

## COMMITTEE REPORT

**Date:** 20 February 2014      **Ward:** Strensall  
**Team:** Major                      and **Parish:** Strensall With Towthorpe  
Commercial Team                      Parish Council

**Reference:** 13/03267/FULM

**Application at:** Land Lying To The North Of Brecks Lane Strensall York

**For:** Residential development of 102 dwellings with associated highways infrastructure, landscaping and public open space

**By:** Linden Homes North

**Application Type:** Major Full Application (13 weeks)

**Target Date:** 4 February 2014

**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

1.1 This is a full planning application for the erection of residential development on 4.6 Ha of land at Brecks Lane Strensall.

1.2 The site is located on the east side of Strensall village adjacent to existing residential development. The site is accessed via Brecks Lane with Green Lane, Tudor Way and Heath Ride terminating at the boundary of the site. To the east of the site is a well landscaped boundary with open field beyond, to the north is the river Foss to the south is Brecks Lane and the railway line (York to Scarborough line) and to the west is existing residential development. The site area extends to approximately 4.6Ha of land which includes 0.63 Ha occupied by the tree belt on the eastern side; the remainder being open grass land/former agricultural land. Within the easterly tree belt and just beyond there are many mature trees that are covered by a tree preservation order there are also a number of trees within the central part of the site that are covered by the order. On the western side the highway turning head from Heath Ride extends into the site. There are some services under this area of highway. On the southern side there is a section of overhead cable crossing the site; an area of hardstanding accessed from Brecks Lane and a section of hedge row that protrudes into the site. A rising main crosses the site on the northern side.

1.3 The proposal is to construct 102 dwellings (originally submitted as 104) with associated car parking access and garden arrangements. The scheme also includes the provision of open space, play area, walk ways and affordable housing.

1.4 The scheme is designed in three distinct housing styles described as 'contemporary', 'cottage' and 'Country' and provides for 16 two bedroomed houses, 32 three-bedroomed houses, 44 four-bedroomed houses and 10 five bedroomed houses. A substation is proposed adjacent to the highway on the entrance to the site

from Heath Ride. The details include a play area on the western side of the site adjacent to Heath Ride. Surface water drainage details including a drainage pond adjacent to Brecks Lane. Informal footpath facilities on the eastern side of the site joining up with footpath links within the site area and linking to Brecks Lane and linking with informal footpath arrangements beyond the application site on the northern side of the site.

1.5 The application has been determined as requiring an Environmental Statement under the Environmental Impact Assessment Regulations 2011. The application is therefore supported by an Environmental Statement which, in accordance with the scoping opinion agreed for the development covers socio/economic issues landscape and visual impact and ecology together with a non-technical summary.

1.6 The application is also supported by the following documentation:-

- Design and Access Statement
- Planning Statement
- Geotechnical Desk Top Study
- Archaeological desk based assessment
- Flood Risk Assessment
- Noise and Vibration Impact Assessment
- Transport Assessment and Travel Plan

## PLANNING HISTORY

1.7 An Environmental Impact assessment (EIA) screening opinion determined the scheme as requiring EIA; this has subsequently been confirmed as EIA development by the Department of Communities and Local Government in relation to the sites proximity to the SSSI and SAC site to the east of the application site. The Government Office concluded that the proposal has the potential to give rise to likely significant environmental effects in relation to the purposes for which Strensall Common, a SAC and SSSI, has been designated.

1.8 Planning permission was refused for residential development on the site in 1998 because there was considered to be an adequate supply of housing land for the duration of the Local Plan period to 2006 and the application did not contain a Transport Impact Assessment and there were no highway improvements proposed.

## 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:

See section 4.0 for policy background

## 3.0 CONSULTATIONS

### INTERNAL

3.1 HIGHWAY NETWORK MANAGEMENT - No objections subject to conditions covering the implementation of the detailed scheme.

3.2 PLANNING AND ENVIRONMENTAL MANAGEMENT - LANDSCAPE ARCHITECT - A number of points have been raised through the Landscape Architects consultation response; the applicant has sought to address these through the amended scheme.

3.3 PLANNING AND ENVIRONMENTAL MANAGEMENT - COUNTRYSIDE OFFICER - The on-site green spaces are an improvement from earlier schemes. The Environmental Statement ecology chapter and appendices covers all the main interests sufficiently. Overall, a suitable condition is required to secure the design and implementation of a Mitigation Scheme and Habitat Management Plan.

3.4 An amended plan has been submitted providing greater distance to the eastern boundary of the site; the Countryside Officers is satisfied with this amended detail subject to the submission of the mitigation scheme and habitat management plan.

3.5 PLANNING AND ENVIRONMENTAL MANAGEMENT OFFICER - FORWARD PLANNING - The policy response sets out the background to the site, its previous status as reserved land and its proposed allocation for development in the preferred options paper for the emerging local plan. The policy Officer considers that the site should be treated as green belt. In the Policy Officer's opinion there are very special circumstances in favour of the scheme. The consultation responses to the allocation of the site in the emerging local plan have been analysed. 22 responses were received to the allocation of these, 17 were objections, 4 were comments and 1 was support. It should also be acknowledged that in general there has been substantial objection put forward to the Local Plan Preferred Options through the consultation in relation to the loss of draft Green Belt land and open countryside, and housing numbers proposed for the City as a whole. The conclusion of Planning and Environmental Management is that whether the comments received would render this application premature would be dependent on whether the issues raised have been adequately addressed in the context of the application. If this is the case no objections are raised on policy grounds, but regarding the matters of detail, this would be a judgement for Development Management

3.6 FLOOD RISK MANAGEMENT TEAM - Initially the team was concerned about the level of information submitted with the application. Following the receipt of additional information there are no objections to the principle of the development subject to conditions which ensure the proper implementation of the scheme.

3.7 CHILDREN'S SERVICES, EDUCATION AND SKILLS - There is an off-site contribution requirement for this site of £329,647 to provide 26 primary school places at Robert Wilkinson's school and 1 additional secondary school place at Huntington Secondary School.

3.8 ENVIRONMENTAL PROTECTION - No objections to the scheme in principle subject to conditions which cover contaminated land, electric vehicle points and an Environmental Management Plan.

3.9 PUBLIC RIGHTS OF WAY OFFICER - The Council is currently in the process of raising funds to reinstate the old river crossing at Cowslip Hill to link up the PROW network and provide more opportunities to enjoy circular walks in the parish. The council should be encouraging and creating access to the wider PROW and access network and pursuing that option with developers. An increase in dwellings will increase the use of the PROW network, leading to an increase in maintenance liability for the council, and also increased expectation to access the countryside via the PROW network. With the need to reduce the impact of recreational access on the SSSI, a contribution (via s106) of £10k to the new footbridge across the River Foss at Cowslip Hill, and to cover additional future maintenance liability for the rights of way in the vicinity of the site should be sought. The new footbridge will encourage residents to cross the river and take advantage of the PROW network on the other side, thus lessening the effect on the SSSI. Formal access from the southern end into the development is proposed to be by way of Thompson Drive and Tudor Way. All construction traffic (including staff traffic) will also be via this route. Construction traffic should not be allowed to use Brecks Lane footpath.

3.10 HOUSING STRATEGY ENABLING TEAM - Satisfied that the details submitted meet the requirements of the affordable housing policy subject to ensuring the details are agreed through a s.106 agreement.

## EXTERNAL

3.11 STRENSALL PARISH COUNCIL - The Parish Council have made extensive comments covering the following points:-

- Permission was refused for the development of this site in 1998 because there was considered to be an adequate supply of housing land for the duration of the Local Plan period to 2006 and because the application did not contain a Transport Impact Assessment even though such a study would be required in view of the inadequacy of the local highway network to serve any further development in this location. In the

absence of any proposed access improvements the traffic generated by the development poses a potential hazard to highway safety at the junction of Brecks Lane with The Village and thereby contravenes Policy GP2 of the City's Deposit Draft Local Plan. The Parish Council still consider the development to be premature. Brown field sites within the whole of the local authority area should be developed before any green field site is considered.

- The proposed site lies at the extreme eastern boundary of the envelope of Strensall village and is as far from any facilities / amenities as it can be. There are no shops, services, primary school, pre-school venues etc east of the village centre which at distance of over 1Km is from the proposed site certain to encourage greater car use. Even the bus terminus is in excess 500 metres from the closest boundary of the site. There are no employment opportunities available on the built development and limited opportunities in Strensall so the increase in commuting to work will be a major drawback. The opportunities to cycle all involve journeys on narrow highways on which the national speed limit applies

- Strensall is a village (not a town) but without the many basic facilities and infrastructure to support the current number of residents. In the submitted Socio-Economic Report the developer admits that the development will have an impact stating "the primary impact area (Strensall) will be the area upon which residents of the scheme will generate demand for community services and facilities." However no attempt has been made to provide any additional facilities.

- The reference in paragraph D4.15 concerning the effect that the development would have on health services does not take account of the many occasions which apply now when residents seeking GP appointments are requested to travel to either Huntington or Stamford Bridge.

- Paragraphs D4 to D8 on the subject of commuting do not specify any local impact on Strensall where there are few local employment opportunities and residents actually commute out of the Strensall area to York and beyond.

- The applicant has acknowledged that the primary school at Strensall is already at capacity and intends to make a s106 contribution but the Robert Wilkinson School site uses portakabins as classrooms and has limited outdoor space for any expansion. If permission were to be granted to extend the school this must be done before any properties on the proposed development are occupied should approval be given.

- The amount of open space identified as available for public use in paragraph D5.37 appears to have been taken from the Draft Local Plan 2013 which contains inaccurate descriptions of areas for open space and leisure activities as highlighted in the parish council's response to this Draft Plan as under: The Open Space and Tennis Courts at Strensall Park are part of the MoD Housing and are not for public use. The sports area at Queen Elizabeth Barracks is within the MoD property and is for Service use only and there is no public access. The land between the York to Scarborough Railway

Bridge over the River Foss and the small area behind Leyfield Close is owned by the Shepherd Group and is not for public use. The land behind 28 West End is privately owned. The heath surrounded by Park Gate, Heath Ride and Fold Walk is privately owned.

- The Design and Access statement document paragraph 1.6 references to the 'highway network' the highway network is actually a number of residential streets.

- In Section 2 headed at Paragraph 2.2 sets out the amenities in Strensall and describes them as 'all within a short distance of the site' whereas in reality the nearest amenity is at least 1Km from the nearest part of the site and most amenities are located farther afield.

- Paragraph 2.4 The First bus service only serves the direct route to the outskirts of Central York. There is no easy method of access to the shopping outlets at Monks Cross, Clifton Moor or York Designer Outlet. Even the journey to the adjacent settlement of Haxby by First Bus services involves a change of bus close to Nestle on Haxby Road.

