



## Notice of a public meeting of Planning Committee

- To:** Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, Barker, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Fitzpatrick, Hollyer, Kilbane, Perrett, Warters and Widdowson
- Date:** Thursday, 11 July 2019
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

### AGENDA

#### Site Visits

The mini-bus for Members of the Committee will leave from Tanner Row (double gates next to Council building and The Grand) at **10.00am on Tuesday 9 July 2019**

#### 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. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5:00pm on Wednesday 10 July 2019**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the Committee.

To register, please contact the Democracy Officer for the meeting on the details at the foot of this agenda.

### **Filming or Recording Meetings**

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### **3. Plans List**

This item invites Members to determine the following planning applications:

**a) OS Fields 5475, 7267 and 8384, Moor Lane, Acomb, York [18/02687/OUTM] (Pages 5 - 56)**

Outline planning permission (with all matters reserved except for means of access) for up to 516 residential units (Class C3) with local centre (Use Classes A1-A4, B1a, C3, D1) public open space with pavilion and associated infrastructure and full application for demolition of existing buildings and structures and creation of ecological protection and enhancement zone [Dringhouses And Woodthorpe Ward] [Site Visit]

**b) Land to the North and East of Grid House, Metcalfe Lane, Osbaldwick, York [18/01778/FULM] (Pages 57 - 88)**

Erection of 40 dwellings with associated roads, landscaping and public open space [Osbaldwick and Derwent Ward]

#### 4. Urgent Business

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

#### Democracy Officer

Angela Bielby

Contact details:

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For more information about any of the following please contact the Democracy 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 własnym języku. (Polish)

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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**Abbreviations commonly used in Planning Reports**

(in alphabetical order)

AOD	above ordnance datum
BREEAM	building research establishment environmental assessment method
BS	British standard
CA	conservation area
CIL	Community Infrastructure Levy (Regulations)
CEMP	construction environmental management plan
CYC	City of York Council
DCLP	Draft Development Control Local Plan 2005
DCSD	Design Conservation and Sustainable Development team
dB	decibels
DEFRA	Department for Environment, Food and Rural Affairs
EA	Environment Agency
EDS	ecological design strategy
EIA	environmental impact assessment
EPU	Environment Protection Unit
FRA	flood risk assessment
FTE	full time equivalent
FULM	major full application
GCN	great crested newts
HGV	heavy goods vehicle
IDB	internal drainage board
IPS	interim planning statement
LBC	listed building consent
LGV	large goods vehicle
LPA	local planning authority
NERC	Natural Environment and Rural Communities Act (2006)
NHBC	National House Building Council

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
OAN	objectively assessed need
OUTM	major outline application
PROW	public right of way
RAM	reasonable avoidance measures
RTV	remedial target value
RSS	Regional Spatial Strategy
SHMA	Strategic Housing Market Assessment
SINC	Site of Interest for Nature Conservation
SHLAA	Strategic Housing Land Availability Assessment
SFRA	Strategic Flood Risk Assessment
SPD	Supplementary Planning Document
TPO	tree preservation order
TRO	Traffic Regulation Order
VDS	village design statement
WSI	written scheme of investigation
VAS	vehicle activated signage
VOA	Valuation Office Agency
WHO	World Health Organisation

**PLANNING COMMITTEE**

**SITE VISITS**

**Tuesday 9 July 2019**

**The mini-bus for Members of the Committee will leave from Tanner Row (double gates next to Council building and The Grand) at 10.00**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10.15	Moor Lane, Acomb – meet at Askham Bar Park and Ride (west/railway side), vantage point for viewing applications site and Askham bog	3a

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**COMMITTEE REPORT**

**Date:** 11 July 2019                      **Ward:** Dringhouses And  
Woodthorpe  
**Team:** Major and                      **Parish:** Dringhouses/Woodthorpe  
Commercial Team                      Planning Panel

**Reference:** 18/02687/OUTM  
**Application at:** OS Fields 5475 7267 And 8384 Moor Lane Acomb York  
**For:** Outline planning permission (with all matters reserved except for means of access) for up to 516 residential units (Class C3) with local centre (Use Classes A1-A4, B1a, C3, D1) public open space with pavilion and associated infrastructure and full application for demolition of existing buildings and structures and creation of ecological protection and enhancement zone.  
**By:** Ms Rebecca Mitchell  
**Application Type:** Major Outline Application (13 weeks)  
**Target Date:** 12 July 2019  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 The application is a hybrid application proposing outline permission for a residential-led mixed use development and full planning permission for demolition of a number of buildings within the site and an Ecological Protection and Enhancement Zone (EPEZ).

