

COMMITTEE REPORT

Date: 27 October 2016 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** Huntington Parish Council

Reference: 16/01073/OUTM
Application at: Land To The North Of Avon Drive Huntington York
For: Erection of 67 dwellings
By: Pilcher Homes Ltd
Application Type: Major Outline Application (13 weeks)
Target Date: 4 August 2016
Recommendation: Refuse

1.0 PROPOSAL

1.1 Outline application for the erection of 67 dwellings. All matters are reserved except access. The application is accompanied by a masterplan, which is illustrative only. The application includes 1, 2, 3 and 4-bedroom units. The development would be bounded to the north by a landscaped buffer between the housing and the ring road. Two access points would be created via two vacant plots on the north side of Avon Drive. The gross density would be 14dph. The net density (after excluding open space, the landscaped buffer and 0.2ha for surface water attenuation) would be approximately 27.9dph.

1.2 The application is a resubmission of 15/00798/OUTM, which was for the erection of up to 109 houses. The application was refused due to:

1. Harm to the Green Belt and other harm for which no very special circumstances had been put forward by the applicant; and
2. Impact upon unknown buried archaeological features within the site.

1.3 The main differences between the current proposal and the refused scheme are that the current proposal has:

- Less developable area, 2.4ha down from 3.3ha.
- More public open space, 2.2ha up from 1.3ha.
- A wider/denser landscaped buffer alongside the ring road.
- Mainly bungalows along the southern boundary with Avon Drive.
- Longer gardens along the southern boundary with Avon Drive.
- New internal road layout.
- Secondary access from Avon Drive is now for pedestrians only.

1.4 The indicative housing mix is broadly as before. The main access into the development is as before. Affordable housing remains at 30% as before.

1.5 The application does not constitute Schedule 1 development as set out in The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Nor, in the council's view, is it Schedule 2 development. No environment impact assessment has been requested by the council, nor has it been offered by the applicant.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

National and local planning policy context is explained and assessed at paragraph section 4.0 below. The relevant local planning policies are listed as follows:

2005 Draft York Local Plan (4th set of changes):

SP2 – The York Green Belt
SP3 – Safeguarding the Historic Character and Setting of York
GB1 - Development in the Green Belt
GB6 – Housing Development Outside Settlement Limits
CYGP1 - Design
CYGP4A – Sustainability
CYGP9 – Landscaping
CGP15A – Development and Flood Risk
HE10 – Archaeology
NE7 – Habitat Protection and Corridors
H2a – Affordable Housing
H3c – Mix of Dwellings on Housing Sites
L1c – New Open Space in Development
C6 – Developer Contributions Towards Community Facilities

City of York Local Plan – Publication Draft 2014:

DP1: York Sub Area
DP2: Sustainable Development
DP3: Sustainable Communities
SS1: Delivering Sustainable Growth for York

SS2: The Role of York's Green Belt
SS3: The Creation of an Enduring Green Belt
H1: Housing Allocations
H2: Density of residential Development
H3: Balancing the Housing Market
H4: Housing Mix
H9: Affordable Housing
D7: Archaeology
GI2: Biodiversity and Access to Nature
GI4: Trees and Hedges
GI6: New Open Space Provision
GB1: Development in the Green Belt
T4: Strategic Highway Network Capacity Improvements
T5: Strategic Cycle and Pedestrian Network Links and Improvements
T10: Safeguarding Routes and Sites
DM1: Infrastructure and Developer Contributions

3.0 CONSULTATIONS

INTERNAL

PLANNING AND ENVIRONMENTAL MANAGEMENT (FORWARD PLANNING)

3.1 Objection. For the purposes of determining this application, the site should be treated as falling within the Green Belt in accordance with the RSS and both the City of York Council Local Plan incorporating the 4th set of changes and the emerging Local Plan. Certain types of development (including residential proposals) are inappropriate development in the Green Belt. As such, it is necessary for the applicant to demonstrate very special circumstances to justify why the presumption against development should not apply.

3.2 The applicant suggests that the site only performs a limited Green Belt role and puts forward 'very special circumstances' to support the application. We do not agree with the applicant's assessment and would strongly contend that the site remains as Green Belt. It is not considered that a strong argument for 'very special circumstances' has been put forward that would outweigh the harm to the Green Belt.

HOUSING STRATEGY AND DEVELOPMENT

3.3 The application complies with the council's interim affordable housing approach for green field sites by providing 30% affordable housing.

HIGHWAY NETWORK MANAGEMENT

3.4 The proposed access arrangements are in accordance with national guidance. The indicative Masterplan/site layout plan is, subject to minor revisions, in accordance with Manual for Streets principles which seek to restrain vehicle speeds through design and give priority to non-car movement. It is envisaged that the internal layout would be designed, constructed and offered for adoption under the Highways Act. The council as highway authority is satisfied that sufficient land would remain for future improvement of the A1237 outer ring road. Financial contributions or measures should be provided by the developer to maximise the sustainability of the development.

