

COMMITTEE REPORT

Date: 8 May 2025 **Ward:** Heworth Without
Team: East Area **Parish:** Heworth Without Parish Council

Reference: 24/02302/OUTM
Application at: Land to the South of Sugar Hill Farm Stockton Lane York
For: Outline application for up to 380 dwellings, community facilities/childcare provision, retail unit and associated works with access from Stockton Lane.
By: Taylor Wimpey Ltd
Application Type: Major Outline Application
Target Date: 12 May 2025
Recommendation: Refuse

1.0 PROPOSAL

1.1 The site forms part of proposed strategic development site ST7: Land East of Metcalfe Lane. The spatial strategy for delivering sustainable growth for York is set out in section 3 of the Local Plan. Policy SS1 states this includes delivery of a minimum average annual net provision of 822 dwellings over the plan period that will support an overall housing requirement of at least 13,152 new homes. The relevant planning principles detailing issues that must be addressed through an approved masterplan for site ST7 are set out in Policy SS9.

1.2 Policy SS9 advises the whole of the ST7 allocation is identified to provide circa 845 dwellings and will create a separate new settlement or 'garden village' to fit in with the existing urban form of York, that being the main urban area of York surrounded by smaller villages.

1.3 This application includes the northern portion of ST7 (terminating at Bad Bargain Lane) and proposes up to 380 dwellings and 400 sqm of non-residential development, that could accommodate local community uses (Use Class F2; which could be either a shop, community space or outdoor sport facility). The access is from Stockton Lane to the north, following the indicative access shown on the Local Plan proposals map. There would be an emergency access and pedestrian and cyclist entrance from Bad Bargain Lane to the south. The parameter plan titled

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development areas shows an area of 10.5ha where the houses and local community use building would be accommodated. The 10.5ha area of land excludes the access road travelling from Stockton Lane through the centre of the site, landscaping areas to the north and south of the site, retained hedgerows at the site periphery and the two play/park areas within the site. The overall site area is 20.99ha (as specified on the application form). The parameter plans show formal parks and gardens, drainage attenuation features and natural green space to the land north of the Local Plan housing allocation (as identified on the policies maps).

1.4 The applicant was advised by the Council the development would be regarded as EIA development and an Environmental Statement has been provided in support of the application.

2.0 POLICY CONTEXT

2.1 The NPPF in paragraph 48 states “that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”. The development plan is the Local Plan which was adopted in 2025. There is no made Neighbourhood Plan relating to this application site.

2.2 Relevant policies of the Local Plan are as follows -

DP1	York sub area
DP2	Sustainable Development
DP3	Sustainable Communities
SS1	Delivering Sustainable growth for York
SS9	Land east of Metcalfe Lane
H1	Housing allocations
H2	Density of Residential Development
H3:	Balancing the Housing Market
H4	Promoting Self-build and custom housing
H5	Gypsies and Travellers
H9	Older persons housing
H10	Affordable Housing
HW2	New Community Facilities

HW3	Built Sports Facilities
HW4	Childcare Provision
HW5	Healthcare Services
HW7	Healthy Places
ED6	Preschool, Primary and Secondary Education
D1	Placemaking
D2	Landscape and setting
D6	Archaeology
GI1	Green Infrastructure
GI2a	Strensall Common SAC
GI3	Green Infrastructure Network
GI4	Trees and Hedgerows
GI6	New Open Space Provision
CC2	Sustainable Design and Construction of New Development
ENV1	Air Quality
ENV3	Land Contamination
ENV4	Flood Risk
ENV5	Drainage
T1	Sustainable access
T5	Strategic cycle and pedestrian network links and improvements
T7	Demand Management
DM1	Infrastructure and developer contributions

National Planning Policy Framework (NPPF)

2.3 The NPPF is a material consideration in planning decisions. It sets out the government's planning policies for England and how these are expected to be applied. It outlines that the purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways (paragraph 8).

2.4 The relevant sections of the NPPF include sections 5 'Delivering a sufficient supply of homes', 8 'Promoting healthy and safe communities', 9 'Promoting sustainable transport', 12 'Achieving well-designed places', 14 'Meeting the challenge of climate change, flooding and coastal change', and 15 'Conserving and enhancing the natural environment'.

Other relevant national guidance

- Building for a Healthy Life (2020) – Design toolkit, written in partnership with Homes England, NHS England and NHS Improvement.
- National Design Guide – planning practice guidance for beautiful, enduring and successful places (2021)
- Chartered Institute of Highways and Transportation - Planning for Walking (2015)
- Department for Transport (DfT) – Gear Change – a bold vision for cycling and walking (July 2020)
- DfT - Local Transport Note – Cycle Infrastructure Design (LTN1/20)
- Fields in Trust (2020) – Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard
- Natural England – Guidelines for creating Creation of Suitable Alternative Natural Greenspace (2021)
- Ministry of Housing, Communities and Local Government – Planning Policy for traveller sites (12 December 2024)

3.0 CONSULTATIONS

INTERNAL

Archaeology

3.1 Advise further investigation required prior to determination. The site needs to be evaluated prior to determination of the application, to enable a mitigation strategy to evolve and to ensure that preservation in-situ of archaeological resource remains a possibility e.g. removing areas from the development plan to avoid excavation.

3.2 Based on historic evidence, the western central area of the proposed development site contains Roman kiln structures, Roman road and likely settlement features. The full extent, survival and importance of this site is currently unknown. The hypothesis for this area (yet to be tested by meaningful, modern evaluation) is that the site was in use from the 1st-3rd century – possibly a military site which turned more civilian in nature as time went on. 9th legion tiles and pottery has been discovered here. A 2023 geophysical survey shows a roadside settlement not dissimilar in plan from the western edge of Scheduled minor Roman town of Derventio some 6km to the west. However, the Osbaldwick site is potentially a smaller, rural roadside settlement with pottery production on the fringes rather than part of a minor town.

3.3 The scheme proposes total development of this site. This would remove any archaeological resource surviving within these fields due to the shallow nature of the archaeology in this area. In accordance with the NPPF further information is required to fully assess the significance of the Roman settlement.

- If possible, further detailed information of the 1980s excavations should be obtained.
- A programme of evaluation trenching is required to take place pre-determination. This is to identify the limits of the settlement, to further characterise the archaeology on the site and to assess levels of preservation. The trenching is primarily to be focused on the centre of the site along the line of the former Roman road. However, other parts of the site should also be tested as is the usual situation for greenfield sites.
- Any proposed ground investigation works should be archaeologically monitored

Ecology

3.4 Recommended conditions to require a biodiversity gain plan, habitat management and monitoring plan, construction management to protect biodiversity, biodiversity enhancements, lighting plan (in respect of bats).

Biodiversity Net Gain (BNG)

3.5 The Biodiversity Gain Assessment provided by BSG Ecology (December 2024), supported by the Statutory Defra Biodiversity Metric highlights that the proposals will achieve a net gain as outlined below.

Change in Habitat Units

- +6.31 Habitat Units, equivalent to +10.06% total net unit change.
- +0.94 Hedgerow Units, equivalent to +14.91% total net unit change.
- +0.30 Watercourse Units, equivalent to +10.14% total net unit change.

Based on these figures the design of the application site would achieve its statutory target of a minimum 10% net gain across all habitat categories. However, habitat and watercourse metrics are only just meeting that requirement and there may be insufficient contingency to allow for changes in the design as it progresses from the outline to detailed design stage. The BNG metric should be reviewed to identify areas where biodiversity gains through habitat creation and enhancement can be maximised within the design as it progresses to address this risk.

3.6 There may be a missed opportunity in terms of retained hedgerows across the application site, which are not proposed to be enhanced. Enhancements could be fairly simple and cost effective in the form of planting up gaps or changing management regimes to encourage growth.

3.7 There is also an area highlighted on the landscape masterplan as an “*area reserved for BNG provision, with no public access*”. It is unclear if this is intended for the next phase of the development and incorporated into the BNG metric/calculation to offset the losses for a subsequent application for the next phase. It would be worthwhile having some clarity on this.

Strensall Common SAC.

3.8 The Habitats Regulations Assessment (shadow HRA) is currently in preparation and has not been provided with the outline application. It is assumed the HRA will be agreed at the reserved matters stage. The Environmental Statement states the following has been incorporated in the design of the scheme to account for potential effects on Strensall Common SAC: *approx. 7 hectares of Suitable Accessible Natural Greenspace (SANG) for the predicted 912 residents and a 2 km SANG walking route that follows the green infrastructure buffers around the Site peripheries (south, east and west) and includes stretches taking in views along the Old Foss Beck. The SANG is designed with reference to the Natural England (2021) Guidelines for Creation of Suitable Alternative Natural Greenspace.*

3.9 In preparing the HRA it will be critical to engage with both the Local Planning Authority and Natural England to agree proposed outcome of the HRA and proposed mitigation to be incorporated in the design. As the proposed development is residential a particular focus for the HRA report should be potential effects of increased in visitor pressure and urban edge effects (such as fires, vandalism and fly-tipping).

Education

3.10 Officers have provided details of need for the entire of ST7 and for this scheme. For the 380 dwellings proposed in this scheme they advise need would be as follows –

Provision	Number of places	Contribution	Providers

Early Years	40	Recommend a facility be provided on-site with 20sqm per place.	
Primary	137	£ 3,050,442	Expansion possible at Osbaldwick and /or Tang Hall (catchment Hempland and nearby Heworth and St Aelred's not expandable).
Secondary	110	£3,368,640	Archbishop Holgate or potentially Fulford, All Saints, Huntington or new secondary.
SEND	7.98	£710,731 plus £27,000 for transport.	

Landscape

3.11 Officers have raised objection to the scheme.

3.12 Given the virtually unbroken mass of housing with little sense of a centre, orientation, identity, and sense of place within the core residential development, with virtually all green space confined to the perimeter, officers do not support the proposed Parameter Plans.

3.13 The illustrative plan does not obviously stand out as a 'garden village'.

3.14 In respect of the Open Space Plan - no objection to the typology descriptions or their application. However, the grass highway verges should not be included in the open space calculations relating to planning policy. On assessing the provision across the site, caution needs to be applied to other areas in how they contribute to the functional open space requirements across the site, and how much of the calculation, for instance, is hard surfacing or existing hedgerow that needs retaining regardless of the open space requirements.

3.15 Support the surfaced footpath route along the eastern boundary and the corresponding tree-lined verge, but this is squeezed between the existing hedgerow (which would need to be cut back) and the shared drives. The attenuation pond is included in the 'parks and gardens' but would presumably have no recreational value (officer note - this is an attenuation tank according to the drainage strategy therefore it could accept grass and shrub planting but not trees).

