

COMMITTEE REPORT

Date: 8 June 2016 **Ward:** Osbaldwick and Derwent
Team: Major and **Parish:** Osbaldwick Parish
 Commercial Team Council

Reference: 16/00342/FULM
Application at: Land Lying To The West Of Metcalfe Lane Osbaldwick York
For: Erection of 36 dwellings with associated roads and public
 open space - revised layout of part of phase 4 of the
 Derwenthorpe development (resubmission)
By: Joseph Rowntree Housing Trust
Application Type: Major Full Application (13 weeks)
Target Date: 9 June 2016
Recommendation: Delegate to Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The application concerns an area of land to the west of Metcalfe Lane, which is part of a larger residential development scheme approved at outline stage by the Secretary of State in 2007. Reserved matters approval for the four quadrants of the development has subsequently been granted. This proposal relates to an area of land within Phase 4 (the north-eastern quadrant accessed from Meadlands) and to a field, Field 9, immediately to the south of it. Permission was granted for 74 number of homes accessed from Meadlands. Field 9 was shown as an area of open space of ecological interest.

1.2 The current proposal seeks full planning approval to redesign part of Phase 4 by repositioning houses and re-siting 6 no. dwellings onto Field 9, to accommodate the retention of overhead electricity power lines that cross the site. The application does not cover all of the land within Phase 4. The power lines were intended to be laid underground, but the application submission explains that National Grid are unable to provide this undertaking and a stand off zone distance set by the grid operator, Northern PowerGrid needs to be adhered to if the power lines have to remain overhead. The retention of the cables effectively neutralises the land beneath them and within a safety clearance distance of 11m either side of the power lines. This affects 17 no. of the dwellings approved under reserved matters application 12/01878/REMM, within Phase 4, which cannot be constructed because the overhead lines and the associated safety clearance corridor cross over the dwellings themselves or the private gardens.

1.3 Access to Phase 4 would remain unchanged. The number of dwellings would reduce from 74 in total accessed from Meadlands to 66 and within the application site itself from 44 to 36. The mix of house types is as follows: 6 no. two bedroom houses, 28 no. three bedroom houses and 2 no. four bedroom houses. The open

space would be reconfigured with a large section of Field 9 retained and extended north along the eastern site boundary with Metcalfe Lane, under the line of the power cables.

1.4 This application is a re-submission of the same scheme that was submitted in 2015 (ref.15/00754/FULM), but was withdrawn prior to Committee by the applicant, as they wished to revisit the proposed Section 106 obligations.

ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

1.5 The site area does not exceed 5 hectares and the number of units is less than 150 dwellings and therefore the application falls below the threshold stated in the Town and Country Planning (Environmental Impact Assessment)(Amendment) Regulations 2015. The application, whilst related to an existing approved application that was accompanied by an EIA does not constitute a subsequent application as defined in the EIA regulations.

2.0 POLICY CONTEXT

2.1 2015 Draft Development Plan Allocation:

Conservation Area GMS Constraints: Osbaldwick CONF

Schools GMS Constraints: St. Aelred's RC Primary 0223

2.2 Policies:

1. Yorkshire and Humber Regional Spatial Strategy - Green Belt policies YH9(C) and Y1 (C1 and C2))

2. National Planning Policy Framework (March 2012)

3. 2005 Draft York Local Plan (4th set of changes). Relevant policies include:

- CYGP1 – Design
- CYGP3 – Planning against crime
- CYGP4A – Sustainability
- CYGP4B – Air Quality
- CYGP6 – Contaminated Land
- CYGP9 – Landscaping
- CGP15A – Development and Flood Risk
- CYNE1 – Trees, woodland, hedgerows
- CYNE6 – Species protection
- CYNE7 – Habitat protection

- CYGB1 – Development in the Green Belt
- CYT4 – Cycle parking standards
- CYH1 – Housing Allocation
- CYH2A – Affordable Housing
- CYH3B – Managed Release
- CYH3C – Mix of Dwellings
- CYH5A – Residential Density
- CYED4 – Developer Contributions towards Education
- CYL1C – Provision of New Open Space in Development

4. Draft York Local Plan (2014) Publication Draft – relevant policies include:

- DP2 – Sustainable Development
- DP3 – Sustainable Communities
- SS1 – Delivering Sustainable Growth for York
- SS2 – The Role of York’s Green Belt
- D1 – Landscape and Setting
- D2 – Placemaking
- G14 – Trees and Hedges
- GB1 – Development in the Green Belt
- CC2 – Sustainable Design and Construction
- ENV4 – Flood Risk
- T1 – Sustainable Access

3.0 CONSULTATIONS

3.1 The application was publicised by means of a press notice, posting of site notices and consultation with statutory consultees and adjacent residents. Further re-consultation was undertaken following the submission of the revised plans. The consultation period expired on 29 April 2016.

INTERNAL

PLANNING AND ENVIRONMENTAL MANAGEMENT (ECOLOGY AND COUNTRYSIDE)

3.2 This application is a resubmission of 15/00754/FULM. There are no significant changes to the application with regards to impacts on ecology and therefore the previous comments of 4th August 2015 and recommendations for conditions remain valid.

3.3 States the original scheme retained Field 9 as a nature reserve to maintain habitat for great crested newts and also the nature conservation value of the wet

grassland habitat found here. The area was to be enhanced with the creation of new ponds and additional hedgerow planting. Stock proof fencing was to be installed to allow grazing as a management option.

3.4 The officer visited on 22nd May 2015 and found the pond to be dry. Therefore, although the great crested newt survey is two years old, the conclusion that great crested newts are no longer breeding on site is supported. A pond drying by late Spring can indicate annual drying.

3.5 The area to the west and immediately south of the pond has a lush grass sward with frequent common and meadow buttercup and occasional tufts of hard rush. The ridge and furrow is less pronounced here although there was evidence of recent areas of standing water. The ridge and furrow is much more pronounced in the area east of the pond with evidence of having held water until recently. The area is dominated by strands of hard rush where lady's smock is frequent and interspersed and boarded with areas of grass containing glaucous sedge, meadow and creeping buttercup, common vetch, common sorrel and occasional dock. Towards the centre is a small patch dominated by thistles.

3.6 This second design of the revised scheme introduces one row of housing and access road at the western side of Field 9, with a connecting shared user path along the south. It also introduces a new area of open space to the north of Field 9, along the boundary with Metcalfe Lane. An Ecological Conservation and Management Plan has been submitted which sets out the creation and treatment of the areas.

3.7 This latest revision, removing houses on the eastern side of Field 9, is an improved design as the more interesting area of wet grassland is retained with better connectivity to the wider landscape. The eastern hedgerow along Metcalfe Lane is now at less risk of inappropriate management and disturbance. The restriction of housing to one side of the field gives it less of a 'village green' feel which could help to minimise 'people pressure' on it, although there is still some risk from this. It still feels that the area of wildflower grassland proposed behind housing on the western side is unlikely to be sustainable in the long term, being at risk of damage from garden waste or unofficial extensions of back gardens.

