

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Osbaldwick
Date: 17 December 2009 **Parish:** Osbaldwick Parish Council

Reference: 09/01768/FULM
Application at: Land To The West Of Metcalfe Lane Osbaldwick York
For: Change of use of agricultural land into nature conservation area with public access
By: Mr Mark Warters
Application Type: Major Full Application (13 weeks)
Target Date: 28 December 2009

1.0 PROPOSAL

1.1 The site is to the east of the City on the outskirts of the main urban area and covers approximately 20.5 hectares. To the north of the site lies Burnholme College and the residential area of Meadlands, and to the west the residential areas of Fifth Avenue and Temple Avenue. Metcalfe Lane runs parallel with the site's eastern boundary connecting Meadlands with Osbaldwick. It provides the only access to National Grid's operational land to the east of the application site. Other cycle tracks and footpaths cross the site linking Metcalfe Lane to the east and Burnholme College to the north with Fifth Avenue and Temple Avenue to the west.

1.2 It is proposed to change the use of the agricultural land to a nature conservation area with public access. Further information submitted by the applicant confirms the type of activities proposed within the site to be dog walking, general walking, general play, bird watching, hedgerow fruit gathering, horse riding and all other related leisure activities. Whilst parts of the fields may have already been used for such purposes they have not been formalised through the planning system and as such are unauthorised.

RELEVANT PLANNING HISTORY

1.3 In May 2007 the Secretary of State granted outline planning permission for residential development for approximately 540 dwellings, including public open space, associated footpaths, cycleways, roads, engineering works and landscaping (planning ref. No. 03/02709/OUT).

1.4 Following the Secretary of State's decision a Reserved Matters application for part of the site (known as Phase 1) was submitted to build 64 dwellings, including public open space, associated footpaths, cycleways, roads, engineering works and landscaping (07/02789/REMM). Permission was granted in February 2008.

1.5 In April this year planning permission was given to erect a two storey building containing a single storey plant room and two storey ancillary community facility with separate foul water pumping station and access road. (08/02757/FUL).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Osbaldwick CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

Floodland GMS Constraints: Flood Zone 3

Floodland GMS Constraints: Flood Zone 2

Floodzone 2 GMS Constraints: Flood Zone 2 CONF

Floodzone 3 GMS Constraints: Flood Zone 3

Schools GMS Constraints: St. Aelred's RC Primary 0223

2.2 Policies:

CYSP9

Action Areas

CYH1

Housing Allocations

CYH3B

Managed Release of Allocated Housing Sites

CYGP3

Planning against crime

CYGP4A

Sustainability

CYGP9

Landscaping

CYGP15

Protection from flooding

CYNE1

Trees, woodlands, hedgerows

CYNE2

Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE6

Species protected by law

CYNE7

Habitat protection and creation

CYHE3

Conservation Areas

CYHE11
Trees and landscape

CYT4
Cycle parking standards

CYL1
Open spaces in new residential devts

CYV1
Criteria for visitor related devt

3.0 CONSULTATIONS

EXTERNAL

3.1 Neighbours consulted, site notices posted, and Press Notice published. Consultation expired on 28th October 2009:

i). Twelve letters of support received, with the following comments made:

- the proposal would make the best use of land as it is a place of natural beauty and would benefit the surrounding communities;
- the site contains protected species such as Water Vole, Great Crested Newts and various types of protected bats;
- the meadows are frequently used by local residents. Thus various species of wildlife should be protected;
- this application would benefit the people of York if successful;
- planning permission should only be given for nature conservation area;
- The Environmental Statement submitted with the proposed residential development in 2003 highlighted the significance and value of the marshy field at Metcalfe Lane. The report also stated that the majority of the hedgerow on the site can be considered to be of high ecological quality.
- the site also contains a variety of birds including scarce birds such as "Firecrest"
- housing schemes should be situated on brownfield sites;
- houses should not be built on greenbelt land;
- the proposal has the potential for community engagement and educational usage;
- the proposal would benefit local residents more than the approved housing development;

ii). In addition one letter received with the following comments:-

- this application can only be supported if the scheme is supported by a clear management plan with suitable structures and if the proposal is properly funded;
- the scheme should stop the current intermittent use of land for unofficial motorcycle/quad bike purposes;
- the site should be better managed;
- The public enquiry already concluded that the site can be used for housing; nevertheless brownfield sites should come forward in the future for such purposes;

iii). One letter of objection received expressing the following concerns:

