

## **Notice of a public meeting of Planning Committee A**

**To:** Councillors Crawshaw (Chair), Fisher (Vice-Chair), Ayre, J Burton, Clarke, Cullwick, Melly, Steward, Whitcroft, Moroney and Watson

**Date:** Wednesday, 5 February 2025

**Time:** 4.30 pm

**Venue:** West Offices - Station Rise, York YO1 6GA

### **AGENDA**

**1. Apologies for Absence**

To receive and note apologies for absence.

**2. Declarations of Interest**

(Pages 7 - 8)

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].

**3. Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

**Please note that our registration deadlines are set as 2**

**working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Monday 3 February 2025.**

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#### **4. Plans List**

This item invites Members to determine the following planning application:

##### **a) Land to the South of Sim Balk Lane, York (Pages 9 - 90) [24/00129/FULM]**

Erection of 114no. dwellings with access, open space, landscaping and sustainable drainage [Dringhouses and Woodthorpe Ward]

#### **5. Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

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For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

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Ta informacja może być dostarczona w twoim własnym języku. (Polish)

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### Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) <b>OR</b> Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) <b>OR</b> Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

**COMMITTEE REPORT**

**Date:**  
**Ward:** Dringhouses And Woodthorpe  
**Team:** West Area  
**Parish:** Dringhouses/Woodthorpe Planning Panel

**Reference:** 24/00129/FULM  
**Application at:** Land To The South Of Sim Balk Lane York  
**For:** Erection of 114no. dwellings with access, open space, landscaping and sustainable drainage  
**By:** Gateway Developments/JRHT  
**Application Type:** Major Full Application  
**Target Date:** 30 August 2024  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 Planning permission is sought for residential development comprising of 114no. dwellings with access, open space, landscaping and sustainable drainage at land to the south of Sim Balk Lane.

1.2 The application proposes 100% affordable housing with a 60% social rented and 40% shared ownership split. This equates to 68no. units for social rent and 46no. for shared ownership. The dwellings are to be delivered in conjunction with Joseph Rowntree Housing Trust.

1.3 There will be a mix of dwelling types across the site including bungalows, 2 and 2.5 storey dwellings.

1.4 This is broken down as:

- 10 x 1bed bungalows
- 2 x 2 bed bungalows
- 2 x 3 bed bungalows
- 27 x 2 bed dwellings
- 58 x 3 bed dwellings
- 15 x 4 bed dwellings

1.5 There will be a new single point of access off Sim Balk Lane. The layout shows areas of public open space in the northwestern, western and southern boundaries of the site incorporating a kickabout area, local equipment area for play (LEAP) and gym equipment. To the south east is a new attenuation basin and pumping stations. Whilst each dwelling will have allocated parking spaces, 16no. visitor spaces are arranged around the edge of the site.

1.6 Following the publicity of the application, and officers being made aware that the ownership certificates were incorrectly signed, the application was invalidated. The Applicant subsequently served the correct notices and signed the correct land ownership certificates. The valid date for the application was amended from 30.01.2024 to 26.04.2024, which resulted in the application being made valid after Biodiversity Net Gain (BNG) became mandatory.

1.7 The application has been revised with the Applicant providing a design response to officers' advice in respect to a number of matters including design of boundary treatment including acoustic fencing, access to the remaining part of the field, density figures and designing out crime and arrangement of the parking courtyard in the north western corner of the site. Additional response from the Agent in respect to outstanding ecological matters (BNG and hydrological and recreational impacts on Askham Bog) have been received, along with an Ecology Advice Note (Ref: EN-7272-01 dated 20.03.2024) from Brooks Ecological.

### The Site

1.8 The site relates to an area covering 5.54 hectares (ha) located to the south of Sim Balk Lane to the south west of York city centre. The site is situated between the A1036 (Tadcaster Road/ Dringhouses road) and the A64 to the south east. Running partly alongside the site in the north western taper is the Sustrans cycle route, which follows a disused railway line and further beyond in a south westerly direction is a petrol filling station and Marks and Spencer simply food outlet, accessed from the A1036. Further beyond the southern edge of the site are the White Rose park sports pitches and pavilion.

1.9 Sim Balk Lane provides access to York College and Bishopthorpe to the south east. There is an existing access from Sim Balk Lane into the site, with the single-track lane dividing the site, leading to a construction compound (used by York College) in the north eastern corner and then leading further to the cycle track in a southerly direction.

1.10 With the exception of the construction compound, the site is currently in agricultural use. The area used as a construction compound is raised and higher than the remainder of the site, which is generally flat and low lying. The site is within Flood Zone 1, where there is a low risk of flooding.

## Environmental Impact Assessment (EIA)

1.11 The proposed development is considered to fall within Schedule 2: Category 10 Infrastructure Projects and specifically sub-classes (b) urban development projects, exceeding the guidance threshold (iii. the overall area of the development exceeds 5 hectares).

1.12 It is the view of officers that the proposed site is not within or adjacent to an environmentally sensitive area (as specified within the regulations) and taking into account the characteristics of the proposed development, the location of the development and characteristics of the potential impact, the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment is not required.

23/01101/EIASN Screening opinion in respect of residential development of 114 affordable housing units, public open space, car parking for adjacent football club and creation of new access from Sim Balk Lane; EIA not required 10.08.2023

## Engagement by the Applicant

1.13 Planning policy guidance encourages developers to engage with the local planning authority and third parties prior to submitting a planning application.

1.14 A pre-application consultation was undertaken by the Applicant in February – March 2023 which involved an information leaflet dropped to residents and businesses in Dringhouses and Bishopthorpe, along with a public consultation website and a public exhibition at York College in March 2023.

1.15 Engagement was also undertaken with stakeholders and community groups including York College, ward councillors for Dringhouses and Bishopthorpe, York Civic Trust and Bishopthorpe White Rose Football Club.

## Planning History

1.16 There is no relevant planning history related to this application site, except the screening opinion as detailed above.

## **2.0 POLICY & LEGISLATIVE CONTEXT**

### **Planning and Compulsory Purchase Act 2004**

2.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that an application is made in accordance with the development plan unless material considerations indicated otherwise. The Council does not have a formally adopted local plan. The development plan for this part of York is the saved policies of the

revoked Yorkshire and Humberside Regional Spatial Strategy setting out the general extent of the York Green Belt and any made neighbourhood plan. There is no made Neighbourhood Plan relevant to this application site.

#### Regional Strategy for Yorkshire And Humber (Partial Revocation) Order 2013

2.2 Policies YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt. The policies state that the detailed inner and rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

#### National Planning Policy Framework (NPPF)

2.3 The NPPF sets out the government's planning policies for England and how these are expected to be applied. Its planning policies are material to the determination of planning applications. The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner (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 Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development. In line with footnote 7, the presumption in favour of sustainable development does not apply if the application of the NPPF policies relating to Green Belt would provide a strong reason for refusing or restricting development.

2.5 The sections of the NPPF that are considered to be of relevance to this planning application include: 5) Delivering a sufficient supply of homes, 8) Promoting healthy and safe communities, 9) Promoting sustainable transport, 12) Achieving well-designed places, 13) Protecting Green Belt land, 14) Meeting the challenge of climate change, flooding and coastal change, 15) Conserving and enhancing the natural environment and 16) Conserving and enhancing the historic environment.

#### Draft Local Plan (2018)

2.6 The City of York Draft Local Plan (DLP) has been subject to examination. Proposed modifications regarding policy H5 Gypsies and Travellers have recently been subject to consultation. In accordance with paragraph 48 of the NPPF (as revised), the relevant 2018 plan policies are capable of being a material

consideration in the determination of planning applications. Draft policies relevant to the determination of this application are:

SS1	Delivering Sustainable Growth for York
SS2	The Role of York's Green Belt
H2	Density of Residential Development
H3	Balancing the Housing Market
H10	Affordable Housing
HW4	Childcare Provision
HW7	Healthy Places
D1	Placemaking
D2	Landscape and Setting
D6	Archaeology
GI1	Green Infrastructure
GI2	Biodiversity and Access to Nature
GI6	New Open Space Provision
GB1	Development in the Green Belt
GB2	'Exception' sites for Affordable Housing in the Green Belt
CC1	Renewable and Low Carbon Energy Generation and Storage
CC2	Sustainable Design and Construction of New Development
ENV1	Air Quality
ENV2	Managing Environmental Quality
ENV3	Land Contamination
ENV4	Flood Risk
ENV5	Sustainable Drainage
T1	Sustainable Access
T7	Minimising and Accommodating Generated Trips

### Evidence Base

2.7 The evidence base underpinning the DLP is capable of being a material consideration in the determination of planning applications. Of relevant to this application, the evidence base includes:

- Topic Paper 1 Approach to Defining York's Green Belt (May 2018) (TP1)
- Approach to the Green Belt Appraisal and Maps (2003) (SD107A)
- City of York Historic Character and Setting Technical Paper (Jan 2011)
- Topic Paper 1: Approach to defining York's Green Belt Addendum and Annexes (2021) (EX/CYC/59)
  - Topic Paper 1 Approach to defining Green Belt Addendum – Annex 3 Inner Boundary Part 3 Sections 7 to 8 (EX/CYC/59e)
- City of York Local Housing Needs Assessment by Iceni (July 2022) (EX/CYC/92)
- Retail Study Update (September 2014)
- Retail Study Update Addendum (2014)
- Open Space and Green Infrastructure Update Sept 2017 (SD085)

- Open Space and Green infrastructure Main Report (2014) (SD086A)
- Heritage Topic Paper Update (2014)

### Other relevant guidance

Building for a Healthy Life (2020) – Design toolkit, written in partnership with Homes England, NHS England and NHS Improvement.

Department for Transport (DfT) - Local Transport Note – Cycle Infrastructure Design (LTN1/20)

Department for Transport (DfT) – Circular 01/2022

Ministry of Housing, Communities and Local Government – National design Guide – planning practice guidance for beautiful, enduring and successful places (2021)

Planning for Walking (2015) - Chartered Institute of Highways and Transportation

Fields in Trust (2020) – Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard

## **3.0 CONSULTATIONS**

### INTERNAL

#### City Development

3.1 Defining the detailed GB boundary is one of the key roles of the emerging Local Plan. The entire site is identified as part of a strategic area preventing coalescence, important to the historic setting of the City, and serving a number of green belt purposes. Further, land outwith York's southern urban edge is to remain open to retain the physical separation, individual character and identity of neighbouring villages.

3.2 While we support the provision of affordable housing, acknowledging the significant need evidenced by the Housing Needs Assessment, we disagree with the applicant's assessment that affordable housing development on the scale proposed can be considered 'limited' such that it falls under the exceptions set out in NPPF para 154(f).

3.3 Rather, the proposed scheme amounts to inappropriate development in the green belt and substantial weight is given to any harm to the Green Belt (NPPF para 153). The impact of introducing residential development would significantly reduce openness both visually and spatially, and cause harm to the green belt by reason of inappropriateness.



3.4 As part of demonstrating very special circumstances, the applicant should demonstrate the requirement for the release of land from the general extent of the Green Belt and how the proposal meets para. 154 f) of the NPPF and GB2 of the DLP 2018. The definition of 'Rural Exception sites' in the NPPF should be used as a starting point for this.

3.5 We do not dispute the district's historic under delivery of housing however the emerging Local Plan provides sufficient sites to meet the city's housing requirements over the plan period, including an allowance for shortfall pre-2017. The Green Belt boundaries as drawn on the Local Plan policies map have been drawn taking account of identified housing and employment needs over the plan period. The proposed release of Green Belt land through the emerging Local Plan has been undertaken in a plan led and evidenced way. The application site is not one of the sites where it is considered that the evidence base justifies an incursion into the general extent of the Green Belt, and it is not included as an allocation in the emerging Local Plan.

3.6 For decision making, it is accepted that the Council cannot currently demonstrate an NPPF compliant five-year supply of deliverable sites on land that is outside of the general extent of York's Green Belt. However, in plan making terms, the Council has considered York's development needs and fully examined all reasonable options for meeting development needs, taking into account the use of brownfield and underutilised land, the application of different densities and discussions with neighbouring authorities.

3.7 The mix of housing units proposed includes 14 bungalows and a mix of 2-bed (2 no.), 3-bed (58 no.) and 4-bed (15 no.) houses, broadly reflecting the LHNA where this recommends a focus on 2 and 3-bed homes and provision of bungalows to aid downsizing. The submitted Design and Access statement states that the scheme achieves a net density of around 40 dph<sup>2</sup>; this is consistent with policy H3 but dependent on discounting from calculation both the public open space and SUDs area.

### Highway Network Management

3.8 In summary, the issues identified and additional information required include:

- The TRICS data is not accepted
- Trip distribution and assignment – numbers will need to be reviewed once trip rates are agreed
- TA traffic survey – was undertaken in July 2022 when the College students were not at college and this data would need to be checked against a survey when the College is open. Queue length data is required for Sim Balk Lane as this will have an impact on the site's access

- Impact on the highway network – to be reviewed once trip rates and distribution are accepted
- Access to the site – pedestrian/cycle/people with mobility impairments/limited mobility - improvements/upgrades and new provision relating to routes are requested
- Highway design matters including tracking of a waste vehicle, shared spaces between pedestrian, cycles and vehicles not acceptable, cycle parking should be in line with LTN1/20, car parking strategy – addressing overspill from neighbouring uses, over provision, blue badge provision
- Travel Plan is not accepted
- access to schools need to be considered and reviewed with mitigation measures proposed, where necessary

#### Design and Conservation (Archaeologist)

3.9 Geophysical survey does not show any obvious archaeological features although, as always with geophysical survey, the survival of features on the site cannot be entirely ruled out. A programme of archaeological trial trenching is now recommended to test the nature of the anomalies shown by the survey and to test blank areas. This can be secured by condition.

#### Design and Conservation (Ecologist)

3.10 Further information is requested to ensure that the application does not deviate from law, policy and/or guidance. If this cannot be provided the application cannot be supported.

#### Design and Conservation (Landscape Architect)

3.11 In summary concerns are raised in respect of:

- the area of land is within the Green Belt- the proposed development would have a significantly adverse impact from local viewpoints, and a significantly adverse impact on the landscape character of the site
- the proposed housing would not have a close association with the housing within Dringhouses, which is some distance away
- the development would fill an open field that currently contributes to the separation between the city's urban edge, the ring road (A64) and outlying settlements, including Bishopthorpe. The road network is not a defining edge. It is a series of transport corridors from which the setting of the city is repeatedly viewed and experienced by a high number of receptors
- in respect of the masterplan, there are not enough street trees – tree-lined streets. The sustainability of small trees within short front gardens cannot be guaranteed and therefore should not be relied upon.

#### Lead Local Flood Authority (LLFA)

3.12 The development is in low-risk Flood Zone 1 and should not suffer from river flooding.

3.13 The Soakaway Test Investigation (STI) provides sufficient evidence and in particular the presence of shallow ground water to discount the use of infiltration/soakaways on the site.

3.14 With regard to surface water, the runoff rates are not agreed; the applicant has not used the correct proposed impermeable area (which is 2.89ha, rather than 4.10ha figure used by the Applicant).

3.15 With regards to the proposed surface water connection, the Proposed Drainage Strategy Plan shows connection to the Highways England open watercourse at the bottom of the embankment of the A64. We are unable to grant consent for a connection of surface water to their watercourse.

#### Public Protection Unit (PPU)

3.16 Construction noise and dust – Recommend a Construction Environmental Management Plan (CEMP) to minimise construction noise and dust from the development site during construction that may impact close commercial properties.

3.17 Land Contamination- The submitted Phase 1 (desk top) and Phase 2 (site investigation) reports are accepted and the conclusion that the site is suitable for the proposed use is agreed.

3.18 Noise- The proposed residential development will be located close to the A64, which will be a dominant noise source within this area. The submitted noise assessment is accepted and the noise mitigation measures advised within this report should be implemented.

3.19 Air Quality – The site is not within CYC's Air Quality Management Area (AQMA) but there is potential for air quality impacts during construction and operational phases of the development.

- Construction Phase Impacts – it is considered that the use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level. Measures should be secured via condition.

- Operational Phase Impacts – The development was not predicted to result in any exceedances of relevant health based air quality objectives and the impact of the development on local air quality was predicated to be 'negligible' and therefore 'not significant', in accordance with national guidance. Pollutant concentrations were also predicated across the site and were shown to be well within the current

health-based air quality objectives. The site is therefore considered suitable for the proposed use.

### Education

Catchment Primary School – Dringhouses Primary  
Catchment Secondary School – Millthorpe School

3.20 Concerns are raised that the centre of the development is approximately 1.4 miles from the school with no current safe crossing on Sim Balk Lane. Without a safe crossing, neither Dringhouses Primary or Millthorpe School would be considered appropriate schools for the development and transport would be required at Education's expense. The Education team consider that if a more suitable crossing (and other measures deemed necessary to provide a safe crossing) were in place, there are pedestrian crossings/ quieter roads for the rest of the routes to the schools so it wouldn't incur a transport contribution from the LA.

3.21 In view of the application is submitted for 100% affordable housing, and that there may be alternative funding streams, a contribution for primary and secondary education is not a priority for Education.

3.22 Early Years – there is a shortage of early years places within the locality of the development. As there is no government funding stream to commission new or expanded provision, a contribution is necessary and would be Education's priority.

3.23 SEND – York has a deficit in Special Educational Needs places and an expansion programme is underway to meet existing need. A SEND contribution is requested, which includes the projected SEND cost for home to school transport which would normally be sought from developers.

3.34 Total Contribution requested: £373,657.

### Lifelong Learning and Leisure (LLL)

3.35 Any response will be verbally reported.

### Housing

3.36 The application is strongly welcomed; the 100% affordable housing contribution is greatly in excess of the 30% affordable housing policy requirement. There is a very substantial need for additional affordable housing and the homes proposed in this application would make an important contribution to meeting local need.

3.37 The provision of social rent, shared ownership across houses and bungalows would make an important contribution to meeting the highest priority needs types

and would be a particular benefit for families with a need for fully wheelchair accessible accommodation.

3.38 The housing is of excellent quality, providing well designed homes with living and storage space needed for residents, along with renewable heating in the form of air source heat pumps and high fabric standard that will reduce demand and minimise fuel poverty risks and carbon emissions.