3.8 The ecology report still refers to land re-modelling to avoid seasonal water logging in the south of the area. It is not clear what exactly this would involve and a construction environmental management plan for biodiversity, such as detailed in British Standard BS 42020:2013, will be required to ensure that there are no adverse impacts from construction.

3.9 The improvements to the existing pond are welcomed, as are the new hedgerows which should limit the amount of blackthorn in their composition to avoid encroachment into the field. The Ecological Conservation and Management Plan details the creation of a new pond to the south of the shared user path which would

enhance the area. The management for this area is now proposed as annual hay cut which will help to maintain the botanical interest.

3.10 The lighting scheme shows low level bollards on the shared user path which is appropriate for this location but 'all round' street lights on the roads. Use of this type of lighting would cause unnecessary light spillage onto the areas retained for nature conservation (including the existing pond) and an appropriate condition should be used to secure a better design.

3.11 If this application was approved the protection and enhancements of existing features, creation and future management of the areas of open space would need to be secured through a planning condition.

PLANNING AND ENVIRONMENTAL MANAGEMENT (LANDSCAPE)

3.12 As there are no significant changes to the previous submission, no further comment to make, requests referral to previous detailed comments made 20th May 2015 ref: 15/00754/FULM (see below). In summary, in terms of open space provision, the proposal works well. Compared with the approved scheme (12/01878/REMM), a higher number of properties overlook open space; and the amenity is increased along Metcalfe Lane due to the increased openness along the eastern edge of the site.

3.13 Raises concern on basis of capacity to accommodate the ecological requirements within the new layout and the visual impact of the housing arrangement. The impact on open space in the revised scheme is more openness to Metcalfe Lane and the quality of amenity space is not harmed. However it is not as satisfactory for the housing arrangement. The single rows of houses now appear somewhat isolated and vulnerable. Nonetheless there remains a reasonably close association between the single rows of houses and adjacent blocks. Along the front elevations they read with units 469-475 as part of an incomplete quadrangle around the revised open space, with appropriate pedestrian and cycle circulation.

3.14 The character of this space was to essentially reflect its purpose as a 'nature reserve'. The reduction in size of this particular space and its enclosure with housing will place greater population pressure upon it, but sees no reason why it cannot be maintained as best as possible with nature in mind, including suitable wet areas, and to discourage too much wear and tear through general recreation, given that there is the provision of other formal facilities within Derwenthorpe. This arrangement, as for others, results in good overlooking of open spaces.

3.15 The planting and hard materials proposed in the Landscape Layout are in keeping with the standards presented throughout the rest of the Derwenthorpe development. However any shrub planting within the two open spaces should be predominantly native. The same style of LAP is provided in a different but equally

suitable location. A minor detail but the visitor parking spaces to the east of the link with Meadlands could possibly be given a bit more attention e.g. by way of tree planting.

3.16 A street lighting scheme is included in the submission. In order to be assured that the electricity supply and other utility runs will not hinder the proposed street tree planting, which is so critical to the home zone principles and street amenity. This information should be provided before a recommendation can be made. It is assumed such information can be provided at this stage, given the advanced development of earlier phases. Would also expect a tree pit/trench planting detail for the street trees.

3.17 Requests conditions be attached as for the previously approved reserved matters phase 4 scheme in respect of provision of an approved landscape scheme through LAND 1 which would include details for the open spaces and secure all of the planting for a five year period; and a condition for protection of existing hedgerows, scrub and trees within the application site and alongside Metcalfe Lane.

3.18 Further to previous email, this scheme is improved with the removal of the houses on the eastern side of the open space, resulting in a better relationship with Metcalfe Lane and a more fluid connection between the two eastern areas of open space. It is a pleasant outlook/setting for units 476 - 481, though it does still leave them looking a bit vulnerable. Given the information we have to date, requests conditions be attached to any approval to cover landscaping, a plan showing utility runs and tree/hedge protection.

PLANNING AND ENVIRONMENTAL MANAGEMENT (ARCHAEOLOGY)

3.19 A desk top study of this area in 1999 suggested that the site may be the location of prehistoric settlement alongside a routeway following the glacial moraine now Hull Road. This routeway later became a Roman road. Roman settlement is known in the vicinity of Osbaldwick.

3.20 Geophysical survey and subsequent archaeological evaluation of this area in 2002 revealed possible Roman linear gullies and postholes and a possible 10th or 11th century toft enclosure. The remnants of medieval ridge and furrow were evident in all trenches.

3.21 Despite the limited findings the site is still within an area of archaeological interest and, given the scale of this proposal, it is possible that excavations for foundations and service connections may reveal or disturb archaeological features. It will be necessary to record any revealed features and deposits through an archaeological watching brief on all groundworks.

3.22 Requests condition ARCH2 on any consent that is granted for this application.

PUBLIC PROTECTION

3.23 This application is for a revised layout of Phase 4 of the Derwenthorpe development, as a result of which the principal of development has already been established.

3.24 Noise - Concern raised regarding noise associated with the construction of the housing, given the proximity of existing housings in Phases 1, 2 and 3 of the development and properties located on Metcalfe Lane itself. Requests a condition requiring the previously approved Construction Environmental Management Plan to be used and followed for the new scheme to ensure that residential amenity during the construction phases is not adversely affected.

3.25 Contaminated Land - The revised Phase 4 layout no longer includes electricity substation land, so land contamination is less likely to be present at the development site. However, it is recommended that conditions be attached to any planning approval in case unexpected contamination is detected during the development works.

3.26 Requirement for Electric Vehicle Recharging infrastructure on the site - In line with City of York Council's adopted Low Emission Strategy and the NPPF, developments should be located and designed where practical to incorporate facilities for charging plug-in and other ultra low emission vehicles (NPPF para 35). All residential properties that include off street parking (private driveways or garage space) should make provision for this. Suggested condition for the provision of Electric Vehicle recharging infrastructure.

FLOOD RISK MANAGEMENT TEAM

3.27 This is a revision to the already approved layout under the outline application and all drainage has been approved and constructed in accordance with the submitted drainage details and have been in operation for some time. These works to include construction of the headwall connection to Osbaldwick Beck and discharge rate was by way of consent by the Foss (2008) Internal Drainage Board (FIDB). After assessing the submitted Note to file N010-2 dated 26th April 2016 by JBA Consulting, the team confirm this is a full account of the history and approval of the drainage on this development and therefore this 2016 application will not increase flood risk on site or elsewhere. It is clear by the FIDB's response that their planning officer is not in possession of the full history and approval of the strategic drainage on this development and should therefore remove their objection. Requests conditions requiring separate systems of drainage for foul and surface water and no piped discharge of surface water prior to completion of the approved surface water drainage works.

