



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

To: Councillors Fisher (Chair), Ayre, Barker, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Hollyer, Looker, Lomas, Melly, Pavlovic (Vice-Chair), Warters and Waudby

Date: Thursday, 4 November 2021

Time: 4.30 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes (Pages 3 - 12)

To approve and sign the minutes of the last meeting of the Planning Committee held on 2 September 2021.

3. Public Participation

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

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is 5:00pm on Tuesday 2 November 2021.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast, including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Appeals

a) Site to the west of the A1237 and south of North Lane Huntington York [18/00017/OUTM] (Pages 13 - 48)

This matter is reported to Planning Committee following the recent submission of an appeal against non-determination to the Secretary of State by the applicant. Members are requested to consider this report and to endorse the approach that will be presented to the Planning Inspectorate as the Council's case at the public inquiry.

The application is for outline consent with full details of means of access. It proposes residential development of circa 970 dwellings with associated demolition, infrastructure works, open space, primary school, community facilities and convenience store (use class A1) on land west of Monks Cross Link Road and a country park with drainage infrastructure east of Monks Cross Link Road. It was submitted with the intention to align the determination of the Outline application with the adoption of the Local Plan.

b) Huntington South Moor, New Lane, Huntington, York [21/00305/OUTM] (Pages 49 - 86)

This matter is reported to Planning Committee following the recent submission of an appeal against non-determination to the Secretary of State by the applicant. Members are requested to consider this report and to endorse the approach that will be presented to the Planning Inspectorate as the Council's case at the public inquiry.

The application is for outline planning permission with all matters reserved except access, for circa 300 residential dwellings, associated landscaping, public open space, and the formation of two new vehicle accesses from New Lane.

5. Plans List

This item invites Members to determine the following planning applications:

a) Former Gas Works Heworth Green York [21/00854/REMM]] (Pages 87 - 104)

Reserved matters application for appearance and landscaping - Zone A only. For 119 dwellings and commercial/community use unit [Guildhall Ward]

b) Former Gas Works, Heworth Green, York [21/00855/REMM] (Pages 105 - 122)

Reserved matters application for appearance and landscaping - Zone C only. For 96 dwellings [Guildhall Ward]

6. Urgent Business

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

Democracy Officer

Angela Bielby

Contact details:

- Telephone: 01904 552599
- Email: a.bielby@york.gov.uk

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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If you're displaying possible coronavirus symptoms (or anyone in your household is displaying symptoms), you should follow government guidance. You are advised not to attend your meeting at West Offices.

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The Council encourages regular testing of all Officers and Members and also any members of the public in attendance at a Committee Meeting. Any members of the public attending a meeting are advised to take a test within 24 hours of attending a meeting, the result of the test should be negative, in order to attend. Test kits can be obtained by clicking on either link: [Find where to get rapid lateral flow tests - NHS \(test-and-trace.nhs.uk\)](https://www.nhs.uk/conditions/coronavirus/coronavirus-test-and-trace), or, [Order coronavirus \(COVID-19\) rapid lateral flow tests - GOV.UK \(www.gov.uk\)](https://www.gov.uk/order-coronavirus-rapid-lateral-flow-tests). Alternatively, if you call 119 between the hours of 7am and 11pm, you can order a testing kit over the telephone.

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- Regular handwashing is recommended.
- Use the touchless hand sanitiser units on entry and exit to the building and hand sanitiser within the Meeting room.
- Bring your own drink if required.
- Only use the designated toilets next to the Meeting room.

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- Make your way home immediately
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You should also:

- Advise the Meeting organiser so they can arrange to assess and carry out additional cleaning
- Do not remain in the building any longer than necessary
- Do not visit any other areas of the building before you leave

If you receive a positive test result, or if you develop any symptoms before the meeting is due to take place, **you should not attend the meeting.**

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City of York Council

Committee Minutes

Meeting	Planning Committee
Date	2 September 2021
Present	Councillors Fisher (Chair), Barker, D'Agorne, Daubeney, Douglas, Fenton, Hollyer, Looker, Lomas, Melly, Pavlovic (Vice-Chair), Warters, Waudby, Cuthbertson (Substitute) and Rowley (Substitute)
Apologies	Councillors Doughty and Ayre

41. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda.

Cllr Fenton declared a non-prejudicial, non-pecuniary interest in item 4a., in that he is a ward councillor for Dringhouses and Woodthorpe, where the property in question is located and attended the applicant's drop-in session in February 2020 to discuss.

Cllr Douglas declared a non-prejudicial, non-pecuniary interest in item 4b., in that she was a ward councillor for Heworth, where the property in question is located.

Cllr Rowley declared a non-prejudicial interest in item 4b., in that he was a member of Osbaldwick Sports Club and a governor of St Aelreds RC Primary School.

42. Minutes

Resolved: That the minutes of the last meeting held on 1 July 2021 and the amendment to minutes of the meeting held on 17 June 2021 to the first paragraph of application 20/01521/FULM (Plumbase) to amend to the following correct address: Members considered a major full application from KMRE Group (Church Fenton) Limited for the erection of a 3 and 3.5 storey student accommodation block (providing 86 student

rooms) following demolition of existing buildings at Plumbase Waterloo House Fawcett Street York YO10 4AH be approved and then signed by the chair as a correct record.

43. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

44. Plans List

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

44a 1 Cherry Lane, York, YO24 1QH [20/00507/FULM]

Members considered an application for the erection of 60no. retirement apartments with care, communal facilities, parking, landscaping and associated amenity space following demolition of existing 3no. bungalows. The Development Manager gave a presentation on the application.

In response to questions from members, officers noted that:

- There would be pedestrian access to the site in two places and that the applicant had agreed, subject to approval of the application, to contribute to the upgrade of the existing pedestrian crossing on Tadcaster Road.
- There was disagreement between the applicant and City of York Council planning officers on the use class of the development proposed in the application. The applicant contended that the proposed development would comprise a residential institution under Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) ("the Order") rather than housing with care Use Class C3(b) of the Order. Officers explained that they had classified the proposed development as Use Class C3(b) due to the housing being in individual units with a

potentially minimal amount of care on offer. Officers further explained that the City of York Council requires affordable housing provision for developments classified as C3. The applicant had agreed that should the Committee chose to approve the application as a Use Class C3(b) development, they would make off-site affordable housing contributions according to Council policy.

[Cllr Barker joined the meeting at 4:45pm]

- In response to concerns that the proposed development would have insufficient parking, officers outlined the parking strategy created by the applicant, which justified the proposed parking provision by noting the similar number of spaces in comparable facilities and that the proposed development is aimed at people in their mid-70s, who are more likely to be in couples with a single car. The applicant had agreed to contribute to a Traffic Regulation Order to manage parking on Cherry Lane.
- The applicant proposed 4 disabled access parking spaces for the development based on their experience of need in other similar facilities they own and manage.
- Waiting and parking restrictions, including potentially resident's parking permits were to be discussed under the creation of a Traffic Regulation Order.
- Highways colleagues had not considered there to be any highways safety or congestion issues related to the proposed development and Cherry Lane, and that vehicle tracking had demonstrated that the Council's largest refuse vehicle had been able to access the car park.
- Extra flood risk management conditions could be added to the application by members.
- The York Racecourse's objections were included in the report at paragraph 4.1 which detailed concerns around townscape issues, the impact of the proposed development on the conservation area and worries of disruption to stabled horses.
- An external meaningful outdoor amenity site for the proposed development existed in the nearby Knavesmire park.
- All of the flats in the proposed development, except those on the corners of the building, were single-aspect. However, the living areas in the flats, such as bedrooms

and kitchens had windows, with only bathrooms being completely internal.

Public Participation

Alex Jones, of Adlington Retirement Living spoke as the agent of the applicant in support of the application. Mr Jones spoke of a pressing need for accommodation for the elderly in York, stating that approving the application would improve living standards for older York residents. He stated that he believed the reason for officers' recommendation to refuse the application were based on subjective opinions on design and heritage harm. He also noted that 65% of respondents to the pre-application consultation believed the architectural design of the proposed development to be of high quality. He commented that there was an expected shortfall of c.600 units of extra care housing by 2030, which was expected to be particularly acute in the south of the city, where the proposed development was located. He also noted what he deemed to be the general benefits of the proposed development, namely combating the housing crisis, the part use of brown-field land in the proposed development, a reduced financial burden to adult social care and NHS budgets by c.£270,000 per year, highway improvements, economic benefits due to construction and site management jobs being created, the energy efficiency of the proposed development, with 10 electric vehicle charging points and the social benefits of the development which was designed to combat loneliness.

Following questions from members, Mr Jones commented that:

- The cycle store would also be used to store electric mobility scooters, so would be fitted with charging points that could also be used for e-bikes.
- Leaflets with details about the proposed development were distributed to approximately 900 neighbouring residents and businesses, as well as to St. Edward the Confessor Church and Dringhouses Library. A public exhibition was also held on 19 February 2021 in the adjacent Holiday Inn.
- There was difficulty in assigning a proportion of the apartments as affordable due to the service/wellbeing charge for providing ongoing care. Mr Jones explained that usually similar proposed developments are classified as Use Class C2, rather than C3b, and so are ordinarily exempt from affordable housing contributions. Since this development was being classified as Use Class C3b, the

applicant had determined it would be best to contribute to off-site affordable housing.

- Each apartment in the proposed development had a balcony or patio space which residents can use to create small gardens. While outdoor space was more limited than the applicants would prefer, they believed this was offset by nearby amenities such as the Knavesmire.
- He felt that any development in a conservation area would affect its setting, but he did not believe that the proposed development was detrimental, and that its benefits significantly outweighed any potential harm.
- The design of the proposed development had been altered several times during the course of discussions with planning officers, however Mr Jones considered the building to be in keeping with the historic pattern of development in the conservation area with regards to its proximity to the road.
- Situating the development further back from the road and bringing the car park closer to the front was considered by the applicant, but due to drainage and engineering issues, having the building close to the road was considered the best solution.

Following debate, it was moved by Cllr Warters, and seconded by Cllr Fenton to refuse the application based on officers' recommendations. Members agreed to include reference to the potential impact of the proposed development on the York Racecourse stables. A vote was taken and there were 13 members in favour and 1 against.

The motion carried and it was therefore:

Resolved:

- i. That the application is refused.

Reason:

- i. The proposal by virtue of its height, scale and massing in a prominent street corner location would harm the visual amenity of the streetscene, the form and character of the adjoining section of Tadcaster Road and the setting of the Tadcaster Road Conservation Area and harm the setting of Dringhouses Library, 52 and 54 Tadcaster Road all Grade II Listed Buildings. This would be contrary to Policy D1, Policy D4 and Policy D5 of the Publication Draft City of York Local

Plan 2018, contrary to Section 66 of the 1990 Planning (Listed Buildings and Conservation Areas) Act and paragraphs 199 and 202 of the National Planning Policy Framework.

- ii. The proposal may cause potential disruption to the safe working environment of the York Racecourse stables, with concerns around dangers to the horses during construction and beyond from increased noise and activity.

[Break between 17:35 and 17:45]

**44b Burnholme Community Hub, Mossdale Avenue, YO31 0HA
[20/01916/OUTM]**

Members considered the erection in Heworth Ward of 83no. dwellings (use class C3) with associated parking, landscaping, access and ancillary works. No matters were reserved except for the appearance, scale and internal layout of 5no. self-build plots in Terrace 5. The Development Manager gave a presentation on the application, noting that the application had previously been considered by the Committee in April 2021, being conditionally approved by members. However, before the decision was released, an objection was issued by Sport England, the concerns of which officers considered to have been addressed in the report.

In response to questions from members, it was noted that:

- The application as being considered by members in this meeting should be considered as a new application, taking into account all material planning considerations when undertaking the planning balance. .
- The Council had not deemed it necessary to consult Sport England on the original application, as Burnholme College had been closed since 2014, and the fields were no longer used. Sports England considered the dis-used sports field to be connected to the used field which the application was proposing to repurpose on the eastern side of the site.
- Cllr Rowley noted that as a Governor of St Aelred's School, the playing fields in question were not used by the school or anyone else, and had been fenced off by the Council and were not maintained, meaning that they cannot have been used for sport.

- Planning officers did not consider Sport England to be a statutory consultee when the application was first brought to the committee.
- Sport England had indicated that they could be willing to accept that the field was surplus to requirement as a sports facility had City of York Council published their Playing Pitch Strategy.
- In the development of the Local Plan, which was at an advanced stage, Sport England was consulted on land allocations in the city.
- After referral, the Secretary of State may decide to either call in the application for a public inquiry or to empower the local planning authority to deal with the application as it sees fit.
- Conditions were in place to ensure a net gain in biodiversity through the development should it be approved and surveys were conducted to ensure that there would be no undue loss of habitats from the development.
- Additional parking spaces for the car share scheme via the CYC car park to the north of the development.

Public Participation

Debbie Cobbett, a local resident, spoke in objection to the application. Ms Cobbett said that she did not believe that enough had been done to make the development environmentally friendly. She stated that the target of 0.89 cars per household could not be achieved without a more frequent bus services, more locally available shopping facilities and a more comprehensive car share scheme. Ms Cobbett stated that the aim should be to create a car-free community with speed restrictions and a higher ratio of affordable homes than 30% to decrease the likelihood of multiple car households.

Ben Burton, Housing Development Manager at City of York Council spoke as the applicant, joined by Adam Price, planning consultant. He stated that the site had a complex history and context, and spoke on the new developments on the former Burnholme College site which had been developed into the Burnholme Health and Wellbeing Campus. He stated that the sport field to be built on had not been used for sport since 2015 and had been allocated for housing in the emerging Local Plan and that consent to dispose of the playing field had been granted by the Secretary of State for Education in 2018. He stated that the proposals included high quality publically

available amenity space including outdoor play and exercise equipment to the east and a financial contribution of £43,000 for further investment in sports facilities in the local area. He also spoke on the consultations that had been undertaken throughout the process and noted the support of the Council's Sports Development Manager. Mr Burton also stated that deferring the application until the completion of the Playing Pitch Strategy would not guarantee that Sport England drop their objection to the application.

In response to questions from members, Mr Burton and Mr Price stated that:

- The aforementioned approval by the Secretary of State for Education in 2018 to dispose of the playing field was under a Section 123 Notice, for which there were no objections at the time.
- Significant consideration was made for issues of drainage in the design of the proposed development, in coordination with Yorkshire Water and the local flood authority.
- The developers were trying to use soakaways to create more naturalistic landscaping, but would only install a drainage system approved by Yorkshire Water and local authorities.
- The conditioned restriction of the surface water discharge rate to 3.5 m/s is adequate for the size of the development.

After debate, it was moved by Cllr D'Agorne to approve the application subject to referral to the Secretary of State for Housing, Communities and Local Government. Cllr Fenton seconded the motion. A vote was taken, with 14 members in favour and 1 against. The motion was carried and it was therefore

Resolved:

- i. That authority be delegated to the Head of Development Services to refer the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 and, subject to him not directing refusal of the application, to approve the application subject to the conditions set out in the report.

44c Plumbase, Fawcett Street, YO10 4AH [21/01570/FULM]

Members considered an application for the erection in Fishergate Ward of a 3 and 3.5 storey student accommodation block (83no. student studios), ancillary storage building and landscaping following demolition of existing buildings (resubmission). The Development Manager gave a presentation on the application.

In response to questions from members, officers noted that:

- The major improvements to the amenity space the applicants had made since the last application included increasing circulation space and the creation of additional communal amenity space on each floor.
- The position and shape of some of the windows on the development had been altered since the application was previously considered, but size of the overall building remained the same.
- The scheme is unchanged compared to the first time it was considered in terms of accessibility provisions.
- The footpath at the front of the building was to be widened under the plans, but the cycle path was to remain the same width.

Public Participation

Gary Swarbick, Director, ELG Planning spoke as an agent of the applicant and detailed the changes the applicant had made to comply with the comments made when it was last considered by the committee. He stated that there was now additional communal space across each floor comprising seating areas and kitchenettes. Mr Swarbick explained that the main communal area on the ground floor of the development had been increased in size and provided a large open-plan space with clusters of tables and chairs, café style seating, vending machines and TVs. He indicated that the total amenity space for the development now came to 170 square meters, which was equal to 2 square meters per bedroom – he stated that although York did not have any guidelines of amenity space per bedroom, Leeds City Council had recommended at least 1 square meter per bedroom. He also stated that the bedroom size exceeded national averages.

In response to questions from members, Mr Swarbick and his colleagues noted that:

- The national average for studio bedrooms in similar schemes was around 20 square meters, and all the rooms in this development were larger than that, ranging from 21 to 27 square meters.
- They had taken a bedroom on each floor and converted it into communal space in response to the committee's comments.
- The provision of amenity space had doubled since the application was last considered by the committee.
- The reception in the original plans had been converted into additional communal space for residents.
- There were specifically dedicated disabled access rooms in the development with larger dimensions to facilitate wheelchair turning, as well as lower basin heights and extra storage for mobility aids. If demand were high, other rooms are capable of being converted to be fully accessible for disabled people.

Following debate, it was moved by Cllr Pavlovic and seconded by Cllr Waudby to approve the application subject to conditions outlined in the report. A vote was taken, with 7 in favour and 5 against. The motion was carried and it was therefore

Resolved:

- i. That delegated authority be given to the Head of Development Services to approve the application subject to:
 - a. The completion of a Section 106 Agreement to secure a planning obligation to provide a contribution of £8,607 (index linked) towards amenity open space.
 - b. The conditions set out in the report.
- ii. The Head of Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement.
- iii. The Head of Development Services be given delegated authority to determine the final details of the planning conditions.

Cllr T Fisher, Chair

[The meeting started at 4.30 pm and finished at 7.42 pm].

COMMITTEE REPORT

Date: 4 November 2021 **Ward:** Huntington/New Earswick

Team: East Area **Parish:** Huntington Parish Council

Reference: 18/00017/OUTM

Application at: Site to the west of the A1237 and south of North Lane Huntington York

For: Outline planning application with full details of means of access for residential development of circa 970 dwellings with associated demolition, infrastructure works, open space, primary school, community facilities and convenience store on land west of Monks Cross Link Road and a country park with drainage infrastructure east of Monks Cross Link Road

By: Redrow Homes

Application Type: Major Outline Application

Recommendation: 1. That Committee endorse the conclusions of the report and that subject to the satisfactory resolution of the issues identified in 6.2 they will be presented to the Planning Inspectorate as part of the Council's Statement of Case at the forthcoming appeal.

2. That delegated authority is given to the Chief Planner, having regard to the heads of terms set out in this report, addendums and/or Planning Committee minutes, to negotiate and complete a document containing obligations pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) in order to meet the requirement of the Planning Inspector.

1.0 PROPOSAL

1.1 This matter is reported to Planning Committee following the recent submission of an appeal against non-determination to the Secretary of State by the applicant. Members are requested to consider this report and to endorse the approach that will be presented to the Planning Inspectorate as the Council's case at the public inquiry.

1.2 The application is for outline consent with full details of means of access. It proposes residential development of circa 970 dwellings with associated demolition,
Application Reference Number: 18/00017/OUTM Item No: 4a

infrastructure works, open space, primary school, community facilities and convenience store (use class A1) on land west of Monks Cross Link Road and a country park with drainage infrastructure east of Monks Cross Link Road. It was submitted with the intention to align the determination of the Outline application with the adoption of the Local Plan.

Application Site

1.3 The application site relates to two parcels of land on either side of the Monks Cross Link road. The western parcel of land is proposed for the built development with the eastern parcel proposed for the creation of a country park and drainage infrastructure.

1.4 The overall site extends to 59ha (approx.) of agricultural land comprising of fields separated by tracks, hedgerows, and trees. There are two dwellings and farm/commercial premises to the north. A former railway line crosses the site to the south of the site. The site is generally flat.

1.5 The current emerging Local Plan allocates the western parcel of land as a strategic housing site (ST8) with the parcel of land to the east allocated as open space (OS8). The site is within the general extent of the Green Belt as per the saved policies from the Regional Spatial Strategy.

Proposal

1.6 The application seeks outline consent with all matters reserved except means of access for residential development of circa 970 dwellings on land west of the Monks Cross Link road. A country park with drainage infrastructure is proposed to land to the east of the Monks Cross Link road.

1.7 To serve the development, a number of community facilities are proposed including a local shop (not exceeding 200sqm floorspace), a primary school which will also form a community hub, public open space, playing fields as well as a number of playing areas. The illustrative masterplan has been revised, and now includes two areas for self and custom build in the south western corner.

1.8 The development is proposed to be delivered in phases, although any phasing strategy has not been developed to date. The construction period for the development is anticipated to be between five and fifteen years.

1.9 The development will adopt the principles of a 'Garden Village'. Predominantly dwellings across the development will be 2 storeys, although there is an intention for 2.5-3 storey dwellings along the tree lined boulevard (spine road) to the south of the site, with a small pocket in the north eastern corner of the site. The site area is 59ha with an expected housing yield of 970 resulting in a density of 16dph.

1.10 Vehicular access to the development will be via two new junctions to Monks Cross Link road with a minor junction to North Lane. There will be a 3m wide shared pedestrian and cycleway between the two new junctions on Monks Cross Link road. On North Lane, the existing access will be closed with a new access moved further west. A new 2m wide footpath would be positioned along the site frontage, tying into the footpath at the edge of the existing urban development in Huntington.

1.11 A 3m wide surfaced footway and cycleway is proposed to tie into Woodland Way to the south of the site.

1.12 It is noted that the red line boundary excludes an area positioned in a central location in the western part of the site along with existing access to Garth Road and the land associated with Top Show and Catterton House, located to the north of the site, off North Lane.

1.13 The proposal constitutes schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as updated). The information in the associated environmental statement is sufficient for the Local Planning Authority to understand the likely effects of the proposals and any required mitigation.

2.0 LEGISLATIVE & POLICY CONTEXT

2.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).

2.2 The National Planning Policy Framework 2021 (“NPPF”) is a material consideration in planning decisions.

2.3 The statutory Development Plan for the City of York comprises of the saved policies and key diagram of the (otherwise revoked) Yorkshire and Humber Plan Regional Spatial Strategy (2008) and any made Neighbourhood Plan.

The Regional Spatial Strategy for Yorkshire and the Humber (May 2008)

2.4 The Regional Spatial Strategy for Yorkshire and the Humber (May 2008) policies which relate to the York Green Belt have been saved together with the Key Diagram insofar as it illustrates the general extent of the Green Belt around York. The environmental assessment process for the RSS abolition highlighted that York does not currently have a local plan in place and indicated that revocation of the

York Green Belt policies before an adopted local plan was in place could lead to a significant negative effect upon the special character and setting of York. As such, the Government concluded that the York Green Belt policies that are part of the regional strategy be retained.

2.5 Saved policies are as follows -

POLICY YH9C: Green Belts

The detailed inner boundaries of the Green Belt around York should be defined in order to establish long-term development limits that safeguard the special character and setting of the historic city.

POLICY Y1C: York sub area policy

Plans, strategies, investment decisions and programmes for the York sub area should:

- Define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C.
- Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Huntington Neighbourhood Plan adopted July 2021

2.6 The Neighbourhood Plan was adopted in July 2021 and it therefore forms part of the development plan. The site is within the boundaries of the Neighbourhood Plan area. Policies relevant to this application are –

- H1 Meeting housing need
- H2 Housing mix in new housing development proposals
- H3 Affordable housing provision and mix
- H4 Design Principles
- H14 Green Belt

National Planning Policy Framework (NPPF)

2.8 The revised NPPF (2021) sets out the government's planning policies for England and how these are expected to be applied. Its planning policies are material to the determination of planning applications. The Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways (paragraph 8).

2.9 The relevant sections of the NPPF include sections 5 'Delivering a sufficient supply of homes', 8 'Promoting healthy and safe communities', 9 'Promoting sustainable transport', 12 'Achieving well-designed places', 13 'Protecting Green Belt land', 14 'Meeting the challenge of climate change, flooding and coastal change', and 15 'Conserving and enhancing the natural environment'.

2.10 Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development which means:

- Approving development proposals that accord with an up-to-date development plan without delay; or
- Where there are no relevant development plan policies; or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

2.11 The presumption does not apply if the proposal conflicts with restrictive Green Belt policies as set out in the NPPF.

