

COMMITTEE REPORT

Date: 21 March 2013 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** Huntington Parish Council

Reference: 13/00017/FULM
Application at: Land Between Park And Ride And Malton Road Huntington York
For: Re-profiling works to create grassed soil mounds (resubmission)
By: Oakgate (Monks Cross) Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 8 April 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks planning permission for re-profiling works to an area of agricultural land to the north of Malton Road and west of Martello Way in Huntington. The re-profiling would involve the creation of two primary grassed mounded areas, one measuring 2.5m in height above the existing ground level with the other being 3m in height. The mounds have been designed to be gradually sloping in order to appear as natural as possible. The mounding is proposed to enable top soil/spoil to be removed from the approved Monks Cross South retail development site in order to create appropriate levels for the retail development.

1.2 The application site is 1.56 hectares in size and is currently agricultural land. The site is allocated as a Recreational Opportunity Area within the Green Belt on the Development Control Local Plan Proposals Map. Immediately to the north of the site is a habitat mitigation area which has been created to mitigate for the built development on the Monks Cross South site, including for the relocation of Great Crested Newts.

1.3 This application is a resubmission of a previously withdrawn application. The previous application also included a small area of land to the north of the habitat mitigation area. Other changes within this application include pulling the mounding back from some existing mature trees to the south, the addition of a native hedge along the eastern boundary of the site, the addition of some scrub planting and the planting of three semi-mature oak trees.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGB1 -Development within the Green Belt

CYGP1 - Design

CYGP9 - Landscaping

CYNE1 - Trees, woodlands, hedgerows

CYL1D -New Public Parks, Green Spaces, Woodlands and Wetlands

CYGP15A - Protection from flooding

3.0 CONSULTATIONS

INTERNAL

3.1 Design, Conservation and Sustainable Development (Landscape Architect) -
This latest submission includes the following improvements to the previous:

- removes the mounding to the north of the newt mitigation ponds
- adds a native hedge on top of the proposed eastern drainage bund
- adds native scrub to the mounds
- adds three open-grown semi-mature Oaks
- pulls the mounding back slightly from the existing mature oak in the south west corner and the existing hedges.

Whilst the scrub planting is not essential it will help to disguise the extent of mounding. A condition should be added that ensures the mounds plateau at 2.5m and 3.0m rather than peak at a level greater than these. A further condition should be added which ensures the proposed planting is maintained on site.

3.2 Design, Conservation and Sustainable Development (Countryside Assistant) -
The amended plans involve the inclusion of scattered native scrub on the grassed mounds. The addition of scattered scrub over this area would be acceptable, and the species proposed for these areas are also considered to be acceptable. Bunding has been retained around the area, except for the northern boundary, adjacent to the wetland/newt mitigation area which is in line with previous comments. A new

native hedgerow is also proposed along the eastern boundary on top of the proposed bund, and hedging species included on the Site Proposals & Sections Drawing (Drawing No. 9010-019/151) are considered suitable for this. The wildflower seeding mix is also considered suitable. The management of this area was originally incorporated into the Habitat Management Plan drawn up for the Monks Cross Amphibian Conservation Area (final report dated June 2011), and now that additional scattered scrub is proposed, this should also involve the management of the scrub to prevent too much encroaching into the meadow areas in order to maintain open grassland areas.

3.3 Flood Risk Management - No objections to the development in principle subject to the addition of a condition requiring full drainage details to be approved.

EXTERNAL

3.4 Huntington Parish Council - Support the application.

3.5 Environment Agency - A flood risk assessment was submitted with the application, there are no objections to the proposed development.

3.6 Other third parties - No correspondence received.

4.0 APPRAISAL

4.1 The key issues are:

- Visual Impact including on the openness of the Green Belt
- Recreational opportunities
- Drainage
- Ecology

VISUAL IMPACT INCLUDING ON THE OPENNESS OF THE GREEN BELT

4.2 Development Control Local Plan (DCLP) Policy GB1 states the type of developments which are considered appropriate in the Green Belt. The policy seeks to ensure development is of an appropriate scale and would not detract from the open character of the Green Belt. The policy also seeks to ensure development does not conflict with the purposes of including land in the Green Belt and does not prejudice the setting and special character of the City of York. This Green Belt policy is consistent with advice contained within the National Planning Policy Framework and saved policies from the Yorkshire and the Humber Regional Spatial Strategy.

4.3 DCLP Policy GP1 'Design' states that proposals will be expected to respect the local environment, be of a suitable scale that is compatible with neighbouring spaces and the character of the area. Additionally proposals are expected to retain

and provide landscape features and retain or enhance public views and landmarks. Policy GP9 'Landscaping' requires landscaping schemes to be integral to development proposals. Policy NE1 'Trees, Woodlands and Hedgerows' seeks to protect such features which are considered to be of landscape, amenity or nature conservation value.

4.4 The application site is within the Green Belt. No built development is proposed; the application involves earth works and associated landscaping. However, this can still have an impact on the openness of the Green Belt. In order to overcome concerns about the visual impact of the development, the applicants have sought to create two mounds which are gradual in their rise and fall to create a more naturalistic appearance. In addition a non-raised 'gap' between the two mounds has carefully been selected in order to retain the 'Minster View Line'. Retaining views of the Minster from this area is considered important in terms of protecting the setting and special character of the City of York.

4.5 At present the application site is approximately half a metre below the height of Martello Way. The 2.5m and 3m high mounds need to be considered in this context. The mounds would appear a little lower in height than the figures suggest because of the lower land level at present. The peak of the mounds are well away from any of the site boundaries; the peaks are over 40m from Martello Way and Malton Road. Therefore the visual impact of the mounds is significantly reduced due to the gradual increase in land height proposed.