PUBLIC PROTECTION

3.5 With appropriate mitigation, the proposals would provide suitable living conditions for the occupiers. If planning permission were to be granted, appropriate planning conditions should be attached to cover: (1) submission of noise mitigation measures, construction nuisance, unexpected contamination and electric vehicle recharging.

FLOOD RISK MANAGEMENT

3.6 The development is in low risk Flood Zone 1. No objections subject to conditions regarding (1) separate systems of foul and surface water drainage (2) Submission of drainage details including details of any balancing works and off-site works (3) no piped discharge of surface water prior to the completion of the approved drainage works.

ENVIRONMENTAL MANAGEMENT (Archaeology)

3.7 The proposed development north of Avon Drive, Huntington lies outside the Area of Archaeological Importance but in a wider area which has produced evidence of deposits from the Romano-British period. Any ground disturbance deeper than 0.4m below the present ground surface would adversely affect significant archaeological deposits so further archaeological mitigation is needed. Add conditions regarding excavation and reporting in advance of development.

ENVIRONMENTAL MANAGEMENT (Ecology)

3.8 There are no statutory or non-statutory nature conservation sites within or immediately adjacent to the site. The main habitats on the site are not significant in their own right but they contribute to the green networks of the area. It is unlikely that great crested newts have colonised the pond on the site. More mobile species of common wildlife would not be significantly affected by the development. If the

application were to be approved add conditions requiring an ecological design strategy, updated ecology surveys and sensitive lighting.

ENVIRONMENTAL MANAGEMENT (Landscape)

3.9 Although the visual impact would be slightly less than the previous submission, the proposed development would have a detrimental impact on the open character of the Green Belt, by way of urban encroachment, especially as viewed from the outer ring road, and would increase the effect of coalescence between Huntington and Earswick.

PUBLIC REALM/SPORT & ACTIVE LEISURE

3.10 For a development of this size we would be expect to see all the necessary amenity and play space to be on site. Based on the house mix proposed we would expect to see a total of 6,164 m² of open space (play, amenity and sports pitches). Sports pitch requirements could be addressed through an off-site contribution, in which case it would be allocated to Huntington Sports Club. The indicative footpath network is overly complex and eats into the useable green spaces - reducing "informal run around space". The indicative tree/shrub planting at key path junctions reduces passive surveillance opportunities.

EDUCATION

3.11 No financial contribution currently required for primary education as sufficient places are available but we reserve the right to reconsider this should the situation change. The development would generate an additional 6 secondary places requiring a contribution of £91,104. Huntington is the catchment secondary school but has no capacity to expand its roll. The funding should therefore be commuted to nearby Joseph Rowntree School for internal adaptations to enable the extra pupils to be accommodated. Eight early years places would be generated totalling £48,888 for provision within 1.5km of the development. The total financial contribution is therefore £139,992.

EXTERNAL

HUNTINGTON PARISH COUNCIL

3.12 Objection. A precedent has been set on two previous occasions due to the need for future dualling of the A1237. The land is designated as Draft Green Belt in the Draft Local Plan. The development would exacerbate road safety on an already difficult section of road. Impact on residential amenity and the character of the neighbourhood. The development would exacerbate existing drainage problems resulting in sewage polluting residential gardens and driveways.

JULIAN STURDY MP (ON BEHALF OF LOCAL RESIDENTS)

3.13 The land is in the Green Belt. Housing need is not counted as an exceptional circumstance when development in the Green Belt is proposed under the NPPF. Approval would hinder the council's ability to achieve its goal of dualling the A1237. The development would exacerbate existing congestion and issues. The community is concerned over the impact of the development on school places, health facilities, etc. It is crucial that drainage from the site is not made worse for residents. Development would exacerbate the existing drainage of the site and gardens along Avon Drive.

COUNCILLORS ORRELL, CULLWICK AND RUNCIMAN

3.14 The site is in the Green Belt. Building on the land would mean that the communities of Huntington and Earswick would be joined. The site is needed for the future dualling of the ring road. More houses would add to the traffic problems of Huntington and the ring road. The infrastructure of the area is already under considerable strain.

YORKSHIRE WATER

3.15 If planning permission is to be granted conditions should be attached to protect the local aquatic environment and YW infrastructure. Yorkshire Water is satisfied that the development would not encroach along the 15m corridor of the large diameter water main that crosses the site. It would appear that the 100 mm diameter public sewer within part of the site is unlikely to be affected by the proposal. Foul water domestic waste should discharge to the 225 mm diameter public foul/combined water sewer recorded in Avon Drive.