3.16 The peripheral linear green spaces are supported. These provide i) screening and ii) setting for the development, and iii) tree coverage along adjacent streets and iv) appear to fulfil the requirements of policy SS9 ix) – officers acknowledge however

the hedgerows at the boundary would need to be cutback and the footpath would be squeezed in. Also they did not measure the width of the linear park along the southern boundary (officer note - a 50m buffer is required by the strategic allocation; 25m is generally provided although turning heads and the bus loop do encroach into this).

3.17 The LEAP is insufficiently integrated.

3.18 The open space in the centre of the scheme is far too small. Small spaces such as these are encouraged across the development because they provide i) immediate access to green space, ii) aid orientation, identity and a sense of place, and iii) contribute to the setting and quality of the development. However, a development of this size also requires a much larger, more meaningful and multi-functional open space in a central location, which would i) be in a location that is evenly accessible and ii) provide an identifiable heart and sense of place to the development, which the current proposal lacks, and iii) be of a scale that would suitably reflect and balance the scale of housing. The indicative central space is far too small and isolated from other features/buildings/services that could render it as an identifiable 'village centre'. Indeed, an overall sense of 'village' rather than 'housing estate' is lacking.

3.19 More pocket parks, LAPS, incidental open spaces and pockets of green space with large feature trees are required within the development area to i) aid orientation throughout the scheme, ii) provide immediate communal access to the outdoors and to reinforce a sense of community, and iii) to provide relief and reduce the perceived vastness of the development presented in this relatively unvaried form.

3.20 Note that the 'allotments' category consists of groups of orchard trees. I am happy to support this element of the design, but if there is also a requirement for allotment plots (which I would support and encourage), the orchard trees would not suffice; and allotments would need to be provided elsewhere within the overall housing allocation.

3.21 Note that the building heights are increased around the central open space. Larger buildings generally require a corresponding larger space to balance the relationship between buildings and provide a meaningful sense of space.

Flood Risk Management Team / Lead Local Flood Authority

3.22 Comments provided. Object to the proposed surface water run off rate.

Flood risk

3.23 Floodplain compensation will be required to offset the lost volume of Flood Zone 2 being developed in the north-west corner of the site. This should be provided, to demonstrate the development will not lead to the loss of floodplain volume or detrimental impacts for third parties. The submitted Floodplain Compensation Plan provides sufficient details to demonstrate the development will not lead to the loss of floodplain volume or have any detrimental impacts for third parties, and therefore this element of the scheme is agreed.

Method of Surface Water drainage

- No evidence to discount discharge to soakaway, infiltration system and watercourse in that priority order has been supplied.

Run-off rates

- Run off rates have not been agreed.

Future management

- Future management would be required through condition.

Highway Network Management

3.24 Based on the trip generation for the site in isolation, as shown in Table 5.2 of the transport assessment, officers cannot support the application, because -

- The trip generation rates are based on TRICS data without any reduction for redistribution of trips to more sustainable (and active) forms of transport, thus the scheme lacks a (sufficient) vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places (as required under NPPF, Para. 109).
- It has not assessed transport and highways impacts of the development cumulatively with sites ST8, ST9, ST14 and ST15 (as required under adopted Local Plan Policy SS9 part v.).
- The Travel Plan is inadequate in that:
 - The vision is too nebulous.
 - It doesn't contain clear targets that are in alignment with the Government's vision that half of all journeys in town and cities are cycled or walked by 2030

(DfT – Gear Change – a bold vision for cycling and walking (2020). – the only targets are

- 10% reduction in single occupancy vehicle trips
- maximum of 20% of school children to be taken to school by single car trip purpose from the Site

Local Plans

Strongly object to the lack of master planning for the whole ST7 site which is contrary to policy SS9 of the adopted Local Plan and does not facilitate the sustainable development of this allocated site.

This lack of master planning, without input and commitment from all landowners, raises issues around the comprehensive planning of the garden village, is indicative of poor planning and conflicts with the requirements of policy SS9. Policy SS9 requires that, as well as addressing all relevant policies in the Plan, that the site, as a whole, is master planned. The current application relates solely to the northern part of the site, and the submitted documentation almost exclusively to that section of the site. The only document providing some suggestion of how the southern part of the site might be developed is the Indicative Framework Plan 1307.08 which provides a suggested layout for development, but no further information, on the area of the site outside the current application boundary. As the north and south parts of the site allocation are in different ownership, and no evidence has been provided that the owners of the southern site have had involvement with the design of this layout, we would question the validity of this as a masterplan of the entire site.

The following issues, as a minimum, would appear likely to require consideration across the wider site: open space, SANG, community facilities, built sports provision, older persons accommodation, education provision, childcare provision, Gypsy and Traveller pitches, Biodiversity Net Gain, consideration of district heating/combined heat and power networks, and public transport. Currently it would appear that the proposal does not make provision for SANG, built sports provision, Gypsy and Traveller pitches or older persons accommodation, presumably leaving these issues to be addressed by the other portion of the allocation.

As well as failing to comply with policy SS9, we also note that the proposal is not policy compliant in the following regards:

- No evidence has been provided that the proposal will comply with policy H4: Promoting self and custom build housing. At least 5% of plots should be available for such development in accordance with the policy.

- H5: Gypsies and Travellers – the policy requires provision of 3 pitches across the allocation or the provision of suitable alternative land elsewhere. No reference is made to how this will be achieved.
- H9: Older persons specialist housing requires that strategic sites incorporate an appropriate provision of accommodation types for older persons in accordance with policy H3.
- HW2: New community facilities – an audit of existing community facilities and their current capacity is required to identify whether there is the need for additional provision to support the new community.
- HW3: Built sports facilities – an audit of existing built sports facilities and their current capacity should be submitted. Where required on site sports facilities should be provided in discussion with the Council.
- An audit of existing primary and secondary care services including their accessibility and capacity is required in accordance with policy HW5. The need for developer contributions will be guided by the outcomes of this and advice from colleagues in the NHS.
- A Health Impact Assessment is required in accordance with policy HW7. Guidance on this is available on the Council website.
- Submission of a Cultural Wellbeing Plan in accordance with policy D3 is required to evidence how cultural provision has been considered in the masterplanning of the site.
- Policy GI2a (and SS9) require that the site must include SANG to mitigate for potential impacts on Strensall Common SAC. This should be clearly evidenced on a Plan and agreed in conjunction with the Council's ecology officer and Natural England.
- A new area of open space OS7 is required by policies SS9 and GI6. Policy SS9 and the policies map indicates that the buffer will be 50m either side of the central bridleway, the proposed buffer does not seem to reflect this.
- Policy CC3 requires that all major development assesses the feasibility and viability of connecting to an existing decentralised energy network, identifying future network opportunities or developing a site-wide network. This information does not appear to have been provided.

In addition to the above matters, where the application is not considered policy compliant and insufficient information has been submitted, we also have the following comments to make:

- Reference should be made in the submission documents to compliance with the housing mix in the LHNA in accordance with policy H3.

Self / custom build officer

3.25 The illustrative masterplan shows 17 self-build plots which all appear to be a very similar size. Based on the evidence from the Council's self-build register (c.900 people) officers suggest a mixture of sized plots ranging from 2 to 5 bedrooms be provided. Policy H4 requires (at least) 5% self-build dwellings. At 380 dwellings this would be 19 self-build dwellings.

3.26 Agreement on detail around how the self-build plots will be brought forward would need to be secured. The reserved matters applications for the plots will need to be made by the self / custom house build developer. The length of time required for the RM's to come in for the plots may need to be extended from the usual 3 years depending on the site programme.

Sport and Active Leisure

3.27 No formal open space for sport has been provided on-site. Encourage the applicant to look at how they could provide such in the scheme. To the North of the site, it looks to have open space which might be able to support sports pitches either grass or hard standing outdoor courts, but this would have to be managed alongside the Sustainable Drainage Systems. Alternatively, the ideal site for formal sports would be to the south of the development which would mean the sports pitches are between this development and the potential development of the southern part of allocation ST7.

3.28 The 2017 green infrastructure update shows that the closet wards of Heworth, Heworth Without, and Osbaldwick and Derwent Ward where the development is situated, there is a combined undersupply of outdoor sports provision.

Public Health

3.29 There is evidence some consideration has been given to the walkability of the site for older adults and people with limited mobility, such as the benches in the pocket park. This could be further improved by additional benches and lighting added to the footpaths to maximise the proportion of residents able to access these parts of the development.

3.30 The LEAP is presently proposed on the edge of the development. To maximise the use and useability of the site, it would be beneficial to relocate this LEAP playground to a more central location on the site. Doing so would provide a greater visibility of the LEAP asset and greater integration of the park into the rest of the site. Doing so would reduce the chances of antisocial behaviour or criminal activity in the park making it a safer and more accessible space for children and young people.

3.31 In line with the spatial planning for health document, the site may benefit from a community garden resource. This would build additional community cohesion, opportunity for physical activity and access to fresh produce. This could be added to the pocket park or provided at another location on the site.

Public Protection

3.32 Land contamination – recommend standard suite of conditions for site investigation and remediation.

3.33 Air quality – an impact assessment has been undertaken (which includes construction impacts). In terms of mitigation, construction management measures are recommended. For the operational impact it is not considered that traffic associated with the operation of the site will result in significant air quality impacts. Following CYC's Low Emission Planning Guidance, a damage cost calculation was undertaken to demonstrate estimated health damage costs associated with the development related traffic and to inform the scale and cost of mitigation measures to be implemented across the site. The anticipated implementation costs of mitigation measures are in excess of the calculated damage cost.

3.34 Noise – The Noise assessment dated February 2025 demonstrates that no noise mitigation measures are required to ensure that external and internal noise levels are in line with BS8233:2014. This conclusion is accepted. It is asked if mitigation can be provided for existing gardens because there will be an impact due to traffic noise from the access road. Conditions are recommended in respect of non-residential buildings regarding noise from plant and machinery and restricting times of deliveries (to between 8am and 6pm Monday to Friday, 9am to 1pm Saturday and not at all Sundays).

EXTERNAL

Active Travel England (ATE)

3.35 Recommended deferral until multiple issues had been addressed. The issues, in applying the ATE toolkit were as follows –

- Trip generation – this should take into account all trips and not only those at peak times and consider methods to encourage sustainable travel.
- Active travel routes – no quality assessment of local routes & whether they provide for inclusive access. Recommendations for Bad Bargain Lane to be provided with lighting and inclusive access.
- Bus shelters – recommended these are of inclusive design (this would be a planning condition).
- Site layout – active travel should be the first choice for access to all attractions within the site. Reference is made to Derwenthorpe and its street hierarchy and design which naturally slows traffic; an alternative to the main spine road proposed within this scheme, with a less engineered approach which would calm traffic speeds and promote sustainable travel recommended.
- Travel plan – the plan has low aspirations and does not incorporate the national recommendations in the updated national cycling and walking investment strategy (CWIS2 2023). It is required to include targets for sustainable modes of travel.

