

COMMITTEE REPORT

Date:	6 October 2016	Ward:	Rural West York
Team:	Major and Commercial Team	Parish:	Parish Of Rufforth With Knapton
Reference:	16/00542/FUL		
Application at:	Land At Junction Of Main Street And Back Lane Knapton York		
For:	Erection of 4no. dwellings		
By:	Novus Investments Ltd		
Application Type:	Full Application		
Target Date:	28 April 2016		
Recommendation:	Refuse		

1.0 PROPOSAL

1.1 This is a full application for the erection of four houses on 0.34 ha of land at Main Street, Knapton.

1.2 The site is located on the corner of Back Lane and Main Street with frontages to each road. To the north of the site is an existing property to the east is open agricultural land. The land rises from Main Street so that the land is about 1 metre higher on the Main Street frontage and 1.5 metres higher than the Main Street frontage at the eastern end of the site.

1.3 The proposal is to erect four houses. The application has been substantially amended since first submission so that the access to the land is now proposed to be from Main Street with a new boundary wall to that frontage. The proposal is for four individually designed detached houses each with attached or detached double garage.

1.4 The application has been called into committee by Cllr Steward who considers the houses to be too big for the plots with a related lack of gardens and is concerned about the access arrangements. There are also significant concerns about the Green Belt which it is believed should be explored by councillors.

PLANNING HISTORY

1.5 The following planning applications are relevant to the site area:-

- Planning permission was refused and dismissed on appeal for the erection of 4 dwellings on the site in 2002 (planning reference 01/03066/FUL).

- Planning permission was refused and dismissed on appeal for the erection of 5 houses on the site in 2002 (planning reference 02/01290/FUL).

1.6 Both the above applications were considered at the same appeal hearing. The Inspector concluded a number of issues that are relevant to the current proposal. These are as follows

- The appeal site was appropriately included within the Green Belt
- The development as proposed did not constitute limited infill (despite at this time being within the settlement limits for the village)
- The site is prominent in local views and in the wider landscape and the proposed development (for both schemes) was considered to be out of character with the generally more modest scale of surrounding residential development.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

2.2 Policies:

2005 Draft Local Plan

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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 |

Emerging Local Plan Publication draft 2014

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| H3: | Balancing the Housing Market |
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3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 Comments were received to the original scheme to which there were no objections in principle concerns were however raised to the detailed design. The new scheme shows access changed from Back Lane to Main Street and the further comments of Highway network Management are awaited.

Housing Strategy and Development

3.2 A contribution of £37,700.70 is required towards affordable housing.

Public Protection

3.3 No objections in principle; conditions are required in relation to unexpected contaminants and the provision of electric car recharging facilities. An informative is sought in relation to operation of the site during construction phase of the development.

Planning and Environmental Management (City Archaeologist)

3.4 Considers that the site is of archaeological interest; a programme of archaeological works should be conditioned.

Planning and Environmental Management (Ecology and Countryside Officer)

3.5 The following comments are based on the original scheme further comments on the amendments are awaited:-

3.6 There are no statutory or non-statutory nature conservation sites within or adjacent to the site. The site is located within a Local Green Infrastructure Corridor (13 Acomb Corridor). Through the Local Biodiversity Action Plan these have been identified across York with the aim to link together habitat to create an overall structural network for wildlife.

3.7 The landscape plan shows that the hedgerows and oak and ash tree along Main Street will be retained but 'pruned as appropriate'. The plan indicates 'new hedgerow to be planted at boundary' on Back lane. The hedge row on the frontage will be lost. If the wall along the Main Street frontage is to be a retaining wall this may have an impact on the Ash tree. Whilst the hedgerow does not qualify as 'important' under the Hedgerow Regulations 1997 and is considered species-poor, it is a tall, mature, well-established hedgerow which will provide habitat for invertebrates and nesting birds, and it would be preferable to retain it.

3.8 In the ecological appraisal the oak tree on the junction of Main Street and Back Lane was assessed as having a high potential to support roosting bats, and having been on site this view is supported. If works to the oak tree are critical to the

development, then a bat roost inspection/emergence survey is required before we determine the application as the works could directly impact bats. If it is not essential to the development then it should be made explicit on the plans that this tree will not be impacted.

