

## COMMITTEE REPORT

**Date:** 11 August 2011                      **Ward:** Derwent  
**Team:** Major                                      and **Parish:** Holtby Parish Council  
                         Commercial Team

**Reference:** 11/00585/FUL  
**Application at:** Former Piggeries Rear Of Willow Court Main Street  
                         Holtby York  
**For:** Four dwellings with associated garages and access  
                         following demolition of existing farm buildings  
**By:** Mr C England  
**Application Type:** Full Application  
**Target Date:** 30 May 2011  
**Recommendation:** Refuse

### 1.0 PROPOSAL

1.1 This application seeks planning permission to erect four detached houses on land to the rear of Willow Court in Holtby. Three of the houses would be accessed from a new vehicular access to the east of Willow Court. The fourth house would utilise an existing access point to the west side of Camborough Lodge. Two of the proposed houses are four bedroom in size, one is five bedroom and one is six bedroom. Included within the application is a proposal to create two public open space areas as well as a new footpath to the south and east of the site.

1.2 Until 1973 the site was used for agricultural grazing. The site then became a piggery but was closed around 2000 as a result of the Pig Industry Restructuring Scheme. The buildings which were used in association with the pig business have not been removed and the site. These buildings consist of low level pig houses and a smaller number of storage barns. The applicant proposes to demolish all of the existing buildings should planning permission be granted. In addition the applicant has offered to demolish two buildings within the grounds of Newsham house which are on the opposite side of Holtby Lane.

1.3 The whole of the application site is within the Green Belt. The site lies to the north west of Holtby village. The site is north of Camborough Lodge, Willow Court, and Willow Barn which are located on Holtby Lane. The site is opposite Newsham House which is the principal dwelling associated with the former pig farm. Despite these surrounding dwellings, of which at least two have an original or former agricultural

purpose or function, the site sits within predominantly rural surroundings. There are extensive areas of open fields stretching in all other directions away from the site.

1.4 The application site has a complex and extensive recent planning history which is summarised below.

- In 2000 the council refused outline consent for redevelopment to provide 15 dwellings on the site, mainly because of conflict with Green Belt policy and the over-dependence of the location on the private car.

- In 2000 an application was submitted for the change of use of the buildings to general industrial, warehousing and storage. Following discussions with officers, who indicated they did not consider the buildings suitable for such uses, and receipt of consultation responses, the application was withdrawn.

- In 2001 planning permission was sought for the redevelopment of the site to provide eight 'work from home' units. Members were minded to grant planning permission for the proposal. The application was called in by the Secretary of State. The inquiry Inspector recommended refusal, mainly due to impact on the openness of the Green Belt. Other reasons included harm to the visual appearance of the site/area, limited employment benefits, high reliance on private motor vehicles, increase in traffic, poor location in terms of sustainability and very limited policy support at local or national level. The Secretary of State concurred with the Inspector's recommendations and in November 2005 planning permission was refused.

- In 2003 (prior to the public inquiry into the 'work from home' units) outline consent was sought for redevelopment to provide four workplace homes and three affordable dwellings. Following an appeal against non-determination the council resolved to oppose the proposal, mainly due to conflict with Green Belt policy. In May 2005 the appeal was withdrawn.

- In 2008 planning permission was sought for the change of use and conversion of the existing redundant buildings to B8 (storage and distribution) Use Class. The application was refused on the grounds that it was harmful to the rural character of the area, harmful to the openness of the Green Belt, inappropriate development in the Green Belt, the unsustainable location, highway safety issues for pedestrians and cyclists, and finally concerns about the drainage of the site.

1.5 This application is being referred to Planning Committee for a decision at the request of Cllr Jenny Brooks on the grounds of public interest. A site visit is recommended in order to establish the potential impact that a new housing scheme would have on the Green Belt and also to consider the sustainability of the site for residential development.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYSP6  
Location strategy

CYGP1  
Design

CYGP4A  
Sustainability

CYGP15  
Protection from flooding

CYGP6  
Contaminated land

CYGB1  
Development within the Green Belt

CYGB6  
Housing devt outside settlement limits

CYNE6  
Species protected by law

CYH2A  
Affordable Housing

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

### **3.0 CONSULTATIONS**

#### INTERNAL

3.1 City Strategy - The site is within the Green Belt. Market housing is not an appropriate use within the Green Belt and therefore an objection is raised to this application as it conflicts with local and national planning policies.