- Paragraph 2.5 admits that the bus terminus at Park Gate is 500m away from the site but most parts of the site are a greater distance from the terminus. Access to any of the Park and Ride sites (current and proposed) involve journeys on the already overcrowded A1237.

- Paragraph 2.8 suggests that the site gives access to the Foss Walk and Ebor Way but it should be noted that these public rights of way share the private road from the site to the junction Thompson Drive (west bound) and the site to footpath 17 and beyond to Walbutts (east bound) with regular vehicle traffic from dwellings and especially the tanker traffic from the Sewage Treatment Works at Walbutts. As there is no separate footpath along this part of Brecks Lane many residents, especially when with dogs or children are wary of using these public rights of way.

- The suggestion that village amenities are only a 'short walk away' is misleading as the distance is at least 1Km.

- In Section 3 headed 'Considerations, Strategies, Constraints and Opportunities' paragraph 3.12 suggests that the affordable dwellings are to be 'pepper potted' throughout the site but they are in fact concentrated in the southern part of the development. Paragraph 3.13 that the three access points of Tudor Way, Heath Ride and Green Lane give access to the site but what it does not state is that they all converge on to Brecks Lane. Paragraph 3.14 indicates that internally the roads will link and loop to all access points. It is unlikely that the route of choice would be via Green Lane as this street is narrower than the others. The report suggests that the design of the road network will reduce vehicle speeds but again this is a fallacy as similar streets on the existing developments do not achieve this objective.

- Section 5 headed 'Design' contains pictures in paragraph 5.5.3 of what is considered to be play equipment but these pictures do not show any provision for older children.
- Consultation on the village design statement highlighted key concerns of residents as getting too big; parking problems; traffic flow/congestion and infrastructure will not cope.
- Walbutts sewage treatment plant still causes odour although it is accepted that the prevailing wind does generally take the smell away from the site. The existing sewage system can not cope and the additional sewage will make this problem worse.
- This site is one of the few remaining examples of ridge and furrow agricultural land and the Countryside Officer should be requested to give guidance on its retention.
- Concerned that this pumping station and the associated pipes will not be able to cope with the effluent from a further 104 dwellings. Resident has already supplied photographic evidence of the site and adjacent properties affected by standing water. These photographs were taken in October and November 2012. The 1854 OS Map indicates that there was indeed a water course running from land to the South of the railway through the site to the West of the concrete loading area, follows the tree line in the centre of the site and then dog legs through the Brecks Garth development in the region of Chapman Close on its way to the River Foss. It is probable that the flooding at the south end of the site is allied to current condition of this water course.
- The economic, social and environmental roles of the planning system as set out in the NPPF are referred to. The development does not meet any of these tests and should be refused.
- The Parish Council have also submitted a document which sets out their concerns about the highway network implications of the scheme.
- The Parish Council have submitted further comments following the re-consultation on amendments to the scheme. The comments stress the concern that the site is still safeguarded land in the Development Control Local Plan and that the new local plan should not hold any material weight to the determination of the application.

3.12 FOSS INTERNAL DRAINAGE BOARD -The FRA indicates that the designated main river is under the control of the Environment Agency, this is not the case the Board has responsibility for over 25 Kilometres of the river Foss extending upstream and down stream of the application site. The consent of the board will be needed for surface water to enter the River Foss. The current proposals can not be supported as the surface water discharge into the river Foss is considered to be unacceptable. No development including fences and planting should be placed within 9 metres of the bank top.

3.13 NETWORK RAIL - No objections to the principle of the development. All drainage should be designed to drain away from the railway. The developer should provide adequate sound proofing for the dwellings and bear in mind that the railway could be operating 24 hours per day. Landscaping adjacent to the railway should only include the species acceptable to network rail.

3.14 YORKSHIRE WILDLIFE TRUST - The development could create some extra pressure on Strensall Common SAC and the Trust would accept that this will mostly be through increased numbers of visitors including dog walkers and a small amount of displacement and loss of habitat on the development site. In order to reduce any residual damage to the SAC the Trust recommend provision of information to the residents about Strensall Common and the importance of the habitat. Providing leaflets to householders and also a notice board with interpretation. Information on clearing up after dogs should be included. Provision of a dog dirt bin and funding to empty it. Contribution towards increased wardening on the reserve to cover increased trampling and littering. Contribution towards events to introduce residents to the reserve and the importance of Strensall Common. There may also be a need to monitor pressure on paths and grazing animals. Membership of the Yorkshire Wildlife Trust provided for new residents which would give some funding towards alleviating pressure on the reserve.

3.15 NATURAL ENGLAND - The scheme is not likely to have a significant effect on the interest features for which Strensall Common Special Area of Conservation (SAC) has been classified. This application site is located 400m from Strensall Common Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that, there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. It is acknowledged that Yorkshire Wildlife trust who manages the northern half of the SSSI may have legitimate concerns and would welcome any help the developers could provide with interpretation boards. Improvements to alternative footpath could also be considered. The site has not assessed for impacts on protected species. Natural England has published Standing Advice on protected species. Standing advice is a material consideration. It is expected that the Local Planning Authority will assess and consider the other possible impacts resulting from this proposal on local sites (biodiversity and geodiversity), local landscape character and local or national biodiversity species when determining this application. Features could be incorporated into the design to enhance bio-diversity.

3.16 ENVIRONMENT AGENCY - No objections to the application subject to conditions ensuring surface water from hardsurfaces is passed through trapped gullies. The Agency notes that any discharge of surface water to the river Foss should be agreed with Foss internal drainage board as the stretch of river is designated as a non main river. Informatives are advised in relation to availability of surface and foul drainage facilities and the responsible authorities.



3.17 YORKSHIRE WATER AUTHORITY - A number of conditions are suggested to require details of the drainage for both surface and foul water disposal. The authority makes general observations about the site including the fact that the local network does not have the capacity to take additional surface water run-off. Sustainable Urban Drainage (SUDS) systems should be used at the site other means of disposal of surface water will only be considered if it is shown that SUDS do not work. The submitted flood risk assessment is acceptable from Yorkshire Water Authorities point of view. A water supply can be provided to the site. Foul water should be discharged into the foul sewers is Moray Close and Tudor Way.

3.18 POLICE ARCHITECTURAL LIAISON OFFICER - The area is an area of low risk in respect of crime and disorder. The design has in general followed the requirements of secure by design. A number of minor comments are made: - access to all rear areas should be controlled by lockable gates; all ground floor windows and doors should meet a good standard of security; lightings should illuminate external doors, car parking and garage areas; lighting and landscaping proposals should be co-ordinated to ensure that landscaping does not in the future obscure lighting to car park and footpath areas. The site should provide a safe, non-threatening environment in which to live.

3.19 A letter of objection has been received from the ward Councillor, Cllr P. Doughty covering the following points:-

- Thanks the Parish Council for their extensive comments which are supported
- There is a policy of only assessing the application itself when it comes to considerations. It is considered that this is a fundamentally flawed process within the planning system and there should be due consideration to other external circumstances which have a real bearing on the community.
- The development of the Tannery site was supported as the last realistic option for the site. This should be Strensall Housing contribution. The village can not support more development.
- objections for the application at Brecks Lane itself centre around encroachment into green land outside the current built-up perimeter of the village, location and awkward access, congestion, sustainability and drainage/flooding issues highlighted in the many responses.
- Development of the site is premature
- Similar application was refused on the site in 1998
- The proposals do not include any highway improvements
- The land is marshy; the land is in standing water much of the year
- Whilst the Council should be supporting walking and cycling this will never be a realistic option for the site. The proposals call in to question the councils objectives of sustainable development
- If the application were supported by the Council cycle paths would have to be more than considered between Strensall and Huntington/Earswick.
- The possibility of serving the site from Brecks Lane should be explored. The estate should not be served from the existing cul-de-sacs

3.20 A letter of objections has been received from Julian Sturdy MP covering the following points:-

- The detailed objections of Strensall and Towthorpe parish Council are supported
- The application is considered premature because the Local Plan is only in its early stages. The land should not be considered until an Inspector has judged the plan to be sound.
- The amount of houses is above that proposed in the local plan (82 in plan 104 now 102 proposed)
- Village infrastructure is too strained to cope with additional houses
- The questionnaire for the Village Design Statement overwhelmingly showed that residents think there has been too much development in Strensall over the last 40 years.
- Concerned about the traffic levels at the junction of Brecks Lane and The Village despite the assertions of the Traffic assessment
- Concerned about primary school facilities any upgrades should be agreed to be in place before dwellings are occupied.
- The distance between facilities and the site will mean greater car use.
- Concerned how the infrastructure will deal with additional sewage
- Given the stage of the new local plan the greatest prominence should be given to the NPPF and the Parish Council make very good references to this document.

3.21 122 Letters of objection have been received covering the following points:-

- Numerous applications on the site. It is not that the site is not suitable it is down to the additional investment that would be required to make it viable.
- Strensall suffered excess development with little or no concern for infrastructure or amenities to support expanding population. Each application has been considered on its own merits; the council have failed to consider wider affects of this approach.
- A recent survey carried out by a working group committed to providing Strensall with a Village Design Statement found that one of the main frustrations by residents was that Strensall is getting too big and that it doesn't have the facilities to support itself. It is no longer a village, more a town, yet the ability of the infrastructure and services in the village to cater for its residents is woefully inadequate.
- Current application does nothing to reassure residents of Strensall that infrastructure will be provided.
- Reassurance is needed that s106 contributions will result in additional classrooms and school places in an already oversubscribed school.
- A previous application in 1998 was refused on prematurity and lack of adequacy of the local highway network

- The single entry and exit point to the estate remains a significant concern. The local highway (Brecks Lane) has not benefited from any improvements since the initial refusal and is now even more congested due to numerous infill developments that have occurred on the estate over the recent years. The close proximity of the level crossing, poor visibility and the location of the bus stop and nearby businesses will all have an adverse effect on the safety of any motorists or pedestrians wishing to travel onto or around the Brecks Lane estate.

- The validity of the traffic survey supporting the application is questioned

- The site suffers from regular flooding (photographic evidence submitted) which affects adjoining properties and the wider area. The new scheme will exacerbate this unless the issue is tackled and resolved as part of the planning process.

- Recent developments that have significantly contributed to the increased congestion around the village and exposed the strains being put on local resources by the expanding population including the primary school and doctors surgery. There lack of suitable infrastructure to support the safe pedestrian and cycle movements around the village as well as those to and from the outer ring road.

-The effects of the Tannery development (52 houses) on the village are as yet unknown.

- A lack of provision of open space on the Brecks Lane estate has meant that the proposed site has been a welcome and beneficial area of green and natural open space used by children to play and exercise. The development of this land will further diminish the available open space for the large amount of homes already in this area. The small area allocated as open space by the developer is well known to be unsuitable due to its condition; it is saturated for almost all of the year and is often referred to as the marsh for good reason.