Environment Agency

3.36 No objection. Recommend conditions.

- Finished floor levels for all buildings to be developed in Flood Zone 2 be set no lower than 12.10 metres above Ordnance Datum (AOD).
- Compensatory storage be provided and details to be approved by the EA.

National Highways

3.37 Holding objection.

3.38 Concerns about mode share targets and trip generation, and since these underpin the Transport Assessment (TA) and the Travel Plan, these will need to be addressed before National Highways can determine this application. A more aspirational plan for sustainable travel for the site was requested.

3.39 A vision for the scheme in terms of transport impact and travel habits is required. The TA issued is lacking in aspiration. The vision should be long term

with specific goals. The Vision and Validate approach stands in sharp contrast to the traditional predict and provide methodology, which centred on forecasting future demand based on historical trends and subsequently meeting that demand. In contrast, Vision and Validate aims to support and deliver sustainable and aspirational outcomes, rather than simply catering to projected needs. Following this work an impact on the A64 at Hopgrove Junction would be required.

3.40 The TA has not presented a review of the quality of cycling infrastructure that would be required to access these amenities.

3.41 Do not consider the frequency of bus services available from the nearest bus stops to be delivering 'high quality, frequent and accessible public transport services'. Consequently, suggest that the Applicant engages with local bus operators and the Council to explore the possibility of increasing bus services. Do not consider the existing bus stops to be within a reasonable walking distance for the majority of dwellings within the proposed development site. The bus stops in the site therefore are required so all dwellings will be within 400m of bus stops.

3.42 Clear modal shift targets are required for all modes of transport. They also need to take into account the Local plan policy for ST7, with upwards of 15% trips by public transport.

Internal Drainage Board

3.43 The drainage board have provided a diagram which illustrates existing drainage provision within the application site. The watercourse (Old Foss Beck) requires an easement of 9m (which is provided in the illustrative masterplan apart from the access point which will have to pass over the watercourse).

3.44 There are multiple ordinary watercourses/culverts/drains within and close to the site. The Board does not maintain these – they remain with the riparian owners. Further investigation as to their specific location is required. For any ordinary watercourses/culverts/drains, the Board would request a 3 metre easement on either side. There must be no new buildings, structures, walls, fencing, hardstanding, driveways, parking areas and planting in these 3 metre zones. This is for maintenance purposes but to also protect the watercourses/culverts/drains from pressure/subsidence/damage.

Natural England

3.45 No response

NHS/Vale of York CCG

3.46 No response

Parish Council / Planning Panel

3.47 No response

Yorkshire Water

3.48 No objection to the drainage scheme in respect of the following principles –

- Foul water discharge to the public foul water sewer in Stockton Lane/Galtres Road pumped at a rate of 4.75 litres/second.
- Sub-soil conditions do not support the use of soakaways.
- Surface water will discharge to Old Foss Beck via attenuation with restricted discharges of 19.9 litres/second and 3.5 litres/second.

Note that consent may be required from other drainage bodies in respect of surface water disposal.

4.0 REPRESENTATIONS

4.1 27 representations have been received. Comments as follows –

4.2 Traffic

- Delays at junctions and congestion with hundreds more cars on local roads. Promotion of private car use – public told at the consultation between 1.5 and 3 car parking spaces per household due to their experience of high car use and parking demand in the Derwenthorpe development. The council has promised a 20 percent reduction in traffic across York, how can this car heavy development fits into this?
- Cycle infrastructure - It is unlikely residents would choose to cycle from the estate as there is no safe cycle route along Stockton Lane; the existing cycle lane is used for car parking. Travelling out towards Stockton-on-the-Forest there is not even a pavement and vehicles travel at up to 60mph. The end of Bad Bargain

Lane where the proposed cycle route is, is muddy and pot holed and impassible in winter being wet, muddy and icy.

- Improved crossing to pre-school on north side of Stockton Lane required.
- Speed limits need calming.
- Safety of children going to school on Stockton Lane.
- On street parking is a safety issue due to proximity to community stadium.
- Concern other local roads will become a cut through into the site.
- Only a single access.
- Harm to character of Bad Bargain Lane as it will need to provide emergency access and in time could be for all vehicles.
- Noise pollution during construction

4.3 Provision of amenities / facilities

- Already a shortfall in doctors, dentists and schools, play spaces.
- The commercial space shown on plan seems inadequate for such a large development.

4.4 Ecology

- Harm to wildlife on site.

4.5 Flood risk

- Already flooding from Tang Hall Beck and concern this will be worse if compensation is not provided. Concern compensation would not be sufficient due to the considerable increase in impermeable development across the site.

4.6 Carbon reduction

- The development should be subject to a condition housing is energy efficient.

4.7 Affordable housing

- Provision should adhere to policy.

Comment from Councillor Ayre

4.8 ST7 is a key strategic site delivering approximately 845 dwellings. Any application for development should come as an outline application for the entirety of the site. Bringing two applications separately does not deliver confidence that policy compliance can be achieved. The application as it stands should be refused and a wider masterplan covering the entirety of the site brought forward to ensure the

necessary transport and infrastructure can be demonstrated for the whole strategic site.

4.9 The application relies heavily on assumed development on the south of the site none of which is confirmed. Without certainty of the whole site the necessary policies regarding, transport/highways, local centres, public transport, open space/recreation/ pedestrian cycle integration cannot be demonstrated.

4.10 The number of houses to the north is in excess of what is necessary and suggests over development of the north which will lead either to underdevelopment of the South or likely wider over development. A proper transport assessment should acknowledge the impact of all 845 homes and what proportion can reasonably be accessed from the North which is constrained and what proportion could be delivered to the South which has better transport, public transport and active travel links. The south of the site is a far more sustainable location and is more suited to higher levels of housing in the allocation of 845

4.11 The proposals involve significant development in the Green Belt to generate an access road. The need for this Greenbelt erosion depends on the transport need and how this is split across the entire strategic site. To demonstrate very special circumstances would require evidence of why 380 homes is necessary on this access point rather than a lower number. (Officer note – the Local Plan policies map show indicative access points, one of which is to Stockton Lane. The land where access is required is outside of the allocation and within land shown as Green Belt).

4.12 Statement of Community Local Involvement

- Fails to mention two consultations proposed and cancelled at short notice. Residents attended to find buildings closed.
- Misleading information presented to residents. For example council tax as a net gain for the council. Display board quoted “additional local authority income” of £505,000 council tax revenue and £2.82m in New Home Bonus. The first is a gross not net figure therefore offers no benefit over and above the cost of providing services to the properties. The latter is speculative and unlikely to be realised. It is the government’s intention that 2025-26 will be the final year of the NHB in its current format.
- Display boards stated 62 direct and 92 indirect jobs. The applicants own Social Value Assessment shows these figures to be 20 and 10.

- States there is public support when only 7/73 residents support scheme
Turnout of 73 from 2302 is very poor proving short notice and location were limiting factors as well as timing being unsuitable. Suggests turnout of around 1.5%.
- Question where 2302 card were delivered. None I spoke to received one
- States collaboration with other site owners. No evidence and conversations I've had are to the contrary. An outline application for the whole strategic site would be necessary to evidence access to public transport.

4.13 Transport

- Proposed access measures to the site from Stockton Lane are insufficient to accommodate the size of development. Community Speedwatch data has demonstrated average speeds in the existing 30mph zone are regularly exceeded by almost 100%. Mobile cameras have been deployed by North Yorkshire Police as a result
- None of the arterial routes to Stockton Lane currently carry the volume of traffic proposed. The Beans Way estate numbers around 100 homes, Galtres Avenue, Galtres Road, Algarth Road, Ashley Park Road split the remaining approx. 800 homes across four access points. 380 new homes accessing a single access point is neither feasible nor safe.
- Notwithstanding the lack of access to Stockton Lane the ultimate destination of any new vehicular traffic is either a) Hopgrove Lane South b) Straylands Grove c) Heworth Green roundabout. Both the first two access points are already beyond capacity and cannot cope with existing traffic levels therefore will become overwhelmed by new development. The Heworth Green roundabout has been listed as the most dangerous in the city on current levels of traffic and would be unsafe with significant higher car journeys. The roundabout site is land locked and there is no scope to increase capacity at this location.

4.14 Public Transport

- The stated bus route is not an urban bus route rather commencing on the East coast and terminating in Leeds. The nature of the bus routes means diversion into the site will not be feasible.
- The nature of the bus routes mean it is often at capacity and does not stop in this area, no evidence there is potential for increased capacity.
- The Stockton Lane bus stop exceeds the 400m distance. The distance from the nearest house to the proposed new bus stops is approximately 500m. Para 3.55

Page 70 of the local plan is clear “all parts of the site to be within 400m of a public transport route.” No part of the site as proposed is within this range.

- Planning and sustainability statement at paragraph 6.13 refers to “strong public transport links to Monks Cross.” There are no public transport links to Monks Cross. The nearest public transport link is 1.1 miles from the nearest point of the application site.

4.15 Pedestrian and Cycle Integration

- Monks Cross is sited as key shopping area. Stockton Lane is 60 mph, unlit and has no footpath. Access to Monks Cross via Active Travel is unsafe for adults and children alike. While this site alone cannot be expected to deliver improvements a wider outline plan for the whole site would take into account the ability to adapt this route to provide safe active travel options for residents on the new site.
- Nearest sports facilities are at Hopgrove. These provide sports pitches for all local junior football teams. Access to Hopgrove via Active Travel is unsafe for adults and children alike. While this site alone cannot be expected to deliver improvements a wider outline plan for the whole site would take into account the ability to adapt this route to provide safe active travel options for residents on the new site.

4.16 Infrastructure

- Hempland School is at capacity. The school was identified as being in the bottom quartile for building quality. As such DFE approved funding to improve. Such development has been done on a like for like basis with no capacity built in for increased places or for additional spaces/classrooms. No evidence has been provided that the replacement school has the capability to allow an extra storey, nor that this would be acceptable in planning terms. As a stand alone development there is no evidence that the required contribution would be able to deliver any additional capacity at the school. Hempland School is currently in a state of flux. Following contractors for the new school going into administration work has halted with no clear indication when it will recommence. There is therefore limited assurance that the existing level of school places will be available in the next 2-3 years and therefore the likelihood that no additional spaces will be available in the next 5 years. This application should therefore not be approved until it can be demonstrated that the need arising from the development can be met.

