

COMMITTEE REPORT

Committee: East Area
Date: 9 July 2009

Ward: Heworth Without
Parish: Heworth Without Parish
Council

Reference: 09/00462/OUT
Application at: Land Lying To The East of Bramley Garth York
For: Outline application for residential development (access off Bad Bargain Lane)
By: Mr And Mrs Taylor
Application Type: Outline Application
Target Date: 18 May 2009

1.0 PROPOSAL

1.1 Proposed Development

The application seeks outline planning permission for residential development, with all matters reserved for future approval, on land lying to the east of Bramley Garth (access off Bad Bargain Lane). An indicative site plan and letter of support have been submitted in support of the application. These indicate the position of a new access road within the site off Bad Bargain Lane and the erection of 24 two-bedroom bungalows, suitable for occupation by older people and the disabled. As part of the proposal a 2 metre wide footpath extension is proposed along Bad Bargain lane.

No drainage information, provision for affordable housing or a habitat survey has been submitted with the application.

1.2 Application Site

The application site is triangular in shape and measures 0.72 hectares. To the immediate west of the site are the properties along Bramley Garth, to the immediate south of the site is Bad Bargain Lane, beyond which is open countryside lying within the open green belt. The land to the east of the site is open green belt with Apple Tree Farm located approximately 100 metres along Bad Bargain Lane. The site is bounded by hedgerows with areas of dense bramble and nettles with an area of woodland to the northern corner of the site. There are two existing buildings on site, which it is proposed to demolish.

1.3 Planning History

There is no planning history for this site and no evidence of previous applications being refused on drainage / sewerage grounds. It is understood that the former use of the land was a garden centre.

1.4 Land Use Allocations

The application site is located within the green belt on the City of York Draft Local Plan.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGB1
Development within the Green Belt

CYGB6
Housing devt outside settlement limits

CYNE1
Trees, woodlands, hedgerows

CYNE2
Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE6
Species protected by law

CYH2A
Affordable Housing

CYH3C
Mix of Dwellings on Housing Site

CYH4A
Housing Windfalls

CYH5A
Residential Density

CGP15A
Development and Flood Risk

3.0 CONSULTATIONS

3.1 Internal

Urban Design and Conservation

In terms of its wildlife value, the vegetation on site would provide good foraging opportunities for bats and the woodland to the corner of the site roosting opportunities. The wooded area would be ideal for sparrow hawks, which are present in the area. The hedgerows on the site are species rich with the eastern and southern boundary hedges present on the first edition OS map from c. 1851. Within the proximity of the site are a number of field ponds, which are known to support Great Crested Newts. The site itself is ideal terrestrial habitat for newts, however the true value of the site would be dependant on the size of the newt populations within nearby ponds. In order to determine these populations a Great Crested Newt survey should be carried out.

Highways

No objections in principle, however the proposed site layout seems over engineered given the low number of units proposed. It is recommended that revised plans be submitted showing an informal layout which follows guidance contained within Manual for Streets and adopts a shared surface / home zone principle.

Lifelong Learning & Leisure

The development would require either on-site public open space or a commuted sum towards existing amenity space, play space and sports pitches.

Environmental Protection

No objections subject to a condition requiring an Environmental Management Scheme to control noise, vibration and dust during the hours of construction and informatives relating to contaminated land and the control of pollution.

Drainage

The development is in low risk Flood Zone 1 and should not suffer from river flooding. Object to the application on the grounds that insufficient information has been provided by the developer to determine the potential impact the proposals may have on existing drainage systems.

Housing

Object on the grounds that the site is over the threshold for affordable housing provision but none has been provided.

Planning Policy

This site falls within the draft Green Belt. Housing development (market housing) is not an appropriate use in the Green Belt. In accordance with policy GB6, housing development in the Green Belt will only be permitted where it is essential for agriculture or forestry in that area or it is for affordable housing on small 'exception' sites. Objections are therefore raised to this proposal in policy terms as it conflicts with PPG2 and policies GB1 and GB6 of the Draft Local Plan.

Education

This application requires no education contribution; the catchment schools are Burnholme Community College and Hempland Primary, both of which have plenty of spaces available.

3.2 External

York Natural Environment Panel

The proposal would be an unwelcome intrusion into the green belt, extending urban sprawl and destroying an attractive landscape feature. The site appears to have biodiversity value. Grazing animals could be given access to the site and together with the adjacent field it could function as a single larger grazing unit. It is an opportunist application, contrary to Council green belt and biodiversity policies and may set a precedent.