-Any development would need to be extremely sensitive to the environment. The exterior design and appearance of the development would need to be carefully considered to ensure that they blend in with those already in place.

-The proposed area is less than 500 metres from Strensall Common which is a National Nature Reserve and a Sight of Special Scientific Interest covering almost 500 hectares it is hoped with the recent scoping opinion and the now watered down Environmental Impact Assessment that the council will be able to fully identify and understand the detrimental effects a further 104 house will have on the surrounding area, an area identified by the same council recently as being suitable for only 82 homes.

-Traffic is not high during the day but at school run times and early morning work times is very busy. It is the area around the school and the shops that is the greatest

concern. In an ideal world children would walk to school but it is a good mile to the school and not always ideal with the amount of traffic around the school. There is no crossing lady.

-Public parking should have been provided on the Tannery site.

-A ditch runs around the back of Coulson Close which over the years has filled with rubbish and flooded gardens.

-There should be no construction traffic parking on or around the estate.

-There should be restrictions on working hours and mud should be cleared daily from the roads.

-Development is one step too far for the village to support.

-The road from Strensall to the ring road is heavily congested during the rush hour already

-Any extension to the village should be on the York side not on a locked in area adjacent to the railway line.

-Roads into estate not adequate for extra traffic especially when main road is closed with the train.

-Bus stop too far away from proposed new houses meaning the new occupants will have to use cars.

-Robert Wilkinson School will be significantly affected and the quality of education will decrease over time if the number of pupils increases without significant investment.

-Brecks Lane is a dead end and the new development would create a bottleneck. A solution to this would be to create an access via Flaxton Road but that would require a new level crossing circa £750k to install.

-Currently experiencing difficulty achieving the sale of local property because of the restrictive planning laws for Greenbelt areas in York. Hypocritical to allow 104 new homes to be built on greenbelt whilst restricting private residences and reducing their potential value.

-Development will reduce the quality of life for all residents along the access roads.

- The area is a haven for wildlife and a barn owl is frequently seen hunting over the area.

- Construction traffic will be a nuisance to residents and the surrounding roads are not designed to take such traffic.
- Additional traffic will be a danger to young children who enjoy the ability to play outside.
- Strensall has a friendly village feel, this will be lost.
- More and more green spaces are disappearing which will have an impact on wildlife, places for walking & overall views.
- If school levels drop this will be a good reason for many families to sell up and move as it will become a less desirable catchment area.
- Could end up with youth problems? The village doesn't have a lot for teens to do as it is.
- Local Tesco would be the only local shop. This would increase traffic problems.
- The loss of the green field site is likely to have a serious environmental impact on already pressured local wildlife; loss of habitat and feeding grounds etc.
- Strensall has now a greater population than Malton, Malton being a town with numerous facilities, where as Strensall has not.
- Concreting over this green field is going to force the surface water in only one direction, further into people's gardens and homes.
- The amount of surface water does not appear to be seasonal as the field is regularly saturated throughout the year.
- Despite the best efforts of the land owner to deter residents from using this open space through the use of crowd control fencing, barbed wire and notices, the area has been accessible to the public for a long time.
- On a daily basis a high number of residents use this land for enjoyment, fresh air, bird watching and dog walking as well as children playing and enjoying themselves.
- Tudor Way 5.5 metres wide (Thompson Drive 6 Metres) the reduced width of Tudor way does not allow easy access for emergency vehicles.
- The village population has grown over the last 27 years at an average of 120 per year, a potential increase of 450 plus can not possibly be justified or accommodated.
- There is an adequate supply of housing within the village.

- Development unnecessary, not in keeping with the character of the parish and not welcomed by the community.
- More traffic will result in accidents and potential fatalities.
- The emergency access along the Foss is already overgrown so this leaves only the one point of access. A second access to the estate is essential if this development is to be approved.
- Village centre parking should be restricted to half hour and this would stop people from other villages using Strensall village centre as a "Park and Ride" to York.
- Difficult to support the local shops as it is impossible to park on the street outside.
- There are toads, frogs and newts on that land and also barn owls are seen regularly feeding on this field. Would like to know what study has been done to see if great crested newts are one of the species on this land as they are all around this space.
- The sewerage drains currently feeding over from the current estate and beyond to Warbutts treatment works are not coping with the number of houses and they are regularly getting blocked.
- The addition of extra lighting on the estate with cause light pollution to increase in the greenbelt area.
- Significant detrimental impact on the character, appearance and overall visual amenity of the area and is not in keeping with the current estate.
- Hedge on western boundary should be retained
- Plot 101 appears to be in line with our landing window and we do not wish there to be direct views into adjacent property, which would be a direct loss of privacy.
- The upstairs of plot 100 would have direct view into adjacent conservatory. This would be a direct loss of privacy for adjacent property.
- Loss of trees would reduce the habitat for wildlife.
- Children walking or cycling to school face busy roads during peak school drop-off and pick-up times.
- Tudor Way is very narrow and isn't wide enough to accommodate two large cars passing each other.
- Large open grass areas - such as those proposed - often attract the congregation of groups of youths, especially during the evening. Unfortunately this frequently leads to

consumption of alcohol, noise, litter and other anti-social behaviour, as already seen in similar open areas in Strensall.

-Concerned that development will lead to further surface water flooding to gardens. Persimmon dug a trench on the western boundary to alleviate surface water flooding but the area still floods.

-The site of the development borders one of the few safe cycle paths which would be lost.

-If additional housing is approved then a secondary road should be provided to remove traffic travelling through the centre of the village.

-Concerned that the traffic impact assessment does not go far enough and is inaccurate.

-If the school buildings keep being extended on its current site (it is already the largest primary school in York), there will be little or no space left for the children to play and exercise.

-This development would eliminate this welcome area of open space.

-Flood risk will be increased.

-I understand that it will take 4 years to complete the building work. During this period how will the construction vehicles access the site? Where will the workers park?

-The area suffers from poor water pressure at peak times.

-A sunlight assessment should be conducted to assess the impact of plot 1 on adjacent development.

-The planning application does not indicate what environmental standards the housing being built will achieve, nor how they will individually contribute to sustainable development.

-There is no provision for allotments. The development will destroy a medieval field system and place nothing in its stead.

-Poor drainage to existing properties e.g. in Chapman Close, already affected by development of Heath Ride.

-There are safety issues connected with plans for footpaths from the development onto the lane to the sewerage works. Large tankers travel at regular intervals down this lane and are already a danger to pedestrians - this danger would be increased considerably by the proposed footpath link. Also the security of the development is compromised by access onto this lane - an easy get away for vandals

-Rather than slavishly apply policies on housing density per hectare a broader view is needed.

-The 1881 census records the population as 446 the 2011 census records the population of Strensall and Towthorpe as 7,952. Current estimated population is in excess of 8,000.

-Both the scale and density of the proposed development do not therefore conform to policy, and the site is larger than that allocated.

-The transport assessment relying on a single day survey is not representative and does not consider the cumulative impact with other new development.

-Sporting facilities in the village are inadequate.

-Local services such as shops are too far from the site and inadequate.

-Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The applicant has not demonstrated any such material considerations and the proposals do not conform to the emerging development plan.

-Urbanisation to what is essentially a village with a village infrastructure and atmosphere.

-The current scheme facilitates future development beyond this site. Any Cul-de-sacs proposed adjacent to the open fields should be re-planned so that no ransom strips can be implemented by the developer.

-There is nothing in the application to address this or indeed make any improvement to cycle paths or cycle lanes in Strensall.

-In the Sustainability Appraisal undertaken by Amec in June 2013, the proposed development site (H27) was one of only two housing sites to score "Very Negative Impact" on two sustainability measures, education and agricultural land.

-As seen on the plan, the smaller "affordable?" houses look like future "buy to let" - with all the problems that such properties bring, not permanent homes for families.

-The development is crammed on to the site; Creating a new development provides a one-off opportunity to address past housing development mistakes and provide an interesting, appealing environment, by using different designs, materials, and textures in the houses, roads, open spaces, garden perimeters etc - a good example is the



nearby Hogg development where effort has been made to create some sort of 'village' feel to small groups

3.22 33 Additional letters of objection have been received as a result of the consultation on the amendments to the scheme the majority of these indicate that the small amendments do not affect the fundamental concerns about the development and also raise the following additional issues:-

- Concerned about having a play area to the rear of the property (9 Pulleyn Close). The developer should construct a 2 metre fence along the boundary at their expense.
- The hedge should be retained on the western boundary but a fence provided to protect privacy.

3.23 Two letters of support have been received covering the following points:-

- The development will be good for local businesses
- Will bring more money to the school
- Support the larger houses which will give people trying to move with a growing family within the village choice.

The two support letter nevertheless wish that Strensall had a train station and say that the road from Strensall into York is too fast and there should be a cycle lane.

## PUBLICITY

3.24 The application has been advertised in accordance with the requirements of the Development Management Procedure Order for development supported by an Environmental Statement and the Secretary of State has been sent a copy of the statement to accord with the requirements of the Environmental Impact Assessment Regulation 2011.

## 4.0 APPRAISAL

4.1 Key Issues:-

- Policy Background
- Principle of the Development incorporating the consideration of green belt
- Design, siting and landscaping
- Residential Amenity and environmental protection issues
- Highways, Access and Parking Arrangements
- Environmental statement considering proximity to Strensall common, ecology, landscape and visual impact and socio-economic issues
- Affordable housing
- Drainage
- Sustainability

## POLICY BACKGROUND

4.2 The National Planning Policy Framework (NPPF) says there are three dimensions to sustainable development economic, social and environmental. These roles should not be taken in isolation, because they are mutually dependent. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system (Para. 7 and 8).

4.3 Paragraph 14 of the NPPF says at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The three dimensions of sustainable development are identified in paragraph 7 as economic, social and environmental roles. These roles should not be taken in isolation because they are mutually dependent.

4.4 The (NPPF) section 6 addresses the delivery of a wide choice of high quality homes. Paragraph 47 says that to boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.

4.5 Foot notes to the paragraph say to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.

4.6 Paragraph 49 of the NPPF says housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority can not demonstrate a five-year supply of deliverable housing sites (Para 49). To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (Para.50)

4.7 Section 7 of the NPPF requires good design. Paragraph 56 says good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and

places and the integration of new development into the natural, built and historic environment (Para 61).

4.8 To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should among other things plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services (Para.70).

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (para.88).

4.9 Paragraph 109 of the NPPF says the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible

4.10 Paragraph 118 of the NPPF says local Planning Authorities should refuse permission if significant harm resulting from a development cannot be avoided, adequately mitigated or compensated for. Opportunities to incorporate biodiversity in and around developments should be encouraged.