HIGHWAY NETWORK MANAGEMENT

3.28 No objections to the proposed application. The detail submitted accords with the principles set out in the outline application for the site. As the application has been submitted as a full application, relevant conditions will need to be applied. The Section 106 agreement would need to be varied to ensure that this application is bound by the relevant contributions and highway works linked to the outline consent.

3.29 The number of residential units served from Meadlands is in accordance with the relevant planning consents. All issues relating to traffic generation and off site highway works were secured and addressed at the outline application stage. Although the application being considered is stand alone the level of traffic that would be anticipated to be generated by the phase is less than that previously considered and as such no further assessment work is required nor justified.

3.30 A break point is provided within the phase which will permit pedestrians and cyclists to pass between the Fifth Avenue element of the scheme and the Meadlands side. Vehicular access between these access points will be prevented with the exception of emergency vehicles or refuse vehicles as may be necessary.

3.31 Much of the highway layout is based around home zone principles where the road space is shared amongst users and as such does not have a formal kerbed carriageway/footway construction. The highway has been designed to restrain vehicle speeds through a variety of recognised measures including the use of planting in the highway, varying the width of the highway and restricting forward visibility. Traffic calming design features together with managed on-street parking areas have been provided throughout the phase which have been designed to keep vehicle speeds to 20mph.

3.32 Car parking is in accordance with CYC Annex E maximum standards with the layout being carefully designed to create areas of managed on-street parking whilst avoiding the potential for indiscriminate parking to occur. The proportion of car parking numbers including visitor spaces and car club bays is to the same ratio as has been provided and agreed on Phases 1,2 and 3 of the development.

3.33 Refuse collection will be a mixture of kerbside collection and pick up from dedicated bin drop off points. Vehicle swept paths have demonstrated that refuse vehicles can successfully traverse the site.

3.34 There is an existing cycle route which runs along the Eastern boundary of the site between the Sustrans route and Meadlands. This route is being accommodated within the site layout.

HOUSING STRATEGY AND DEVELOPMENT TEAM

3.35 Housing Services support this revised application from JRHT. Lengthy delays in beginning on site necessitated council officers and JRHT working closely with the Homes and Communities Agency (HCA) to ensure that the grant funding for the affordable housing has continued to be secured despite significant changes and delays to the original programme for building out the development.

3.36 The HCA grant funding conditions require that a certain number of affordable homes are to be completed each quarter and for all 198 affordable homes to be completed by March 2018. To achieve this it has been necessary to agree a higher proportion of affordable housing on Phase Three of the development and a lower proportion on Phase 4. This has been a pragmatic approach to securing the grant funding for the homes scheduled for delivery in phases 3 and 4 and thereby also ensuring that the overall development will deliver 40% affordable housing.

3.37 For this full planning application which forms part of Phase Four of the development one shared ownership home will be included. Across the whole of Phase Four there will be eight affordable homes which is fewer than would ordinarily be required under the council's affordable housing planning policy and this will need to be reflected in the S106 Agreement. However, because of the unique circumstances of this development and in particular the need to meet external deadlines for the delivery of affordable housing, this is considered acceptable so long as the total number of affordable homes remains at 198 out of 491 homes. Information has been provided of the tenure split in each phase of the development, which confirms that the total affordable homes in the development as a whole will still meet the original agreement of 40%.

EDUCATION

3.38 Requests financial contributions towards education provision, including £60,736 towards the cost of additional dining facilities at Archbishop Holgate's School, and £24,444 towards the cost of additional pre-school provision within 1.5km of the site.

LEISURE

3.39 Based on the housing mix, the off site sports contribution required for phase 4 would be £20,448. This would be spent in accordance with the city's playing pitch strategy. This 2014 strategy demonstrates that the city is short of sports pitches in general, with specific pitch and facility issues highlighted in the area. The pitches at Burnholme are specifically mentioned in Heworth Ward, which has a deficit of 15.22 Ha of grass pitches. Combining the level of provision in Heworth, Heworth Without and the former Osbaldwick ward, there is a combined deficiency of 7.33 Ha. The priority projects for the area are still pitches, outdoor sport and ancillary facilities at

Burnholme community health hub and pitch drainage and improvements at Osbaldwick sports club to improve its carrying capacity.

EXTERNAL

NATURAL ENGLAND

3.40 Has no comments to make regarding this application.

ENVIRONMENT AGENCY

3.41 No objections.

YORKSHIRE WATER

3.42 Requests conditions be attached in the event permission is granted in order to protect the local aquatic environment and Yorkshire Water infrastructure.

SPORT ENGLAND

3.43 No Comment.

NORTH YORKSHIRE POLICE

3.44 No concerns or issues to raise.

FOSS INTERNAL DRAINAGE BOARD

3.45 Object on the basis that the proposed drainage system is considered to be unviable and unachievable without the installation of a headwall to Osbaldwick Beck, which would not be agreed by the Board unless the intended discharge rate was above 1.4l/s/ha.

OSBALDWICK PARISH COUNCIL

3.46 Objects to the planning application on the following grounds:

- The plans contradict the 2007 outline permission granted by the Secretary of State that field 9 should not be built on and should be kept as amenity/wildlife open space provision;
- Issues and concerns previously raised relating to flooding and ground water retention have not been addressed;
- Drainage is a major issue due to the land being built up;
- Residents of Meadlands seek confirmation that Meadlands would not be used for construction traffic/workers, that boundary hedges would be retained, that

bungalows would be built adjacent to Meadlands with a minimum distance of 20 metres adhered to and working hours defined, adhered to and monitored;

- Request a meeting with CYC, JHRT and local representatives;
- Point out that item 13a) on the application form relating to protected species is incorrectly answered as it does not acknowledge that Great Crested Newts have been found in Field 9 pond in the past and the neglected state of newt fencing since the development commenced;
- Development will compromise the protected species on the area;
- Development on Field 9 further undermines the schemes so called environmentally friendly credentials even further;
- Should approval be granted for the revised layout what undertaking will be given that the replacement open space under the power lines will not similarly be built on in the future should the power lines come down to facilitate development to the East of Metcalfe Lane.
- Objection is raised to the use of outdated flood risk assessment documents to support this revised layout as Meadlands has suffered greater water-logging problems since development of other phases commenced and concerns are heightened with development on the marshy Field 9 which has always acted as a sump for water;
- Request that dwellings on Plot No's 444 & 445 should be omitted or re-located as their positioning compromises the hedgerow forming the boundary with the PROW and concern is raised as to highway safety with the vehicles associated with these two dwellings manoeuvring onto the public highway so close to the one entrance into and out of this phase;
- Phase 4 has the same under-provision of car parking as is already causing problems on other phases and therefore, concern is expressed as to displaced parking on Meadlands upon occupation and whatever the configuration of public open space is approved the Parish Council request that post and rail fencing is used to protect the open space from damaging parking which is evident on earlier phases;
- Request clear undertakings from the local authority that, given earlier problems on phase 1, 2 & 3 construction, that planning conditions imposed regarding working hours are strictly enforced and that breaches are promptly investigated and sanctions applied;
- Request clear undertakings from the local authority that the Eastern boundary hedge is protected throughout construction and is maintained at its current height with access along the prow maintained at all times.