Draft Local Plans

2.12 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for development management purposes in April 2005 (2005 DCLP). Whilst the 2005 DCLP does not form part of the statutory development plan for the purposes of S38(6) of the Planning and Compulsory Purchase Act 2004, 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, although the weight that can be afforded to them is very limited.

2.13 The southern half of the application site was allocated as a Schedule 1 'Premier Employment Allocation' (Ref E1a.2/North of Monks Cross) and specifically identified as an out of centre premier employment site which were identified for companies in the Science City York sector of the economy.

2.14 The Publication Draft City of York Local Plan 2018 (2018 Draft Plan) was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the 2018 Draft Plan took place in December 2019. Following the Phase 1 hearings the Council has completed a scheduled of further work set by the Inspectors during the hearings and as part of subsequent requests for further

information. Due to new evidence being fundamental to the overall approach to the Green Belt and the assessed Objectively Assessed Housing Need (OAHN) the Council consulted on a series of modifications and new evidence to the emerging 2018 Draft Plan, the consultation period expiring July 2021. The Inspectors are currently considering the responses to the consultation. The 2018 Draft Plan is at an advanced stage and is a material consideration in the determination of planning applications.

2.15 The application site is allocated for housing in the emerging 2018 Draft Plan, identified as a strategic housing site ST8 (Land North of Monks Cross) with the area to the east of the Monk Cross Link Road allocated as open space OS8.

2.16 In accordance with paragraph 48 of the NPPF the 2018 Draft Plan policies can be afforded weight 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 2018 Draft Plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

2.17 The following policies within the 2018 Draft Plan which are directly and most relevant within the consideration of this proposal are:

DP2	Sustainable Development
DP3	Sustainable Communities
SS1	Delivering Sustainable Growth for York
SS2	The Role of York's Green Belt
SS10	Land North of Monks Cross
H1	Housing Allocations
H2	Density of Residential Development
H3	Balancing the Housing Market
H4	Promoting Self and Custom House Building
H5	Gypsies and Travellers
H10	Affordable Housing
HW2	New Community Facilities
HW4	Childcare Provision
HW6	Emergency Services
HW7	Healthy Places
ED6	Preschool, Primary and Secondary Education
D1	Placemaking
D2	Landscape and Setting
D6	Archaeology

GI2a	Strensall Common Special Area of Conservation (SAC)
GI6	New Open Space Provision
CC1	Renewable and Low Carbon Energy Generation and Storage
CC2	Sustainable Design and Construction of New Development
CC3	District Heating and Combined Heat and Power Networks
ENV1	Air Quality
ENV2	Managing Environmental Quality
ENV3	Land Contamination
ENV5	Sustainable Drainage
T1	Sustainable Access
T7	Minimising and Accommodating Generated Trips
DM1	Infrastructure and Developer Contributions

3.0 CONSULTATIONS

INTERNAL

Forward Planning

3.1 The site is a proposed housing allocation in the emerging 2018 Draft Plan known as ST8 'Land North of Monks Cross'. Policy SS10 states that the proposed allocation will deliver approximately 968 dwellings at this urban extension development site. Policy SS10 also sets out a series of planning principles detailing issues that must be addressed as part of the development. Policy SS2 'The Role of York's Green Belt' of the emerging plan proposes to take the site out of the Green Belt. Having consideration to the advanced stage of the 2018 Draft Plan's preparation, the extent and significance of unresolved objections to emerging Policies SS2, and the consistency with the National Planning Policy Framework (NPPF), we would advise that Policy SS2 can only be applied with limited weight. It is against the NPPF (as revised) and the saved RSS policies relating to the general extent of the York Green Belt that this proposal would principally be assessed. As such, the site falls within the general extent of the green belt and should be treated as such.

3.2 Given the advanced stage of the emerging Plan's preparation, the level of significant unresolved objection to the emerging policies relevant to the principal of development in this location and the consistency with the NPPF, we would advise that the policy requirements of emerging plan Policy SS2 (the Green Belt boundary) can only be applied with limited weight. It is against the NPPF (as revised) and the saved RSS policies relating to the general extent of the York Green Belt that this proposal should principally be assessed. It is necessary for the applicant to demonstrate that very special circumstance exist to justify development in this Green Belt location.

3.3 Given the advanced stage of the emerging 2018 Draft Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the Framework, we would advise that the policy requirements of emerging plan policies DP2, DP3, SS10, R1, H2, H3, H4, H9, H10, HW2, HW3, HW4, HW6, HW7, D1, D2, D3, GI6, CC1, CC2, CC3, ENV1, ENV2, ENV4, ENV5, T1, T7 and DM1 should be applied with moderate weight. Moderate weight can also be applied to policy H1 for site allocation ST8 insofar as considering the criteria of approving an allocated site in advance of the plan, the associated monetary contributions required and assessment of open space required.

3.4 Policy H5: Gypsies and Travellers can be afforded limited weight. Although consistent with national policy, this policy has outstanding objections, which will be resolved through the Local Plan Examination. Policy GI2a complies with the outcomes and recommendations of the Habitat Regulations Assessment 2020 (EX/CYC/45) and was subject to consultation as part of the proposed modifications 2021. The Inspectors have not considered this policy and accordingly can be afforded only limited weight at this time.

3.5 The site is supported through the emerging 2018 Draft Plan process through proposed allocation ST8. As such, there is no policy objection to the principle of development in this location. On matters of detail it is important that relevant colleagues are consulted to establish within the planning balance whether the proposals are policy compliant with Policy SS10. It is currently unclear whether provisions of policies HW2, HW3, HW4, HW7 and D3 have been met without the submission of the required information. It may be that these matters can be satisfactorily conditioned to ensure the provisions of these policies are met.

Education

3.6 A summary of the costs and land associated with the requirement of a new primary school on site (Plan A) as well as the costs associated with expansion at an existing primary school (Plan B), should new provision be deemed in future years, by the Local Planning Authority or changes in legislation, to be unviable and undesirable, are provided below:

Plan A

- New standalone nursesey – off site	£957,413
- New primary school on site – full cost of to be provided (estimate provided for guidance)	£7,223,840
- New nursery adjoining the primary on site	£1,268,440
- Temporary primary accommodation projected to be required before completion of new school	£540,420
- Secondary – expansion at catchment Huntington School and/or Joseph Rowntree School	£5,120,696

- Special Educational Needs and Disabilities (SEND) – off site (formula-based contribution based on likely yield)	£823,944
SEND Transport (formula- based contribution based on full likely yield, non-refundable)	£180,000
Total	£16,114,753
Land for new primary and adjoining nursery	19352sqm

Plan B

- New standalone nursery – on or off site	£957,413
- Expanded or new nursery off site	£957,413
- Expanded primary school off site	£5,711,776
Total	£7,626,602

Housing

3.7 Policy H10 of the 2018 Draft Plan specifies 30% on site provision for greenfield schemes, which would comprise 291 of 970 total proposed. Any approved scheme should incorporate the following to be secured through a Section 106 agreement to comply with policies H3 (Housing Mix) and H10 (Affordable Housing):

- affordable housing should be provided in line with the viability policy position which currently requires a minimum of 30% of home to be affordable
- the requirements will apply to each phase of a phased development
- 80% of the affordable housing will be social rented and 20% discounted sale tenure

Design, Conservation and Sustainable Development**Archaeology**

3.8 A desk-based assessment and a geophysical survey highlighted the possibility of prehistoric and Romano-British archaeology to survive on the site beneath the former medieval ridge and furrow, which lies across the site. No other features of interest were recorded. In line with other large scale development applications for substantial green field sites, further intrusive investigation in the form of trial trenching needs to take place. This must happen prior to any other ground disturbing works taking place. Given that the geotechnical test pits were monitored with largely negative results, the evaluation can be conditioned in this instance. A WSI was produced by Prospect Archaeology for the evaluation in 2018 although the fieldwork hasn't yet taken place.

Ecology

3.9 The ecological surveys provided are up-to-date, well considered and provide an appropriate level of detail. It is considered that the recommendations provided within these reports should be adhered to through reserved matters. It should be noted that ecology surveys may need repeating to support phase development or where delays to project commencement are incurred. Updated survey information will also likely be required in support of European Protected Species Mitigation Licences (including great crested newts) and should be addressed as a reserved matter.

3.10 Although the majority of the mitigation and compensation will be provided within the land to the east of the Monks Cross Link road, as shown on the Landscape Strategy Plan, strong 'green links' will be retained and enhanced throughout the proposed development area, a clear programme of safeguarding these retained 'green' areas will need to be put in place throughout the lifespan of the development to ensure that these links remain viable throughout the project.

3.11 Biodiversity Net Gain (BNG) has been made in support of this application; each reserved matters application will need to demonstrate how it will achieve biodiversity net gain in accordance with the site wide BMP.

3.12 The applicant has provided an appropriate level of assessment regarding potential impacts on Strensall Common as detailed in the updated Habitats Regulations Assessment (HRA). Any changes to design, which reduces public open space within the proposed development will need to be re-assessed within the HRA.

Landscape

3.13 It is important to maintain a significant degree of separation between the commercial environment of Monks Cross retail/business park and the site so that Huntington retains its identity as a separate entity. The previous masterplan provided good perceived separation, in the south east corner but this is not reflected in the latest masterplan or parameters.

3.14 Landscape Strategy Plan – relates to the land to the east of Monks Cross Link Road; the nature of the proposals is appropriate and there is time for the detail to evolve. There is scope to create greater variety in the shapes of the ponds to increase visual interest and bio-diversity value. The scheme also has the capacity to include some large stand-alone trees and a few more small groups.

3.15 Development Drainage Strategy – concerns about the provision of pumping stations that will compromise views and the quality of open space.

3.16 Proposed access off North Lane - the additional extension to the new pavement further eastwards will increase the harmful impact on North Lane by further eroding its rural character.

3.17 Other considerations should be given too;

- the north-south green infrastructure/ecological corridors need to comfortably accommodate the existing mature trees and hedgerows
- the full length of the historic railway line should be included in the open space infrastructure
- a central open space to the northern half of the site should be included, to relieve the density but to also retain the existing Oak (T17) tree
- play areas should be included within the parameters plans; to greater understand their distribution
- substantial set back of the built extent from the junction with the northern ring road; to protect the perceived setting of the city from the outer ring road
- connectivity between new and existing open spaces.

Design

3.18 The layout appears logical, with the potential to retain a number of hedgerows and trees in a planned green corridors. Density around which the built form have been arranged; this approach is welcomed. The concept of a garden village with vibrant village centre around the school and local facilities is also supported.

3.19 Density/Height – a lower density rural village character is suggested for the northern part of the site. While a mix of densities is welcomed, the built form should still define hierarchies of streets and spaces to aid legibility and opportunities for natural surveillance. Design and integration of parking is important across the whole site, but especially in higher density areas such as the village centre. The entrance to the development will need careful design consideration, it is unlikely 3 storey development will be deemed appropriate at the very edge of the settlement.

3.20 Heritage- Views to the Minster have been considered and should continue to inform the detailed layouts, so that the rural context of the Minster can still be appreciated.

3.21 The old railway line bisects the site, and continues across the proposed country park, could be used to provide a link to the history of this site, particularly if there was some interpretation of this on the site, perhaps manifested within some art provision within the site.

3.22 The northern section appears quite dense, with little open space. One way to relieve this could be to retain an area of the ridge and furrow pasture which would also help connect the site to its agricultural past.

Public Realm

3.23 It is positive to see the developer has looked at providing outdoor sport on site. The City of York 2018 Draft Plan Evidence Base: Open Space and Green Infrastructure Update 2017 shows that although the Ward has an overprovision of outdoor sports, this development is on the Ward boundary and connecting wards have a shortfall of outdoor sports provision which this development will help to reduce.

3.24 The sports provision would need to consider the makeup of the c.970 dwelling and the population that would live on site and then support the appropriate provision. We are awaiting the completion of the Playing Pitch Strategy for the city that would support the need for outdoor sport (playing pitches) within the area and would identify what these should be.

Highway Network Management

3.25 The original proposal and Transport Assessment (“TA”) submitted in 2018 aimed to meet the objectives of sections xi, xii and xiii of Policy SS10 but the direct walk and cycle links to the west and to Monks Cross have now disappeared (apart from the proposed link through Woodland Way). This means that the Highway Authority is not in a position to support this planning application on two grounds:

- Non-compliance with policy (local and national), specifically SS10 for the emerging Local Plan and Para 112 for NPPF
- Inadequate information (NPPF para 113) supplied to enable the Highway Authority and Local Planning Authority to assess the impact of the proposed development on road safety and on the wider road network (resulting in our inability to assess under NPPF para 111). This is specifically an issue for the trip rates used in the TA.

Public Protection

3.26 Noise- Noise levels in this area have increased since the noise report was done and there are new noise sources that have not yet been adequately considered. Therefore recommend that the noise report is updated prior to a decision being made on any planning approval to ensure that the areas proposed for residential are suitable. If however approval is due to be granted then conditions should be applied

3.27 Land Contamination – the site predominately comprises arable and pastoral farmland, with two residential dwellings, a farmyard and commercial area on the northern part of the site. Conditions are required to secure further site investigations.

3.28 Air Quality – The development is not within an Air Quality Management Area (AQMA) or an area of existing air quality concern. An Air Quality Assessment has been carried out to consider the air quality impacts associated with the development during construction and operational phases.

3.29 A wider Construction Environmental Management Plan (CEMP) is required for the site incorporating an Air Quality and Dust Management Plan (AQDMP) which takes into account the site phasing/construction programme.

3.30 In line with paragraph 112(e) of the NPPF, developments should be designed to incorporate facilities for charging plug-in and other ultra low emission vehicles. The Council's Low Emission Strategy (adopted 2021) seeks facilities for charging electric vehicles on all new developments that include off-street parking facilities. A strategy for the provision of electric vehicle charging facilities is recommended.

Flood Risk Management Team

3.31 There are outstanding matters and insufficient work undertaken to agree a drainage scheme in principle. Site specific infiltration testing has not been witnessed by us nor has a sufficient number of trial excavations been carried out for a development of this size. No evidence has been provided of existing connects impermeable and permeable areas to establish an existing run-off or where the site currently drains to nor has sufficient evidence been provided to identify a suitable watercourse, which the proposed appears to be remote from the site.

Public Rights of Way

3.32 No comments to make; the areas outlined on the planning documents is not crossed or abutted by any public rights of way.

Waste Services

3.33 We need to be assured that there area will be easily accessible to 8 wheeled refuse and recycling collection vehicles; assurance that there are adequate turning circles for the vehicles.

3.34 Adequate bin storage should be allocated for both houses and flats, and the costs of supplying the bins will be paid by the developer (current cost estimate £110K).

3.35 The addition of this development is likely to require the Council to purchase additional waste collection vehicles (at a cost circa £300K per staffed vehicle).

EXTERNAL

Huntington Parish Council (note comments date from 2018)

3.36 We do not object but wish to make comments or safeguards:

- concerns in respect to traffic congestion the new development may cause on Monks Cross Link Road and the wider Monks Cross/Hopgrove area
- we do not believe the development should be accessed from North Lane; this is a very narrow road and will cause problems for traffic already using the road
- drainage - we do not believe that the two existing sewers (Southdown Road and Woodland Way) was designed to take this extra volume of waste and a new separate system should be installed
- two pumping stations to draw water across the Monks Cross Link Road into the Country Park; the ponds could become overwhelmed and enter the drainage system and result in localised flooding on A1237
- we would like to see two new footpaths installed to tie the development to the wider community, one from Garth Road and the other from Woodland Way, with a drop off/turning point at the end of Woodland Way
- would like drop-off/one-way system for the new school
- A small car park for the Country Park and bus stop to allow users to access this area
- the pedestrian access to the country park via pedestrian crossing appears dangerous due to the speed and volume of the vehicles on Monks Cross Link Road; we would like to see footbridges installed
- the mix of housing must reflect need within the community
- affordable housing must be 30% of total
- play areas need to be viewable from dwellings
- it's not clear whether rear access is available to terrace house
- do not agree with the statement that there will be negligible impact on health care facilities, or that the GP/Patient ratio assessment , the total numbers of patients and doctors is for the whole group and does not reflect Huntingdon numbers
- the green area to the east of the larger playing area is not part of planning submission. This area belongs to another developer, and as such should not be shown green on the application, as it implies open space with public access
- concerns over local wildlife in particular the resident Barn Owl population, which should be protected.

Highways England

3.38 Conditional approval-conditions include compliance with the Travel Plan as well as a Construction Traffic Management Plan (CTMP).

Environment Agency

3.39 No objection. The risks to groundwater resources from this development are not significant and based on the site investigation, contamination at the site is small and localised. Therefore we would not require a remediation strategy for this site.

Natural England

3.40 An agricultural land classification (ALC) and soil survey of the development site should be undertaken. The development could have the potential significant effects on 60 hectares of Best and Most Versatile Agricultural land.

Police Architectural Liaison Officer

3.41 The illustrative masterplan drawing contains a number of positive features in terms of Designing out Crime, which should be retained in any future design. It is recommended that a condition requiring full details of any crime prevention measures to be incorporated into the site are detailed in any reserved matters application.

Fire and Rescue

3.42 No objections or observations to make at this stage.

Yorkshire Water

3.43 We are currently investigating the impact of the allocations on its water and waste water infrastructure and given the quantum of likely new development in York over the next 15 years, it is essential that the company adopts a sustainable, holistic approach. Waste Water – The Flood Risk Assessment (prepared by Fortem 2017) is acceptable. With regard to surface water, sub-soil conditions do not support the use of soakaways so it will drain to nearby watercourse.

Foss Internal Drainage Board

3.44 The application site sites within the Drainage Board's district; and has assets adjacent to the development to the east in the form of Shaws Dyke and Pigeon Cote Dyke. These are known to be subject to high flows during storm events.

4.0 REPRESENTATIONS

Ward Councillors (Cllr Orrell, Cllr Runciman and Cllr Cullwick)

4.1 Application is premature. We believe that until the Local Plan is agreed by the Secretary of State, the land is Green Belt and any application to develop it should be dealt with on this basis.

4.2 Infrastructure – concerns about the impact on the already heavily congested Outer Ring Road. Local Huntington roads have become increasingly congested since the opening of the Vanguard, the stadium and retail park, it is critical that all access to the site is from Monks Cross.

4.3 Flooding – measures detailed in the application need to be in place before the site is developed.

4.4 North Lane Access – we are opposed access to the development from North Lane; this is in conflict with the promise when the site was included in the LP that all access would be from Monks Cross Link Road. It is narrow and dangerous for access and egressing the site. It is also unsuitable for cyclists.

4.5 Green Wedge Keith Avenue – it is reassuring that the green wedge councillors argued for is retained, but this is limited to the rear of Keith Avenue and Leafield Close; it is not appropriate to have play areas at the western edge of the development.

4.6 Self-Build – it is disappointing that Redrow are opting out of the Local Plan policy for 5% allocation of self-build homes, which gives an opportunity for local people to design and build their homes to their own specification.

Neighbour Notification and Publicity

4.7 A total of 13 no letters of objection and general comment have been received from local residents and local business (Portakabin, Helmsley Group) as well as the Shepherd Group Brass Band (some have sent more than one letter of representation). The objections and comments received can be summarised as follows:

- local road infrastructure should be improved to cope with the increased traffic, particularly the A1237
- the access/footpath along North Lane should be extended up to the roundabout and link to the footpath of the Monks Cross Link Road and reduction to 30mph along North Lane
- vehicular, pedestrian and cycle access requires more thought as it will impact greatly on traffic flows. Should be some pedestrian and cycle links to the retail/pubs/community facilities at Monks Cross via access points at McDonalds and Taco Bell
- insufficient land drainage leading to high water table; seeks assurances that the water course development to the east will not negatively affect the water table
- increase in congested parking via the eastern Garth Road if this access becomes closed to traffic and limit access to some properties by emergency vehicles
- impact upon wildlife including deer, foxes, rabbits and herons and the development will result in a loss of their habitat
- secondary school will be oversubscribed and families forced to go elsewhere out of the catchment area

- design- these properties will have little architectural merit and have an overall look and appearance of non-location specific 'noddy' housing that is built all over England
- contrary to policy D1 Placemaking
- contemporary house design can be a real success for occupants and surrounding residents and overall area (Derwenthorpe is cited)
- lack of self- build plots; developer should provide a further site and these to be made available before first occupation
- electric vehicle charging facilities should be provided
- could have an adverse impact on future operations of business by virtue of noise and disturbance leading to noise complaints; affecting day –to –day operation and flexibility for future rationalisation or expansion plans
- adequate noise mitigation measures must be included within the application to minimise the potential for future noise complaints; existing operations are not predictable or confined to any particular shift pattern
- acoustic barriers (3m high) can still lead to noise complaints (from Brecks Lane development)
- a building on the portakabin site is used for rehearsal space and located on the corner boundary; 5 bands play at different musical standards on Monday, Tuesday, Wednesday and Friday evenings with occasional weekend use; there may be an impact upon new residents and potential complaints would have an adverse impact on rehearsals in the building. Sound attenuation measures are therefore necessary and proximity of houses in the SW corner of the proposed site is revisited along with acoustic fencing and/or landscape bund to mitigate
- further noise assessment should be undertaken prior to the determination of the application to understand the noise climate in the area and likely noise mitigation and further surveys when a detailed scheme is produced

4.9 A joint letter from Barratt and David Wilson Homes has also been received who have land under option located within the centre of the site, which is excluded from the application boundary. They state that this represents piecemeal development and fails to address the principles set out in the proposed allocation, most notably that the whole allocation should be master planned to maximise the full potential of the site. The two sites will result in being built out independently and will form two separate communities with little or no connectivity. Concerns that mitigation measures put forward on third party land where the applicants have no control.

4.110 Two letters of support have been received and the points raised are summarised below:

- the development will provide much needed housing for York
- it is a designated site in many recent iterations of the Local Plan

5.0 APPRAISAL

5.1 Key Issues:

- Principle of development
- Assessment of the scheme against policy SS10 of the 2018 Draft Plan (which relates to the allocation ST8)
- Drainage and flood risk
- Ecology
- Design and layout of the site
- Residential amenity
- Archaeology
- Sustainable design and construction
- Consideration of very special circumstances
- Prematurity

Principle of development

Whether the site is within the Green Belt

5.2 For the purposes of s.38(6) of the Planning and Compulsory Purchase Act, the proposal should be assessed against the saved RSS Green Belt policies and the Huntington Neighbourhood Plan. The policies in the NPPF are also material considerations.

5.3 The Neighbourhood Plan does not alter the Green Belt boundaries; and continues to apply the approach to the identification of the Green Belt as set out in the RSS and the DCLP 2005 on an interim basis until the emerging 2018 Draft Plan is adopted.

5.4 The application site is shown to fall within the Green Belt under Policy SP2 in the DCLP 2005, although the weight that can be attached to this is very limited. The proposed residential areas within the application site are proposed to be outside of the proposed Green Belt under Policy SS2 in the emerging 2018 Draft Plan, although due to unresolved objections the policy requirements of policy SS2 can only be applied with limited weight. A thorough and detailed methodology has been followed in the setting of inner and outer Green Belt boundaries and is set out in the Addendum to Topic Paper 1: Approach to defining York's Green Belt (2021) Annex 3 Inner Boundaries Part 2: Section 5; this is part of the evidence base and is capable of being a material consideration in the determination of planning applications. The Local Plan strategy sets out that the open land to the north and east in this location has potential for development as a strategic housing site to help meet the overall needs of the city and the inner boundary of the green belt will therefore be defined by boundaries 27a-27c.

5.5 The site should be regarded as within the general extent of the Green Belt, until the Local Plan is adopted. Green belt policies are set out in the NPPF apply to the determination of the application. NPPF paragraph 137 states that the essential characteristics of Green Belts are their openness and their permanence. Development of the site would conflict with such characteristics.

5.6 Having regard to NPPF paragraph 149, the development proposed does not fall within any of the exceptions to inappropriate development in the Green Belt. The proposed development therefore represents inappropriate development in the Green Belt.

5.7 NPPF paragraph 147 explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 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 resulting from the proposal, is clearly outweighed by other considerations. Whether there are such circumstances will be assessed at the end of this report, following consideration of other material planning considerations. This approach is consistent with policy H14 of the Neighbourhood Plan.

