

## COMMITTEE REPORT

**Committee:** Planning Committee  
**Date:** 24 April 2008

**Ward:** Huntington/New Earswick  
**Parish:** New Earswick Parish Council

**Reference:** 08/00391/FULM  
**Application at:** Agricultural Land Adjacent Nature Reserve Alder Way New Earswick York  
**For:** Change of use from agricultural to nature conservation area  
**By:** Joseph Rowntree Housing Trust  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 19 May 2008

### 1.0 PROPOSAL

1.1 This application seeks planning permission to change agricultural land into a nature conservation area. The application site is within New Earswick and consists of 7.24 ha of land and is located between Haxby Road to the east, an existing nature conservation site to the north, a disused railway line to the west and playing fields to the south. The nature reserve would be publicly available all year with a number of informal paths created to allow members of the public to enjoy the area.

1.2 This application is submitted in line with a Section 106 agreement which was signed as part of the outline planning permission for the development of 540 houses on land to the west of Metcalfe Lane. The developers of the Metcalfe Lane site were required to provide replacement nature conservation land totalling 7.24 ha on land to the south of New Earswick i.e. the application site. The purpose of the replacement nature conservation land is to mitigate against the loss of nature conservation interest on the Metcalfe Lane development site.

1.3 A Committee site visit is required as the application is recommended for approval but a letter of objection was received.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

## 2.2 Policies:

CYGP14  
Agricultural land

CYNE7  
Habitat protection and creation

CYGP1  
Design

## 3.0 CONSULTATIONS

### Internal

3.1 Countryside Officer - The principle of changing the use of this land from agriculture to nature conservation is excellent and is in line with the proposals set out within the Section 106 Agreement relating to the Derwenthorpe application (Ref 03/2709/OUTM). In addition the habitats and management proposals set out in Plan A and 'The Establishment and Management Plan for the Replacement Nature Conservation Land at New Earswick' document are also fine in principle, there are some outstanding issues regarding the detail of the scheme and the rationale behind some of the proposals. Meetings are arranged with the consultants in order to discuss these issues and finalise any outstanding details prior to the committee date. In policy terms, PPS9 states that 'Development Proposals where the principle objective is to conserve or enhance biodiversity and geological conservation should be permitted'. This application falls directly in this category and within the policies established in the draft local plan and emerging LDF, as such there is no basis not to accept the principle of this change. A verbal update will be given at committee.

3.2 Highway Network Management - No objections.

3.3 Lifelong Learning and Leisure - No correspondence received.

3.4 Environmental Protection Unit - No objections.

### External

3.5 New Earswick Parish Council - No objections.

3.6 Neighbours - One letter received from 5 Aucuba Close which sits to the northwest of the existing nature conservation land. The letter raises concerns about the impact of any tree planting on the amount of natural light entering the property. The dwelling is to the north of the existing nature conservation land and there are trees and shrubs planted close to the boundary which results in a low level of natural light reaching the dwelling. The letter requests that serious consideration is given to this issue and tall trees are not planted in a location which may block out more light.

## 4.0 APPRAISAL

### 4.1 Key Issues:

- Loss of agricultural land
- Creation of high quality publicly accessible nature conservation land
- Neighbouring amenity

4.2 Policy GP14 of the City of York Draft Local Plan states that the best and most versatile agricultural land (grades 1, 2, and 3a) will be protected unless special circumstances justify its loss. The application site is thought to be grade 3b agricultural land and is therefore not worthy of protection.

4.3 The nature conservation land proposed contains a variety of planting in order to promote new habitats. The site would contain scrub and trees, managed and unmanaged grassland, wet and marshy grassland, two ponds, and hedgerows. The Countryside Officer is happy with the principle of developing the site for nature conservation purposes and negotiations are on-going regarding the finer details of the scheme to ensure the potential of the site is realised.

4.4 Policy NE7 of the Local Plan states that development proposals should enhance local habitats and promote public awareness and enjoyment of them. The proposed nature conservation land would connect up with an existing nature conservation site. The public can enjoy the existing nature conservation site and it is considered that the proposed extension of this would provide a greater scope for further enjoyment of the overall nature conservation land. A number of footpaths are proposed to run through the site in order to allow public access into a number of areas of the conservation land. Four access points are proposed allowing people to enter the site from the east, west, and north of the site. New cycle stands are proposed which may encourage people from the wider area to visit the area whilst travelling in a sustainable fashion.

4.5 Whilst it is difficult to predict the number of visitors to the site the applicants best guess is that this would be in the region of 30 - 40 people per day. Currently 10 - 15 people visit the existing nature conservation site on a daily basis. It is expected that the majority of visitors would walk from the local area which would have minimal disruption on the amenity of local residents. There are two small parking areas owned by Joseph Rowntree Close to the site. This allows for a number of visiting vehicles to park off-street. Joseph Rowntree are proposing to create one disabled parking bay and to upgrade the access into the site from this area in order to allow a greater number of people to enjoy the area. One of the paths through the site would have a high specification to allow wheelchair access. The remaining footpaths would be less formal mown grass to enhance the conservation area.

4.6 One letter of objection was received from a local resident regarding trees blocking out natural light to the property. The proposed nature conservation land under consideration is to the south of a number of dwellings. However, the site sits a much greater distance from the dwellings than the existing nature conservation land. It is considered that the level of separation between the dwellings and application site combined with the relatively small area of land proposed to be planted with trees

and shrubs ensures that neighbouring amenity would not be unduly harmed through a loss of natural light. The applicants have confirmed that planting in the northwest corner of the site will be controlled to ensure that trees do not overshadow gardens and properties to the north.

4.7 Whilst the proposal is an application in its own right, if approved, the application would also be used to satisfy a requirement of the Section 106 Agreement in relation to the residential development of the Metcalfe Lane site. It is considered that the proposal under consideration does comply with the requirements of the Section 106 Agreement. The Section 106 Agreement requires the replacement nature conservation land to be provided in accordance with the approved plans prior to the occupation of 200 residential units at the Metcalfe Lane development site.

4.8 The applicants, Joseph Rowntree Housing Trust, have confirmed that they will maintain and manage the nature conservation land. This is in accordance with the Section 106 Agreement and a Management Plan has been submitted to the Local Planning Authority for approval. The Council's Countryside Officer is assessing this. Joseph Rowntree already manages the existing nature conservation land which is to the north of the application site.

## **5.0 CONCLUSION**

5.1 The proposed change of use is in line with Local Plan Policies GP14 (Agricultural Land) and NE7 (Habitat Protection and Creation) and Planning Policy Statement 9: Biodiversity and Geological Conservation. The proposal is also in line with the Section 106 agreement for providing replacement nature conservation land as part of the residential development at the Metcalfe Lane site.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Plans received by The CoYC on 18th February 2008

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 HWAY18 Cycle parking details to be agreed

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the loss of agricultural land and the impact on the living conditions of neighbours. As such the proposal complies with Policies GP1, GP14 and NE7 of the City of York Draft Local Plan.

#### **Contact details:**

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