MEADLANDS AREA RESIDENTS ASSOCIATION

3.47 The Association makes the following points and areas of concern:

- Considers that objections submitted by Parish Council to 2015 application are still valid;

- Request formal written assurance that Meadlands will not be used for HGN construction vehicles, delivery and workers vehicles or by workers using the area as a canteen/tea break amenity;
- Consider that views of older people in community should be listened to;
- The Trust is reliant on an outdated Flood Risk Assessment for the site;
- As more of the site is development it has been noticed that standing water is now prevalent in Field 9, on the adjacent cycle track and the nearby Public Right of Way to the extent that these routes have been effectively impassable;
- Concern about water displacement from Phase 4 on the properties on Meadlands due to the effects of standing water, present high water table and raised ground levels;
- Consider that the historical ditch along Meadlands perimeter and new Phase 4 boundary should be reinstated to provide drainage so as to protect Meadlands properties and gardens from further water logging;
- Concerns were expressed by residents about close boarded fencing set against the existing boundary hedge to the rear of Meadlands properties and damage to hedge [Officer note: the boundary referred to falls outside of the redline of this application];
- Request continued access for pedestrians and cyclists between Meadlands and Osbaldwick is maintained at all times during the construction of Phase 4.

DERWENTHORPE RESIDENTS ASSOCIATION

3.48 The association represents residents of over 250 properties within the Derwenthorpe development, with some having lived here for almost four years:

- Concerned about impact of construction traffic generated by Phase 4 and failure of the City Council/JRHT/David Wilson Homes to control day to day traffic which passes within feet of many occupied homes contrary to requirements of Section 106 Agreement;
- Access to phases 2 and 3 was required to be via Fifth Avenue as that road has grass verges and pavements and the houses are set back behind comparatively large front gardens and residents have coped valiantly with traffic for 3 years having seen road repeatedly damaged;
- Increase in children within phase 3 living on the route to a massive construction site and design of phase 3 makes it particularly inappropriate for construction traffic with road narrowing, traffic calming measures and shared spaces and houses having very small or no front gardens;
- The safer and shorter alternative for construction traffic would be through Meadlands, which is immediately adjacent to phase 4 and access by this route would be by far the shortest route - Meadlands has two lanes throughout, all houses have substantial drives and all bar one house has a garage - there are very few parked cars parked on the road during day time and there are very few resident children;

- If construction traffic is not routed via Meadlands, massive changes must be made to the way traffic is controlled and the times that heavy vehicles can travel along Fifth Avenue and Derwent Way.

LOCAL RESIDENTS

3.49 One letter of support received from resident of Farndale Avenue.

3.50 One letter of support of support from resident of Lotherington Avenue, who considers that construction traffic should be via Meadlands as it appears wider and access is easier. There is no school and it would reduce the disruption to residents of Fifth Avenue who have already put up with construction traffic for rest of development.

3.51 Letter of objection from resident of Phase 3 of development (Seebolm Mews) objecting on safety grounds to the access for the construction traffic for Phase 4 of the Derwenthorpe development being down Derwent Way. Reference is made to this road which is considered to have already proved totally unsuitable for construction traffic and HGV, being single lane in places and home to high numbers of children, and to the design of the estate in that there is no distinction between the pavements and roads, reducing their appreciation of the risks and dangers. It is suggested that construction traffic be routed down Meadlands, which is a quieter, wider (2-lane) road with less on-street parking and far fewer children, and will be the access road for the Phase 4 development when complete.

3.52 One letter of concern from resident of Meadlands on grounds of surface water drainage, especially near site access which already becomes badly flooded, and due to noise, air pollution and traffic both during and after building works.

3.53 Letter from local resident who objects to any suggestion that the new application can alter the route of construction traffic to go through Meadlands. She refers to Inspector's comments on the matter, the compensation given to Fifth Avenue residents and the informed decision and choice of people moving into a building site.

4.0 APPRAISAL

4.1 The key issues to be considered as part of this application are:

- Principle of development;
- Green Belt policy and inappropriate development;
- Openness and purposes of the Green Belt;
- Access and highway issues;
- Design and visual amenity;
- Residential amenity;

- Ecology;
- Archaeology;
- Flood risk;
- Affordable housing;
- Impact on local facilities;
- Other considerations.

POLICY CONTEXT

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for York other than the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These 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 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 Central Government guidance is contained in the National Planning Policy Framework (NPPF, March 2012). 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. Footnote 9 of paragraph 14 contains restrictions where this presumption in favour of sustainable development does not apply, including land designated as Green Belt and locations at risk of flooding. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design and protecting Green Belt.

4.4 Section 6 of the NPPF 'Delivering a wide choice of high quality homes' seeks to boost the supply of housing. Paragraph 49 states that housing applications should be considered in the context of presumption in favour of sustainable development.

4.5 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

4.6 Section 9 'Protecting Green Belts' says that the essential characteristics of Green Belts are their permanence and openness (paragraph 79). Paragraph 80 sets out the purposes of Green Belt. These are to check 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. Paragraph

88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. With regard to new buildings, paragraph 89 states that the construction of new buildings is inappropriate in Green Belt unless it falls within one of the listed exceptions.

4.7 Section 10 'Meeting the challenge of climate change, flooding and coastal change offers advice on locating new development to avoid increased flood risk.

4.8 Section 11 'Conserving and enhancing the natural environment' says that the planning system should contribute to and enhance the natural environment by, amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible as well as preventing adverse affects on pollution and land instability.

4.9 Section 12 'Conserving and enhancing the historic environment' gives advice on handling applications with heritage implications, including heritage assets with archaeological interest.

4.10 Although there is no formally adopted local plan, the City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. The relevant policies are summarised in section 2.2 above.

4.11 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF), although the evidence base underpinning the work to the emerging plan is capable of being a material planning consideration.

SITE AND HISTORY

4.12 The application site comprises an open area of grazing land approximately 2.13 hectares in size that is located to the west of Metcalfe Lane between the residential development of Meadlands to the north and National Grid land to the south. Metcalfe Lane runs along the eastern site boundary and provides vehicle access to Langton House, situated to the east of Metcalfe Lane, and pedestrian access through to the Meadlands. The application site lies within flood zone 1.

4.13 Outline planning permission (ref. 03/02709/OUTM) was granted by the Secretary of State in May 2007 for a residential scheme of approximately 540

dwellings on land to the west of Metcalfe Lane, Osbaldwick. Means of access and the general landscaping structure were approved as part of the outline consent. The scheme involved a sustainable urban extension to the east of the City with high a high proportion of affordable homes that would retained and managed by JRHT. The general layout of the development, its division into four neighbourhoods each with its own individual vehicular access point, the size and shape of these neighbourhoods and the approximate number of dwellings within each one, along with the general location of public open space, were established through an illustrative masterplan and design documents submitted in support of the outline planning application. Reserved matters consent for siting, design, external appearance and detailed landscaping were subsequently approved. Reserved matters for the phase the subject of this application were approved in 2013 (12/01878/REMM).