3.2 Environmental Protection Unit - No objections to this application. However, given the sites former use as a pig farm there could be some contamination from slurry pits, fuel spillages, and asbestos. Therefore, it is recommended that conditions are added to any approval regarding the removal of any ground contamination.

3.3 Housing Strategy and Enabling - Happy to accept commuted sum payments on this site.

3.4 Drainage - No objections. The standard drainage condition would need to be added to any approval.

3.5 Ecology - A great crested newt survey was carried out as requested. Three ponds within 500m of the site were found to contain GCN; two of these were identified as breeding ponds. It is also likely that the third pond is a breeding pond as both males and females were present. No GCN were found in the ditch which runs through the site. The survey considered that the overall impact of the development would be high bearing in mind the proximity to known breeding ponds and the suitability of the site for providing terrestrial and hibernation habitat. The site currently provides the best terrestrial habitat in the area and there are concerns about the impact of the proposed development on this. Whilst the creation of the new ponds provides aquatic habitat, the loss of on land habitat is such that a European Protected Species license is likely to be needed. As a Local Authority, under the Habitats Directive, it is important that consideration is given to whether Natural England is likely to grant an EPS licence for the works. The proposed landscaping

scheme does not include any creation of suitable habitat or compensatory habitat for the loss of good quality hibernation and refuge sites currently found on the site. Additionally, the area around the new ponds would need to be managed for GCN habitat. The proposed large new pond within the top eastern corner of the site is isolated with no connectivity which would restrict migration occurring from ponds to the west. For a medium GCN population, this proposed mitigation is not adequate, and therefore the EPS license is likely to be refused. There is no evidence of bat roosting within the site, however there is potential within the new scheme to provide habitat benefit through the use of bat tiles and bat boxes. In addition there is the potential to enhance the biodiversity of the site through wildflower planting of the amenity areas. This could be controlled through condition.

3.6 Highway Network Management - Proposed access, car and cycle parking and turning details are acceptable. These would need to be secured through planning conditions. It is considered that the application is not in a sustainable location in terms of transport movements. The nearest bus service is 750m from the site, far beyond what is normally considered a reasonable walking distance. In addition, there are few residential areas within 5km of the site which is the generally accepted radius for potential cycle journeys. Additional traffic movements from the site would be relatively light and it is unlikely to have a significant impact on the highway safety. The applicant is offering to fund the construction of a new footway linking the site with the existing footways in the village. However, there are concerns that the footpath would not be able to directly link up to existing footpaths as land is within the ownership of private householders. Therefore, despite a new footpath, there would still be significant pedestrian and vehicle conflict at the junction of Main Street and Warthill Road.

3.7 Leisure - The proposed creation of public open space in the village is welcomed. The pond area should be linked to the grass area abutting Holtby Lane so that it creates a circular walk rather than two disconnected and less functional spaces. The private drive that splits the main grass area in two would be better moved to the left of the space in order to create a larger more useful space for children to play on. In lieu of the amount of space on site no off site payments will be required. A commuted sum would be required to fund maintenance and clarification is required over the surface water maintenance responsibilities.

## EXTERNAL

3.7 Holtby Parish Council - Do not object but wish to make the following comments:

- the creation of a footpath should be a condition of any approval;
- this development should not be a precedent for future Green Belt development, this is an exceptional case and right for the village;
- outbuildings to the rear of Newsham House should also be demolished.

3.8 Warthill Parish Council - The former piggeries site shares a common boundary with Warthill Parish Council. The Parish Council wishes to object to the application for housing development in the Green Belt. The site has been the subject of a number of planning applications. The most recent application for housing was called in by the Secretary of State and was subject of an exhaustive Public Inquiry. The outcome was that both the Planning Inspectorate and The Office of the Deputy Prime Minister rejected every aspect of the application.

3.9 Yorkshire Water - The development of the site should take place with separate systems for foul and surface water drainage. The local public sewer does not have the capacity to accept discharge of surface water from the site. SUDS would be a suitable solution. A number of conditions were recommended to be added to any approval.

