

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

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

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