EXTERNAL

Knapton Parish Council

3.9 Knapton Parish Council raised a strong objection to the original scheme and continues to strongly object to the amended proposals on the following grounds:-

Knapton is 'washed over' by Green Belt and this application is previously in the local plan on a site that has been refused planning permission twice in the past.

- The roof line is too high. The site is raised compared with neighbourhood property and roof height levels should be reviewed or site levels to be looked at.
- Site boundary is on the site of neighbouring property (Knapton Grange) in part which is incorrect and gives the impression the proposed site is larger than it is.
- Houses are too big for the site - especially the 6 bedroomed one.
- The footprint of the houses is too big for the plots. Garages to plot 3 and 4 are too close to the boundary and will affect tree roots and the existing hedgerow.
- There is not enough garden to allow for personal and recreational use, which buyers of large houses are now expecting.
- The application is not in keeping with the village design statement and the parish plan.

Yorkshire Water Authority

3.10 No objections in principle subject to appropriate drainage being resolved.

Ainsty Internal Drainage Board

3.11 There is a pre-existing problem with drainage in to the Small Foss. Further water should not be placed into Golden Farm dyke and Knapton Thorn dyke. Drainage from the site should be managed by sustainable means. The board would support the drainage of the site via filtration but not to the existing public sewer. Any existing discharge to dykes will need to be proved

Publicity and Neighbour Notification

3.12 Thirty objections were received to the original proposal a further 13 objections have been received to the amended scheme covering the following points:-

- Concerned that the road layout will not cope with the additional traffic movements.
- Access to the site including for construction will require the widening of the road and the removal of hedgerow and trees. To keep the rural feel of the settlement trees and hedgerows need to be retained.
- Dwellings are out of proportion with those in the surroundings particularly as the site is elevated
- The application is in advance of the local plan consultation process
- Main Street has become a rat run for traffic avoiding the ring road additional blocking and traffic on the Main Street is a cause for concern.
- Poor drainage in the village can not cope with additional development.
- Amendments to the scheme do not address residents concerns.
- The land is a significant section of Green Belt too large to be classified as Green Belt.
- No consideration of minimising flood risk - drainage will need to be attenuated.
- Scale of the dwellings is out of character with the settlement.
- Difference in level between the site and the adjacent bungalow means that the buildings elevations will be dominant.
- Two trees on the Main Street affected by the development are important to minimising the impact of the houses. The planning committee should visit the site.
- Some kind of yellow line will need to be instigated on both sides of Main Street. Parking together with additional turning would make this dangerous.
- The wall height along the frontage should be higher to be in character with the village.
- There is no mention of proposed lighting. This would have a major effect on the adjacent bungalow and the intentions of the developer should be known.
- A parking area should be provided for builders during construction.
- Knapton is extremely vulnerable to being swallowed up into the outer edges of York new development will enlarge the village envelope and make it more vulnerable
- Houses and garages are too big for the site and out of character with bungalows and cottages.
- Small houses and bungalows would be more suitable to the settlements.
- Opposed to the strip of land to the rear of Knapton Grange being used as someone's garden as it takes away the rural feel of the existing property.
- The garage of plot 3 is too close to the boundary and affects trees and vegetation.
- Amended plans were released at the beginning of the holidays
- Details do not comply with the requirements of the Village Design Statement.
- Weight restriction on Main Street would be compromised by building vehicles. Damage to the road could be caused.
- Impact on wildlife.

- Loss of privacy to 75 Main Street.
- Loss of light to surrounding properties.
- Oak tree on the corner of Back Lane should have a TPO placed on it.
- There is no shortage of 5/6 bedroom houses in York or the surrounding villages
- The site is outside the village which is defined by Back Lane
- The proposed allocation in the emerging local plan should not be taken into account in determining this application.
- Brownfield sites in York should be fully exploited before development on Greenfield sites in villages.
- Houses opposite the site will be overlooked by a significant number of windows.
- Over recent years the village has already grown by about 20% it is unnecessary for the village to grow any further.