#### Public Rights of Way (PRoW)

3.39 There is a recorded public footpath running just adjacent to the site boundary known as public footpath York 26 or Green Lane (route code 55/26/30). We are pleased to see the proposal for a shared use link between Sim Balk Lane and the York to Selby cycle path. The Applicant is advised regarding potential impacts to the maintenance/deterioration, temporary closure or diversion of the PRoW during the works.

#### EXTERNAL

#### Bishopthorpe Parish Council

##### 3.40 Objection:

- There are undeveloped brownfield sites in York that should be developed first before Green Belt land.
- The traffic study should be undertaken at a more representative time when the College is open
- Parking issues from football club or college and potential impact on residents. A residents scheme won't work without enforcement and officials don't appear very often in Bishopthorpe.
- Road design - The entrance location has not changed despite having feedback on this point during the public sessions.
- Public Transport – the 21 service doesn't stop on Sim Balk Lane and no provision has been made for an off-road stop will cause additional traffic problems
- Absence of community and health facilities and access to these will require a car journey, adding to pollution.
- The layout of the houses is a standard template and does not allow houses to be suitable for solar panels which should be part of a standard build.
- The schools mentioned in the application mean that car journeys are needed in the morning rush hour which adds to traffic congestion as well as pollution.

#### Micklegate Planning Panel

##### 3.41 No objection, but make the following comments:

- scheme for social or affordable housing in York is welcomed. The case for a development for affordable housing in the Green Belt is acceptable here.

Conditions should be put on any approval to ensure that the houses remain in social housing domain (rental/shared ownership) in perpetuity.

3.42 Landscape and planting issues appear well considered. The aesthetic design of the houses is very pedestrian. The site offers an opportunity to show that affordable housing can be attractive and even inspirational. Good design does not need to cost more. Environmental performance and sustainability of houses not mentioned nor is there a strategy to ensure a high level of environmental performance.

3.43 The site is extremely well covered by bus services, but in view of the objections raised regarding the adequacy of Sim Balk Lane to cater for extra car traffic an independent review to assess this should be considered. On-site parking would need to be managed to prevent overspill from York College.

3.44 There is no impact assessment regarding health and education infrastructure. Consideration of the impact on schools, GP surgeries and dentists is required and whether any financial contribution should be requested to improve these to meet the additional demand.

#### Woodthorpe Dringhouses Planning Panel

3.45 This area has had extensive new housing built over the last 16 years, which have impacted exponentially on the local infrastructure and in particular traffic congestion. Is it possible for the road structure to be adjusted to support additional traffic should this proposal go through?

3.46 Despite this being green belt (brownfield site would be preferable), the Panel believe there is a real need for affordable housing for local people and therefore support the application in principle.

3.47 We request that the developer considers fitting heat pumps to all properties to support energy sustainability.

#### Askham Bryan Parish Council

3.48 We are concerned that these properties would be built by ingress onto land currently classified as greenbelt whilst other brownfield sites remain available. We are concerned that the dwellings will put additional pressure on local infrastructure (doctors dentists schools etc.) and on highways and would have an adverse effect on the environment.

3.49 We welcome the construction of affordable houses but it is our view that these properties will nevertheless be beyond the budget of those starting out on the property ladder.

Active Travel

3.50 We encourage the LPA to consider our standing advice as part of its assessment of the application.

Ainsty (2008) Internal Drainage Board (IDB)

3.51 With regard to surface water, the runoff rates are not agreed; the applicant has not used the correct proposed impermeable area. Recommend that any approval granted is subject to a condition for a scheme for the disposal of surface water and foul sewage in consultation with Ainsty (2008) IDB.

Environment Agency

3.52 Any response will be verbally reported.

Fire and Rescue Prevention Officer

3.53 No objection/observation to the proposed development. We will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation.

National Highways

3.54 Recommend a period of non-determination (13 December 2024). We highlight the need for the following information:

- the applicant should explore measures to improve public transport
- the applicant should consult National Highways on the TP monitoring report
- we would expect to see residual trips set out in the TA and TP
- the applicant should clarify the routing for the traffic distribution
- further assessment of the A64 may be required subject to the traffic distribution classification
- further information to be provided with regards to the proposed boundary treatment between the A64 and the application site.

Natural England

3.55 No objection - Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Police Architectural Liaison Officer

3.56 The orientation of the plots and parking arrangements in the north west corner of the site is considered to be problematic – it has the attributes of a rear parking court exacerbated by being a leaky cul-de-sac. In response to the consultation on the 'design response' and the updated plans in respect to the boundary treatment, the PALO considers that even if boundary treatments here are changed to make them visually porous, the layout still has all the attributes of a leaky cul-de-sac. A true cul-de-sac is statistically the safest street layout, whereas leaky cul-de-sacs are prone to far higher crime and antisocial behaviours than any other street layout. The situation is further exacerbated by the back to front orientation of the plans resulting in a road and the car parking spaces located to the rear. It is recommended that the layout of plots 96 to 114 in the northwest corner of the site is redesigned.

3.57 Other than the north-west corner, the design and layout of the rest of the site has a number of 'Designing out Crime' features. The street layout has active frontages providing natural surveillance of the public realm. The perimeter block structure with back-to-back rear gardens provides a significant contribution to townscape, legibility and spatial enclosure. These features strengthen community resilience to crime and disorder and should be retained.

3.58 The public open space is provided with good levels of natural surveillance from nearby dwellings. There is a clear demarcation of private, semi-private and public space that creates defensible space. The boundary treatment for the rear gardens is proposed to be 1.8m high fencing, walls and gates, which is considered to be appropriate.

#### Trans Pennine Trail & Sustrans

3.59 The crossing point on Sim Balk Lane should accommodate both cyclists and pedestrians, this will enable walkers and cyclists to safely utilise the link to the TPT/NCN 65. A further link and crossing from the south east corner of the site would be advantageous for sustainable transport users.

3.60 Footpaths throughout the development are noted as shared use for cyclists and pedestrians. Cyclists cannot legally use footpaths. The developer needs to provide assurance that both pedestrians and cyclists will legally be able to utilise the infrastructure within the site.

#### Yorkshire Wildlife Trust

3.61 Hydrological impacts on Askham Bog – The EclA report states that hydrological impacts have been a consideration, but no evidence of this consideration has been provided.

3.62 Recreational Impacts on Askham Bog – We disagree with the conclusion in the EclA report that the proposed development is not likely to produce significant



additional recreational pressures on Askham Bog due to location, as it *'is separated from it by busy trunk roads – meaning it is not easily accessible from the site'*. The application site is four minutes by car from the Askham Bog Nature Reserve car park. Whilst we accept that the walking route is along a busy road, it is not inaccessible and the issue of recreational pressure on the reserve needs more consideration by the applicant.

3.63 We request that the LPA confirms that the amount and type of open space within the proposed development accords with Policy GI6 of the DLP 2018. We suggest that facilities for dog walkers are critical for this location, given proximity to Askham Bog and it is unclear what facilities would be available.

3.64 Baseline Information - Preliminary Ecological Appraisal (PEA) and Bat Survey reports are referenced but not provided. Bats may be impacted and further clarification is required on further survey requirements.

3.65 Biodiversity Net gain (BNG) – We agree with the assessment that the baseline ecological value of the habitats is low. The BNG information provided is insufficient – the BNG metric should be provided.

3.66 We note that the planting/landscaping scheme has been developed collaboratively with the scheme ecologist, and the habitat creation seems appropriate to the location.

#### Yorkshire Water

3.67 A water supply can be made available however the development cannot be supplied from the existing network without reinforcement as the existing main within Sim balk Lane is already over capacity.

3.68 Waste Water – recommend condition relating to the development being in accordance with the submitted Sustainable Drainage Statement prepared by BWB (November 2023)

#### Vale of York Clinical Commissioning Group

3.69 Any response will be verbally reported.

### **4.0 REPRESENTATIONS**

4.1 The application has been advertised by site, press and neighbour notification. Overall, 37 letters of representation have been received, which includes 6 letters of support and 31 letters of objection. Some respondents have responded on more than one occasion. It is noted that some respondents have provided comments setting out that they support some elements of the proposal (such as affordable

housing), but object on other grounds. The respondents include Bishopthorpe Rose FC and York College.

Cllr Nicholls (Bishopthorpe Ward)

4.2 I object on three grounds:

- the development is on Green Belt and whilst there is a need for affordable housing, brownfield sites are available. Once York has used all its brownfield sites then we can look at the need to destroy our Green Belt
- if this is passed it will be used by developers to argue to the next fields along – the field between Sim Balk Lane and Bishopthorpe Road and Church Lane will be threatened
- traffic – the traffic queuing at peak times is extensive as it is and the potential of another 230 cars will be chaos. The traffic survey (undertaken in July) failed to take account that the majority of students had left the college for the summer – in a normal week the college has 2,700 students attending – on the week when the survey was undertaken 800 students were in attendance. A traffic study should be undertaken when the college has normal attendance.

4.3 A summary of the matters/issues raised in objection from local residents include:

- it's a Green Belt site
  - meaning land should be kept open
  - designated to prevent coalescence
  - exceptional circumstances are not met
  - should utilise brownfield land/sites first
  - there are other suitable areas to accommodate such housing
- lack of infrastructure to support the development (local healthcare facilities, public transport)
- lack of contribution to additional infrastructure
- Affordable housing – requires a legal agreement so that the entirety of affordable housing is retained in perpetuity
- further destruction of land and hedgerows for wildlife
- it is good agricultural land
- houses would be out of place and separated from the village of Bishopthorpe
- the layout is utilitarian and lacks character and interest – particularly important given the gateway location of the site
- the design of the external appearance of the dwellings is poor, lacking in variety and character
- light/noise pollution will be greater than stated
- should be required to include sustainability features within the design
- surrounding areas to York could be considered rural, they are becoming more and more urbanised
- character of Bishopthorpe as a village will be lost (become effectively a suburb)
- inadequate sewage facilities
- water table and future drainage- there are currently large puddles on the land

- sustainable drainage needs to avoid being an engineered feature and instead be part of the overall landscaping plans
- the football club has been promised a car park – bribery?
- impact of construction traffic
- underhand planning permission
- no mention of Gateway's real plan to surround our village with new builds/development on Church Lane in Bishopthorpe – removing all Green Belt
- clever attempt to get approval by involving Rowntree Trust for low cost housing
- already 17,000 plots allocated on the bypass, land being stored to achieve greater profits
- sets a precedent
- the ownership certificate may be incorrect, and the landowner may not have been served with notice
- most of the site is not vacant – the area east of the works compound is seeded to crop- if let it may be an Agricultural Holding
- Highways
  - area already suffers from congestion in rush hour and on race days
  - result in an increase in the volume of traffic on Sim Balk Lane which the roads/junctions are not designed for
  - need to improve the Tadcaster Road/Sim Balk Lane junction
  - are there any plans to change the current traffic flow which already leads to congestion? One idea is for a pedestrian bridge from college to Tesco – has anything been discussed?
  - Transport Assessment – data collected has been underestimated and was collected when York College was closed
  - a residents only car parking management arrangement will be required given the close location of York College

#### York College (Vice Principal – David Hawkins)

##### 4.4 Concerns regarding travel and highway impacts:

- traffic on Sim Balk Lane and onto Tadcaster Road which is usually queuing back particularly at peak times when our students and staff are entering/exiting our building – this development will only add to the problem
- consideration may need to be given to traffic lights at the top of Sim balk Lane and changing the way traffic flows
- a full travel plan should be investigated and shared
- concern about residential parking adjacent to our building and suggest a parking permit is setup, if permission is granted
- we have encountered problems on the nearby Revival estate where our students legally park on road, causing complaints from local residents

#### Bishopthorpe White Rose Football Club

4.5 Have been based at White Rose Park since 2019 and provides 8 grass football pitches, clubhouse with changing rooms and club room. The site is extensively used over the weekend from 08:00 – 17:00 all year round (except for reseeding in August) and weekday evenings from April to July. The clubhouse and facilities are used during school term time by York College Monday – Friday for classes for special needs students.

4.6 We are concerned regarding the following matters:

- significant impact on the safety and security of White Rose Park due to the likely unauthorised access and use resulting in the potential for increased damage and anti-social behaviour – facilities to prevent these (lockable new building for storage of goal posts, fencing) will conflict with the Green Belt location and recreational use of the site and other security mitigations will be costly for the club
- access road through the development to the cycle track could be used for car parking and may result in the Club to be in breach of the planning conditions imposed when the site was approved, which stipulated certain conditions in respect to parking at the Askham Bar Park and Ride and then on foot via the cycle track. It will be difficult to police if an opportunity is taken to park within the development.
- the proposed development is likely to generate significant drainage issues and whether the existing drainage systems are likely to be compromised by any intensification arising from the development
- it is unclear what the proposals are for the area in the south eastern corner – it lies outside of the application site but remains in the same ownership.

4.7 Six letters of support have been received with the comments summarised:

- contribute to the local area and local housing market and within York
- affordable housing is needed overall and for new starters on the property ladder
- good range of different size and type of dwelling, including bungalows across the site
- this is a great side of York to live on/will allow more people the option of living in this part of York
- is well located for public transport and access to York city centre
- 'Get them built'
- more houses = satisfies demand = reduces prices
- it is a good use of 17 acres of land
- it is low density and socially orientated which is much needed
- Access onto Sim Balk Lane relative to the entrance to the college may need some thought but traffic volumes are unlikely to have any real impact
- hopefully will support first time buyers who currently can only rent

## **5.0 APPRAISAL**

5.1 Key Issues:

Application Reference Number: 24/00129/FULM

Item No: 4a

- Green Belt Considerations
- Loss of Agricultural Land
- Residential Development
- Design
- Sustainable Travel and Accessibility
- Accessibility to social, recreational and community facilities
- Education
- Residential amenity
- Trees/Landscaping
- Open Space
- Ecology
- Archaeology
- Drainage and Flood Risk
- Air Quality
- Climate Change
- Contaminated Land
- Public Sector Equality Duty
- Consideration of Very Special Circumstances

## ASSESSMENT

### **Green Belt Considerations**

- Whether the site falls within the Green Belt

5.1 The Applicant asserts that the site appears to be located within the general extent of the Green Belt, pursuant to the RSS, however the strategy is outdated and its particular focus was upon the need to define the detailed boundaries of the Green Belt, which has not been completed due to there being no adopted local plan. Although, the Applicant further states (para. 18.6 Planning Statement Ref: 66177436.1) that as the site is sustainably located meeting housing needs and does not give rise to any material considerations indicating that planning permission should not be granted and does not need to be tested against Green Belt policy, until such time there is an adopted local plan in place.

5.2 The site is shown to fall within the Green Belt under Policy SP2 of the DCLP 2005, although the weight that can be attached to this policy is extremely limited. The site is to be retained within the proposed Green Belt under policy SS2 in the 2018 Draft Plan, the policy requirements of which can be applied with moderate weight.

5.3 In line with the decision of the Court in *Wedgewood v City of York Council* [2020] EWHC 780 (Admin), and in advance of the adoption of the DLP, decisions on whether to treat land as falling within the Green Belt for development management purposes should take into account the DLP 2018, insofar as can be considered

against paragraph 48 of the NPPF (2021). Site specific features should also be considered.

5.4 Whilst the Council has undertaken further work (Addendum to Topic paper 1: Approach to Defining York's Green Belt (2021) and Annex 3: Inner Boundaries Part 3 Sections 7-8) in respect to the methodology that has been followed in the setting of inner and outer Green Belt boundaries, which forms part of the emerging plan's evidence base, there are no proposed changes to the inner Green Belt boundary in this location, which continues westwards along Sim Balk Lane (Section 8; Boundary 34) to the south of York College. It then continues along Tadcaster Road, with Askham Bar P&R to the west of the boundary (Section 8; Boundary 35: South East of Sim Hills).

5.5 The character of the site is typically open and has the character of the countryside at the edge of the city. Although it is bordered on three sides by three main/key roads, A1036, A64 and Sim Balk Lane the site maintains an open setting and meaningful separation between the south of the city and Bishopthorpe. The site has no structures on it at present and is in agricultural use save for the construction compound. Beyond the site, to the south, there are isolated structures associated with the service station of the A1036 and the outdoor sports pitches along with access road and changing rooms, although these do not compromise openness. The site has been assessed as serving 3 of the 5 purposes of the Green Belt which are:

- a) to check the unrestricted sprawl of large built-up areas*
- c) to assist in safeguarding the countryside from encroachment*
- d) to preserve the setting and special character of historic towns*

5.6 Therefore, assessing the site applying the Wedgewood principles, officers consider that the application site is regarded as falling within the general extent of the York Green Belt.

- Harm to the Green Belt

5.7 It is outlined in NPPF para. 142 that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence.

5.8 It is set out in paragraph 153 of the NPPF that substantial weight should be given to any harm to the Green Belt, including harm to its openness, other than in the case of development on previously developed land or grey belt land, where development is not inappropriate. Continuing, it states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any

other harm resulting from the proposal, is clearly outweighed by other considerations.

5.9 Paragraph 154 of the NPPF states that development in the Green Belt is inappropriate unless one of the exceptions applies. The Applicant sets out that if the proposal should be tested against Green Belt policy, then one of the exceptions under NPPF para. 154 sub section f) should apply, which allows:

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites).

5.10 The NPPF is silent on the permissible extent of 'limited affordable housing' and there is no definition of small scale within the DLP 2018. The NPPF Annex 2 Glossary for rural exception sites provides some assistance in understanding what is meant by 'local community needs' in respect of 'rural exception sites': that they are seeking to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connections. It was established by an Inspector in respect of an appeal decision for outline planning application for up to 24 dwellings at a site in Welwyn (Appeal Ref: APP/C1950/W/23/3323564) (para. 13) that that 'local community needs' must mean something more than simply 'borough wide' needs, although the former would clearly be a subset of the district's needs. The Inspector continues to state that the nomination agreements within the planning obligation does not deal with the fundamental underlying issue – namely how the scheme itself would meet any existing evidenced needs of the local community as directed by the Local Plan.

5.11 The Inspector in the same appeal, remarks that the wording of Para. 154(f) specifically directs decision makers to policies in the development plan. In this instance, Policy GB2 (formally GB4) "Exception' sites for affordable housing in the Green Belt" of the DLP 2018 is relevant, setting out that the development of limited affordable housing on exception sites in the Green Belt will be considered in the following circumstances:

- i. the development contributes to meeting identified local affordable housing need as illustrated by an up-to-date local housing needs assessment;
- ii. the affordable housing is retained at an affordable price for future eligible households in perpetuity;
- iii. the development is well related to the existing residential development and amenities located in or adjacent to a clearly identified village or settlement;
- and
- iv. the development reflects the size of the settlement in terms of scale, form and character.