Assessment of the scheme against policy SS10 of the Local Plan (which relates to the allocation ST8)

5.8 The policy relating to the site in the emerging 2018 Draft Plan (SS10) identifies the number of house to be provided on site (which the application is consistent with) and advises the principles the site should be delivered in adherence with (in addition to complying with the policies within the plan).

i. Deliver a sustainable housing mix in accordance with the Council's most up to date Strategic Housing Market Assessment.

5.9 The application is at outline stage, with all matters other than means of access reserved. The application seeks circa 970 dwellings to be provided, however the mix of dwellings have not been provided at this stage. The mix of dwellings to be provided can be established via the reserved matters stage, and legal agreement, in line with the Council's Strategic Housing Market Assessment. The proposed development is of a sufficient scale to accommodate a broad range of house sizes, tenures and types.

5.10 In accordance with emerging plan policy H10 on affordable housing the scheme would deliver 30% affordable housing (291 dwellings) on site. An affordable housing layout would be approved through condition or legal agreement,

with dwellings pepper potted throughout. The size and type of homes shall be a pro rata mix of the total homes.

5.11 Furthermore, the masterplan indicates two areas for self and custom build housing, consistent with emerging plan policy H4. Policy H4 sets out that strategic sites are required to supply at least 5% of the dwelling plots for sale, equating to 49 plots and it is considered this can be provided within the development.

ii. Create strategic landscape buffering along the existing road network that borders the site. This will retain key views towards the Minster as well as to the north that should be preserved.

5.12 The illustrative masterplan and parameter plans indicate buffer strips along both North Land and Monks Cross Link road. There is time for the landscape buffers to evolve, with emphasis on incorporating well designed views through the buffer into the development at key points, rather than attempting to screen the whole development. Developing this through reserved matters will be important to avoid compromising key views.

iii. Include an appropriate landscape treatment adjacent to the link road, with landscaping where appropriate, to protect the setting and character of York.

5.13 As above, the illustrative masterplan and parameter plans indicate landscaping adjacent to the Monks Cross Link road. This again can evolve through reserved matters to ensure that the setting and character of York is protected.

iv. Explore the creation of a new green wedge to the west of the site to play an important role in protecting ecological assets, safeguarding the historic character and setting of the city and conserving on-site heritage assets including Ridge and Furrow, archaeology, hedgerows and trees that contribute to the setting of Huntington. It should be linked into the adjacent new housing scheme currently under construction at Windy Ridge/Brecks Lane. The provision of the new green wedge to the west of the site will also create an appropriate setting for the existing village of Huntington, allowing Huntington to maintain its identity and not sprawl outwards, with ST8 forming a new contained neighbourhood within the main urban area.

5.14 To the west there is a green wedge, in the form of playing fields and amenity open space. The south western corner of the site is indicated to be open, providing a link to the Windy Ridge/Brecks Lane development. The safeguarding of heritage assets can be development via reserved matters and conditions. It is considered that the proposal will create an appropriate setting for the existing village of Huntington and retain its identity.

v. Increase biodiversity and connectivity with the natural environment. The site intersects with local green infrastructure corridors and contains some trees with protection orders. There are opportunities for this site to interconnect with existing green infrastructure corridors and to integrate a scheme throughout the site which should be exploited.

5.15 The development will retain and enhance strong 'green links' within the development area. The public open space to the east will provide mitigation and compensation for biodiversity and local biodiversity. A programme of safeguarding the 'green' areas to ensure these links remain viable throughout the project can be development through conditions. The relocation of the access from North Lane allows an existing Oak tree to be retained.

vi. Provide a detailed site wide recreation and open space strategy and demonstrate its application in site masterplanning. This must include:

- Creation of a new open space on additional land to the east of the Monks Cross Link Road (as shown on the policies map as allocation OS8). This land remains in the Green Belt. Traffic calming measures should be provided along Monks Cross Link Road alongside the provision of pedestrian footways and safe crossing points. Ecological mitigation is also required on land to the east of the Link Road.

- Open space provision that satisfies policies GI2a and GI6.

5.16 There is the creation of a new open space to the east of the Monks Cross Link road. There is a pedestrian island on the southern junction to provide pedestrian crossing along the Monk Cross Link road, and further measures, can be explored through legal agreement or other highway legislation, such as the proposed reduction to a 40mph speed limit. This area of open space will provide newt habitats and ecological mitigation for the development.

5.17 Emerging plan policy GI6 seeks to provide open space within the main residential area. The illustrative masterplan indicates that there will be areas of public open space and amenity comprising playing fields and playing areas, which are integrated into the site's layout and can be developed via reserved matters.

5.18 Emerging plan policy GI2a seeks safeguards regarding development not directly connected with or management of the Strensall Common Special Area of Conservation and Site of Special Scientific Interest (SSSI). The application site is situated within the 'zone of influence' of Strensall Common and part b of policy GI2a requires the provision of open space within allocated housing site as mitigation to compensate for increase recreational pressure that Strensall Common is likely to be subject to. There is an allocated area (OS8) to the west of the application site that will provide new open space. Furthermore, a Habitats Regulation Assessment (HRA) has been submitted by the applicant. This has been assessed by the Council's Ecologist and it is concluded that the activities associated with the

proposed development are unlikely to have a significant effect on Strensall Common SAC or its qualifying interests.

vii. Provide new social infrastructure which meets the needs of future residents of ST8 and, where viable, surrounding communities, including local retail, health, community space, educational facilities and sports provision.

5.19 The application indicates that there will be a local shop (no larger than 200sqm), a new primary school which will also provide a community hub as well as playing fields to be provided.

5.20 There is no audit in respect to existing health facilities provided; emerging policy HW6 identifies this allocated site as one of the sites requiring additional spoke facilities for the Yorkshire Ambulance Service NHS Foundation Trust. There is no specific provision of an ambulance 'spoke facility' however the applicant have outlined that they will explore the potential to integrate such a facility within the community hub. This will be in discussions with the NHS Foundation Trust and can be developed through reserved matters and legal agreement.

5.21 Officers consider that a single shop providing a floorspace of 200sqm to serve the day-to-day needs of the proposed development is unlikely to be adequate; it is not clear as to its location within the development and whether it will be linked sufficiently by walking/cycle links; the site from north to south is over 800m and there may need to be a number of other shops to fully serve the development. Other community facilities are likely to be necessary, such as a café and are not provided for within the scheme. This will be discussed with the applicant prior to, and if necessary at the appeal.

5.22 The community hub is proposed to be located within the school which is proposed for the south western corner of the site, and not necessarily in the heart of the community. Further consideration should be given to its location at reserved matters stage.

viii. Deliver a new primary school in an accessible location (to be assessed further based on generated need) as well as providing appropriate contributions for nursery and secondary education.

5.23 The plans indicate a primary school will be directly accessed from the southern access from the Monks Cross Link road and local roads and footpaths within the site. The playing fields will be to the north of the proposed school.

ix. Provide new site access from Monks Cross Link Road with no new direct access to the A1237.

5.24 There is no new direct access from the A1237; two new vehicular accesses will be from the Monks Cross Link Road, along with an access from North Lane.

x. Demonstrate that all transport issues have been addressed, in consultation with the Council and Highways England, as necessary, to ensure sustainable transport provision at the site is achievable. The site will exacerbate congestion in the area, particularly at peak times given its scale and the capacity of the existing road network. The impacts of the site individually and cumulatively with sites ST7, ST9, ST14 and ST35 should be addressed.

5.25 Highways England have removed their objection and offer conditional approval, they state that review of modelling and assessment results has demonstrated that the proposed development will not have an adverse impact on the Strategic Road Network.

5.26 However, the Council's Highways Network Management team consider that the lack of direct pedestrian and cycle links to the west and south of the site (which were indicated to be previously provided) would have an impact upon the representative trip rates of the proposed development.

5.27 It is highlighted that there is reliance on committed scheme (A1237 Ring Road/Strensall Junction 1, A1237/North Lane/Monks Cross Link Junction 2) that are to be delivered by the Council. At the present time, these schemes are progressing through the York Outer Ring Road Phase 1 Duelling Project with funding through the West Yorkshire and Transport Fund, however there a number of stages of delivery that the scheme needs to deliver before funding is released, including securing planning approval. It is anticipated that the project to allow the release of funding will be delivered by summer 2023. However, there remains a risk that the junction improvements may not be delivered, or they may take longer than anticipated. The Transport Assessment has not assessed the impact of the proposed development on the existing A1237 junctions.

xi. Deliver high quality, frequent and accessible public transport services through the whole site including facilitation of links to local employment centres and York City Centre. It is envisaged such measures will enable 15% of trips to be undertaken using public transport.

5.28 There are two bus services that could potentially serve the development site; bus service No. 9 (Monks Cross P&R to York city centre via Heworth) or service 12 (Monks Cross- York city centre- Askham Bar). No. 9 is a limited stopping service via the most direct route into the city centre with No. 12 taking a longer route but provides access to more facilities. Service No. 12 is proposed to be extended, along the spine road of the development and would use to the two new roundabouts on the Monks Cross Link. This service currently operates every 30 minutes and the

frequency could be increased to every 15 minutes, requiring two new additional buses to operate along the route.

xii. Provide enhanced safe and integrated pedestrian and cycle routes to the existing available facilities at Monks Cross to maximise the sites sustainable location. The site is bordered by existing road infrastructure to enable access onto the site but further strategic connections for pedestrian and cycle routes would be required.

5.29 Monks Cross is located to the south of the site, and primary access to Monks Cross Drive will be via the Monks Cross Link Road with a shared pedestrian and cycleway, although it does not tie into existing off road cycling infrastructure on the Monks Cross estate. This would offer sustainable transport links to the park and ride facility, and highways request that improvements are made to the cycle infrastructure in this location.

5.30 In contrast, Alpha Court, to the south of the site is part of the cycle route network, and was previously considered suitable to extend into the site to provide connectivity to the site. This option has been revoked within the latest Transport Assessment in favour of those connections from the Monks Cross Link road. The Council considers that an Alpha Court connection would offer a more convenient and attractive route to the Monks Cross facilities for the residents of the proposed development which would increase the likelihood of active travel choices.

xiii. Maximise pedestrian and cycle integration, connection and accessibility in and out of the site and connectivity to the city and surrounding areas creating well connected internal streets and walkable neighbourhoods.

5.31 The illustrative masterplan indicate a proposed pedestrian and cycle connection to Woodland Way, situated to the west of the site, although this is further away from the facilities and services provided in Huntington. The Council have identified that a more direct link to the west of the site could be via Garth Road. A further connection in and out of the site is via North Lane, however the pedestrian and cycle provisions, including lighting would need to be improved and continued to North Moor Road, which has not been indicated in the proposed application.

5.32 Within the site, the street design and layout can be developed via reserved matters to ensure appropriate connectivity to the community facilities such as the school including community hub, public open space and shop. There may be some by-passing of traffic at Monks Cross Link/North Lane roundabout via the internal spine road, and it is suggested that access is limited to vehicular traffic via modal filters, whilst providing through routes to cyclists, pedestrian and emergency vehicles.

5.33 Pedestrian access to the allocated OS8 public open space (Country Park) to the west is limited. However, there will be a reduction to the speed limit along

Monks Cross Link road which will help to promote pedestrian accessibility from the main residential areas of the proposed development. Consultees have suggested the continuation of the discontinued railway line, the tree lined boulevard as a wayfinder within the site to the country park, enhancing the local and natural environment. This can be developed via reserved matters.

Drainage and Flood Risk

5.34 National policy outlined in the NPPF seeks to steer development away from areas at risk of flooding to ensure development is safe from flood risk and to avoid increased flood risk elsewhere (para 159). Local requirements, as detailed in the York Strategic Flood Risk Assessment, with regards to drainage are to require a 30% reduction on existing run off rates where practical, to protect against climate change and prevent increased flood risk.

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

5.36 The submitted risk assessment (January 2021) sets out that in terms of surface water, this will discharge from the development to the unnamed watercourse located to the east; the discharge rate will be limited to 87.82l/s (greenfield + brownfield -30%), with the development split into three catchments requiring a total of 13,650m³ attenuation and due to the topography of the site, it will be necessary to pump the surface water discharge to two separate outfalls.

5.37 Both the Local Lead Flood Authority and the Foss Internal Drainage Board have raised objections to the proposals, citing that the soakaway testing carried out is not extensive for a development of this size, and which has not been witnessed along with no evidence presented of existing connections to impermeable and permeable areas. Whilst these objections are acknowledged, these issues are not insurmountable nor would they represent an objection in principle. It is considered that a drainage strategy could be designed for this greenfield site via reserved matters and conditions.

Ecology

5.38 The NPPF (para 174 d)) sets out that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

5.39 Above in the report, there has been assessment of how the proposed development would protect and mitigate ecological assets and increase biodiversity throughout the development and particularly within the green wedge area to the west and the new public open space to the east. However, in terms of assessing the ecological and biodiversity impacts of the development, it is important to note that

consideration has been given to Biodiversity Net Gain (BNG), required by in line with NPPF paragraph 180 d). There is a site wide biodiversity net gain proposed by the applicant, and supported by the Council's Ecologist. Each reserved matter application shall demonstrate how the development will achieve BNG in accordance with the site-wide BNG.

5.40 In terms of specific protected species, the ecological surveys supporting the development are well considered and provide an appropriate level of detail.

Design and Layout of the site

5.41 There is general conformity that the indicative masterplan layout is logical, retaining a number of natural features including hedgerows and trees in a planned green corridor. The applicant supports the principles of a garden village concept, which is considered suitable for this suburban village development. The density and height of the proposals are acceptable with detail established though the reserved matters stage.

5.42 There are a number of areas of concerns however, particularly the lack of integration of playing areas within the residential areas in order to benefit from natural surveillance and the loss of the green corridor to demonstrate the former railway line, from the south western corner of the site. The continuation of this could help to provide a link to the historical past of the site, as well as providing a pedestrian/cycle link to the country park to the east, further enhanced if connected to the crossing points of the Monks Cross Link road.

Residential amenity

5.43 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

5.44 The proposed houses would be a mix of 2 and 2.5-3 storey, the higher dwellings within the site along the tree lined boulevard (spine road), with a small pocket in the north eastern corner of the site. The illustrative masterplan is indicative at this stage, however the position of new dwellings adjacent to site boundaries would maintain adequate levels of amenity for neighbouring residents.

- to the west, properties on North Moor are over 170m away, open fields form a buffer
- to the west, Keith Avenue, Lea Court, Woodlands Way will be sited adjacent to the green wedge in the form of playing fields and amenity space. This area is also indicated to contain the school and self –build areas, and would be positioned over 50m away from existing houses.

- to the north, there is a curtilage area surrounding Top Show, and proposed houses could be orientated to avoid overshadowing and overlooking.

5.46 A noise assessment outlines that dominant noise sources is from road traffic, with some occasional noise from the commercial and industrial units along Monk Cross Drive and the Portakabin site. It is also acknowledged that a building within the Portakabin site provides space for band practice during the evening over several evenings a week with some occasional weekend practice. There is concern that there has been additional development around the Monks Cross area that may have substantially increased both traffic and commercial noise in the area, and the noise report may not be representative of current noise conditions in the area.

5.47 The noise report concludes that the site is suitable for residential occupation and measures such as construction mitigation (glazing, dwelling orientation), layout and orientation of dwellings and other measures such as the use of bund boundary treatment and other boundary treatments can be secured through reserved matters and conditions. Internal noise levels within habitable areas of dwellings as well as external area will achieve complaint noise levels.

Air quality

5.48 It is set out in paragraph 186 of the NPPF that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications.

5.49 A sustainable travel plan can be secured by legal agreement which will provide reasonable and proportionate mitigation in respect to overall damage costs arising from emission impacts associated with the development of the site and provided by pollutant, source and location. Further mitigation shall be in the form of electric vehicle recharging points and conditions can secure appropriate infrastructure and facilities to incorporate charging facilities across the site including residential properties and community facilities.

Archaeology

5.50 The desk based assessment and geophysical survey confirmed the possibility of surviving prehistoric and Romano-British archaeology and other archaeological features may exist across the site. Further intrusive investigation will need to be undertaken prior to any other ground disturbing works through an evaluation, which can be conditioned.

Sustainable Design and Construction

5.51 The Council's emerging 2018 Draft Plan policies CC1, CC2 and CC3 seek to tackle the challenges of climate change through ensuring development generates renewable/low carbon energy, uses natural resources prudently and is built to high standards of sustainable design and construction. The following would be required through condition:

- At least a 19% reduction in Dwelling Emission Rate compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations 2013)
- A (maximum) water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations)
- New buildings to achieve a reasonable reduction in carbon emissions of at least 28%
- New non-residential buildings should achieve BREEAM 'Excellent' (or equivalent)
- BREEAM Communities assessment (or equivalent)
- demonstrate that heating and cooling technologies have been selected in accordance with the heating and cooling hierarchy, unless such requirements are not viable and/or that an alternative approach would be more sustainable

Land contamination

5.52 Investigations within the site identified that no contamination was detected across the majority of the site and therefore only remedial works were required to make the site safe and suitable for residential use. Further investigation work to commercial areas and the farmyard area is required to areas where access was unavailable and to characterise the extent of possible contamination.

Education

5.53 In terms of education the preference is for the provision of a primary and nursery school on site including contributions for secondary education and special educational needs. This can be secured via the s106 agreement

Open space

5.54 The 2018 Draft Plan Policy GI6 relates to new open space in conjunction with development proposals and a new area of open space has been identified in connection with this strategic site (ST8); OS8 (new parkland) and will complement further on-site provision which is the area of green wedge providing playing fields and amenity space to the west of the site. It is recommended that these areas are secured under the section 106 with long term management plans in place for circa 30years.

Gypsy and Traveller provision

5.55 Policy H5 of the emerging local plan requires strategic sites to deliver a number of pitches proportion to the number of dwellings to be provided; in this case 3 pitches should be provided. This policy also allows a choice of how to deliver the requisite number of pitches, in line with the NPPF, including on-site, on alternative land consistent with part C of the policy or via a commuted sum payment to contribute towards the development of pitches elsewhere. The required contribution, based on the provision of 3 pitches is £450,000.

Whether there are very special circumstances

5.56 The site is within the general extent of the Green Belt. The development proposed is classed as inappropriate in the Green Belt (in NPPF paragraph 149). The NPPF establishes inappropriate development should not be permitted unless very special circumstances exist. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

i Housing Land Supply

5.56 For decision making, it is accepted that the Council cannot currently demonstrate a NPPF compliant five year supply of deliverable sites on land that is outside of the general extent of York's Green Belt. Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development. The presumption applies a 'tilted balance' to cases where housing supply policies are out of date. However, the presumption does not apply if the proposal conflicts with restrictive Green Belt policies (NPPF paragraph 11 footnote 7). The provision of housing at a site that the Council supports through the Local Plan process is considered to be a substantial benefit of the scheme.

ii Affordable Housing Delivery

5.57 The housing market in York is not currently delivering the quantity or quality of homes the city needs. The submitted 2018 Draft Plan and subsequent evidence updates (Housing Needs Update January 2019 and Affordable Housing Note) contains a housing figure for York that includes affordability adjustments as well as making a significant contribution to affordable housing needs. Affordable housing provision at this site is included within these calculations. The 30% affordable housing at this site is considered to be a substantial benefit of the scheme.

iii Delivery of a Planned Garden Village

5.58 The emerging 2018 Draft Plan, which has been submitted for examination identifies the site for housing. There is a comprehensive evidence base behind the proposed site allocation which consider deliverability (site which are available, suitable and viable) and an assessment as to whether the development of such sites would be broadly NPPF compliant. Given the advanced stage of the emerging Local Plan, aside from the issue of Green Belt the site is considered to be acceptable for residential development in principle. Given the scale of housing development proposed, subject to the concerns noted above being addressed, the development incorporates a range of facilities that are for the public benefit, to meet the needs of future and existing residents. This includes community facilities, a small convenience store and a new primary school. Alongside this, a large area of new public open space is proposed. Subject to their satisfactory resolution, the proposals have the potential to maximise sustainable access such as pedestrian/cycle linkages in and out of the site and to the existing facilities at Monks Cross. The delivery of these elements will promote sustainable patterns of development which carries significant weight in the case for very special circumstances at this site.

5.59 This site has been identified in the site selection process as a sustainable location for development, to meet development needs which cannot be accommodated in the identified urban areas. It is considered that the proposed allocation allows the city to preserve its compactness and to protect the rural setting of the city. Furthermore, this site offers access to services and facilities within 800m Monks Cross to the South and Huntington to the west. In strengthening a clear and defensible boundary, the development has been stepped back from Huntington with a new green wedge to the west of the site to safeguard the setting and distinct identity of Huntington. This single boundary acts as a defined and recognisable urban edge which will be permanent in the long term.

5.60 It is considered that collectively, the provision of housing and affordable housing, alongside the delivery of key infrastructure at this proposed local plan housing site carry sufficient weight to demonstrate very special circumstances. It is considered that, even when substantial weight is attached to the harm to the Green Belt, cumulatively there are very special circumstances which, subject to the satisfactory resolution of the outstanding transport, highway and access issues outlined in paragraphs 3.25, 5.26-5.27, 5.29-5.31, would clearly outweigh the harm to the Green Belt and any other harm as a result of the development which is currently within the general extent of the Green Belt.

Whether prematurity is grounds to refuse the application

5.61 Paragraph 49 of the NPPF states that "in the context of the Framework - and in particular the presumption in favour of sustainable development - arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a. the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- b. the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area".

5.62 Paragraph 50 of the NPPF states: "Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process".

5.63 It is considered that to grant planning permission for this scheme would not undermine the plan-making process because the Council's assessment of the Green Belt to inform the emerging 2018 Draft Plan (as detailed within Topic Paper 1: Approach to defining the Green Belt Addendum 2021) concluded that the open land to the north and east in this location has potential for development as a strategic housing site to help meet the overall needs of the city, in line with the spatial strategy and the inner boundary of the Green Belt will therefore be re-defined.

5.64 Whilst it is a larger housing site (providing circa 968 dwellings), and to be delivered over 1 – 16 years of the plan, it equates to about 7% of the total number of housings to be provided across the plan period. Therefore, there are no clear grounds (as is required by the NPPF) to refuse this particular application on the basis that it would prejudice the plan-making process.

Planning Obligations

5.65 The draft S106 heads of terms for the proposed development include:

- Affordable Housing (30% of dwellings)
- Education
 - education contribution and transfer of land on site for Primary School
- Transport and Highways
 - extension to Bus Service 12 (funded for a minimum of 5 years)
 - car club membership
 - bus passes/cycle equipment
 - Sustainable Transport travel Plan and cost of implementation
 - improvements to pedestrian/cycle connections to existing cycle routes on the Monk Cross estate and North Lane (and onto North Moor Road)
- Public Open space (long term management and strategy for country park and playing pitches)

- Waste collection (additional vehicles and bins for dwellings)
- Ambulance 'spoke facility'
- Gypsy and Travellers – commuted sum of £450,000 (based on the provision of 3 pitches)

6.0 CONCLUSION

6.1 The proposed development is located within the general extent of the Green Belt; however the emerging Local Plan strategy sets out that the land has been allocated for development as a strategic housing site to help meet the overall needs of the city. The 2018 Draft Plan and its evidence base regarding the proposed Green Belt boundaries and housing need are advanced and in the process of examination. York does not have a 5 year housing land supply and therefore the proposed housing is a benefit that carries significant weight in decision making. It is considered the lack of a 5 year housing land supply, along with the delivery of affordable housing and delivery of key infrastructure, would, subject to the satisfactory resolution of transport, highway and access issues, clearly outweigh the totality of identified harm and very special circumstances would exist in this case. Further, there is considered to be no case for refusing the scheme on prematurity grounds.

6.2 The impact of the proposed development on the wider highway network are yet to be fully determined, following initially proposed pedestrian and cycle links in and out of the site via Garth Road and Alpha Court, to the west and south being removed from application, the trip rates adjusted to take account of improved bus provision and walking and cycling rates, are not now considered to be representative of the likely trip rates for the proposed development site. There is also a reliance on committed highway schemes (A1237 Ring Road/Strensall Junction 1, A1237/North Lane/Monks Cross Link Junction 2) to be delivered by City of York Council, however whilst these schemes are progressing, there remains a risk that the junction improvements may not be delivered, or they may take longer than anticipated. The transport assessment has not assessed the impact of the proposed development on the existing A1237 junctions. As such, currently the proposed development does not accord with NPPF policy regarding promoting sustainable transport, in particular paragraphs 110, 111 and 112.