- There is no evidence provided that existing Health facilities have spare capacity to cope with demand nor the capability to expand.
- Policy compliance requires a new local centre. Piecemeal development does not provide evidence that this is achievable. The need generated from the whole site is unclear. A wider outline application allows certainty for the location of a local centre whether this is a single site or 2 sites. Granting permission on one before the other increases the likelihood of the worst of both worlds with separate centres developed without either having the capacity to serve the needs of the community

4.17 Housing density/split

- The allocation boundary of the site is 14.5 hectares, approximately 40% of the total allocation. The proposed 380 dwellings equates to 45% of the allocation. Given the lack of access to the North of the site in comparison to the site any fluctuation in split across the sites should be the opposite way 35:65. Either way this should be tested through a wider application for the whole site to ensure the site is planned strategically not separately.

Comment from Councillor Warters

4.18 It needs to be noted at the outset the futility of objecting at this stage to the development and the location, access principles and lack of infrastructure as the site is one agreed through the local plan process.

4.19 This 'strategic site' like many others approved in the Local Plan can only ever be built by compromising the rural nature of the locations they are to be built in and by compromising the quality of life of existing residents by the overloading of existing infrastructure and services.

4.20 Object to the Ward Councillor for Heworth Without who supported the progress of the Local Plan including this site, to be now advocating for more of the housing to be accessed from the Osbaldwick access. That the South portion of the site is "more sustainable location" is subjective which is clearly not true given the access issues from the South, the flooding/waterlogging issues from the South and of course the ecological impacts.

4.21 Clearly a development of this size is going to create a massive increase in traffic during construction and upon occupation and I will certainly oppose any

attempts to shift that burden onto the Osbaldwick and Murton side of the development given the traffic will inevitably lead out onto the already severely compromised A1079 facing even more traffic from other strategic sites in the near area and likely massive industrialisation from BESS installations further compromising the whole area.

4.22 Those who have advocated for this development need to be explaining the implications to their residents and not trying to promote the false hope of objections and shifting traffic burdens at this stage.

4.23 Whatever adverse affects are wrought upon the areas surrounding ST7 I am satisfied that I did my best to prevent this allocated site.

5.0 APPRAISAL

Key Issues

5.1 The key issues in respect of the scheme are as follows –

- Principle of development and application of strategic policy for site ST7
- Housing
- Gypsy and Traveller provision
- Health and wellbeing
- Education
- Placemaking
- Ecology
- Highways
- Archaeology
- Climate change
- Environmental Quality and Flood Risk
- Public Sector Equality Duty

Principle of development and application of strategic policy for site ST7

5.2 The spatial strategy for delivering sustainable growth for York is set out in section 3 of the Local Plan. Policy SS1 includes delivery of a minimum average annual net provision of 822 dwellings over the plan period that will support an overall housing requirement of at least 13,152 new homes. The relevant planning

principles detailing issues that must be addressed through an approved masterplan for site ST7 are set out in Policy SS9. SS9 states that in addition to complying with the policies in the plan, the site must be master planned and delivered in accordance with 11 key principles which cover the following topics –

1. Create a new garden village.
2. Protect and strengthen boundary features.
3. Create a new local centre.
4. Developer contributions towards education provision.
5. Transport and highway impacts to be assessed cumulatively with other strategic sites.
6. Vehicle access from Stockton Lane and/or Murton Way, with potentially a small portion of traffic served off Bad Bargain Lane. Access between Stockton Lane and Murton Way will be limited to walking/ cycling links, and, if necessary and feasible, public transport.
7. The delivery of high quality, frequent and accessible public transport, as well as off site public transport improvements. A sustainable travel plan is required with an aim to achieve upwards of 15% of trips by public transport.
8. Pedestrian and cycle integration into the wider area and creation of a walkable neighbourhood to facilitate active forms of transport.
9. Site wide recreation and open space strategy.
10. Impacts on Osballdwick Meadows potential SINC.
11. Preserve views and setting of York Minster, Millenium Way and Osballdwick Conservation Area.

Policy SS9 principles for the site

- 1 Create a new ‘garden’ village that reflects the existing urban form of York of the main York urban area as a compact city surrounded by villages.**

5.3 Policy SS9 advises the whole of the ST7 allocation is identified to provide circa 845 dwellings and will create a separate new settlement or ‘garden village’ to fit in with the existing urban form of York, that being the main urban area of York surrounded by smaller villages.

5.4 The submission does not comply with a requirement of policy SS9 which advises the site must be master planned. The submission covers just under half of the allocation, proposing up to 380 of the 845 dwellings. The submission does not explain how the place would be holistically planned to incorporate garden village principles and provide the required composition of uses in an appropriate way; that would give the site distinct identity and will make it a vibrant and healthy place. This is re-iterated by National Highways in their response; they advise the scheme does

not include a strategic vision for the development, which reflects the desired outcomes for the community, environment, and economy.

Policy SS9 principle for the site

- 2 Protect and, where appropriate, strengthen existing boundary features that are recognisable and likely to remain permanent. Where the site's boundary is not defined by recognisable or permanent features it should be addressed through the masterplan and design process, for strong and defensible Green Belt boundaries to be created and secured.**

5.5 The boundaries to development areas would be defined by landscape features; Tang Hall Beck and hedgerows to the northern extent, a landscape buffer and Bad Bargain Lane to the south and existing field margins / hedgerows to the east and west. These would be strengthened as natural and semi-natural green space (that would form part of the 30-year biodiversity net gain strategy for the site) would be accommodated at the periphery of the site.

Policy SS9 principle for the site

- 3 Create a new local centre providing an appropriate range of shops, services and facilities to meet the needs of future occupiers of the development.**

5.6 Policy DP3: Sustainable Communities is also comprehensive in setting out development principles relevant to achieving sustainable development. These include ensuring that social, cultural and community infrastructure requirements of the new neighbourhoods are met through provision of accessible facilities and services in a planned and phased manner which complements and integrates with existing facilities. The entire site needs to be holistically planned and provide a range of amenities for resident's day-to-day-needs. To inform the composition of uses within the scheme there are other relevant Local Plan policies which require an audit of existing local facilities and their capacity to determine requirements for the site; policy HW2 in respect of local community facilities, HW3 - built sports facilities, HW4 - childcare facilities. Also, policy HW7 requires a Health Impact Assessment, to ensure layouts encourage active leisure outdoors, and CC2 requires a BREEAM Communities assessment; a process which takes into account the optimal provision of facilities and amenities within a scheme, the provision and quality of public open space and green infrastructure, economic activity and integrated transport infrastructure. The scheme does not include the required assessments.

5.7 The proposal includes 400sqm provision which could accommodate local community uses. The submitted statements advises this facility could include childcare provision in addition to use class F2 uses – a shop or a community building. The unit is on the south side of the site and looking towards the Bad Bargain Lane open space. The required assessments have not been undertaken to demonstrate this facility would provide the amount and range of facilities to meet the need of the site (either overall or this portion of the allocation only). Nor is there clear master-planning of the entire site that illustrate a village with local centre that would be a focal point for the community in terms of its accessibility, useability, and complementary composition of uses. The proposed location of taller buildings and community and communal uses are fragmented and therefore the place lacks clear identity and a focal point for the community.

5.8 Policy SS9 requires a holistically planned garden village with new local centre, including an appropriate range of uses. The application only covers almost half of the site and does not include an appropriate assessment of the required land uses or a site-wide masterplan illustrating how the full range of uses necessary would be provided for in a coherent and sustainable way, considering the broad range of Local Plan policies developed to realise the vision for sustainable growth as set out in policies DP3: Sustainable Communities and SS1: Delivering Sustainable growth for York. The scheme does not evidence it would provide the local centre required under principle 3.

Policy SS9 principle for the site

- 4 Secure developer contributions for education provision, including primary and secondary, which meet the needs generated by the development.**

5.9 Requirements for off-site contributions have been requested by the Council's Education internal consultee.

Policy SS9 principle for the site

- 5 The transport and highway impacts of the development should be assessed individually and cumulatively with other strategic sites ST8, ST9, ST14 and ST15. Where necessary, proportionate mitigation will be required.**

5.10 The Transport Assessment only makes an assessment in respect of the 380 dwellings proposed (whilst including consented schemes at Monks Cross and New Lane). The entirety of ST7 has not been assessed and nor have cumulative impacts

with the other strategic sites referenced in the policy (the Environmental Statement advises they have, but the Transport Assessment does not appear to include them).

5.11 Proportionate mitigation has not been agreed. Both consultation responses from National Highways and Active Travel England consider that the aspirations for the site, realistic targets and mitigation measures are insufficient in terms of promoting sustainable modes of travel, both in terms of national expectations in respect of the Active Travel England priorities (including 55% of short trips to be walked, wheeled or cycled by 2035) and the aims of this policy. The scheme does not comply with policy SS9 principle 5.

Policy SS9 principle for the site

6 Vehicular access from Stockton Lane to the north of the site and/or Murton Way to the south of the site (as shown indicatively on the Policies Map), with a small proportion of traffic potentially served off Bad Bargain Lane. Access between Stockton Lane and Murton Way will be limited to walking/ cycling links, and, if necessary and feasible, public transport.

5.12 The main entrance is proposed from Stockton Lane, this follows the indicative access as shown on the proposals map. The access arrangements involve relocated bus stops on each side the site with new footpath access, including a crossing point. The 30mph speed limit sign would be moved further north-east to slow traffic in suitable proximity to the access. There would be a shared 3m cycleway/footway parallel to the access road leading to the proposed housing.

5.13 There is no signalised crossing shown to access the bus stop on the northern side of the road. Consultation responses have also flagged up the need for better pedestrian access / crossing point to provide access to the early years facility on Stockton Lane. As advised by ATE and National Highways the developer has not undertaken an assessment to determine whether access to such nearby facilities and amenities are appropriate in terms of facilitating sustainable travel.

5.14 The scheme includes a drawing of the proposed emergency access for Bad Bargain Lane. The access would be 3.7m wide, sufficient for emergency vehicles. Bollards would restrict access; it could be used by pedestrians and cyclists. The proposed extent of access from Bad Bargain Lane accords with the policy.