- the area will become even more scruffy than it already is if approval is given to the scheme;
- the Council will be unable to afford the maintenance and upkeep of the area to a better standard if they still own the land after the approval;
- the land already has planning permission for much needed affordable housing and the CYC should pursue that line of use;
- the residents at Grid House has never been consulted by the applicant about the scheme;

3.2 Osbaldwick Parish Council - response received on 20th October 2009 supports the application.

3.3 Meadlands Area Resident Association (MARA) - response received on 27th October 2009: It states:-

- This area provides recreational facilities for very many local residents.
- It is recognised by the authority that the area east of the city is deficient in the provision of recreational and open space east of the city.
- On behalf of the residents association MARA strongly supports this application.

3.4 Natural England consulted, response received on 13th October 2009:

- No comments made other than to refer to the Council's own ecological advisor (Countryside Officer) for an appropriate assessment.

3.5 York Natural Environment Trust (YNET) consulted. Response received on 27th October 2009: States:-

- The York Natural Environment Trust (YNET) supports this application
- the site is already a nature conservation area, though currently in need of a return to proper management to restore and protect its full potential.
- It has a long established and continuing pattern of public access. Approval of this application would therefore do no more than ratify this historic position, to the potential continuing benefit of the people of York.
- The application concurs with YNET's long held position that the proper use of these publicly owned meadows is for landscape, nature conservation and public amenity.
- The site offers access to natural green space, with no particular effort or journey required to enjoy it, which concurs with Natural England policies, in a part of the city now demonstrated to have a major shortfall of open space generally.
- The size and importance of the site also gives it the potential to fulfil public natural open space requirements for a larger area.
- The application concurs with Government policy, supported by YNET, that development should happen sequentially on brown field sites before green field sites and therefore offers an acceptable and desirable alternative to other approved plans for the site.
- YNET has stated its support for suitable development of the York Central and British Sugar sites and has made specific recommendations for progressing this within the current economic climate. Transfer of intentions and resources allocated for housing development on Osbaldwick meadows to these major brown field

holdings, could stimulate these currently stalled developments and this too would concur with YNET's aspirations.

- At the 2006 'Derwenthorpe' Public Inquiry YNET indicated its positive experience of neglected meadow restoration at its Rawcliffe Meadows Nature Reserve, using Government Countryside Stewardship funding and its experience of working with community groups at all of its nature reserves.

- It advocated similar management of the Osbaldwick Meadows for nature conservation and public amenity group by a local community group and offered its support if requested. YNET re-affirms this offer of support in the case of developments arising from this application.

- This application offers potential benefits for York that go far beyond its immediate parameters and York Natural Environment Trust strongly requests members to approve this application.

3.6 Police Architectural Liaison Officer consulted :-

No objections raised.

3.7 Environment Agency consulted. Response received on 19th November 2009 :-

No objections; informative recommended.

INTERNAL

3.8 City Development consulted, response received on 29th October 2009:

- Based on the significance of this site in terms of the City's future housing supply, which is recognised in the draft Local Plan and the emerging LDF evidence base and housing trajectory, the team raises a policy objection to this application.

3.9 Council's Countryside Officer consulted, response received on 20th November 2009:

-In summary, the site contains species derived from the old species-rich swards that were formally much more common. The distribution of these species is though very patchy and many of them were not found in great numbers. It is this paucity of distribution that prevents their designation as a SINC grassland. Although not of SINC quality, these grassland are still of considerable local interest.

3.10 Highway Network Management - Response received on 20th October 2009:

- No objections as it is understood that no car parking is to be provided.

4.0 APPRAISAL

4.1 The key issues are:-

i). Principle of the proposed change of use;

ii). Ecology and nature conservation considerations

PRINCIPLE OF THE PROPOSED CHANGE OF USE

4.2 Planning Policy Statement no.3 (PPS 3) set out the national planning policy framework for delivering the Government's housing objectives. This PPS reflects the Government's commitment to improving the affordability and supply of housing in all communities. Paragraph 10 of PPS3 sets out a list of specific outcomes that the planning system should deliver, these include:

- i). A sufficient quantity of housing taking into account need and demand;
- ii). A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural, and
- iii). Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

4.3 PPS1 "Delivering Sustainable Development" sets out the key principles that should be applied to ensure that development plans and decisions taken on planning applications contribute to the delivery of sustainable development.