4.0 APPRAISAL

4.1 Key issues:-

- Planning policy
- Green Belt
- Site Layout
- Highways Parking and access arrangements
- Ecology
- Residential amenity
- Drainage

PLANNING POLICY

National Planning Policy Framework

4.2 Footnote 9 to paragraph 14 of the National Planning Policy Framework (NPPF) says that the presumption in favour of granting planning permission for sustainable development for decision taking where the development plan is absent, silent or relevant policies are out-of-date does not apply in Green Belt locations.

4.3 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;

4.4 Paragraph 50 of the NPPF supports the delivery 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 7 (sustainable development principles) defines the 3 dimensions to sustainable development which includes the supply of housing to meet the needs of the present and future generations in accessible locations. 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 these three dimensions of sustainable development, avoid adverse impacts and pursue alternative options which would reduce or eliminate such impacts.

4.5 Section 6 of the NPPF seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities through local plan allocations.

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 exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, however the construction of new dwellings would be inappropriate (paragraph 89).

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.

4.9 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 Guide (NPPG)

4.10 In general, the NPPG supports the priorities set out in the NPPF with regards to the delivery of a suitable mix and type of housing / accommodation as well supporting the requirements to meet the health and well-being of residents through suitable infrastructure delivery.

4.11 The NPPG also supports policies set out in the NPPF in relation to conserving and enhancing the environment, including identification of local ecological network and acknowledging the important contribution they make to ecological networks and systems.

4.12 The NPPG does set out further guidance in relation to determining suitable allocations within 'Housing and Economic Land Availability Assessment'. From this plan makers should use a robust methodology in determining suitable sites for development.

4.13 The NPPG advises 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

4.14 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

4.15 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) was approved for Development Management purposes.

4.16 The 2005 Draft Local Plan 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 Policy GB6: 'Housing Development outside Settlement Limits' is relevant given that this site sits outside of the settlement limit for Knapton Village as shown on the proposals map for the Local Plan fourth sets of change (2005). 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'.

4.19 The site is located within the Green Belt as shown on the 2005 draft Local Plan Proposals Map.

Emerging Local Plan

4.20 Following the motion agreed at Full Council in October 2014, the publication draft of the York Local Plan is currently not progressing through its statutory consultation; pending further consideration of the Council's housing requirements and how it should meet those requirements. As such, there is a possibility that the position in relation to sites may change when the Local Plan recommences its passage to adoption. This response should be seen only in the context of the present application and in the light of the most recently published evidence.

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 Policy H3: Balancing the Housing Market sets York's local requirement for a mix of types of housing which reflects the diverse mix of need across the city as defined by the most up-to-date Strategic Housing Market Assessment. It states that "Proposals will be supported that are suitable for the intended occupiers in relation to the quality and type of facilities, and the provision of support and /or care.

4.23 Knapton Village in its entirety, including this site, is shown within the Green Belt on the latest version of the Local Plan Proposals Maps (Publication draft, 2014).

Local Plan Progress 2016

4.24 Consultation on the Preferred Sites Document 2016 commenced on the 18 July 2016 for eight weeks following the document's approval by the Council's Executive on 30 June 2016. The Preferred Sites Consultation 2016 puts forward the Council's latest evidence base. This includes a Strategic Housing Market Assessment (SHMA) and Employment Land Review (ELR), a proposed portfolio of sites to meet the housing and employment needs of the city over the plan period along with an updated Local Development Scheme (LDS) which sets out the timetable for the Local Plan.

4.25 The application site has been considered in the site selection process and has been allocated for development of 11 houses in the preferred sites document. The site is identified as H53 in the document and takes the view that the site is developed on 3 sides and can accommodate development with access from Back Lane. It is proposed that the site should accommodate 11 houses. It is concluded that the site has access to services and transport routes however it scores more negatively in relation to proximity to education, open space, being a green field site, and potential heritage effects from archaeology and the open space contributing to the setting of the village.

Village Design Statement (VDS)

4.26 A VDS for Knapton was approved by York City Council as draft Supplementary Planning Guidance to the draft Local Plan in May 2006. The document provides useful background to the settlement and sets out a series of design guidelines which should be considered when proposing development in the village.

