before the Local Plan is in place. Councillors have further questions and concerns regarding its selection to come forward for development.
- Concerned about only part of the site coming forward.
- There is intense local opposition
- Concerned about traffic and highway restrictions within the village and the impact of further development on existing facilities and roads.
- The site is also in very close proximity to an area of nationally significant nature conservation.
- The local primary school is at capacity.
- The sewage system is at capacity in Strensall and needs significant investment before any more development. Network rails comments in this regard should be noted.
- Strensall has taken more than its fair share of houses
- Strensall cannot go on accepting significant new development in Strensall without consideration of the wider local environment and infrastructure - that includes roads and amenities.

Julian Sturdy MP

3.13 A letter of objection has been received covering the following points:-

- The site is within the Green Belt and no very special circumstances have been shown. The NPPF says that substantial weight should be given to harm to the Green Belt
- The development is premature. The recent change to the Council administration means that site allocations will be reviewed
- The village infrastructure will not cope with future substantial development in the area.
- The access to the site is close to two other junctions and will be a safety hazard.

Neighbour Notification and Publicity

3.14 At the time of writing this report 54 letters of objection have been received covering the following points:-

- Development of the site has previously been refused by the Secretary of State due to the site's Green Belt location.
- The developer has not shown exceptional circumstances
- Unmet housing need does not constitute exceptional circumstances
- The proposed access on to the village is a road that already suffers from congestion, is opposite a play area and emerges on to a bus route near a bus stop.
- Access from Southfields Road is inappropriate because of the narrowness of the road, traffic levels along the road, elderly residents and their proximity to bus stops and local shops
- Local infrastructure/facilities are at capacity
- Strensall has taken more than its fair share of development and is now more like a town than a village
- In recent years the area has become an area for nature with birds/wildlife even Deer
- No village residents appear to be in favour of the development.
- Drainage problems
- Strensall has insufficient amenities for the existing residents
- The proposals are for large homes when it is affordable houses that are needed.
- The constant resubmission of application is not fair to residents
- The strategic Housing land availability Assessment which is in part used to justify the development is out of date and does not take account of new guidance.
- The scheme as designed will significantly impact on the gardens of 100 and 102 The Village
- Schemes in other areas have been refused in Green Belt despite significant shortfall in housing supply
- The application is a precursor to further development.
- Traffic generation has been worked out on the basis of 11 dwellings when clearly the access is to serve the whole of the allocation (up to 71 dwellings).
- The York design guide would preclude all the development being served from the access without emergency access arrangements. The access should be conditioned as suitable only for the 11 houses proposed.
- The layout does not take into account existing trees.
- Continued substantial development results in Strensall growing to a size which damages the friendly village character.

- The decision on the Brecks site sets a precedent for consideration of other Green Belt sites in the village.

4.0 APPRAISAL

4.1 Key Issues

- Planning policy
- Green Belt
- Site layout
- Access
- Ecology
- Conservation Areas
- Noise
- Residential Amenity
- Drainage
- Open Space, School places and Affordable housing
- Network Rail
- Housing land supply

PLANNING POLICY

National Planning Policy Framework (NPPF)

4.2 Paragraph 7 of the NPPF says that there are three dimensions to sustainable development economic, social and environmental. These roles should not be taken in isolation because they are mutually dependant (paragraph 8).

4.3 Paragraph 14 says that at the heart of the NPPF is a presumption in favour of sustainable development for decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless specific policies in the framework indicate development should be restricted.

4.4 The core planning principles at paragraph 17 include the expectation that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; conserve heritage assets in a manner appropriate to their significance, so that they

can be enjoyed for their contribution to the quality of life of this and future generations.

4.5 Paragraph 50 of the NPPF supports the delivery of a wide choice of high quality homes to create a sustainable, inclusive and mixed community. Local Authorities are therefore required to plan for a mix of housing based upon current and future demographic needs of different groups in the community and which reflects local demand. Paragraph 34 states that developments should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Paragraph 152 (Strategic priorities within the Local Plan Area) states that Local Planning Authorities should seek to achieve the three dimensions of sustainable development, avoid adverse impacts and pursue alternative options which would reduce or eliminate such impacts.