4.4 PPS1 (Supplement) "Planning and Climate Change" sets out how planning should contribute to reducing emissions, stabilising climate change and take into account the unavoidable consequences.

4.5 Policy H1 "Provision and Distribution Housing" of the Yorkshire and Humber Regional Spatial Strategy (RSS) (2008) states the region's housing stock should be improved and increased to provide accommodation for all households wanting homes. The main mechanisms to achieve this are Local Development Frameworks (LDFs), Development Control, and Local Housing Strategies.

4.6 Policy T1 of RSS (2008) "Personal travel reduction and modal shift" states the region will aim to reduce travel demand, traffic growth and congestion, shift to modes with lower environmental impacts, and improve journey time reliability.

4.7 Policy H1 "Housing Allocation" of the City of York Draft Local Plan sets out a list of sites across the City to accommodate 4,491 dwellings. The site is identified as site H1.6 to accommodate approximately 520 dwellings.

4.8 The site is also recognised as a long standing housing allocation, dating from 1994 in the York Green Belt Plan and Southern Ryedale Local Plan, and most recently in the City of York Draft Local Plan.

4.9 The site is further identified in the emerging LDF evidence base (the Strategic Housing Land Availability Assessment) as significant in terms of contributing to the City's long term housing supply and features in the first 5 years of the housing trajectory.

4.10 In addition, the site is identified in policy SP9 as an Action Area for a 14ha residential urban extension and open space. This policy states planning permission will not be granted for any development, which could prejudice the implementation of their comprehensive redevelopment.

4.11 Policy GP4a "Sustainability" of the City of York Draft Local Plan sets out a list of criteria required to be considered for all developments which require planning permission.

4.12 This application seeks planning consent to change the use of an allocated Housing site for purposes other than its intended purpose. As such the proposed use would have an adverse effect on York's future housing supply, contrary to policy H1 of RSS 2008, policies H1 (Housing Allocation) and SP9 (Action Areas) of the City of York Draft Local Plan, the findings of the Strategic Housing Land Availability Assessment, and Government's objectives set out in paragraphs 10 and 69 of PPS3. It would also undermine the government's objective of providing sufficient quantity of housing to meet needs and demands, and the need to provide a mix of housing, both market and affordable, particularly in terms of tenure and price to support a wide variety of households in all areas.

4.13 There is a shortfall in natural and semi-natural open space in the eastern part of the City's urban area. Nevertheless it is not considered that such a shortfall should be addressed by losing a significant housing site in an area considered by the Secretary of State as a sustainable location for housing.

ECOLOGY AND NATURE CONSERVATION

4.14 Planning Policy Statement no.9 (PPS9) "Biodiversity and Geological Conservation" sets out the Government's national policies on protection of biodiversity and geological conservation. Paragraph 1 (v) of PPS9 states "Development proposals where the principle objective is to conserve or enhance biodiversity and geological conservation interests should be permitted".

4.15 Policy ENV8 "Biodiversity" of the Regional Spatial Strategy to 2026 states the Region will safeguard and enhance biodiversity and geological heritage, and ensure that the natural environment functions as an integrated network of habitats.

4.16 The site is also identified on the proposals map as "Recreational Opportunity Area". Policy L1d of the City of York Draft Local Plan states open space in these areas will be brought forward for public access in conjunction with the development of associated allocations.

4.17 The Countryside Officer's latest findings accord with the Inspector's conclusions in his report to the Secretary of State dated 3 March 2007, which ruled that "the site is not a SINC. On the basis of the evidence presented and the current 'guidelines in operation, (he) considered that it would not now merit designation as a SINC" (paragraph 24.134).

4.18 In line with PPS 9 and policies NE6 and NE7 of the Draft Local Plan the proposal is unlikely to have a material harm on species protected by law and important natural habitats. No objections have been raised by the Countryside Officer.

AMENITY AND HIGHWAY SAFETY

4.19 It is proposed that the new nature conservation area would be used by members of the public for activities such as dog walking, general walking and play,

bird watching, hedgerow fruit gathering, horse riding, and other similar leisure activities. The applicant claims that the site is visited by approximately 200 to 300 visitors a day, and that this is likely to grow if planning consent is granted to formalise the (currently unauthorised) use of the site for leisure purposes.