FOSS INTERNAL DRAINAGE BOARD (FIDB)

3.16 The site is in an area where drainage problems exist. Development should not be allowed until the local planning authority is satisfied that surface water drainage has been satisfactorily provided for. Given the size of the development and the sensitivity of the flooding issue, the Board is concerned about this application in its current form. If the Local Authority is minded to grant planning permission conditions should be attached requiring drainage works, including attenuation, to be agreed.

HIGHWAYS ENGLAND

3.17 No objection in principle. Add a condition requiring submission of a Construction Management Plan/Travel Plan, for approval by the local planning authority.

POLICE (DESIGNING OUT CRIME)

3.18 The site lies in an area that has relatively low levels of crime and anti-social behaviour. Any new development has the potential to increase these levels if the designing out of crime is not considered and implemented. In general the overall design of the development is to be commended as it includes many designing out crime principles and reduces the opportunity for crime and disorder. If planning permission were to be granted a condition should be attached requiring any reserved matters application to include details of crime prevention measures to be incorporated into the development.

PUBLIC CONSULTATION

3.19 The consultation period expired on 28 June 2016. 37 objections have been received raising the following planning issues:

- Contrary to green belt policy and purposes
- There are no very special circumstances to justify the development
- Loss of green space
- The changes from the 2015 scheme are not significant
- Development should be on brownfield sites
- Would increase sprawl
- Would worsen existing traffic
- Traffic is already set to increase due to other approved major developments
- Would reduce highway safety
- Site is needed for dualling of A1237 ring road
- Would inhibit widening of the A1237 ring road
- No further development until ring road is dualled
- The site has already been rejected for housing
- There are no spare places in local schools
- Would put pressure on infrastructure/services
- Inadequate foul and surface water drainage
- Would worsen existing flood problems
- Pollution, noise and loss of amenity in Avon Drive
- Loss of privacy to occupiers of No.3 Avon Drive
- The site is not in a sustainable location
- There are already enough allocated housing sites in Huntington
- Loss of habitats
- Loss of rural character
- Loss of site for dog walking would increase risk of dog fouling on the highway
- Would set a precedent for housing development in the Green Belt.

3.20 Six letters of support have been received welcoming the inclusion of realistically-priced and affordable housing.

4.0 APPRAISAL

4.1 KEY ISSUES:-

- Policy Context
- Housing Need and Housing Supply
- Harm to the Green Belt
- Landscape Character
- Highway Matters
- Leisure and Open Space
- Affordable housing
- Biodiversity
- Neighbour and Occupier Amenity
- Archaeology
- Local Services
- Flood Risk and Drainage
- Community Involvement
- The Planning Balance

POLICY CONTEXT

4.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. There is no development plan in York other than the saved policies of the Regional Spatial Strategy (the Yorkshire and Humber Plan) relating to the general extent of the Green Belt. Policies YH9 and Y1(C1 & C2) and the key diagram on page 214 of the RSS form the statutory Development Plan for the City of York administrative area. The site lies within the general extent of the Green Belt as shown on the Key Diagram of the RSS. The policies state that the detailed inner and the 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.

4.3 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy Framework (NPPF). It is against this Framework that the application proposal should principally be addressed. Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph

14 states that there is a presumption in favour of development, which should be seen as a golden thread running through plan-making and decision-taking. Footnote 9 of paragraph 14 contains restrictions where this presumption in favour of sustainable development does not apply, including land designated as Green Belt. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking. They include seeking high quality design and protecting the Green Belt.

4.4 Although there is no formally adopted local plan the City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of s.38(6) its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are consistent with those in the NPPF. The most relevant Draft (2005) policies are listed and summarised at paragraph 2.2 of this report.

4.5 Paragraph 216 of the NPPF states that decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

4.6 The emerging Plan is progressing; consultation on the Preferred Sites ended on 12th September 2016. The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage of the statutory process, such weight is limited.

THE APPLICATION SITE

4.7 4.83ha of fringe agricultural land between suburban residential dwellings to the west and south (Strensall Road and Avon Drive respectively) and the Outer Ring Road (A1237) to the north and east. The boundaries to the north and east are edged by mature trees and hedges. The ring road in this location is a single carriageway. The site is between the defined settlement limits at Huntington and Earswick and is within the general extent of the York Green Belt.

HOUSING NEED AND HOUSING SUPPLY

4.8 Paragraph 14 of the NPPF says that Local Planning Authorities should positively seek to meet the development needs of their area. Paragraph 47 says that to boost housing supply local authorities should use their evidence base to ensure that the Local Plan meets the full, objectively assessed needs for market and affordable housing, including identifying sites which are critical to the delivery of the housing strategy over the plan period. Plans should be deliverable as set out in paragraph 173. Although the emerging Local Plan policies can only be afforded very limited weight in accordance with paragraph 216 of the NPPF, the evidence base that underpins the emerging policies is a material consideration in the determination of this planning application.