4.6 Section 7 of the NPPF requires good design. Paragraph 56 says good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (Para 61).

4.7 Section 9 'Protecting Green Belt Land' says that the essential characteristics of Green Belts are their permanence and openness (paragraph 79). Paragraph 88 says that when considering any 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 to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. With regard to new buildings paragraph 89 says that the construction of new buildings is inappropriate subject to a number of exceptions which does not include the erection of dwellings exception where these are for agricultural or forestry purposes or form part of a rural exception site (affordable housing).

4.8 Section 11 of the NPPF aims to conserve and enhance the natural environment and requires the planning system to contribute by 'minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures' (Para 109). In preparing plans, Paragraphs 110 and 113 are required to minimise effects on the environment and set criteria based policies which protect biodiversity to enable commensurate protection to their status as well as the contribution they make to wider ecological networks.

Paragraph 118 requires that in considering planning applications the aim should be to conserve and enhance biodiversity.

4.9 Section 12 of the NPPF is relevant to the site's proximity to Strensall's two conservation areas. Paragraph 129 says that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 134 says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal, including its optimum viable use.

4.10 The NPPF says at Annex 1, paragraph 216, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the Framework policies, the greater the weight that may be given). Weight may also be given to relevant policies in emerging plans according to the stage of preparation (the more advanced, the greater the weight that may be given), the extent to which there are unresolved objections (the less significant, the greater the weight) and the degree of consistency of the relevant emerging plan policies to the Framework policies (the closer they are, the greater the weight).

National Planning Practice Guidance (NPPG)

4.11 The NPPG explains how weight may be given to policies in emerging plans. Arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account.

4.12 Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

4.13 The NPPG also sets the methodology for determining suitable land supply for housing as well as the objectively assessed need. It supplements the NPPF by setting the starting point for the 5 year housing supply and determining the trajectory of available, suitable and deliverable sites.

4.14 The NPPG advisers that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'Very special circumstances' justifying inappropriate development on a site within the Green Belt.

Development Plan

4.15 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 retained policies of the Yorkshire and Humber Regional Spatial Strategy (RSS). 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 require the inner and the rest of the outer boundaries are 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

4.16 The City of York Council does not have a formally adopted Local Plan. Nevertheless the City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) (DCLP) was approved for Development Management purposes.

4.17 The 2005 DCLP does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however 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.

4.18 The site is shown as being located within Green Belt on the proposals map in the plan.

4.19 Policy GB6: 'Housing Development Outside Settlement Limits' is relevant given that this site sits outside of the settlement limit for Strensall as shown on the proposals map for the DCLP. This policy states:

'Housing development (other than replacement dwellings) outside defined settlement limits in the Green Belt and open countryside will only be permitted where:

- a) It is essential for agriculture or forestry in that area; or
- b) It is for affordable housing development on small 'exception' sites that comply with the criteria outlined in policy GB9'

4.20 Furthermore policy GB1 says that planning permission for development will only be granted where 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 development would not prejudice the setting and special character of York.

Emerging Local Plan

4.21 The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. However, the evidence base that underpins the proposed emerging policies is a material consideration in the determination of the planning application.

4.22 The emerging Local Plan identifies the city's need for housing. Policies within the draft plan sets out how this need would be met across the city through a series of policies supporting housing allocations and associated uses. Specifically, policy H1 sets out the potential housing allocations. The application site is included within a larger allocation identified as H30: Land to the South of Strensall Village. H30 was identified through the Local Plan Site Selection process and allocated for 71 homes to be phased in the short-term (years 1-5 of the trajectory).