4.14 Phase 1 of the development (Neighbourhood D accessed from Osbaldwick Village) has been built and is now occupied. Phases 2 (Neighbourhood C accessed from Temple Avenue) and 3 (Neighbourhood A accessed from Fifth Avenue) are under construction with some homes completed and occupied.

PRINCIPLE OF DEVELOPMENT

4.15 Whilst the RSS has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates the general extent of the Green Belt around York. These policies comprise the S38 Development Plan for York. The policies in the RSS state that the detailed inner boundaries of the Green Belt around York need to be defined to protect and enhance the nationally significant historical and environmental character of York. The 2005 Draft Local Plan proposals map identifies the site for housing development, but the Secretary of State in considering the outline application proposal concluded that the land was part of the Green Belt. The Secretary of State considered that the site fell outside the categories of development that are considered in policy to be appropriate in the Green Belt and attributed substantial weight to the definitional harm.

4.16 It is considered that the site falls within the general extent of the Green Belt. In accordance with footnote 9 of paragraph 14 of the NPPF, the usual presumption in favour of sustainable development established by the NPPF does not apply in Green Belt locations. Instead, the more restrictive policies in section 9 of the NPPF apply.

GREEN BELT POLICY

4.17 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. Paragraph 80 sets out the five purposes of the Green Belt:

- 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.

4.18 Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate development in Green Belt. Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 says when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

4.19 The proposal constitutes inappropriate development for the purposes of the Green Belt policy tests. For inappropriate development to be acceptable, very special circumstances must exist. '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.

IMPACT ON OPENNESS AND GREEN BELT PURPOSE

4.20 The outline consent has been implemented and is part constructed. The current application seeks full planning approval to reposition the properties within part of Phase 4 of the approved outline scheme to take account of the retention of overhead electricity cables that cut across the site, which were previously intended to be underground by National Grid. The retention of the cables effectively neutralises the land beneath them and within a safety clearance distance of 11m either side of the power lines. This affects seventeen of the dwellings approved under reserved matters application 12/01878/REMM, which cannot be constructed because the overhead lines and the associated safety clearance corridor cross over the dwellings themselves or their private gardens.

4.21 The Secretary of State, in granting outline consent, identified that the residential development of the land resulted in limited harm and concluded that the site did not fulfil any purpose of Green Belt set out in paragraph 80 of the NPPF, in particular the preservation of York's historic setting and special character. In light of the previous outline consent for residential development of the land and the fact that this full application seeks to re-site houses within the extent of the previous development site, the proposal would not cause further harm to openness and purposes of the Green Belt. Indeed, the proposal increases openness at the site's

eastern boundary with the Green Belt beyond through the omission of houses adjacent to Metcalfe Lane. However, although the harm to openness is considered to be limited, it still needs to be given substantial weight by the decision maker.

TRANSPORT AND HIGHWAY ISSUES

4.22 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations. The proposal relates to an approved sustainably located and accessible residential development that forms an extension to the main urban area of the City. The dwellings would be accessed via Meadlands as previously approved through the outline planning application.

(i) Construction traffic

4.23 Concern has been expressed by residents of the Derwenthorpe development about the continued use of Fifth Avenue and Derwent Way (the main spine road from Fifth Avenue to the community hub building) as the access for construction vehicles to Phase 4. The residents cite the inappropriate road layout for construction vehicles, lack of compliance with the legal agreement requiring a construction traffic management plan, increased numbers of children living in the scheme and the potential for highway safety problems. There has also been representation from residents of Meadlands requiring confirmation of the agreement not to bring construction vehicles through this group of houses where there is a large proportion of elderly residents.

4.24 The agreed intention at the time of approval of the original outline application was that the site access would be via Fifth Avenue due to its proximity to the strategic road network and layout of the road. This application relates to part of Phase 4, with the outer housing adjacent to Meadlands properties and to the west of the phase being built as part of the original outline and reserved matters consents. This equates to 30 dwellings of the 66 now proposed in the revised phase 4 layout. Therefore, only 36 of the houses in Phase 4 would be built from Meadlands if the decision was made to alter the construction traffic arrangements as requested by the residents of Derwenthorpe. It would be very difficult to determine which construction vehicles ought to be accessing this full planning permission element or the remainder of the land within the phase 4 reserved matters approval. Therefore, enforcement of any alternative construction traffic management arrangements would not be practicable, and thus such a condition, would not meet the tests set out in the NPPF (paragraph 206).

4.25 In the event, the Council's Local Highway Authority considers it appropriate for the current access arrangements for construction traffic to be continued and points out that the internal highway from Fifth Avenue has been designed to naturally constrain vehicle speeds (to 20 mph or below) through the use of localised pinch points, managed on-street parking and building alignment. The road has been

designed to accommodate public transport and is therefore considered suitable as a route for construction traffic.

(ii) Post construction traffic

4.26 The main changes that impact on highway considerations relate to the internal road layout and parking provision. The hierarchy of roads within the quadrant remains the same with a circular outer road ("green lane") and internal home zones. The new section of road serving the 6 no. dwellings on Field 9 is accessed by the green lane and has adequate space to turn. Parking provision is provided on a 1:1 basis, as intended for the development site as a whole with visitor spaces and city car club spaces being distributed across the phase. The revised scheme allows the retention, for the most part, of the existing public right of way cycle/footpath that runs along the eastern boundary from Meadlands to Metcalfe lane and beyond it to the Sustrans cycle route and Osbaldwick. Only the top section would need to be diverted to avoid the semi-detached pair of houses approved under reserved matters and the visitor parking bays now proposed.

4.27 No objections have been raised in principle by the Local Highway Authority, subject to conditions relating to highway and parking related matters and Section 106 contributions relating to sustainable travel initiatives, though some minor tweaks were suggested around the Local Area of Play in the centre of the phase to create more landscaped green space and assist with car parking ownership and management. The application has been revised as suggested.

(iii) Sustainable transport

4.28 One of the key principles of the Derwenthorpe housing scheme is its sustainable and accessible location and encouragement of sustainable transport. The development is an urban extension site with four accesses allowing connections to the surrounding built up areas and facilities. Parking is restricted within the scheme to 1:1, with the exception of some larger properties. A package of sustainable transport measures is required through the original legal agreement including financial contributions to pump-prime a bus service through the site and towards the establishment of a site-specific car-club and the provision of a contribution towards a cycle or bus pass for the first occupier. The car club is already operating on site, but the requirement for a cycle/bus pass should be required through obligation for this revised Phase 4 application and are considered to be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and,
- (c) fairly and reasonably related in scale and kind to the development,

and therefore comply to Regulation 122 of the 2010 CIL Regulations. These contributions would also comply with Regulation 123 as there have not been 5 or more separate obligations which provide funding or provision of that project or type of infrastructure since 2010.