4.11 Paragraph 216 of the NPPF says from the day of publication decision makers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies ( the less significant the unresolved objections, the greater the weight that may be given); the degree of consistency of the relevant policies in the emerging plan to policies in the framework( the closer the policies in the emerging plan to the policies in the framework, the greater the weight that may be given)

4.12 Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the green belt around York with an outer boundary about 6 miles from the city centre and although the spatial strategies have now been withdrawn these policies relating to York's green belt have been saved.

4.13 Relevant policies in the Development Control Local Plan (DCLP) unadopted but approved for development control purposes in 2005 are:-

- SP2 'The York Green Belt' - the primary purpose of the York Green belt is to safeguard the setting and historic character of the city and is defined on the proposals map'

- GP24a 'Land reserved for possible future development' identifies the sites reserved for future development up to 2011 and seeks to restrict development that would prejudice the potential for the future comprehensive development of the site.

- Policy H1 'housing allocations' says that additional sites have been safeguarded for the period 2011 to 2021 and will be reassessed at such time as the local plan is reviewed.

4.14 Further relevant policies within the DCLP that are considered to conform to the aims and objectives of the NPPF include GP1 'design', GP4a 'sustainability' ( supported by the interim planning statement on sustainable design and construction)H2a 'Affordable Housing' ( this is supplemented by the affordable housing planning guidance - interim targets), H5a 'Residential Densities', Policy L1c 'Provision of New Open Space in Development' ( this is supplemented by open space advice note commuted sum payments in new developments), ED4 ' Developer contributions towards education facilities' ( supplemented by planning guidance on education contributions), GB1'Development in the Green belt' NE1 'Trees Woodland and hedgerows', NE4a 'International and national nature Conservation Sites', NE5a 'Local nature Conservation Sites', NE5b' Avoidance of, Mitigation and Compensation for Harm to Designated Nature Conservation Sites', NE6 'Species Protected by Law', NE 7 'Habitat Protection and Creation' NE8 'Green Corridors'.

4.15 There are trees covered by Tree Preservation Order (TPO) no. CYC 285 within the site.

4.16 The village is in the process of producing a Village Design Statement. The document is at an advanced stage but is not yet adopted by the Council for Development Management purposes.

#### PRINCIPLE OF THE DEVELOPMENT (INCLUDING CONSIDERATION OF GREEN BELT)

4.17 In accordance with section 38(6) of the Planning and Compensation Act 2004 determinations must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the retained policies in the Yorkshire and Humber regional strategy. Policies YH9(C) and Y1 (C1 and C2) which relate to York's green belt and the key diagram insofar as it illustrates the general extent of the green belt.

4.18 The Development Control Local Plan 4th set of change April 2005 (DCLP) shows the site as land reserved for possible future development. The extent of the site is said to be 6 ha and policy GP24a says that the land is reserved for after 2011; other development that would prejudice the potential for the future comprehensive development of the site should be resisted. The land was also shown as reserved land in earlier versions of the Development Control Local Plan going back to 1998. The site is shown as being within the development limits for Strensall in the 2005 plan and in the York green belt local plan post-modification document September 1995 ( produced by North Yorkshire County Council and now revoked).

4.19 The site is proposed to be allocated as part of the emerging local plan preferred options chapter H3 as a proposed housing allocation (H27). H27 is proposed as a housing allocation of 82 dwellings to be phased in the short to medium term (1 - 10 Years). The site area of the allocation is 3.9 Ha.

4.20 The Arup Assessment of Housing Requirement (June 2013) Report identifies 4 housing growth options which were based upon previous trends and forward projections, whilst also factoring in economic visioning work. The growth option taken forward to the emerging Local Plan Preferred Options was the 1090 dwellings per annum. H27 has been identified through the Site Selection Technical Paper (June 2013) which put proposed housing, retail and employment sites through a set of criteria including Environmental Assets Protection (areas Important to York's historic character and setting, nature conservation, regional green corridors, ancient woodlands and functional floodplains), Open Space Retention and Greenfield Sites in areas of High Flood Risk. Both the Arup Housing Report and Site Selection paper are material considerations although in accordance with paragraph 216 of the NPPF only limited weight can be afforded to the emerging plan given its early stage of preparation and the fact that there are unresolved objections to the emerging policy H27.

4.21 There are differences between the proposed allocation, the previous safeguarded land and the application site area. The proposed allocation is described as 3.9 ha of land excluding a strip of land to the east; the application area includes this easterly strip of land which amounts to about 0.63ha. The reserved land shown within the Development Control local plan (DCLP) is described as being 6 ha and includes an area of land to the north that is not shown either on the application site boundary or as part of the proposed allocation.

4.22 The NPPF through paragraph 14 says that at the heart of the NPPF is a presumption in favour of sustainable development for decision making this means where development plans is absent, silent or relevant policies are out of date granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted. Paragraph 47 requires that housing supply is boosted significantly by ensuring objectively assessed need for market and affordable housing is met; by identifying a supply of specific deliverable housing sites sufficient to provide a 5 year housing land supply and identifying sites or broad locations for growth (years 6 to 10). Paragraph 49 says housing allocations should not be considered up-to-date if a 5 year supply of deliverable housing sites can not be demonstrated.

4.23 The applicant says that the Council can not demonstrate a 5 year housing land supply and sets out within their planning statements the reasons for this. The applicant considers that the delivery assumptions contained in the Council's trajectory are unrealistic and some are undeliverable. It is also considered that the land supply figures must incorporate a 20% buffer within the figures in order to address under

delivery and to ensure choice and competition in the market for land. The applicants view is that at best the Council have just over a 2 year housing land supply. The forward planning team do not refute their analysis in their response to the proposals. Furthermore the proposed site forms part of the land supply identified in the preferred options for the emerging local plan.

## Green Belt

4.24 Paragraph 14 of the NPPF says that the presumption in favour of sustainable development should apply unless specific policies in the NPPF suggest that development should be restricted. The Development Plan currently consists of the unrevoked parts of the Yorkshire and Humber Regional Strategy relating to the Green Belt around York. This identifies through policies Y1C (criterion 1) and YH9C the 'general extent' of the Green Belt as 'a belt whose outer edge is about 6 miles from York city centre'. The DCLP 2005 and the emerging Local Plan identifies the site for development and therefore also shows the site outside green belt.

4.25 The NPPF sets out the five purposes of green belt in paragraph 80; to check the unrestricted sprawl of urban area; to prevent neighbouring towns merging; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and to assist in urban regeneration by encouraging the recycling of derelict land and other urban land. Paragraph 79 says that the essential characteristics of green belts are their openness and their permanence. The Regional Strategy through the saved policies identify the need for the green belt around York to protect and enhance the nationally significant historical and environmental character of York, including historic setting, views of the Minster and important open areas.

4.26 Paragraph 89 of the NPPF says that Local Planning Authorities should regard the construction of new buildings as inappropriate in green belt exceptions include limited infilling in villages, and limited affordable housing for local community needs under policies set out in the local plan. Any other new building outside the categories set out in paragraph 89 would, in accordance with paragraph 88, be inappropriate development for which very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. The development does not fall within any of the categories set out in paragraph 89 and in the circumstances where one considers the site to be in green belt it would be necessary to consider whether or not there were very special circumstances to justify otherwise inappropriate development.

4.27 The applicant disagrees in principle with the stance that the site is within green belt; considering the site to be outside green belt. However further correspondence supporting the application sets out those issues that the applicant considers would amount to very special circumstances should the test of very special circumstances need to be met. These are:-

- That the Council are unable to demonstrate a five year supply of housing land;

- That the site would make a significant contribution to meeting identified need for market and affordable housing;
- That the development is sustainable development in the context of the Framework and there will be economic, social and environmental benefits arising from the proposed development;
- That the proposed development will provide public open space in excess of the requisite standards which will meet needs arising from the proposed development and the existing community;
- That the site serves no Green Belt purpose;
- That the harm arising from the development is small;
- The fact that the site has been allocated for development within the emerging Local Plan for a considerable period of time;

4.28 Similarly the Forward Planning Team was of the opinion at pre-application stage (January 2013) that very special circumstances could be shown through:-

- The sites designation as safeguarded land in the Local Plan
- The Strategic Housing Land Availability Assessment (SHLAA) pro forma for the site
- The LDF evidence base, including the housing supporting paper and the need for a balanced portfolio of sites to meet the city's housing need.

4.29 Some of the documents referred to above are now withdrawn however the emerging Local Plan and associated technical paper referred to in paragraph 4.19 provide similar assessments identifying the site as suitable for housing allocation.

4.30 In principle then there is agreement between the Applicant and Forward Planning that the development, were it to be within green belt, could meet the test of very special circumstances.

#### Characteristics of the site

4.31 In terms of the characteristics of the site; the north and western boundaries border existing residential development. The western boundary has three access points that terminate at its boundary or just within the site. These physical features relate the site to the adjacent housing schemes. The eastern boundary is very well defined with significant trees and other vegetation so that views across to the open land beyond is restricted. The southern boundary is adjacent to Brecks Lane and adjacent to the railway line. In Officers view the screening along the eastern boundary provides a good defensible boundary for the edge of the settlement and may have been relevant to the sites inclusion within the settlement limits within previous versions of the DCLP. Furthermore the site characteristics identified above visually relate the site to the village settlement such that the land does not serve any of the stated purposes of green belt set out in the NPPF (paragraph 80) (in particular it does not assist in safeguarding the countryside from encroachment) or those set out in the regional strategy ( Policies YH9 and Y1)and therefore the need to keep the site permanently open could not be supported.

## Policy History of the site

4.32 The various versions of the DCLP to 2005 show the site within the settlement limits for Strensall and safeguarded for future development placing restrictions on any development that would undermine this objective. The revoked York Green Belt Local Plan September 1995 (adopted by North Yorkshire County Council following a public local inquiry) shows the site as being within the settlement limits for Strensall. (The York Green belt Local Plan is not an extant policy but indicates that the site has been seen as part of the development limits for Strensall for a considerable time and had some level of consideration by an Inspector as a recognised boundary at that time). The emerging Local Plan allocates the site for development supported by technical papers which have assessed the suitability of the site for development.

## Conclusion - Green belt

4.33 The Secretary of State in considering other sites in the City of York area has, in the absence of a formally adopted boundary, dealt with new housing sites as if they were in greenbelt and therefore found it necessary to establish if there are very special circumstances that outweigh harm by reason of inappropriateness and any other harm to the green belt status of the site. In the absence of an up to date local plan and having regard to the early stage of the emerging local plan Officers consider that the site is within green belt and needs to address the test of very special circumstances. Officers have, in assessing harm, considered the site's characteristics, the policy history of the site and advice within the NPPF. Officers conclude that taken together the lack of a five year housing land supply; the history of the site as reserved land and its proposal for allocation; the contribution the site would make to the housing land supply, including affordable housing and the fact that the site characteristics are such that the land does not serve any of the green belt purposes as set out in the NPPF or Regional Strategy even when giving substantial weight to any harm to the Green Belt, represent very special circumstances which would outweigh harm to the green belt by reason of inappropriateness. The application will need to be referred to the Secretary of State under the terms of circular 02/2009 of the Town and Country Planning (Consultation) (England) Direction 2009.