3.10 Foss Internal Drainage Board - Osbaldwick Beck which is adjacent to the site is an IDB controlled watercourse. All developments should aim to reduce flood risk overall as outlined in PPS25. The use of a storage pond which discharges to the Beck at a controlled rate would be adequate subject to suitable design. A number of conditions were recommended to be added to any approval.

3.11 Country Land and Business Association - It is considered that a residential development on this site would be the best outcome. The proposal would result in real benefits to the village both in terms of visual improvements and the conservation benefits and footpath proposed as part of the scheme. It is not considered that the proposal would be harmful to the Green Belt.

3.12 Third Parties -Twenty-four letters were received stating that they either supported or had no objections to the proposed development. Some letters outlined the reasons for their support of the application which are summarised below:

- the development would enhance the village;
- it is important that the opportunity is taken to clear the current derelict buildings which are an eyesore;
- whilst it would be ideal to return this land to a green field, this would not be financially viable and therefore the best solution is to build something which the village can support;
- the proposal would create much needed family sized housing;
- the proposed houses would not harm any local residents living conditions or views;
- the proposal would have a lesser impact on the Green Belt than the existing buildings;
- planning should deal with applications on an individual basis and not refuse the application just because it is within the Green Belt;
- new localism legislation is there to give residents more of a say and the people of Holtby support this application;
- the proposed development would help the existing houses along Holtby Lane feel more part of the village;
- the creation of a new footpath is welcomed;
- the building works would create jobs;
- the former piggery buildings are of poor quality and in a bad state of repair and are an eyesore which harms the countryside;
- the proposal may bring more children into the area which would be very welcome in providing support for Warthill Primary School;
- the proposal would not extend the village further as there are already houses around the site;

Eight letters of objection have been received. The following comments were made:

- this application is consistent with a number of other applications on this site in the past, all of which have been refused;
- the proposal is not supported by Green Belt planning policies;
- if approved this proposal would set a precedent for other land owners in the area who would want to build houses on sites which are redundant;
- the development of this site does not justify ignoring clearly established Green Belt policies;
- there is no change in circumstances which would warrant changing the verdict of the Planning Inspectorate in rejecting a previous application on this site;
- there is concern that the applicant is purposely leaving the land in a derelict state in order to get a planning permission, the land should have been tidied up when the piggery use ceased;

- the solution is for the Council to take action in forcing the applicant to clean up the land through a Section 215 Notice 'Land Adversely Affecting the Amenity of the Neighbourhood';
- the development site is situated in a prominent location in one of only 12 small villages within the City of York Area;
- the site is not in a sustainable location;
- the proposal conflicts with 'Holtby Village Design Statement' which sets out the guidelines for the development of the village and was prepared by local residents;
- the proposal would clearly harm the openness of the Green Belt and the rural setting of the village;
- the proposed houses are very large and not in keeping with other houses in Holtby;
- the houses would promote car dependence as there are no reasonable alternative transport modes;
- PPG3 (now superseded by PPS3) defines previously developed land as that which is or was occupied by a permanent structure...but excluding agricultural buildings therefore in planning terms the site is considered to be 'Greenfield' and therefore the agricultural buildings should not be used to justify the development of houses;
- the fact that it is financially unviable to clear up the site without enabling development is not a reason to justify the proposal;
- there are known problems of the back-up of foul water in the area, this needs to be fully investigated and considered before proposing to build more houses in the area;
- all developments must be considered in line with current planning policies, the proposal is clearly unacceptable as was outlined in previous refusal decisions including those by the Secretary of State and the Office of the Deputy Prime Minister;
- there is plenty of scope within Green Belt planning policy for the applicant to get an appropriate planning permission for this site which could pay for the cost of removal of the redundant buildings.

An additional letter was received from a local resident in respect of the Country Land and Business Association letter which is summarised in paragraph 3.11 above. The letter comes from a member of the Country Land and Business Association and states that the CLBA letter does not reflect the views of its members and that no consultation took place with its members to establish their views. The letter re-emphasises the position taken in refusing previous applications on this site, including its harm to the Green Belt. None of the letters in support of the application quote planning policies as a justification for approving the application.