Evidence Base - Site Selection Process

4.23 The application site was submitted as part of the call for sites process. Given that this was adjacent to/part of other site submissions to the south of Strensall Village, the site was amalgamated into a larger site. The Preferred Options Site Selection Technical Paper indicates that any development of this site would need to be sympathetic to the surrounding area and character especially considering the close proximity of Strensall Conservation Area and a number of listed buildings. The site also included and is adjacent to areas of nature conservation designations - SINC sites. These areas include a significant grassland and large Great Crest Newt population which would limit development of the site and require mitigation. In light of this part of the site was removed to reduce the available developable area to 2.53ha; the application area remained part of the site. The paper also states that the site only has a single connection to highway; limited frontage/depth, visibility splays would need checking; it is however in a sustainable location with access to services. Noise and vibration from the railway line would also need further investigation. The site is at low risk of flooding (Flood Zone 1). The site was accepted as an allocation with a revised boundary and presented as an allocation in the Preferred Options Local Plan (2013).

4.24 Further evidence was received through the Preferred Options consultation which technical officers reviewed.

The outcomes of this were published in the Further Sites Consultation and concluded that no changes to enlarge the site should be made. The application site was included within the limits of the allocation (identified as site H30 in the plan).

4.25 The site was subsequently included within the Publication draft Local Plan (2014).

Strensall Village Design Statement (VDS)

4.26 Strensall VDS was approved in March 2015. The comprehensive document sets out the villages aspirations for future development within the village in particular design guidelines for future development are set out (page 32) and Annex A to the document (page 35) sets out what the villages would like to see for the village. This includes improvements to infrastructure and amenities before new development at the village extremities are considered.

4.27 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the NPPF. It is against this Framework that the application proposal should principally be addressed.

GREEN BELT

4.28 The site is located within the general extent of the Green Belt as described in the RSS. The policies in the RSS have been retained in order to establish long term development limits that safeguard the special character and setting of the historic city. The site is shown as being within Green Belt on the proposals map in the DCLP; however the emerging plan shows the site, as part of a larger site, allocated for residential development. The RSS is the development plan for York. The DCLP and the emerging local plan are non-statutory documents. As set out in s.38 (6) of the 1990 Act determinations should be made in accordance with the development plan unless material considerations indicate otherwise. The site is considered to be within the general extent of the Green Belt as described in the RSS and it is considered that the site should be considered as being within the Green Belt.

4.29 Although paragraph 14 of the NPPF sets out a presumption in favour of sustainable development. In accordance with the footnote referenced within paragraph 14 the presumption in favour of sustainable development does not apply in Green Belt locations.

4.30 Paragraph 89 of the NPPF establishes that the construction of new buildings, with a number of exceptions, is inappropriate in the Green Belt. Similar to Paragraph 89, GB1 of the DCLP is permissive of certain development in the Green Belt. The proposal is not for any of the purposes listed and confirms the position within paragraph 89 of the NPPF that all other forms of development within the Green Belt are considered inappropriate.

The applicant's submission does not argue that any of the exceptions set out in paragraph 89 apply to the site. The NPPF confirms at paragraph 87 that inappropriate development is by definition harmful to the Green Belt. Paragraph 88 says substantial weight would need to be given to harm by reason of inappropriateness and any other harm. Very special circumstances will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

OPENNESS AND PURPOSES OF GREEN BELT

4.31 The site is accessed from The Village frontage via a strip of land that is currently grassed. The width of the access area varies but the submitted plans indicate that there is sufficient land to construct an adoptable highway with the frontage opening up to provide visibility splays to the site frontage. The proposed access is currently bounded by hedging to both sides. The main application area borders the rear of houses to the Village on the north side and a relatively new residential scheme, The Sidings, to the east. The railway line lies to the south and an established hedge line forms the western boundary. The field is, at present, uncultivated. The site is visible in views back to the village from Flaxton Road and Lord's Moor Lane and is also visible from the rear of existing properties adjacent to the site and to a lesser extent from The Village frontage. The proposed development will introduce built development on to a currently open area of land and thus openness would be reduced. Paragraph 79 of the NPPF indicates that openness and permanence are essential characteristics of Green Belt. The introduction of development on to an undeveloped site that is relatively visible particularly from the south and west would result in a loss of openness.