5.15 The scheme shows the main spine road running down to the south extent of the site, it then does a loop so a bus could turn around at exit the site again from Stockton Lane. Alternatively, the plans show a connection could link to a similar arrangement on the south side of Bad Bargain Lane. The scheme does achieve the policy key principle in terms of limiting vehicular access between Stockton Lane and

Murton Way. However, it is an unsatisfactory arrangement in place-making terms, because it provides a substantial roundabout type arrangement at a prominent location, where the development transitions to landscape and where a master-planning principle for the site asks for a green buffer to protect the setting of the public right of way along Bad Bargain Lane. The arrangement does the opposite to providing a green buffer and has a substantial urbanising effect.

Policy SS9 principle for the site

7 Principle - Deliver high quality, frequent and accessible public transport services through the whole site. Public transport links through the adjacent urban area will be sought, as well as public transport upgrades to either the Derwent Valley Light Rail Sustrans route, or bus priority measures on Hull Rd and/or Stockton Lane, subject to feasibility and viability. All measures proposed to support public transport use should be identified and agreed as part of a Sustainable Travel Plan which has an overall aim to achieve upwards of 15% of trips by public transport.

5.16 The submission received a negative response from National Highways in respect of this criteria. They queried whether a frequency of 30 mins (Monday to Saturday and 60 mins (Sundays) would be regarded as a high-quality frequency (they did not specify a frequency they considered appropriate).

5.17 The scheme does show provision for a bus stop within the site (at the south end). With this facility residents would all be within a 5-minute walk of the bus stop. However, there is no evidence that discussions have taken place with any bus operators and whether they would access the site. Without a bus service within the site, the majority of residents would be over 5 mins away from the relocated bus stops on Stockton Lane. The application does not explain or evidence whether the bus operator is willing to enter the site, at what point during occupation, or whether they would require any form of additional funding to service the site. It does not acknowledge directly the requirement for a sustainable travel plan with an overall aim of 15% of trips by public transport. The delivery of high quality, frequent and accessible public transport services required by the policy has not been evidenced and nor is the Travel Plan adequate.

Policy SS9 principle for the site

8 Optimise pedestrian and cycle integration, connection and accessibility in and out of the site and connectivity to the city and surrounding area creating well-connected internal streets and walkable neighbourhoods, to encourage the maximum take-up of these more 'active' forms of transport (walking and cycling).

5.18 Further to the principle 8, the following objectives are relevant -

- York Local Transport Strategy includes an aspiration that over 40% of the trips in the city are by active travel.
- Active Travel England priorities (including 55% of short trips to be walked, wheeled or cycled by 2035).
- Local Plan policy SS9 requires a Sustainable Travel Plan which has an overall aim to achieve upwards of 15% of trips by public transport.

5.19 The Travel Plan issued does not directly identify or seek to achieve compliance with any of these measures. It is not regarded therefore to be aligned with the vision of the Local Plan and its sustainability objectives.

5.20 Whilst a north-south segregated cycle route is proposed, the site is comprehensively divided by the spine road which runs through the centre of the site and the layout would therefore inhibit well-connected internal streets. The parameter plans show a 3m cycle lane on one side of the road and the 2m footpath on the other (there is not a footpath on both sides, although 3m is the absolute minimum for a shared footway/cycleway where there would be less than 300 movements per hour at peak times). The spine road and its design (which gives priority to motor vehicles and has only 2 crossing points) means the site will not be well-connected for walking and cycling and its design will inhibit access to open spaces and play areas for future residents.

5.21 Bad bargain Lane is identified as a primary access point for pedestrians and cyclists. This will be the most convenient access into the site for a considerable percentage of trips. As advised by ATE for this to be viable all year round, suitable lighting and all-weather surfacing will be required. The proposals contain no audit of Bad Bargain Lane (its western extent) to this effect (they only state its width) to evidence it will be made fit for purpose. Generally, the Travel Plan only looks at the distance to local amenities, contrary to ATE guidance it does not audit the routes and assess whether they require works to make them more suitable, considering whether they are coherent, direct, safe and attractive for all users. The measures to promote active travel are not aligned with this principle of the policy or policy T5 in respect of the strategic cycle and pedestrian network.

Policy SS9 principle for the site

- 9 Provide a detailed site wide recreation and open space strategy and demonstrate its application in site master planning. This must include:**
 - Creation of new open space (as shown on the Policies Map as allocation OS7) to protect the setting of the Millennium Way that runs through the site. Millennium Way is an historic footpath which follows Bad Bargain Lane and is a footpath linking York's strays and should**

be kept open. A 50m green buffer has been included along the route of the Millennium Way that runs through the site to provide protection to this Public Right of Way and a suitable setting for the new development.

- **Open space provision that satisfies policies GI2a and GI6.**

5.22 The allocation refers to a 50m green buffer (100m overall, as plotted on the policies maps) following the alignment of Bad Bargain Lane. On the proposed land use plan the development; the development parcel, the bus stop loop and turning heads all encroach into the allocated 50m open space buffer and the development does not follow the alignment of Bad Bargain Lane. The development ranges from being only between 20m to 30m from Bad Bargain Lane. The scheme does not provide the buffer required under policies SS9 and GI6.

5.23 No sports provision has been provided, nor is there an audit in respect of local spaces and demand for provision. The 2017 green infrastructure update shows that the closet wards of Heworth, Heworth Without, and Osbaldwick and Derwent Ward where the development is situated, there is a combined undersupply of outdoor sports provision. An amount of sports provision is expected on site, considering the policy requirement, size of the site and demand for provision within the area. This is conflict with this policy and GI6 and HW3 in respect of built sports.

5.24 Policy GI6: New Open Space Provision states residential development proposals should contribute to the provision of open space for recreation and amenity in accordance with current local standards and using the Council's up to date open space assessment.

5.25 Off-site provision will be considered acceptable in the following circumstances:

- It is demonstrated that provision can be met more appropriately by providing either new or enhanced provision off-site; and
- on allocated strategic sites, it may be appropriate for green infrastructure master planning to make accessible provision beyond the allocated site boundary. Open space standards as set out in the most up to date open space evidence base document should still be used as a guide to overall provision.

5.26 The explanation text to policy GI6 advises requirements are to be based on the open space and green infrastructure update 2017. Using the average home occupancy rate for York (2.37) the scheme would generate the following open space requirements –

Open Space type	Policy requirement (sqm))	Open space plan	Observations
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Parks & gardens	1,621	19,929	Calculation includes cycleways and the attenuation tank.
Natural	19,183	61,624	
Amenity	13,059	25,977	Includes all grass verges which is inappropriate.
Allotments	2,612	1,122	
Play	6,215	669	Insufficient facilities provided for and located peripheral to the site.
Sport	16,031	0	

5.27 The open space strategy is objected to because it does not provide for any sports provision and there is a significant deficiency in play space. Spatially the play provision is also objected to because it is peripherally located in the western corner of the site. Formal amenity space is mostly at the periphery of the site. Within the parameter plans the open space lacks in its integration, amount and scale.

5.28 The majority of amenity space is at the periphery of the site. Even at the edge the landscape architect has raised concern development is too close to retained trees and hedges and the ecologist has identified the lack of proposals to enhance boundary hedgerows as a missed opportunity. A development of this size requires a much larger, more meaningful and multi-functional open space in a central location, which would be evenly accessible, provide an identifiable heart and sense of place to the development, which the current proposal lacks, and be of a scale that would suitably reflect and balance the scale of housing.

5.29 The open space in the centre of the scheme is too small (as an example the area is shown as approx. 18m by 45m whilst Glen Gardens in Heworth is approx. 140m by 80m). The indicative central space is too small and isolated from other features/buildings/services that could render it as an identifiable 'village centre'. Indeed, an overall sense of 'village' rather than 'housing estate' is lacking.

5.30 More pocket parks, LAPS, incidental open spaces and pockets of green space with large feature trees are required within the development area to i) aid orientation throughout the scheme, ii) provide immediate communal access to the outdoors and to reinforce a sense of community, and iii) to provide relief and reduce the perceived vastness of the development presented in this relatively unvaried form.

Derwenthorpe is an example where public open space is at the heart of the site; landscape is a defining characteristic and it provides an attractive setting and a focal point for the community.

5.31 The parameter plans for the site are fundamentally contrary to the site allocation in terms of its open space strategy.

Strensall Common SAC / SSI

5.32 Policy GI2a advises there is a 'zone of influence' between 400m and 5.5km linear distance from the SAC boundary. Where new residential development is proposed within the zone of influence on allocated housing site ST7 provision of open space must include or secure access to areas of suitable natural greenspace secured by way of mitigation prior to any occupation of new dwellings and secured in perpetuity.

5.33 A Habitats Regulation Assessment (HRA) is needed where a proposal might affect a habitat site and Natural England must be consulted on appropriate assessments. Neither have been provided with the application and Natural England have not responded to the consultation. The Environmental Statement advises a 2km walking route would be provided on site in terms of the suitable alternative natural green space (SANG), and this would also connect into the bridleway at the south of the site. It cannot be determined that the SANG meets the requirements of policy GI2a, required by the policy without the shadow HRA and appropriate assessment.

Policy SS9 principle for the site

10 Minimise impacts of access from Murton Way to the south on 'Osballdwick Meadows' Candidate Site of Importance for Nature Conservation and provide compensatory provision for any loss.

5.34 N/A as the south side of the site is not included in the application.

Policy SS9 principle for the site

11 Preserve existing views to, and the setting of, York Minster, Millennium Way and Osballdwick Conservation Area.

5.35 The scheme involves in the parameter plans a vista towards the Minster that would be protected. The impact on Osballdwick Conservation Area is considered neutral as only the north half of the allocation is included in this scheme.

Housing

Density of Residential Development

5.36 Policy H2: Density of Residential Development identifies expected net densities for specific density zones. The site is in the rural and villages zone and policy SS9 refers to the allocation as a garden and village. It is therefore regarded 35 units/ha is the expected density required by policy H2.

5.37 The parameter plan titled development areas shows an area of 10.5ha where the houses and local community use building would be accommodated. The 10.5ha of land excludes the access road travelling from Stockton Lane through the centre of the site, landscaping areas to the north and south of the site, retained hedgerows at the site periphery and the two play/park areas within the site. The overall site area is 20.99ha.

5.38 Policy H2 requires a net density. Whilst it would be reasonable to not include the entire access road in the calculation (given the travel distance between Stockton Lane and the proposed houses) and policy GI6 regarding new open space does advise that on allocated strategic sites, it may be appropriate for green infrastructure master-planning to make accessible provision beyond the allocated site boundary, land uses such as play areas and open space integral to the scheme and the spine road running through the site should not be discounted from the calculation. The 35dph figure quote by the applicant is not a net calculation as it omits all the open spaces (apart from grass verges) and the entire spine road. If the net density were calculated (discounting the landscape buffer to Bad Bargain Lane as proposed and the land to the north of the proposed houses (which is outside of the allocation)) the net density would be just less than 30 dwellings per hectare.