5.12 This policy is consistent with the NPPF and moderate weight is given to this policy. It is noted that there are outstanding objections to this policy that seek changes that are inconsistent with national policy.

5.13 The first condition of policy GB2 (i) requires supporting evidence and an up-to-date need survey related to the local community nearest the location of the proposed development to be provided. The needs survey should be carried out with the City of York Council and the relevant parish council.

5.14 The application site straddles three ward boundaries, the majority of the site is within the Dringhouses and Woodthorpe ward, with smaller areas in the Rural West and Bishopthorpe wards. No needs survey or supporting evidence has been provided by the Applicant which has considered either of the adjoining communities.

5.15 The Applicant's Planning Statement (4 January 2024) refers to the Strategic Housing Market Assessment (2016), which has been revoked and replaced with the Local Housing Needs Assessment (2022). The Applicant has been advised of the updated guidance, although no revised information has been submitted. However, the Applicant asserts that overall, there is a clear identified and accepted severe shortfall of housing delivery in York, both market housing and of affordable housing.

5.16 Officer's will refer to the most up-to-date DLP evidence base, the Local Housing Needs Assessment (2022). It is acknowledged that whilst the Applicant relies on the LHNA (2022) (or a subsequent Local Housing Needs Assessment) this is a city-wide assessment and does not refer to local needs, as required by the policy. It does however, set out that there is a need for 592 affordable homes per annum across the City.

5.17 The second condition of GB2 (ii) requires that the affordable housing is retained at an affordable price for future eligible households in perpetuity. The application proposes 100% affordable housing with a 60% social rented and 40% shared ownership split. This equates to 68no. units for social rent and 46no. for shared ownership. It is intended that the Joseph Rowntree Housing Trust will own and manage the homes and external spaces. Shared ownership is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market (NPPF Annex 2: Glossary). On the face of it therefore, the 40% of the affordable housing provision across the development would not be subject to 'in perpetuity' restrictions. However, the Council's Housing Officer has advised that some shared ownership can be subject to restricted staircasing, meaning that shared owners are unable to purchase 100% of their home. If the shared owner owns in excess of 80% of shares in the property and wishes to move, the landlord (or the landlord's nominee, who must be a Registered Provider) is obliged to buyback the property in order to re-sell it on a Shared Ownership basis to another eligible applicant. Had the application be acceptable in all other regards, this could be achieved/secured through nomination agreements within the planning obligation, although will have to be agreed by the Applicant and JRHT as a Registered Provider (RP).



5.18 The third and fourth requirements of condition of GB2 requires (iii) the development to be well related to the existing residential development and amenities located in or adjacent to a clearly identified village or settlement, and (iv) the development to reflect the size of the settlement in terms of scale, form and character. The site is on the edge of the urban area and there is a definitive gap in development on this side of Sim Balk Lane and around the A1036 and up to the A64. Moreover, surrounding development comprises of non-residential development including York College, retail, business park, community facilities in the form of football playing fields and clubhouse as well as the park and ride. The nearest residential development is the cluster of 18 dwellings at Chessingham Gardens and The Grove, located off Tadcaster Road, to the north, beyond York College. The site is in a location that would be dependent on the private car to access the development and local social, recreational and community facilities; and it is officers' opinion that the site is not in a location that is currently sustainable. There may be opportunities to deliver a sustainable development by facilitating a reduction in the need to travel by private car and focus on providing opportunities to promote sustainable transport modes. This report considers these matters in more detail further on in this report.

5.19 Officers consider that 114 dwellings would not be small scale, especially in the context that the site in its entirety extends to over 5ha. The development would result in significant urbanising effect in this location, which is described as countryside at the edge of the urban area. Reference is made to the Inspector's appeal decision on Land at Boroughbridge Road (Appeal Ref: APP/C2741/W/21/3271045 para. 27), which considered a residential scheme for 60 homes, that the scale of the proposed development, although small relative to local need, would not be limited in this regard.

5.20 Noting the above considerations, officers consider that the application does not meet the requirements of policy GB2 of the DLP 2018. The proposed development does not fall within any of the exceptions in para. 154 of the NPPF.

- Impact on openness on the Green Belt

5.21 The NPPF (para. 142) state that openness is an essential characteristic of Green Belts. The fundamental purpose of Green Belt policy is to keep land permanently open. The concept of 'openness' in this context means the state of being free from development, in the absence of buildings, and relates to the quantum and extent of development and its physical effects on the site.

5.22 The site is split into two sections divided by the existing access track, the northwestern part forming the construction compound, which is slightly raised and abuts the A1036. The remainder is fairly flat, stretches out towards the A64 which you can see in the distance between the mature tree buffer. There is substantial screening along the southern boundary where it abuts the Sustrans cycle track.

5.23 The Applicant argues that as the site is very enclosed along its southern and western boundaries by dense tree vegetation and the north by large scale buildings of York College, this degree of containment means that the loss of openness is very much limited to the site itself rather than the wider openness of the Green Belt, which is unaffected. As it is situated on the urban fringe of York, it has a limited relationship to the wider surrounding landscape and limited visibility into it other than from Sim Balk Lane and York College. Therefore, the Applicant concludes that there would be an adverse effect on the openness of the Green Belt within the site itself, with the perception of that impinged upon by the A1036 junction, the park and ride facility, York College and the A64, so the significance effect only give rise to limited harm.

5.24 Officers disagree with the Applicant's assertion and consider that the site is an integral part of the wider openness of the Green Belt in this location. The landscape character of this site and wider areas is open countryside, extending from the south of Sim Balk Lane to the outlying areas of Bishopthorpe and Copmanthorpe. There are isolated structures surrounding the site, although they do not pose a risk of sprawl or comprise the overall landscape character. Visibility into the site is not just from Sim Balk Lane and York College; it is also experienced from the main open approaches into the city, the A64 and A1036, which are identified in the Topic Paper 1: Green Belt Addendum January 2021 Annex 1 Evidence Base – Evidence 6, and which help to give the impression of the city being within a rural setting.

5.25 As such, officers consider that the impact of introducing residential development comprising of 114no. units on this site would significantly reduce openness both visually and spatially and these impacts would be high given the open nature of the site. The development would harm openness through both its scale and massing but also through the introduction of a built form in an otherwise undeveloped site.

- Impact on Green Belt purposes

5.26 The Applicant has assessed the site's contribution to Green Belt purposes (outlined in para. 143 of the NPPF) and concludes that the proposed development makes no more than a limited contribution to the purposes of the Green Belt. Officers disagree with this assessment, and the reasoning is explained below:

*a) to check the unrestricted sprawl of large built-up areas*

5.27 The site is evidently agricultural land at the edge of the urban area. The site has a hedgerow that runs parallel to Sim Balk Lane, there is no footpath on this side of the road and the land beyond is open and agricultural. The development proposed would equate to urban sprawl, encroaching into the countryside. There are isolated structures beyond the site (petrol station and changing rooms) that retains openness and have well-defined curtilages, which do not pose a risk of

sprawl. The changing room and playing pitches being considered appropriate facilities for outdoor sport in compliance with para. 155 b) of the NPPF.

*b) to prevent neighbouring towns merging into one another*

5.28 There would be no threat of separate towns merging (the merging of surrounding villages and the main urban area is considered under purpose d).

*c) to assist in safeguarding the countryside from encroachment*

5.29 There is currently a definitive gap in development on this side of Sim Balk Lane and around the A1036 and up to the A64. The land is characterised by an absence of built development or urbanising influences; despite containing some isolated structures which retains openness, land here has the character of countryside, being open fields beyond the urban edge. Development at this site would significantly erode the openness in this area.

*d) to preserve the setting and special character of historic towns*

5.30 Policy SS1: Delivering sustainable growth for York identifies the key elements, which are identified as contributing to the special character and setting of the historic city, are:

- The City's size and compact nature
- The perception of York as a free-standing historic city within a rural hinterland
- Key views towards the City from the ring road
- The relationship of the City to its surrounding settlements

5.31 These details are relevant to consideration of the Green Belt in that the retained RSS policies both refer to setting boundaries to safeguard the special character and setting of the historic city.

5.32 The site is identified within a historic character and setting of York outlined in Figure 3.1 of the Draft Local Plan as an 'area preventing coalescence'. Areas of coalescence are outlined in the City of York Council Local Plan – Approach to the Green Belt Appraisal (2003) as retained open areas of land between the outer edge of the urban area and an adjacent village and between neighbouring villages in order to retain the physical separation, individual character and identity. Specifically, the site is identified within area G3: Bishopthorpe and Copmanthorpe, which has been identified to maintain physical separation between the city and the outlying areas of Bishopthorpe and Copmanthorpe. The land to the south of Sim Balk Lane assists in maintaining an open setting and meaningful separation between the edge of the city, the A64/outer ring road and Bishopthorpe.

5.33 The Council's Heritage Topic Paper Update (2014) identifies that the relationship and character elements of York to its surrounding settlements relates not simply the distance between the settlements but also the size of the villages themselves, and the fact that they are free-standing, clearly definable settlements. The Bishopthorpe conservation area appraisal outlines that the character and appearance of the conservation area is (together with other matters) the open landscape maintained between Bishopthorpe and the suburbs of York.

e) and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.34 The site is all greenfield and agricultural. There is no recycling of derelict land involved.

5.35 The land subject to this application has been identified within the evidence base including Topic Paper 1: Approach to defining Green Belt Addendum and Annexes, as performing particularly strongly against Green Belt purpose in relation to preventing coalescence of settlements to retain their individual identity and therefore preserving the setting and special character of the city. In addition, the area contributes to aiding the understanding of the historical relationship of the city to its surrounding villages. The site is particularly important in retaining physical and visual separation between the edge of the city, A64 and Bishopthorpe, without which the city would no longer be viewed from this section of the outer ring road as sitting within a rural setting. As such the site is part of an area that has strategic importance in relation to the setting of the historic city, the primary purpose of the Green Belt in York.

5.36 Officers therefore conclude that the proposal for residential development comprising of 114 units and associated infrastructure would harm the following three Green Belt purposes -

- a) to check the unrestricted sprawl of large built-up areas*
- c) to assist in safeguarding the countryside from encroachment*
- d) to preserve the setting and special character of historic towns*

5.37 During the course of the assessment of the planning application, the NPPF has been the subject of revisions. The Applicant has not provided an updated assessment/summary of how the proposed development complies with the NPPF revisions, however given that the application submission argues that the land to which this application relates does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143 of the NPPF, it is necessary to consider the application against these NPPF revisions.

5.38 NPPF para. 155 states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

*a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*

5.39 Annex 2: Glossary of the NPPF provides a definition of grey belt. For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of policies relating to the areas or assets in footnote 7 (other than the green belt) would provide a strong reason for refusing or restricting development.

5.40 The land to which this application relates does not constitute previously developed land and the Council argues above that the land strongly contributes to the purposes (a) and (d). There are no other designations on the land included in footnote 7. As such, the Council considers that the application site does not meet the definition of 'grey belt'. It is not considered that the other sub-sections of para. 155 need to be considered as the development does not comply with the requirements of (a).

5.41 The identified harm to the Green Belt is therefore as follows –

- inappropriate development, which is harmful by definition
- considerable adverse harm to openness, which would be permanent
- contrary to three of the five Green Belt purposes (a), (c) and (d).

5.42 Inappropriate development should not be approved except in very special circumstances and substantial weight is to be given to the harm to the Green Belt. In order for the proposals to be NPPF compliant, paragraph 153 advises 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Consideration of very special circumstances are set out later in this report.

### **Loss of Agricultural Land**

5.43 Footnote 65 of the NPPF sets out that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The best and most versatile agricultural land is graded as 1, 2 and 3a of the Agricultural Land Classification (ACL) (Annexe 2 of the NPPF).

5.44 The agricultural fields where the proposed residential development will be located are identified as falling within grade 2 (very good) quality agricultural land. This is land with minor limitations that affect crop yield, cultivations or harvesting and a wide range of agricultural and horticultural crops can usually be grown.

5.45 The works will involve the loss of best and most versatile agricultural land and given the proposals the site could not readily be reverted back to agriculture in the future. However, the loss of 5ha is a small loss and would not be significant.

5.46 The application site only occupies part of the wider agricultural field; it is indicated by the Applicants that the remainder of the field will be retained in agricultural use, with the layout plans showing a gated access for farm vehicles, with a connection to the internal estate road to the public highway. It is expected that farm vehicles are likely to access this adjoining land through the development, although the tracking for a farm vehicle has not been provided.

5.47 It is recommended that to mitigate potential impacts on the retained agricultural field, a scheme to protect and manage soils in a sustainable way during construction and from other contamination sources could be secured via conditions.

### **Residential Development**

5.48 Section 5 of the NPPF supports the government's objective of significantly boosting the supply of homes. NPPF paragraph 73 highlights the important contribution that small and medium sized sites can make to meeting housing requirements of an area and are often built-out relatively quickly.

5.49 The proposal is for all residential units to be affordable housing with a 60 (rented) / 40 (shared ownership) % split and delivered in partnership with the Joseph Rowntree Housing Trust. The NPPF requires planning policies to reflect the size, type and tenure of housing need for different groups in the community (including, but not limited to, those who require affordable housing, families with children, looked after children, older people (including those who require retirement housing, housing-with-care and care homes), students, people with disabilities, service families, traveller, people who rent their homes and people wishing to commission or build their own homes). The Council's planning policies in Section 5: Housing of the DLP 2018 reflect these different groups in the community.

5.50 DLP 2018 policy H3 (Balancing the Housing Market) requires new residential development to provide a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. The application will provide a mix of 1, 2 and 3no. bed bungalows, as well as 2, 3 and 4no. bed dwellings which will comprise of a mix of detached, semi-detached or a row of three terraces.

Table 1.1 Overview of housing type, tenure, size and standards

Ref	Type	Standards	Internal Area (m <sup>2</sup> )	Social Rent (SR)	Shared Ownership (SO)	Total
120B	1-bed bungalow	M4(3)	60	6	4	10
240B	2-bed bungalow	M4(3)	84	1	1	2
350B	3-bed bungalow	M4(3)	93.7	1	1	2
	<b>Sub total</b>			8	6	<b>14</b>
240	2-bed, 2 storey house	M2(2)	80	18	9	27
350	3-bed, 2 storey house	M2(2)	93	25	13	38
351C	3-bed, 2 storey house	M2(2)	93	2	2	4
352C	3-bed, 2 storey house	M2(2)	93	10	6	16
460	4-bed, 2.5 storey house	M2(2)	114.9	5	10	15
<b>Total</b>				<b>68</b>	<b>46</b>	<b>114</b>

- Accessible and Adaptable homes

5.51 Accessible and adaptable housing enables people to live more independently, while also saving on health and social costs in the future. Where an identified need exists, local plans are expected to make use of the optional technical housing standards to help bring forward an adequate supply of accessible housing. It is outlined in DLP policy H3 that the Council will encourage developers to deliver an appropriate proportion of housing that meets the higher standards of Part M of the Building Regulations. Part M of the Building Regulations requires that all new dwelling to which it applies should be designed to a minimum of M4(1) 'visitable dwellings'.

5.52 The Applicant states that the bungalows will meet the requirements for M4(3) 'wheelchair user dwellings' which can be applied to social and affordable housing, where the end user is known. The houses will meet the M4(2) 'Accessible and

adaptable dwellings' (Lifetime Homes Standard) standard. The provision and mix of M4(2) and M4(3) compliant homes is welcomed.

- Density

5.53 The site is situated on the edge of the urban area, although it is outlined in Figure 5.2 Density Zone in the DLP 2018 that the site sits within the 'rural area and villages' corridor. Local Plan policy H2 (Density of Residential Development) expects the delivery of 35 unit/dph in the rural area and villages corridor.

5.54 The submitted plans outline that the density has been calculated as achieving 31d/h. Whilst being lower than that expected in the rural area and village corridor, the development takes into account the existing landscape features, and provides an appropriate mix of housing tenures, types and sizes.

- Affordable Housing

5.55 The Applicant has referred to the 2016 Strategy Housing Market Assessment which identifies a need for 573 affordable housing units. This assessment has been revoked and replaced with the City of York Local Housing Needs Assessment (July 2022) (by Iceni), which sets out a need for 592 affordable homes per annum across the City. The report does not provide an affordable housing target; outlining that the amount of affordable housing delivered should be maximised to address the substantial need but will ultimately be limited to the amount that can viably be provided.

5.56 DLP policy H10 seeks to secure affordable housing within residential development in order to assist in delivering 3,265 affordable dwellings over the plan period. The justification to this policy states that a full range of property sizes and tenures are needed to satisfy the affordable housing needs of the city.

5.57 The proposed development of 114 residential units with a tenure split of 60 (social rent) / 40 (shared ownership) will support the Government's objective of significantly boosting the supply of homes as well as meeting the Council's identified affordable housing need.

- Other housing policies

5.58 The site is not a strategic site or allocated for housing under the DLP 2018 and therefore policies H4 (Promoting Self and Custom Housing Building), H5 (Gypsies and Travellers), H9 (Older Persons Specialist Housing) are not relevant to the determination of the planning application.

**Design**



5.59 The Government sets out in para. 131 of the NPPF that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The NPPF continues in para. 133 stating that design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high-quality standard of design. Continuing, in paragraph 134, it states that national documents, the National Design Code and the National Model Design Code should be used to guide decisions in the absence of locally produced design guides and design codes.

5.60 The National Design Guide sets out 10 characteristics that contribute to good design and a well-designed place. These are:

- i. Context – enhances the surroundings;
- ii. Identity – attractive and distinctive;
- iii. Built form – a coherent pattern of development;
- iv. Movement – accessible and easy to move around;
- v. Nature – enhanced and optimised;
- vi. Public spaces – safe, social and inclusive;
- vii. Use – mixed and integrated;
- viii. Homes and building – functional, healthy and sustainable;
- ix. Resources – efficient and resilient; and
- x. Lifespan – made to last.

5.61 A number of the characteristics outlined above will be discussed in other parts/sub sections of this report, and for the purposes of design, identity and built form are most relevant to this section.