7.0 RECOMMENDATION:

1. That Committee endorse the conclusions of the report and that subject to the satisfactory resolution of the issues identified in 6.2 they will be presented to the Planning Inspectorate as part of the Council's Statement of Case at the forthcoming appeal.

2. That delegated authority is given to the Chief Planner, having regard to the heads of terms set out in this report, addendums and/or Planning Committee minutes, to negotiate and complete a document containing obligations pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) in order to meet the requirement of the Planning Inspector.

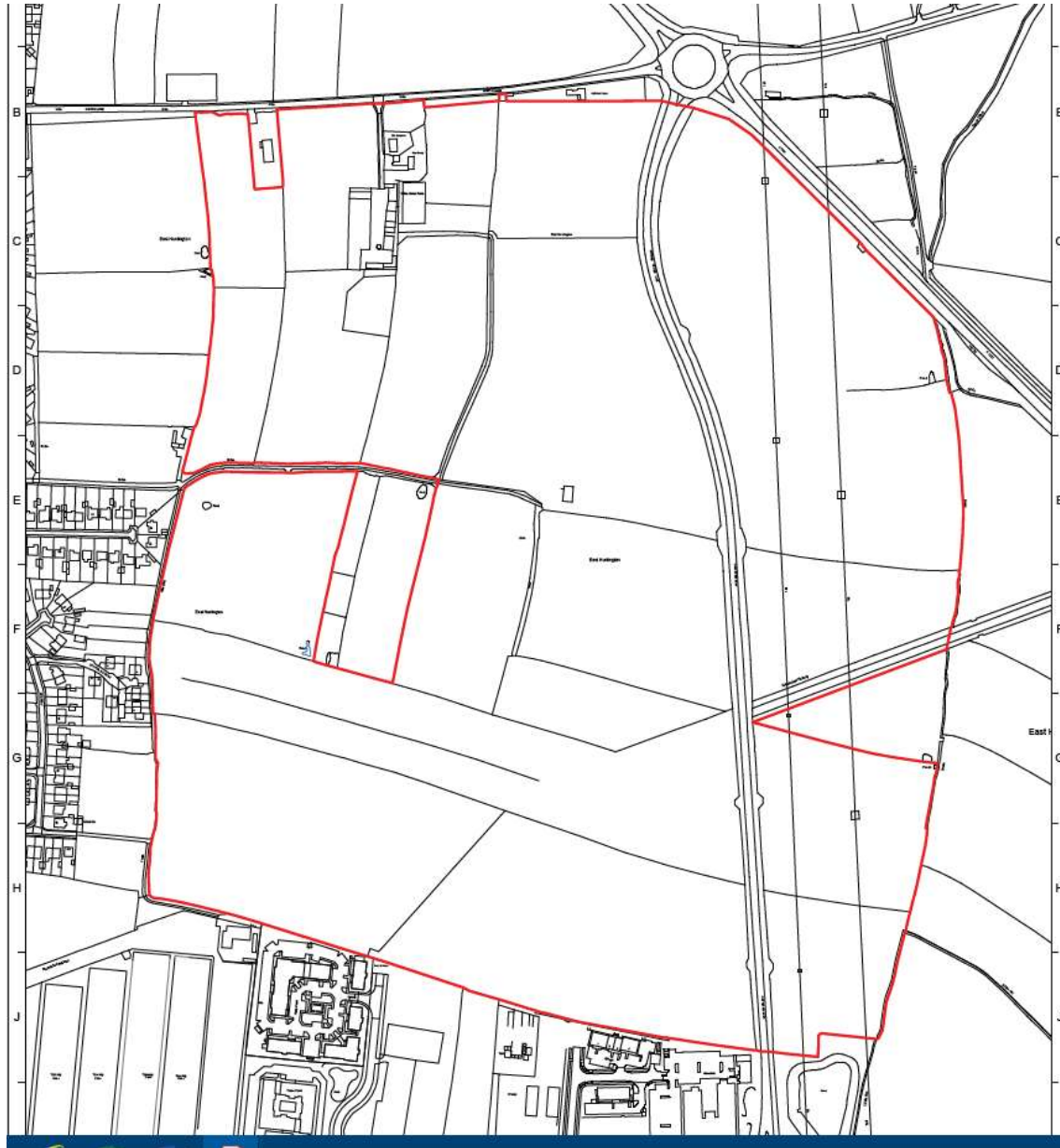
Contact details:

Case Officer: Lindsay Jenkins

Tel No: 01904 554575

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Site To The West Of The A1237 And South Of North Lane, Huntington, York
18/00017/OUTM



Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	27 October 2021
SLA Number	

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COMMITTEE REPORT

Date: 4 November 2021 **Ward:** Huntington/New Earswick

Team: East Area **Parish:** Huntington Parish Council

Reference: 21/00305/OUTM

Application at: Huntington South Moor New Lane Huntington York

For: Outline planning permission with all matters reserved except access, for circa 300 residential dwellings, associated landscaping, public open space, and the formation of two new vehicle accesses from New Lane

By: Barratt David Wilson Homes

Application Type: Major Outline Application

Recommendation: **1. That Committee endorse the reasons to contest the appeal that may be presented to the Planning Inspectorate as part of the Council’s Statement of Case at the forthcoming appeal.**

2. That delegated authority is given to the Chief Planner, having regard to the heads of terms set out in this report, addendums and/or Planning Committee minutes, to negotiate and complete a document containing obligations pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) in order to meet the requirement of the Planning Inspector.

1.0 PROPOSAL

1.1 The application site lies between the suburban area of Huntington and the Community Stadium. It is some 11.6ha in area. The housing to north of the site, along Forge Close and Saddlers Close, off Jockey Lane was granted outline permission at appeal in 1998 (97/00851/FUL). The land did previously accommodate industrial uses. To the east is the new community stadium. The site extends south to the cemetery and west to New Lane. It excludes Huntington Grange, a Grade II listed house.

1.2 The site is within the general extent of the Green Belt, as shown in the draft Local plans namely the 2005 City of York Draft Local Plan (incorporating the Fourth Set of Changes (“DLP”)) and the emerging plan, the Publication Draft Local Plan 2018 (“2018 eLP”). It is not allocated for development in the 2018 eLP.

1.3 The application is in outline, for the principle of residential development for up to 300 dwellings. All matters are reserved apart from access; the proposed vehicular and pedestrian access points on to New Lane.

1.4 The following plans have been issued, to illustrate how the amount of development proposed could be accommodated on site. The plans set the parameters for the site layout, access, connectivity routes, land uses including developable areas and open space provision, building heights and retained trees and hedgerows.

- Open space drawing
- Development areas and heights
- Site access plan

1.5 No formal decision has yet been made in relation to this application. The applicant has submitted an appeal against the non-determination of the application to the Planning Inspectorate, therefore the purpose of this report is to gain Committee endorsement for the following reasons for refusal that will be presented to the Planning Inspectorate as the Council's case at the public inquiry, the hearing opening on 11th January 2022.

1.6 Objectors can make formal representations to the Inspectorate, and as such any comments received will form part of the appointed Inspectors deliberations. All existing objections received as part of the planning application process will be sent to the Inspectorate. The Planning Inspectorate will make the final decision on whether the appeal is approved.

2.0 POLICY CONTEXT

2.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).

2.2 The National Planning Policy Framework 2021 ("NPPF") is a material consideration in planning decisions.

2.3 The statutory Development Plan for the City of York comprises of the saved policies and key diagram of the (otherwise revoked) Yorkshire and Humber Plan Regional Spatial Strategy (2008) and any made Neighbourhood Plan.

The Regional Spatial Strategy for Yorkshire and the Humber (May 2008)

2.4 The Regional Spatial Strategy for Yorkshire and the Humber (May 2008) policies which relate to the York Green Belt have been saved together with the Key

Diagram insofar as it illustrates the general extent of the Green Belt around York. The environmental assessment process for the RSS abolition highlighted that York does not currently have a local plan in place and indicated that revocation of the York Green Belt policies before an adopted local plan was in place could lead to a significant negative effect upon the special character and setting of York. As such, the Government concluded that the York Green Belt policies that are part of the regional strategy be retained.

2.5 Saved policies are as follows -

POLICY YH9C: Green Belts

The detailed inner boundaries of the Green Belt around York should be defined in order to establish long-term development limits that safeguard the special character and setting of the historic city.

POLICY Y1C: York sub area policy

Plans, strategies, investment decisions and programmes for the York sub area should:

- Define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C.
- Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Huntington Neighbourhood Plan adopted July 2021

2.6 The Neighbourhood Plan was adopted in July 2021 and it therefore forms part of the development plan. Policies relevant to this application are –

- H1 Meeting housing need
- H2 Housing mix in new housing development proposals
- H3 Affordable housing provision and mix
- H4 Design Principles
- H5 Huntington character buildings and sites of local heritage interest
- H14 Green Belt

Draft Local Plans

2.7 The City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (approved April 2005) was approved for Development Management purposes (“2005 DLP”). The 2005 DLP does not form part of the statutory development plan. Its policies are considered capable of being material considerations in the determination of planning applications where policies

relevant to the application are consistent with those in the NPPF, although the weight that can be attached to them is very limited. In *Wedgewood v City of York Council*, [March 2020] paragraph 34 of the High Court Judgment re-iterates that when determining Green Belt land the decision maker may have regard to the 2005 DLP.

2.8 The Publication Draft City of York Local Plan 2018 (“2018 eLP”) was submitted to the Secretary of State for examination on 25 May 2018. The 2018 eLP was updated by the City of York Local Plan Proposed Modifications June 2019. Policies can be afforded weight in accordance with NPPF paragraph 48, taking into account – the stage of the plan, the extent of unresolved objections to relevant policies and their degree of consistency with the NPPF. Policy SS2 relates to the role of the York Green Belt. The weight to the policy is limited because of unresolved objections.

2.9 Relevant policies of the draft local plans are as follows –

2005 DLP (Draft Local Plan 4th set of changes April 2005)

SP2	The York Green Belt
SP3	Safeguarding the Historic Character and Setting of York
GB1	Development in the Green Belt

2018 eLP (Draft Local Plan Publication Draft 2018)

SS1	Delivering Sustainable Growth for York
SS2	The Role of York’s Green Belt
H2	Density of Residential Development
H3	Balancing the Housing Market
H10	Affordable Housing
HW2	New Community Facilities
HW3	Built Sport Facilities
HW4	Childcare Provision
HW7	Healthy Places
D1	Placemaking
D2	Landscape and setting
D6	Archaeology
GI1	Green Infrastructure
GI2	Biodiversity and Access to Nature
GI3	Green Infrastructure Network
GI4	Trees and Hedgerows
GI6	New Open Space Provision
GB1	Development in the Green Belt
CC1	Renewable and Low Carbon Energy Generation and Storage
CC2	Sustainable Design and Construction of New Development

ENV1 Air Quality

3.0 CONSULTATIONS

INTERNAL

Forward Planning

3.1 Officers raise a policy objection to the scheme because of the location of the site in the Green Belt.

3.2 Policy context

- Policy SP2 of the 2005 DLP can be afforded only very limited weight.
- Given the advanced stage of the 2018 eLP preparation, the level of significant unresolved objection to the emerging policies relevant to the principal of development in this location and the consistency with the NPPF, policy requirements of emerging plan Policy SS2 (the Green Belt boundary) can only be applied with limited weight.
- It is against the NPPF (as revised) and the saved RSS policies relating to the general extent of the York Green Belt that this proposal should principally be assessed, alongside consideration of site specific features.

3.3 The York Green Belt has been established for many years but has never been formally adopted. The application site has historically had Green Belt status, being consistently, across a number of plans, shown to fall within the general extent of the Green Belt. Notwithstanding the absence of detailed Green Belt boundaries, Inspectors and the Secretary of State have consistently treated sites that fall within the general extent of the Green Belt as being subject to Green Belt policy. As such, until a Local Plan for York is adopted, development management decisions in relation to proposals falling within the general extent of the Green Belt (as defined in the RSS) will be taken on the basis that land is treated as Green Belt.

Background

3.4 A portfolio of sites to meet the identified housing and employment needs of the city were presented previously in the Publication Draft Local Plan (2014). The application site was a potential residential allocation known as ST11 in the plan. This plan was subsequently aborted to review overall housing requirements. It was later concluded through the Preferred Sites paper (October 2016) that, following further technical officer consideration, the site performs an important role in preserving the character and setting of Huntington.

3.5 The site has not been taken forward as a potential housing allocation in the eLP. The SHLAA (2018) that accompanies the eLP presents an audit trail of all the sites

which passed criteria in the site selection process which are considered reasonable alternatives.

Appraisal

3.6 Forward Planning Officers explain (in 3.9 of their response) that as part of the emerging plan process the site has been allocated as Green Belt. The application site is considered to perform a Green Belt function. A full assessment of the site is presented in the Green Belt Topic Paper Addendum (2021). The relevant section of the proposed Green Belt boundary are Section 5 Boundary 30 - 31. The boundaries are considered to be robust and the site fulfils purposes 1, 3 and 4 of the Green Belt (as identified in the NPPF); to check unrestricted sprawl; to safeguard the countryside from encroachment and to keep land in this location permanently open to preserve the setting and special character of the historic city.

3.7 A policy objection to the principle of development in this Green Belt location is raised. Development would be detrimental to the openness of the Green Belt and its purposes. The application site is not one of the sites where it is considered that the emerging Local Plan evidence base justifies an incursion into the general extent of the Green Belt.

3.8 Whilst the provision of housing, for which there is an identified shortfall in the city, is considered to be a substantial benefit of the scheme, the harm by reason of its inappropriateness cannot be justified by very special circumstances.

Design Conservation and Sustainable Development (Conservation)

3.9 Residential development here is not illogical in the sense that it is a sustainable location far within the outer ring road and adjacent to existing housing. Improved pedestrian and cycle connectivity to Vangarde/Community Stadium would bring benefits to existing communities to the west.

3.10 However the following negative effects have been identified -

- Detrimental effect on the setting of Grade II Listed Huntington Grange - Complete removal of agricultural use and development of the site removes the grounding of the listed farmhouse from the purpose of its origins (i.e. no farmland is left) which harms its historic values/significances. A small green buffer of public open space proposed alongside New Lane only part mitigates a sense of remoteness/openness but does not replicate current qualities. Huntington Grange would essentially become completely suburban.
- The proposed development layout also removes close association with a pattern of field boundaries that Huntington Grange belonged to and this severing is compounded by the reinforcement of its boundaries with further planting behind.

This would leave Huntington Grange completely isolated from everything and this is not appropriate.

- The masterplan should take an approach that evolves rather than severs this field boundary connection. The green buffer proposed behind Huntington Grange looks impractical. All current screening relates to Huntington Grange boundaries (on or within curtilage). Additional buffer planting should be clearly maintainable from the development side, and this is unclear. It leaves an ill-defined narrow green strip between it and the sides of proposed housing gardens. The strip should be wider to be purposeful and have clearer natural surveillance.
- Residential development using public open space as a buffer to the stadium does not realistically comfortably accommodate a piece of infrastructure as dramatic as a stadium and means public open space located in this way and for this purpose is not designed primarily to maximise its potential beneficial use as a masterplan component.

Design Conservation and Sustainable Development (Archaeology)

3.11 The area surrounding New Lane contains prehistoric and Romano-British features including 2 temporary Roman camps, possible enclosures / settlement and pits. One of the camps is within this site boundary - a Scheduled Monument of national importance. The site was used for agricultural purposes during the medieval and post-medieval period. Historic aerial photographs show ridge and furrow across the field some of these agricultural remnants appear extant on modern aerial photos. The heritage statement for this application suggests that these remnants are faint.

3.12 A geophysical survey took place in 2014 across this site. The survey demonstrated the presence of potential buried archaeological features of field systems/land divisions, possible settlement activity and pit alignments. None of these potential features were investigated intrusively.

3.13 Following submission of the application a written scheme of investigation (WSI) was agreed and site investigation undertaken. Officers are content development of the site, as proposed, could go ahead, subject to a planning condition for further investigation. The investigation would be focused on a trackway discovered, which appears to be post-Roman as it respects the scheduled monument. The officer response summarises the findings of the evaluation and provides the recommended condition for further investigation.

Design, Conservation and Sustainable Development (Countryside and Ecology)

3.14 Clarification was required regarding the provision of Biodiversity Net Gain (BNG) within the site boundary. The Masterplan shows several areas set aside for

public open space. It is recommended that an area within the site is set aside solely for nature conservation, which would be of clear value to BNG.

3.15 In respect of protected species the information provided within the Preliminary Ecological Appraisal (PEA) is up-to-date, well considered and provides an appropriate level of detail. The recommendations relating to bats, breeding birds and great crested newts, should be adhered to through reserved matters; condition requested.

3.16 The need for a Construction Environmental Management Plan (Biodiversity) (CEMP: Biodiversity) is highlighted within the applicants ecology reports, to ensure protection of significant ecological features. A CEMP (Biodiversity) should be secured through condition.

3.17 Ecological enhancements have been recommended with the ecology assessments submitted (PEA and EclA). A Landscape and Ecological Management Plan (LEMP) is recommended as a condition to detail how recommended enhancements are to be installed, managed and maintained.

3.18 Although a full suite of ecological surveys is yet to be completed, due to the scale of the proposed development, suitable external lighting (taking into account any recommendations made by the consultant ecologist) should be provided to ensure the site remains attractive to light sensitive wildlife.

Design, Conservation and Sustainable Development (Landscape) (May 21)

3.19 Ash tree T1 (U) would be removed to create the northern access off New Lane. The mature Ash is in poor condition and not worthy of retention, especially given its location adjacent to the highway. New tree planting with species of a similarly large nature should be provided along the site frontage or in close proximity within a public open space (POS) in order to perpetuate the local tree cover.

3.20 Oak T2 is the best tree within the site and is visible over a wide area. It needs a very generous protection zone. There should be no development operations within the root protection areas of early-mature/mature trees such as Oak T2 (A1) and Oak T3 (B1). Mature Oak T37 (B1) (within the centre of the site) is shown as retained within a small public open space. The tree is a valuable asset to the site. Its successful management would need a large natural space to accommodate a natural physical buffer around it and to retain the existing ground conditions, whilst providing additional functional open space as a practical distraction from the tree. Footpaths should be kept outside of the root protection areas of T39 and T40.

3.21 An additional pedestrian link from Forge Close (NE side of site) has been proposed which would provide a direct access for residents but the construction would pose a threat to tree T10 (B1) – a very attractive, large, broad, mature Oak

visible over a wide area. T10 should be accommodated within the proposed POS, with absolutely no interference within the RPA (root protection area). Alternatively the existing route, to the east of Forge Close (leading into the community stadium) could be utilised.

3.22 The size of rear gardens along the northern boundary should be adjusted to suit the retention of the best of the existing trees such as Oak T11 (B1), Oak T15 (B1), and Oak T16 (B1). Retention would require a separation of at least 20m from the proposed dwellings (trees are 15m from the existing houses) in order to avoid potential conflicts due to concerns (real or perceived) about safety, subsidence, and limitations on reasonable garden use.

3.23 The alignment of the proposed roads within the application site, reinforce the retention and legibility of the existing hedgerow field pattern. The most southerly WE road is reinforced with new roadside tree planting.

3.24 It is not clear from the illustrative masterplan where an equipped area of play would be accommodated. It would be helpful if the primary function/s of each POS were clear.

Highway Development Control

3.25 Officers advise that further work is still required to assess the potential impact on surrounding residential streets and main junctions with Malton Road. Potential conflict between the proposed access and relocated bus stops identified, although this can be dealt with at the detailed design stage.

3.26 Planning obligations requested as follows -

- New Lane/Malton road mitigation (proposed in the TA, exact mitigation measure to be confirmed), additional junction mitigations may be required following the presentation of updated information as required above and once the junction assessment work undertaken has been reviewed in detail.
- Sustainable travel package - £400/dwelling for incentives (bus pass or cycle equipment) and £200 per dwelling for car club incentive
- Travel planning contribution – to secure implementation - £300/dwelling to cover a period of 5 years
- Possible contribution to improve safety and limit speeds on Anthea Drive, Highthorn Road and Brockfield Park Drive, depending on updated analysis

Conditions -

- Bus stop relocation and upgraded specification, to include real time information displays

- Pedestrian and cycle crossing facilities on New Lane, to link with the relocated bus stops and new links to Monks Cross/Vangarde.
- Road safety audit required
- Detail of junctions with existing highways and adoptable highways within the site to be agreed (appropriate visibility splays, tracking, etc)
- Provision of car club car parking space (included associated TRO costs) near the main entrance to the site

Housing Policy and Strategy

3.27 There exists a pressing need for affordable housing within the City of York, with the 2016 Strategic Housing Market Assessment identifying an annual need of 573 additional affordable homes. The Council's affordable housing emerging Local Plan policy H10 specifies 30% on site provision for greenfield schemes, which would comprise approximately 90 of the 300 total proposed. This is in accordance with the applicant's proposal in the Planning Statement.

3.28 To comply with emerging Local Plan policies H3 (housing mix) and H10 (affordable housing) any approved scheme should secure a Section 106 agreement with regards to 30% affordable housing (80% social rented and 20% discount sale tenure). Affordable dwellings to be pepper-potted evenly throughout the development and evenly distributed, pro-rata in respect of house sizes and house types, with car/cycle parking provision and open space.

Public Protection

Construction Noise and Dust

3.29 A construction phase dust assessment has been undertaken in accordance with Institute of Air Quality Management guidance. The site was classified as a 'high risk' site based on construction, earthworks and track-out activities (with no mitigation applied) and the proximity to other sensitive receptors/existing residential dwellings. To minimise dust emissions during construction activities, mitigation measures appropriate for a 'high risk' site have been recommended in the report for inclusion in a 'Dust Management Plan'. With the implementation of these mitigation measures, the impact of any construction phase dust emission is not anticipated to be significant.

Contamination

3.30 The preliminary site investigation (dated February 2010) shows that the site has been used as agricultural grazing land since at least 1853. Historical maps show two small ponds in the centre of the site. One of the ponds was filled in the early 1970s and the other in the 1990s. The report also highlights that that sewage sludge has been used as a fertiliser on the southern part of the site. These past activities could potentially have given rise to land contamination. A site investigation

is required to determine whether contamination is present. Request full set of contaminated land conditions.

Air Quality

3.31 The site is not located within, or in the vicinity of, an existing Air Quality Management Area. An air quality assessment has been undertaken using robust model inputs. Sensitivity analysis has also been undertaken to consider the possible scenario whereby vehicle emissions do not improve in line with national predictions. This is in line with best practice and is a welcome addition to the assessment.

3.32 A detailed road traffic emissions assessment was undertaken to consider the impact of development-generated road traffic on local air quality at identified existing receptor locations. The assessment accords with Defra's Local Air Quality Management Technical Guidance, Institute of Air Quality Management & Environmental Protection UK guidance and City of York Council's Draft Low Emissions Planning Guidance.

3.33 The impact of the development was shown to be 'negligible' in the completion year in accordance with relevant local and national guidance. The development was not predicted to result in any new exceedances of the relevant air quality objectives, or result in any significant air quality deterioration on or off the development site.

3.34 Given that the application includes car parking, in accordance with the NPPF and the Council's adopted Low Emission Strategy, which aims to facilitate the uptake of low emission vehicles in York, officers request a condition to secure electric vehicle charging points.

Noise

3.35 As a result of the noise levels from the stadium during football matches, noise mitigation measures to comply with indoor and external noise levels as per BS8233:2014 are recommended. The assessment does not consider the impact of other events such as concerts (which are controlled through the conditions of the permission for the community stadium).

Flood Risk Management

3.36 Where there is a new connection to a watercourse or to a sewer the maximum discharge that will be accepted is at the "greenfield" rate of 1.4 litres per second per hectare based on the 'developed' area and not the whole site.