4.32 Paragraph 80 of the NPPF sets out the purposes of Green Belt. These include, amongst others, to check the unrestricted sprawl of large built up area; 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. It is considered that the site, which is open to the fields beyond the railway line and visible in views towards the village, contributes to openness and assists in safeguarding the countryside from encroachment. This helps to achieve urban regeneration by encouraging the recycling of derelict land and other urban land rather than green field sites. Members may be aware of the Secretary of State's decision to refuse planning permission for residential development on The Brecks to the east of the village. This decision expressed the view that although development would not have a direct and significant bearing on the historic character of the City, nonetheless, extending close to the rail corridor into the City would have a visual impact upon that transport route so the proposed development would contribute to sprawl. As this site is closer to the railway line a similar conclusion could be reached in relation to this development.

Given the size of the site harm to the Green Belt would, in my opinion be moderate (less than the significant weight attached to this issue by the Secretary of State in relation to The Brecks given the application site's size).

4.33 In summary, the proposal would be inappropriate development. According to the NPPF, paragraph 87, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would also cause a loss of openness and harm to the purposes of including land in the Green Belt.

SITE LAYOUT

4.34 All matters related to the site layout apart from the entrance from The Village have been reserved however the indicative layout submitted shows 11 detached dwellings set around an adopted standard highway. The layout allows for access through to the adjacent land indicating that it would be possible to serve the remainder of the allocation in the emerging plan from the same access point.

4.35 The density requirements in the DCLP are for 40 dwellings per hectare in urban areas and 30 dwellings per hectare elsewhere. The emerging local plan is currently looking for densities higher than this in urban areas at 50 dwellings per hectare and 35 dwellings per hectare in rural areas. Policies require that consideration is given to the overriding character of the area when designing a layout and the appropriate density and acknowledge that compatibility with a site's surroundings will be important.

4.36 The illustrative layout does not acknowledge the existing characteristics of the site such as existing tree cover and hedging identified on the survey plan. The provision of detached houses does not acknowledge the mix of development within the village and misses the opportunity to provide for a range of house types. Were the principle of development to be supported conditions would be needed to ensure that reserved matters applications responded to the need for a range of housing in a setting that retained existing site characteristics in order to comply with the housing mix and design requirements advocated within the NPPF (Section 6 and 7)

HIGHWAYS

4.37 In principle, access from The Village can be achieved to serve the development. However as this outline application includes details of access Officers are not satisfied that all access details have been adequately submitted to ensure the visual quality of the site and the optimum safety for cyclists, pedestrians and vehicles. The properties immediately adjacent to the access have driveways which are in close proximity to the access which may be affected by the kerb radii and visibility splays. Ideally hedge and tree cover should be retained along the frontage where possible.

Additional information on the access arrangement has been sought but not provided. It is also unclear whether the access arrangements would be able to serve any further development were the remainder of the housing allocation to be forthcoming. Without additional information officers are not clear if there is any harm attributable to the proposed access arrangements. Given that the access arrangements are not a reserved matter a reason for refusal based on the lack of information is recommended.

ECOLOGY

4.38 To the south and east of the site is Strensall Common. Strensall Common is a site of special scientific interest (SSSI) and a Special Area of Conservation (SAC). The land is within the zone for consultation with Natural England. Natural England does not raise any objections to the proposals. Our Ecologist is satisfied that the development will not impact on Strensall Common.

4.39 There are several sites of regional and local importance for nature conservation close to the site:-

- Strensall village meadows located to the west of the site is a site of importance to Nature Conservation (SINC). It is designated for species rich wet grassland, ridge and furrow and a large population of Great Crested Newts.
- Land immediately to the west of the village Meadow SINC is a site of local Interest (SLI) which is a site of semi improved grassland with a large population of marsh orchids.
- There are a further two SLI's on the southern side of the railway line important for their moderately species rich semi-improved grasslands.

Our Ecologist's view is that these sites are unlikely to be affected by the development except in relation to Great Crested Newts.