4.6 It also needs to be considered that whilst the application site is within the Green Belt, the site will be seen within the context of the Park and Ride and approved new retail park to the north and north east.

4.7 The plans submitted within this application have made some alterations from that which was previously withdrawn. One of the key changes includes pulling the mound away from the southern boundary in order to protect existing landscaping to the north of Malton Road. The applicants are also proposing a new native hedgerow along the eastern boundary of the site which will provide visual and wildlife benefits adjacent to Martello Way. Three semi-mature oak trees would be planted and some lower level scrub planting is proposed to help create a more naturalistic appearance to the site. It is not considered that the proposed development would have a significantly adverse impact on the openness of the Green Belt and would protect existing and provide additional native planting to the benefit of the area.

RECREATIONAL OPPORTUNITIES

4.8 DCLP Policy L1d 'New Public Parks, Green Spaces, Woodlands and Wetlands' allocates certain sites for recreational opportunity as part of a comprehensive redevelopment to improve the quality of the local environment. The application site

is allocated as a recreational opportunity in association with the South of Monks Cross Site. This policy encourages such sites to be brought forward for public access in conjunction with a detailed development brief for each area.

4.9 The Council did not produce a detailed development brief for retail development at the Monks Cross South site. Accordingly there is no specific guidance on what sort of recreational development should be created at the application site. The habitat mitigation area to the north of the site contains dedicated public routes into and around the site. The proposed development would include an extension of this public access. A mown grass path would be created around the bunds connecting up to the wildlife mitigation site and then onto Martello Way. This would create an informal recreational area for members of the public and visitors to the Monks Cross area to allow some natural relief from the built up areas to the north and east. This would add to the green corridor walkways which are proposed around the east and south side of the car park which would serve the Monks Cross South retail park. It is considered that the type of informal and naturalistic recreational open space which has been proposed is appropriate within this locality.

DRAINAGE

4.10 DCLP Policy GP 15a 'Development and Flood Risk' requires developments to take account of surface water drainage to ensure there is no increased flood risk elsewhere.

4.11 The application site is allocated as being within Flood Zone 1 which is the lowest flood risk category given by the Environment Agency. At present the site is relatively flat and below existing land levels. The proposed introduction of mounds has the potential to direct rain water to the boundaries of the site at a faster rate than at present. The applicants have designed a drainage system which would ensure that discharge rates would not increase as a result of the development and would be restricted to a standard greenfield run-off rate of 1.4 litres per second per hectare. A drainage system is proposed for the site which would include attenuation measures which would control and restrict the level of run-off. The attenuation would consist of ditches and ponds. The Council's Flood Risk Management Team are happy with the details which have been provided to date, a surface water drainage condition is proposed which would allow the Council to approve the full details of the drainage system and ensure it is installed.

ECOLOGY

4.12 The proposed development sits adjacent to a parcel of land which is being used as the wildlife mitigation area for the Monks Cross South retail development. It is considered that the proposed development is compatible with this use and would not have an adverse impact on the wildlife area. A plan for the management of the application site was included within the details for the approved management

scheme of the wildlife mitigation area. The previously approved management details are considered to be broadly acceptable for the application site. However, given the introduction of some scrub planting and public access to this site it is considered that the management plan needs to be updated for this part of the site. A condition is proposed to cover this.

5.0 CONCLUSION

5.1 It is considered that the proposed development has been carefully designed to protect existing landscape features. In addition opportunities are taken for additional planting where appropriate. The mounding includes gradual rising and falls in the land level with peak levels set away from boundaries. The 'Minster View Line' is retained to protect the special character and setting of the City. The proposal is not considered to have a significantly adverse impact on the openness of the Green Belt.

5.2 The proposed development includes appropriate public access to the site allowing for informal recreation to take place away from the developments to the north and east. The proposal takes account of drainage and ecology considerations.

5.3 Therefore, the application is recommended for approval subject to the following conditions.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Site Proposals and Sections 9010-019/151 Revision E received 04/01/13

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

3 The hereby approved landscaping details submitted with this application which includes tree, hedge and scrub planting, shall be carried out in complete accordance with the approved plans within a period of 6 months of the completion of the re-profiling works. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site, in the interests of visual amenity and habitat creation.

4 Prior to the completion of the re-profiling works, a management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The site shall be managed and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, wildlife protection and creation and public amenity.

INFORMATIVE

The management plan may consist of a revision or addendum to the previously approved management plan for the wildlife mitigation area to the north of the site (Ref. No. 11/01500/FUL).

5 Prior to the commencement of development full details of the surface water drainage works shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

1. Existing and proposed land drainage.
2. Means to prevent surface water runoff from the site affecting adjacent land and properties.

The development shall be carried out in complete accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and to prevent surface water run-off effecting adjacent land and properties.

6 No part of the southern-most mound hereby approved shall be greater than 3m in height as measured from existing ground levels. No part of the northern-most mound hereby approved shall be greater than 2.5m in height as measured from existing ground levels. The existing ground levels are taken to be those shown on the cross sections of the approved plans.

Reason: For the avoidance of doubt and to protect the visual amenity of the area and the openness of the Green Belt.

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:

- Visual Impact including on the openness of the Green Belt
- Recreational opportunities
- Drainage
- Ecology

As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1, GP1, GP9, NE1, L1d, and GP15a of the City of York Development Control Local Plan and Government policy contained within paragraphs 79 - 92 of the National Planning Policy Framework.

2. 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 worked with the applicants during this and the previously withdrawn application in order to achieve a positive outcome:

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