Education

3.37 Contributions are required in full for secondary and early years and in part for primary.

- Primary – Yearsley Grove - £1,252,416 towards classroom and dining room expansion;
- Secondary – Huntington School and Joseph Rowntree School - £992,788 towards projects to support additional pupils, including specialist and non-specialist teaching spaces, expansion of dining room facilities, additional intervention space, additional outdoor hard play areas and additional indoor social space;
- Early Years – New provision will be required - £743,688

Public Realm

3.38 Expect the full amount of land for open space to be included within the development to cater for the new population, particularly for children and young people's provision as there is already a shortfall within the Ward. If an off-site provision is necessary, there is the ability to improve the nearby open space and play provision on Jockey Lane.

3.39 Off-site contribution for sport totals £178,281 based on value of £213 per bedroom and on the suggested accommodation mix. The funds would be used towards procuring the provision of, or improvement to sport or active leisure facilities, to include –

Huntington Sports Club,
Heworth Cricket Club,
City of York Hockey Club,
Heworth Golf Club and
Heworth Rugby League Club

and or another sports project within a 15-20 minute walking distance or within 20 minutes on public transport of the development.

EXTERNAL

Highways England (22.4.21)

3.40 No objection. Highways England are satisfied that the peak period traffic impact upon the A64 will likely not be severe or have an unacceptable safety impact.

3.41 The impact on the A64 Hopgrove junction has been assessed to exceed the 30 two-way peak hour development generated trips, and further assessment was required. Given that the 2017 assessments identify the approach lanes to have considerable spare capacity, Highways England are satisfied that the peak period traffic impact upon the A64 will likely not be severe or have an unacceptable safety impact.

Historic England

3.42 The site includes the nationally important Scheduled Monument of 'Roman Camp on Huntington South Moore, 300m east of Huntington Grange', NHLE 1020976 (western portion). The grade II listed Huntington Grange (NHLE 1149128) is on the western edge of the site, outside the boundary of the application site.

3.43 Historic England initially raised the following concerns over the application:

- Suggested addition of a pedestrian and cycle track traversing the Scheduled Monument
- Lack of archaeological evaluation of the site
- The status of the application site
- The outline nature of the application and the means by which enhancements of designated heritage assets can be delivered

3.44 Historic England provided updated comment on 14 June 2021 reporting that they were pleased to see the suggested pedestrian and cycle track removed from the Scheduled Monument. The written scheme of investigation and evaluation of the site was agreed to.

3.45 Consider the Scheduled Monument can be better integrated into the scheme. The two designated sites (the Scheduled Roman practice camp and the grade II listed Huntington Grange) should be provided with 'breathing space'. HE recognise an intention to replicate the existing field divisions, thereby creating an echo in the present of the existing land form, but it is not clear how the suggested open space might enhance short and long views, or how it might enhance the significance of the two designated heritage sites.

Yorkshire Water

3.46 No objection. Recommend conditions, for separate systems for foul and surface water run-off. Note that a water supply can be made available, however reinforcement will be required to the existing distribution network to meet the demand caused by the development. Such works can have a significant lead-in time and the developer is advised to contact Yorkshire Water as soon as possible in this respect.

North Yorkshire Police

3.47 An analysis of police recorded incidents in the area highlights the presence of crime and antisocial behaviour which could impact upon the security of the scheme. In summary, between 1 March 2020 and 28 February 2021, there were 142 crimes and 120 anti-social behaviour incidents, most significant being burglary and criminal damage. Any new development has the potential to increase these levels if the designing out of crime is not considered and implemented. The application shows

clearly that crime prevention has been considered and that it accords with the core principles and design objectives set out in the NPPF.

Foss Internal Drainage Board

3.48 This application sits within the Drainage Board's district. The Board identify the assets they have locally and detail consents required under the Land Drainage Act. They also set out the sustainable drainage hierarchy, which developers are required to follow and provide the run-off rate required for surface water on greenfield sites.

Huntington Parish Council

3.49 Object on following grounds:

- Green Belt Policy: Proposed development constitutes inappropriate development in the Green Belt, for which no 'very special circumstances' have been put forward that would outweigh harm by reason of inappropriateness and other harm, including the impact on Green Belt openness and conflict with the purposes of including land within Green Belt;
- Prematurity: The planning application is at odds with the emerging Neighbourhood Plan for Huntington Parish, which is at an advanced stage having been through examination and should be going to referendum in June; it supports the Green Belt designation of the site and only accepts ST8 (off North Lane) as land for housing development within Huntington Parish. The planning application is at odds with the plan and would undermine its aims and intentions;
- Road safety: proposed development will exacerbate road safety on an already difficult section of road and have a negative impact on local traffic, existing traffic congestion and air quality;
- Residential amenity: the likely effect of the development on the residential amenity of neighbour's adverse impact which the proposed development might have on the character of the neighbourhood; Loss of views affecting residential amenity;
- Density: High density/over-development of the site on a site of archaeological interest;
- Biodiversity;
- Amenity to users of cemetery: Proposal is not in keeping with the current open aspect to the cemetery, which is a quiet place to mourn and reflect;
- Surface water: Further development could cause drainage and flooding issues to the cemetery, which currently pumps surface water to keep it clear;

- Physical and social local infrastructure: Impact on local infrastructure as doctors' surgeries and schools within the Parish are oversubscribed. Financial contributions are inadequate to meet anticipated local demand;
- Character of area: The site is in a prominent location and has an open and undeveloped character that is highly valued by the local community, because it is important for the setting of the village, provides opportunities for informal recreation, has visual beauty and nature conservation value. Major housing development would represent large scale and unjustified residential encroachment and urban development in the countryside.

4.0 REPRESENTATIONS

Ward Councillors (Cllr Keith Orrell, Cllr Carol Runciman, Cllr Chris Cullwick)

4.1 Application should be refused for the following reasons:

- This land is designed as Green Belt in the Local Plan;
- It has been allocated as Green Belt land for many years; Planning Inspectors have recognised the 2005 Green Belt designations for York for a number of applications;
- Huntington has had a considerable amount of development in recent years;
- The Huntington Parish Council Neighbourhood Plan excludes this land from development;
- The infrastructure of the area is already overloaded with a further 1000 house development in the pipeline;
- This application has received a large number of objections from across Huntington.

Neighbour Notification and Publicity

4.2 The application was publicised by press notice, site notices and notification letters to adjacent neighbouring properties. There are have been 152 responses in objection to the application on the following grounds:

- Impact on wildlife and biodiversity – including bats, newts, owls, navigating birds, pheasants, herons, foxes, deer, birds of prey, hedgehogs, insects and other wildlife, flora and fauna/removal of established ancient hedging if land developed; land is a local wildlife site/corridor
- Impact/additional pressure on local facilities - no capacity in local primary school, local dentists or doctors
- Drainage and sewage issues - gardens already flood in the area / current drainage is poor with fields prone to standing water due to clay content and high water table / need green land for drainage / flood risk to nearby properties / fields act as a very large slow soakaway for storm water/sewers 60 years old/land is flood plain

- Infrastructure and services need upgrading
- Build on brownfield sites and not encroach on Green Belt land
- Highway issues – roads already congested from Vanguard and Monks Cross; Impact once Stadium opens; New Lane is busy road with poor visibility at junctions; increased speeding traffic on nearby residential roads; increased safety risk to pedestrians and cyclists; impact on A64 Hopgrove roundabout/condition of local road surface
- Already light pollution from stadium
- Trees would be lost
- Need to retain green fields for mental health benefits
- Existing residents views over profits / no rebate on council tax/proposal not for benefit of local community
- Impact on local residents from additional parking, pollution, noise and lights associated with existing developments – Park and Ride, Vanguard, new stadium – and overlooking/loss of privacy
- Impact on houses backing onto site from impact on light
- Too close to and overlooks cemetery; disrespectful
- There is another development in the Local Plan for a further 1000 houses in Huntington (ST8) and further 117 dwellings at New Earswick/Several other developments have been completed on New Lane and Jockey Lane over last few years
- Houses would not be affordable for first time buyers/there is enough affordable housing in this area/ build more 2 bed houses not 3 and 4 bed homes
- There is already a path and cycle way between New Lane and Vanguard and another is not needed in the same location
- Replacement of current fields and hedgerows replaced with cheap, badly drained turf and odd sapling to create a high quality accessible public open space/ developments have resulted in less and less open space available in Huntington
- Loss of productive land
- Will houses be carbon neutral?
- Construction traffic will be running all the time which could be dangerous
- Deserve a break from ongoing building work of new community stadium and a new shopping and restaurant area
- Increased footfall and litter
- Land not included for building in Draft Local Plan
- Impact of new crowd of people on existing community
- Land should be a training area for stadium, a park or nature area for benefit of community, concert hall
- There are no buses on New Lane or Jockey Lane in the evenings or on Sundays
- Impact on house values
- Impact on new housing from proximity to stadium
- Increase in air pollution from queuing vehicles adding to concentrations of pollutants in the air
- Access onto New Lane is difficult – access should be from east
- Land is breathing space from Monks Cross and Vanguard

- Climate Change and global warming - Need open green spaces in cities to lower temperatures
- Wellbeing of Huntington residents affected
- Shops at Monks Cross and Vanguard becoming empty – fill those not build more homes
- 2.5 and 3 storey properties not in-keeping
- There are not the employers within the 1km stated in the application
- Transport Assessment and Travel Plan are flawed as people use cars
- If the Roman fort is so important, why was it not ‘opened up’ as a visitor exhibit
- Visual pollution and loss of views of fields, wildlife and farm animals
- Question true engagement in the public consultation process by developer
- Heritage – division and use of land dating back to circa 1853/land to remain open to preserve setting and special character of York/ impact on Huntington Grange (circa 1750)
- POS could become focus for youths and anti-social behaviour and who maintains

4.2 Two letters in support have been received – one from resident in Huntington and one from Strensall. The support is on the basis that development will be beneficial to the community – new builds, affordable and first houses for families in a lovely area with great links to shopping and town.

5.0 APPRAISAL

5.1 The key issues in respect of this application are –

- Principle of the proposed development
- Green Belt
- Highway Network Management
- Biodiversity
- Archaeology
- Design and amenity
- Housing mix and affordable housing
- Public protection
- Planning obligations – open space / education
- Sustainable design and construction
- Drainage
- Consideration of very special circumstances

PRINCIPLE OF THE PROPOSED DEVELOPMENT

5.2 The site is regarded to be within the general extent of the Green Belt, as defined by the Regional Spatial Strategy (RSS). It is shown as Green Belt in the Draft Local Plan 2005 (2005 DLP) and the Publication Draft Local Plan 2018 (2018 eLP) and has the characteristics of Green Belt. The site is not allocated for development in

the 2018 eLP or the Huntington Neighbourhood Plan. The proposed development is therefore, according to the NPPF, inappropriate development in the Green Belt.

5.3 The key issues around the principle of the proposed development is therefore the application of Green Belt policy and the case for Very Special Circumstances. As explained in NPPF paragraph 148 in making this judgement substantial weight is given to any harm to the Green Belt and “Very Special Circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”. Paragraph 11 of the NPPF establishes the presumption in favour of sustainable development by applying a “tilted balance” to proposals where housing supply policies are out of date. However, the presumption does not apply if the proposal conflicts with restrictive Green Belt policies.

GREEN BELT

The site is within the general extent of the Green Belt

5.4 The recent High Court judgment (Wedgewood v City of York Council, March 2020) is a material consideration in consideration of the approach to decision making in the Green Belt. The case decided as follows -

5.5 In the absence of a defining Local Development Plan that specifies what is and is not Green Belt, ... (the Council) must apply the high-level policy rationally in order to determine what land within the inner and outer boundaries of the Green Belt) is and is not to be treated as Green Belt land. In doing so, it may have regard to –

- The 2005 draft local plan incorporating the full set of changes
- The emerging Local Plan, provided it has due regard to the guidance at paragraph 48 of the NPPF.
- Site-specific features that may tend to treating the site as Green Belt or not.

5.7 The Huntington Neighbourhood Plan policy H14 Green Belt also advises decisions on whether to treat land as Green Belt will be taken in accordance with Wedgewood v CYC. It states within the general extent of the Green Belt inappropriate development will not be supported except in very special circumstances.

5.8 The site is Green Belt in the 2005 DLP and the most recent 2018 eLP. However the Green Belt boundaries in the 2018 eLP do still carry limited weight due to the stage in making the plan and the level of objections.

5.9 As part of the eLP process the most recent Green Belt Topic Papers were submitted the Planning Inspectorate in April this year. This work included the methodology regarding the setting and special character of the city and assessment

of the site against the Green Belt purposes, as set out in the NPPF. The analysis (document ex cyc 59d – section 5 boundaries 30 and 31) determined that the site did perform Green Belt purposes and recommended the site form part of the Green Belt in the 2018 eLP.

5.10 In terms of site-specific features the landscape is greenfield; not previously developed and part of a larger swath of agricultural land. It sits between New Lane and the community stadium, and forms part of a wider network of agricultural land to the south. The land to the south is one of the cities green wedges, including Monk Stray that extends into the heart of the city.

5.11 The countryside setting of Huntington has been effected by development of the Green Belt over time; commercial and industrial development alongside Jockey Lane and the stadium in the later 20th Century and the Monks Cross South extension in the 21st Century. However the application site remains as a substantial section of agricultural land visually and spatially connected to the wider countryside and rural setting of the city. The site is considered to be within the general extent of the Green Belt.

Whether the development is appropriate in the Green Belt

5.12 The NPPF sets out the national policy in respect of inappropriate development in the Green Belt. The residential development proposed does not fall into any of the exceptions set out in NPPF paragraph 149. Paragraph 147 sets out that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.

Impact on openness and the purposes of the Green Belt

5.13 The NPPF states “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 their permanence”. It defines the five purposes of the Green Belt as follows –

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

5.14 The 2018 eLP is at examination stage. An element of the eLP will be to define the detailed boundaries of the cities’ Green Belt. Topic Paper TP1 – Approach to Defining York’s Green Belt (updated 2021) is the most recent evidence base in this respect. TP1 explains the strategic approach, methodology for defining boundaries

and justifications for the inner and outer boundaries. It takes into account development needs over the plan period. The application site was assessed as to whether it was suitable for development as part of the local plan process. It is not allocated for development in the 2018 eLP and is designated as being within the Green Belt.

5.15 The methodology within section 5 of the topic paper establishes the strategic principles which informed the defining of the boundaries. The strategic principles (SP) which specifically inform consideration as to how the application site contributes to the five purposes of the Green Belt (as defined in the NPPF) are as follows -

- SP1 - The primary purpose of the York Green Belt is to “safeguard the special character and setting of the historic city”.
- SP4 - The starting point for scoping the detailed inner boundary should be the edge of the main contiguous urban area of York where built development meets more open land.
- SP5 - Villages or development not entirely subsumed and/or that retain a separation from the main urban area need to be considered separately in relation to their contribution to openness.
- SP7 - The characteristics of York that are relevant to keeping land permanently open to protect the historic character and setting of the city and therefore relevant for setting the detailed boundaries of the York Green belt are:
 - a) Compactness which involves consideration of heritage topic paper and Green Belt Appraisal characteristics of the contained concentric form; the relationship between the urban edge and the countryside; the strays, lngs and green wedges and extended green wedges; flat terrain and views; arterial roads and open approaches; identifiable compact districts; identity and urban form of urban and rural villages; areas which prevent coalescence.
 - b) Landmark Monuments
 - c) Landscape and Setting, which involves consideration of heritage topic paper and Green Belt Appraisal characteristics in particular strays, lngs, river corridors and Green Wedges, open Approaches and views, the impression of an historic city in a rural setting, the relationship with the surrounding villages and the setting of those villages.
- SP9 – Outside the clusters of built development analysis has shown that the whole of the authority area is of an open agricultural countryside nature with open

views across the flat open landscape and therefore relevant to the consideration of protecting the countryside from encroachment, subject to the overall consideration of strategic principles.

- SP13 - Detailed boundaries will be defined clearly, using physical features that are readily recognisable and likely to be permanent (as per NPPF 143F).

5.16 The application is supported with a landscape and visual impact assessment (LVIA) which reports the following –

- Openness – the site is in agricultural use and is free from built form. It has some rural characteristics. However character is affected by development on three sides and the perceived openness has been compromised.
- The five Green Belt purposes – the site performs weakly against purposes 1 and 3. It performs no other Green Belt functions.

5.17 Officers consider that development of the site would have a detrimental effect on openness and conflict with three purposes of the Green Belt as set out in the NPPF.

5.18 Spatially and visually the application site forms part of a larger agricultural and rural area. Due to the size, topography and openness of the site and the aforementioned legible connection with rural land beyond the urban area, even though it has development on three sides, the sites openness has a significant visual impact, most notably along New Lane and when experienced from the community stadium and the Monks Cross shopping and Park and Ride facilities. Up to 300 dwellings on greenfield land, not previously developed, will have a significant permanent adverse effect on openness.

Green Belt purpose 1 - to check the unrestricted sprawl of large built-up areas

5.19 The Green Belt boundary as currently set conforms with the Green Belt Topic Paper strategic principles SP4 and SP13. The boundary is at the edge of the urban area, where it meets open land. It is clearly defined by established landscape features; the urban edge, which comprises of New Lane; an historic lane (present on its current alignment on the 1852 OS Maps) and the established rear curtilage of housing (developed on previously developed land off Jockey Lane) to the north and the community stadium to the east. The boundary conforms with principle SP5 in retaining separation between Huntington and the community stadium / Monks Cross.

5.20 The application site is a continuation of the rural land that surrounds the urban area and extends, in the form of green wedges and strays, which penetrate into the city and form part of its special character. The site fulfils Green Belt purpose 1 in

that it forms the edge/boundaries of the suburban residential area of Huntington to the west and development of distinctively different character and scale; the large scale community stadium and commercial/leisure industrial land uses to the east. The openness is important in terms of preventing coalescence between these distinctively different character areas and preventing sprawl.

Purpose 2 - to prevent neighbouring towns merging into one another;

5.21 The purpose relates to neighbouring towns and is therefore not applicable to this site.

Purpose 3 - to assist in safeguarding the countryside from encroachment;

5.22 The Green Belt Topic Paper explains that York contains large tracts of land extending from the inner to the outer Green Belt boundary with a lack of built development, which corresponds to and highlights the contained urban form. Despite the presence of the city and villages, the overall perception is that this is a predominantly rural landscape of open countryside. This supports the saved RSS policy to set the general extent of the outer boundary roughly 6 miles from the city centre. The land at the application site is extensively low-lying, flat and agricultural, thus having a strong sense of openness.

5.23 Strategic principle SP7 refers to the characteristic setting of York including compactness; the relationship between the urban edge and the countryside, emphasised by local topography. SP9 refers to analysis which has shown that the whole of the authority area is of an open agricultural countryside nature with open views across the flat open landscape and therefore relevant to the consideration of protecting the countryside from encroachment.

5.24 Spatially, and visually, the application site forms part of a larger agricultural and rural area, which runs south to the A1036 and Monk Stray beyond. It is legible as countryside and illustrates the compact, contained character of the city.

5.25 The site extends around Huntington Grange, a listed building, originally a farmstead, with connections to the historic agricultural land use of the area. Huntington Grange is currently experienced in a rural context. The cemetery to the south of the site maintains the openness of neighbouring fields. There would be a fundamental change in landscape character if the site were to be developed to accommodate 300 dwellings.

Purpose 4 - to preserve the setting and special character of historic towns

5.26 The 2005 DLP in its strategic policies SP2 and SP3 established that the “main purpose of the Green Belt around York is to preserve the setting and special character of the city”. The environmental assets and landscape features, which

enhance the historic character and setting of the city were explained as comprising of the river corridors and the green wedges, both existing and extended and areas of open countryside, which provide an impression of a historic city within a rural setting, such as locations which allow good views of the Minster. This position has not materially changed in the eLP and its associated evidence base; the Green Belt Topic Papers. The principal characteristics of the historic environment, that help define the special qualities of York, and have informed the proposed Green Belt boundaries in the eLP include -

- Compactness - a key feature of the main urban area's setting being that it is contained entirely within a band of open land set within the York Outer Ring Road, which offers a viewing platform of the city within its rural setting.
- The city's landscape setting within its rural hinterland and the open green strays and river corridors and lngs, which penetrate into the heart of the urban area, breaking up the city's built form. Strategic principle SP7 refers to landscape setting and the value of open approaches and views; the impression of an historic city in a rural setting.

5.27 The site contains flat and open agricultural land. It has been assessed, as part of the eLP process as necessary to keep permanently open to preserve the setting and special character of the city.

5.28 As noted under purpose 1 the land plays an important role in compactness as it maintains separation, and prevents coalescence between very different character areas. This compactness and separation is strongly evident, spatially and visually from the surrounding area, in particular along New Lane, the A1036 approach into the city, the cycle path / footpath to the south of the site that connects into the Park & Ride site and from the community stadium.

5.29 As noted under purpose 3, the fields within the site form part of a wider network of farmland, which forms part of the countryside setting beyond the edge of this side of the city. This landscape character exemplifies the compactness and rural setting of the city.

5.30 How the city is experienced within a rural setting; a special quality of York is relevant to this site. The Minster is viewed in context with its rural hinterland from within the site and from the community stadium to the east. Such defining views of the Minister, and the historic city in context with its rural setting, would be lost if the site were developed.

Purpose 5 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.31 Whilst it has been determined that the development needs of the city cannot all be accommodated on derelict or urban land, it is considered that the city's housing needs will be met by the allocation of other more appropriate sites through the Local Plan process.

TRANSPORT AND ACCESS

5.32 The NPPF states that in assessing applications it should be ensured that:

- Opportunities to promote sustainable transport included where appropriate.
- Safe and suitable access to the site can be achieved for all users.
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

5.33 The NFFPF also states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context, applications for development should:

- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations".

Sustainable travel

5.34 The following measures could be secured by either condition or s106 agreement:

- Public transport - The existing bus stops to the east of New Lane would be relocated as part of the access proposals and provided with new shelters, real time information displays, kerbing and hardstanding. The precise location, avoiding required visibility splays at junctions, is to be agreed.

- Car club – officers request provision of a car club space, close to the main entrance. This would be on the highway and secured through planning condition.
- Cycle parking - spaces should be provided in line with national guidance LTN 1/20 (one space per bedroom) and to include visitor spaces.
- To incentive sustainable travel - contributions which would be offered to first residents, of £200 for each of the following – cycles/cycle equipment / bus pass and use of the car club.
- Travel Plan - A revised and full travel plan is required, for a period of 5 years following occupation. The targets should be reviewed annually and agreed with Council officers, and specifically should include measures to reduce car travel to school. It is requested extra sustainable measures i.e. incentives to residents can be secured through the plan if necessary to achieve targets.

Safe access

5.35 A Toucan Crossing by Anthea Drive and the existing bus stops would be secured as part of the scheme, with additional crossings over New Lane. Safe access can be secured through further details and conditions.

5.36 Vehicular access is proposed by two vehicular points onto New Lane in the form of simple priority T-junctions. In principle the access is agreed, detailed design can be conditioned and subject to a Section 278 agreement.

5.37 The scheme would secure new crossings over New Lane and connection between the suburban area to the west and the community stadium. This would improve connectivity locally, following desire lines and, subject to agreement through reserved matters safe and more tranquil routes.

Impact on the highway network

5.38 Officers remain in the process of agreement of the anticipated trip rates from the development and the subsequent impact on the wider network. This includes the amount of (peak hour) car trips that may be introduced onto the residential streets to the west of the site and towards Huntington Road / Haxby Road and the impact on junctions. The level of future traffic growth is also to be agreed. This forms a reason for non-determination of the application. Whilst the impact on the network will not be severe, acceptable cost effective mitigation is required (exact details to be determined), following NPPF paragraph 110.

BIODIVERSITY

5.39 The NPPF states decisions should contribute to and enhance the natural and local environment by minimising the impacts on, and providing net gains for biodiversity and recognising the wider benefits from natural capital and ecosystem

services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

5.40 Biodiversity net gain has been considered, using the DEFRA metric. It has been determined that a 13% improvement can be secured. However this is indicative and dependent upon the final use and management of the open space on site. A condition can secure demonstration of biodiversity net gain. The applicants have suggested biodiversity gain could be achieved, for example through the following approaches -

- Areas of open space could provide a useable recreational space, whilst still allowing the grassland to put on flowers over the summer months. This would have a greater value to invertebrates and other wildlife than standard amenity lawn.
- Areas could be managed more as longer wildflower grassland, i.e. along the margins and around the Great Crested Newt pond.
- Areas can be fenced off for nature conservation purposes. Potentially in the southeast corner of the site where public access could be restricted, set aside for wildlife such as Great Crested Newts.