Great Crested Newts (GCN)

4.40 There is no breeding habitat for amphibians within the site but it does provide suitable terrestrial habitat within 250 m of a known GCN population. The ecology report with the application confirms that there is a large population of GCN in the pond within the SINC to the west of the application area. GCN receive full protection under the Conservation of Species and Habitats Regulations 2010. As the development of the site would lead to the loss of optimum terrestrial habitat and a high risk of injuring or killing individual newts during construction a European Protected Species Licence from Natural England would be required

4.41 Government advice (ODPM Circular 06/2005, paragraph 98 & 99) states that the presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before planning permission is granted, since otherwise all material considerations might not have been considered in making the decision.

4.42 The development will result in the loss of GCN habitat and potential harm to individual newts. When a European Protected Species licence is required the competent authority (that is City of York Council) must consider the likelihood of a licence being granted and therefore need to be satisfied that the 'three tests' are met

These are:

- overriding public interest;
- no satisfactory alternative, and
- maintenance of favourable conservation status.

The tests of overriding public interest and no satisfactory alternative are difficult to address with the current status of the emerging local plan. Officers are unclear until the sites to be allocated for development is finalised if there are sufficient satisfactory alternative development sites. Furthermore given the conclusions of this report that the site is within Green Belt and very special circumstances can not be shown to outweigh definitional and any other harm no overriding public interest for the development can be established.

4.43 To assess the maintenance of favourable conservation status test, officers must determine if the proposed mitigation is sufficient. As submitted the application shows mitigation proposed through habitat enhancement however this is shown as within domestic gardens. Gardens are considered to be of lower value for GCN and outside of any management control and therefore not generally acceptable as compensation. Based on the submitted information within the application it appears that the application is unlikely to pass the three tests and this should be a reason for refusal of the application. The applicant has submitted further information on the provision of alternative replacement habitat and the 'three tests'. This additional information will need to be reviewed by our Ecologist. Members will be updated on this matter at sub-committee. However based on the submitted information insufficient habitat enhancement has not been provided and it appears that the development is unlikely to be granted a European Protected Species licence.

4.44 In the context of the general landscape of the area it is considered that the hedgerow to the western boundary is of site/local value; it is clearly part of an old field system with the hedge line continuing south of the railway line and also connecting to a hedge line running west along the railway. The survey plan submitted with the application shows the position of the hedge however the submitted layout does not show the hedge retained.

The application should be conditioned to ensure the hedge is retained. The Ecologist also advises that the opportunity should be taken, through landscaping conditions, to reinstate the hedgerow on the eastern and southern boundaries of the site.

STRENSALL CONSERVATION AREAS

4.45 Strensall has two conservation areas. Strensall (village) conservation area, located to the west of the application site was originally designated in 1979 and its boundary was amended in 2001 and 2011. An appraisal of the conservation area was undertaken in November 2010. Strensall Railway Building's conservation area was designated in 2001 and is located to the east of the application site.

4.46 The applicant has submitted an assessment of the impact of the development on the conservation areas. The assessment concludes that development of the site would not adversely impact those elements of both conservation areas that are considered important.

4.47 Strensall village conservation area - characterised by linear village street, arising from the combination of buildings, front boundaries, trees and the line of the street and the survival, in places, of the traditional outer edges of the village form, its side lanes with vernacular farm buildings, and the relationship with the open countryside at St Mary's Churchyard. The site is separated from the conservation area by dwellings along the village frontage immediately to the west of the application site. Views back to the conservation area from Flaxton Road and Lord's Moor Lane and from the railway would bring additional built development in to views of the rear of the conservation area however with an appropriately designed scheme of two storey development it is considered that the development would not detract from the principal characteristics of the Conservation area defined in the Conservation area appraisal.

4.48 Strensall Railway Buildings Conservation area - characterised by the late 19th century terraces of small brick-built houses erected for both the railway workers and those employed at the local brick works set adjacent to the old station, a listed building, which forms a group with the old signal box. Views through to the conservation area from the site are limited by the development of the Sidings on the east side. The setting of the conservation area would not be affected by development of the site.