5.39 The scheme is on the basis that a low density development is proposed, combined with very limited public open space within development parcels. The envisaged accommodation mix has not been supplied. The proposals do not provide for the density standards required by the Council, consequently the scheme is contrary to policy H2 which is necessary to achieve the vision of the Local Plan in respect of providing an appropriate range of housing to meet the cities need, in a sustainable way, whilst protecting the special character and setting of the city, and to ensure Green Belt permeance, as explained in policies DP1: York sub-area and DP3: Sustainable Communities and SS1: Delivering Sustainable Growth for York.

Accommodation mix

5.40 Policy H3 states that the Council will expect developers to provide housing solutions that contribute to meeting York's housing needs, as identified in the latest Local Housing Needs Assessment (LHNA 2022) and in any other appropriate local evidence. New residential development should therefore maintain, provide or contribute to a mix of housing tenures, types and sizes.

5.41 Policy H9: Older persons housing states residential development proposals on Strategic sites should incorporate an appropriate provision of accommodation types for older persons in accordance with Policy H3. For sheltered/extra care accommodations a mix of tenures will be supported.

5.42 The recommended mix within the LHNA 2022 is for 70-80% of market homes to be 2-bed or 3-bed. The accommodation mix could be subject to a condition to secure agreement aligned with the latest LHNA at the time of reserved matters applications. The LHNA 2022 also identifies an increasing population of persons aged 65 and older. It is not specific about exact numbers of units needed for different groups (paragraph 6.22). It identifies a need for wheelchair user homes which equates to 9% of market homes and 25% of affordable homes.

5.43 A condition of approval could require for an accommodation mix to be provided for each phase of development. The mix would be required to be aligned with the most recent LHNA in respect of dwelling size and provision of accessible and adaptable dwellings (M4 category 2 dwellings).

Self-build and custom house building

5.44 Policy H4 includes a requirement that on strategic sites at least 5% of dwellings plots to be made available for sale to self builders or to small/custom house builders subject to appropriate demand being identified by the Council.

5.45 The indicative plans include self / custom build accommodated within the scheme. The amount, size and specification of such and delivery of their access has not been agreed as such matters could be dealt with through a legal agreement and conditions. The plots would also be subject to reserved matters applications.

Affordable Housing

5.46 Policy H10 expects 30% of housing on greenfield sites to be affordable. To help build mixed and sustainable communities the mix and tenure of affordable homes provided on sites should have regard to the latest LHNA (or other available evidence). The provision would need to be secured through a legal agreement. The applicants social value assessment report advises at least 30% of homes will

be affordable and therefore it is assumed in principle the policy requirement is agreed.

Gypsy and Traveller Provision

5.47 Policy H5 states strategic sites are required to provide pitches within the site (or provide suitable alternative land) in accordance with the policy (as modified). For this site 2 pitches on-site would be required based on the amount of development proposed. The submission is silent on this policy. Given that it does not form part of the proposals the scheme does not show policy compliance. It is therefore contrary to policy H5 and Policy SS1: Delivering Sustainable Growth for York which sets out the priorities for sustainable growth to address identified need whilst ensuring Green Belt permanence (and which includes the need for permanent pitches).

Health and wellbeing

5.48 Policy HW2: New Community Facilities states applications for strategic residential developments must be accompanied by an audit of existing community facilities and their current capacity, prepared by the applicant. Developments that place additional demands on existing services will be required to provide proportionate new or expanded community facilities, to meet the needs of existing and future occupiers.

5.49 The submission is not supported by an audit of existing community facilities and their current capacity, prepared by the applicant. Developments that place additional demands on existing services will be required to provide proportionate new or expanded community facilities, to meet the needs of existing and future occupiers. This is required under policy HW2. Whilst the submission suggests provision, it has not been informed by the approach required under policy HW2 and does not specify the size of the facilities required to meet demand and whether these can be accommodated within the allocated 200sqm (which is also to accommodate pre-school).

5.50 Policy HW3: Built Sports Facilities states developments that place additional demands on existing built sport facilities will be required to provide proportionate new or expanded facilities, to meet the needs of future occupiers. For strategic sites, facilities should be provided on-site where possible. Where off-site provision is necessary or more appropriate, facilities should be accessible to the community it will serve; be well served by public transport; and be easy to reach on foot and by bike. Applications for strategic residential developments, must be accompanied by

an audit of existing built sports facilities and their current capacity, prepared by the applicant.

5.51 The proposals have not addressed policy HW3. There is no information in respect of an audit of existing facilities, no work as to what type of facilities may be required to serve the scheme and the proposals do not include any sports facilities. There is no evidence to illustrate the entire allocation is being master-planned taking into account need, and an optimal location of any sports facilities, taking into account accessibility.

5.52 Policy HW4: Childcare Provision states the Council will support development proposals for new or expanded childcare provision where that helps meet the city's need for childcare provision. Applications for strategic residential developments must be accompanied by an audit of existing childcare facilities and their current capacity. If increased demand from new residents would be expected to exceed the existing capacity of facilities in the vicinity, new facilities must be incorporated into the master-planning of the site. Developer contributions will be sought to provide new or expanded facilities.

5.53 The proposals do suggest the 400sqm of non-residential development could be used for a childcare facility. However, the proposals do not include an audit of existing facilities to understand projected need to serve either this scheme or the allocation as a whole. The internal response from Education identified need for 40 places towards early years and a preference for this to be onsite. They advise 20 sqm space is required per place. This requirement would not fit within the 400sqm allocated. Policy HW4 has not been complied with.

5.54 HW5: Healthcare Services states that the Council will support the provision of new or enhanced primary and secondary care services when there is an identified need. Improved, enlarged or additional primary or secondary healthcare facilities may be required to support residential developments that place additional demands on services beyond their current capacity. Developer contributions will be required to support the increase in provision. An assessment of the accessibility and capacity of existing primary and secondary care services will be required at the application stage for all residential strategic sites.

5.55 The NHS have been consulted in respect of ascertaining any need for additional care. There has been no response at the time of writing this report. The assessment required by the developer under policy HW5 to determine need for facilities has not been undertaken.

5.56 HW7: Healthy Places states proposals for major residential developments must provide a statement as part of any detailed planning application, proportionate to the size of the development, showing how the following design principles have been adequately considered and incorporated into plans for development:

- well-designed streetscapes that encourage residents to spend time outdoors;
- the provision of safe, easy to navigate and attractive public footpaths and cycle paths between dwellings, to encourage physical activity;
- the incorporation of formal and informal play spaces and outdoor gyms to encourage physical activity for all age groups and abilities;
- good connections to neighbouring communities and green spaces, in the form of footpaths and cycle routes, including the extension and protection of public rights of way, where appropriate;
- designing buildings and public spaces to be accessible for all ages and life stages, including those with limited mobility;
- considerations for how the design may impact on crime or perception of safety, including lighting strategies for public spaces; and
- buildings that are adaptable to the changing needs of residents.

5.57 Details of how these principles have been considered should be included in the Design and Access Statement accompanying the proposal.

5.58 All new strategic sites must complete a Health Impact Assessment (HIA) and submit the assessment as part of the planning application. The HIA is required prior to the submission of a planning application; because HIAs are a means to systematically assess the potential health risks and benefits of new developments on existing and future communities. They promote the development of actions to mitigate negative impacts and maximise community benefit.

5.59 The application is supported by a design principles documents which explains different character areas, areas of green space, location of walking routes, secure by design features, but the layout is dominated and segregated by a central spine road. The scheme does not show how the design will be informed by the requirements to encourage walking and cycling and spend time outdoors. The play area is at the periphery of the site, which restricts its accessibility rather than it being placed at the heart of the development.

5.60 The National Design Guide advises well-designed places include well-located public spaces that support a wide variety of activities and encourage social interaction, to promote health, well-being, social and civic inclusion. Their success depends on them being fit for purpose, attractive places that people enjoy using. In well-designed places, streets are public spaces that are open to all. They encourage people to walk and cycle rather than to depend upon cars, particularly for short, local

journeys. They are accessible to all and designed to meet the needs of their most vulnerable users. The uses around its edges reinforce its appeal and help make it into a destination.

5.61 A Health Impact Assessment has not been submitted to support the scheme and explain design principles. There is no evidence the open spaces will provide an adequate provision of spaces, for all user types,

5.62 In addition to the main play area being at the periphery of the site, the central open space and commercial building are both dominated by their surrounding roads. This arrangement is contrary to the advice in the National Design Guide which explains how such uses are integrated into their setting is fundamental to their success, in making them a destination and where they are easily accessed by walking and cycling.

5.63 It is considered that the parameter plans submitted and design principles for the site do not sufficiently meet the requirements of policy HW7 in providing a place which encourages social interaction and healthy lifestyles.

Education

5.64 Policy ED6: Preschool, Primary and Secondary Education requires the provision of sufficient modern education facilities for the delivery of preschool, primary and secondary school education to meet an identified need and address deficiencies in existing facilities will be facilitated. The strategic policy for the site determines that primary and secondary schools will be off site. The internal response from education provides the financial contributions required for off-site facilities. Early years provision is unresolved; policy HW4 requires consideration of childcare. There is a preference for early years on-site although the land where such uses could be accommodated does not appear to be suitable in size and nor is their clarification of required associated play / outside space.

Placemaking

5.65 Policy DP3: Sustainable Communities requires that on allocated sites the following overarching development principles should be achieved -

- Ensure that social, cultural and community infrastructure requirements of the new neighbourhoods are met through provision of accessible facilities and services in

a planned and phased manner which complements and integrates with existing facilities.

- Create a people friendly environment which promotes opportunities for social and community interaction.
- Deliver new development within a framework of linked multifunctional green infrastructure incorporating existing landscape areas and biodiversity value, and maximising linkages with the wider green infrastructure network.
- Create a high quality, locally distinctive place.
- Promote integration, connectivity and accessibility to, from and within the site by maximising opportunities for walking, cycling and frequent public transport; thereby promoting and facilitating a modal shift from the car to more sustainable and healthier forms of travel.

5.66 Policy D1: Placemaking requires schemes demonstrate the use of best practice in contemporary urban design and place making. To inform, the national design guide in respect of built form advises well-designed places have:

- Compact forms of development that are walkable, contributing positively to well-being and placemaking.
- Accessible local public transport, services and facilities, to ensure sustainable development.
- Recognisable streets and other spaces with their edges defined by buildings, making it easy for anyone to find their way around, and promoting safety and accessibility.
- Memorable features or groupings of buildings, spaces, uses or activities that create a sense of place, promoting inclusion and cohesion.