5.41 The land is not classed as best and most versatile agricultural land. It has been classed as grade 3B (moderate) by the DEFRA survey (which was updated by Natural England).

5.42 Tree retention is considered fundamental to the site if it is to be redeveloped. The open space masterplan and subsequent reserved matters could be used to secure such.

5.43 In terms of protected species the information provided within the Preliminary Ecological Appraisal (PEA) is up to date, well considered and provides an appropriate level of detail. The recommendations provided within the PEA report in addition to general species specific recommendations, should be adhered to through reserved matters; this can be secured by way of condition. Measures include retention and provision of green corridors, bats (further surveys of areas with bat roost potential and activity, to inform mitigation and enhancements), birds and Great Crested Newts (GCN). A European Protected Species License fulfils the requirements in respect of GCN.

ARCHAEOLOGY

5.44 The area surrounding New Lane contains prehistoric and Romano-British features including two temporary Roman camps, possible enclosures/ settlement and pits. One of the camps is within this site boundary - a Scheduled Monument of national importance. The site was used for agricultural purposes during the

medieval and post-medieval period. Historic aerial photographs show ridge and furrow across the field.

5.45 The NPPF in paragraphs 194 to 199 require 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. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

5.46 A Written Scheme of Investigation (WSI) was issued and accepted by Historic England. The master plans for the site have been revised and no development is proposed within the site of the Scheduled Monument. These aspects of the application have addressed the concerns raised by Historic England.

5.47 Evaluation of the site (in the form of trial trenching) has now taken place. The most significant of these, a probable track-way, is assumed post-Roman. Further investigation to date and understand this feature is required, should development proceed. This work could be secured through condition requiring further investigation.

HOUSING MIX AND AFFORDABLE HOUSING

5.48 Draft Policy H10 of the eLP requires 30% affordable housing on greenfield sites of 15 or more dwellings. Section 4.1 of the Huntington Neighbourhood Plan discusses meeting housing need. Policy H1 states that new residential developments should provide for a mix of housing sizes, tenures and types specifically to meet identified and evidenced current housing needs, in accordance with policies H2 and H3. It also includes design aspirations including respecting context, retain and improve trees, hedgerows and biodiversity value and providing facilities to meet resident's needs.

5.49 Policy H2 relates to housing mix. It notes in particular need for smaller homes, with one or two bedrooms, suitable for young people and older people. H3 refers to the indicative mix of affordable housing required at a city wide level from the Strategic Housing Market Assessment (SHMA). This illustrates the need for affordable homes with 1, 2 or 3 bedrooms.

5.50 The mix of housing within the application is up to 300 dwellings as shown in the table below. A mix of house types is illustrated. The affordable provision accords with the need identified in the SHMA, and the 30% required under local policy. The housing provision proposed is acceptable in this respect.

	Market	Affordable	Total
1-bed	0	36 / 40%	36 / 12%
2-bed	42 / 20%	33 / 37%	75 / 25%
3-bed	84 / 40%	21 / 23%	105 / 35%
4-bed	84 / 40%	0 / 0%	84 / 28%
Total	210 / 70%	90 / 30%	

5.51 The NPPF in section 11 establishes that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. In determining appropriate densities, it requires account of housing need, viability, local infrastructure, local character and good design. As a guide, for suburban areas the 2018 eLP recommends 40 dwellings per hectare.

5.52 The scheme proposes approximately 26 dwellings per hectare. The amount of development proposed is affected by the presence of the Scheduled Monument on site; a no build area, the requirement to provide open/amenity space on site, and consideration of the setting of Grade II listed Huntington Grange (its rural setting) and the suburban setting of Huntington. The Scheduled Monument and the surrounding buffer of open space proposed take up some 1.5ha of the site. An objection is not raised to the density of development proposed given the site constraints and as the proposals are in outline only with details of layout, landscaping, scale and design all reserved.

DESIGN AND AMENITY

5.53 The NPPF para 130 sets design parameters and advises decisions should ensure that developments:

- Will function well and add to the overall quality of the area over the lifetime of the development;
- Are visually attractive as a result of architecture, layout and landscaping;
- Are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- Establish or maintain a strong sense of place,
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.54 National Planning Practice Guidance refers to the National Design Guide, which sets out the characteristics of well-designed places and illustrates what good

design means in practice. The document can be used for decision-making. eLP 2018 policies D1 Place-making and D2 Landscape and setting also cover design principles

5.55 Layout – at the time of writing this report officers remain in discussion with the applicants over the distribution of open space on site. The council's Design Manager and Historic England have identified issues with the layout. Amendments are sought, so that the proposed open space is focal within the development, respects the landscape character (historic field patterns) of the site and plays a role in maintaining a degree of its open character. The layout would also ensure trees and hedgerows are retained. This approach will respect better the context, provide public open space of higher value to residents and help provide connectivity through and beyond the site, all as recommended in the National Design Guide.

5.56 The pedestrian access and movement plan shows intentions to improve connectivity east – west. The principles are supported, being in accordance with the NPPF and National Design Guide in respect of promoting connectivity and sustainable travel.

5.57 Scale – the development areas and heights plan broadly illustrates two-storey housing at the north, south and west edges of the site. It allows for 2.5 or 3 storey in the centre of the site. This would be appropriate scale.

PUBLIC PROTECTION

5.58 Section 15 of the NPPF, regarding the natural environment advises that planning decisions should contribute to the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution. Paragraph 186 states opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Paragraph 187 states decisions should ensure that new development can be integrated effectively with existing businesses and community facilities.

Land contamination

5.59 Historical maps show two ponds in the centre of the site. One of was filled in the early 1970s and the other in the 1990s. Site investigation also highlights that that sewage sludge has been used as a fertiliser on the southern part of the site. These past activities could potentially have given rise to land contamination, so a site investigation is required, to find out whether contamination is present. If so, remediation would be required. The remediation of the site, if required could be secured through planning condition.

Air quality

5.60 A road traffic emissions assessment has been undertaken in accordance with DEFRA Local Air Quality Management Technical Guidance. The proposed development is not predicted to result in any new exceedances of the relevant air quality objectives and the impact of the proposed development on local air quality is predicated to be 'negligible' in accordance with IAQM and Environmental Protection UK guidance. To promote low emission vehicles in accordance with sections 9 and 15 of the NPPF a condition could require EV charging facilities in accordance with the Council's low emission strategy.

Noise

5.61 The noise assessment takes into account use of the community stadium. The mitigation recommended can be secured through condition; it is not onerous. It requires double-glazing, with acoustic trickle vents, roof insulation (if rooms contained within the roofspace) and screening to rear gardens, either by the housing proposed or 1.8m high fencing.

OPEN SPACE

5.62 The NPPF advises that planning decisions should aim to create healthy and inclusive places. Paragraph 98 states 'access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate'.

5.63 Policy GI6 (new open space provision) of the eLP states 'all residential development proposals should contribute to the provision of open space for recreation and amenity'... 'The precise type of on-site provision required will depend on the size and location of the proposal and the existing open space provision in the area. Where there are deficiencies in certain types of open space provision in the area surrounding a proposed development, the Council will seek variations in the component elements to be provided by the developer in order to help to overcome them'. The policy goes on to state that the Council will encourage on-site provision where possible but off-site provision will be considered acceptable in certain circumstances.

5.64 The Ward in which the application site is located has a surplus of natural amenity space and outdoor sports provision. There is a deficit in other open space types (Open Space and Green Infrastructure Audit 2017). However much of the

natural amenity space is within New Earswick, some 1.5km away from the site and also on the opposite side of the railway line. New Earswick Sports club is also 1.3km away at its nearest point. These amenities are further away than recommended accessibility distance of 720m / 15 minute walk. Consequently it is deemed reasonable and necessary that the development should provide open space for its future occupants to be policy compliant.

5.65 No on site sport provision is proposed. A contribution can be used towards off-site facilities. The contribution for sport is £178,281 (based suggested accommodation schedule). Funds towards the provision of, or improvement to, sport or active leisure facilities, would include –

- Huntington Sports Club,
- Heworth Cricket Club,
- City of York Hockey Club,
- Heworth Golf Club
- Heworth Rugby League Club

and or another sports project within a 20 minute walking distance or within 20 minutes on public transport of the development.

5.66 A condition can be applied to secure a reasonable amount of on-site public open space and facilities for children's play. Conditions can also secure appropriate maintenance and public access.

EDUCATION

5.67 NPPF paragraph 95 states it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications". Local draft guidance - the Education Supplementary Planning Guidance 2019 - explains how the need for extra education spaces are determined and the relevant planning obligations.

5.68 Contributions are required in full for secondary and early years and in part for primary. Based on the provided accommodation schedule the contributions would be as follows –

- Primary – Yearsley Grove - £1,252,416 - towards expansion;
- Secondary – Huntington School and Joseph Rowntree School - £992,788 - towards projects to support additional pupils, including specialist and non-specialist teaching spaces, expansion, additional outdoor play areas and indoor social space.
- Early Years – £743,688 - new provision required

SUSTAINABLE DESIGN AND CONSTRUCTION

5.69 National Planning Guidance allows local authorities to require energy performance in housing equivalent to the now abolished Code for Sustainable Homes Level 4 (which is approximately 20% above Building Regulations). It also allows for a reasonable proportion of energy to be from renewable or low/zero carbon technology. Local requirements are set out in eLP policies CC1. CC1 requires a 28% enhancement over 2013 Building Regulations overall, secured through energy efficiency and low/zero carbon / renewables. This could be secured through planning condition.

DRAINAGE

5.70 The NPPF in paragraph 167 establishes that when determining any planning applications, flood risk elsewhere should not be increased and sustainable drainage systems be incorporated, unless there is clear evidence that this would be inappropriate. The local approach following the NPPF, in policy ENV5, is that existing surface water rates are evidenced and reduced by 30%. It also applies the sustainable drainage hierarchy.

5.71 The drainage method proposed is connection into the public sewer with a restricted rate of 3.5l/sec, which has been agreed to by Yorkshire Water. It has been demonstrated more sustainable modes are not practical – soakaway and direct connection into watercourse. The strategy in principle accords with national and local policy in respect of incorporating the most sustainable drainage option and not increasing flood risk elsewhere. The strategy could be secured by condition.

CONSIDERATION OF VERY SPECIAL CIRCUMSTANCES

5.72 The site is within the general extent of the Green Belt. The development proposed is classed as inappropriate in the Green Belt (in NPPF paragraph 149). The NPPF establishes inappropriate development should not be permitted unless very special circumstances exist. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

5.73 The proposed development has been assessed as causing harm to Green Belt. There would be a considerable adverse impact on openness which would be permanent; so, a detrimental impact on the essential characteristics of Green Belts; their openness and permanence. Conflict with three of the five purposes has also been identified. As required under NPPF paragraph 148 substantial weight is given to this harm.

5.74 At this time there is also other identified harm. The impact on the road network; its function, safety and associated encouragement of sustainable travel, is not yet agreed and consequently nor is the extent of mitigation to make the scheme acceptable in terms of section 9 of the NPPF 'Promoting Sustainable Transport'. In terms of all mitigation to make the development NPPF compliant, there is yet to be an agreed and concluded section 106 agreement. Planning obligations have been identified as follows -

- Affordable housing
- Education provision
- Open space and off-site sport
- Sustainable travel measures
- Highways off-site works (upgrade of bus stops, crossings, car club space on New Lane and possible mitigation at local junctions)

5.75 The applicant's Statement of Case for the appeal sets the following justification for the development -

Lack of an Adopted Local Plan – significant delays associated with the preparation of the emerging Local Plan. As such there is not an adopted development plan which sets out an approach to delivering the required amount of housing to meet the needs of the city.

Delivery of Market and Affordable Housing – there is a housing crisis within York which is only worsening in the absence of an up-to-date development plan. The Council's 5YHLS was estimated to be **2.19 years - 2.77 years** (Appeal PINS ref: 3233973). The York housing crisis is acute enough to represent very special circumstances, and the significant benefits of delivering much needed housing on a highly sustainable site weighs heavily in favour of allowing the application.

(Note that in the more recent appeal for Boroughbridge Road / Trenchard Road (PINS ref: 3271045) this year a range of 2.8 years to 3.45 years housing land supply was reported).

5.76 The eLP is progressing. In response to the Inspector's comments following initial examination the Council has prepared and consulted on the documentation which justifies the approach to defining the Green Belt. The consultation responses have been issued to the inspector.

5.77 The lack of a 5-year housing land supply carries significant weight, but it does not clearly outweigh the substantial harm identified to the Green Belt and does not therefore represent very special circumstances. There have been no recent appeal decisions in York where housing need have outweighed harm to the Green Belt. The most recent appeal decision in this respect was the Boroughbridge Road / Trenchard Road case. The provision of 60 affordable homes was deemed by the

Planning Inspector to provide “very significant benefits”, which do not to equate to very special circumstances.

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

6.0 CONCLUSION

6.1 The proposed development has been assessed as causing harm to Green Belt. There would be a considerable adverse impact on openness, which would be permanent; so, a detrimental impact on the essential characteristics of Green Belts; their openness and permanence. Conflict with three of the five purposes has been identified. There is also other harm, at this time, in respect of impact on the highway network and the necessary section 106 agreement is yet to be agreed.

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

6.3 The scheme is inappropriate development in the Green Belt. The identified harm carries substantial weight. York does not have a 5-year housing land supply and therefore the proposed housing is a benefit that carries significant weight in decision-making. This benefit does not though outweigh the substantial harm.

6.4 The NPPF establishes inappropriate development should not be permitted unless very special circumstances exist. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Overall, the benefits of the scheme are considered not to clearly outweigh the harm to the Green Belt, and it is respectfully requested that Members of the Planning Committee endorse the following reasons to contest the appeal that may be presented to the Planning Inspectorate as part of the Council's Statement of Case in the forthcoming appeal relating to this proposal.

7.0 RECOMMENDATION:

1. That Committee endorse the reasons to contest the appeal that may be presented to the Planning Inspectorate as part of the Council's Statement of Case at the forthcoming appeal.

2. That delegated authority is given to the Chief Planner, having regard to the heads of terms set out in this report, addendums and/or Planning Committee minutes, to negotiate and complete a document containing obligations pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) in order to meet the requirement of the Planning Inspector.

Reasons to contest the appeal

1 The proposed development is located within the Green Belt. It would constitute inappropriate development in the Green Belt as set out in Section 13 of the National Planning Policy Framework. Inappropriate development is by definition harmful to the Green Belt. The proposal would result in a permanent detrimental impact on openness of the Green Belt due to its scale and location and would conflict with the Green Belt's purposes, as identified in NPPF paragraphs 137 and 138.

The site is not one which has been identified for development in the Publication Draft Local Plan 2018 (which is at examination stage). The benefits put forward by the applicant do not, either individually or cumulatively, clearly outweigh the totality of the identified harm and therefore do not amount to very special circumstances necessary to justify the proposal for the purposes of the NPPF.

The proposal is considered contrary to advice within the National Planning Policy Framework, in particular section 13 'Protecting Green Belt Land', and the following local policies: Huntington Neighbourhood Plan 2021, policy H14 'Green Belt'; the Publication Draft Local Plan 2018 spatial strategy as detailed in policies SS1, and SS2 and Green Belt policy GB1, and the 2005 Draft Local Plan policies SP2, SP3 and GB1.

2 The impact of the proposed development on the wider highway network, and highway safety are yet to be determined. The required level of mitigation in this respect is yet to be determined and agreed. As such the proposed development may not accord with NPPF policy regarding promoting sustainable transport, in particular paragraphs 110, 111 and 112.

Contact details:

Application Reference Number: 21/00305/OUTM

Item No: 4b

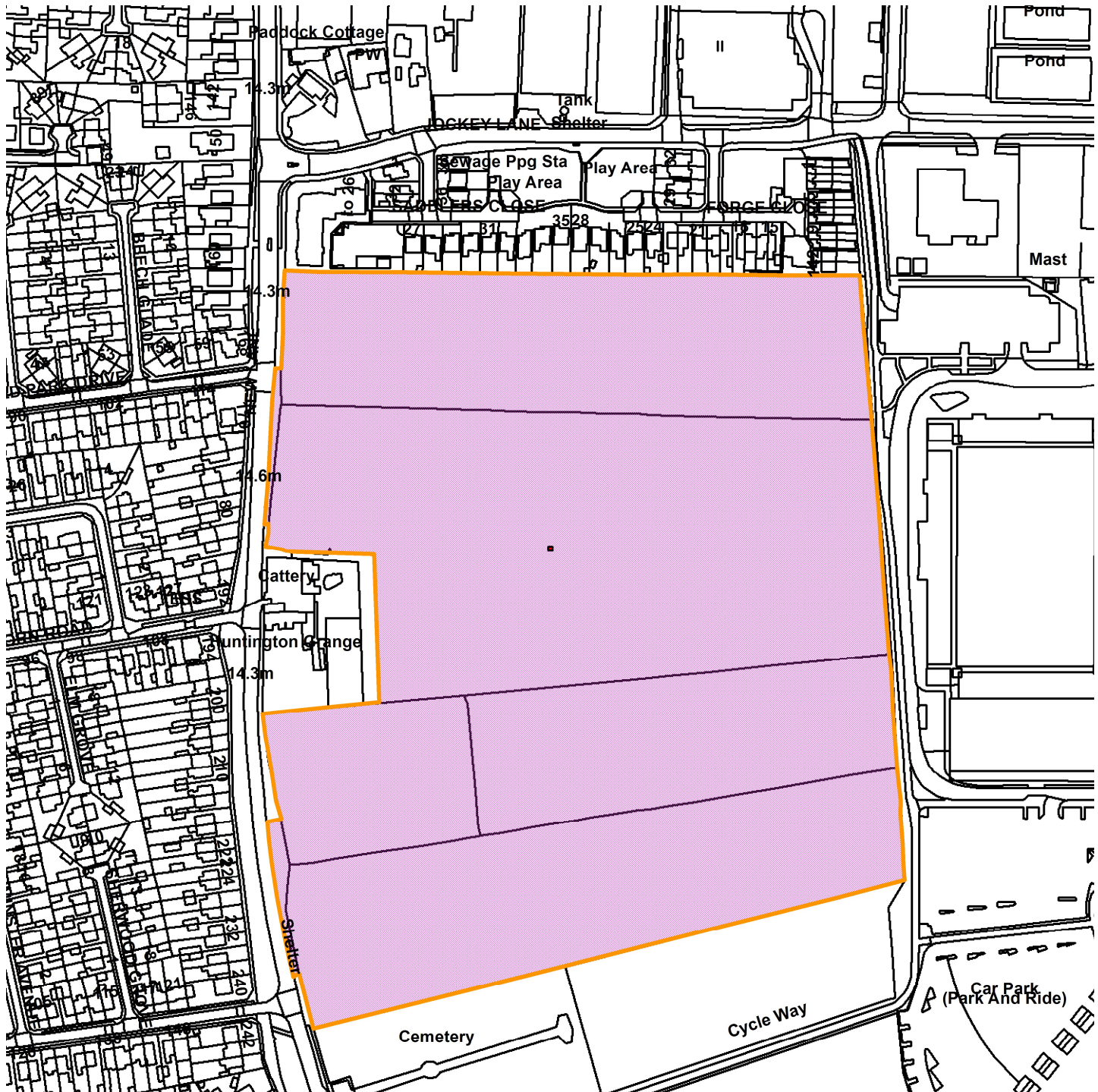
Case Officer: Jonathan Kenyon
Tel No: 01904 551323

Huntington South Moor, New Lane, Huntington, York

21/00855/REMM



GIS by ESRI (UK)



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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	27 October 2021
SLA Number	

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1.4 The proposed site access, layout and scale of buildings were approved reserved matters under the outline application.

Proposals

1.5 This application is for zone A and the outstanding reserved matters; the appearance of the development and the detailed landscaping. The layout and building heights adhere to the details already approved. The appearance of the buildings is informed by the design code and parameters, approved under the outline application.

1.6 Zone A contains two buildings, these face Heworth Green and are positioned between Eboracum Way and the approved main access from Heworth Green. The layout is informed by the new underground gas pipework which sits between the two buildings and has an associated easement. The buildings would be 5-storey high, with the top floor recessive in scale.

1.7 The schedule of accommodation would be as follows (and this accords with the outline permission, condition 17)

Dwellings

Studio	28
1-bed	44
2-bed	34
3-bed	13
Total	119

Commercial

130 sq m commercial floor space, in block A2 by the main entrance, which could accommodate various uses, within the new use class E (including retail, commercial, food and drink, day centre) or class F1 (which would include public buildings or education/training facilities).

2.0 POLICY CONTEXT

2.1 Key Sections of the NPPF

- Section 4 Decision making
- Section 5 Delivering a sufficient supply of homes
- Section 11 Making effective use of land
- Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic Environment

2.2 Key relevant policies of the 2018 Publication Draft Local Plan

SS1 Delivering Sustainable Growth for York

HW7 Healthy Places

D1 Placemaking

D2 Landscape and Setting

D4 Conservation Areas

D5 Listed Buildings

GI2 Biodiversity and Access to Nature

GI3 Green Infrastructure Network

GI4 Trees and Hedgerows

3.0 CONSULTATIONS

Design, Conservation & Sustainable Development

Architect

3.1 Supports the application, subject to recommended conditions on detailed design and materials. The scheme has been amended (as requested) and the top floor modelling and architectural design is now much less complicated, has reduced visual impact, and greater elegance.

Landscape

3.2 Officers support the principles within the landscaping scheme. In particular wide planted verges and street trees / new planting along Eboracum Way / private amenity space to ground floor apartments and active frontages / roof terrace as amenity space with inclusion of planting.

3.3 In respect of detail the following recommendations and requests were made -

- Eboracum Way – asked for Rowan (large) trees alongside the street. Three 4 m high (at time of planting) are proposed along with three cherry trees.
 - Specification for the works should include the subgrade preparation and not just a minimum depth of top soil for each planting type.
 - Highway Network Management have expressed concern about the location of one of the trees within Central Square. The three large trees proposed would make a defining contribution to the amenity of the development so details should be provided to show a section through the full pavement and tree pit construction
- Application Reference Number: 21/00854/REMM Item No: 5a

(including utilities where applicable), and final locations, such that there would be no impingement on the functional pavement width as the trees mature and grow in girth.

- Officers suggested up-lighting of existing trees would not be suitable for ecological reasons. This approach was omitted on revision P04 of the landscape plans.

Highway Network Management

3.4 Travel Plan

- Commitment to employment of the travel plan co-ordinator and adequate funding is required.
- Annual surveys – a response rate of 30% is realistic but relatively low. Ask that traffic counts are added to the travel plan to check whether the target trip rates are being met (linked to the additional measures if they are not) and measures to encourage responses if targets not met for the first year of the survey or subsequent years.

3.5 Cycle storage

- Bike maintenance equipment should be provided in the cycle stores. (This will be a condition of approval).
- Cycle store access doors should be at least 1.2m wide. Officer note - there is adequate annotation on the revised cycle store plans drawing showing dimensions meet manufacturer's recommendations. It is also specified doors will be self-closing and locking in the interests of security.

3.6 Landscape

- Street trees - Tree pits required to be to adoptable standards and trees positioned to avoid services and blocking the footpath.
- Remain concerned that one of the street trees, located within the footpath could impede pedestrians.
- A 2m wide path has been provided between Minster View Street and Eboracum Way as requested.

3.7 Bins

- Clarification was sought (and has been provided) that there is adequate space for bins to be manoeuvred for collection.

Public Protection

3.8 Recommend planning conditions in respect of construction management, noise within dwellings and EV. Officer note - these items are all covered by conditions under the outline permission (which applies to the development).

Conservation Areas Advisory Panel

3.9 The Panel commented on the original scheme which has since been amended. Considered the buildings appeared very 'heavy', lacking in colour and stark, with particularly a lack of detailing to the elevations. The blocks do not relate to the size and scale of the buildings within the Conservation Area opposite.