1.2 The outline application seeks consent for up to 516 residential units, a local centre, a sports pavilion (up to 150sqm) and associated public open space with all matters, except access, reserved. The residential development will be concentrated around the North West side of the site adjacent to Moor Lane. The North East area of the site is intended to comprise the public open space, including playing pitches, a play area and informal recreation areas. The local centre will be sited in the centre of the site but on the East side of the residential area. An indicative masterplan has been provided to help visualise the scheme. Access points are via the existing highway link at Bog Lane and 2 new access points off Moor Lane.

1.3 The full application relates to demolition of a number of farm buildings in the centre of the site (as shown on drawing 23258 RG-M-52) and the EPEZ on the Southern side of the site. The EPEZ forms the boundary with the Site of Scientific Interest (SSSI) Askham Bog. It includes the attenuation ponds for the site with an earth bund between the ponds and SSSI. The EPEZ is not intended to be publically

accessible and will be enclosed by a 1.8m deer fence to the North and a 3m security fence between the bund and SSSI.

1.4 The proposal constitutes schedule 2 development under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. In June 2018 a scoping opinion was sought from the local planning authority (18/01354/EIASP). In October 2018 the council confirmed that the development would be likely to have significant environmental effects and issued its formal opinion on the aspects of the environment that should be considered. The information in the submitted environmental statement is sufficient for the local planning authority to understand the likely environmental effects of the proposals and any required mitigation. The EIA Regulations require this environmental information as well as representations received about the environmental effects of the development to be taken into account in the determination of the planning application.

1.5 The application site extends to approximately 40.5Ha of farmland to the South of Moor Lane in Woodthorpe approximately 3.5km from the city centre. The farmland is divided by mature hedges, trees, a number of farm tracks and field drains. Marsh Farm sits within the centre of the site and consists of a farm house with a mixture of period and modern barns.

1.6 To the West of the site, Bog Lane forms a loop off Moor Lane and provides access to a small residential development formed from the conversion of Eastfield Farm. A public right of way links Bog Lane westwards to the A1237. To the East the site is bounded by the East Coast Main Line with the Park and Ride and a Tesco supermarket beyond. The swathe of land adjacent to the railway is a former landfill site. The South of the site sits adjacent to the Site of Special Scientific Interest (SSSI) Askham Bog. The SSSI is owned and managed by the Yorkshire Wildlife Trust and is accessed off the A1036 near to the exit to Copmanthorpe. It is seen as a swathe of trees to the South of the site and is also identified as ancient woodland.

#### Background and planning history

1.7 The site was not allocated within the Development Control Local Plan incorporating the 4th set of changes (April 2005) and was identified as Green Belt.

1.8 The site came forward as a potential housing site during the Local Plan process and a site of 17Ha (511 homes) was consulted on in 2013 as part of the Preferred Options consultation. Consultation responses raised concerns about the proximity to Askham Bog SSSI and the impact on water quality and quantity in the Bog. Concerns were also raised about uncontrolled access to the Bog and the impact of increased visitor numbers. Natural England and the Yorkshire Wildlife Trust raised concern and requested further information about mitigation for harm to the SSSI.

1.9 During the 2014 call for further sites, the developer brought forward a larger site of 97Ha. Masterplanning of the site showed a residential development of 2000

houses, a local centre, community uses, sports pitches and extensive green infrastructure. The larger site extended from Moor Lane to Askham Bog and to the West close to the A1237. A buffer of around 150m in width was proposed between the development site and SSSI; Natural England and the Yorkshire Wildlife Trust were both of the opinion that this was inadequate to satisfactorily manage the relationship between the development site and SSSI. The larger site was considered to have landscape and heritage impacts and was within an area being identified in the Green Belt Appraisal as having a role in preserving the rural setting of the city. There would also be an impact on the setting of the city and key views of the minster by bringing the development in to the foreground of these views. For these reasons the proposed boundary extension was rejected by CYC.