5.62 Additionally, para. 135 of the NPPF sets out criteria for developments to achieve and in summary includes:

- a) will function well, and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other spaces) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.63 The layout has been designed with the dwellings arranged in four quadrants to the east of the main access road from Sim Balk Lane with the dwellings generally fronting the local highway and their rear garden converging together. In the western corner of the site are the bungalows which takes into account the existing topography, with the area of the site generally at higher level.

5.64 There are varying heights across the development, ranging from single, two and 2.5 storeys along with a mix of hipped and gable roof types, which along with their being no more than 3 dwellings in a terrace and semi-detached properties (it is noted that the only detached properties are two bungalows in the far western corner of the site), there is an element of spaciousness between the dwellings and not one dwelling type would dominate the development.

5.65 One way that the development has sought to create wayfinding is through the materials. Two elevation styles are proposed which will provide suitable variation throughout the scheme. The same brick type has been used in both styles to create some cohesion. Elevation style 2 comprises of Ibstock Gault Cream brick with Ibstock Leicester Red Stock brick for detailing and will be complimented with Russell Pennine Pantile (Terracotta). Dwellings constructed using Elevation style 2 are positioned at the main junctions of the principal road (which is denoted through the use of tarmac), with secondary access roads constructed in permeable paving.

5.66 Elevation style 1 will be a mix of Ibstock Weston Red Multi with Ibstock Leicester Red Stock bricks with a Russell Highland Mock Bond slate (Grey) tile and are predominately interspersed between the Elevation style 2 dwellings.

5.67 Objections have been received citing that the design of the external appearance of the dwellings is poor, lacking in variety and character. In respect to identity, one of the 10 characteristics of well-designed places, the National Design Guide outlines that well-designed places contribute to local distinctiveness. Where the scale or density of new development is very different to the existing place, it may be more appropriate to create a new identity rather than to scale up the character of an existing place in its context.

5.68 The proposed residential development is located in an open field and does not have a close association with houses within Dringhouses. The supporting Design and Access Statement refers to design precedents in nearby modern residential developments off Tadcaster Road, outlining that these comprise of 4 storey residential blocks, 3.5 and 2.5 storey town houses and 2 storey dwellings. The predominant materials are red brick, which is in line with the wider area with reconstituted stone and render details. There is also a combination of open frontages to shared access roads bounded by railing details.

5.69 In line with the National Design Guide, it could be argued that the design of the proposed residential development has adopted traditional building forms whilst also adopting the architectural precedents that are prevalent in the local area. Detailing in the dwellings come from the contrasting brick banding, canopies over entrances and dormer windows (where relevant). As detailed above, the varied roofscape will help to contribute to aesthetic appeal.

5.70 The dwellings, constructed to achieve M4(2) and M4(3) standard will also provide good quality internal environments for their users. Externally each dwelling will benefit from a private, enclosed garden.

5.71 The majority of the gardens will be fenced with a 1.8m high close boarded timber fence typical of modern residential developments and appropriate in terms of Secured by Design principles. The dwellings on the eastern side of the development will be arranged with gardens converging together forming a landlocked relationship, with the street frontage having an open frontage, there will be limited impact from boundary treatments on the street scene in this respect.

5.72 However, in contrast, the cluster of dwellings in the far western corner of the site, are arranged differently, with the properties facing the site boundaries and the rear gardens fronting the access road. The Police Architectural Liaison Officer (PALO) highlights that the arrangements of plots 98, 99, 100 and 101 results in a separate parking courtyard, with none of the properties orientated so that the ground floor habitable rooms overlook it, meaning that they are vulnerable to crime. Additionally, the PALO also stipulates that guidance in the form of Building for a Healthy Life (2020) Design Code recommends that all streets and routes pass in front of people's homes rather than to the back of them. Additionally, P2 (para. 104) of the National Design Guide expect developments to provide well-designed public and shared amenity spaces feel safe for people who occupy the buildings around them, and also for visitors and passer-by. They help to overcome crime and the fear of crime. Currently the rear of the property is a vulnerable target, further exacerbated by a leaky cul-de-sac, with a footpath exit providing criminals with a means to escape.

5.73 The Applicant has provided a design response to the PALO concerns and has further revised the boundary treatment of the curtilage boundaries in this area of the site to provide a 1.8m high brick wall with timber fence panel infill would help provide a greater degree of intervisibility to the parking courtyard, which now contains 2no. accessible parking spaces rather than 3no. standard parking spaces. The Applicant outlines in response that the cul-de-sac would not be vulnerable in the way the PALO suggest due to i. the shortness of the street which only contains 19 plots in total; ii. the 'through' visibility along its length; iii. plots 96 and 97 are sited so as to look forward and act as 'gatekeepers'; iv. the majority of house types have front doors to the side so that the cul-de-sac will not be experienced as being to the rear of these properties; v. the rear windows of plots 100, 101 and 102 overlook the

central and western part of the cul-de-sac and vi. There is a front-to-back arrangement (front doors to plots 109 and 103 respectively orientated to the rear spaces behind plots 104, 105, 106, 107 and 108), rather than a back-to-back arrangement.

5.74 Officers remain unconvinced that the revised boundary treatment and the justification provided by the Applicant addresses the concerns in this area of the proposed development. The PALO has responded to the Council's consultation and retains their recommendation that that layout of plots 96 – 114 in the northwestern corner of the site is redesigned. The PALO sets out that even if the boundary treatments are changed here to make them more visually porous, the layout still has all the attributes of a leaky cul-de-sac. The situation is further exacerbated by the back to front orientation of the plots resulting in a road and the car parking spaces being located at the rear. To address this matter, to ensure that the scheme creates a development that is safe, inclusive and accessible the cluster of dwellings in the far northwestern corners of the site would have to be significantly redesigned. Officers do not consider that these matters could be dealt with by condition, given the area and number of dwellings concerned and the potential extent of changes include but not limited to design and orientation of dwellings, boundary treatments and associated parking and access.

5.75 In terms of the remainder of the site, the PALO outlines that its design has a number of 'Designing out Crime' features; the street layout has active frontages providing natural surveillance of the public realm and the perimeter block structure with back-to-back rear gardens provides a significant contribution to legibility and spatial enclosure which help to strengthen community resilience to crime and disorder.

5.76 The plans provide full details of the proposed boundary treatment, which includes a mix of 2.5m high acoustic fence, 1.8m high timber fence or 1.8m high brick wall with timber fence panel infill (as outlined above) (to enclose residential rear gardens), 1.8m high timber post and rail fence and 0.4m high timber knee rail (along the southern boundary of the site, separating the site from the existing agricultural field).

5.77 The acoustic fencing will be positioned in two locations along the Sim Balk Lane frontage, along the side boundary of two plots, No's. 96 and 108. The orientation of the dwellings, and in the case of plot no. 108, how they are attached to the adjoining property, results in the rear gardens fronting the Sim Balk Lane frontage, due to their corner plot arrangement. The proposed dwellings situated in between these two plots are orientated with the bedroom facing Sim Balk Lane and the living/kitchen/dining area of the property at the rear, facing the rear garden and into the site. The properties are accessed via a side entrance so as argued by the Applicant, there is no 'traditional' front or rear elevation. The provision of the acoustic fencing accords with the mitigation requirements of the submitted noise

impact assessment (Ref: 220811) by BWB. The acoustic fencing will be 2.5m high and will extend for 14m (approx.) in length for both plots.

5.78 Whilst the landscaping proposals indicate the existing boundary hedge will be retained, this only extends for part of the frontage, terminating at plot 112. Whilst this could in part mitigate some of the impacts of the proposed fencing, the existing boundary hedge lies outside of the red line boundary, so the Applicants would have no control over it. Concern is raised as to the fencing being highly prominent in two of the sites most visible areas; one from the Tadcaster Road/Sim Balk Lane junction and from the only access point into the development from Sim Balk Lane (both directions of travel). Between plot no. 96 and 108, the timber fencing between the remaining plots (no's 109 and 114) would be at a lower height (1.8m) which is more of a domestic character and scale. Moreover, the impact of the acoustic fencing is further exacerbated by its length of 14m for both plots along the frontage. The acoustic fencing, when considering its position at the principal vantage points, its height and length and materials would be visually prominent and out of character in this location, failing to achieve the requirements set out by para. 135 (b) of the NPPF.

5.79 The Applicant has provided a design response to officer's concern in this respect and has set out that they do not consider the visual effect of the acoustic fencing in these two locations to be significant. The height of the proposed houses on plots 96 and 108 to the eaves is 3.2m and 6.8m to its ridge and thus will not look disproportionate in context. Officers do not consider that this addresses the concerns in relation to the length and height of the acoustic fencing and maintain that the layout and orientation of the plots aforementioned above should be considered further in order to reduce the requirement for the acoustic fencing, in terms of its location and extent.

### **Residential amenity**

5.80 The NPPF (para. 135 (f)) of the NPPF states that developments should create places with a high standard of amenity for existing and future users.

5.81 The layout and orientation of the proposed residential development has been designed with distances between dwellings exceeding 24m (front to front) where they are positioned adjacent one another. There would be adequate privacy between neighbouring dwellings.

5.82 The site is situated between the A1036 (Tadcaster Road/Dringhouses Road) and the A64 to the south east, playing pitches to the south and Sim Balk Lane and York College to the north. The submitted Noise Impact Assessment by BWB outlines that road traffic was the dominant noise source across the site. No noise was audible from the MUGA/sports pitches at York College, although the Council's Public Protection officer has requested additional information to ascertain whether the use of the pitch was at maximum capacity to demonstrate worst case scenario,

confirmation of this has not been provided. The assessment concludes that outdoor living areas closest to both Sim Balk Lane and Tadcaster Road are above the recommended guideline noise levels. The report sets out that mitigation in the form of localised acoustic barriers are required. The acoustic barriers take on two heights, 1.8m high and 2.5m high and their position are reflected in the submitted Boundary Treatment Plan. The assessment (para. 5.4) further outlines that to achieve the appropriate mitigation, the acoustic barriers must extend from ground level to at least the specified height and be solid. Any penetrations or junctions should be treated to maintain acoustic integrity. Subject to matters outlined above in respect to the design and visual amenity of the acoustic barriers, this form of mitigation is acceptable to ensure that the external areas of the proposed residential development would be within an acceptable level.

5.83 In terms of noise within internal habitable areas, dwellings positioned closest to Sim Balk Lane, requires mitigation in the form of uprated double glazing and acoustic trickle ventilation. This requirement can be secured through a suitably worded condition.

### **Sustainable Travel and Accessibility**

5.84 Section 9, paragraph 110 of the NPPF sets out that the planning system should actively manage patterns of growth to support the objectives set out in paragraph 109. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

5.85 National planning policy is reinforced in DLP policy T1 (Sustainable Access) which states that development will be permitted where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility, such that it maximises the use of more sustainable modes of transport.

5.86 A new junction providing vehicular and pedestrian access off Sim Balk Lane will be provided, which is approximately 28m from the existing access, which will be stopped up. Further along Sim Balk Lane, the applicant proposes an uncontrolled pedestrian crossing with traffic island. Along the southern carriageway, there will be a 3m wide foot/cycleway, although this will not be for the full length of the site frontage.

5.87 Paragraph 115 of the NPPF sets out a number of transport considerations when considering specific applications for development and these will be discussed in turn.

*a. sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location*

5.88 It is outlined in paragraph 112 of the NPPF that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and within neighbouring areas. Secondly, as far as possible, to facilitate access to high quality public transport.

#### - Pedestrian and Cycle Movements

5.89 The Chartered Institution of Highways and Transportation (CHIT) document 'Planning for Walking' (2015) (para. 6.3) advise that most people will only walk if their destination is less than a mile away and walking neighbourhoods are typically characterised as having a range of facilities within 20 minutes walking distance (around 800m). The propensity to walk or cycle is not only influenced by distance but also the quality of the experience. It further states that people may be willing to walk or cycle further where their surroundings are more attractive, safe and stimulating, highlighting Transport for London (TfL) "5C's" of good walking networks (Improving Walkability, 2005). The 5C's are:

1. connected – walking routes should connect all areas with 'key attractors' i.e. public transport, shops, schools, work, leisure
2. convivial – should be pleasant to use – be safe, inviting and enlivened by diverse activities
3. conspicuous – routes should be clear and legible (signposting and waymarking)
4. comfortable – rest and shelters should be provided and high-quality pavements
5. convenient – routes should be direct and designed for the convenience of those on foot

5.90 Whilst officers consider the above CIHT to be the standard guidance, officers also have Active Travel England (ATE) planning application assessment toolkits that helps to evidence and assess the active travel merits – walking, wheeling and cycling – of a development proposal. In terms of pedestrian access to local amenities (which ATE identify as primary schools, parks, play areas, food shops, cafes and community buildings) ATE also use 800m as a recommended distance. Additionally, to meet these criteria footpaths/ways should conform to the National Design Guide standards of being safe, direct, convenient and accessible for people of all abilities.

5.91 National cycling guidance is provided by the Department for Transport (DfT) Local Transport Note Cycle Infrastructure Design (LTN1/20). It should be applied to all changes associated with highway improvements, new highway construction and new or improved cycle facilities. The five core design principles to achieving more people travelling by cycle or foot are identified as coherent, direct, safe and comfortable and attractive networks and routes.

5.92 The Transport Assessment sets out that there is no footway provided along the frontage of the site along Sim Balk Lane, but pedestrian footways are generally found alongside all roads in the immediate vicinity of the site. The TA details that there are a range of amenities within a walking catchment of 500m, 1km and 2km. These distances are all identified from the site access and consideration should be given to the additional distance required by the dwellings positioned to the eastern side of the proposed development (approx. 250m from the site's access to the most distant dwellings).

5.93 Within a 500m of the site there is the York College, Marks and Spencer food store/outlet including petrol station, Tesco 'Extra' store, Askham Bar Park and Ride (P&R) and White Rose Park which is identified by the Applicant as a leisure facility, although it is a club house and playing fields associated with Bishopthorpe White Rose junior football club. Further beyond the site within 1km is the Askham Bog Nature Reserve.

5.94 The TA further identifies that a range of amenities are available in Bishopthorpe village including the Bishopthorpe Infant School (1.2km), newsagents and post office (1.3km), Bishopthorpe library (1.4km), Archbishop of York's Church of England primary school (1.4km), a number of public houses located on Main Street (1.5km) and convenience store (1.6km).

5.95 Currently, there is an off-road shared footway/cycleway on the northern side of Tadcaster Road, which is part of the Cycle Route Network (NCN 65). The Tadcaster Road/Sim Balk Lane junction is dominated by cars, providing a two-lane carriageway with no facilities for pedestrians or cyclists to cross either Sim Balk Lane or Tadcaster Road at this junction, to join the shared footway/cycleway.

5.96 Much of the Applicant's TA discusses the use of the pedestrian/cycle connection onto the NCN665 which will be via a connection in the southeastern corner. The TA fails to assess the current condition of the cycle network in this location and its isolated nature. It has poor lighting and there is a need to use a steep ramp to access the western side of the A1036 and the P&R and Askham Bog further beyond. Officers do not consider that this offers a safe and inviting route, particularly in evenings, which is suitable at all times and for all users.

5.97 The Council's Highway officer outlines that whilst off-road shared use tracks are provided along the northern edge of Sim Balk Lane and Askham Bar P&R (forming part of the NCN665) these facilities do not meet current standards; they have insufficient widths of shared routes with no buffer between the shared cycle/pedestrian routes and no priority crossings at side roads.

5.98 There are no pedestrian or cycle access to the petrol station/M&S food outlet from the Tadcaster Road/Sim Balk Lane junction, nor from the application site.



5.99 There will be some improvement with a proposed uncontrolled pedestrian crossing with traffic island to enable Sim Balk Lane to be crossed. However, the Council's Highway officer raises concerns that whilst a crossing is provided, there appears to be no suggestion that speed restrictions measures are also proposed. Additionally, signalisation may also be required given the level of traffic and speeds on Sim Balk Lane, as well as considering the needs of residents from the development (people with mobility impairments, children etc). The Education Team reinforce how important a suitable crossing is and any other measures deemed necessary to provide a safe crossing across Sim Balk Lane, citing that without such a facility, neither Dringhouses Primary or Millthorpe School would be considered appropriate schools for the development. The Council is under statutory duties to ensure that suitable travel arrangements are made, promoting the use of "sustainable travel and transport" and have policies in place to ensure that as many children and young people as possible to be able to travel independently to/from school. The Home to School Transport policy (4-16 year olds) sets out that children who are of compulsory school age and are attending their nearest suitable school (normally that is considered to be the school that serves the catchment area where the child lives) and they cannot be reasonably expected to walk because of the unsafe nature of the route will be eligible for transport. This would need to be provided at Education's expense. In classifying whether a route will comprise of a safe walking route, an assessment will be made of the risks a child might encounter along the route and will consider a number of factors including (but not limited to) age of the child, existence of pavement or otherwise, street lighting, volume and speed of traffic, obstructions (i.e. rivers, ditches) fields of vision for pedestrian or motorist, condition of the route at different times of the year and times of the day that a child would be expected to travel.

5.100 The crossing point on Sim Balk Lane should accommodate both cyclists and pedestrians, this will enable walkers and cyclists to safely utilise the link to the TPT/NCN 65. A further link and crossing from the south east corner of the site would be advantageous for sustainable transport users.

5.101 Moreover, officers are concerned that the improvement to the highway network with the uncontrolled pedestrian crossing doesn't extend to wider pedestrian/cycling connections/networks and in particular accessing Tesco and Marks and Spencer food outlet/store would remain difficult and do not offer a convivial experience for pedestrians or cyclists.

#### - Public Transport

5.102 'Planning for Walking' (CIHT, 2015) advise that bus stops in residential areas, 400m has traditionally been regarded as a cut off point (200m in town centres).

5.103 There are bus stops at the Askham Bar Park and Ride, as well as on Tadcaster Road, however these will be located too far from certain parts of the site. Both bus stops are approximately 500m from the furthest part of the site (the eastern boundary). As discussed above, the existing pedestrian/cycle network to access these bus stops would not be suitable.

5.104 It is highlighted in the DLP 2018 Figure 5.3 High Frequency Public Transport Corridors (2014) that whilst Tadcaster Road is a high frequency bus route this only extends part way up Tadcaster Road and does not extend as far as Sim Balk Lane. The issues in respect to pedestrian and cycling facilities as detailed above are further acute, in respect to accessing public transport.