4.9 The Preferred Sites Consultation (2016) puts forward the Council's latest evidence base with respect of a Strategic Housing Market Assessment (SHMA) and Employment Land Review (ELR), a proposed portfolio of sites to meet the housing and employment needs of the city over the plan period along with an updated Local Development Scheme (LDS) which sets out the timetable for the Local Plan.

4.10 The SHMA produced by consultants GL Hearn presents an objectively assessed need (OAN) for York of 841 dwellings per annum. This work takes into account the Government's recent release of the 2014 based Sub-National Population Projections (SNPP) released by the Office for National Statistics (ONS) on 25th May 2016 however it pre-dates the July 2016 release from CLG of the 2014 based sub national household projections.

4.11 To satisfy the emerging OAN the City of York Local Plan Preferred Sites Consultation comprises sufficient land to provide about 10,100 dwellings in total. In addition the supply includes 4,112 dwellings with existing planning consent (at 1st April 2016). Allowing for a small site windfall allowance comprising sites under the allocation threshold of 0.2ha and changes of use and conversions this would effectively lead to an approximate 2.2-year oversupply by year 15 of the plan period.

4.12 The application site has been considered in the site selection process but has been dismissed in favour of more suitable and sustainable sites as set out in the Preferred Sites Consultation 2016.

4.13 Further work will be undertaken on the OAN and deliverability and viability as the Plan progresses to its Publication stage. Therefore for the purposes of this application the Council is unable to demonstrate an NPPF compliant five year housing land supply.

ASSESSMENT OF HARM TO THE GREEN BELT

4.14 The site lies within the general extent of the Green Belt as shown on the Key Diagram of the RSS and as Green Belt on the proposals map of the 2005 City of York Draft Local Plan. The NPPF makes clear at section 9 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open (paragraph 79). Furthermore that the essential characteristics of Green Belts are their openness and their permanence. Paragraphs 89 and 90 of the NPPF specify the types of development that are 'not inappropriate' in the Green Belt. All other development is inappropriate and, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering planning applications local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

4.15 The applicant argues in the submitted planning statement that:

- Green Belt designation has not been confirmed in a formally adopted local plan;
- National Green Belt policy does not apply to a Green Belt whose boundaries have not been formally adopted;
- The land cannot be considered statutory Green Belt when the council is considering land for housing up to 2031;
- In the absence of a local plan the application must be considered afresh in the context of the sustainability-based policies of the NPPF and current housing needs;
- It is unlikely that the 2005 local plan, which is over 10 years old and not subject to formal public scrutiny, can carry material weight in 2016;
- If these arguments are not agreed there are very special circumstances that, cumulatively, would allow the council to grant planning permission as an exception to normal policy.

4.16 The RSS states that the outer boundary of the Green Belt should be about 6 miles from York city centre (policy Y1C) and that the inner boundary should be defined by the local plan in order to establish long term development limits for the city (policy YH9C). This is being done in accordance with the local planning process in the NPPF. Although the approximate outer limit is set at six miles there is no mention of an inner limit; the RSS does not exclude any open land around the edge

of York from the Green Belt. The application site lies beyond the built-up extent of York and comprises open agricultural land completely devoid of built development. It is the Council's position that until a Local Plan for York is adopted, development management decisions relating to proposals falling within the general extent of the Green Belt are made on the basis that the land should be treated as Green Belt. This is consistent with previous decisions by the Secretary of State. In the case of Germany Beck/Metcalf Lane (APP/C2741N/O5/1189897 and APP/C2741N/O5/1189885) the Secretary of State did not consider that the lack of a defined boundary to be sufficient justification to arbitrarily exclude any site contained within the general extent of the Green Belt. Until such time that the detailed boundaries of the York Green Belt are defined in a statutorily adopted local plan or framework, the Secretary of State's view was that both sites should be treated on the basis that they lay within the Green Belt.

4.17 Paragraph 14 of the Framework states that when taking decisions the LPA should grant permission unless specific policies in the Framework indicate development should be restricted. In this case, the Council considers that the restrictive test set out in Section 9 of the Framework applies, due to the Green Belt status of the site.

4.18 Paragraph 88 of the NPPF says that when considering any planning application local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The application proposal does not fall within any of the categories of appropriate development in paragraph 89 of the NPPF. It therefore constitutes inappropriate development. Paragraph 87 explains 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 is clearly outweighed by other considerations.