1.10 In response to this consultation, the developer revised the masterplan while retaining the larger 97Ha area. Additional technical evidence was provided however CYC officers still considered that there were significant delivery constraints on both the smaller 17 Ha site (ST10) and the larger site promoted by developers. Both development areas were identified as having potential to impact on the integrity of the SSSI through changes to its hydrology in both qualitative and quantitative terms; harm through increased unregulated recreational use; disturbance through increased pet predation; and impact on SSSI invertebrates through loss of adjacent habitat. It was considered that further detailed assessment on the impacts was required and without that information site viability and deliverability was uncertain. The severity and complexity of the issues was considered likely to be increased for the larger site, as well as fundamental landscape and heritage impact concerns so for a combination of reasons the site was not taken forward for allocation. At this stage it was considered that issues were less severe for the smaller site and the decision was made to safeguard the smaller site in the emerging Publication Draft 2014. This would allow time for a better understanding of technical impacts, mitigation measures and deliverability issues.

1.11 The 2014 Publication Plan was halted by Members and at the next stage of plan making in 2016 the safeguarded sites' policy was deleted in its entirety along with the associated allocations. The developer has continued to promote the site and provided further technical information through the recent draft Local Plan consultations although the site has remained unallocated. The reasons still being the impact on the hydrology of the Bog and the effectiveness of the proposed mitigation.

1.12 The site remains unallocated in the 2018 Draft Local Plan and falls within the general extent of the Green Belt as defined in the saved policies YH9(C) and Y1 (C1 and C2) of the Yorkshire and Humber Regional Spatial Strategy (RSS).

## **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 Council does not have a formally adopted local plan. However, the York Green Belt has been established in principle for many years although its detailed boundaries in the City of York Council area have never been formally set.

2.3 Although the Regional Spatial Strategy for Yorkshire and the Humber (May 2008) has otherwise been revoked, its 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 saved policies are policy YH9 which states “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. The boundaries must take account of the levels of growth set out in this RSS and must also endure beyond the Plan period” and policy Y1 which explains what local policies should achieve with regards to the economy, environment, transport, and strategic policies for development.

2.4 The Statutory Development Plan for the City of York therefore comprises (1) the saved policies and key diagram of the otherwise revoked Yorkshire and Humber Plan Regional Spatial Strategy (2008) insofar as it illustrates the RSS York Green Belt policies and the general extent of the Green Belt around the City of York as it relates to these policies and (2) any made Neighbourhood Plan. There is no relevant Neighbourhood Plan for this area.

2.5 The site falls within the general extent of the Green Belt as shown on the Key Diagram of the saved RSS Green Belt policies.

### **Draft Local Plans**

2.6 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 for the purposes of S38(6) of the Planning and Compulsory Purchase Act 2004. Its policies are however 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 attached to them is very limited.

2.7 The Publication Draft City of York Local Plan 2018 was submitted to the Secretary of State for examination on 25 May 2018. The Council is currently consulting on proposed modifications to the emerging Local Plan. The Addendum to Topic Paper 1: The Approach to Defining York’s Green Belt is one of the

background documents to the modifications consultation and assesses that the site fulfils a Green Belt function.

2.8 The emerging Local Plan policies can be afforded weight in accordance with paragraph 48 of the Framework 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);
- The degree of consistency of the relevant policies in the emerging 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).

2.9 The following policies within the 2018 Draft Local 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
H2	Density of Residential Development
H3	Balancing the Housing Market
H10	Affordable Housing
D1	Placemaking
D2	Landscape and Setting
D6	Archaeology
GI2	Biodiversity and Access to Nature
GI3	Green Infrastructure Network
GI6	New Open Space Provision
ENV1	Air Quality
ENV4	Flood Risk
ENV5	Sustainable Drainage
T1	Sustainable Access
T7	Minimising and Accommodating Generated Trips
DM1	Infrastructure and Developer Contributions

### **Emerging Local Plan evidence base**

2.10 The evidence base that underpins the proposed emerging policies is a material consideration in the determination of planning applications. The directly relevant evidence base is:

- City of York Housing Needs Update (2019)