## Compliance with other policies in the NPPF

4.34 Assessing the development in relation to housing and sustainability policies in the NPPF it is considered that the development proposes a mix of market and affordable housing; is identified as part of the deliverable housing sites in the housing selection paper, is proposed to be commenced in the short term making the site deliverable in the context of NPPF advice (section 6). The 2005 local plan envisages the site's development post 2011, earlier plans have also reserved the land for future development and the emerging local plan seeks to bring the site forward for housing. It is considered that in principle the development of the site is supported by the



presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF provided there are no impacts arising from the details of the scheme which would significantly and demonstrably outweigh the benefits. The detailed issues are considered within the remaining part of the report.

4.35 Policy H5a of the DCLP requires net residential densities of 30 dwellings per ha outside the main urban area of York; the new local plan has a similar density requirement. The scheme proposes 102 dwellings on approximately 4.6 ha of land equating to a gross density of about 22 dwellings per hectare this lower density level is a result of the amount of open area incorporated into the scheme along the eastern boundary, within the site adjacent to existing trees and the play area and drainage storage areas on the western boundary. The allocation in the new local plan is for 82 houses. This allocation is based on the smaller site area of 3.9 Ha wherein the allowance built in for amenity open area on the smaller site reduces the overall numbers. The inclusion of the tree belt on the eastern side allows for some provision of open space within this area thus the numbers are increased. The overall density of the scheme is still low but given the site constraints is considered to be acceptable for this site and to accord with density levels set in Policy H5a which meets the requirement in the NPPF for Local Planning Authorities to set out their own approach to housing density to reflect local circumstances.

## DESIGN, SITING AND LANDSCAPE

4.36 As set out above section 7 of the NPPF requires good design and GP1 of the DCLP requires similar consideration of design issues. The core principles within the NPPF says planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve places in which people live their lives. In addition to this the applicant makes reference to a number of design documents that they have used to inform the design of the scheme these include By Design: Better Places to Live and Building for Life: Delivering Great Places to Live' both these documents have been produced in association with the Commission for the Built Environment (CABE).

4.37 The central part of Strensall is a designated conservation area. The application is located a distance to the east however the Conservation Area Appraisal document in its initial paragraphs describes the topography and landscape setting for the village and this sets some beneficial context for the consideration of the development. In particular in referencing the wider context of the settlement it says 'Strensall village occupies part of a flat open area to the south of the River Foss. The village itself is surrounded by fields to the north, east and west. These areas of open ground enable long distance views towards the village from the north, in particular towards the church and Manor Farm which are set on slightly higher ground. To the south of the village is Strensall Common and Strensall Army Camp. The immediate setting of the designated area is dominated by twentieth-century housing development to south, west and east, though tree fringes help to mitigate their effect.'

4.38 The application site is located on the north eastern edge of Strensall village. The western boundary is adjacent to existing residential development and there are three access points abutting the site along this boundary, one of which extends into the application site (access from Heath Ride). The northern boundary is defined by existing housing and informal pathways that lead through to the river Foss frontage. The eastern boundary is defined by a tree belt with open countryside beyond. The proposal is to provide 102 houses accessed via the three existing access points; the applicant says in their design statement that the three existing access points gives opportunity to break the whole site down into different character areas with informal links between each. Using this design principle the site proposes contemporary higher density housing for the southern end of the site with terraced units and three storey properties; a medium density mid section termed 'cottage' style housing with a mix of detached small terraced blocks and semi detached houses and the northern portion of the site being termed 'Country' style consisting of mainly detached houses. All three design styles incorporate an element of three storey development mainly with use of the roof space but with one house type in the southern and mid portions of the site having two and half storeys which has a maximum height to eaves of 6.5 metres and an overall height of 10 metres. Those properties that utilise the roof space are generally 5.5 metres to eaves and have an overall height of 10 metres although this varies between the differing house types. Those properties that are two storeys without use of the roof space stand approximately 5 metres to eaves and between 7.5 and 8 metres to apex. A total of 20 different house types are proposed and thus in the applicant's opinion the site will cater for a broad range of purchases with the focus on good quality starter and family homes.

4.39 The scheme is designed around the need to retain the tree belt on the eastern boundary, space around this tree belt and the need to retain trees in the site that are covered by tree preservation orders. The various open spaces are linked together by informal footpaths and the scheme shows a play area on the western boundary within the largest open space in the scheme. A further open area is retained on the south western side of the site which is providing attenuation for the drainage scheme. So the gross site area is 4.6 Ha with a developable area of around 3.3Ha thus gross densities are about 22/23 dwellings per hectare and net densities are 31 dwellings per hectare.

4.40 The existing housing developments adjacent to the site are predominantly two storey detached houses set around cul-de-sacs; a number of the properties towards the north western edge of the site are designed with use of the roof space.

4.41 The design of the new scheme is considered to be designed with regard to the constraints of the site. It is also considered to accord with nationally recognised spacing and best practice advice and guidance contained within the NPPF. The Village Design Statement for Strensall and Towthorpe is at an advanced stage. Whilst this document is not yet council policy the design guidelines within it have been considered by Officers. The details of the scheme are considered to meet the overall requirements of the design guidelines although the support for increasing the

development at the edges of the village is not supported without the significant redesign of the village infrastructure.

4.42 The site has within it and along its eastern edge a number of trees covered by tree preservation order (TPO) number CYC 285. The development includes a number of areas of open space split across the site; the location of these spaces is largely determined by the need to protect TPO'd trees. The spaces are linked by footpaths creating a 'network' through the site. The main elements of open space are 'Heath Green' located on the western boundary adjacent to existing properties and overlooked by the new development on three sides. The space encompasses three TPO'd trees and provides informal play equipment so that it is the main equipped play space for the development and adjacent existing houses; 'Oak Green' located on the northern central part of the site encompassing four existing TPO'd trees and providing footpath link between estate roads; 'Brecks Green' which whilst providing a visual open space is being provided as part of the drainage attenuation and is not specifically designed for amenity use. A footpath link on the edge of Brecks Green from Brecks Lane is incorporated into the space. There are a further two small areas within the site which are provided essentially to protect existing trees. Along the full length of the eastern boundary is a further open area providing footpath link to the informal footpaths down to the river Foss paths over towards the north eastern corner of the site. This area is designed around the existing trees and varies in width between approximately 11 and 20 metres. The informal pathway which runs from Brecks Lane joins into the site at the various cul-de-sac heads from the development and runs to the north-eastern corner of the site. The application is also supported by a landscaping scheme which seeks to enhance the setting of dwellings by providing means of enclosure to front and rear areas and to enhance the open spaces within the site.

4.43 various amendments have been sought to the scheme relating to the proximity between the development and the existing trees and the enhancement of the development by the incorporation of adequate landscaping and appropriately treated amenity areas. In general the Landscape Architect is satisfied with the scheme subject to conditions relating to the schemes implementation. The area where the landscape Architect would have preferred a different treatment is along the eastern edge of the site where new boundaries to the residential gardens are to be created adjacent to the eastern landscape footpath. The preference would be for this to be a paladin (weld Mesh) fence rather than close boarded so that there would be a greater feeling of openness along the new footpath. The applicant would prefer to have a greater degree of enclosure than a paladin fence would offer but has redesigned the eastern boundary to respond to the concerns. The amendments consist of reducing the height of fencing where it relates to a front boundary or is adjacent to an open area to a simple knee railing and the reduction in the height of all other fencing to with trellis on top. Behind this fence line will be significant planting which the applicant is proposing to plant at the commencement of the development (or in the first planting season following commencement) so that plants have time to establish before the houses are occupied and so provide a good degree of landscape cover and less

reliance on fenced boundaries. The applicants proposal will in Officer's view provide a sufficient degree of openness for the footpath and will provide a landscape structure which could provide the future rear boundaries when fencing needs replacement. Permitted development rights for new fencing along this rear boundary are to be removed.

## RESIDENTIAL AMENITY AND ENVIRONMENTAL PROTECTION ISSUES

4.44 One of the core principles set out in paragraph 17 of the NPPF requires that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings policy. Policy GP1 of the DCLP has a similar requirement.

4.45 Adjacent to the existing development on the western and northern side of the site the proposal is to construct mainly two storey properties with one unit only incorporating rooms in the roof space on plot 17 and thus is a higher unit. The site's western and northern boundaries are defined by a number of different boundary treatments and to some degree the existing units along the boundary have developed over the years to respond to the open space enjoyed over the adjacent site. This presents some design problems when trying to integrate a new scheme adjacent to properties. The main issues relate to achieving boundary treatment that is acceptable to existing and proposed development particularly where there is hedging that provides maturity to existing properties but perhaps is not sufficiently high to provide privacy between garden areas and the later additions to dwellings such as conservatories that are located to benefit from the open aspect of the field. Alterations have been made to the scheme which seek to address these issues and conditions will be needed to provide some further details. An amended plan has been requested to make minor changes to the proximity between existing and proposed dwellings but in general terms the new scheme is accommodated in a way that creates an acceptable relationship between the two sites and in Officer's view accords with the requirements of the NPPF and the DCLP.

4.46 A noise and vibration assessment was undertaken and submitted with the application. Predicted internal noise levels are found to comply with the requirements of the World Health Organisation Community Guidelines. In view of this Environmental Protection do not have any concerns regarding noise from the railway line or area adversely affecting the amenity of the proposed dwellings. However Environmental Protection consider that an acoustic barrier may be beneficial along the boundary of the railway line in order to protect the amenity of residential dwellings adjoining this boundary. The applicant proposed an acoustic barrier (closes boarded fencing) as part of the application. The detailed design of the fence is conditioned for visual reasons.

4.47 A condition requiring an Environmental Management Plan for the construction phase of the development is sought to protect existing residential properties.

Conditions are also sought to restrict the hours of operation of the site where noise is audible beyond the site boundary and to require vehicles to be fitted with silencers.

4.48 An odour impact assessment was undertaken by the applicant in relation to Walbutts Wastewater Treatment Works operated by Yorkshire Water 400m away to the east of the site. The results of the assessment undertaken by ARUP indicate that levels of odour nearest the wastewater treatment works on the proposed site are unlikely to result in loss of amenity; no nuisance has been witnessed and no complaints received for 4 years or more as a result Environmental Protection is satisfied that the proposed dwellings are unlikely to be adversely affected by odour.

4.49 Records show that the proposed development site was previously used as military land and is located within 250m of a closed landfill site. The Desk Study Report submitted with the planning application confirms that a site investigation is required. The proposed scope is acceptable to Environmental Protection a condition is required to secure investigation of land contamination. In line with the NPPF and City of York Council's adopted Low Emission Strategy, any parking provision on the site should include facilities for recharging electric vehicles' a condition is proposed.