5.105 Both the Council's Highways Officer and National Highways have indicated that the Applicant should explore measures to improve public transport, and pedestrian and cycling access within the site and of existing routes to enable a well-designed and connected development, in order to achieve a modal shift in how residents and visitors to the development make their journeys, to access local amenities. The existing routes from the site are not assessed to be safe, direct, convenient and accessible for all abilities.

*b. safe and secure access to the site can be achieved for all users*

5.106 The Council's Highways officer has advised that the single vehicular access indicated in the proposals is not considered sufficient for a development of this size. They have recommended that an alternative access point suitable for emergency vehicles is required, and potentially provided at the south-eastern end of the site. This could be in the form of a pedestrian/cycle access with a removable bollard.

5.107 In respect to the site access junction design, the TA indicates that visibility splays (of 2.4m x 90m) can be achieved in either direction along Sim Balk Lane from the access junction, in accordance with the posted speed limit of 30mph in the vicinity. The Highways officer notes that this only works if vehicles are at or near 30mph however speed surveys have not been presented with the application to determine whether this is achieved in most instances.

*c. the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code*

5.108 The D&A statement makes no reference to national guidance, such as the National Design Guide, the National Model Design Code, Manual for Streets nor LTN1/20. It is unclear how these guidelines have been incorporated in the design of the streets, parking areas and other transport elements.

5.109 The National Design Code includes 'movement' as one of the 10 characteristics of well-designed places. Patterns of movement contribute to making high quality places for people to enjoy and form a crucial component of urban character. A clear layout and hierarchy of streets and other routes help people to find their way around so that journeys are easy to make. The Applicant sets out in their D&A Statement that the site access leads to a devolved hierarchy of roads and pedestrian routes within the scheme.

5.110 The layout indicate that some areas have been designed as shared spaces between pedestrians, cyclists and vehicles. The National Model Design Code: Part 2 Guidance Notes refer to the 'home zone' principles, which are described as residential streets where 'people and vehicles share the whole of the street space safely and on equal terms, where quality of life takes precedence over ease of traffic movement'. It continues to discuss that many home zones use one-way streets and chevron parking to slow traffic and create space for planting and local play space.

5.111 Reviewing the layout proposals, where there are shared space areas (plots 96 – 109, 83 – 88, 60 – 72, 28 – 37), these have not been designed with any consideration for measures identified above; rather that it results in the loss of footways which will result in a generally car dominated environment and would not be inclusive to those requiring a safe space to walk such as children, families, elderly people or people with mobility impairments. Where shared spaces would be generally acceptable, these areas are quiet cul-de-sac type areas with up to 5 dwellings which are to remain unadopted; officers note that there are no such areas proposed within the site. The NPPF (para. 116 a)) is clear that there is a need to promote accessibility within the site with walking as a priority.

*d. any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.*

5.112 The development is expected to generate significant amounts of movement and in line with NPPF para. 118 is required to provide a Travel Plan (TP). Additionally, the NPPF requires that the application is supported by a vision-led transport statement or transport assessment so that the likely impacts of the proposal can be assessed and monitored. The application is supported by a TP and Transport Assessment (TA).

5.113 There are fundamental objections from the Council's Highways officer to the information provided within the TA. In summary, the TRICS data is not accepted as it includes Greater London sites in the analysis. As no revised Transport Assessment has been forthcoming, the trip distribution cannot be agreed either. Therefore, the highways officer has been unable to assess the potential impact of the proposed development on the highway network. Both the Council's Highways

officer and National Highways have requested that the routing for traffic distribution is clarified.

5.114 A number of consultees, including the Council's Highways officer, Bishopthorpe Parish Council and Cllr Nicholls have highlighted that the traffic survey was undertaken in July 2022 when the College breaks for summer recess, and therefore the traffic survey may not be representative. Additionally, the Highways officer requested that queue length data is provided for Sim Balk Lane to determine whether this would have an impact on the site's access. The Applicants were advised that the traffic survey data would have to be checked against a survey when the College was open, which may involve a new survey to be conducted. Despite indications from the Applicant that further survey data whilst York College was open would be obtained and submitted for review, along with the other requested changes to the Transport Assessment as detailed above, no revised information has been forthcoming.

5.115 A TP also supports the application, although this has not been accepted by the Council's Highways officer as well as National Highways. The lack of suitable walking and cycling links and access to public transport is not reflected in the document. The TP targets are modest and reflects the lack of ambition of the proposal in terms of public transport, cycling and walking provision. Notably, there are concerns in respect to the lifespan of the document, the budget assigned to it, the measures once occupation starts and other alternatives, such as the provision of a car club parking space and membership being explored. It is unlikely to facilitate measures to encourage a modal shift.

#### Other highway matters

##### - Car parking

5.116 The National Design Guide advises that whilst parking standards are set locally and vary in response to local conditions, how parking is arranged has a fundamental effect on the quality of a place or development. Well-designed parking is attractive, well-landscaped and sensitively integrated into the built form so that it does not dominate the development or street scene.

5.117 Car parking provision across the site has been allocated as 1 car parking space for 1 bed bungalows, 2 car parking spaces for all 2/3-bed properties, 3 car parking spaces for 4-bed properties in addition to 16 visitor spaces.

5.118 The LPA have historically used parking standards contained within Appendix E of the Development Control Local Plan (2005). Appendix E sets out that for areas excluding York city centre foot streets, car parking provision shall comprise of 1 parking space per 1- or 2-bedroom dwellings and 2 parking spaces per dwelling comprising of 3 or more bedrooms. In respect to this guidance, there is an

overprovision of car parking within the site, particularly in respect of 2-bed and 4-bed properties. It is acknowledged that the DCLP does not form part of the statutory development plan. Moreover, para. 113 of the NPPF sets out that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport. The parking standards provided by Appendix E are therefore given little weight in the determination of the application.

5.119 Officers acknowledge however that given its location, and lack of accessibility to alternative transport modes, there would be a reliance on car use, and this is perhaps reflected within the parking provision. Officers however are concerned that this directly conflicts with the TP as an effective means of incentivising the use of sustainable modes of transport (DfT Circular 01/2022).

5.120 The provision of bungalows indicates an expectation that there will be residents with mobility impairments or limited mobility and wheelchair users. Paragraph 117 b) of the NPPF outlines that developments should address the needs of people with disabilities and reduced mobility in relation to all modes of transport. Officers have concerns in respect of the lack of accessible parking spaces, particularly given the provision of bungalows within the development and the high level of accessible and adaptable homes (M4(2) and M4(3) provision across the site. Revised plans indicate that 2no. accessible spaces will now be provided in north western corner of site, in the area of the bungalows, which will assist in providing a provision. Officers are content that a strategy for additional accessible parking spaces, including visitor spaces can be secured via a planning condition.

5.121 It is noted that both York College and Bishopthorpe White Rose Football Club has raised concerns as to the potential lack of management arising from overspill parking by users of the college and playing fields. Particularly, the planning consent relating to the development of the clubhouse and playing fields stipulated conditions requiring users to park at Askham Bar P&R and then travel on foot via the cycle track. The development will present an opportunity to park closer to the playing fields/clubhouse. Officers are mindful of the potential for conflict arising from indiscriminate parking from users of neighbouring uses with residents of residential developments. If the application was acceptable in other regards, officers consider that a condition could be imposed for a parking management plan/strategy to be devised.

- Cycle parking within residential curtilages

5.122 In respect to cycle parking, the Council's current guidance is provided by LTN1/20 which requires 1 cycle space per bedroom. Cycle spaces should be covered and secure. Furthermore, a proportion of the cycle parking (typically 5%)

should be provided for non-standard cycles to accommodate people with mobility impairments.

5.123 The application indicates that each dwelling shall be provided with a base measuring 1.8m x 1.2m for a shed to enable the storage of bicycles. This is insufficient storage area for dwellings requiring 2, 3 or 4 bikes as required by LTN1/20. Additionally, as detailed plans have been received indicating the locations of such spaces, there is concern that their position between dwellings, would result in limited space to be able to appropriately manoeuvre bicycles in and out of storage areas. Notwithstanding this however, details of cycle storage were indicated by the applicant to be subject to further details and a condition requiring a cycle parking strategy is recommended.

- Waste refuse collection and storage

5.124 The National Design Guide outlines that access for servicing should be well-integrated into the developments, including for refuse collections, deliveries and removals, which is reflected in NPPF para. 117 d) allow for the efficient delivery of goods and access by service and emergency vehicles.

5.125 The Council's guidance, Waste Information for Developers (Nov 2024 v1) identifies that each individual residential property must provide external space to store containers. A standard set of bins/containers for an individual residential property includes:

- 1 x 180 litre wheeled bin for refuse
- 3 x 55 litre stackable boxes for household recycling
- 1 x 180 litre wheeled bin for garden waste (where the service is offered)

5.126 The detailed plans indicate each dwelling to have a flagged bin store area measuring 1.8m x 1.35m equating to 2.4m<sup>2</sup> which is adequate for the requisite bin storage provision. The flagged areas for bin storage have been carefully integrated so that the bins are generally positioned to the rear of dwellings, limiting their visibility from the street.

5.127 The Council's Highway Officer has outlined that whilst tracking of a waste vehicle has been presented for the new site access junction, the tracking for the internal roads within the development have not been provided. Officers are therefore unable to assess whether the Council's refuse vehicles can adequately access refuse via the internal road layout so that refuse and recycling collections can take place unobstructed, and without risk of any damage to other vehicles, paving and without the need for complicated manoeuvring or reversing.

Accessibility to social, recreational and community facilities

5.128 As mentioned above, the social, recreational and community facilities and services within 800m of the site offer limited choice. NPPF paragraph 96 advise that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. It continues in para 98 (a) stating that to achieve the social, recreational and cultural facilities and services community's needs, planning decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

5.129 In line with the NPPF, the Council in its evidence base to the DLP 2018 including the Retail Study Update (September 2014 and Addendum 2014) has defined a network and hierarchy of centres; district centres, local centres and neighbourhood parades. Local centres and neighbourhood parades will have a particular focus, due to their proximity, and give a good indication of the social, recreational and community facilities to enhance the residential environment of the proposed development.

- Bishopthorpe Village Local Centre

5.130 At a distance of just over 1km (approx.) in an easterly direction, along Sim Balk Lane is the Bishopthorpe Village local centre (Ref 76). It is outlined in the Retail Study Update Addendum (2014) that local centres have a role of catering for the day to day needs of the local communities they serve; primarily intended to serve the needs of the population within walking distance. They include a range of small shops of a local nature.

5.131 The Bishopthorpe local centre includes dental centre, an electronic retailer, newsagents (including post office), hairdressers and barbers, bakery, coffee shop and takeaway on Sim Balk Lane when entering the village from the west. A church, day nursery and Bishopthorpe library surrounding the Main Street, Copmanthorpe Lane, Appleton Road and School Lane junction. The local centre continues down Main Street where there are 4no. public houses, butchers, small supermarket and hairdressers.

5.132 Access to the local centre however from the proposed site is not suitable for pedestrians, cyclists or via public transport. Sim Balk Lane is a single carriageway and for most part (after the access into York College) it is national speed limit, until it enters Bishopthorpe where the speed limit reduces to 30mph. There is a single pedestrian path on the northern side of the carriageway, which is unlit. Sim Balk Lane is served by bus route 21 (Colton – Acaster Malbis – York city centre). It is however a less frequent service, running every 2 hours Monday to Saturday between 08:00 and 18:30 (approx.). It does not operate on Sundays or Bank Holidays and is operated by York Pullman.

- Neighbourhood Parades

5.133 Neighbourhood parades provide mainly convenience goods and provisions and serves a highly localised catchment area. Dringhouses/Tadcaster Road has two neighbourhood parades under Ref: 60 in the Retail Study Update Addendum (2014). For the purposes of this application, focus will be on the one closest to the proposed development which is the southern (No. 1) one extending from No. 90 Tadcaster Road to The Fox and Roman public house. This neighbourhood parade provides legal and insurance services, independent retailers, hair and beauty salons, takeaways and vets.

5.134 This neighbourhood parade is over 1.3km (approx.) away from the site, and the issues raised above in respect to pedestrian and cycling facilities particularly when entering/exiting the proposed development and navigating the junction of Tadcaster Road and Sim Balk Lane remain.

**Education**

5.135 NPPF paragraph 100 states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

5.136 Policy ED6 of the DLP 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.

5.137 It is expected that to achieve the delivery of education facilities, a financial contribution towards the cost of extending or reconfiguring an existing setting (including schools, early years and childcare providers) or building a new one will be required. The Council's draft Education Supplementary Planning Guidance (SPG) (2019) states that a housing development will, depending on its size and composition, give rise either in the short or long term, to a demand for additional infrastructure including the provision of school places.

5.138 The application (Planning Statement) is silent on the site's provision for primary, secondary, early years and SEND provision.

5.139 The Council's Education Team outline that 104 of the 114 new homes would be eligible dwellings (providing 2 or more bedrooms). The site would fall within the catchment of Dringhouses primary and Milthorpe School (secondary). In respect of primary provision, forecasts indicate that there are surplus places in the primary



schools closest to the development, the longer-term forecasts are more uncertain. Millthorpe School has already raised its capacity although there may be more adaptations to the school required. However, in terms of both primary and secondary there may be alternative government funding streams for this given that the application is for 100% affordable housing, a contribution is not requested.

5.140 There has been no audit conducted of the existing early years provision within the locality of the development. However, despite this, the Education Team outline that there is a shortage of early years places within the locality. There are no government funding streams to commission new or expanded provision, and therefore, they request a contribution to cover the projected 13 early years places.

5.141 In terms of SEND, York has a deficit in Special Educational Needs places and an expansion programme is underway to meet existing need. In terms of this development, an additional 5.82 children requiring SEND provision would be expected. However the financial contribution requested has been matched to the yield and amount normally expected from mixed housing development. Projected SEND cost for home to school transport is also requested.

5.142 The contributions requested in terms of early years (based on 13 projected places) is £272,220. For SEND the contributions requested (based on 1.14 projected places) is £101,437, which gives a total requested contribution of £373,657, which would be sought if the application was deemed acceptable in other regards. Negotiations has not been undertaken with the Applicant in respect to these requested contributions, due to the outstanding in-principle objections to the proposal.

5.143 Paragraph 135 b) of the NPPF requires developments to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Continuing, NPPF para. 136 sets out that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree lined (unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate), that opportunities are taken to incorporate trees elsewhere in the developments, that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that the existing trees are retained wherever possible.

5.144 DLP policy D2 (Landscape and Setting) outlines that landscape and setting is a principal characteristic of York and development proposals will be encouraged and supported where they i. demonstrate understanding through desk and field based evidence of the local and wider landscape character and landscape quality relative to the locality, and value of its contribution to the setting and context of the city and surrounding villages, including natural and historic features and influences such as

topography, vegetation, drainage patterns and historic land use. Continuing, part ii. state that development proposals will be supported where they protect and enhance landscape quality and character, and the public's experience of it and make a positive contribution to York's special qualities.

5.145 The application is supported by a landscape design statement, landscape and visual appraisal, landscape masterplan as well as detailed landscape/planting plans. The site is located within National Landscape Character (NLC) No. 28: The Vale of York. Additionally, the site is in the North Yorkshire and York Landscape Characterisation Project. It is an area of relatively flat, low-lying land surrounded by higher land to the north, east and west.

5.146 A gas easement forms the boundary of the development to the east of the site, with a more open landscape character retained to the south-east and the main developable area concentrated within the western two-thirds of the site. The proposed development is set back from Sim Balk Lane with a 5m landscape buffer which incorporates the existing hedgerow, and it is further enhanced with new grassland, planting and trees. An 8m depth landscape buffer is also proposed along the southern and eastern boundaries incorporating native woodland planting to supplement existing vegetation.

5.147 The proposal would result in a permanent change in land use across the site, introducing built-features that did not previously exist on the site. The Applicant argues that these features are similar to existing features in the surrounding landscape and are not completely uncharacteristic of the surrounding areas on the periphery of York. Also, they note that the existing planting, in combination with the proposed tree, shrub and hedgerow planting will help to integrate the proposed development into the surrounding landscape in the long-term. The Landscape and Visual Appraisal (LIVA) assesses the impact at Year 1 post completion as resulting in moderate adverse, which then reduces to low negative come Year 15, with the overall effect of the proposed development resulting in minor adverse. The Applicant considers that the site is not part of the wider low-lying agricultural land and is surrounded by edge of settlement uses, road infrastructure and associated uses. It would thus, not encroach on the wider open countryside, which is an important feature in the setting of York.

5.148 Officers disagree with this assessment. The proposed development would occupy an open field, which contributes significantly to the separation between the city's urban edge, the ring road (A64) and outlying settlements including Copmanthorpe and Bishopthorpe. Sim Balk Lane is identified in the Local Plan's evidence base to determine the setting of inner and outer Green Belt boundaries (Annex 3: Inner Boundaries Part 3 Sections 7-8) as a legible boundary between the urban area and the countryside beyond. Within the land to the south, the access road and changing rooms associated with the outdoor sports pitches do not compromise the overall landscape character. In addition, the Green Belt boundary

is drawn along Tadcaster Road, in front of Askham Bar P&R (Boundary 35: South of Sim Hills in Annex 3: Inner Boundaries Part 3 Sections 7-8) which has been identified to maintain an open setting and meaningful separation between the edge of the city, the A64/outer ring road and Bishopthorpe.

5.149 This further reinforces the part the series of transport corridors play in providing the open approaches into the city from the south, in which long views are available across the relatively flat landscape. Consequently, in this location, the setting of the city is repeatedly viewed and experienced by a high number of receptors.

5.150 DLP 2018 Policy SS1 outlines that development is directed to the most sustainable locations and guided by five spatial principles, including conserving and enhancing York's historic and natural environment, making the best use of previously developed land, directing development to the most sustainable locations, preventing unacceptable levels of congestion and pollution, and managing flood risk.

5.151 The key elements which are identified as contributing to the special character and setting of the historic city are:

- The City's size and compact nature
- The perception of York as a free-standing historic city within a rural hinterland
- Key views towards the City from the ring road
- The relationship of the City to its surrounding settlements

5.152 In terms of the wider landscape masterplan, there is one predominate tree-lined street within the centre of the site, which for a site of this scale, and with about 4 other main streets, is not adequate. The proposals show a number of small trees within the front gardens, however the sustainability of these cannot be guaranteed. It has not been demonstrated that street-lined trees cannot be accommodated and therefore the application fails to address the requirements of paragraph. 136 of the NPPF.