Heworth Without Parish Council

Object to the application on the grounds that the proposal would be inappropriate development in the green belt; it would harm the visual amenities of the area; no special circumstances have been submitted to justify allowing inappropriate development.

Environment Agency

The proposal would have a low environmental risk.

Foss Internal Drainage Board

Tang Hall Beck to the north of the site is a Board maintained watercourse and is at capacity. It should not therefore be used for the discharge of surface water drainage. The applicant states that surface water is to be discharged to soakaways. They recommend a condition requiring details of a surface water regulation system. The rate of discharge would not be expected to exceed that of a Greenfield site 1.4 litres per second per hectare.

Neighbour Representations

Six letters of representation have been received from local residents objecting to the application on the following grounds;

The site is located within the green belt, the proposal would erode the green belt and could set a precedent for similar applications.

Loss of privacy / outlook / aspect

Shading / loss of light/sunlight

Flooding / Drainage

Impact on wildlife

Increase in traffic / highways safety / Bad Bargain Lane is narrow and used by horses / the access for a proposed fishing lake is opposite the proposed access/ presence of overhead power lines

The potential height and type of dwellings

Construction will result in dust, noise and disturbance

The site is overgrown and the owners have not attempted to keep the land clean and tidy and this has led to fly tipping

The site could be used for the grazing of animals as in the past

Previous applications were refused for drainage / sewerage reasons
Devalue property prices

4.0 APPRAISAL

4.1 Key Issues

- Policy Context
- Principle of Residential Development
- Character & Amenity of Local Environment
- Impact on Residential Amenity
- Impact on Highway Safety
- Drainage and Flood Risk
- Sustainability
- Impact on Services

4.2 Policy Context

National Planning Policies

Planning Policy Statement 1 (PPS1) - Delivering Sustainable Development, sets out the Government's planning policies on the delivery of sustainable development through the planning process.

Planning Policy Guidance 2 (PPG2) - Green Belts, sets out how green belts are designated and outlines green belt land use objectives and the presumption against inappropriate development.

Planning Policy Statement 3 (PPS3) - Housing, provides guidance on the location of new housing.

Planning Policy Statement 9 (PPS9) - Biodiversity and Geological Conservation.

Planning Policy Statement 25 (PPS25) - Development and Flood Risk, sets out the Government's policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process, to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk.

4.3 Principle of Residential Development

The application site is located within the green belt on the City of York Draft Local Plan wherein new housing is considered inappropriate development except in very special circumstances as advised by both Policy GB1 of the Draft Local Plan and national guidance contained within PPG2 - Green Belts. Policy GB6 of the Draft Local Plan advises that housing development in the green belt will only be permitted where it is essential for agriculture or forestry or is a small 'exception' site for affordable housing. The proposed development is neither for agriculture / forestry or an 'exception' site for affordable housing and is therefore inappropriate development. It is not considered that any other very special circumstances exist to justify the granting of planning permission for inappropriate development in the green belt.

Furthermore it is considered that the development of this 0.7 hectare site for residential development would detract from the open character and visual amenities

of this green belt location, contrary to the Policy GB1 of the Local Plan and guidance contained within PPG2 - Green Belts.

4.4 Character and Amenity of Local Environment

In addition to the general advice contained within PPS1 and Policy GP1, Policy H4a specifically relates to proposals for residential development on land not already allocated on the proposals map. It supports such development where; a) the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings; b) the site has good accessibility to jobs, shops and services by non car modes AND c) it is of an appropriate scale and density to surrounding development, and it would not have a detrimental impact on existing landscaping features.

The application site is located adjacent to, but outside the urban area. The site does have good accessibility to jobs, shops and services by non-car modes. Whilst the agent has indicated that the site would be development with 24 single storey dwellings, no details of layout, scale or appearance have been submitted with the application. The density of the development would equate to 33 dwellings per hectare, which reflects the density of the adjacent residential development on Bramley Garth and is within the suggested criteria of densities between 30 and 50 dwellings per hectare. The site has trees, hedgerows and dense bramble and could be providing roosting and foraging opportunities for bats and refuge sites for Great Crested Newts. The loss of the existing landscape features would be detrimental to the amenities of the area and protected species.