## 4.0 APPRAISAL

4.1 The key issues are:

- Principle of development in the Green Belt;
- Impact on the Green Belt;
- Sustainability;
- Open Space;
- Ecology;

### GREEN BELT

4.2 National advice contained within Planning Policy Guidance Note 2 "Green Belts" (PPG2) and Development Control Local Plan Policy GB1 set out the type of developments which are not inappropriate within the Green Belt. Development of open market residential units are not listed and therefore are considered inappropriate development in the Green Belt. Local and national planning policy states that inappropriate development is by definition harmful to the Green Belt. The applicants are not contesting that the development is inappropriate. Therefore, the main issue is whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

4.3 The impact a proposal has on the Green Belt is to an extent subjective. The proposal involves significant site clearance with the removal of all existing former pig accommodation and barns. Following development, the footprint of development on the site would be less than at present. There is little doubt that the site has an untidy and overgrown appearance as it has not been used for a number of years. However, whilst the site does not contribute positively to the character and appearance of the area, it does retain an agricultural appearance which one would expect to see in the Green Belt. The site was used for grazing land until 1973 and then approximately 29 agricultural buildings were erected under permitted development rights when it was used as a piggery. These buildings were permitted development only because they served an agricultural use. Therefore the site very much has the appearance of a collection of unused agricultural buildings. Paragraph 2.6 of PPG2 states that development should not be allowed within Green Belts "merely because the land has become derelict". Therefore the benefits of the removal of existing structures need to be set against the impact of the new development on the openness of the Green Belt.

4.4 The proposed application is for the erection of four houses. The Planning Inspectorate has previously assessed an application on this site for eight houses. Even though the proposal is a reduction in the number of dwellings proposed, it is important that weight is given to the conclusions made in respect of application 01/01880/OUT. It was concluded that the eight dwellings proposed would be considerably more substantial and higher than most agricultural buildings and would constitute a significant incursion which would have a detrimental impact upon the character of the area. It is acknowledged within this application that the number of dwellings proposed is reduced; however, the houses themselves are of very large proportions. It remains the case that the dwellings are significantly taller than the majority of former agricultural buildings on the site and are of significant footprint. Two thirds of the existing buildings which it is proposed to demolish are no more than 3.5m in height. There are two barns on site which are greater than 5m in height, namely the pole barn which is 5.6m in height and the former dry sow yard which is 6.3m in height. The pole barn is simply a roof supported by poles and views are afforded beneath the roof and through to the hedges and trees beyond. This significantly reduces the visual impact of the structure. The former dry sow yard is of timber construction and is the type of building one would expect to see in this rural Green Belt location.

4.5 The vast majority of existing buildings on site are modest in height and of insubstantial construction. The presence of hedges in the area restricts views of these buildings. In addition, the dwellings known as Camborough Lodge, Willow Court, and Willow Barn and the green landscaping within the curtilages minimise or eliminate views of the agricultural buildings from a number of vantage points. It is considered that the introduction of four dwellings which have ridge heights of between 8.3m and 10m above ground level would be visually prominent from a greater number of vantage points than the existing generally low lying buildings. Roads in the area are generally bounded by hedges and therefore the existing buildings are not visually prominent for road users. The significant increase in total height combined with the significant increase in the amount of built development above 5m in height would harm the openness of the Green Belt. Contrary to this, the refusal of this application and likely retention of the existing buildings would have no greater material effect upon the openness of the Green Belt.

4.6 The proposal involves the creation of a new access off Holtby Lane. The removal of the hedge and the proposed private drive would lead the

eye towards the proposed new cluster of dwellings. At present the straight nature of this part of Holtby Lane and the continuous hedge along the frontage do not encourage people to look towards the site. Whilst the proposed houses are set back from the road and there would be some views to the side and between buildings, and the proposed houses would dominate views which are currently afforded into the open countryside from Holtby Lane between Willow Court and Willow Barn. Whilst the footprint of development would be significantly reduced it is considered that the perception of physical development would be increased by the cluster of substantial houses between existing dwellings along the road frontage. Therefore the harm to openness has to be added to the substantial harm by reason of inappropriateness,

4.7 The Green Belt and open countryside is not only characterised by its openness but also by its rural character and setting. It is considered that the proposed dwellings when added to the existing dwellings in this locality, would be perceived as an extension to the built-up area of Holtby. It is considered that this would be harmful to the character and appearance of the rural setting of the village and would constitute a substantial encroachment of the village into the countryside which is contrary to the purposes of including land in the Green Belt in local and national planning policy. The Holtby Village Design Statement places great emphasis on the importance of the green setting of the village and seeks to safeguard the countryside from further encroachment. The proposal is considered contrary to these objectives and guidelines.