4.49 The site selection process undertaken to inform allocations for the emerging local plan did not raised any concerns about the proximity of the site to adjacent conservation area boundaries.

NOISE

4.50 A noise assessment was undertaken by Environmental Noise Solutions, on behalf of the applicant, to establish the current noise climate on site as the proposed housing would be located at a distance of approximately 10 metres away from the edge of the York to Scarborough railway line. It is understood that this section of railway line is regularly used with up to 33 scheduled rail services between 0700 to 2300 hours. In addition it is understood that there is 1 scheduled rail service during the night time period between 2300 to 0700 hours, with this normally occurring at 0650.

4.51 Predicted background noise levels to the southern end of the site found that the daytime Leq (16 hour) sound level is around 54dB (A), with a night time Leq (8 hour) sound levels of 41dB (A). At these levels Public Protection are satisfied that the internal noise environment in any property on the site will meet the requirements of BS8233 and the World Health Organisation Guidelines on Community noise levels of 35dB(A) Leq during the daytime and 30dB(A) Leq during the night time periods, with standard double glazing units.

4.52 In terms of garden noise levels, Public Protection advocate that sound levels in gardens should not exceed 50dB (A) Leq 16 during the daytime. This level is 4dB lower than levels predicted within the report. As a result Public Protection would request that a condition be placed on any approval required that a sound barrier, approximately 2 metres in height, be provided along the southern boundary of the site.

RESIDENTIAL AMENITY

4.53 The nearest properties to the site are those located on The Village frontage and to the east of the site on The Sidings. Were the principle of development to be supported there is sufficient space to achieve adequate separation between the existing and proposed development. The details of the access road would need to acknowledge its proximity to existing residential boundaries, vegetation should be retained as far as possible and alternative landscaping and boundary treatment agreed where necessary to ensure existing garden along the length of the access remain enclosed.

DRAINAGE

4.54 The site falls within Flood Zone 1, low risk and should not suffer from river flooding. Objectors raise concerns about drainage. Objectors are concerned about the proposal to dispose of surface water into Bone Dyke and about the increasing pressure being placed on existing pumping stations and their ability to deal with sewage.

4.55 The application is supported by a drainage strategy; Yorkshire Water, do not object to the principle of the development. The Internal Drainage Board do not support a pumped drainage system for surface water as proposed within the drainage strategy but acknowledge that an infiltration system at green field run off rates could be used to drain the site. Officers are satisfied that were the principle of development to be acceptable a means of disposal of surface water could be achieved through appropriate planning conditions limiting the surface water run off from the site. The comments of Flood Risk Management are awaited and will be reported to committee.

OPEN SPACE, SCHOOL PLACES AND AFFORDABLE HOUSING

4.56 There is substantial concern from objectors about how Strensall village can accept more houses without a commensurate increase in local infrastructure. The application proposes to provide contributions towards open space, affordable housing (despite affordable housing not being required in Strensall for schemes below 15 dwellings) and school places through commuted sums. Under paragraph 204 of the NPPF and Regulation 122 of the Community Infrastructure Regulations 2010 a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Further information is required to ensure that such commuted sums are necessary to ameliorate the impact of the development. Further information will be provided at sub-committee on this matter.

NETWORK RAIL

4.57 Network Rail place particular constraints upon development adjacent to the railway line in order to protect the railway line and in the interests of public safety. Details of Network Rail's requirements will be forwarded to the applicant. Such requirements do not prevent the development of the site but may impact upon the way any scheme would be implemented to ensure that railway land is protected at all times during and on completion of the development.

HOUSING LAND SUPPLY

4.58 In the absence of an agreed housing figure the applicant has assessed the 5 year housing land supply in two alternative ways. By either working using the figure required in the revoked part of the Regional Spatial Strategy (850 dwellings per annum) or by using the preferred options figure in the presently halted local plan process (1090 Dwellings per annum). Taking into account the need to provide for a backlog of under provision and a buffer (of 20%) the applicant considers that the council have between a 2.48 and 2.9 years of land supply over the 5 year period.