4.27 A neighbourhood plan is proposed for Rufforth and Knapton and initial site boundary has been agreed.

ASSESSMENT

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 and within the Green belt in the emerging local plan publication draft (2014); however the preferred sites consultation (2016) proposes to allocate the site 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 emerging preferred sites consultation is at a very early stage and is not considered to be sufficient material to the consideration of this application having regard to advice in paragraph 216 of the NPPF. Paragraph 216 says that from the day of publication weight may be given to relevant policies in an emerging plan according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections and the degree of consistency of the relevant policies in the emerging plan to the policies in the framework. At the moment the site remains in the general extent of the Green belt and emerging policy in the DCLP, publication draft 2014 does not seek to remove this designation nor does the preferred sites consultation address how Knapton's current Green Belt status will be addressed if the site is allocated for development. It is anticipated based on the number of objections to this application that there will be objections to the proposed allocation (this may be able to be clarified at committee). Officers are of the view that the preferred sites consultation is not sufficiently far advanced to be considered as part of this application and the application should therefore be treated as its current status as Green Belt land.

4.29 In accordance with this approach paragraph 14 of the NPPF sets out a presumption in favour of sustainable development. However the footnote referenced within paragraph 14 to 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 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 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.

4.31 The site is a field that is not developed and is clearly visible feature on the edge of the Knapton settlement and on the approach to the village from Back Lane. As confirmed by the Inspector in the 2002 appeal the site is also visible from the by-pass. Paragraph 79 of the NPPF indicates that openness and permanence are essential characteristics of Green Belt. In introducing development on to an undeveloped site, the proposal 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 assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and to assist in urban regeneration. As the site is visible from the by-pass the land is considered to contribute to openness which forms part of the character of generally open and undeveloped land adjacent to the by-pass that contributes to the setting of the city. It is also considered that the site 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 developing green field sites. Therefore the proposal would have an adverse effect on the purposes of including land in the Green Belt. Given the size of the site harm to the Green Belt would be moderate.

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 moderate harm to the purposes of including land in the Green Belt.

Impact on the Character and Appearance of the Area

4.34 The previous appeal decisions assess the impact of the proposed development on the character and appearance of the area. The appeal schemes were similar in their land take and layout arrangements to the proposed scheme. The appeal Inspector said ' In both schemes the properties are substantial and would be prominent in local views and the wider landscape, particularly from the A1237 and the northern approach to the village. Notwithstanding that Knapton Grange (property to the north) is a large dwelling, the mass and bulk of the proposed houses would dominate the entrance to the village, and would be out of character with the generally more modest scale of surrounding residential development. The impact of the proposals would be reinforced by the elevated nature of the site frontage to Main Street, which I do not consider would be satisfactorily mitigated by existing and supplementary landscaping'. The Inspector concluded that the appeal development would be detrimental to the character and appearance of the area. It is considered that these same concerns are raised by the current proposals; the character of the site has not changed significantly since the appeal decision.

4.35 The site is an undeveloped area which is defined by hedge boundaries and is open on its eastern side. The village has relatively dense development along Back Lane and Main Street to the south side of the site; to the north development is less compact providing spaces and open views. The contrast of the rural setting of the village to the more dense development within it nucleus is important to its character and appearance. The proposed scheme is accessed from Main Street. The new access and replacement front boundary (from hedge to brick wall) detracts from the site's rural character. Furthermore the proposed houses stand about 8.5 metres high and are raised at least 1 metre above the Main Street. Each dwelling is a substantial property with attached or detached double garage. Like the Inspector on the previous scheme Officers consider that the scale of the dwellings on an elevated site and enclosed by front boundary walls would be inappropriate to the character and appearance of Knapton. The development does not accord with the core planning principle of the NPPF of recognising the intrinsic character and beauty of the countryside, GP1 of the DCLP which similarly expects proposals to respect or enhance the local environment and GB6 seeks to resist development beyond settlement limits in washed over Green Belt settlements.

Layout and Landscape

4.36 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.