4.8 It is acknowledged that there are visual benefits of removing the redundant buildings on the site. A number of local residents consider them to be an eyesore and would welcome their removal. In addition, the applicant is proposing to demolish two agricultural type buildings within the grounds of Newsham House on the opposite side of Holtby Lane. The applicant states that this would have a positive impact on the openness of the Green Belt. However, planning policy is clear that this type of site clearance should not be carried out at the expense of the openness and character and appearance of the Green Belt. The Village Design Statement also adds weight to the importance of the rural setting of the village. The applicants consider that the benefit of removing the redundant buildings constitutes a very special circumstance which outweighs the harm identified above.

4.9 In addition to the removal of derelict buildings, the proposed development could result in other benefits to the area. One of these is the creation of a public footpath running alongside the north side of

Holtby Lane connecting up the junction to the south east of Willow Barn with the site and Weir House to the west. There is a debate about whether a formal footpath would be suitable within this rural location as this could serve to urbanise what is currently a relatively undeveloped rural location. There is also doubt about the increased pedestrian safety which would result from the footpath as there would remain a significant pedestrian vehicle conflict at the junction of Main Street and Warthill Lane. The applicants argue that there is a clear benefit of linking up the site and the surrounding residential units with Holtby Village by offering a pedestrian route. At present there is no footpath or street lighting and the road is unrestricted meaning that it is currently very uninviting for pedestrians. The applicant has agreed to fund a new footpath should members be minded to approve this application and consider that a footpath would be both suitable and beneficial for the location.

4.10 A third benefit of approving the application would be the creation of open space which could be used by the residents of Holtby. The proposed pond and surrounding grassed area would be given over to the Parish Council for management. This could provide the residents of Holtby with an area of public open space.

4.11 Despite the potential benefits outlined above, namely the creation of a new footpath, the creation of public open space, and the removal of redundant agricultural buildings, it is not considered that this outweighs the harm to the Green Belt. The proposal is considered harmful by virtue of its inappropriateness, harmful to the openness of the Green Belt, and harmful to the rural setting of Holtby. It is not considered that the potential benefits represent very special circumstances which overcome this harm.

## SUSTAINABILITY

4.12 Holtby is a village which does not have any facilities and services which reduce the need to travel. Generally residents have to travel to access day to day services and facilities. There are no dedicated cycle lanes in the area and generally the nature of the roads are not ideal for commuter cyclists. The village has a bus stop but it is understood that it is not serviced at present. The nearest bus service is the number 10 which runs along Stamford Bridge Road to York City Centre. To use this bus service it would mean future residents of the site walking along Holtby Lane and through the village, turning up Panman Lane before crossing Stamford Bridge Road. Whilst this is technically a feasible route and provides an option of travel by non-car mode to the city centre,

it is not an attractive option. Panman Lane has formal footpath and is unlit and narrow. There is no formal crossing along this stretch of Stamford Bridge Road. In addition there is no lighting along Holtby Lane and the pedestrian/vehicle conflict at the junction of Main Street would remain. It is considered that given the distance between the proposed houses and the bus stop as well as the lack of pedestrian friendly facilities, future occupiers are very unlikely to regularly choose a sustainable transport mode. Therefore, in purely locational terms the application site is not considered to be sustainable.

4.13 A sustainability statement has been submitted in line with local plan policy GP4a. Measures proposed to be included within the development to reduce the overall environmental impact are the use of high quality insulation, solar panels to generate heat, the use of energy efficient lighting and heating, and sustainable drainage into the proposed pond. Conditions could be added to any approval to ensure that the houses achieve at least Code for Sustainable Homes Level 3 and that the solar panels are installed and fully operational.

## OPEN SPACE

4.14 Development Control Local Plan Policy L1c states that all new developments should contribute towards the provision of public open space. Within this application, it is proposed to provide public open space within the north east corner of the site and also around the new vehicle access point. This open space would be accessible by the general public as well as any occupiers of the proposed new houses. Normally on sites of less than 10 dwellings, a commuted sum payment is sought. However, given the size of the application site and the applicants willingness to give over land to the parish council, the proposed on site provision is considered acceptable.