4.29 Overall, it is considered that the access and parking arrangements proposed are acceptable and would not have a detrimental impact on highway safety, subject to conditions and planning obligations. There is no further harm caused to the Green Belt as a result.

DESIGN AND VISUAL AMENITY

4.30 Chapter 7 of the NPPF gives advice on design, placing great importance to the design of the built environment. At paragraph 58 it states that planning decisions should aim to ensure that, amongst other things, developments will function well and add to the overall quality of an area, establish a strong sense of place, incorporate green and other public space as part of them, respond to local character whilst not stifling innovation, create safe and accessible environments and include appropriate landscaping. It goes on to say that great weight should be given to outstanding or innovative designs which help raise the standard of design in the area (para.63). At paragraph 64, it advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.31 Field 9 was proposed within the strategic landscape plan for the larger scheme as open space and a nature reserve between areas of housing. The proposal would alter the structural layout of the larger residential development and reconfigure the open space within this part of the larger scheme by introducing 6 no. dwellings within the western part of the field and omitting approved housing from the eastern part of Phase 4, adjacent to Metcalfe Lane. The open space would be elongated in shape and would be less contained and defined as an area. However, the reduction in the number of houses adjacent to Metcalfe Lane would benefit the rural character and openness along the lane and have a better connection to the open land to the east without adversely affecting the overall quantity and quality of the available amenity space. The omission of the houses to the east of the site would allow the retention of the majority of the cycle and pedestrian track that connects Meadlands with the Sustrans route and Osbaldwick.

4.32 The new houses within Field 9 would face towards the retained open space and would back onto what remains as National Grid land. If developed in accordance with the approved outline scheme, the houses would join two areas of housing to the north and south and fully enclose an area of open land that is already shown as being built up to on the three remaining sides. However, overall, the existing structural open space layout would be retained. The proposal would not adversely affect the existing structural planting with the exception of an opening

created to allow for the new vehicle access that would serve the six houses in Field 9. The proposal includes new hedgerow to mitigate for any loss.

4.33 The revised scheme would follow the overall approach and design of the larger residential development, with the emphasis on the creation of a sustainable, accessible and cohesive community and utilising existing house types with the same palette of materials and fenestration details. The Design and Access Statement submitted with the application states that the homes are proposed to be environmentally friendly and economical to run and are to be built to Joseph Rowntree Foundation 'Lifetime Homes' standard. There would be a mix of house types ranging from 2 to 4 bedroom properties arranged in terraces, semi-detached and detached forms, with the majority of houses being three bedroom. Whilst the houses differ from the existing housing stock to the north on Meadlands, there would be a cohesive character and appearance to the approved housing within the Derwenthorpe development. The Police Architectural Liaison Officer raises no concerns or issues with the revised layout with regards to opportunities for crime. A condition covering detailed landscaping for the development is required if the application is approved.

4.34 As such, the proposal would result in limited harm to the character and appearance of the area and that of the Green Belt.

RESIDENTIAL AMENITY

4.35 One of the core principles of planning outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants. Paragraph 120 of the NPPF also states that new development should be appropriate for its location to prevent unacceptable risks from pollution and land instability, with the responsibility for securing a safe development resting with the developer. Paragraph 123 in particular advises that planning decisions should avoid and mitigate any impacts from noise and light pollution.

4.36 There are existing properties on Meadlands to the north and single properties on the east side of Metcalfe Lane (Langton House) and within the National Grid site to the south (Grid Cottage). The houses on Meadlands would be separated from the proposal by the houses previously approved as part of the outline consent and Phase 4 reserved matters approval (12/01878/REMM), which are excluded from the site boundary of this application. There would be no impact on the properties on Meadlands as no additional dwellings are proposed and no change to the dwellings already approved under reserved matters. Langton House itself is separated from the site by Metcalfe Lane and a range of associated outbuildings. The proposal does not now involve the erection of dwellings adjacent to the eastern boundary. Grid Cottage to the south is separated from the site by the existing National Grid land.

4.37 The proposal would have a higher density than the adjacent Meadlands estate, though would reflect the housing in other phases of the larger development and would be similar to the previous built form approved under reserved matters. The proposed houses would have similar separation distances within the phase to the previously approved scheme and each have an adequate private amenity space to serve them. A Local Area of Play is retained within the phase.

4.38 The Council's Environmental Protection Officer (EPO) has raised concern about the potential adverse impact of noise associated with the construction of the housing on existing housing in the vicinity including within the larger development site itself. The applicant has submitted a revised version of the Construction Environmental Management Plan (CEMP) that has been agreed for the earlier phases of the Derwenthorpe development. The EPO is satisfied with the document and requests a condition to require the development to be constructed in accordance with it. Further conditions to cover unexpected land contamination and vehicle charge points to address air quality emissions are requested.

4.39 Therefore, in light of the above, there would be no adverse impact on residential amenity as a result of the revised layout and no further harm would be caused to Green Belt.

ECOLOGY

4.40 Paragraph 118 of the NPPF aims to conserve and enhance biodiversity, including the refusal of planning applications where significant harm cannot be avoided or adequately mitigated and where development would adversely affect Sites of Special Scientific Interest, ancient woodland and European protected sites.

4.41 Field 9 was originally retained in its entirety due to the presence of great crested newt in the pond within it and the wet grassland habitat it provided. The application is supported by an ecology report, which confirms that a population of great crested newts is no longer present. The application proposes the retention of the majority of Field 9 with the inclusion of 6 no. houses and access to them to its western end. The loss of the houses backing onto Metcalfe Lane and the reconfiguration of the open space puts the hedgerow on the western side of Metcalfe Lane at less risk of inappropriate management and disturbance. The introduction of the housing into Field 9 and the re-modelling of land within the remainder of the Field would potentially cause harm to the nature area. However, this could be mitigated by the proposed management of the land, and the proposed bunding between it and the adjacent road.

4.42 A condition is requested by the Council's Ecologist to require a construction environmental management plan for biodiversity in line with British Standard BS 42020:2013 to ensure that there are no adverse impacts from construction. The improvements to the existing pond and creation of a new pond along with new

hedgerow planting would enhance the area. A condition is also requested to require the siting and design of the proposed lighting adjacent to the open space to be submitted for approval. Therefore, the proposal is considered to be acceptable in terms of ecology and biodiversity, subject to conditions and no further harm would be caused to the Green Belt.

ARCHAEOLOGY

4.43 Paragraph 135 of the NPPF requires the effect of an application on the significance of a non-designed heritage asset to be taken into account in determining an application. Draft Local Plan Policy HE10 reflects national planning guidance.