4.20 There is currently no car parking within site, and under the proposal this would remain unchanged as it is expected by the applicant that visitors would tend to arrive by walking and cycling. Approximately 5 to 10 cycle parking spaces would be introduced along the Sustrans cycle route if permission were granted. No objections have been raised by the Council's Highway Network Management team, although since granting permission would legitimise the use of the site for publicly accessible nature conservation feature (subject to owner consent) it may well lead to additional potentially car borne visitors, who would park on the highways adjacent to the site.

4.21 In terms of the hours of opening, the site would be opened to the public 24 hours a days, 7 days a week. It is not envisaged that any full or part time staff would be employed, although certain maintenance tasks such as hay and hedge cutting would be carried out by contractors on a yearly basis. Smaller tasks would be undertaken by voluntary groups. Whilst the Police Architectural Liaison officer has not raised concerns with the application, the proposed unfettered public use and access does raise potential security issues in respect of the rear of properties off Ennerdale, Ambleside Avenue, and the rear of Meadlands.

4.22 There would be no building work or operations proposed as part of the scheme. The layout of the site would also remain unchanged. All trees, hedges, grass areas, wild flowers etc are intended to be preserved and protected.

4.23 Due to the nature, type and scale of the proposed use it is unlikely that the scheme itself would unacceptably harm the amenity of the local residents and school pupils, although from the above, concerns may arise if car borne visitors were to start visiting the site and there may be security implications for properties backing onto the site. The open use also gives rise to the possibility of large numbers of visitors congregating or attending one off events at the site. The visual appearance and natural features of the site would remain unchanged as no building work or other engineering operations have been proposed as part of the scheme.

OTHER MATERIAL CONSIDERATIONS

4.24 SITE MANAGEMENT - Concerns have been raised regarding anti-social behaviour within the site. If planning permission is given a site management plan condition setting out how the nature conservation area would be managed and secured would be considered necessary.

4.25 CONSERVATION AREA - Part of the site along the south east boundary forms part of Osbaldwick conservation area. Due to nature, type and scale of the proposed use and the screening provisions afforded by the existing boundary hedge and planting it is unlikely that the proposal would have an adverse impact on the character and appearance of the conservation area. If permission were to be granted a landscaping scheme would be required by condition.

5.0 CONCLUSION

5.1 Having taken all relevant matters into account, including the key issues above and representations received, it is considered that the proposed change of use to nature conservation area from agricultural land would:

- i). have an adverse effect on York's future housing supply;
- ii). undermine the government's objective of providing sufficient quantity of housing to meet needs and demands;
- iii). affect the Government's objective of providing a mix of housing to support a wide variety of households in all areas

5.2 As such the proposal is contrary to paragraph 27 (parts iv, v and vii) of Planning Policy Statement no.1, paragraph 10 of Planning Policy Statement no.1 (Supplement), paragraphs 10, 36 and 69 of Planning Policy Statement no.3, policies H1 and T1 of Regional Spatial Strategy Yorkshire and Humber 2008, policies H1 (Housing Allocation) and SP9 (Action Areas) of the City of York Draft Local Plan, and the findings of the Strategic Housing Land Availability Assessment. Thus this application is recommended for refusal.

5.3 Other matters relating to the security of adjacent properties, off site parking and occasional or possibly frequent use by large groups are noted and would need to be considered if the principle of the use had been acceptable.

6.0 RECOMMENDATION: Refuse

1 The site has planning permission for residential development. It is also identified as site H1.6 under Policy H1 of the City of York Draft Local Plan to accommodate approximately 520 dwellings. As such the proposed use would:

- i. have an adverse effect on York's future housing supply;
- ii. undermine the government's objective of providing sufficient quantity of housing to meet needs and demands; and
- iii. affect the government's objective of providing a mix of housing, both market and affordable, particularly in terms of tenure and price to support a wide variety of households in all areas.

As such the proposal is contrary to policy H1 of Regional Spatial Strategy Yorkshire and Humber 2008, policies H1 (Housing Allocation) and SP9 (Action Areas) of the City of York Draft Local Plan, the findings of the Strategic Housing Land Availability Assessment, and the Government's objectives set out in paragraphs 10 and 69 of Planning Policy Statement 3 (Housing).

7.0 INFORMATIVES:

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