### **Open Space**

5.153 The NPPF advises that planning decisions should aim to create healthy and inclusive places. Paragraph 103 states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

5.154 Policy GI6 (new open space provision) of the DLP 2018 states that all 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. The successful integration of open

space into a proposed development should be considered early in the design process.

5.155 DLP 2018 policy HW7 (Healthy Places) require major residential developments to provide a statement as to how design principles have been adequately considered and incorporated into the plans. Of note, one of the principles includes consideration of formal and informal play spaces and outdoor gyms to encourage physical activity for all age groups and abilities.

5.156 The Council's Open Space and Green Infrastructure update (2017) identifies that the Dringhouses and Woodthorpe ward, which the majority of the site is located in has a deficit of most open space types such as city/local park, outdoor sports facility, amenity greenspace, children's play area, young persons facility and allotments. There is a surplus of natural and semi natural open space.

5.157 The Council's Evidence Base: Open Space and Green Infrastructure (2014) sets out that the overall open space requirement is 5.83ha/1000. For this development this is worked out to be 1.8ha of on-site open space provision. The applicant's landscape statement provides a breakdown of this provision on-site, which includes 1.2ha of natural/semi natural open space, 0.7ha of amenity which includes children's play space (0.2ha) and teenager's play space (0.1ha) incorporated into the amenity open space. The Applicant advises that they are willing to provide an off-site contribution for parks and gardens, outdoor sports facilities and allotments. Natural/semi natural green and blue infrastructure will be provided to the site boundaries and to the SuDS basin to enhance the existing green corridors for biodiversity and ecology and strengthen the southern and eastern landscape buffers.

5.158 The main larger area for recreation and amenity within the centre of the development will provide a local equipped area for play (LEAP), outdoor gym equipment. The landscape masterplan indicates that a youth shelter and possible kickabout area will also be provided. Other areas include an area adjacent to the site's entrance, which will be used for informal recreation enveloped by tree and hedgerow planting. In the southern corner of the site will be a kickabout area.

5.159 The provision of the LEAP along the southwestern boundary is located within the recommended 400m walking distance from the dwellings in the far eastern side of the development which is appropriate for the scale of development as indicated by the Fields in Trust guidance. It is disappointing however that there are no Local Areas of Play (LAP) which are aimed at very young children. The Fields in Trust guidance recommends that these should be within a walking distance of 100m and should be provided for the scale of development of this size.

5.160 Officers consider that the provision of open space and amenity areas within the site is broadly acceptable, subject to agreement for S106 contribution for the

provision and maintenance of parks and gardens, outdoor sports facilities and allotments, to mitigate the deficiencies in on-site provision. It is disappointing that there are no LAPs within the site to accommodate very young children, particularly given the potential lack of accessibility to LAPs already provided for within surrounding areas (Bursary Court and Woodthorpe Green being the closest and are in excess of 400m from the application site). The details of the teenager and children's play space would be secured under planning condition, and if the application was deemed acceptable in other regards, a condition could require inclusion of play equipment that is suitable for young children.

## **Ecology**

5.161 Section 15 of the NPPF focuses on the conservation and enhancement of the natural planning environment. It sets out in paragraph 187 sub sections a), d) and e) that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value, minimising impacts on and providing net gains for biodiversity and preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soils, air, water or noise pollution or land stability.

### **- Biodiversity Net Gain**

5.162 The NPPF (para 185 (d)) sets out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

5.163 In line with the Environment Act 2021, a minimum 10% Biodiversity Net Gain is a statutory requirement for major developments. Sites must deliver 10% BNG either on-site or off-site, or as a last resort by buying statutory biodiversity credits. The maintenance of a significant on-site habitat enhancement must be secured by either a planning obligation or conservation covenant for at least 30 years after the completion of the development.

5.164 The submitted Planning Statement (para. 7.5) sets out that the landscaping scheme is designed to produce an on-site 10% biodiversity net gain. However, the statutory biodiversity metric submitted by the applicant does not demonstrate what the Ecological Impact Assessment report sets out, in that the proposal would lead to an overall gain of 1.73 Habitat Units (13.94%) and 2.45 Hedgerow Units (exceeding 10%). Instead, an error message is flagged up in respect of hedgerow units. The Council's Ecologist considers that this is due to there not being an on-site baseline for hedgerow units. It is unclear what the intention is for the hedgerows that border the site, in terms of retention, enhancement or compensation for any proposed. It is understood from recently submitted information that it has been established that the

perimeter hedgerows lie outside of the red line boundary and therefore do not feature in the biodiversity metric calculations for the site. This raises significant questions in terms of compensation /mitigation for any the losses of hedgerow and the reliance within the application on retention/enhancement of existing hedgerows as stated on the landscape masterplan to achieve the required positive outcome for landscape and biodiversity. Had the application be acceptable in all other regards, officers would have sought an updated biodiversity metric to demonstrate that the required biodiversity enhancement of 10% could be achieved through on-site provision and further clarification in regard to the retention and enhancement of existing hedgerows.

5.165 Officers advise however that the application was initially validated prior to the 12 February 2024, which was when BNG became mandatory for major developments. However, due incorrect Certificates being signed and Notices having been issued, the valid date for the application was amended to 26.04.2024 (after BNG was mandatory).

5.166 Currently, the application does not provide evidence through a statutory biodiversity metric that the mandatory biodiversity enhancement of 10% will be achieved and that the general biodiversity gain condition is capable of being discharged. The issue appears to relate to the hedgerows now being sited outside of the red line boundary meaning that there is no accurate post-development value for the on-site habitat. .

#### - Ecological Impact Assessment (EcIA)

5.167 The application is supported by an ecological impact assessment. The following local/national or internationally designated sites are within 2km of the application site:

- Askham Bog SSSI (315m)
- Naburn Marsh SSSI (1.2km)
- Acomb Wood and Meadow LNR (1.8km)
- Hob Moor Local Nature Reserve (LNR) (1.9km)

5.168 Askham Bog SSSI is the designated site that is most likely to be impacted by the proposed development. It is the most significant example of valley fen in northern England and is particularly renowned for its rare wetland plants and animals. The Yorkshire Wildlife Trust (YWT) who manage Askham Bog SSSI have objected to the application, citing hydrological and recreational impacts on Askham Bog SSSI arising from the proposed development.

5.169 In terms of hydrological impacts to Askham Bog SSSI, due to the sites location within the SSSI impact risk zone, housing quantum and likely discharge rates, these impacts have been considered by the Applicant and there would be no

impacts to Askham Bog SSSI. A recent Ecology Advice Note (EAN) submitted by Brooks Ecological (Ref: EN-7272-01 Dated 20.03.2024) outlines that:

“The proposed surface water drainage outfall for the development is to an existing ordinary watercourse located along the Site’s south-western boundary. The watercourse flows in a south easterly direction before joining the River Ouse, approximately 1.3km east of the site. The site lies at an average elevation of between 9.5m and 11m AOD with a high point of 14m AOD in the northern tip of the site. The site falls in an easterly direction, towards the eastern boundary. Askham Bog SSSI is at a higher elevation than the proposed development and has an average elevation of approximately 12m AOD. These factors make it highly unlikely that the proposed development will have a negative impact of the ground water and hydrology of the Askham Bog SSSI and are set out in the Sustainable Drainage Statement provided by BWB as part of the application.”

5.170 This has been reviewed by the Council’s Ecologist who accepts that the proposed development is unlikely to have a negative impact on the ground water and hydrology of Askham Bog SSSI. YWT has been reconsulted on this additional information and a response is awaited. Members will be updated at the meeting if any response is received.

5.171 In terms of recreational impact on Askham Bog SSSI from the proposed development, the ecological impact assessment report sets out that as the site is separated from it by busy trunk roads, the reserve is not easily accessible from the site, resulting in the proposed development is not likely to produce significant additional recreational pressures on Askham Bog SSSI.

5.172 Askham Bog SSSI is located 300m north of the site and it is acknowledged there are busy trunk roads separating Askham Bog SSSI and the proposed development. However, the SSSI is a 4-minute car journey and 20 minute walk via existing footpath network primarily from the Askam Bar P&R and the north side of the Tadcaster Road carriageway. Direct access from the site (to Askham Bar P&R and north side of Tadcaster Road) is not as straightforward and as outlined above, does not offer safe, direct, convenient and accessible access for people of all abilities. However, despite this, Askham Bog SSSI is not considered to be inaccessible by existing pedestrian/cycling routes and private car. YWT outline that recreational pressure can lead to wear and tear on visitor infrastructure, management issues such a littering and fly tipping, damage to habitats, and theft or damage to property such as signage, as well as potentially detrimental impacts on sensitive habitats though inputs of nitrogen and phosphorous from dog faeces and urine. The YWT suggest that facilities for dog walkers are critical for this location. It is unclear what facilities are available, and examples are given such as a circular route around the development and an area where dogs can be exercised off leads to potentially mitigate the recreational impacts.

5.173 The EAN sets out that there are more attractive and local options, notably the Trans Pennine Trail and other route options within and around the site, which are likely to absorb much, if not all, of the dog walking pressure created by the proposals. The referenced plan made by the Applicants is unclear, and therefore Officers cannot conclude on the suitability of these alternative routes. The Council's Ecologist suggests that mitigation could be in the form of appropriate signage to divert visitors to suitable alternative walking routes and highlight the sensitivities of the SSSI and be included within the design, via conditions.

5.174 Taking the above into account, the Council's Ecologist is satisfied that the hydrological impacts have been considered and assessed, and no mitigations are necessary. If the application was acceptable in other regards, conditions could secure mechanisms to mitigate any significant additional recreational pressures to Askham Bog SSSI. Whilst the Council's Ecologist is satisfied in this regard, Yorkshire Wildlife Trust has been reconsulted on this additional information and Members will be updated on any response at the meeting.

5.175 In terms of other ecological habitats and species, ecological surveys outline that the site is of low value to bats, although they do use some of its boundaries and adjacent habitats. In respect of birds, the site is likely to support a small number of farmland species during breeding season, within the boundary hedgerows and scrub habitat. Overall, there would be no adverse impacts to ecological habitats and species, although conditions requiring biodiversity enhancements for bats (bat bricks to enhance roosting opportunities), birds (nest boxes) and hedgehogs (hedgehog gaps within fencing and shelter features) along with details of new external lighting and a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) could be secured.

## **Archaeology**

5.176 Policy D6 (Archaeology) states that development proposals that affect archaeological features and deposits will be supported where iv. the impact of the proposal is acceptable in principle and detailed mitigation measures have been agreed with CYC that include, where appropriate, provision for deposit monitoring, investigation, recording, analysis, publication, archive deposition and community involvement.

5.177 The site has previously been covered by a desk-based assessment and geophysical survey. The initial results of the geophysical survey did not suggest a heavy archaeological presence across the development area. The full geophysical survey does not show any obvious archaeological features, although due to the nature of the survey, the survival of features on the site cannot be entirely ruled out.



5.178 The Council's Archaeologist recommends a programme of archaeological trail trenching to test the nature of anomalies shown by the survey and to test blank areas. This can be dealt with by condition, which will cover the mitigation measures.

### **Drainage and Flood Risk**

5.179 National policy outlined in the NPPF (Para. 170) seeks to steer development away from areas at highest risk (whether existing or future). Where development is necessary on such area, the development should be made safe for its lifetime without increasing flood risk elsewhere. Local requirements, as detailed in the York Strategic Flood Risk Assessment, with regards to drainage are to require a 30% reduction on existing run off rates where practical, to protect against climate change and prevent increased flood risk.

5.180 The site is not in either flood zones 2 or 3 and is therefore acceptable in principle for residential development in terms of policies regarding flood risk.

5.181 DLP policy ENV5 advises that sustainable drainage should be implemented unless this is not feasible and follow the hierarchy of surface water discharge. The soakaway test investigation provides sufficient evidence to discount the use of infiltration/soakaways on the site. In terms of agreeing the greenfield run-off rate, the Applicant's proposed discharge rate of 15.6 litres/second is not agreed by either the LLFA or the Ainsty IDB, citing that the applicant has used a figure of 4.10ha rather than 2.89ha for the proposed impermeable area, taken from the Applicant's Sustainable Drainage Statement.

5.182 It is clarified by the LLFA and Ainsty IDB that where there is a new connection to a watercourse or to a sewer that discharges to a watercourse, the maximum discharge that will be accepted is at the "greenfield rate" of 1.4litres per second/hectare. Using this in the calculation (2.89ha (impermeable area) x 1.4l/s/ha) gives a proposed discharge rate of 4 litres per second. This is agreed by the LLFA and Ainsty IDB. It is therefore considered, that if the application was acceptable in other regards, a condition requiring a scheme for the disposal of surface water drainage and foul sewage disposal could be secured via conditions.

5.183 Notwithstanding the above, the LLFA outlines that the proposed drainage strategy (SBL-BWB-DDG-XX-DR-CD-0500-S2- P1) shows a connection to the Highways England open watercourse at the bottom of the embankment of the A64, which would be subject to an Ordinary Water Consent application. The LLFA are unable to grant consent for a connection of surface water to a watercourse unless the applicant has consent, which does not appear to have been secured. The application does not demonstrate that an acceptable means of surface water drainage can be achieved in this location.

## **Air Quality**

5.184 It is set out in paragraph 199 of the NPPF that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified such as through traffic and travel management, and green infrastructure provision and enhancement.

5.185 The site is not located within CYC's Air Quality Management Area (AQMA) but there is potential for air quality impacts during construction and operational phases of the development. The application is supported by an air quality assessment.

5.186 In respect to potential construction impacts, officers agree with the conclusion of the air quality assessment that the use of good practice control measures would provide suitable mitigation for a development of this size and nature, reducing potential impacts to an acceptable condition. If the application was acceptable in other regards, appropriate mitigation measures to minimise dust emissions during site preparation and construction activities can be conditioned either in a separate dust management plan condition or included within the construction environmental management plan (CEMP) condition.

5.187 In terms of the impact arising from operational phase, considering the impact of development generated road traffic on local air quality, the assessment sets out that the development is not predicated to result in any exceedances of relevant health-based air quality objectives. The impact of the development is predicted to be 'negligible' and therefore not significant, in accordance with national guidance. Pollutant concentrations were also predicted across the site and shown to be well within the current health-based air quality objectives.

5.188 The requirements for EV charging is now dealt through Part S of the Building Regulations, which requires electric vehicle (EV) charge point provision for all residential development, unless the development has no parking. However, the drawings show the majority of the dwellings being provided with an EV recharging point.

## **Climate Change**

5.189 Section 14 of the NPPF covers the challenge of meeting climate change with paragraph 161 stating that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts.

5.190 Continuing, paragraph 163 of the NPPF states that the need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change

impacts. Para. 164 states that new development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change, and b) help to reduce greenhouse gas emissions, such as through its location, orientation and design.

5.191 DLP policy CC2 (Sustainable design and construction of new development) requires developments to achieve high standards of sustainable design and construction by demonstrating energy and carbon dioxide savings in accordance with the energy hierarchy, water efficiency and consideration of good practice adaption principles for climate resistance.

5.192 Further, this policy requires residential development to achieve i.) on site carbon emission reduction of a minimum of 31% over and above the requirements of Building Regulations Part L (2013), of which at least 19% should come from energy efficiency measures and 2.) a water consumption rate of 110litres per person per day (calculated as per Part G of the Building Regulations).

5.193 Furthermore, the modifications to policy CC2 state that pending further anticipated changes to Building Regulations, developments should further aim to achieve up to a 75% reduction in carbon emissions over and above the requirements of BR Part L (2013) unless it is demonstrated that such reductions would not be feasible or viable. Any higher level of reductions required through BR or other legislation will supersede the above requirements.

5.194 The D&A Statement indicates that the dwellings are designed to be connected to air source heat pumps as part of the sustainable principles leading the design. The application is silent in regard to other sustainable principles and how the requirements of DLP 2018 policy CC2 will be met and how the proposed development appropriately follows the energy hierarchy. However, given that DLP policy CC2 can only be applied with limited weight, details demonstrating energy and carbon dioxide savings required by the policy could be secured by condition, if the application was acceptable in other regards.

### **Contaminated Land**

5.195 It is outlined in para. 196 of the NPPF that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. The application is supported by Phase 1 (desk top) and Phase 2 (site investigation) reports which conclude that the site is suitable for the proposed use.

### **Consideration of Very Special Circumstances**

5.196 The site is within the general extent of the Green Belt. There is adequate justification to regard the site as Green Belt for development management purposes

considering the RSS, the DLP 2005. The DLP 2018, insofar as can be considered against paragraph 48 of the NPPF (2021), the decision of the High Court judgement (Wedgewood v City of York Council [2020] EWHC 780 (Admin)) and site-specific features.

5.197 As outlined above, the development is assessed as inappropriate in the Green Belt. It does not fall within any of the exceptions outlined in para. 154 of the NPPF. The proposed development has also been assessed against para. 155 (a) which details that where the development would utilise grey belt land and would not fundamentally undermine the purpose (taken together) of the remaining Green Belt across the area of the plan, would not be regarded as inappropriate.

5.198 The land does not meet the definition of previously developed land. There are no other designations on the land included in footnote 7. The Council argues that the land strongly contributes to the purposes (a) and (d). Therefore, the Council consider that the application site does not comprise of 'grey belt land', contrary to NPPF para. 155 (a).

5.199 The NPPF directs (para. 153) that any harm to the Green Belt is given substantial weight, including harm to openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

5.200 There would be a considerable adverse impact on openness which would be permanent; a detrimental impact on the essential characteristics of Green Belts being their openness and permanence. Conflict with three ((a), (c) and (d)) of the five purposes of including land within the Green Belt has also been identified.

5.201 At this time there is also other identified harm. It is outlined in Section 9 'Promoting Sustainable Transport' of the NPPF that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. There will be an impact on the local road network, however the Applicant has not adequately assessed the likely impacts, particularly in regard to highway safety. The mitigation presented as part of the application includes an uncontrolled pedestrian crossing with traffic island to enable Sim Balk Lane to be crossed; there are no other improvements to support this, such as speed restrictions and/or signalisation on Sim Balk Lane. Officers highlight the need for the Applicant to explore measures to improve public transport, and pedestrian and cycling access within the site and of existing routes to enable a well-designed and connected development, in order to achieve a modal shift in how residents and visitors to the development make their journeys, to access local social, recreational and community facilities and services.