- Strategic Housing Land Availability Assessment Figure 6: Updated to 790 dwelling per annum Objectively Assessed Need (2019)
- Topic Paper 1: Approach to defining York's Green Belt Addendum and Annexes (2019)
- City of York Council Topic Paper 1: Approach to Defining York's Green Belt (2018)
- City of York Local Plan Viability Assessment Update Study (2018)
- Strategic Housing Land Availability Assessment and Appendices (2018)
- Strategic Housing Land Availability Assessment and Annexes (2017)
- City of York Strategic Housing Market Assessment Update (2017)
- City of York Council Strategic Housing Market Assessment ( 2016)
- City of York Council Strategic Housing Market Assessment Addendum ( 2016)
- City of York Historic Character and Setting Technical Paper Update (2013)
- City of York Historic Character and Setting Technical Paper (2011)
- Approach to the Green Belt Appraisal and Maps (2003)

2.11 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 this 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.

2.12 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 or policy related to Sites of Special Scientific Interest as set out in the NPPF.

### **3.0 CONSULTATIONS**

#### **INTERNAL**

##### **Forward Planning**

3.1 Land at Moor Lane Woodthorpe has been submitted for consideration through the local plan at several points including; the 2012 Call for Sites, the 2013 Preferred Options Consultation, the 2014 Further Sites Consultation, the Preferred Sites

Consultation 2016, the Pre-Publication consultation 2017 and the Publication Consultation 2018.

3.2 Whilst earlier iterations of the Local Plan did test the initial potential of a moderately sized allocation in this area (17ha) through the preferred sites consultation 2013 and Further Sites consultation 2014, it was concluded through the Site Selection Paper Addendum of October 2014 that the land was only suitable for potential safeguarding due to the lack of certainty around evidence, particularly in relation to the sites impact on the adjacent Askham Bog Site of Special Scientific Interest (SSSI). The safeguarded site was subsequently removed altogether in 2014 as these concerns remained and there were sufficient alternative sites which better met the site selection criteria. The site has not been taken forward as a potential housing allocation in the publication Local Plan submitted for examination on 25 May 2018.

3.3 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. Policy SS2 of the emerging Local Plan proposes the site remains in the green belt. However, given the advanced stage of the 2018 Local Plan's preparation, the extent and significance of unresolved objections to emerging policy SS2 and the stated consistency with the Framework, we would advise that policy SS2 should 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.

3.4 It is also relevant to understand that the green belt boundaries as drawn on the Policies Maps (2018) have been drawn taking account of identified housing and employment needs over the plan period. The evidence base (TP1 and TP1 Addendum) concludes that exceptional circumstances exist to justify incursions into the general extent of York's green belt to meet these needs. The sites that have been identified as causing the least harm to the Green Belt, have been proposed in the emerging Local Plan to meet those needs. The application site is not one of the sites where the evidence base justifies an incursion into the general extent of the Green Belt.

#### Highways Network Management

3.5 Officers have indicated that the proposed trip rate used to assess the level of additional traffic likely to be created by the proposed development is not acceptable. The proposed trip rate is based on average demand across the city and does not reflect the likely demand for car travel in a commuter suburb which is likely to be significantly higher than the city average. This in turn will have an impact on local roads and junctions to access the site. Although this impact has been assessed in the documents provided, it is not representative of the likely level of traffic linked to the proposed development and would need to be revised.

3.6 More realistic trip rates are likely to show that the proposed development will have a significant impact on the A1237, the A1036 (Tadcaster Road) and junctions with the A64. Without the required evidence to show that these impacts can be mitigated, we would object to this proposal as we have no guarantees that 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 (NPPF para 108c); and the current application is not supported by an acceptable transport assessment (NPPF para 111)

#### Design, Conservation and Sustainable Development (Archaeology)

3.7 The site was subject to extensive archaeological investigation between 2013-2015. A desk based assessment, geophysical survey, evaluation, deposit modelling exercise and palaeo-environmental study have taken place across a large swathe of land south and north-west of Moor Lane including the current site. Significant archaeological features were identified relating to Iron Age/ Romano British settlement and land use. The areas containing the best interpreted archaeology are now outside the site boundary and will not be impacted by the current proposal and therefore no further excavation of these features is required. Given the level of previous investigation and site boundary officers are satisfied that no nationally significant archaeology will be destroyed as a result of the current proposals; however an extensive programme of mitigation is still required. Conditions are required for a programme of post-determination archaeological mitigation and a Level 2 building recording of the farm outbuildings which are to be demolished.