4.0 REPRESENTATIONS

4.1 Two representations have been made and are summarised below. The scheme has been revised since consultation, with the scale of the top floor reduced.

Cllr B Webb

4.2 Main concern is that the promised 'community space' in the outline plan has now been changed to a commercial development. Consider that the promise of community space was part of the reason some councillors approved the original decision. It appears this promise has now been reneged on by the developers.

4.3 The design is very 'heavy' in its colouring and block-like feel in comparison to neighbouring properties and the neighbouring conservation area; however this can be mitigated with decent landscaping.

4.4 One other objection has been received. Concern over the height of the building and comparisons with the Rowntree Factory buildings. York has always been careful to limit the height of developments, but concerns that there is a creeping normalisation of oversized properties being put forward.

5.0 APPRAISAL

Key Issues

- Principle of the proposed development
- Appearance
- Heritage Assets
- Landscaping
- Travel Plan

Principle of the proposed development

5.1 The development has outline permission. The principle of the amount and mix of residential and commercial development proposed is established, as are the layout, scale and height of the proposed development, and the amount of car parking.

5.2 External consultation comments refer to the proposed community use of the commercial unit. The outline permission is flexible in allowing multiple uses of this building that could compliment residential development. Permitted uses could include retail space or a café / restaurant, in addition to a community space. The use of this building is not varied in any way within this application.

5.3 The outline permission and its associated conditions also deal with technical issues including drainage / impact on wider highway network / affordable housing / public protection / sustainability / ecology / planning obligations.

5.4 This application is for consideration of the appearance of the buildings in detail and the hard and soft landscaping within the phase.

Policy Context

5.5 In respect of appearance and landscaping, policy within paragraphs 130 and 131 of the NPPF are relevant. These state developments should -

- Be visually attractive, as a result of good architecture, layout and appropriate and effective landscaping.
- Be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- Acknowledge that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Trees should be incorporated in developments with appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

5.6 Publication Draft Local Plan 2018 policies D1 and D2 on place-making and landscaping require -

- Ensure proposals are not a pale imitation of past architectural styles.
- Ensure appropriate building materials are used.
- Meet the highest standards of accessibility and inclusion
- Demonstrate the use of best practice in contemporary urban design and place making.
- Integrate car parking and servicing within the design of development so as not to dominate the street scene.

- Create active frontages to public streets and spaces.
- Create buildings and spaces that are fit for purpose but are also adaptable to respond to change. Create places that feel true to their intended purpose.
- Create opportunities to enhance the public use and enjoyment of existing and proposed streets and open spaces.
- Recognise the significance of landscape features such as mature trees, hedges, and historic boundaries.
- include planting proposals that are clearly evidence based and make a positive contribution to the character of streets, spaces and other landscapes.

5.7 The Planning (Listed Buildings and Conservation Areas) Act 1990 section 66 advises that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall pay special regard to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses. The Council has a statutory duty (under section 72) to consider the desirability of preserving or enhancing the character and appearance of designated conservation areas.

5.8 The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset (such as a listed building or conservation area) that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. When considering the impact of a proposed development on the significance of a designated heritage asset (i.e. a listed building or conservation area) great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

Appraisal

Design

5.9 The proposed building would have a brick façade, punctuated by recessed balconies at the upper level and on corners, which will help reduce the perceived scale. Materials will respect the Heworth Green context and the neighbouring conservation area. The ground floors on the outward facing facades are animated with the commercial unit, and front doors and private gardens to dwellings. In accordance with the design code for the site, where the buildings face Heworth Green and Eboracum Way, the top floor is set back 4m from the main façade, which will reduce its prominence. The detailing of the top floor and its bulk has been refined in revised plans, giving a sleek appearance and attractive roofscape, which would not

be unduly prominent. The revisions have support from the Council's Design and Conservation Architect. The buildings are of acceptable design, considering planning policy guidance and adhere to the design code and parameter plans established within the outline permission. A condition will control the typical details to ensure that in construction, the articulation and qualities shown within the design and access statement are realised.

Landscaping

5.10 The installation of the landscaping is controlled through outline permission condition 20. The landscaping proposals follow the principles established in the outline application, in particular those noted below. Conditions are proposed to secure installation and the precise detailing, to demonstrate planting will be of sufficient quality and robust, in particular in respect of new trees in the public realm and close to utilities.

- Trees along Heworth Green are retained. Within the site, beyond these are a shared path 3m wide connecting into Eboracum Way.
- Ground floor dwellings have front doors onto the street and their own amenity areas which provide defensible space and give a human scale and promote interaction.
- Both new streets are tree lined. Further work has been undertaken since consultation to ensure prominent street trees can be accommodated within the main 'arrival street'. Trees will also form part of the landscape along Eboracum Way, ranging in height between 4m and 5.5m at the time of planting. The existing street scene along Eboracum Way will be enhanced and new connections formed providing access to the central green within the application site.
- The first floor podium deck will include private outside space for residents, soft landscaping, conceal car parking and provide shared outside amenity space.
- Surfacing will be good quality and the setting is designed to give priority to place-making and pedestrians.
- Private and semi-private areas are clearly defined. Access to parking areas (including the cycle stores) is gated.

Servicing

5.11 There is space for servicing and taxi-drop off within the areas where vehicles are permitted. In terms of car parking 45 secure spaces are provided (in accordance with the outline permission), comprising 35 standard spaces, 4 disabled/accessible parking spaces (in close proximity to each block entrance), 4 electric vehicle charging point spaces and 2 visitor parking spaces.

Cycle parking

5.12 The outline permission is complied with which requires at least one cycle parking space per dwelling. The covered and secure provision for Zone A is 107% and there is extra space for larger bikes / trailers etc. In addition there are 12 visitor spaces. The layout has been annotated with dimensions to show it is suitable and spacing complies with manufacturer's recommendations. Doors are self-closing and locking.

Heritage Assets

5.13 The group of trees at the front of the site, facing Heworth Green are within the Heworth Green East Parade Huntington Road Conservation Area. The description of the conservation area states that the main elements of the character and appearance of the area include - Heworth Green, which has the most architecturally significant and the largest of the suburban houses and villas in the Conservation Area and the trees and gardens surrounding the houses on Heworth Green.

5.14 The Conservation Area boundary extends to the north of the site, on the opposite side of the road, to accommodate the historic curtilage of Heworth Croft, a villa built in 1842 and Grade II listed. The land around the listed building now contains recent housing (Ripon Croft) which is a mix of 3 and 4 storey. On the south side of Heworth Green the conservation area encroaches into the site, accommodating the trees at the edge of the site and it includes numbers 26 (Grade II Listed), 36 Heworth Green and Heworth Court. Grade II listed 26 Heworth Green is a house dating from 1835, which sits between Heworth Green and development Zone C within the site.

5.15 The site is viewed in context along Heworth Green with the 3-5-storey residential building on the opposite side of Eboracum Way. The outline permission for zone A established the principle of buildings 5-storey, with a recessive top floor and a layout that meant the building would sit behind retained trees alongside Heworth Green.

5.16 The scheme, by virtue of its location scale, materials, detailed design and roof form would sit comfortably in this part of the conservation area. No harm is identified to the character and appearance of the conservation area or the setting of listed buildings.

Residential amenity

5.17 The scale and layout of the building has been approved already through the outline application. The scheme does not raise any concerns in terms of existing resident's amenity.

5.18 As agreed in principle at outline stage, and required through condition, this zone of development provides an acceptable mix of apartment types. This includes duplex

apartments, and apartments with front doors and gardens. 47 of the 119 apartments are 2-bed and 3-bed.

5.19 The dwellings will have reasonable outlook and most have their own private outside amenity space (gardens at ground level, balconies on upper floors and use of rooftop areas) and all have access to the communal amenity space on the first floor deck. In terms of accessibility 30% of dwellings in Zone C meet Part M4(2) compliance (Accessible and adaptable dwellings). Communal areas (internal and external) are Part M4(3) (wheelchair user) compliant.

Travel Plan

5.20 Travel Plans are ultimately controlled through condition 30 of the outline permission. The condition requires that “the following measures shall be repeated annually if the travel plan targets are not met -

- Doorstep Personalised travel planning
- Residents offered vouchers to supplement cycle and equipment purchase
- Residents offered funding for free/discounted public transport tickets
- Residents offered free car club membership & drive time for residents”

5.21 Triggers for implementation of the enhanced measures are detailed in the revised travel plan for this phase (version 1.3). Measures will be implemented if the travel survey response rates are inadequate and if modal share targets are not met. Implementation can be agreed with CYC annually if required, which allows for agreement and implementation of the most appropriate measures.

5.22 The applicants will retain ownership of the development and be responsible for maintenance of communal/public areas. They have confirmed they will appoint and fund the travel plan co-ordinator role. The Travel Plan commits to notifying the council of the co-ordinator and sets out their on-going responsibilities over the lifetime of the plan.

5.23 In respect of ongoing monitoring and feedback from residents condition 8 requires agreement of the monitoring, as Highway Network Management consider a 30% response rate is inadequate.

6.0 CONCLUSION

6.1 This reserved matters application provides the outstanding details following the outline planning permission. The amount and type of development proposed and the landscaping principles accord with the outline permission. This application details the design and appearance of the buildings and the landscaping. The details accord with

the expectations established at outline stage and national policy within the NPPF and Publication Draft Local Plan 2018 policy regarding design and landscaping.

6.2 Planning conditions related to the scheme are contained in the outline permission. Conditions in this application relate to the detailed design and landscaping. A condition is also included to give clarity regarding Travel Plan implementation, ongoing monitoring and, if necessary the additional measures to be engaged should the travel plan targets not be met.

7.0 RECOMMENDATION: Approve

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

Location / site plans

19139-VB-ZA-XX-DR-A-(03) 001 Rev B
19139-VB-ZA-XX-DR-A-(03) 005 Rev B
19139-VB-ZA-00-DR-A-(03) 104 Rev C
19139-VB-ZA-XX-DR-A-(03) 105 Rev C

Floor plans

19139-VB-ZA-00-DR-A-(03)110.3 Rev B
19139-VB-ZA-01-DR-A-(03)111.3 Rev B
19139-VB-ZA-02-DR-A-(03)112.3 Rev B
19139-VB-ZA-03-DR-A-(03)113.3 Rev B
19139-VB-ZA-04-DR-A-(03)114.3 Rev C
19139-VB-ZA-05-DR-A-(03)115 Rev D

Elevations

19139-VB-ZA-XX-DR-A-(03)131 Rev C
19139-VB-ZA-XX-DR-A-(03)131-C Rev D
19139-VB-ZA-XX-DR-A-(03)132 Rev C
19139-VB-ZA-XX-DR-A-(03)132-C Rev D
19139-VB-ZA-XX-DR-A-(03)133 Rev D
19139-VB-ZA-XX-DR-A-(03)134 Rev D

Facade details / large-scale details

19139-VB-ZA-XX-DR-A-(03)120 Rev D
19139-VB-ZA-XX-DR-A-(03)121 Rev A

19139-VB-ZA-XX-DR-A-(03)122 Rev A
19139-VB-ZA-XX-DR-A-(03)150 Rev C
19139-VB-ZA-XX-DR-A-(03)151 Rev C
19139-VB-ZA-XX-DR-A-(03)152 Rev C

Landscaping

0575-RFM-ZA-XX-DR-L - 0001 P05, 0002 P06, 0003 P02, 0004 P04, 0101 P03

Large scale drawings showing cycle stores / bins fit for purpose

19139-VB-ZA-00-DR-A-(03)160 C
19139-VB-ZA-XX-DR-A-(03)161 Rev B

Parameter plan overlays

19139-VB-ZA-00-DR-A-(06)110 Rev B
19139-VB-ZA-01-DR-A-(06)111 Rev B
19139-VB-ZA-02-DR-A-(06)112 Rev B
19139-VB-ZA-03-DR-A-(06)113 Rev B
19139-VB-ZA-04-DR-A-(06)114 Rev C
19139-VB-ZA-XX-DR-A-(06)115 Rev C

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

2 Tree planting detail

No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority all tree planting details. Typical details shall include: means of support, protection (including prevention of strimmer damage), and irrigation; soil volumes and structural soil cell systems where applicable, and the corresponding paving detail, and locations of underground utilities; maintenance regime and responsibilities. Where trees are to be located within paved areas, the surface area of soil cell systems, soil volumes, and tree species, and any utilities, shall also be shown on a tree planting plan.

Reason: In accordance with NPPF section 12. Required prior to commencement as suitable detailing and maintenance will encourage the proposed trees to survive and thrive. This is necessary as they are a critical element of the approved landscape and setting of the development.

3 Materials

Prior to the commencement of construction manufacturer's details of the external

materials to buildings shall be approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials. Samples shall be provided on site for approval, as required, by the Local Planning Authority.

Details to include component system samples for metal cladding / different types of glazing panels

A sample panel of the brickwork to be used on the buildings shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of construction. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: In the interests of good design and visual amenity, in accordance with the NPPF, paragraph 130.

4 Large scale details

Prior to the commencement of construction of the relevant building large scale details (at 1:20 or 1:10 scale) of the items listed below shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

- Typical sections (to demonstrate compliance with details shown in the design and access statement) to be annotated with AOD levels. Details to show variations in typical ground-to-roof bay in each wall material, and their general variations, such as differing types of recessed feature planes, any wall ventilation grilles, guarding, external rainwater goods, wall interfaces at ground, projecting balconies, set back top floor levels, roof eaves, privacy screens (to external areas). The details shall illustrate brick window reveals are a minimum 200mm deep before the plane of a window.
- Typical visible external soffits
- Any external plant, to be shown in context.
- Construction details of green roof and schedule of planting for such areas.
- Means of enclosure to the cycle store within the undercroft parking area and roof covering to cycle store within the car park area.

Reason: In the interests of good design, in accordance with NPPF paragraph 130 and taking into particular consideration the scale and prominence of the development.

5 Landscaping

The landscaping details, as shown on reform drawing 0575 RFM ZA XX DR L 0001 P03 shall be installed in accordance with the aforementioned drawing in accordance

with the timeframes for installation as set out in condition 20 of the outline permission 19/00979/OUTM. The stock to be planted shall accord with the planting schedule 0575-RFM-ZA-XX-DR-L-0003-S2-P01.

Reason: In the interests of visual amenity and biodiversity and to ensure landscaping is in accordance with details approved within this reserved matters application.

6 Cycle storage

The cycle storage as shown on approved drawing 19139-VB-ZA-XX-M3-A-(03)160 revision C shall be installed in accordance with the aforementioned approved drawing prior to first occupation of the relevant building, in accordance with the timeframes for installation as set out in condition 22 of the outline permission 19/00979/OUTM.

The cycle stores shall be covered and secure. The cycle maintenance equipment (as specified in the Travel Plan version 1.3 section 4.3) shall be provided in the cycle stores for each building.

Reason: To promote sustainable travel in accordance with section 9 of the NPPF and to acknowledge relevant details required under the outline application are approved.

7 Highways

The buildings shall not be occupied until the areas shown on the approved plans for parking, visitor parking, servicing (visitor parking and servicing as shown on drawing 0575-RFM-ZA-XX-DR-L-0001) and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety and the functionality of the area, in accordance with NPPF paragraphs 112 and 130.

8 Travel Plan

The development hereby permitted shall be carried out in accordance with the Fore Full Residential Travel Plan - Zones A and C version 1.3, and the Fore residential travel plan version 2.3 (approved under condition 30 of permission 19/00979/OUTM for the overall site).

For the avoidance of doubt, the following measures from the Fore residential travel plan version 2.3, and the further requirements of condition 30 of 19/00979/OUTM remain applicable and shall be adhered to -

Monitoring

Notwithstanding the approved travel plans, in advance of each annual monitoring survey, the required response rate, or alternative means of measuring travel habits, shall be approved in writing by the Local Planning Authority. The monitoring shall thereafter take place in accordance with the approved details.

Within two months of the completion of the travel surveys, the Developer Travel Plan Coordinator shall prepare a Monitoring Report containing the following:

- Survey methodology and results
- Qualitative feedback
- An analysis on the effectiveness of the Travel Plan
- Proposals for future measures

The report shall be submitted to the Council for discussion and agreement.

Enhanced measures

The following measures shall be repeated annually if the travel plan targets are not met -

- Doorstep Personalised travel planning
- Residents offered vouchers to supplement cycle and equipment purchase
- Residents offered funding for free/discounted public transport tickets
- Residents offered free car club membership & drive time for residents

The annual reviews shall also explore and deliver (subject to demand) space for a second car club car on site.

Reason: To promote sustainable transport in accordance with NPPF section 9 and as a response rate of 30% of occupied dwellings is considered insufficient to adequately monitor travel habits.

8.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) 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: sought revised plans and the use of planning conditions.

Contact details:

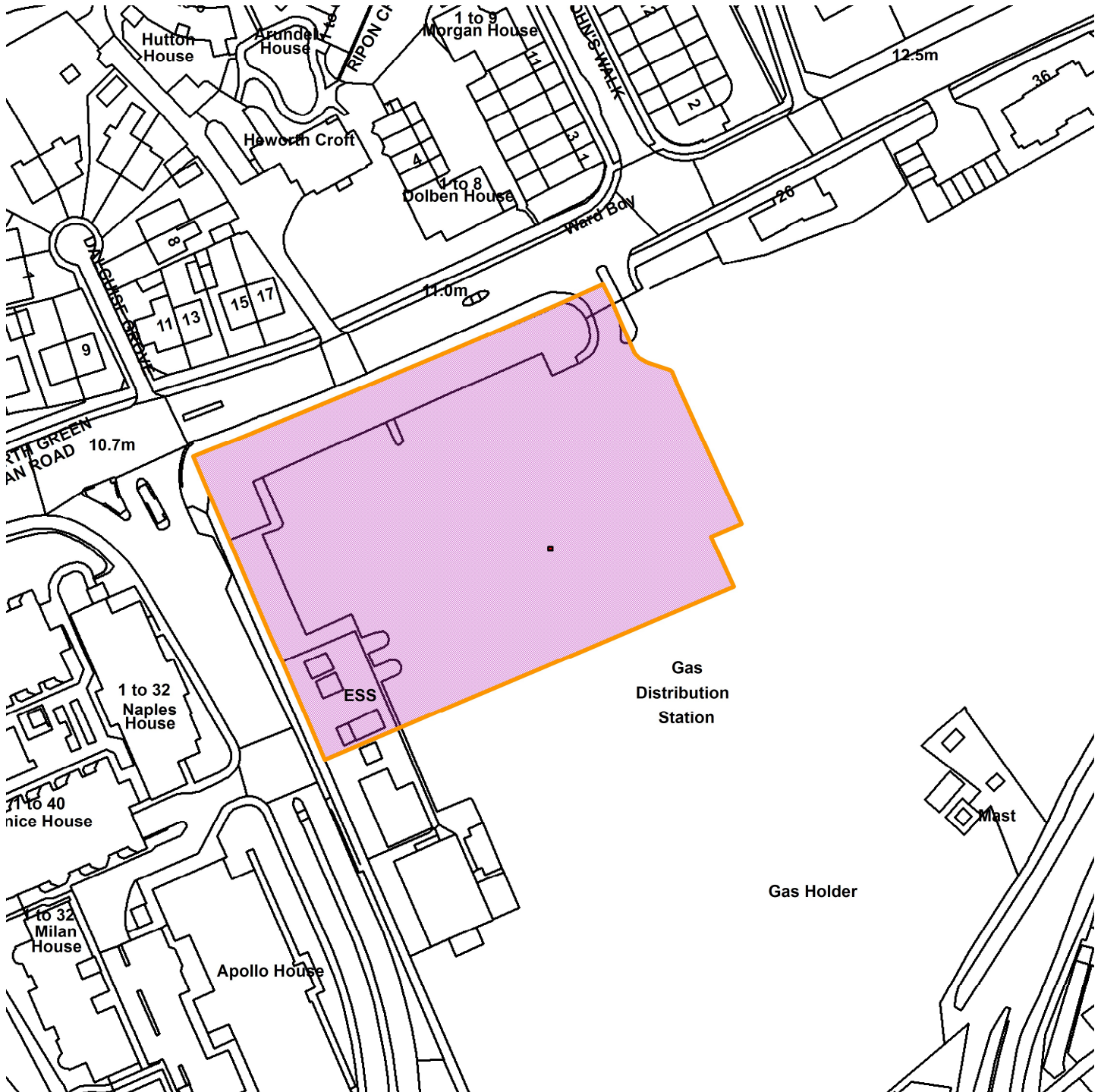
Case Officer: Jonathan Kenyon

Tel No: 01904 551323

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Zone A, Former Gas Works, Heworth Green, York

21/00854/REMM



Scale : 1:1286

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	27 October 2021
SLA Number	

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COMMITTEE REPORT

Date: 4 November 2021 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 21/00855/REMM
Application at: Former Gas Works Heworth Green York
For: Reserved matters application for appearance and landscaping - Zone C only. For 96 dwellings.
By: Heworth Green Development Ltd
Application Type: Major Reserved Matters Application
Target Date: 8 November 2021
Recommendation: Approve

1.0 PROPOSAL

Application site

1.1 The application site was previously occupied by York Gas Works. The gasholder has been decommissioned and the hazardous substance consent(s) revoked in 2017. The site is on the Brownfield Land register and is allocated in the 2018 Publication Draft Local Plan for housing; 336 dwellings overall, site reference H1. The overall site covers 3.56 hectares (ha).

1.2 The Heworth Green/East Parade Conservation Area extends into the front of the site alongside Heworth Green. Listed buildings in the vicinity include 19 Heworth Court and Heworth Croft on the opposite side of Heworth Green, 26 Heworth Green, which blocks C1 and C2 would sit behind, and 44, 46, 48-50 Heworth Green, further east, beyond Mill Lane, all of which are of 19th century date.

Background

1.3 Outline planning permission was approved for residential-lead redevelopment of the site in July 2020. The application was considered by planning committee 12.3.2020 (application 19/00979/OUTM). There is also a full planning permission for enabling works; demolition of existing buildings and replacement infrastructure, site remediation, re-profiling of ground levels and new vehicle entrances for the re-development (application 19/02168/FULM).

1.4 The proposed site access, layout and scale of buildings were approved reserved matters under the outline application.

Proposals

1.5 This application is for zone C, which will comprise of three 'pavilion' buildings which would overlook the central open space (which is detailed in this application) and the outstanding reserved matters; the appearance of the development and the detailed landscaping. The layout and building heights adhere to the details already approved. The appearance of the buildings is informed by the design code and parameters, approved under the outline application. The previous permission allows for a 5-storey building, but the top floor is required to have a smaller floorplate (ranging between 47% to 55% of the maximum gross external area permitted). Ground levels are varied to the extent that the ground floor would not be evident from existing buildings on the opposite side of the Sustrans route (Mill Lane).

1.6 The schedule of accommodation would be as follows (and this accords with the outline permission, condition 17 in terms of its proportion and provision of 2-bed and 3-bed sized dwellings)

	Total
Studio	7
1-bed	21
2-bed	38 (40%)
3-bed	30 (31%)
Total	96

2.0 POLICY CONTEXT

2.1 Key Sections of the NPPF

Section 4 Decision making
 Section 5 Delivering a sufficient supply of homes
 Section 11 Making effective use of land
 Section 12 Achieving well-designed places
 Section 16 Conserving and enhancing the historic Environment

2.2 Key relevant policies of the 2018 Publication Draft Local Plan

SS1 Delivering Sustainable Growth for York
 HW7 Healthy Places
 D1 Placemaking
 D2 Landscape and Setting
 D4 Conservation Areas

- D5 Listed Buildings
- GI2 Biodiversity and Access to Nature
- GI3 Green Infrastructure Network
- GI4 Trees and Hedgerows

3.0 CONSULTATIONS

Design and Conservation – Architect

3.1 Top floor - The proposal has been amended as requested by officers. The top floor modelling and architectural design is now much less complicated, has reduced visual impact, and greater elegance.