In the opinion of the applicant's agent the only credible source of housing land supply at the moment is likely to be from small to medium sites such as the application site.

4.59 Planning and Environmental Management (Forward Planning) says that a report to members of the Local Plan Working Group on 29th September 2015 included an indicative five year housing supply position but the report makes it clear that work on the five year land supply is ongoing and can not be concluded until a series of decisions have been made on both factors effecting housing demand and on the future portfolio of sites. The report indicates that based on work to date it is estimated that the current housing supply (at 1st April 2015) is around 4,904 for the period 2015/2016 to 2019/2020. However given that the debate about the components of the housing demand and supply is ongoing it cannot be concluded currently that a NPPF compliant five year housing land supply can be demonstrated.

4.60 The NPPG advisers that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt. One could however conclude that in the planning balance there is a planning benefit associated with the provision of additional housing to meet a shortfall of housing within the City of York area.

OTHER CONSIDERATIONS - VERY SPECIAL CIRCUMSTANCES

4.61 The applicant's view is that it is consistent with recent appeal decisions and evident from the technical documents to the emerging local plan that the site does not contribute to Green Belt functions. Consequently the continued protection of the application site as Green Belt implied by saved regional Strategy policies would be inappropriate. If assessed on the basis that the site has Green Belt status the applicant considers that there are clear special circumstances that would weigh in favour of the development of the site. These are set out in the supporting statement summary and conclusions and are:-

- The Green Belt Local Plan Inspector and two appeal inspectors concluded, firmly, the site did not perform a Green Belt function.
- The 2005 Development Control Local Plan is outdated and its policies have been superseded by a more up to date evidence base produced for the preferred Options Local Plan June 2013.
- The technical background documents to the emerging local plan support the proposed allocation of the site for housing development as part of the wider H30 allocation in the Preferred Options draft plan.
- The absence of a five year land supply.
- The uncertainty surrounding the future supply of housing given the uncertain timescale for the adoption of the local plan.

- The lead in times for many of the larger housing allocations on the Local Plan.

4.62 Members may be aware of the refusal by the Secretary of State of a called in application on a site known as The Brecks to the east of Strensall. This application was for 102 houses and was recommended for approval based on the sites location in the settlement limits, its history of being excluded from the Green Belt in emerging documents and acknowledgement in these documents that the site served no Green Belt function, the safeguarding of the site for future development and the proposed allocation in the emerging plan. The Secretary of State did not consider that this history of exclusion from the Green Belt and the proposed allocation in emerging plans represented sufficient reasons to override Green belt considerations for a site acknowledged to be in the general extent of the Green Belt In the case of the Brecks the historical and proposed allocations were not seen as having sufficient weight to outweigh definitional and any other harm to the Green Belt.

4.63 The application site has a similar history of being considered for development through various plan documents back to the 1990's however the site was retained in the Green Belt and outside the settlement limits in those documents. The recent allocation in the emerging publication draft Local Plan has yet to be subject to any independent examination and there were reasonably significant objections to the site allocation following the consultation into the preferred options version of the local plan (2013). Officers consider that the decision on The Brecks site is a significant decision when considering how to approach this application furthermore as the site was not removed from the Green Belt in historic documents and remains in the Green Belt in the DCLP weight could be attached to the planning history as a very special circumstance on this site in any case.

4.64 In officers opinion the very special circumstances put forward by the applicant are not sufficient other considerations to outweigh the definitional harm and other harm (that is harm to the purposes of Green Belt and openness and, harm arising from ecology) identified in this report. As advised by paragraph 87 and 88 of the NPPF development that is harmful to the Green Belt for which there are no very special circumstance should not be approved.

5.0 CONCLUSION

5.1 The application site, comprising undeveloped land to the rear of The Village Strensall, is considered to be within the general extent of the Green Belt as defined in the RSS. Residential development on the site is considered to be inappropriate development in the context of section 9, paragraph 89 of the NPPF.