4.37 The layout proposes two properties along the street frontage and two behind served via the same access from Main Street. The property beyond the site to the north is a single property on the road frontage with garage set behind. As indicated in paragraph 4.35 above the character of the village changes beyond Back Lane; development on the south side of the Lane is in-depth with properties facing the Main Street and facing Back Lane. To the north of the lane there is only one dwelling on the application side of the road. This property is set towards the frontage of the site with large rear garden. The proposed development which consists of a small courtyard development with two dwelling to the frontage and two set behind, is a pattern of development which is not characteristic of the immediate context. Gardens to the rear extend into the rear open field and wrap around the adjacent property increasing the visibility of the development from the east. The contrast between the denser development to the south of Back lane and rural open nature of land to the north would be lost. The plots at the eastern end of the land would appear substantial and highly visible because of the open fields to the rear and the relative height of the land compared with the Main Street. The Knapton Village Design Statement (VDS) says 'the village itself has a simple plan with a single

principal street (Main Street) and, on the east side, a "Back Lane". It is likely that the village was originally laid out as a 'single-sided' village, with the main street lined by houses and the back lane by farm buildings, with easy access to the adjacent fields. Later expansion caused new building on the west side of Main Street, but no Back Lane was ever created here. Most building is contained today within a tight envelope defined by Main Street and Back Lane. Design guidelines in the VDS say that Future development in Knapton should recognise the historic character of the village and its landscape setting and maintain the independence of Knapton as a village by upholding its present washed over Green Belt status. Development at the periphery of the village settlement limit should only be considered where it would not adversely affect the open character of the village's setting and entrances to the village.

4.38 The proposed site is considered to be an important element of the landscaped setting of the village a point acknowledged in the previous appeal decisions for the site. Officers conclude that the proposed layout would be inappropriate to the character and appearance of development in Knapton and should be resisted.

4.39 The site has a mature hedge boundary to the Main Street frontage; it has a lower but still significant hedge boundary to Back Lane. The rear (eastern boundary) is appears open as it is only delineated by a wire fence. There are two substantial trees close to the Main Street both of which are shown are retained. The hedge along the Main Street will be partially lost and replaced by a wall; along Back Lane the hedge is shown as partially replaced and partially left undefined. The change to the boundaries will reduce the rural quality of the site and the details are considered to be harmful to the site's character and appearance.

Highway, Access and Parking Arrangements

4.40 A significant number of the objectors raise concerns about the amount of traffic which will be generated by the development and the concerns that the village can not accommodate the development and the traffic that uses the village as a way of avoiding traffic on the bypass to access Acomb and the centre of York. The amount of traffic generated by the development is not likely to be significant and the site layout allows for the provision of sufficient parking to accommodate all the requirements for the houses.

4.41 The design of the access road will need to resolve the difference in levels between the site and the Main Street. The details show that the scheme will require a retaining wall at the site entrance and the hedge will be lost. The details of the design of the access road contribute to the change in the character of the site, its suburban design being less appropriate to the site's rural character.

Ecology

4.42 There are no statutory or non-statutory nature conservation sites within or adjacent to the site. The site is located within a Local Green Infrastructure Corridor (13 Acomb Corridor). Through the Local Biodiversity Action Plan these have been identified across York with the aim to link together habitat to create an overall structural network for wildlife. Green corridors are not fixed boundaries but are a consensus of where green infrastructure assets occur. The Acomb Corridor is important for a series of grassland sites (many designated as SINCs) and extensive aligned gardens linked to create a network of corridors through the area. Priorities for wildlife enhancement of this corridor include neutral/acid grassland, garden habitat, fens and marshes, and ponds.

4.43 Policy NE8 of the DCLP 'Green Corridors' states that planning permission will not be granted for development, which would destroy or impair the integrity of green corridors and stepping stones (e.g. river corridors, roads, railway lines, cycleways, pockets of open space and natural or semi-natural vegetation etc). Conversely, development that ensures the continuation and enhancement of green corridors for wildlife will be favoured. The NPPF says that in determining applications authorities should aim to conserve and enhance biodiversity. If significant harm resulting from development cannot be avoided adequate mitigation or as a last resort, compensated for then planning permission should be refused.