3.2 Brick colour: as shown on all drawings is a light low-saturation buff. A brick with more red tones is strongly recommended instead. A light brick potentially has the appearance of Victorian “Scarborough” bricks. Modern versions similar to these bricks can be difficult to obtain, especially in the quantity required here. Also, this is not a general characteristic brick type of the neighbourhood, including the conservation area. Given how prominent the proposed buildings will be in neighbourhood street vistas this type of choice is not appropriate.

3.3 The application is supported by urban design & conservation, subject to recommended conditions. The brickwork requires approval and the large scale detail, the latter when a contractor is appointed; so details are deliverable.

Design and Conservation – Landscape

3.4 Officers support the design approach. Some minor changes to the planting, and additional information in respect of existing and proposed trees are recommended, all of which can be managed through discharge of the conditions. Key to the details, due to how tight the site is in places, is the agreement of tree pit details and additional soil volume where required. The main open space for this zone, which also serves the wider site, has been well-designed. It is a relatively small space given the scale of the buildings around it and the quantity of residents it has to serve. On the other hand, the intimacy and quality of landscape detail gives it a sense of security and comfort, especially given the number of windows looking onto it.

Highway Network Management

3.5 Travel Plan - Following commitments required –

- A commitment to employment of the travel plan co-ordinator is required and that it will be suitably funded.
- Annual surveys – an agreed response rate is required.

- Target response rates and triggers for implementation of the enhanced measures are detailed in the revised travel plan. The enhanced measures will be implemented if the travel survey response rates are inadequate and also if modal share targets are not met. Implementation would be agreed with CYC annually if required.

3.6 Cycle storage

- Bike maintenance equipment should be provided in the cycle stores. (This will be a condition of approval).
- There must be at least 2m clearance by Josta two-tier storage. (The cycle store plans have been amended accordingly).

3.7 Asked if waste collection is to be by private company. The applicants have confirmed a commercial operator will collect refuse on a weekly basis (detailed in planning statement).

3.8 Tree pits must be to adoptable standards and trees positioned to avoid services and blocking the footpath.

Public Protection

3.9 Make comments in respect of construction management and noise, dealt with in the outline permission (conditions 6, 8, & 36). In respect of electric vehicle (EV) charging officers have referred to the outline permission and local standards for 5% active and 5 passive permission. In respect of EV the outline permission requires overall 9 spaces for zones A and C. The application shows 4 spaces in zone C, with capacity identified for 4 further spaces.

Guildhall Planning Panel

3.10 Raise issue over the amount of tarmac (which is the proposed surfacing for where spaces cars would park) as opposed to porous surfaces.

4.0 REPRESENTATIONS

4.1 Five objections have been received, including from residents at Hawthorn Grove, Heworth Mews Residents Association and Cllr Webb.

- Concern about the proposed relocation site of the telephone mast closer to Heworth Mews. It would cause overshadowing and have an adverse effect on outlook. It should be moved elsewhere, where there is more tree cover. Whilst this is subject to a separate application, as other plans for the site are finalised, it is clear the developers are depending on this being the location of the mast and as

work progresses and further plans are approved, the opportunity to influence the mast relocation is by default becoming more and more unlikely.

- Landscape - Whilst effort has been made regarding planting throughout the site there is further work that could be done particularly along the border with the Sustrans cycle path and surrounding the proposed mast complex (that is subject to a separate application as highlighted above). Residents are very clear that in order to protect their visual amenity tall, fast growing evergreen trees are required along this border.
- Overlooking - The size and position of windows facing out on to Mill Lane will have a detrimental impact on residents' visual amenity and privacy. Further suitable trees lining the site could help mitigate this issue here.
- Safety issues regarding the mast complex's proximity to a children's play. Further safety measures on the Heworth Gas Works side of the proposed mast complex requested.
- Security – Sustrans connection could be used as a rat run for criminal activities. CCTV, monitored and maintained by the developers for the lifetime of the development requested.

5.0 APPRAISAL

Key Issues

- Principle of the proposed development
- Appearance
- Heritage Assets
- Landscaping

Principle of the proposed development

5.1 The development has outline permission. The principle of the amount and mix of residential and commercial development proposed is established, as are the layout, scale and height of the proposed development, and the amount of car parking.

5.2 The outline permission and its associated conditions also deal with technical issues including drainage / impact on wider highway network / affordable housing / public protection / sustainability / ecology / planning obligations.

5.3 This application is for consideration of the appearance of the buildings in detail and the hard and soft landscaping within the phase. The telecommunications mast, referred to in objections has planning permission for its relocation (reference 21/01692/FUL).

Policy Context

Appearance / landscaping / design

5.4 In respect of appearance and landscaping, policy within paragraphs 130 and 131 of the NPPF are relevant. These state developments should -

- Be visually attractive, as a result of good architecture, layout and appropriate and effective landscaping.
- Be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- Acknowledge that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Trees should be incorporated in developments with appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

5.5 The National Design Guide, published in 2021, is a companion to NPPF design policy.

5.6 Publication Draft Local Plan 2018 policies D1 and D2 on place-making and landscaping require -

- Ensure proposals are not a pale imitation of past architectural styles.
- Ensure appropriate building materials are used.
- Meet the highest standards of accessibility and inclusion.
- Demonstrate the use of best practice in contemporary urban design and place making.
- Integrate car parking and servicing within the design of development so as not to dominate the street scene.
- Create active frontages to public streets and spaces.
- Create buildings and spaces that are fit for purpose but are also adaptable to respond to change. Create places that feel true to their intended purpose.

- Create opportunities to enhance the public use and enjoyment of existing and proposed streets and open spaces.
- Recognise the significance of landscape features such as mature trees, hedges, and historic boundaries.
- Include planting proposals that are clearly evidence based and make a positive contribution to the character of streets, spaces and other landscapes.

Heritage Assets

5.7 The Planning (Listed Buildings and Conservation Areas) Act 1990 section 66 advises that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall pay special regard to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses. The Council has a statutory duty (under section 72 to consider the desirability of preserving or enhancing the character and appearance of designated conservation areas.

5.8 The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset (such as a listed building or conservation area) that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. When considering the impact of a proposed development on the significance of a designated heritage asset (i.e. a listed building or conservation area) great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

Appraisal

Design

5.9 The scheme for Zone C is compliant with the parameters for the amount, scale and design of development within the outline permission, the landscaping proposals and planning policy in respect of design.

5.10 Zone C comprises of three 5-storey buildings arranged to overlook the central public open space area. The buildings sit back from Heworth Green, with the car parking area for this zone positioned behind 26 and 36 Heworth Green. Apart from the elevations facing towards the car park, the apartments have private front gardens. These provide amenity, defensible space and bring a sense of community and human scale and active frontages to the development.

5.11 The buildings would be of similar height to Zone A but differ in appearance in that they have a horizontal emphasis, defined by the brick detailing at lower level, pronounced concrete banding between floors and larger balconies. The top floor area is lesser in floorplate compared to the lower floors, in adherence with the outline permission and, like Zone A is metal clad. Elevations looking towards Heworth Green do not have projecting balconies and a more vertical emphasis. This variation means that from Heworth Green the form of development respects the character and appearance of the conservation area.

5.12 Ground levels rise towards the eastern boundary (with the Sustrans route) to the extent that the side elevation of block C3 is below ground. This section of the ground floor is therefore used as ancillary storage. The relevant elevation of the building, where looking towards Mill Lane would, as per the outline, appear as 3-storey, with a top floor setback at roof level. The separation between block C3 and the opposite side of the Sustrans route is typically 30m and there are a group of tall trees at the boundary which offer screening.

Landscaping

5.13 Condition 2 is proposed to secure the precise detailing regarding trees, including soil volumes for tree pits where required, to demonstrate planting will be of sufficient quality and robust, in particular in respect of new trees in the public realm and close to utilities and close to the retaining wall on the north side of the site. The plans include a detailed planting plan (general arrangement) and schedule, which species the stock size of species at time of planting. The landscaping proposals follow the principles established in the outline application, and adhere to National Design Guide principles, in particular those noted below -.

- New tree planting along the boundary, with 26 and 36 Heworth Green and alongside the Sustrans route.
- Ground floor dwellings have front doors onto the street and their own amenity areas which provide defendable space, bring a human scale to the development and provide active frontages. Apartments are orientated to provide good natural surveillance of the public realm.
- This zone provides the central public open space. It will provide for a variety of activities and social interaction; natural amenity, space for recreation, sitting out, recreation/exercise and young person's play area. The space is associated with new connections through and beyond the site and will be accessible to the wider community.
- The scheme includes a temporary connection to the Sustrans link until Zone B is complete.

- Considerable planting proposed around the telecommunications mast site to reduce the visual impact of the mast and its compound. This includes a mix of tree species that will be up to 4m to 6m high.
- The car parking area includes landscaping, with trees positioned so the area does not appear unduly car dominated.

5.14 The central open space will be developed in phases as part of the land is required to enable construction of zone B. The interim arrangement, which includes connection into the Sustrans route is illustrated in the design and access statement. A condition will enable this arrangement until Zone B is delivered.

Servicing

5.15 The outline permission capped the number of car parking spaces for Zone C at 60 but allowed for a further 10 spaces across the site overall. The scheme provides 61 spaces. Space is also allocated for drop-off and waste collection. Of the car parking 4 EV points are proposed with capacity for 4 more (identified on landscaping plan), 2 disabled/accessible spaces and 3 visit spaces.

Cycle parking

5.16 The outline permission requires at least one cycle parking space per dwelling. The permission is complied with and the provision is acceptable. The covered and secure provision is 133% and there is extra space for larger bikes / trailers etc. Additionally there are 12 visitor spaces, which relate to the apartments and the public open space. The layout is annotated with dimensions, to show it is suitable and spacing complies with manufacturer's recommendations.

Heritage Assets

5.17 This Zone is outside of the Heworth Green East Parade Huntington Road Conservation Area. However development will affect the setting as it lies immediately outside of the boundary, which extends to include 26 and 36 Heworth Green and Heworth Court. The description of the conservation area states that the main elements of the character and appearance of the area include - Heworth Green, which has the most architecturally significant and the largest of the suburban houses and villas in the Conservation Area and the trees and gardens surrounding the houses on Heworth Green. Grade II listed 26 Heworth Green is a house dating from 1835, which sits between Heworth Green and development Zone C within the site.

5.18 The outline permission established the principle of buildings 5-storey, with a recessive top floor. The building scale being comparable with the apartment blocks to the west (by the river) and 3-storey town houses on the opposite side of the site, beyond Mill Lane. Furthermore the buildings in the case of Zone A sit behind trees

whilst Zone C buildings will be some 26m - 42m back from Heworth Green. The scheme, by virtue of its location scale, detailed design and roof form would sit comfortably in this part of the conservation area. As per the Council's Architect's comment, a red tone of brick is preferred, reflecting Heworth Green and Mill Lane, and this can be secured by condition. No harm is identified to the character and appearance of the conservation area or the setting of listed buildings.

Residential amenity

5.18 The scale and layout of the building has been approved already through the outline application. The scheme does not raise any concerns in terms of existing resident's amenity.

5.19 Elevations facing Heworth Green are more restrained to respect the conservation area character. This means they do not have large balconies.

5.20 Block C3 is at least 30m from the gardens on the opposite side of the Sustrans route, along Mill Lane. There are intervening trees already along the embankment, which would be reinforced by tree planting within the site. including Birch, Elder, Rowan Sycamore that will be 3m to 4m high at the time of planting. Due to this combination of factors, there would not be undue overlooking.

5.21 As agreed in principle at outline stage this zone of development provides a mix of apartment types. This includes duplex apartments, apartments with their own front doors and gardens. The dwellings will have reasonable outlook and most have their own private outside amenity space (gardens at ground level, balconies on upper floors and use of rooftop areas).

5.22 In terms of accessibility 42no. (44%) of dwellings in Zone C meet Part M4(2) compliance (accessible and adaptable dwellings). Communal areas (internal and external) are Part M4(3) (wheelchair user) compliant.

Travel Plan

5.23 Travel Plans are ultimately controlled through condition 30 of the outline permission. The condition requires that "the following measures shall be repeated annually if the travel plan targets are not met -

- Doorstep Personalised travel planning
- Residents offered vouchers to supplement cycle and equipment purchase
- Residents offered funding for free/discounted public transport tickets
- Residents offered free car club membership & drive time for residents"

5.24 Triggers for implementation of the enhanced measures are detailed in the revised travel plan for this phase (version 1.3). Measures will be implemented if the

travel survey response rates are inadequate and if modal share targets are not met. CYC can agree implementation annually if required, which allows for agreement and implementation of the most appropriate measures.

5.25 The applicants will retain ownership of the development and be responsible for maintenance of communal/public areas. They have confirmed they will appoint and fund the travel plan co-ordinator role. The Travel Plan commits to notifying the council of the co-ordinator and sets out their on-going responsibilities over the lifetime of the plan.

5.26 In respect of ongoing monitoring and feedback from residents condition 8 requires agreement of the monitoring, as Highway Network Management consider a 30% response rate is inadequate.

6.0 CONCLUSION

6.1 This reserved matters application provides the outstanding details following the outline planning permission. The amount and type of development proposed and the landscaping principles accord with the outline permission. This application details the design and appearance of the building and the landscaping. The details accord with national policy within the NPPF, the National Design Guide and Publication Draft Local Plan 2018 policy regarding design and landscaping.

6.2 Planning conditions related to the scheme are contained in the outline permission. Conditions in this application relate to the detailed design and landscaping.

7.0 RECOMMENDATION: Approve

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

Location / site plans

19140-VB-ZC-XX-DR-A-(03)001 Rev B
19140-VB-ZC-XX-DR-A-(03)005 Rev B
19140-VB-ZC-00-DR-A-(03)100 Rev C
19140-VB-ZC-XX-DR-A-(03)105 Rev D

Floor Plans

19140-VB-ZC-00-DR-A-(03)110.4 Rev B
19140-VB-ZC-01-DR-A-(03)111.4 Rev B
19140-VB-ZC-02-DR-A-(03)112.4 Rev B

19140-VB-ZC-03-DR-A-(03)113.4 Rev C
19140-VB-ZC-04-DR-A-(03)114.4 Rev C
19140-VB-ZC-05-DR-A-(03)115 Rev C

Facade details / large-scale details

19140-VB-ZC-XX-DR-A-(03)120 Rev B
19140-VB-ZC-XX-DR-A-(03)121 Rev A
19140-VB-ZC-XX-DR-A-(03)150 Rev C
19140-VB-ZC-XX-DR-A-(03)151 Rev B
19140-VB-ZC-XX-DR-A-(03)152 Rev B
19140-VB-ZC-XX-DR-A-(03)153 Rev B

Elevations

19140-VB-ZC-XX-DR-A-(03)131 Rev B
19140-VB-ZC-XX-DR-A-(03)131.1 Rev B
19140-VB-ZC-XX-DR-A-(03)131 - C Rev C
19140-VB-ZC-XX-DR-A-(03)132 - Rev B
19140-VB-ZC-XX-DR-A-(03)132.1 Rev D
19140-VB-ZC-XX-DR-A-(03)132-C Rev B
19140-VB-ZC-XX-DR-A-(03)133 Rev B
19140-VB-ZC-XX-DR-A-(03)133.1 Rev B
19140-VB-ZC-XX-DR-A-(03)133-C Rev D
19139-VB-ZA-XX-DR-A-(03)134 Rev C
19139-VB-ZA-XX-DR-A-(03)135 Rev C
19139-VB-ZA-XX-DR-A-(03)135.1 Rev C
19139-VB-ZA-XX-DR-A-(03)136 Rev C

Large-scale drawings showing cycle stores / bins

19140-VB-ZC-00-DR-A-(03)160 Rev C
19140-VB-ZC-00-DR-A-(03)161 Rev B

Landscaping

0575-RFM-ZC-XX-DR-L- 0001 Landscape General Arrangement Zone C P06
0575-RFM-ZC-XX-DR-L- 0002 Illustrative Masterplan Zone C P05
0575-RFM-ZC-XX-DR-L- 0003 Planting Schedules Zone C P01
0575-RFM-ZC-XX-DR-L- 0004 Trees in Relation to Utilities and Levels Zone C P03

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

2 Tree planting detail

Application Reference Number: 21/00855/REMM

Item No: 5b

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority all tree planting details. Typical details shall include: means of support, protection (including prevention of strimmer damage), and irrigation; soil volumes and structural soil cell systems where applicable, and the corresponding paving detail, and locations of underground utilities; maintenance regime and responsibilities. Where trees are to be located within, or adjacent to, paved areas, the surface area of soil cell systems, soil volumes, and tree species, and any utilities, shall also be shown on a tree planting plan.

Reason: Required prior to commencement as suitable detailing and maintenance will encourage the proposed trees to survive and thrive. This is necessary as they are a critical element of the approved landscape and setting of the development.

3 Materials

Manufacturer's details of the external materials to be used shall approved in writing by the Local Planning Authority prior to the commencement of construction. The development shall be carried out using the approved materials. Samples shall be provided on site for approval as required by the local planning authority.

A sample panel of the brickwork to be used on the buildings shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of construction. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: In the interests of good design and visual amenity, in accordance with the NPPF, paragraph 130.

4 Large scale details

Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of the buildings. The works shall be carried out in accordance with the approved details.

- Typical sections (to demonstrate compliance with details shown in the design and access statement) to be annotated with AOD levels. Details to show variations in typical ground-to-roof bay in each wall material, and their general variations, such as differing types of recessed feature planes, any wall ventilation grilles, guarding, external rainwater goods, wall interfaces at ground, projecting balconies, set back top floor levels, roof eaves, privacy screens (to external areas). The details shall illustrate brick window reveals are a minimum 200mm deep before the plane of a window.

- Typical visible external soffits
- Any external plant, shown in context.

Reason: In the interests of good design, in accordance with NPPF paragraph 130.

5 Sustrans connection (temporary)

The temporary works plan, as shown on page 58 of the Design and Access statement, and which includes the temporary cycle path link to Foss Islands route, shall be installed prior to first occupation of dwellings within Zone C and made available for public use.

Reason: In accordance with sections 8, 9 and 12 of the NPPF, in the interests of good design, and to sustainable travel, and to secure the benefits of the scheme as detailed in the outline permission.

6 Cycle storage

The cycle storage as shown on approved drawing 19140-VB-ZC-00-dr-A-(03)160 Revision C shall be installed in accordance with the aforementioned drawing prior to first occupation of the relevant building, in accordance with the timeframes for installation as set out in condition 22 of the outline permission 19/00979/OUTM. The cycle maintenance equipment (as specified in the Travel Plan version 1.3 section 4.3) shall be provided in the cycle stores for each building.

Reason: To promote sustainable travel in accordance with section 9 of the NPPF and to acknowledge relevant details required under the outline application are approved.

7 Highways

The buildings shall not be occupied until the areas shown on the approved plans for parking, visitor parking, servicing (visitor parking and servicing as shown on drawing 0575-RFM-ZC-XX-DR-L-0001 P05) and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety and the functionality of the area, in accordance with NPPF paragraphs 112 and 130.

8 Travel Plan

The development hereby permitted shall be carried out in accordance with the Fore Full Residential Travel Plan - Zones A and C version 1.3, and the Fore residential travel plan version 2.3 (approved under condition 30 of permission 19/00979/OUTM for the overall site).

Monitoring

Notwithstanding the approved travel plans, in advance of each annual monitoring survey, the required response rate, or alternative means of measuring travel habits, shall be approved in writing by the Local Planning Authority. The monitoring shall thereafter take place in accordance with the approved details.

Within two months of the completion of the travel surveys, the Developer Travel Plan Coordinator shall prepare a Monitoring Report containing the following:

- Survey methodology and results
- Qualitative feedback
- An analysis on the effectiveness of the Travel Plan
- Proposals for future measures

The report shall be submitted to the Council for discussion and agreement.

Enhanced measures

The following measures shall be repeated annually if the travel plan targets are not met -

- Doorstep Personalised travel planning
- Residents offered vouchers to supplement cycle and equipment purchase
- Residents offered funding for free/discounted public transport tickets
- Residents offered free car club membership & drive time for residents

The annual reviews shall also explore and deliver (subject to demand) space for a second car club car on site.

Reason: To promote sustainable transport in accordance with NPPF section 9 and as a response rate of 30% of occupied dwellings is considered insufficient to adequately monitor travel habits.

8.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) 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: sought revised plans and the use of planning conditions.

Contact details:

Case Officer: Jonathan Kenyon

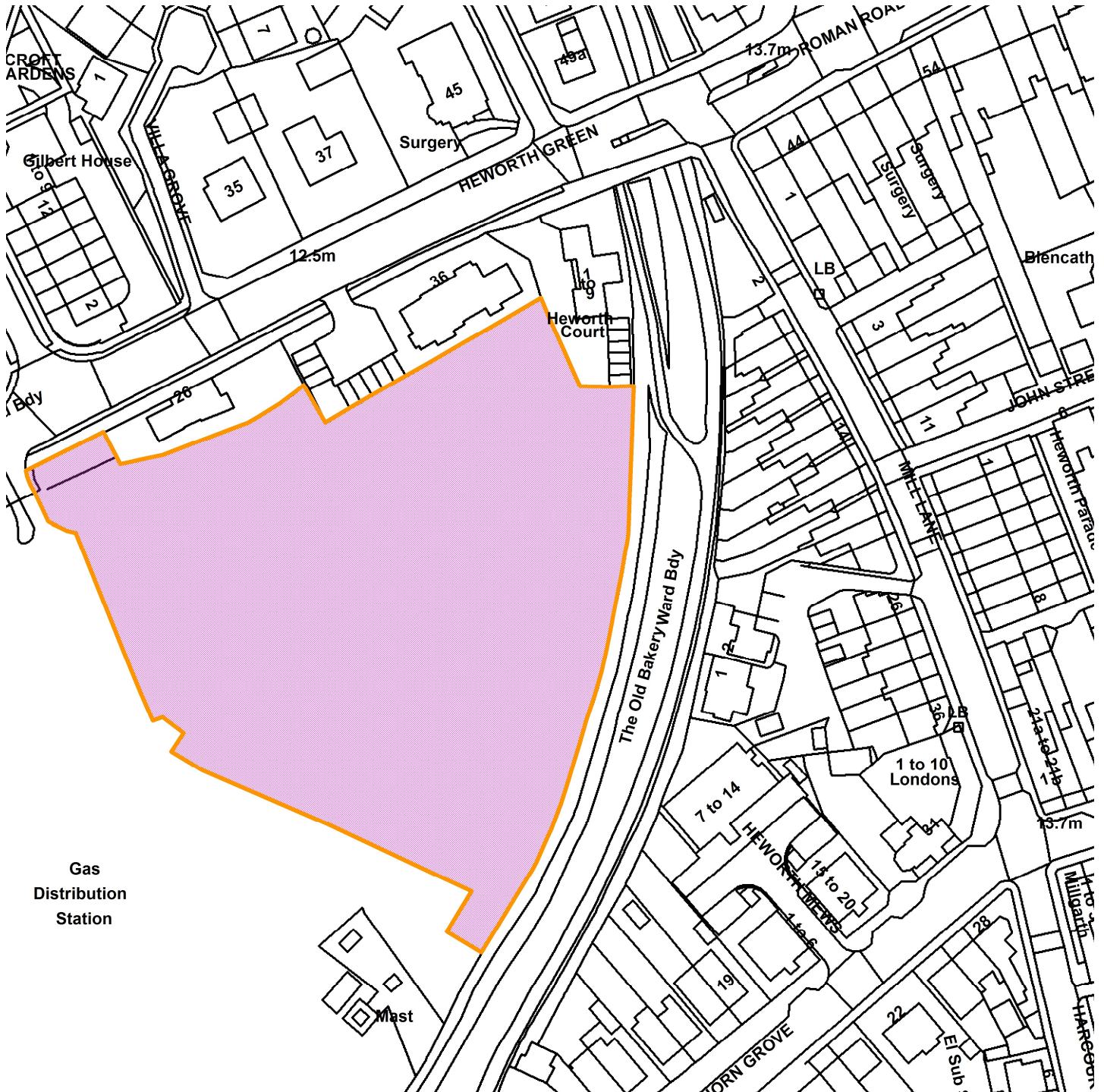
Tel No: 01904 551323

Zone C, Former Gas Works, Heworth Green, York

21/00855/REMM



GIS by ESRI (UK)



Scale : 1:1286

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	27 October 2021
SLA Number	

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