5.67 The National Design Guide goes on to advise compact forms of development bring people together to support local public transport, facilities and local services. They make destinations easily accessible by walking or cycling wherever this is practical. This helps to reduce dependency upon the private car.

5.68 The parameter plans for the application site do not achieve the required standards in respect of urban design within the illustrative layout, considering features that appear fixed; the spine road arrangement and the amount and distribution of non-residential uses and the uncomfortable interface between the road network and the required landscape buffer between development and Bad Bargain Lane to the south. The development areas and the road network encroach into the required 50m buffer. As explained under the principle of development section the lack of master-planning for the entire ST7 site, the design of the spine road (and consequently how it affects permeability for walking and cycling) and the fragmented location, type and distribution of open space and community /

commercial facilities within the parameter plans raises concerns that the scheme will fail to achieve the above identified principles within DP3.

5.69 Policy D1 Placemaking provides advice in respect of urban structure and grain, density and massing, street and spaces, building heights and views and character and design standards. The scheme is considered not to achieve the required place-making standards.

5.70 The scheme would not enhance or compliment the character and appearance of the existing landscape. At the south end of the site the setting of the public right of way would be excessively urbanised. The 50m buffer is not provided for (the separation ranges from between 20m and 30m). The composition of uses, and their proximity, do not provide a sensitive buffer, in particular the loop for the bus, the car park south of the commercial building proposed and the 3-storey massing of the proposed commercial building.

5.71 The density and massing does not feel appropriate and nor would it respect its countryside setting. The scheme proposes taller 3 – 3.5 storey buildings at the north and south ends of the site where a lower building height would be more appropriate to transition into the surrounding countryside and agricultural land uses. In principle taller buildings in a landscape setting may be appropriate on the south side of the site but decisions such as this need to be made whilst considering the overall masterplan for the whole of the ST7 allocation, not only the north half in isolation. The centre of the site would be a more appropriate location, at the heart of what would be a new village, for higher density and taller buildings to aid with orientation and establish village character.

5.72 The scheme does not propose a net density of 35 dwellings per hectare (as explained in the accommodation mix section) and in this respect, it is not aligned with density policy in the Local Plan H2. There are concerns over the principles for the streets and spaces and whether they would be appropriate in encouraging walking and cycling and clearly prioritising cyclists over vehicles. The layout is overly reliant on a structure of roads to accommodate motorised vehicles to inform place-making, rather than the delivery of an attractive place to live with accessible and attractive focal points. This includes the spine road which at 6.5m wide is excessively wide; it is wider than Stockton Lane and in excess of the 5.5m-6m width typically allowable to allow bus access, it also has minor access roads immediately parallel, meaning houses along this street are over 32m apart. The road design suggests a layout that encourages motor vehicle use and would act as a barrier to permeability for walking and cycling (and this is evident in the design principles document in respect of travel, where there is a distinct lack of permeability across

the spine road). This design approach is contrary to the National Design Guide for well-designed places and Local Plan policy D1: Place-making which advises development proposals should - integrate car parking and servicing within the design of development so as not to dominate the street scene; create active frontages to public streets, spaces, and; promote ease of public pedestrian and cyclist movement and establish natural patterns of connectivity with the fabric of the city. Spaces and routes must be attractive, safe, and uncluttered and clearly prioritise pedestrians and cyclists over vehicles.

5.73 For a garden village at this site, the destinations within the parameter plans would logically be the local centre and provision of community and commercial uses, play provision and public open space for all users and the treatment of, and interaction with, the landscape buffer between the development parcel and Bad Bargain Lane. The scheme appears to be designed around a typical estate road (as explained in the design framework) with a loop for the bus at its termination point. The arrangement does not feel coherent with the aspiration for a garden village, with a people friendly environment and the highest standards of sustainability and is not acceptable in place-making terms. The framework explains the centre of the site would contain the village centre. This has a village green although the green space will be surrounded by roads which would impede its accessibility and use. The heart of the village and its open space would not be grouped with the commercial / community buildings, which would obviously create a sense of place, be complimentary and in the interests of the vitality and viability of both spaces.

5.74 Public Health officers have also reasoned why the LEAP (play area) would preferably be in a more central location; greater visibility of the LEAP and integration of the park into the rest of the site, reduced chance of antisocial behaviour or criminal activity, making the park a safer and more accessible space for children and young people.

5.75 The entire setting and design appears to be highways led rather than landscape setting being the principle component. Within the parameter plans the open space lacks in its integration, amount and scale. The identity of the site would, for example, seem the opposite of the housing at Derwenthorpe which is landscape -lead and which has substantial open space and a shared pedestrian / cycle route at its core. The parameter plans contain a fragmented collection of uses which lack strong identity and comprehensive thought. This is not acceptable in terms of a structure of development and having a village character (as required by the strategic policy SS9) with memorable features or groupings of buildings, spaces, uses or

activities that are easy to access for all and create a sense of place, promoting inclusion and cohesion.

Ecology

5.76 Two Green Corridors run through the site, following the alignment of the watercourse (Tang Hall Beck) and bridleway (Bad Bargain Lane). The site itself has no national or local designations. The impacts on Strensall Common SSI / SAC (policy GI2a) are assessed in the principle of development section; principle 9 within policy SS9 requires open space provision to satisfy policy GI2a.

5.77 Policies GI1: Green Infrastructure, GI3: Green Infrastructure Network and GI4: Trees and Hedgerows all advise biodiversity and natural environment will be conserved and enhanced recognising the multifunctional role of green infrastructure in supporting healthy communities, cultural value, a buoyant economy and aiding resilience to climate change.

5.78 The parameter plans do not have development spaced sufficiently away from green corridors and trees / hedgerows at field margins to the extent there is no loss. The landscape officer and ecologist have advised the scheme is lacking in terms of its proposals to enhance these areas and footpaths would be squeezed in. The Green Infrastructure parameter plan shows sections of vegetation removed to accommodate the scheme on both the eastern and western extents of the site. The scheme does not conserve green corridors and therefore conflicts with Local Plan policies GI3 and GI4 in respect of Green Infrastructure.

5.79 The Environmental Statement advises on potential impacts on on-site habitat as a consequence of construction and permanent effect resulting from the development. Up to date surveys have been undertaken in respect of habitat and protected species. The submission evidences there would be no undue or significant loss of biodiversity value. Mitigation and compensation is proposed, which the Council's Ecologist is satisfied can be addressed through planning conditions. The conditions include a construction management plan and, following construction, habitat management and monitoring.

Highways

5.80 The transport policies of the local plan require development proposals to –

- Assess transport impacts.
- Provide safe, suitable and attractive access.
- Promote Sustainable and active travel - Delivery of public transport service to the site, public transport upgrades off site, a travel plan with an overall aim to achieve upwards of 15% of trips by public transport, Optimise pedestrian and cycle integration, connection and accessibility in and out of the site and connectivity to the city and surrounding area creating well-connected internal streets and walkable neighbourhoods, to encourage the maximum take-up of these more 'active' forms of transport (walking and cycling).

5.81 These key items are dealt with in more specific detail in the principle of development and place making sections because they are included in key principles for development of the site. The proposals are regarded not to achieve the required principles; the impact on the network has not been properly assessed, the layout, proposed off site works and sustainable and active travel proposals do not meet the requirements of policy SS9.

Archaeology

5.82 Policy D6: Archaeology states development proposals that affect archaeological features and deposits will be supported where -

- they are accompanied by an evidence-based heritage statement that describes the significance of the archaeological deposits affected
- they will not result in harm to an element which contributes to the significance or setting of a Scheduled Monument or other nationally important remains, unless that harm is outweighed by the public benefits of the proposal.
- they are designed to enhance or better reveal the significances of an archaeological site or will help secure a sustainable future for an archaeological site at risk
- the impact of the proposal is acceptable in principle and detailed mitigation measures have been agreed

5.83 The scheme is yet to progress beyond the first point listed above. Further investigation is required prior to determination. The site needs to be evaluated prior to determination of the application, to enable a mitigation strategy to evolve and to ensure that preservation in-situ of archaeological resource remains a possibility e.g. removing areas from the development plan to avoid excavation. At this time the proposals are therefore in conflict with policy D6 as there is insufficient understanding of the impact of the scheme on archaeology.

Climate Change

5.84 Policy CC2: Sustainable Design and Construction of New Development requires development proposals on strategic sites should undertake a BREEAM Communities Assessment (or equivalent). Further, residential developments should aim to achieve up to a 75% reduction in carbon emissions over and above the requirements of Building Regulations Part L (2013) unless it is demonstrated that such reductions would not be feasible or viable.

5.85 A 75% carbon emission reduction above the baseline in terms of Building Regulations could be achieved through the application of a planning condition. The applicant's submission advises this requirement has been taken into consideration and the scheme will not use gas. The BREEAM Communities Assessment however involves public engagement that is required at concept stage to inform the principles of the design, composition of uses and community engagement. This assessment is required at the outset and would inform an outline application. The assessment has not been undertaken. The proposals are therefore contrary to the overarching sustainability vision and objectives of the Local Plan, which are social and economic in addition to being associated with the environmental performances of the homes themselves. There is conflict with policy DP3: Sustainable communities which advises new development should ensure the highest standards of sustainability are embedded at all stages of the development in addition to the specific requirement in CC2.

Environmental quality and flood risk

Air quality

5.86 Policy ENV1: Air Quality states major planning applications must submit a detailed Air Quality Assessment. This should quantitatively identify emissions arising from the proposal, air quality impacts and exposure to pollution as a result of the proposal and demonstrate how these will be minimised and mitigated against as part of the development.

5.87 An Air Quality Assessment has been undertaken in line with ENV1. It considers air quality impacts during construction and operation of the proposed development. The site is not located within CYC's existing Air Quality Management Area (AQMA).

5.88 A detailed road traffic emissions assessment was undertaken to consider the impact of development-generated road traffic on local air quality. Operational phases of the development were not predicted to result in any new exceedances of the relevant air quality objectives and the impact of the development, with regard to the current air quality objectives was predicted to be 'negligible'. Based on the assessment, traffic associated with the operation of the site will not result in significant air quality impacts. Based on anticipated construction works, the highest risk rating identified was 'medium risk'. Measures have been recommended in the report commensurate with a 'medium risk' site to minimise emissions during construction phases. With the implementation of mitigation, the impact of any construction phase dust emission is not anticipated to be significant. The mitigation would be secured through a planning condition.