## HIGHWAYS, ACCESS AND PARKING ARRANGEMENTS

4.50 Section 4 of the NPPF addresses sustainable transport; it says that all development that generates significant amounts of movement should be supported by a transport statement or transport assessment. Plans and decisions should take account of whether: the opportunities for sustainable transport have been taken depending on the nature and location of the site; safe and suitable access to the site can be achieved for all people and improvements can be taken within the transport network that cost effectively limits the significant impacts. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

### Traffic Generation

4.51 The application has been supported by a Transport Assessment (TA). The TA assumes a development of 125 residential units. Based upon the nationally recognised TRICS database a residential development of this number of units can be expected to generate in the region of 76 vehicle movements in the AM/PM peak hours respectively.

4.52 Highway Network Management say that this equates to a little over 1 additional vehicle per minute and will not be perceivable when considering daily traffic fluctuations and existing traffic flows on the adjacent highway network. Furthermore this assessment is based on 125 units; only 102 are proposed which would reduce the anticipated level of traffic generated to 62 movements in the AM/PM peak periods.

### Access

4.53 The development is formed through the creation of 3 smaller sites, each served by it's own access point from the existing cul-de-sacs of;

Green Lane - 16 dwellings

Heath Ride - approximately 40 dwellings

Tudor Way - approximately 46 dwellings

4.54 Vehicles may drive between Heath Ride and Tudor Way; as such the number of dwellings served from Heath Ride/Tudor Way is based on dwellings which are likely to be served from each access when considering their distance from each access route. Access between Green Lane and the other elements of the scheme is restricted to pedestrians and cyclists only.

4.55 The existing highway network is publicly maintainable highway having been designed and constructed to adoptable standards. As such the roads in the local area are considered suitable in terms of width, construction and design to serve the proposed development.

#### Highway Impact

4.56 Traffic flow and turning proportion surveys have been undertaken on the adjacent highway at the junctions of The Village / Brecks Lane and Park Gate/Brecks Lane. These traffic flows have been modelled to reflect increases in background traffic flows which could be seen up to a future year of 2018.

4.57 The operation of the aforementioned junctions in the future year scenario (with and without development) has been assessed using nationally recognised junction assessment software. The modelling demonstrates that the level of traffic generated by the scheme will not have a material impact on the operation of either junction. Given the use of modelled background flows and over estimation of the number of dwellings developed on the site this is considered to be a very robust assessment.

4.58 The traffic surveys also monitored the frequency and duration of the operation of the adjacent level crossing on Lord Moors Lane together with the associated queue length that is subsequently generated. It is not considered that the increase in traffic generated by the development will detrimentally affect the operation of the crossing or significantly increase queuing in the locality during the crossings operation.

4.59 Concerns have been raised over the cumulative impact of development in The Village. The TA has assumed that all development traffic will turn right out of Brecks Lane and head towards the main village centre. The traffic surveys undertaken indicate that there is currently approximately a 50/50 split in vehicles turning right/left at this junction. As such it is reasonable to assume that a proportion of traffic will not head towards the Village. Based upon these figures the level of traffic travelling through the Village reduces from the 76 vehicles modelled in the TA to 38 vehicles during the peak network periods. This equates to in the region of 1 vehicle every 2 minutes.

4.60 Should development traffic associated with The Tannery site be taken into account (32 vehicle movements during the AM/PM peak periods) this equates to a total increase in traffic during the peak periods of 70 vehicles. This cumulative impact equates to just over 1 vehicle every minute. Furthermore the Tannery has been granted consent by the authority and as such issues relating to traffic generation cannot be revisited, nor is it reasonable or appropriate that the applicants of the development being considered be asked to remediate existing traffic issues within the Village.

### Sustainability

4.61 The Brecks development is currently served by the high frequency service 5. This route enters and exits via Brecks Lane and turns around at Park Gate. The bus stop here is a 500m walk to the current end of Tudor Way and a 700m walk to the current end of Heath Moor/Green Lane. The development proposals include various traffic free pedestrian linkages between culs de sacs within the development and from Brecks Lane into the site. These are complemented by a footpath which is to be provided along the Eastern boundary of the site. These routes will provide direct traffic free walking routes to the bus stop at Park Gate. Walking distances to various parts of the development range from 500m to and absolute maximum of 900m. This represents a 6 to 11 minute walk. The national average distance of a walk journey or stage is 1000m, with national guidance allowing a maximum distance greater than this for commuting, journeys to school or other trips. The distances to the current bus stop is therefore within these criteria. Officers have considered the potential to divert the existing service 5 however this is not considered to be a viable option which would be supported by the operators. The service would be diverted along Brecks Lane, Thompson Drive, Heath Ride and Redmayne Square. This route is traffic calmed and has frequent ramped plateaux's and speed humps. This type of traffic calming is generally not used on frequent public transport routes due to issues that arise with discomfort, damage, noise and vibration. Car parking occurs along this route which could affect service reliability. Such a diversion would also increase the journey time of the service which could make it less attractive and result in the need for further buses being required to maintain the existing frequency. As such, on balance, it is considered that the development is sustainable and makes best use of the location.

### Design

4.62 The internal layout is to be designed constructed and offered for adoption as public highway under a Highways Act Agreement. Vehicle swept paths have demonstrated that a refuse vehicle can successfully traverse the site without overrun and leave in a forward gear. The internal site layout has been designed to Manual for Streets principles, using design features to reduce vehicle speeds to 20mph or less. Casual caller/visitor parking has been designed in to the internal layout to provide areas of managed on-street parking. Dedicated traffic free footways have been incorporated into the scheme along likely desire lines. The levels of car and cycle parking provided are in accordance with CYC Annex E standards.

4.63 The existing cul-de-sac head to Heath Ride is partially within the application site. This section of road is an adopted highway and as the configuration of the road will change will partially be removed. As the road is adopted highway the section of the turning head to be removed will need to be extinguished under s.274 of the 1990 Planning Acts.

4.64 There are no objections to the scheme from a highway perspective.

## ENVIRONMENTAL STATEMENT

4.65 The development site is adjacent to the following designated nature conservation sites:

- Strensall Common Site of Special Scientific Interest (SSSI)
- Strensall Common Special Area of Conservation (SAC)

The SSSI and SAC are located approximately 400 metres to the east of the site. The Strensall Common site is designated for its lowland heath habitat.

4.66 The site was the subject of an Environmental Impact Assessment screening opinion as the scheme falls within the description of development set out in schedule 2 10b of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the size of the site exceeds the relevant threshold being 0.5 hectares. The screening opinion from the Authority in July 2012 and the screening direction from the Secretary of State on the 7th December 2012 confirm this position. The Secretary of State considered the proposal has the potential to give rise to significant environmental effects in relation to the purposes for which Strensall Common has been designated. The site was the subject of a scoping opinion in September 2013 which sets out those issues to be addressed within the Environmental Statement. The focus of the ES is ecology and the assessment of the likely significant effects on Strensall common, landscape and visual impact and the related socio-economic effects.

4.67 The submitted Environmental Statement in officer's opinion includes all the information required by Part 1 and Part 2 of Schedule 4 of the Environmental Impact Assessment Regulations 2011. The Environmental Statement is set out over a number of chapters covering the following:

- Chapter A - Introduction and background
- Chapter B - Scope and methodology
- Chapter C - Site description and proposals
- Chapter D - Socio Economics
- Chapter E - Ecology
- Chapter F - Landscape and Visual Impact
- Non-Technical summary.

## Ecology



4.68 National and local policies are against net loss of natural resources (species, habitats or sites) and the damage, deterioration or other adverse effect upon those resources, be they within the site or within influence of the site. Policy also requires, in addition to protection of natural resources, enhancement of the natural environment to be delivered through proposals wherever possible. Should development result in adverse effects that cannot be reduced to satisfactory levels and should opportunities not be sought to improve biodiversity assets within the site or local setting, the proposal will be contrary to policy.

4.69 The ecology chapter of the ES addresses the ecological impact of the development through a desk top study, extended phase 1 habitat survey, aboricultural survey, amphibian survey, badger survey, ground-based bat survey and a visitor survey (covering visitors to Strensall common). These documents are used to undertake an ecological impact assessment in accordance with the methods for evaluation of impact significance set out in the Chartered Institute for Ecology and Environmental Management. The report concludes that no significant effects are predicted to arise on features of ecological value as a result of the development.

4.70 The Countryside Officer considers that the level of information provided within the Environment Statement Ecology Chapter and appended survey reports is thorough and covers all the main interests sufficiently.

#### Habitats

4.71 The main grassland field has some limited floristic interest but as the field has been left unmanaged in recent years a lot of this interest has declined and in some areas brambles, nettle and willow herb are becoming dominant, reflecting the increasing nutrient levels. There are opportunities as part of the development for retaining and improving some of this interest, particularly in the areas around the retained in-field trees and proposed greens. A suitable management plan and cutting regime will though need to be drawn up for these areas (as part of a whole site management plan) to enhance these areas. This can be conditioned. Additional plug planting in these areas is suggested.

#### Greater Crested Newts (GCN)

4.72 GCN surveys have been carried out on three ponds situated close by and the methodology used and timings were acceptable and in accordance with survey guidelines. No GCN have been found in any of the ponds surveyed and whilst the site presents suitable terrestrial habitat no further survey work is considered necessary.

#### Badger

4.73 There are records of badger within this local area and the site provides suitable foraging habitat. There were no signs of badger use or setts found during the phase 1 survey, but it is agreed that there should be some precautionary measures in place

during construction to ensure that there is no disturbance/impact. The survey should also be updated prior to work.

#### Otter and water vole

4.74 Both otter and water voles have been recorded using this stretch of the river Foss but it is agreed that the proposed work here is unlikely to cause any impact.

#### Breeding birds

4.75 Any removal of vegetation should be carried out outside of the bird breeding season to avoid any disturbance to nesting birds. This should be made a condition.

#### Bats

4.76 No bat activities surveys have been carried out, only daytime visual assessments of mature trees on site. T29 which is to be removed has medium-high bat roosting potential (category 1) and further survey work will be required here prior to any pruning or felling (as specified within section E6.7 of the ES report). One of the infield oaks was also identified as a category 1\* which is the highest value to roosting bats. This tree is being retained but its value to bats needs to be taken into consideration with regard to lighting schemes (see below) and also to any future management (pruning work/health and safety issues etc particularly with regard to their current condition and proximity to residential properties). It is recommended that surveys are carried out on trees with bat roost potential, even if they are being retained as part of the scheme, as part of any Mitigation Scheme and Management Plan. This will help to inform their sensitive management and ensure their long term viability and continued provision of valuable wildlife habitat. New roosting habitat should be provided on site as part of the development, through both the installation of professional quality bat boxes in retained mature trees on site as well as incorporated into some of the new builds. Additional information is needed in relation to the position of lighting columns. There should be no direct illumination of bat foraging areas, commuting routes or roost locations and no lighting of the footpath along the eastern boundary.