4.5 Impact on Residential Amenity

Whilst no details of siting, scale or design of the proposed dwellings have been submitted, it is considered that the site could be developed in such a way that would not be directly harmful to the amenity of existing residents in Bramley Garth in terms of privacy, loss of light or overshadowing. Should outline planning permission be granted, it is considered that these issues could be addressed at the detailed application or reserved matters stage.

4.6 Impact on Highway Safety

The site would be accessed off Bad Bargain Lane. Whilst Highways Officers do not raise any objections in principle to creating a new access off this road to serve 24 dwellings, they do comment that the proposed access road would be over engineered and would need to be re-designed in accordance with Manual for Streets. In the interests of promoting use of public transport it is recommended that the applicant fund the provision of a bus stop on Bad Bargain Lane and in the interest of pedestrian safety provide a drop crossing at the junction of Bramley Garth and Bad Bargain Lane.

4.7 Drainage and Flood Risk

The Council's Engineering Consultancy has objected to the application on the grounds that insufficient information has been submitted to determine the potential impact the proposals may have on the existing drainage systems. Foss Internal Drainage Board advise that Tang Hall Beck to the north of the site is a Board maintained water course and is at capacity. It should not therefore be used for the discharge of surface water drainage. The applicant states that surface water is to be

discharged to soakaways. They recommend a condition requiring details of a surface water regulation system. The rate of discharge would not be expected to exceed that of a Greenfield site 1.4 litres per second per hectare. In order to ensure that this can be achieved, details of existing and proposed surface water discharge rates and any necessary mitigation works would be required prior to any approval.

4.8 Sustainable Development

The application was not accompanied by a sustainability statement. The site is located outside the existing urban area but adjacent to the settlement of Heworth, close to local amenities and public transport links. A condition could be attached to any approval to require the development to achieve a level 3*** rating under the Code for Sustainable Homes.

4.9 Impact on Services

For developments of 10 or more dwellings, Local Plan Policy L1c requires either on site provision of open space, or a commuted sum payment for off site provision. This could be achieved through a Section 106 Agreement or Unilateral Undertaking, which could be the subject of a condition of any approval. In terms of education facilities, the proposal would not require any financial contribution, as the catchment schools of Burnholme Community College and Hempland Primary both have spare capacity.

5.0 Other Issues

The impact on property prices is not a material planning consideration and is not a factor in the determination of this application.

The fact that the site is untidy and overgrown does not warrant the granting of planning permission for inappropriate development in the green belt.

5.0 CONCLUSION

5.1 The proposed residential development in this green belt location is inappropriate development for which there are no special circumstances and the scale of the development would be detrimental to the open character and visual amenities of this green belt location. Insufficient information has been submitted with the application in order to fully assess the impact of the proposal on the existing landscape features and protected species. Furthermore no detailed information has been provided with regards to the surface water drainage of the site, which is required in order to prevent further run-off into Tang Hall Beck, which is at full capacity.

5.2 For the reasons outlined above the application is recommended for refusal.

6.0 RECOMMENDATION: Refuse

1 The application site is located outside the built up limits of the settlement and within an area of Green Belt on the City of York Draft Local Plan (CYDLP), wherein new housing would constitute inappropriate development except in very special circumstances, which have not been demonstrated in this instance. Furthermore the

proposed development, by reason of its size, scale and location, together with the loss of existing landscape features, would detract from the visual amenities and open character of this Green Belt location. The proposal is therefore contrary to Policies GB1 and GB6 of the CYDLP and national advice contained within Planning Policy Guidance 2 "Green Belts".

2 The proposed development of 24 dwellings is above the threshold of 15 dwellings whereby affordable housing should be provided as part of the development. The proposal makes no provision for affordable housing and is therefore contrary to Policy H2a of the City of York Draft Local Plan, the City of York Council Affordable Housing Advice Note July 2005 and national advice contained within paragraph 27 of Planning Policy Statement 3 "Housing".

3 Insufficient drainage details have been submitted to show how foul and surface water generated by the proposal would be properly attenuated and how flood risk from all sources to the development itself and to others will be managed. The application therefore conflicts with Central Government advice contained within Planning Policy Statement 25 "Development and Flood Risk", Policy GP15a of the City of York Draft Local Plan and the council's adopted Strategic Flood Risk Assessment.

4 Insufficient information has been submitted in order for the proposal to be assessed in relation to the impact on the nature conservation interest of the site, including species protected by law. The proposal is therefore contrary to Policies NE1 and NE6 of the City of York Draft Local plan and national advice contained within Planning Policy Statement 9 "Biodiversity and Geological Conservation".

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