Land contamination

5.89 Policy ENV3: Land Contamination states development of a site known to be or which has the potential to be affected by contamination will be permitted where the proposed remedial measures deal effectively with the levels of contamination to ensure there are no significant impacts on human health, property, groundwater or surface water. Where proposals are acceptable in principle, planning permission will be granted subject to conditions.

5.90 A desk-based assessment has been received which recommends a site investigation to inform a remediation strategy. Requirements of the policy could be met using conditions.

Noise

5.91 Policy ENV2: Managing environmental quality advises that development will be permitted where it does not unacceptably harm the amenities of existing and future occupants on the site and in neighbouring communities.

5.92 The applicants revised Noise Assessment shows that traffic noise would comply with British Standard guidance BS 8233:2014: Guidance on Sound Insulation and Noise Reduction for Buildings, for internal noise levels and noise levels in gardens. As such noise levels would not be unacceptable, as required by ENV2. Conditions could be used to reasonably control the opening times and times of delivery to non-residential uses. It is noted these would not be as restrictive as recommended by Public Protection Officers; such restrictive hours are not considered necessary on amenity grounds and these could also unduly restrain the sustainability benefits, viability, and community value of such uses.

Flood Risk

5.93 Policy ENV4: Flood Risk states new development shall not be subject to unacceptable flood risk and shall be designed and constructed in such a way that mitigates against current and future flood events. In this case a site-specific Flood Risk Assessment (FRA) is required. The Sequential Test is not applicable because the site is allocated in the Local Plan (as explained in National Planning Guidance on Flood Risk).

5.94 Part of the site, following the alignment of Tang Hall Beck, falls within Flood Zones (FZ) 2 and 3. This has informed the parameter plans and location of development areas. However, some residential development is shown at the western extent of the site (next to the LEAP) within FZ 2. The access road would have to pass through land within both FZ 3 and FZ 2.

5.95 The FRA is required to demonstrate no direct or cumulative increase in flood risk locally or elsewhere in the catchment arising from the development; and that the development will be safe during its lifetime.

5.96 The FRA explains that flood risk elsewhere will be mitigated because compensatory flood water storage will be provided for where homes are proposed in FZ2. From developed areas surface water run-off would be restricted in accordance with Local Policy ENV5. The development would take reasonable steps to be safe from flood risk (taking into account recommendations by the Environment Agency) as finished floor levels to houses and the access road would be raised – 300mm above predicted flood levels (the 1 in 100 year plus climate change allowance level).

Drainage

5.97 Policy ENV5: Sustainable Drainage states that for new development on greenfield sites, surface water flows arising from the development, once it is complete (and including any intermediate stages), shall be no higher than the existing rate prior to development taking place, unless it can be demonstrated that it is not reasonably practicable to achieve this. Sustainable Drainage System (SuDS) methods of source control and water quality improvement should be utilised for all new development, to minimise the risk of pollution and to attenuate flood volumes.

5.98 The proposed run-off rate has not been agreed by the IDB or the Lead Local Flood Authority (LLFA). The permitted run off rate has been calculated at (the whole site including the access road) 7.356 hectares x 1.4 = 10.3 litres/second, and not the 26.9 l/sec proposed.

5.99 The sustainable drainage approach requires soakaway to be discounted initially, following that direct connection to a watercourse can be permitted. The applicants advise soakaways may not be viable due to the expected presence of impermeable ground (clay and silt). This is to be confirmed by infiltration testing on site. A controlled run-off into Tang Hall Beck is proposed.

5.100 Because the site is allocated for housing in the Local Plan it would be assumed suitable testing would take place to further progress of the drainage design at the outline stage. However, the scheme proposed illustrates (in principle although not in respect of run off rates) an appropriate alternative if soakaways are not feasible.

5.101 The IDB have provided the assumed location of drainage on-site. There are multiple ordinary watercourses/culverts/drains within and close to the site. Further investigation as to their specific location was required. This work would preferably take place at outline stage to inform the parameter plans. However, the site wide drainage proposals (including the impact on drainage in the catchment) would be subject to a planning condition and whether assets are retained and provided with easements could also be addressed at reserved matters stage when considering layout.

Public Sector Equality Duty

5.102 Section 149 of the Equality Act 2010 contains the Public Sector Equality Duty (PSED) which requires public authorities, when exercising their functions, to have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- c) Foster good relations between persons who share relevant protected characteristic and persons who do not share it.

5.103 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to the characteristic.

- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

5.104 The PSED does not specify a particular substantive outcome but ensures that the decision made has been taken with “due regard” to its equality implications.

5.105 Officers have given due regard to the equality implications of the proposals in making this recommendation. There is no indication or evidence (including from consultation on this application) that any equality matters are raised that would outweigh the material planning considerations.

6.0 CONCLUSION

6.1 The NPPF in paragraph 48 states “planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 The application is recommended for refusal because the scheme is not compliant with the vision of the Local Plan in respect of specific policy SS9 relating to site ST7 and the overarching development principles for allocated sites in Policy DP3: Sustainable Communities. The provision of housing itself would not outweigh the identified harms.

6.3 The proposals lack evidence to detail (and therefore will not deliver) the size, type and composition of uses that are required on the site to deliver the social, cultural and community infrastructure, expected by policies in the Local Plan related to strategic sites. There is no comprehensive masterplan for ST7, as required by policy SS9, and the extent of the required landscape buffer at the south of the site is not provided for. When applying the National Design Guide, Government aspirations for a vision lead approach to sustainable travel and local policy, the place-making and landscape principles, active and sustainable travel proposals within the scheme do not meet the sustainable communities criteria detailed primarily under policy SS9 for this site and the specific aspirations within policies DP3: Sustainable Communities and SS1: Delivering Sustainable Growth for York.

6.4 In respect of the overarching vision for the site there is conflict with the following Local Plan policies

- DP3 Sustainable Communities

- SS1 Delivering Sustainable growth for York
- SS9 Land east of Metcalfe Lane
- H2 Density of Residential Development
- HW2 New Community Facilities
- HW3 Built Sports Facilities
- HW4 Childcare Provision
- HW7 Healthy Places
- ED6 Preschool, Primary and Secondary Education
- D1 Placemaking
- D2 Landscape and setting
- GI2a Strensall Common SAC
- GI3 Green Infrastructure Network
- GI4 Trees and Hedgerows
- GI6 New Open Space Provision
- CC2 Sustainable Design and Construction of New Development
- T1 Sustainable Access
- T5 Strategic cycle and pedestrian network links and improvements
- T7 Demand Management

6.5 Furthermore there is conflict with Local Plan policy in terms of –

- No gypsy and traveller provision as required by policies SS1 and H5.
- The density of the proposed development is not compliant with policy H2. No indicative accommodation mix has been provided or provision of older persons and specialist housing, as required under policies H3 and H9.
- Archaeology - conflict with policy D6: Archaeology.
- Drainage - conflict with policy ENV5: Drainage.

7.0 RECOMMENDATION: REFUSE

1 The development proposals do not sufficiently determine or provide for the amount and type of non-residential uses, including open space and sports provision, required to support the allocation for 845 homes within what is a garden village site. In this respect the scheme is contrary to the Local Plan vision for delivering sustainable growth for York and community identity and cohesion within new settlements. The proposals are contrary to Local Plan policy DP3: Sustainable Communities, spatial strategy policies SS1: Delivering Sustainable Growth for York, policy SS9 which is specific to the allocation and policies GI6 (open space and sport), HW2 (community facilities), HW3 (built sports), HW4 (childcare), HW7 (healthy places

and Health Impact Assessment), ED6 (education), and CC2 (BREEAM Communities) in so far as they relate to strategic sites.

2 Due to the lack of a comprehensive masterplan for the overall strategic allocation, and the proposed type, design and distribution of uses (including landscaping and public realm) the site will lack distinct identity, will not sufficiently promote walking and cycling, or healthy lifestyles, and nor will it achieve the principles for garden villages and the social and environmental aspirations for new developments as set out in Local Plan policy DP3: Sustainable Communities. The proposals are contrary to policy DP3: Sustainable Communities, spatial strategy policies SS1: Delivering Sustainable Growth for York, policy SS9 which is specific to the allocation (and advises that the site must be master planned) and policies D1: Place-making, D2: Landscape and Setting, H7: Healthy Places, GI3: Green Infrastructure Network, GI4: Trees and Hedgerows, GI6: Open Space and the specifics of the National Design Guide (referred to in policy D1).

3 The development proposals do not sufficiently provide the vision, nor the measures required to promote and facilitate, sustainable travel to support the allocation for 845 homes within what is a garden village site. In this respect the scheme is contrary to the vision for delivering sustainable growth for York. The proposals are contrary to Local Plan spatial strategy policies SS1: Delivering Sustainable Growth for York, policy SS9 which is specific to the allocation and policies T1, T5 and T7 in respect of sustainable access, the pedestrian and cycle network and demand management.

4 The development proposals do not sufficiently provide for the gypsy and traveller provision required on strategic sites. In this respect the scheme is contrary to the vision for delivering sustainable growth for York. The proposals are contrary to Local Plan spatial strategy policies SS1: Delivering Sustainable Growth for York, policy SS9 which is specific to the allocation and policy H5 in respect of gypsy and traveller provision.

5 The 35 dwelling per hectare indicated within the proposals is not a net calculation as required by policy H2 because it omits all the open spaces (apart from grass verges) and the entire spine road. The scheme is on the basis that a low density is proposed, combined with very limited public open space within development parcels. The envisaged accommodation mix, including older persons and specialist housing, has not been supplied. Consequently the scheme is contrary to policies H2, H3 and H9 which are necessary to achieve the vision of the Local Plan in respect of providing an appropriate range of housing to meet the city's need, in a sustainable way, whilst protecting the special character and setting of the city, and to ensure Green Belt permeance, as explained in policies DP1: York sub-area and DP3: Sustainable Communities and SS1: Delivering Sustainable Growth for York.

6 The proposals lack the level of site investigation required to describe the significance of archaeological deposits affected and allow for determination of sufficient mitigation. The site needs to be evaluated prior to determination of the application, to enable a mitigation strategy to evolve and to ensure that preservation in-situ of archaeological resource remains a possibility e.g. removing areas from the development plan to avoid excavation. As such the proposals are contrary to Local Plan policy D6: Archaeology.

7 The proposed surface water run off rate(s) are regarded to be excessive; they are not agreed to by the Lead Local Flood Authority and consequently proposals would conflict with the sustainable drainage requirements in Local Plan policy ENV5.

8.0 INFORMATIVES:

1. 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 (paragraph 39) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome: the scheme was assessed against all policies of the Local Plan. However there have been no pre-application discussions regarding the site and there is no comprehensive master planning for the entire site ST7. As such it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

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