4.19 In assessing harm to the Green Belt the proposal can be judged against the five purposes of the Green Belt as set out in Paragraph 80 of the NPPF. These are:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

4.20 Tested against these purposes:

- The site is sizeable and projects significantly from the city's urban area into the open countryside.
- The site is clearly open, in that it has no appreciable structures and it mainly comprises agricultural land.
- The site is located between Huntington and Earswick, which is the narrowest gap between the main urban area of York and any of its satellite settlements.
- Extending northwards towards the ring road would (even with boundary landscaping) increase the urban character of the ring road, which has a generally open, rural character and contributes to the setting of York.
- Although the site lies outside the areas identified in the Local Plan evidence base as being most valuable in terms of the historic character and setting of York, this does not mean that it isn't considered to have any role in relation to this purpose.
- Restricting development on the green field margins of York would encourage recycling of derelict and urban land.

4.21 In summary, the site serves all five purposes of the Green Belt as set out in the NPPF. The proposed development would be a significant encroachment into open countryside, have a detrimental impact on its open character, increase the effect of coalescence between Huntington and Earswick and be detrimental to the character and setting of York.

4.22 The published site selection documents for the emerging local plan make clear that, after allowing for future widening of the ring road, the remaining part of the site would be needed to provide a landscaped setting, maintain the openness of the site and prevent the coalescence of Huntington and Earswick.

4.23 The NPPF states (paragraph 7) that to achieve sustainable development the planning system has to perform three roles (economic, social and environmental) and that these roles should not be undertaken in isolation because they are mutually dependant. The planning system should play an active role in guiding development to sustainable solutions (paragraph 8). The application site is not in a sustainable location because its development for housing would be detrimental to our natural and built environment and therefore contrary to paragraphs 7 and 8 of the NPPF.

4.24 The applicant argues that the site is suitable for development because the site is not protected open space or subject to any environmental asset designation. In response, a site does not require such designation in order to have openness or to serve the purposes of the Green Belt.

4.25 In summary, the proposal represents inappropriate development in the Green Belt, would cause a considerable loss of openness and would conflict with the purposes of including land within the Green Belt. The proposal is therefore harmful to the Green Belt to which substantial weight should be given. The application should be refused unless other considerations are shown to exist to clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm caused. There is no presumption in favour of development as argued by the applicant in the submitted planning statement. Whether there are such other considerations, amounting to very special circumstances, is assessed below in The Planning Balance section of this report.

LANDSCAPE CHARACTER

4.26 The site consists of one large field within which there is evidence of ridge and furrow. A remnant hedgerow marks the old field pattern before the introduction of the ring road. A key characteristic of York is the setting of the city within a largely open rural surround with outlying villages. The site makes up part of the land, both physically and visually, that separates Huntington and Earswick village. Key views from the ring road reinforce this image by way of a foreground of fields and a separation between the city and the neighbouring settlements. The ring road passes through this landscape form; its alignment is not the natural or intended extent of the built-up area of York. Some sections of the ring road do not respect this pattern whereby the road passes through open landscape on both sides; e.g. the retail/business park at Clifton Moor. Whilst the visibility of Clifton Moor is good for identification and economics, it is detrimental to the setting of the city in this respect.

4.27 The application site is largely experienced from the ring road by passing traffic. The site is mostly screened from the west and south due to existing housing on Strensall Road and Avon Drive respectively. The site is relatively well-screened in the summer months due to the established hedge and trees located alongside the ring road, along with the flat terrain. The hedge however is not a solid screen. There is an awareness of openness beyond the hedge, before the building line of Avon Drive, which is set back a considerable distance. The presence of a large number of houses on the site, as proposed, would be obvious in the winter months and there would be a consciousness of their proximity in the summer months. Street lighting and internal lighting would render the development more visible in the landscape during hours of darkness.

4.28 In landscape terms the scheme is an improvement over the previous submission (15/00798/OUTM). The extent of built development has been pulled back from the ring road by approximately the depth of one average plot, resulting in a wider linear park along the northern boundary, greater separation from the ring road and more scope for additional tree planting. Thus the visual impact from the ring road would be slightly reduced. However there would still be an overall detrimental impact on the openness of the Green Belt landscape.

4.29 This greater width of the linear park would accommodate a proposed footpath/cycle way which would provide a more comfortable and pleasing route through green space along this stretch of the ring road, and therefore would provide a wider public benefit.

4.30 This revised submission also includes a formal open space amongst the proposed houses which, as well as providing additional play facilities, would be beneficial to the amenity and identity of the development.

4.31 The revised scheme also has only one vehicular access off Avon Drive, the second being limited to pedestrians and cyclists, thereby resulting in a reduced physical and visual impact on Avon Drive.

4.32 Although the visual impact would be slightly less than the previous application, the proposed development would have a detrimental impact on the openness of the Green Belt and the landscape character of the area.

AFFORDABLE HOUSING

4.33 The application is in outline only and does not include details of the housing mix and layout. However the applicant has agreed to provide 30% affordable housing, i.e. 20 units. If outline planning permission were granted the mix and layout of the affordable units would be for agreement between the applicant and the council at a later date. Provision of affordable housing would be secured by a s.106 agreement.