4.44 Previous studies and surveys indicated that the site may be the location of a prehistoric settlement and a Roman settlement is known in the vicinity of Osbaldwick. There is also evidence of medieval ridge and furrow. Given the potential for archaeological features and deposits, a condition requiring an archaeological watching brief should be attached to any approval granted. Therefore, subject to condition, the proposal would result in limited harm to non-designated heritage assets.

FLOOD RISK

4.45 Paragraph 103 of the NPPF states that development should be directed to the areas of low flood risk and that development should not result in an increase of flood risk within the site or elsewhere.

4.46 The site lies within low risk flood zone 1 and should not suffer from river flooding. Foul sewage is proposed to be discharged to the existing mains drainage sewer via the approved drainage network provided within the Derwenthorpe scheme. Surface water is proposed to be disposed of via the sustainable drainage system that was approved in principle at outline stage. The Environment Agency raises no objection to the revised layout. Yorkshire Water requests conditions be attached to any approval requiring separate systems of drainage for foul and surface water and no pipe discharge of surface water until a satisfactory outfall is provided. The Council's Flood Risk Management Team raises no objections as it considered that the proposed scheme would not increase flood risk on site or elsewhere, subject to the imposition of conditions relating to foul and surface water drainage.

4.47 The Internal Drainage Board has registered a formal objection to the scheme as it considers the proposed drainage system to be unviable and unachievable without the installation of a headwall to Osbaldwick Beck, which would not be agreed by the Board unless the intended discharge rate was above 1.4l/s/ha. The applicant's drainage consultant, JBA Consulting, has responded to the Board's objection, but no further response has been received further to its initial objection.

The response describes the surface water drainage strategy already agreed for the scheme through compliance with conditions of approval attached by the Secretary of State in granting outline planning permission. The response explains the involvement of the Board in the site's drainage scheme, including granted consents for the temporary and permanent works involved with the outfall pipe from the on-site surface water attenuation ponds to the beck. The response confirms that the surface water attenuation ponds have been constructed and are in operation. The Council's Flood Risk Management Team has confirmed that the response from JBA is a full account of the history and approval of the drainage on this development.

4.48 As a result, the development is considered to be acceptable in planning terms, subject to conditions to cover the detail of the drainage proposals. There is no further harm identified to Green Belt.

IMPACT ON LOCAL FACILITIES

4.49 Paragraph 203 of the NPPF advises that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 ('2010 CIL Regulations') sets out the statutory tests that any planning obligation must satisfy. These tests are: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and, (c) fairly and reasonably related in scale and kind to the development. These tests are reiterated in paragraph 204 of the NPPF. Provision 123 of the 2010 CIL Regulations places further limitations on the use of planning obligations including that where more than five separate planning obligations have been entered into since April 2010 that provide for the funding or provision of that project or type of infrastructure, it would be unlawful to take into account in the granting to planning permission any further planning obligation relating to that project or type of infrastructure.

4.50 The application seeks full planning permission and therefore is considered as a stand alone application, with any contributions required being directly related to the development.

(i) Education

4.51 The development would generate the need for four additional places at Archbishop Holgate's Secondary Academy (which is at capacity), one additional place at Osbaldwick Primary School (which has capacity) and 4 additional places at pre-school education facilities within 1.5km of the site (which are at capacity). Financial contributions totalling £85,180 would therefore be required under Policy ED4 of the 2005 Draft Local Plan.

(ii) Public Open Space

4.52 The development would generate the need for off site sports provision in lieu of provision on site. The site lies within an area where there is a combined deficit in the surrounding wards of Heworth, Heworth Without and former Osbaldwick. The contribution would be spent in accordance with the City's playing pitch strategy on the provision of pitches, outdoor sport and ancillary facilities at Burnholme community health hub and pitch drainage and improvements at Osbaldwick Sports Club. A financial contribution of £20,448 would therefore be required under Policy L1c of the 2005 Draft Local Plan.

4.53 These contributions are considered to be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and,
- (c) fairly and reasonably related in scale and kind to the development,

and therefore comply with Regulation 122 of the 2010 CIL Regulations. These contributions would also comply with Regulation 123 as there have not been 5 or more separate obligations which provide funding or provision of that project or type of infrastructure since 2010.

AFFORDABLE HOUSING

4.54 The NPPF states that local planning authorities should set policies for meeting identified need for affordable housing on site. To that end the Council seeks to ensure that new housing development of 15 dwellings or more in the urban area will include affordable housing. The site lies within the general extent of York's Green Belt, but as the 2005 Local Plan and emerging Local Plan exclude the site from Green Belt and include it as a housing site within the urban area, it is considered appropriate to treat it as an urban site for the purposes of the affordable housing provision. The original outline planning approval was subject to a Section 106 Legal Agreement that required the provision of 40% affordable housing across the entire site in accordance with an affordable housing plan to be agreed. The pepper-potting of housing has been revised to provide more affordable housing within Phase 3, thus it is reasonable to accept 1 affordable home as part of this full application for part of Phase 4. The Council's Housing Services Team has been consulted and confirmed its agreement to the proposed number of affordable units within Phase 4.

OTHER CONSIDERATIONS

4.55 Paragraphs 87-88 of the NPPF advise that permission should be refused for inappropriate development unless other considerations exist that clearly outweigh identified harm to the Green Belt, which would amount to very special circumstances.

4.56 Whilst the Secretary of State considered that the land falls within the Green Belt, she concluded that the site did not fulfil any of the Green Belt purposes and that harm to openness was limited. The following very special circumstances were identified by the Secretary of State as clearly outweighing the harm to the Green Belt from inappropriate development: the nature of the development as a highly sustainable and accessible housing scheme; the intended long term management role of JRHT; the need for an improved mix and for affordable housing in York; and, the absence of harm to any purposes of Green Belt. The outline consent has been implemented and the development is part constructed. This application seeks approval to amend the layout of houses that fall within the extent of the previous development site and consequently the number of houses has reduced.

4.57 It is officers' opinion that the previous considerations identified by the Secretary of State in granting outline consent are still relevant and the fact that the land could be developed in part by virtue of this outline consent is material. Taken together, these are considered to be compelling reasons to justify development in the Green Belt and, therefore, very special circumstances exist to clearly outweigh the identified harm to the Green Belt.

5.0 CONCLUSION

5.1 The application site is within the general extent of the York Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPPF and by definition causes harm to the Green Belt. This harm, and other limited harm to openness and purposes of the Green Belt, must be afforded significant weight and very special circumstances will not exist to justify the development unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.2 It is considered that the other considerations set out in paragraphs 4.51 above together with mitigation of other harm through planning conditions, clearly outweigh the potential harm to the Green Belt, even when affording this harm considerable weight. This therefore amounts to the very special circumstances necessary to justify the development.

5.3 Any approval is subject to the signing of a Section 106 Agreement to cover the following matters, to include any necessary consequential variations being made to the original Section 106 obligation.