#### Design, Conservation and Sustainable Development (Landscape)

3.8 The extent of residential development to the north of Moor Lane, and the lesser amount of development along the south side of Moor Lane currently provides a very well defined settlement edge to the extent of York's urban growth. This built edge is clearly juxtaposed with an open, agricultural, arable landscape, defined by hedges and an obvious array of hedgerow trees. Askham Bog currently sits distinctly separate from the urban edge to the north of it, due to the extent of cultivated and pastoral fields across the plain in between.

3.9 The proposed development brings the relatively dense residential urban edge significantly closer to Askham Bog, both physically and visually. Fields that are currently down to pasture are converted to sports pitches and general recreation. New wetlands and woodland are created to mitigate impacts on Askham Bog, however the latter is quite different in nature to the SSSI.

3.10 The result is that the built edge shares the intermediate landscape with Askham Bog rather than being separate from it. The naturalistic landscape of trees and wetland acting as a buffer to Askham Bog in effect extends that landscape type which then becomes the context of the urban edge rather than the arable fields. The three clearly defined landscape types - built residential form, agricultural fields and Askham Bog, would no longer be clearly defined separate entities. The separating effect of the open fields between Moor Lane and Askham Bog is substantially



reduced. The result is that the overall land mass becomes part of a shared, more complex, but not unattractive, environment. Due to the extension of the built form into the fields that are visible along the northern edge of the Bog, the urban edge would have a much greater influence on the experience of the countryside from Askham Bog.

3.11 The development is not so extensive that its visual impact would cause significant harm to the setting of the city from the outer ring road. The development would obviously encroach into the existing countryside that borders Moor Lane by way of residential development immediately adjacent to the Road thereby enclosing it for much of its length.

Design, Conservation and Sustainable Development (Ecology)

3.12 There is insufficient certainty that the proposed development would not have an adverse effect on Askham Bog SSSI, or would not result in the deterioration of an irreplaceable habitat (lowland fen). In line with the principles of the NPPF and local policy it is therefore not supported.

3.13 Whilst some measures have been proposed to mitigate and compensate for the identified impacts on the SSSI it is not considered sufficient, and their effectiveness can not be relied on due to issues identified with the baseline information and assessment methods used.

3.14 Concern is also raised about the impact of air quality on Askham Bog. Development is typically associated with increased traffic and emissions which can increase the airborne concentration of nitrogen oxides (NOx) and the rate of nitrogen deposition from the atmosphere. Both NOx and nitrogen deposition have been associated with impacts on vegetation even though levels fall quickly in the first few metres from roads before gradually levelling out until, beyond 200m, it becomes difficult to distinguish from background levels.

3.15 The air quality and ecology assessments state that development traffic travelling south down the A1036 is predicted to generate an additional 701 ADDT, below the threshold for more detailed assessment. However CYC Highways have queried the data used in the transport assessment, and as such that used in the air quality assessment, and specifically that low trip rates for the type of development have utilised. Further work has been requested and the air quality assessment in relation to Askham Bog will need to be revised in light of this.

3.16 As the Statutory body responsible for the National network of SSSIs Natural England's objection should be given considerable weight, as should Yorkshire Wildlife Trust's as the site managers.

Public Protection

3.17 Conditions recommended.

3.18 Mitigation has been proposed within the submission for impact to air quality arising from demolition and construction. Changes in traffic associated with the scheme have also been assessed in relation to their impact on existing sensitive receptors. Development traffic was not shown to result in any breaches of the health based air quality objectives and the majority of predicted impacts are shown to be negligible. Part of the site falls on a historical landfill. This can prove a risk to human health and therefore further site investigation is recommended.