HIGHWAY MATTERS

4.34 One of the main objections to the application is that it would increase congestion on neighbouring roads, particularly Strensall Road and the ring road. Highways officers have assessed the transport statement submitted with the application and are satisfied that the assessment used is robust. The development would generate in the region of 39-42 two-way vehicle movements during the AM/PM peak periods, which equates to less than 1 additional vehicle per minute during the peak periods. Assessment of the impact of this small increase in traffic on the adjacent junctions, using nationally recognised software has demonstrated that the development would not have a material impact on the operation of the adjacent

road network. Avon Drive/Strensall Road junction currently operates well within capacity and is expected to continue to do so post-development.

4.35 The widening of the ring road is an option of the council, as highway authority, for the alleviation of traffic congestion around York. Whether the council proceeds with widening will depend in part on the level of growth consequent to the adoption of the emerging local plan. Widening in the vicinity of the application site would require a strip of land along the northern edge of the site. The applicant has stated that if the current planning application for housing were to be granted planning permission he would be happy to dedicate the land, which officers understand is in his ownership, to the council as public highway. The illustrative masterplan shows this area as landscaping and public open space. Highways officers are content that the proposed houses would not prejudice road widening. However, road widening would reduce the amount and design of the proposed public open space and bring the road closer to the proposed houses.

4.36 Vehicular access into the site would be taken from the western end of Avon Drive, in the vicinity of its junction with Strensall Road. A new site access junction would be formed. The proposed access, including width and visibility, is in accordance with national guidance. A pedestrian/cycle-only access would be created alongside No.39 Avon Drive. If outline planning permission were to be granted details of the two accesses into the site from the public highway (Avon Drive) should be made a condition of approval. The layout and design of the internal road layout would be part of a reserved matters application.

4.37 Financial contributions or measures would be required from the developer to maximise the sustainability of the development. For example, improvements to adjacent bus stops; choice of either a 12 month bus pass or equivalent value towards a free cycle/cycle accessories for first occupiers; a minimum 3.5m wide pedestrian/cycle path running along the site's northern boundary to be adopted as public highway. The applicant has agreed to make a financial contribution to these sustainable transport measures recommended by the council's Highways officers.

LEISURE AND OPEN SPACE

4.38 For a development of this size all the necessary amenity and play space should be on site. Based on the house mix proposed we would expect to see a total of 6,164sqm of open space (play, amenity and sports pitches). This is significantly less than is shown on the illustrative masterplan. Sports pitch requirements could be addressed through an off site contribution, in which case it would be allocated to Huntington Sports Club.

4.39 No proposals have been put forward as to who would manage the open space in the future. This would be for negotiation between the council and the applicant, (as would the type of play equipment, seating, pond, etc) so that future maintenance

obligations would be minimised. The preference of the council's Leisure officers would be for the space to remain the responsibility of the developer or site management company. If the council or parish council were to manage the site a commuted sum would be required.

4.40 The layout is an improvement over the previous application in that the amount of open space has increased and the play area is closer to the centre of the site. Nevertheless, notwithstanding that the layout is indicative, some of the previous concerns of Leisure officers about the layout remain. If planning permission were granted these concerns would be addressed in the detail design. Provision of open space would be incorporated into a s.106 agreement

BIO-DIVERSITY

4.41 There are no statutory or non-statutory nature conservation sites within or immediately adjacent to the site. Approximately 100m to the south, immediately east of Witham Drive, is North Lane Meadow candidate Site of Importance for Nature Conservation, which is noted for its neutral grassland habitat. Also to the south, approximately 40m from the site is Huntington Tree Plantation Site of Local Interest (SLI) which is an area of new native woodland. The main habitat on the site is semi-improved grassland with hedgerows, scattered trees and areas of plantation woodland. There is also a pond. Although these habitats are not significant in their own right they do contribute to the green networks of the area.

4.42 The amphibian surveys undertaken in 2012 found no evidence of great crested newts. The pond on the site is of poor suitability for great crested newts due to a lack of aquatic or marginal vegetation and heavy shading. It is therefore unlikely that great crested newts have colonised the pond since the surveys in 2012.

4.43 More mobile species of common wildlife that may be found on the site, such as roe deer, pheasants and foxes, would not be significantly affected by the proposed development because they would easily be able to use the surrounding habitats east and south of the site.

4.44 The revised scheme shows a larger area of public open space along the northern boundary. If designed and managed well it would provide greater habitat connectivity than the previous scheme, although some of this land is expected to be needed for the future widening of the ring road. The original scheme design required the removal of two sections on native hedgerow, totalling around 165m. The ecological appraisal found that these hedgerows meet minimum criteria for consideration as a Natural Environment and Rural Communities Act (2007) habitat; although both are relatively short, species-poor and are isolated from links in the wider local landscape. They also support some mature trees. The new scheme should be able to accommodate and enhance these in the landscaping proposals.