4.44 The ecology report supporting the original application has not been updated to relate to the later proposals. The existing hedges are of some wildlife value but the loss of the hedgerow, whilst regrettable, would be acceptable provided conditions are imposed with regard to replacement and additional landscaping. However the Oak tree located on the corner of Main Street and Back Lane has the potential to support roosting bats and were any works proposed to it a bat survey would be required before this application could be determined. The amended scheme shows the Oak tree retained; the alteration to the access arrangements in the amendments appear to make the retention of the tree possible. Officers are satisfied that were the principle of the development to be supported and the oak tree remains unaffected by the development conditions could be applied to any permission to protect the designation of the site as part of the Acomb Corridor and to ensure the diversity of the ecology on the site.

Drainage

4.45 The site is located in flood zone 1 and should not suffer from river flooding. The application is supported by a drainage assessment which considers that foul sewage can be discharged by gravity into the existing main in Main Street. Surface water run-off can be attenuated and if soak-aways are not possible attenuation of the surface water can be achieved. It is considered that a condition could be attached that would allow for a suitable drainage solution.

Other Considerations - Very Special Circumstances

4.46 The applicant considers that the development is appropriate development within the Green Belt. He concludes that the site can reasonably be assumed to be within the settlement limits for Knapton and would constitute limited infilling as defined in paragraph 89 of the NPPF and assessed in various appeal decisions. Officers conclude differently for the reasons set out earlier in this report. However the applicant provides the 'very special circumstances' that would weigh in favour of the development of the site if it is considered to be within the Green belt. These are set out in the supporting planning statement and are:-

- The site has built development on three sides and would be rounding off to the settlement limits
- In the absence of an adopted Local Plan and formal Green belt boundaries the site would be a defensible boundary to development by way of a landscape strip to the eastern side.
- The site is a better alternative to other Green belt sites in the open countryside in this part of York where there is a distinct lack of derelict and other urban land.
- whilst unmet need for housing is not a basis to grant permission in the Green Belt as part of a planning balance weight can be attached to the lack of a five year housing supply
- The scheme comprises four bespoke houses which reflect and enhance the local character of Knapton.

4.47 It is considered that the very special circumstances put forward by the applicant are not sufficient to outweigh the definitional harm and other harm (that is harm to the purposes of Green Belt and openness and harm arising from the design of the scheme and the landscape details on the character and appearance of the area) 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

COMMITTEE TO VISIT

5.0 CONCLUSION

5.1 The application site, undeveloped land on the corner of Back Lane and Main Street, Knapton, is considered to be within the general extent of the Green belt as defined in the RSS. The erection of 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 It is considered that the very special circumstances put forward by the applicant which consists of an assessment of the site as one which should be within the settlement limits, constitutes infill or rounding off the settlement and considers that the scheme provides housing, where there is not a sufficient housing supply, that reflects and enhances the village character 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 the design of the scheme and the landscape details on the character and appearance of the area) 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 Comments on highway matters are awaited and will be reported direct to committee.

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, impact on the character and appearance of the area and siting, design and landscape. 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 The site is an undeveloped area which is defined by hedge boundaries and is open on its eastern side. The village has relatively dense development along Back Lane and Main Street to the south side of the site; to the north development is less compact providing spaces and open views. The contrast of the rural setting of the village to the more dense development within its nucleus is important to its character

and appearance. It is considered that the erection of four substantial dwellings with associated car parking ,garaging and landscape treatment on a site that is elevated would be detrimental to the open rural setting for Knapton village and would cause harm to the character and appearance of the area. This would be contrary to the core planning principle of the National Planning Policy Framework of recognising the intrinsic character and beauty of the countryside and GP1 of the City of York Development Control Local Plan (Approved April 2005) which similarly expects proposals to respect or enhance the local environment.

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:

However, the applicant/agent was unwilling to withdraw the application, resulting in planning permission being refused for the reasons stated.

Contact details:

Author: Diane Cragg Development Management Officer (Mon-Thur)

Tel No: 01904 551351