#### Visitor Survey

4.77 The assessment of likely significant effects on Strensall common report was produced following a visitor survey. The Countryside Officer is a little sceptical about the results referring to Yorkshire Wildlife Trust's comments on the application. Yorkshire Wildlife Trust manages the northern part of the reserve; the area that appears to be most used by dog walkers. They indicate that some damage is already apparent as a result of walking through the site. A number of measures are suggested to be included within the development proposals to mitigate any damage these are: information to the residents about Strensall Common and the importance of the habitat; providing leaflets to householders and also a notice board with interpretation. Information on clearing up after dogs should be included; Contribution towards increased wardens on the reserve to cover increased trampling and littering; Contribution towards events to introduce residents to the reserve and the importance of Strensall Common; Membership of the Yorkshire Wildlife Trust provided for new

residents which would give some funding towards alleviating pressure on the reserve; there may also be a need to monitor pressure on paths and grazing animals. Officers do not necessarily agree that all these measures can be achieved through the application submission as the level of increase estimated at a maximum of an additional 10.7 per day would not warrant this. The applicant is offering to provide £10,000 worth of funding towards a new bridge over the river Foss and maintenance of adjacent public rights of way. This will provide an alternative route for dog walking toward to the river Foss (except in times of flood) and will add significantly to the value of the footpaths in the area. The City of York Council footpaths Officer supports the contribution towards the bridge as this will allow the bridge scheme to come forward the rest of the money for the bridge scheme has, Officers understand, already been identified.

4.78 Officers do support Yorkshire Wildlife Trust's suggestions to provide leaflets to new householders on the value of the common and an interpretation board at the entrance to the eastern footpath on the application site showing the various footpath routes and wildlife value of the area. These requests are considered to be sufficiently related to the development and will be conditioned as part of the application.

4.79 The Countryside Officer initially raised concerns that the development did not provide sufficient space between the tree belt on the eastern side of the site and the development. Since that time the scheme has been amended to provide additional space along the length of the eastern boundary. The Countryside Officer considers that the amendments make for a much improved buffer zone along this edge. Not only does this create an improved foraging and commuting corridor for wildlife but it also creates a better footpath link down to the riverside and a more reasonable maintenance area to allow for future tree and scrub management.

4.80 It is also noted that Natural England have responded confirming they have no objections to the proposals this view constitutes their response under the Conservation of Habitats and Species Regulations 2010 (The Conservation Regulations) and Section 28(I) of the Wildlife and Countryside Act 1981 (as amended). In terms of impact on protected species they refer to their standing advice and say that this is an issue that should be dealt with at local level.

4.81 Overall with a mitigation strategy in place secured by condition; the provision of a contribution towards the footbridge over the River Foss, the conditioning of interpretation information to new residents and an interpretation board at the entrance to the eastern footpath it is considered that the scheme will not have any significant adverse effects on Strensall Common.

## Landscape and Visual Impact

4.82 The landscape and visual impact document identifies that the site falls within National Landscape Character Area NCA 28, the document provides an assessment of the local context of the site, a general description of the site, the existing

infrastructure and development land use and vegetation, land form, public rights of way and landscape character assessment. The potential visual effects of the development during construction phase and following completion of the development is assessed. The report concludes that the landscape strategy proposed (the detail of which has been considered in assessing potential impact) does not attempt to screen the new development from existing housing but rather present it as a valuable new asset to the local area. It is assessed that the overall development will make a positive contribution to this part of Strensall village.

## Socio/Economic Effects

4.83 The submitted report sets out socio-economic effects arising from the construction and operation phases of the development. The report says that the total construction cost for the development is approximately 12.4 million pounds. The construction phase would be over 3 years and there would be around 82 job opportunities directly created each year. A proportion of these jobs would be taken up by the local work force. Local businesses would benefit during the construction phase through increased expenditure. There will be no direct employment benefit from the completed scheme. The population increase as a result of the development is judged as positive and of minor magnitude. The impact of the new development on the York labour market, deprivation and housing is considered to be positive and moderate. The commuting impact is assessed as negligible and neutral. The impact on education is assessed as negative and moderate scale as the pupil generation would exceed existing capacity within the primary school. The impact on health care facilities is considered to be negative but of negligible scale because the baseline indicates that current GP and dental care in the area is reasonable and there is potential for additional growth. The impact on open space and recreation provision is assessed as minor negative due to additional pressures on existing facilities. The impact on community facilities is considered negative but of negligible scale as more residents will create more pressure on existing facilities and no new provision is proposed.

4.84 The main areas of impact are those on the school facilities and open space/sports provision. Many of the objection letters raise the same concerns. The report argues that the impact on school facilities and open space provision is mitigated by the provision of section 106 money in the case of school facilities and s.106 money and provision of space within the site in relation to open space and sports facilities.

## School facilities

4.85 The Strensall primary school is full and the Huntington Secondary school is near capacity. policy ED4 of the DCLP says 'In considering proposals for new residential development, any consequences for existing schools, early years and other community facilities will be assessed in accordance with the approved Supplementary Planning Guidance' The adopted supplementary planning document for education sets out the basis for calculating the required commuted sum for education facilities where existing facilities are at capacity. In accordance with this document the

Education section require a contribution for 26 places in primary school and 1 for Huntington Secondary school equating to £329, 647. The contribution sought is that required by the current council policies and as such is that which is considered necessary to mitigate the additional burden created by a development where existing facilities are at capacity.

## Open Space

4.86 Similarly commuted sum payments for open space in new developments adopted for development control purposes sets out the contributions required for new developments and the levels of provision necessary if the open space is to be on site. In the case of this development the play area and open space provision is located on site and a contribution of £70,247 is being sought through a s.106 agreement for the off site sports provision. The applicant is providing the levels of facilities required by policy and therefore this is considered sufficient mitigation to balance the negative impacts associated with the additional pressure on open space, play equipment and sports facilities in the area.

4.87 With these identified impacts resolved through the payment of s. 106 contributions in accordance with council policy and through the design of the scheme the socio economic impact of the development is mitigated within the development proposals.

4.88 The submitted environmental statement is considered to have covered those issues identified in the screening and scoping opinions. It is concluded that the development will not have significant adverse effects on the Strensall Common designation as an SSSI and SAC site. Furthermore the socio-economic considerations set out in the statement are adequately addressed through the Council's requirements set out in Supplementary planning documents and through the requirements of a section 106 agreement covering open space and education payments.

## AFFORDABLE HOUSING

4.89 The Housing Strategy and Enabling Team are satisfied that the affordable housing within the scheme complies with the council's interim affordable housing approach by providing 30% affordable housing on a Greenfield site. The affordable housing will be fixed for a period of three years. Should the development have not meaningfully progressed during this period the level of affordable housing will be revised in line with the council's target applicable at that time. The agreed affordable housing provides a range of family house types, with a particular concentration of two and three bed houses which are identified as the city's priority need in 2011 Strategic Housing Market Assessment (SHMA). It also provides four bed family houses for social rent and Discount Sale. The above is based on a 65:35 split between social rent and Discount Sale. Should no buyer be found for the Discount Sale homes they will

revert to an intermediate market rent until such time as an eligible buyer is identified. The Discount Sale prices will be £78,000 for the two bed houses, £93,000 for the three bed houses, and £103,000 for the four bed houses. The homes are pepper-potted throughout the site in runs of no more than two affordable homes. The Housing Strategy and Enabling Team support this application which complies with the Council's affordable housing policy and will provide much-needed new quality affordable homes in a mixed and sustainable community.

## Drainage

4.90 The site is located within Flood Zone 1. ( Land to the north of the site where levels drop considerably towards the river Foss is located within Flood zone 3). The applicant has submitted detailed drawings to our Flood Risk Management Team to show how surface water will be drained from the development. This consists of a series of over sized pipes which discharge at an agreed rate (6 litres per second) into the surface water drain at the end of Tudor Way with an overflow for storm conditions into the area on the southern side of the site described as Brecks Green. The contours for Brecks Green show the land levels between the edge and the centre slopping inwards with a maximum change in level of about 1 metres thus providing capacity to take overflow water. The Flood Risk Management team are satisfied with these details in principle subject to a condition which controls the full details of the scheme. Yorkshire Water Authority indicate in their response that foul water should be disposed of into sewers located at Moray Close and Tudor Way. They also indicate that from the information supplied it is not possible to tell if the whole scheme will drain by gravity to the public sewer network. If the ground level of the site is below the level of the connection to the public sewer the developer may have to take precautions by either raising ground levels; pumping the discharge from site and/or the installation of none return valves. Conditions are requested by Yorkshire water Authority to ensure that a satisfactory drainage scheme is achieved.

4.91 The principle of the drainage of the site has been agreed for surface water. In relation to foul water Yorkshire Water Authority are not objecting to the development although a scheme for discharge will need to be agreed and this is proposed to be conditioned.

## OPEN SPACE -DETAIL

4.92 As discussed above at 4.81 the levels of open space on site and the off site contribution for sports facilities meets the policy requirements of L1c of the DCLP and the advice note commuted sum payments in new developments. The equipped play space is located at Heath Green. The details show nine pieces of play equipment set in an informal arrangement and consisting of 'rustic' equipment such as balance beams and striding stilts. The equipment is overlooked by three of the new houses to the south of the green. To the western boundary the existing properties back on to the Green. The proposal is to construct a new close boarded fence on the boundary of the site. Heath Green are extends to 0.219 Ha. The other open areas will not be equipped

but are bisected by footpaths and will be landscaped. The open areas are to be managed through a scheme to be agreed as part of the s.106 legal agreement for the site and through a management company. The managed areas will include the tree belt to the east of the site. However Brecks Green on the south of the site, the drainage attenuation area, will be offered to Yorkshire Water for adoption.

## SUSTAINABILITY

4.93 The development is expected to meet the requirements of the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction. Conditions are proposed to require code for sustainable homes level 3 and 10% renewables on site. The applicant has indicated that the renewables will be met by the installation of solar panels on appropriately orientated dwellings.

## 5.0 CONCLUSION

5.1 The Secretary of State in considering other sites in the City of York area has, in the absence of a formally adopted boundary, dealt with new housing sites as if they were in greenbelt and therefore found it necessary to establish if there are very special circumstances that outweigh the green belt status of the site. In the absence of an up to date local plan and having regard to the early stage of the emerging local plan Officers consider that the site is within green belt and needs to address the test of very special circumstances. Officers have considered the site's characteristics and the policy history of the site and conclude that taken together the lack of a five year housing land supply; the history of the site as reserved land and its proposal for allocation; the contribution the site would make to the housing land supply, including affordable housing and the fact that the site characteristics are such that the land does not serve any of the green belt purposes as set out in the NPPF or Regional Strategy represent very special circumstances which would outweigh harm to the green belt by reason of inappropriateness. The application will need to be referred to the Secretary of State under the terms of circular 02/2009 of the Town and Country Planning (Consultation) (England) Direction 2009.