4.45 Whilst the applicant intends (if planning permission were to be granted) to design the open space with guidance from an ecologist, this area is not big enough to maintain a coherent ecological link from the River Foss, a regional green Infrastructure corridor to the west, into the candidate SINC, SLI and open fields to the east/south. This area would also be impacted by a proposed upgrade to the A1237/Strensall Road roundabout and vulnerable to future requirements to upgrade the A1237 ring road. Consideration would need to be given to potential conflict between use of the area (e.g. for dog walking) and biodiversity, which could reduce the site's ecological value. If planning permission were to be granted a landscape and ecological management plan should be produced for the site.

4.46 The proposed development should use a sensitive lighting scheme to avoid excess light spill onto surrounding habitats incorporate features for birds and roosting bats.

4.47 If the application were approved, conditions should be attached requiring (i) submission of an ecological design strategy addressing mitigation and enhancement (ii) updated ecology surveys if development does not commence within 2 years (iii) submission of a sensitive lighting scheme.

NEIGHBOUR AND OCCUPIER AMENITY

4.48 The reduced number of houses now proposed has enabled the separation distance between the proposed houses and the ring road to be increased. In terms of traffic noise from the ring road a noise impact assessment has been submitted with the application. Based on the findings the proposed houses would have double glazing and acoustically-treated trickle vents. According to the applicant's noise consultant internal levels would, as a result, comply with BS8233 and the World Health Organisation guidelines on community noise. The council's Public Protection officers are satisfied that, with appropriate mitigation, the proposals would provide suitable living conditions for the occupiers. No updated noise assessment has been provided to determine the impact of noise in the gardens of the proposed gardens. However the council's Public Protection officers anticipate that the provision of acoustic barriers around the garden areas to the north of the site would be sufficient to ensure that noise levels in gardens would not exceed the desirable standard of 50dB(A), as defined in BS8233. If planning permission were to be granted, these mitigation measures should be secured by appropriate planning conditions.

ARCHAEOLOGY

4.49 The National Planning Policy Framework (NPPF) requires (at paragraph 128) that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Paragraph 129 states that local planning authorities

should identify and assess the particular significance of any heritage asset that may be affected by a proposal, taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

4.50 The site lies outside the Area of Archaeological Importance but is in a wider area which has produced evidence of deposits from the Romano-British period. The likelihood of deposits being found on the site justifies a programme of intrusive archaeological evaluation by trial trenching. When the previous application was being considered no such investigation had been carried out, hence its inclusion in the reasons for refusal. The applicant has since carried out this work, which identified a series of Romano-British features (ditches). Pottery in one of the ditches could mean that there was settlement in the vicinity of the site in the 2nd/3rd century. Any ground disturbance deeper than 0.4m below the present ground surface will adversely affect significant archaeological deposits so there is a requirement for further archaeological mitigation. This should take the form of an Open Area Excavation in advance of development. If planning permission is granted this excavation should be made a condition of planning permission (ARCH1). A further condition should be attached requiring a full report on the archaeological excavation to be submitted to and agreed in writing by the local planning authority.

LOCAL SERVICES

4.51 Some local residents are concerned that the proposal would put unacceptable pressure on local services, particularly local schools. The site lies within the catchment of Huntington Primary school and Huntington Secondary school. If planning permission were to be granted no financial contribution would be currently required for primary education as sufficient places are available. However, the council's Education officers would wish to reserve the right to reconsider this if the number of available places were to change prior to the planning permission being implemented. The illustrative mix of housing units currently proposed would generate the need for an additional 6 secondary places requiring a contribution of £91,104. Huntington is the catchment secondary school but has no capacity to expand its roll. The funding should therefore be commuted to nearby Joseph Rowntree School for internal adaptations to enable the extra pupils to be accommodated. Eight early years places would be generated totalling £48,888 for provision within 1.5km of the development. The total financial contribution would therefore be £139,992.

4.52 The applicant has agreed to the principle of a financial contribution calculated in accordance with the council's standard formula and for the contribution to be incorporated into a section 106 agreement.

4.53 Health services are outside the control of the local planning authority. Any shortfall in provision would be a matter for the appropriate health authority.

FLOOD RISK AND DRAINAGE

4.54 The site is in low risk flood zone 1 and is unlikely to suffer from river flooding. The development of the site for housing would increase the surface water run-off from what is currently agricultural land. Notwithstanding that there appears to be a suitable surface water outfall from the site to river Foss, if planning permission were granted surface water runoff from the development would need to be attenuated. The need for attenuation has been accepted by the applicant. The council's flood risk officers and the internal drainage board would require the discharge rate to be no greater than 6.7l/s (which equates to a greenfield run-off rate of 1.4l/s/ha). If planning permission were to be granted conditions should be attached regarding (i) separate systems of foul and surface water drainage (ii) submission of drainage details including details of any attenuation and off-site works (iii) no piped discharge of surface water prior to the completion of the approved drainage works.