The existing routes from the site are not assessed to be safe, direct, convenient and accessible for all abilities.

5.202 Other harm is identified in regard to design, where its layout fails to create a site that is visually attractive and safe and the drainage strategy shows a proposed connection to Highways England outfall where the Applicants do not appear to have the requisite agreements in place. These matters can not be mitigated through planning conditions or legal obligations.

5.203 The applicant's planning statement sets the following justification for the development –

**5.204 Delivery of housing and in particular, affordable housing** - delivering housing and especially affordable housing in a location where there is identified overwhelming need, a constant and continuing failure to meeting housing requirements and a position where affordable housing is in crisis.

5.205 The Council's Housing Land Supply Statement (July 2024) sets out the Council's assessment of its housing land supply from 1 April 2024 – 31 March 2030. A buffer of 20% must be added to the supply of sites where an authority's performance in the Housing Delivery Test (HDT) indicates that delivery has fallen below 85% of its housing requirement over the previous 3 years. The latest results indicated that the Council scored 79%.

5.206 The five-year land supply results show that the Council has a sufficient deliverable land within the City to meet 4.17years of the five-year requirements of 6,120 homes.

5.207 Policy SS1 of the DLP 2018 requires that during the plan period (2017 – 2032/33) that at least 45% of the 9,396 affordable dwellings that are needed to meet the needs of residents unable to compete on the open market to be delivered. The Council is demonstrating meaningful contributions towards meeting this need through recent approvals (subject to completion of S106 planning obligations); an allocated site at Willow Bank, New Earswick for 117 no. affordable dwellings (20/02495/FULM) and a development of 107 no. affordable dwellings at land to south and east of the Cemetery, New Lane (23/01016/OUTM).

5.208 Policy SS1 also directs development to the most sustainable locations, making as much use as possible of suitable previously developed land (with some release of Green Belt land). Development is focussed on the main urban area of York and in new free-standing settlements with some urban and village extensions. The development strategy limits the amount of growth proposed around the periphery of the built-up area of York.

5.209 The proposed release of Green Belt land through the DLP 2018 has been undertaken in a plan led and evidenced way. While new settlements will clearly affect the openness of Green Belt in those locations, their impact is considered to be less harmful to the elements which contribute to the special character and setting of York. Their size and location have taken into account the potential impact on those elements, and on the identity and rural setting of neighbouring villages. The application site is therefore not a site where it is considered that the evidence base justifies an incursion into the general extent of the Green Belt.

5.210 The lack of a 5-year housing land supply carries significant weight, as does the delivery of housing and in particular affordable housing, but it does not clearly outweigh the substantial harm identified to the Green Belt and other identified harms and does not therefore represent very special circumstances.

5.211 There is a recent appeal decision (dated 17 October 2023) relating to land to the east of New Lane, Huntington (Appeal Ref: APP/C2741/W/21/3282598 LPA Ref: 21/00305/OUTM) relating to 300no. dwellings (90 affordable (30%)); with housing delivery given significant weight, along with significant weight attributed to the provision of affordable housing. However, in contrast to the current application, the site was determined to not serve a Green Belt purpose. Further conclusions outline that were the site in the Green Belt, there would be very special circumstances which would justify the development.

5.212 This decision however differs to an appeal decision in respect of Boroughbridge Road/Trenchard Road (Appeal Ref: APP/C2741/W/21/3271045 LPA Ref: 20/00752), relating to 60no. affordable dwellings, which were deemed by the Planning Inspector to provide “very significant benefits”, which do not equate to very special circumstances. It is noted that the Boroughbridge Road/Trenchard Road appeal proposal was assessed to cause harm by reason of inappropriateness, loss of openness and conflict with Green Belt purposes.

5.213 Provision of 114 affordable dwellings would make a good contribution to supply. As the Council does not currently have a 5 year housing land supply and in light of the imperative in the NPPF to boost significantly the supply of housing, this provision is given significant weight in support of the proposal. In considering housing need, the DLP 2018 and its evidence base regarding the proposed Green Belt boundaries and housing need are advanced and in the process of examination. Alternative sites to the application site have been identified as being preferable for development, considering the special character of the city and other purposes of the York Green Belt and sustainable development principles, to meeting development needs over the emerging plan period.

5.214 This site has been identified as performing an important Green Belt function. There would be a loss of openness and harm to the Green Belt if this site were developed. National policy gives great importance to Green Belts. It is evident the

development would have a significant adverse effect on openness; an essential characteristic of Green Belts and also would conflict with 3 of the 5 purposes of including land within the Green Belt (a), (c) and (d). The Council does not consider that application site meets the definition of 'grey belt'.

5.215 Despite current housing need the DLP 2018 is being advanced to account for future need and previous under delivery. Support for this scheme would be contrary to NPPF policies for the Green Belt and for the entire planning system as it states that "the planning system should be genuinely plan-led" (paragraph 15). The benefits of the scheme do not either individually or cumulatively, clearly outweigh the harm to the Green Belt and other identified harm.

### **Public Sector Equalities Duty**

5.216 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.

5.217 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.

5.218 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.

5.219 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 proposed development has been assessed as causing harm to the York Green Belt. There would be a considerable adverse impact on openness, which would be permanent; so, a detrimental impact on the essential characteristics of Green Belts; their openness and permanence. Conflict with three of the five Green Belt purposes has been identified. There would be a permanent change in land use across the site; the site is considered to contribute significantly to the separation between the city's urban edge, the ring road (A64) and outlying settlements including Copmanthorpe and Bishopthorpe and the development would be harmful to the current open approaches along the transport corridors into the city that are currently viewed and experienced, which as outlined in DLP policy 2018, are key elements of contributing to the special character and setting of the historic city.

6.2 There is also other harm identified, which extends to the following issues. The proposed uncontrolled crossing point on Sim Balk Lane does not accommodate both pedestrians and cyclists to enable all users (such as people with mobility impairments, children), to link to existing footpath and cycleway networks (particularly the National Cycle Network), facilitate access to high quality public transport and to access the social, recreational and community including education (primary and secondary) facilities and services the community may need access too. The lack of a representative traffic survey relating to Sim Balk Lane means that the uncontrolled crossing point is not accompanied by any other measures, including speed reduction and/or signalisation, which may be required to mitigate the impacts of speed and level of traffic. The lack of suitable connection to pedestrian, cycle and public transport networks and along with other measures and alternatives, such as car club parking space(s) and membership means that the Travel Plan is unlikely to facilitate measures to encourage a modal shift. The proposed development does not therefore comply with the requirements set out in para. 115 of the NPPF.

6.3 Within the site, and in respect to the application details, the impact of the length and height of acoustic fencing in two areas adjacent to Sim Balk Lane, along with the layout and orientation of the bungalow plots identified as no's 96 and 108, the boundary treatment in this location will be visually prominent and out of character with the proposed residential development. Further concern is highlighted in respect to the curtilage boundaries to the cluster of dwellings in the far western corner of the site, which has been designed with a separate parking courtyard. The properties have not been orientated so that habitable rooms overlook it, meaning that the parking courtyard would be vulnerable to crime. The proposed development fails to demonstrate that street-lined trees cannot be accommodated within the site given that the sustainability of trees within front gardens cannot be guaranteed. Officers do not consider that these matters could be dealt with by condition, given the area and number of dwellings concerned and the potential extent of changes include but not limited to design and orientation of dwellings, boundary treatments and landscaping arrangements and associated parking and access. As such, the



development fails to achieve the requirements set out by NPPF para. 135 sub section (b) development are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.4 The LLFA has also raised an objection, that the drainage strategy shows a connection to the Highways England open watercourse at the bottom of the embankment of the A64. Officers are unable to grant consent for such a connection unless the Applicant has consent from Highways England, which does not appear to have been secured. The application does not demonstrate that an acceptable means of surface water drainage can be achieved in this location.

6.5 The Draft Local Plan 2018 and its evidence base regarding the proposed Green Belt boundaries and housing need are advanced and in the process of examination. Alternative sites to the application site have been identified as preferable for development, considering the special character of the city and other purposes of the York Green Belt and sustainable development principles, to meeting development needs over the emerging plan period.

6.6 The scheme is inappropriate development in the Green Belt. The identified harms to the Green Belt must be given substantial weight in the planning balance. York does not have a 5-year housing land supply and therefore the proposed housing, and particularly the affordable housing provision, are benefits that carry significant weight in decision-making. These benefits do not though, individually or cumulatively, clearly outweigh the substantial harm to the Green Belt and the other identified harms.

6.7 The NPPF establishes inappropriate development should not be permitted unless very special circumstances exist. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Overall, the benefits of the scheme are considered not to clearly outweigh the totality of the harm to the Green Belt, and any other harm resulting from the proposal in the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.

## **7.0 RECOMMENDATION: Refuse**

1 The application site is within the general extent of the York Green Belt. In accordance with paragraph 153 of the National Planning Policy Framework (NPPF), the proposed development constitutes inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The proposal conflicts with the essential characteristics of Green Belts (their openness and permanence) and three of the purposes ((a), (c) and (d)) of including land within the Green Belt, resulting in urban sprawl, encroachment of development into the countryside and failing to preserve the setting and character of the city. The site does not constitute previously developed land or grey belt land.

The Local Planning Authority has concluded that there are no other considerations that clearly outweigh the harm to the Green Belt and other harms when substantial weight is given to the harm to the Green Belt. The other identified harms have been identified as follows -

- Sustainable travel promotion is lacking either through off-site mitigation works or through the measures proposed in the travel plan,
- The detailed design particularly in the northwestern corner of the application site would fail to achieve a safe and visually attractive development
- It has not been demonstrated that street-lined trees cannot be accommodated within the development
- Insufficient information is provided in the drainage strategy in respect of lack of consent from Highways England to allow connection to the Highways England open watercourse at the bottom of the embankment of the A64.
- Insufficient information in respect of securing and delivery of the ecological and landscape enhancements

The proposal is, therefore, considered contrary to advice within the NPPF, in particular section 13 'Protecting Green Belt land', and policy GB1 'Development in the Green Belt' of the Draft Local Plan 2018.

2 Section 9 of the National Planning Policy Framework (NPPF) 'Promoting Sustainable Transport' (para. 110) requires significant development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

The application fails to prioritise, either through promotion, mitigation and enhancement of pedestrian, cycling and public transport networks within the site and connections to existing routes to enable a well-designed and connected development. The existing routes from the site are not assessed to be safe, direct, convenient and accessible for all abilities with particular reference to people with reduced mobility or other vulnerable users such as children, in order to achieve a modal shift in how residents and visitors to the development make their journeys, to access local social, recreational, community and education facilities and services.

The Transport Assessment has not adequately assessed the likely impacts on the local road network, particularly in regard to highway safety. There is lack of aspiration in the travel plan for promoting alternative to private car travel. The proposal therefore fails to provide an accessible and sustainable residential development and is contrary to NPPF paragraphs 96 and 98 and 115 - 118 as well as the Draft Local Plan 2018 policies SS1: Delivering Sustainable Growth for York and T1: Sustainable Access.

3. The detailed design, particularly in relation to the proposed acoustic fencing (to plots 96 and 108) by virtue of its height, length and materials would be visually prominent at principal vantage points the layout. The orientation of plots (no's 96 – 114) including their boundary treatment in the northwestern corner of the site would fail to provide natural surveillance of the public realm and specifically to the parking courtyard. In addition, the layout and landscaping proposals fails to take opportunities available for improving the design of streets through the inclusion of street trees. Cumulatively, it is considered that this this would create development that is not well designed, would not add to the overall quality of the area, would not be visually attractive as a result of good layout and appropriate and effective landscaping, and would fail to provide natural surveillance of the public realm which help to strengthen community resilience to crime and disorder. The development would fail to create a high quality, beautiful and sustainable place, contrary to Section 12 of the National Planning Policy Framework, specifically paragraphs. 131, 135, 136 and 139, as well as failing to follow guidance outlined in the National Design Code.

4. The drainage strategy includes a connection to the Highways England open watercourse at the bottom of the embankment of the A64, for which consent does not appear to have been secured from Highways England. Insufficient information is provided in the drainage strategy demonstrating that an acceptable means of surface water drainage can be achieved in this location. The NPPF paragraph 181 states that Local Planning Authorities should ensure that flood risk is not increased elsewhere. It is not considered that these matters could reasonably be addressed through the imposition of planning conditions.

5. The application does not provide satisfactory evidence in respect of securing and delivering the ecological enhancements outlined in the application. Currently hedgerows shown to be enhanced are sited outside of the application boundary, and thus outside of the control of the Applicant. The statutory biodiversity metric is incomplete which does not demonstrate that the general biodiversity gain condition is capable of being discharged. Therefore, the proposals fail to demonstrate appropriate opportunities to improve the integration of biodiversity as part of the development's design, contrary to paragraph 193 d) of the National Planning Policy Framework (NPPF).

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

#### **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:

- Engagement through the Council's pre-application service
- Discussions in respect to the drainage strategy and matters relating to design, and ecology (Biodiversity Net Gain and recreational and hydrological impacts to Askham Bog SSSI)
- Advised of the recommendation and accepted amendments (however they did not overcome all of the refusal reasons).

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

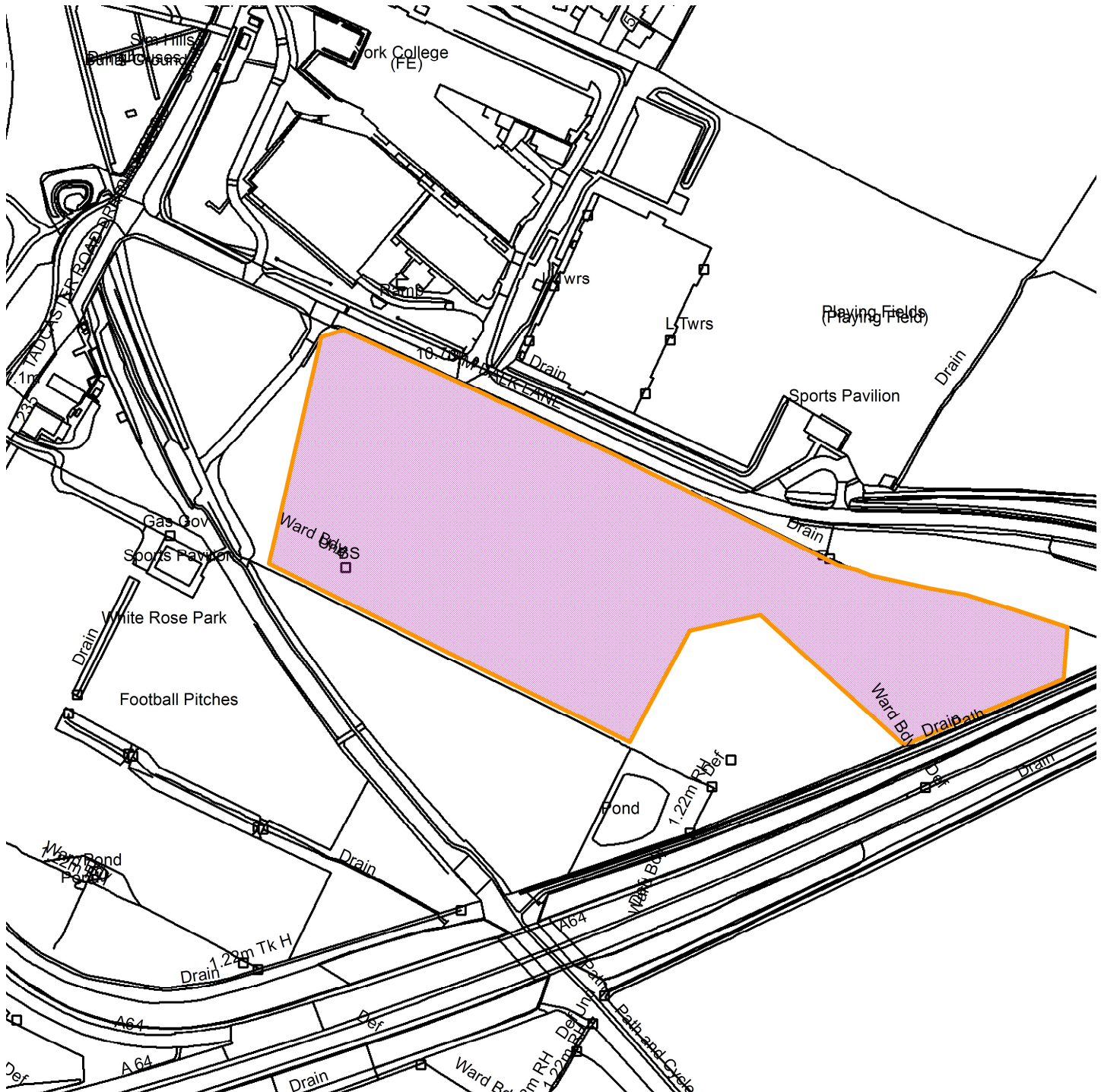
### **Contact details:**

**Case Officer:** Lindsay Jenkins

**Tel No:** 01904 554575

## Land To The South Of Sim Balk Lane, York

24/00129/FULM



Scale : 1:3335

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<b>Organisation</b>	City of York Council
<b>Department</b>	Env, Transport & Planning
<b>Comments</b>	Site Location Plan
<b>Date</b>	27 January 2025
<b>SLA Number</b>	Not Set