5.2 Assessing the development in relation to housing and sustainability policies in the NPPF it is considered that the development proposes a mix of market and affordable housing; is identified as part of the deliverable housing sites in the housing selection paper, is proposed to be commenced in the short term making the site deliverable in the context of NPPF advice (section 6). The 2005 local plan envisages the site's development post 2011, earlier plans have also reserved the land for future development and the emerging local plan seeks to bring the site forward for housing. It is considered that in principle the development of the site is supported by the presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF provided there are no impacts arising from the details of the scheme which would significantly and demonstrably outweigh the benefits.

5.3 The details of the housing layout including the provision of open space and landscaping are acceptable.

5.4 The Environmental Statement satisfactorily addresses the proximity of the site to the Strensall Common a Site of Special Scientific Interest and a Special Area of Conservation through various reports covering ecology, Landscape and visual assessments and socio-economic issues.

5.5 Highway Network Management is satisfied, through a consideration of the submitted Transport Assessment that the scheme can be accommodated without detriment to the highway network. An existing section of highway will need to be extinguished under the 1990 Planning Acts.

5.6 The application requires a Section 106 obligation, in order to secure the following benefits:

- 30% Affordable housing in accordance with the submitted details
- A contribution of £70,247 for the off site sports provision and Public Open Space & Amenity Land Construction, Management and Maintenance Plan.
- A contribution for 26 places in primary school and 1 for Huntingdon Secondary school equating to £329, 647
- £10,000 towards the provision of new foot bridge over the river Foss and maintenance of the surrounding footpaths.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** That the application be referred to the Secretary of State under the terms of circular 02/2009 of the Town and Country Planning (Consultation) (England) Direction 2009, and provided that the Secretary of State does not choose to recover the application for his own determination, and subject to the satisfactory completion of a section 106 obligation to secure the matters set out in paragraph 5.6 above, APPROVE subject to the following conditions, and any other conditions considered appropriate:

1 TIME2 Development start within three years -

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

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

3 VISQ8 Samples of exterior materials to be app -

4 No development shall take place until there has been submitted and approved  
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in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development except in the case of the details along the eastern boundary with the new houses where the scheme shall be implemented in the first planting season following commencement of the development. 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 and to ensure that the boundary adjacent to the amenity area develops a degree of maturity prior to the occupation of any dwelling on the eastern boundary in the interests of the protection of biodiversity and in the interests of residential and visual amenity.

5 Before the commencement of development, including the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include sufficient information to ensure the safe retention and sound protection of the trees. It shall include details and locations of protective fencing, phasing of works, type of construction machinery/vehicles to be used, arrangements for loading/off-loading, parking arrangements for site vehicles and visitors, locations for stored materials, and location of marketing cabin. It shall include construction details and methodology for paved areas that may encroach into the root protection area of the trees. It shall include contact details for the arboriculture consultant or other suitably qualified person whom shall be overseeing protection of the trees for the duration of the development process.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of the area and the development.

6 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of occupants of adjacent and adjoining properties during the development of the premises.

7 All machinery and vehicles employed on the site shall be fitted with effective  
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silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (2009) Code of Practice; 'Noise Control on Construction and Open Sites'.

REASON: To protect the amenities of adjacent residents

8 All demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08:00 to 18:00

Saturday 09:00 to 13:00

Not at all on Sundays and Bank Holidays.

REASON: To protect the amenities of adjacent residents

9 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide, from on-site renewable energy, 10 per cent of the developments predicted energy demand. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. The site thereafter shall be maintained to at least the required level of generation.'

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction

10 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and Paragraphs 4.1 to 4.6 of the Interim Planning Statement 'Sustainable Design and

Construction' November 2007.

11 No development shall take place until a detailed habitat management plan and enhancement scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include a method statement for the protection of habitat during construction and the post development management of the area. The development shall be carried out and managed in complete accordance with the approved details.

The plan should include:

- i. Details of what assessments, protective measures and sensitive work practices are to be employed, prior to and during construction, including timing of work and list of persons responsible.
- ii. Details of what measures are to be provided within the design of the new buildings and landscaping to enhance the biodiversity of the site.
- iii. Provision and protection of an area of buffer habitat alongside the eastern boundary hedgerow.
- iv. Prescriptions for the management in perpetuity of the buffer habitat, hedgerows and open spaces within the development.
- v. Details of the inspection of any trees which may need to be felled, pruned or disturbed in the future, as close to the date of work as possible and no earlier than one month prior to any work to confirm the absence or otherwise of roosting or hibernating bats.
- vi. Details of what contingency procedures are to be in place in the event that bats are found following commencement of development.

Reason: To take account of and enhance the habitat and biodiversity of the locality in accordance with advice in the National Planning Policy Framework.

Note that under National Planning Policy Framework (NPPF) the replacement/mitigation proposed should provide a net gain in wildlife value.

12 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interests of satisfactory and sustainable drainage.

13 Unless otherwise approved in writing by the Local Planning Authority there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no building shall be occupied or

brought into use prior to the completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges take place until proper provision is made for their disposal.

14 Surface water draining from areas of hardstanding shall be passed through a trapped gully or series of trapped gullies, prior to being discharged into any watercourse, soakaway or surface water sewer. The gully/gullies shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the gully/gullies.

Reason: To reduce the risk of pollution to the water environment.

15 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

1. In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards peak surface water run-off from the development must be attenuated to that of the existing rate (based on a Greenfield run off rate of 1.40 l/sec/ha). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. Therefore maximum surface water discharge = 6.0 l/sec

2. Details of flow control pumping station to be submitted limiting the maximum surface water discharge to maximum 6.0 l/sec.

3. Details of attenuation pond must be provided.

4. The applicant should provide a topographical survey showing the proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

5. Written consent should be sought from Yorkshire Water with regards to connection of foul and surface water into their sewers.

6. Details of the future maintenance/management of the drainage system.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

## 16 Investigation of Land Contamination

Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

(ii) an assessment of the potential risks to:

o human health,

o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

o adjoining land,

o groundwaters and surface waters,

o ecological systems,

o archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## 17 Submission of Remediation Scheme

Prior to development commencement of the development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and

historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## 18 Verification of Remedial Works

Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

## 19 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

20 HWAY1 Details roads, footpaths, open spaces req. -

21 HWAY7 Const of Roads & Footways prior to occup -

22 HWAY18 Cycle parking details to be agreed -

23 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

24 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the LPA.

Reason: In the interests of the safety and good management of the public highway.

25 For each dwelling, a three pin 13 amp external electrical socket should be installed on an external wall adjacent to the driveway of the property, or within the garage space. The socket should comply with the requirements of BS1363 or an equivalent standard and where mounted on an external wall, must have a locking and weatherproof cover

Note: Any sockets provided must comply with Building Regulations and be suitable for outdoor use.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles / bikes / scooters

26 Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period. The scheme shall be carried out in accordance with the levels shown on drawing no. 860-ENG-O3 rev A.  
Note: The existing ground levels are shown and shall be maintained adjacent to the site boundary with existing residential properties.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area and existing residential properties.

27 Prior to the commencement of the development or within such longer period as may be agreed in writing with the local Planning Authority (LPA) prior to commencement a large scale detail of the equipped play area and details of each

piece of equipment and any associated fencing and pathways shall be submitted to and approved in writing by the LPA. The approved details shall be implemented to the satisfaction of the LPA within 6 months of the occupation of the last dwelling on the site.

Reason: To accordance with policy L1c of the Development Control Local Plan which requires adequate provision of play space and amenity provision within the site.

28 Prior to the commencement of the development details of the acoustic fence to be placed on the southern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the fence shall be installed in accordance with the approved details before plots 86 to 89 are first occupied.

Reason: In the interests of visual and residential amenity.

29 Prior to the commencement of the development a large scale detail of the new fence to be constructed along the eastern boundary adjacent to rear gardens shall be submitted to and approved in writing by the local planning authority. The approved detail shall be implemented to the satisfaction of the Local Planning Authority before any dwelling along the eastern boundary is occupied.

Reason: In the interests of the amenity value of the amenity land adjacent to the eastern boundary of the site

30 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Development Order 1995), (or any Order revoking or re-enacting that Order), no replacement or additional fences, gates, walls or other means of enclosure shall be erected along the eastern boundary within plots 8,10,11,37, 38, 40, 42, 43, 44, 63, 64, 67, 68,83,84,and along the western rear boundary of plots 18,19, 96 to 99 and 102.

Reason: In the interests of visual amenity of the amenity area adjacent to the eastern boundary and to safeguard existing hedging and residential amenity on the western boundary of the site.

31 Prior to work commencing on plots, 93, 96 to 99 and 102 a details of the rear boundary fencing ( or other agreed appropriate detail) to be constructed on the joint western boundary with existing residential properties and plots 4 to 7 on the northern boundary adjacent to the existing trees, the side and rear boundary of plot 18 and rear boundary of plot 19 and the side boundary facing Moray Close shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented to the satisfaction of the Local Planning Authority before the dwellings on these plots are first occupied.

Reason: In the interests of the residential amenity of existing properties and to protect the existing hedge to the rear of plots 93, 96 to 99 and 102, to protect the trees to the



rear of plots on the northern boundary and in the interest of visual amenity in relation to the side boundary of plot 1, 18 and 19.

32 Prior to occupation of the dwellings a full lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux of all external lighting. The development shall be carried out in accordance with the approved lighting scheme.

Reason: In the interests of the amenities of nearby occupants and visual amenity.

33 Prior to the commencement of the development or within such longer period as may be approved in writing with the Local Planning Authority (LPA) prior to the commencement of the development details of the way in which the footpath through the amenity area on the eastern boundary will be delineated and surfaced including a large scale detail of the connection of the footpath with Brecks Lane shall be agreed in writing with the LPA. Thereafter the approved detail shall be implemented to the satisfaction of the LPA within a timescale to be agreed as part of the submitted scheme.

Reason: To ensure that the footpath is provided having regard to the proximity to trees and to ensure the optimum use of the area as a public right of way

## **7.0 INFORMATIVES: Notes to Applicant**

### **1. INFORMATIVE:**

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington  
(01904) 551361

### **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 took the following steps in order to achieve a positive outcome:

- Discussions and amendments to the layout of the scheme.

- S.106 agreement negotiated

### 3. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

#### **Contact details:**

**Author:** Diane Cragg Development Management Officer (Mon/Tues/Wed)

**Tel No:** 01904 551351