4.55 The applicant proposes that foul water would be discharged to the existing foul water network in Avon Drive. This would be an acceptable arrangement. Any current problems with the efficacy of the foul water network in the vicinity of the site would be a matter for Yorkshire Water.

COMMUNITY INVOLVEMENT

4.56 Prior to submission of the previous application the applicant consulted occupiers in Huntington by means of a leaflet drop of approximately 500 properties. It included a summary of the proposals and a copy of the illustrative masterplan. A larger version was made available for viewing on the planning agent's website. The applicant's statement of community involvement says that the response rate was approximately 5%. Of those respondents opposed to the development, the main concerns were about: the highway implications of the development (particularly regarding existing problems on Strensall Road and future improvements to the ring road); the capacity of schools and GP surgeries; and the Green Belt location.

4.57 In support of the current application the applicant has submitted an Engagement Update Note setting out the consultation, community involvement and stakeholder engagement activities that the applicant has carried out in connection with the current application. They include a facebook page and letters to the local MP, ward councillors, York Civic Trust, York Chamber of Commerce and local businesses. An information leaflet was also distributed to 5000 homes in the area.

THE PLANNING BALANCE

4.58 Planning policy dictates that substantial weight should be given to any harm to the Green Belt and that 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.

4.59 The applicant has advanced the following other considerations, which they argue constitute very special circumstances that outweigh any harm that the development would cause:

- o Delay in progressing the new local plan;
- o Shortage of housing land;
- o Suitability of the site for development;
- o Sustainability of the site and its deliverability, availability and suitability for development;
- o Design changes to the scheme in light of previous public consultation.

4.60 Officers acknowledge that the proposal has benefits and that the scheme is an improvement over the previous application, for the reasons given above.

Nevertheless, whilst acknowledging that the scheme has benefits, officers do not consider that they individually or cumulatively constitute very special circumstances to justify inappropriate development in the Green Belt. The most significant benefit is the provision of much-needed housing, including affordable housing. But the NPPG states that unmet housing need is in itself unlikely to outweigh the harm to the Green Belt and other harm to constitute very special circumstances justifying inappropriate development on a site within the Green Belt.

4.61 The council's highways officers are satisfied that the road could be widened and environmental protection officers are satisfied that noise mitigation measures could be provided. But whilst improvements to a trunk road could constitute very special circumstances the current housing proposal does not; other legislation exists to secure the land required for the works. Provision in the scheme for future widening of the ring road does not outweigh harm to the Green Belt.

4.62 The development would create some employment and provide some support to the local economy but these benefits would be limited (and the construction jobs would be short-lived). They would not justify the permanent loss of openness when judged against the Green Belt's essential characteristics, which are openness and permanence.

4.63 Contributions would be made towards highway works, open space and education but these are in mitigation, they are not benefits of the scheme.

4.64 As set out above, substantial weight must be given to the harm caused by reason of the scheme's inappropriateness; and substantial weight should also be given to the harm caused to the openness of the Green Belt, the scheme's impact on the character of the landscape and the visual harm that the scheme would cause. Whilst the scheme would deliver benefits, key amongst which being the provision of much needed open market and affordable housing, it is concluded that the harm that the scheme would cause would substantially outweigh its benefits, and that no very special circumstances exist here to justify the grant of permission.

5.0 CONCLUSION

5.1 Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. The application site is located in the Green Belt as identified in the 2005 City of York Draft Local Plan. It is considered that the proposed development of up to 67 houses and associated infrastructure constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework. Inappropriate development is by definition harmful to the Green Belt. No 'very special circumstances' have been put forward by the applicant that would outweigh harm by reason of inappropriateness and any other harm, including the impact on the openness of the Green Belt and conflict with the purposes of including land within Green Belt. The proposal is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt Land' and policy GB1 'Development in the Green Belt' of the 2005 City of York Draft Local Plan.

6.0 RECOMMENDATION: Refuse

1 Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. The application site is located in the Green Belt as identified in the 2005 City of York Draft Local Plan. It is considered that the proposed development of up to 67 houses and associated infrastructure constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework. Inappropriate development is by definition harmful to the Green Belt. No 'very special circumstances' have been put forward by the applicant that would outweigh harm by reason of inappropriateness and any other harm, including the impact on the openness of the Green Belt and conflict with the purposes of including land within Green Belt. The proposal is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt Land' and policy GB1 'Development in the Green Belt' of the 2005 City of York Draft Local Plan.

7.0 INFORMATIVES:

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