5.2 The NPPF confirms at paragraph 87 that inappropriate development is by definition harmful to the Green Belt.

Paragraph 88 says substantial weight would need to be given to harm by reason of inappropriateness and any other harm.

Very special circumstances will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

5.3 In officers opinion the very special circumstances put forward by the applicant; that the Green Belt Local Plan Inspector and two appeal inspectors concluded, firmly, the site did not perform a Green Belt function; the 2005 Development Control Local Plan is outdated and its policies have been superseded by a more up to date evidence base produced for the preferred Options Local Plan June 2013; the technical background documents to the emerging local plan support the proposed allocation of the site for housing development as part of the wider H30 allocation in the Preferred Options draft plan; the absence of a five year land supply; the uncertainty surrounding the future supply of housing given the uncertain timescale for the adoption of the local plan; the lead in times for many of the larger housing allocations on the Local Plan is adopted, are not sufficient other considerations to outweigh the definitional harm and other harm (that is harm to the purposes of Green Belt and openness and harm arising from ecology) identified in this report. As advised by paragraph 87 and 88 of the NPPF development that is harmful to the Green Belt for which there are no very special circumstance should not be approved.

5.4 The development will result in the loss of great crested newt habitat and potential harm to individual newts. When a European Protected Species licence is required the competent authority (that is City of York Council) must consider the likelihood of a licence being granted and therefore need to be satisfied that the 'three tests' of overriding public interest, no satisfactory alternative and maintenance of favourable conservation status are met. To assess the maintenance of favourable conservation status test information we must determine if the mitigation is sufficient. Mitigation has been proposed through habitat enhancement however this is shown as within domestic gardens. Gardens are considered to be of lower value for GCN and outside of any management control and therefore not generally acceptable as compensation. Therefore there is insufficient information about proposed mitigation to confirm that it is deliverable.

5.5 Insufficient information has been submitted with the application for the Local Planning Authority to be satisfied that the proposed access arrangements can satisfactorily accommodate the proposed development.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre.

The site is identified as Green Belt in the City of York Development Control Local Plan (Approved April 2005). It is considered that the proposed development constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework which is by definition harmful to the Green Belt. No 'very special circumstances' have been put forward by the applicant that would outweigh harm by reason of inappropriateness and any other harm, including the impact on the openness of the Green Belt and conflict with the purposes of including land within Green Belt, and ecology. The proposal is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land', guidance within National Planning Practice Guidance (March 2014), in particular the section 'Housing and Economic Land Availability Assessment', and Policy GB6 of the City of York Development Control Local Plan (Approved April 2005).

2 Insufficient information has been submitted with the application for the Local Planning Authority to be satisfied that the proposed access arrangements can satisfactorily accommodate the proposed development without detriment to the free flow of traffic, the safety of pedestrian, the visual amenity of the area and to an adequate standard to accommodate the proposed development and potential adjacent land allocation. Without additional information the Local Planning Authority is not satisfied that the development complies with the requirements of paragraph 17 and paragraph 32 of the National Planning Policy Framework which requires safe and suitable access to sites and high quality design.

3 The development will result in the loss of Great Crested Newt (GCN) habitat and potential harm to individual newts. Circular 06/2005 'Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning' says Local Planning Authorities must consider the likelihood of a European Protected Species licence being granted and therefore need to be satisfied that the 'three tests' of overriding public interest, no satisfactory alternative and maintenance of favourable conservation status are met. As submitted the application shows mitigation proposed through habitat enhancement however this is shown as within domestic gardens. Gardens are considered to be of lower value for GCN and outside of any management control and therefore not acceptable as compensatory habitat. In addition given the Green Belt status of the site there is no overriding public interest to grant planning permission for the development. It is considered that the development fails to comply with the requirements of circular 06/2005 and does not accord with the advice in Paragraphs 109 and 118 of the National Planning Policy Framework which seeks to conserve and enhance biodiversity.

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:

Advice provided on previous withdrawn application that the site was in Green Belt and could not be supported. Additional information was sought through the earlier application with regard to highways and ecology. No additional information on these matters was submitted with this 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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