- (i) Affordable housing provision – Provision of 1 no. shared ownership homes;
- (ii) Education:

- £60,736 towards the cost of additional dining facilities at Archbishop Holgate's School;
- £24,444 towards the cost of additional pre-school provision within 1.5 km of the site.

(iii) Off-site sports provision - Financial contribution of £20,448 towards outdoor sport and ancillary facilities at Burnholme Community Health Hub and pitch drainage and improvements at Osbaldwick Sports Club;

(iv) Sustainable Travel:

- Payment to the occupier upon first occupation of each residential unit either: £150 per dwelling towards the provision of a travel pass to permit one adult to travel free of charge on buses operated within the Council's area, or a non-transferable voucher to the value of £150 to be used to purchase a bicycle;

5.4 In light of the above, the proposal, subject to conditions and planning obligations, is considered to be acceptable in planning terms and complies with national and local planning policy. The application is, therefore, recommended for approval subject to the completion of a section 106 agreement and the following conditions.

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years

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

- Site Plan drawing no. 2303_PL_005 D dated 21.4.2016;
- Landscaping Layout drawing no. 2303_PL_006D dated 28.4.2016;
- Building Materials Layout drawing no. 2303_PL_007C dated 11.2 2016;
- Roof and Chimney Locations drawing no. 2303_PL_008C dated 11.2.2016;
- House Type B1A plans drawing no. 2303_PL_112A dated 10.2.2016;
- House Type B3 plans drawing no. 2303_PL_113A dated 10.2.2016;
- House Type B4 plans drawing no. 2303_PL_114A dated 10.2.2016;
- House Type B5 plans drawing no. 2303_PL_115A dated 10.2.2016;
- House Type C4 plans drawing no. 2303_PL_124A dated 10.2.2016;
- House Type E2 plans drawing no. 2303_PL_142A dated 10.2.2016;
- House Type G2 plans drawing no. 2303_PL_162A dated 10.2.2016;
- House Type G3 plans drawing no. 2303_PL_163A dated 10.2.2016;
- House Type G4A plans drawing no. 2303_PL_165A dated 10.2.2016;
- House Type J3 plans drawing no. 2303_PL_183A dated 10.2.2016;

- House Type B1A elevations drawing no. 2303_PL_412A dated 10.2.2016;
- House Type B3 elevations drawing no. 2303_PL_413A dated 10.2.2016;
- House Type B4 elevations drawing no. 2303_PL_414A dated 10.2.2016;
- House Type B5 elevations drawing no. 2303_PL_415A dated 10.2.2016;
- House Type C4 elevations drawing no. 2303_PL_424A dated 10.2.2016;
- House Type E2 elevations drawing no. 2303_PL_442A dated 10.2.2016;
- House Type G2 elevations drawing no. 2303_PL_462A dated 10.2.2016;
- House Type G3 elevations drawing no. 2303_PL_463A dated 10.2.2016;
- House Type G4A elevations drawing no. 2303_PL_465A dated 10.2.2016;
- House Type J3 elevations drawing no. 2303_PL_485A dated 10.2.2016;
- House Type J3 elevations drawing no. 2303_PL_486A dated 10.2.2016

- Garden Storage Enclosure drawing no. 2303_PL_625A dated 10.2.2016;

- External Materials 2303_EM_SI 001 A dated February 2016;
- Phase 4 Drainage Strategy drawing no. 25365/401/A dated 22.5.2015;

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

3 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

4 Fully detailed drawings illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction on site.

Reason: In the interests of highway safety.

5 No dwelling to which this planning permission relates shall be occupied unless or until the carriageway basecourse and kerb foundation to the new estate road and footpath to which it fronts, is adjacent to or gains access from, has been constructed. Road and footway wearing courses and street lighting shall be provided within three months of the date of commencement on the construction of the penultimate dwelling of the development.

Reason: To ensure appropriate access and egress to the properties, in the interests

of highway safety and the convenience of prospective residents.

6 Prior to the first occupation of each dwelling, the areas shown on the approved plans for parking and manoeuvring of vehicles shall be constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

7 Prior to the first occupation of each dwelling, the cycle parking facilities relating to it as shown on the approved plans shall be provided and be available for use, and thereafter such facilities shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

8 Prior to the commencement of any works on site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. Such a statement shall include at least the following information:

- (a) The routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours;
- (b) Where contractors will park;
- (c) Where materials will be stored within the site;
- (d) Measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

9 Before any landscape works proceed on site, a detailed planting plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall be in accordance with Landscaping Layout drawing 2303_PL_006D dated 28.4.2016. The landscaping scheme shown on the Landscaping Layout and detailed in the planting plan shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

10 No construction work shall take place until there has been submitted to and approved in writing by the Local Planning Authority details and ground preparation for tree pits and a plan showing locations of utility runs in relation to proposed street tree planting.

Reason: So that the Local Planning Authority may be satisfied that appropriate details will be implemented to support the proposed tree planting, since the tree planting is integral to the amenity of the development.

11 Prior to the commencement of development, including site clearance, importing of materials and any excavations, a method statement regarding protection measures for the existing trees within and immediately adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to be shown on a plan in accordance with BS 5837; phasing of works within the zones of influence; type of construction to be used; locations for storage of materials. The method statement shall also include details of existing and proposed ground levels such that there are no changes within the potential rooting zones of the trees. The protective fence line shall be adhered to at all times during development operations to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation, parking or manoeuvring of vehicles. Within the exclusion zone there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area and/or development.

12 No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To secure practical measures to avoid or reduce impacts to biodiversity features during construction, as appropriate to the scale of development.

13 Notwithstanding the submitted details, a plan shall be submitted to an approved in writing prior to any construction work showing a lighting scheme for the development. The scheme shall ensure that no lighting is dispersed on to the nature area within the retained Field 9. The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of visual amenity, to achieve a safe environment and to protect biodiversity.

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

Reason: In the interest of satisfactory and sustainable drainage.

15 There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

INFORMATIVE:

- (i) Foul water will discharge to public foul water sewer.
- (ii) Sub-soil conditions do not support the use of soakaways.

16 Prior to occupation, a three pin 13 amp electrical socket shall be provided at each property in accordance with the following:

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For all garage spaces - provision in a suitable location to enable the charging of an electric vehicle using a 3m length cable. Any socket provided must comply with BS1363 or an equivalent standard, Building Regulations and be suitable for charging electric vehicles;

For all driveways – Provision of an electrical socket which is suitable for outdoor use, located in a suitable position to enable the charging of an electric vehicle on the driveway using a 3m length cable. Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles.

17 All development works on site including ground works shall be undertaken in accordance with the approved Environmental Management Scheme, reference 2303_PL EMC 001 dated May 2016, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents.

18 All construction and demolition works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

Reason. To protect the amenity of local residents.

19 In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be submitted to and approved in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

receptors.

7.0 INFORMATIVES:

STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Submission of revised drawings to improve scheme layout;
- Imposition of conditions to mitigate any impacts;
- Requirement for planning obligations.

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