4.15 The proposed public open space consists of a pond surrounded by amenity open space. A new timber foot bridge would be built over the existing ditch to provide access to open grassland which again would be used for general amenity purposes. Overall around 6000 sq m of open space would be provided for public use. The Parish Council would take ownership of this space so issues around maintenance would be controlled locally. It is considered that the proposed development complies with Development Control Local Plan Policy L1c.

## ECOLOGY

4.16 Whilst the application site is of an overgrown appearance, it has created a good quality habitat for Great Crested Newts. The removal of the buildings from the site would be harmful to this habitat. The creation of two new ponds does have some benefit, however the isolated nature of the larger pond from other ponds combined with the removal of good quality hibernacula and refuge areas within the remaining site raise concerns about the impact on the medium level Great Crested Newt population in the area. It is the view of the Countryside Assistant at the Council that this is not acceptable and would result in Natural England refusing a license which would be required to carry out the proposed works. Therefore, it is considered that the proposal fails to comply with Development Control Local Plan Policy NE6 in that the proposed mitigation measures are not adequate to protect species which are protected by law.

4.17 The proposed development seeks to protect existing trees and hedges. Additional planting would be provided to enhance the wildlife value of the site. Wildflower planting and the use of bat boxes and tiles could further enhance the biodiversity of the site. It is recommended that a condition promoting the use of suitable planting and habitat features be added, should planning permission be granted.

## 5.0 CONCLUSION

5.1 It is considered that the proposal constitutes inappropriate development in the Green Belt. No very special circumstances have been demonstrated which overcome the presumption against inappropriate development in the Green Belt. In addition, it is considered that the proposal would harm the openness of the Green Belt and the rural character and setting of Holtby village.

5.2 Holtby does not contain everyday services and facilities and is therefore considered an unsustainable location for new residential development. The site does not have good access to sustainable modes of transport in order to meet day to day travel needs.

5.3 It has not been demonstrated that the proposed Great Crested Newt mitigation measures are sufficient to maintain an existing medium level population in the area. The proposal results in the loss of significant potential habitat.

5.4 For the reasons outlined above, the application is recommended for refusal.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 The proposed development constitutes inappropriate development in the Green Belt which is by definition harmful. It has not been demonstrated that very special circumstances exist which overcome the presumption against inappropriate development in the Green Belt. Therefore the proposal is considered contrary to national planning advice contained within Planning Policy Guidance 2: "Green Belts" and Policy GB1 of the City of York Council Draft Local Plan (2005).

2 It is considered that the nature and scale of the proposed development and the associated uses of land, together with the prominent location of the site, would have a materially greater impact than the present use on the openness of the Green Belt. The proposal is therefore contrary to national planning advice contained within Planning Policy Guidance 2: "Green Belts" and Policies SP6 and GB1 of the City of York Council Draft Local Plan and design guidelines contained within the Holtby Village Design Statement.

3 It is considered that the scale of the proposed development and the associated uses of the land, together with the prominent location of the site, would result in the site having an overtly residential character, out of keeping with the rural character of the site and the surrounding countryside. The proposal would be perceived as an extension to the built-up area of Holtby therefore significantly affecting the approach to, and rural setting of, Holtby village contrary to national planning advice contained within Planning Policy Guidance 2 "Green Belts", Policies GP1 and GB1 of the City of York Council Draft Local Plan and design guidelines contained within the Holtby Village Design Statement.

4 The application site is within a remote location without good access to everyday services and facilities therefore encouraging the need for regular travel. Notwithstanding the proposed footpath it is considered that the site has inadequate cycle and pedestrian facilities with poor access to bus stops due to the distance and nature of the route. The site would strongly encourage journeys by private car, therefore the development is not considered sustainable. The proposal

is, therefore, contrary to national planning advice contained within Planning Policy Guidance Note 13: "Transport", Planning Policy Statement 1: "Delivering Sustainable Development" and Policies GP4a and SP8 of the City of York Council Draft Local Plan.

5 The proposed development would be harmful to the existing habitat for the medium level Great Crested Newt population in the area. It has not been demonstrated that satisfactory mitigation measures would be put in place to compensate for this loss of habitat. Therefore the proposal is contrary to the aims of Planning Policy Statement 9: "Biodiversity and Geological Conservation" and Policy NE6 of the City of York Council Draft Local Plan.

## **7.0 INFORMATIVES:**

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