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# Planning Committee A

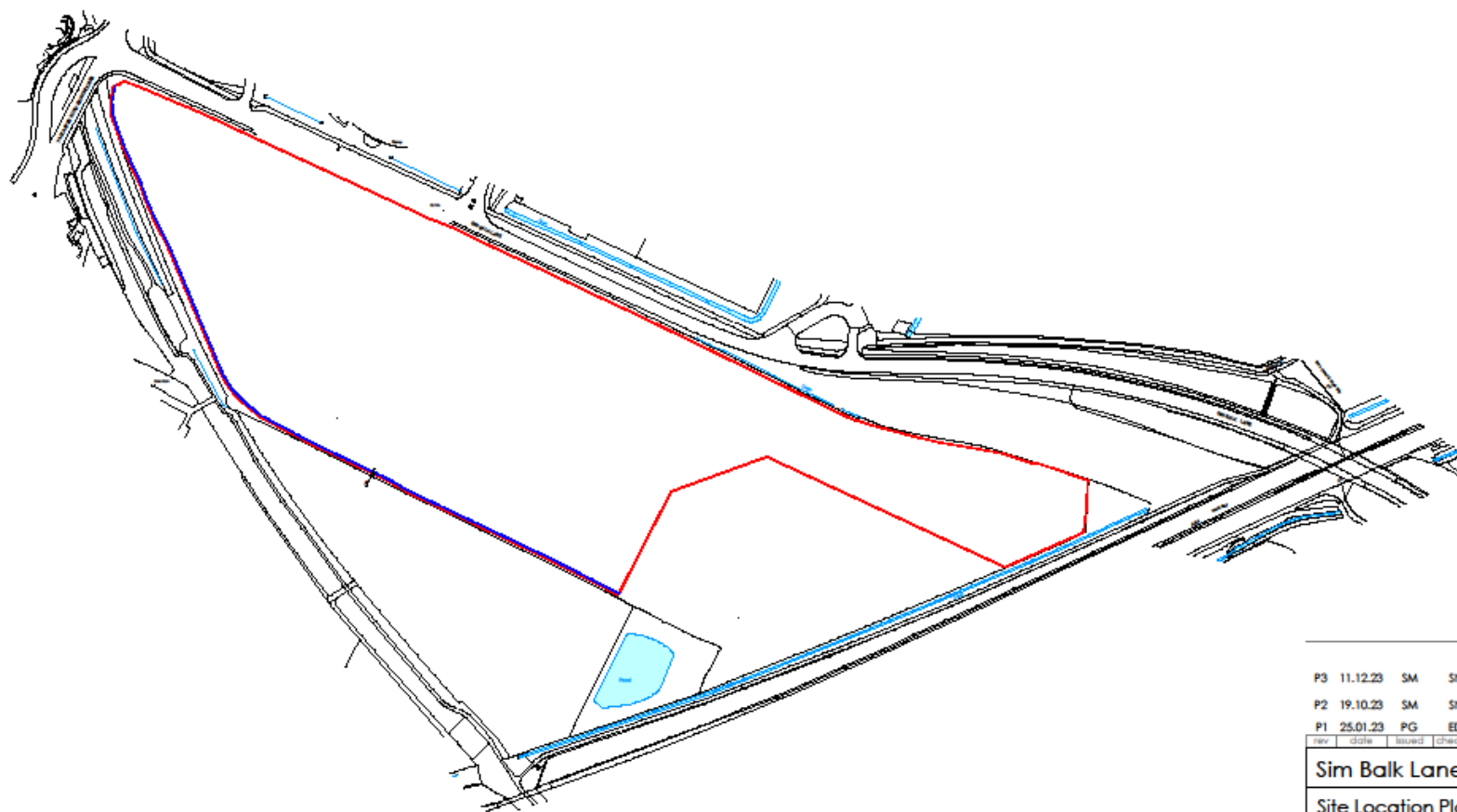
To be held on 5<sup>th</sup> February 2025

# 24/00129/FULM – Land to the South of Sim Balk Lane, York


Erection of 114no. dwellings with access, open space,  
landscaping and sustainable drainage



# Site Location Plan



P3	11.12.23	SM	SN	Addition of 1m strip on the boundary with city of York council land.
P2	19.10.23	SM	SN	Amended red line boundary.
P1	25.01.23	PG	ED	First issue.

rev	date	issued	checked	description
Sim Balk Lane, York				
Site Location Plan				
<div> <div> The Sim Balk Lane York, North Yorkshire </div> <div>  </div> </div>				
client:	Rula Developments		scale:	1:2500@A3
drawn by:	0004-003-NIE-XX-XX-DR-A-000	checked by:	P3	

DO NOT SCALE - ALL DIMENSIONS & LEVELS TO BE CHECKED ON SITE - THIS DRAWING IS COPYRIGHT

View East across the site





View North (York  
College in Distance)





Cycle Route Network  
65 (to the South west of  
the application site)





## Sim Balk Lane (Adjacent junction to York College)



Sim Balk Lane junction  
with Tadcaster Road

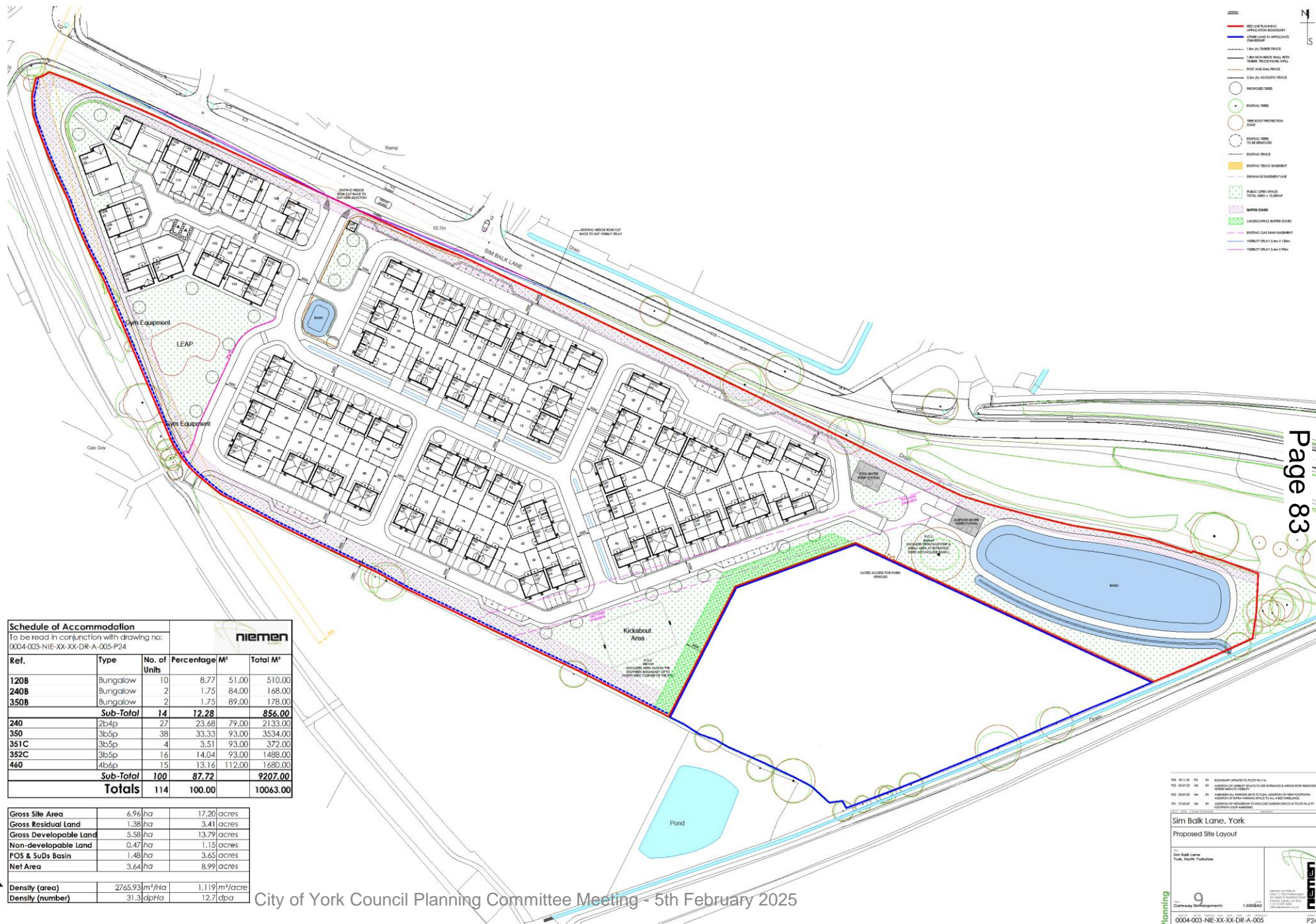




# Proposed Site Layout Plan

## LEGEND

- RED LINE PLANNING APPLICATION BOUNDARY
- OTHER LAND IN APPLICANTS OWNERSHIP
- 1.8m (h) TIMBER FENCE
- 1.8M HIGH BRICK WALL WITH TIMBER FENCE PANEL INFILL
- POST AND RAIL FENCE
- 2.5m (h) ACOUSTIC FENCE
- PROPOSED TREES
- EXISTING TREES
- TREE ROOT PROTECTION ZONE
- EXISTING TREES TO BE REMOVED
- EXISTING FENCE
- EXISTING TESCO EASEMENT
- DRAINAGE EASEMENT LINE
- PUBLIC OPEN SPACE TOTAL AREA = 13,309m<sup>2</sup>
- BUFFER ZONES
- LANDSCAPING BUFFER ZONES
- EXISTING GAS MAIN EASEMENT
- VISIBILITY SPLAY 2.4m X 120m
- VISIBILITY SPLAY 2.4m X 90m



Schedule of Accommodation			niemen		
To be read in conjunction with drawing no: 0004-003-NIE-XX-XX-DR-A-005-P24					
Ref.	Type	No. of Units	Percentage	M <sup>2</sup>	Total M <sup>2</sup>
120B	Bungalow	10	8.77	51.00	510.00
240B	Bungalow	2	1.75	84.00	168.00
350B	Bungalow	2	1.75	89.00	178.00
Sub-Total		14	12.28		856.00
240	2b4p	27	23.68	79.00	2133.00
350	3b5p	38	33.33	93.00	3534.00
351C	3b5p	4	3.51	93.00	372.00
352C	3b5p	16	14.04	93.00	1488.00
460	4b6p	15	13.16	112.00	1680.00
Sub-Total		100	87.72		9207.00
Totals		114	100.00		10063.00

Gross Site Area	6.96 ha	17.20 acres
Gross Residual Land	1.38 ha	3.41 acres
Gross Developable Land	5.58 ha	13.79 acres
Non-developable Land	0.47 ha	1.15 acres
POS & SuDs Basin	1.48 ha	3.65 acres
Net Area	3.64 ha	8.99 acres
Density (area)	2765.93 m <sup>2</sup> /ha	1,119 m <sup>2</sup> /acre
Density (number)	31.3 dph	12.7 dpa



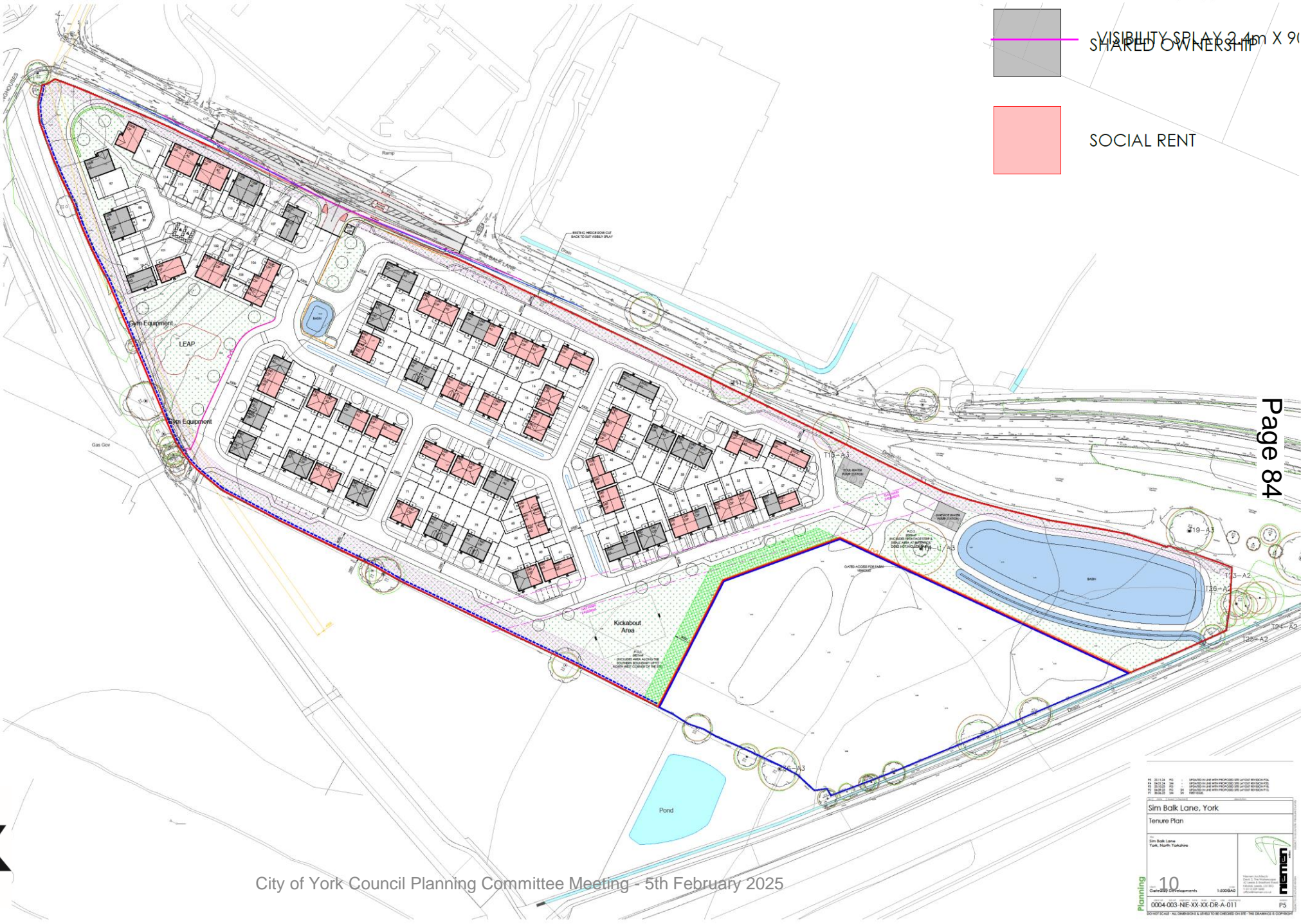


# Proposed Tenure Layout

VISIBILITY SPLAY 2.4m X 9m

SHARED OWNERSHIP

SOCIAL RENT





# Indicative Streetscenes



Landscape Masterplan



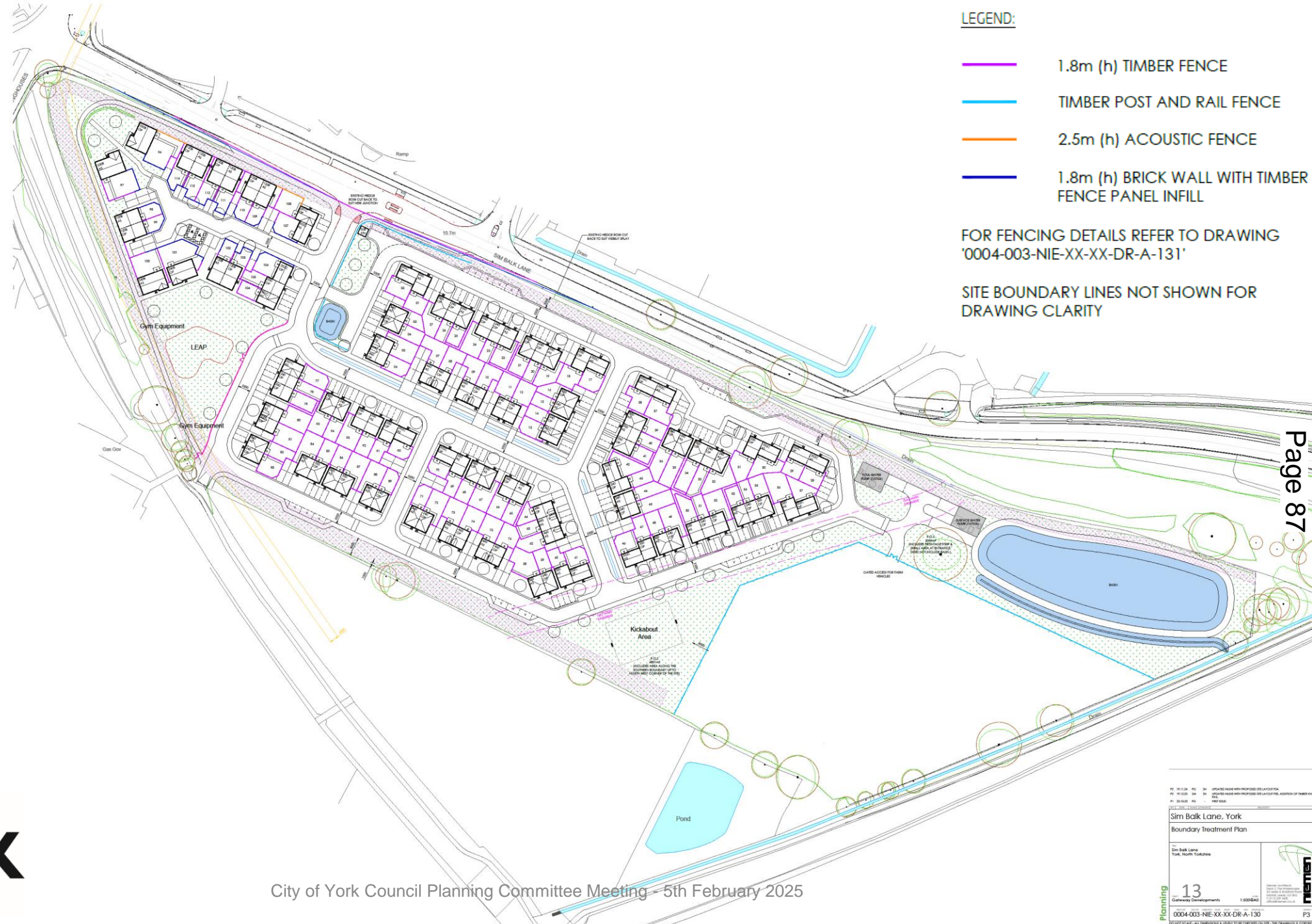


# Proposed Boundary Treatments

- LEGEND:**
- 1.8m (h) TIMBER FENCE
  - TIMBER POST AND RAIL FENCE
  - 2.5m (h) ACOUSTIC FENCE
  - 1.8m (h) BRICK WALL WITH TIMBER FENCE PANEL INFILL

FOR FENCING DETAILS REFER TO DRAWING '0004-003-NIE-XX-XX-DR-A-131'

SITE BOUNDARY LINES NOT SHOWN FOR DRAWING CLARITY



Planning 13 Gateway Developments 1:5000000

0004-003-NIE-XX-XX-DR-A-130 P3

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Sim Balk Lane, York  
Boundary Treatment Plan

Sim Balk Lane  
York, North Yorkshire

13  
Gateway Developments  
1:5000000

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