#### Public Rights of Way

3.19 No objections. There are no recorded public rights of way crossing or abutting the development site.

#### Waste Management Services

3.20 Information provided regarding domestic waste containment and vehicle access.

#### Older Persons Accommodation

3.21 There is no mention of older person's accommodation in the application. Objections are therefore raised as the proposal does not address the need for a property mix and is not making any provision of specialist older person's accommodation. York has a shortage of each type of specialist older person's accommodation but we would prioritise the provision of extra care accommodation over residential or nursing care beds within the development. The application is for up to 516 dwelling, assuming an occupancy rate of 2 per dwelling this would create a population of 1032. On this basis the number of residents aged 75+ within the development would be 98 rising to 131 over the next twenty years. It would be expected that the development includes independent living or independent living with extra care accommodation. Alternatively the developer should demonstrate how the type and design of the properties reflect the needs of older residents. This could include older person's independent living apartments, the inclusion of bungalows, a proportion of the properties being developed as Part M of building regs Category 2 and 3 dwellings.

#### Affordable Housing

3.22 The Council's affordable housing Local Plan policy H10 specifies 30% on site provision for greenfield schemes, which would comprise 155 of the 516 total proposed. The applicant is proposing additional on site affordable housing to achieve 35% of the total, or 181 homes, as stated in the Planning Supporting Statement. A S106 agreement would be required to secure affordable housing at 30% applied to each phase of development; 80% of affordable housing will be social rented and 20% discount sale tenure; affordable housing will be pepper-potted throughout the development and pro-rata in respect of house sizes and types with no difference in cycle and car parking provision between the market and affordable homes.

### Flood Risk Management

3.23 Mott McDonald consulting engineers were procured to carry out a peer review of all hydrology/ hydrogeology documents submitted in support of the application. This review raised significant questions over the data and methodologies used by the applicant's agents in determining the extent of interactions between the current drainage regime of the proposed development site and the SSSI. The review concludes that the applicant's conclusions regarding the lack of any significant hydrological/hydrogeological interaction between the sites are oversimplified based on the data provided and the analytical techniques used. In addition to this the flood risk and drainage data used to determine the proposed drainage strategy for the site are further questioned based on the assessments that have been provided in the planning documentation. Having considered the Mott McDonald review the LLFA officers are not able to recommend the application for approval based on the content of submitted documentation with this application.

### Early Years provision

3.24 65 early years places would be expected for this development. The expectation would be for provision of a new on-site nursery given the numbers involved.

### Education

3.25 65 pre-school, 129 primary and 74 secondary school places are required by the development. This equates to a financial contribution of £3,508,153 and would be for expansion at Woodthorpe Primary, secondary school expansions in the West York planning area, and EY provision in the vicinity.

### Public Health Integrated Wellbeing

3.26 Comments were made regarding how the proposal responded to the areas of concern for public health in Dringhouses and Woodthorpe ward. Changes were proposed to the layout to more fully incorporate public open space throughout the site to provide more opportunities for physical exercise; a multi-functional open space was encouraged, rather than sports pitches, to provide more inclusive exercise opportunities; and a planned network of footpaths and cycle paths should be included to promote physical activity.

### Sports provision

3.27 It is positive to see that the developer has looked at providing outdoor sport on site. The City of York Local Plan Evidence Base: Open Space and Green Infrastructure Update September 2017 shows that the ward and connecting wards have a shortfall of outdoor sports provision which this development would help to reduce. The sports provision on site would need to consider the makeup of the 516 dwellings and the population that would live on site and then be able to support the appropriate provision.

3.28 Usability of the site may be affected if the pitches are within the flood zone and this would need to be assessed. Management of the site would need to be agreed to

ensure a suitable community group was identified and it would be preferred that the sports pavilion contained a community hall.

3.29 If the application is progressed, the concerns raised by Sport England could be negotiated.

## EXTERNAL

### Dringhouses and Woodthorpe Planning Panel

3.30 The Planning Panel object to the development and have summarised comments from residents who attended a drop-in session. These comments relate to the site not being included with the Local Plan; the site is Green Belt; impact on the SSSI; impact on local watercourses; pressure on local roads which are already congested; local infrastructure is already under pressure; question mark over who will maintain the sports' facilities; sewer upgrade will be required; recreation and domestic animal impacts on SSSI; and large local opposition to scheme.

### North Yorkshire Police Designing Out Crime

3.31 Comments provided to help guide any future detailed application on the site.

### Environment Agency

3.32 No objection, subject to condition. The flood map shows the site within flood zone 1, 2 and 3. A flood risk assessment has been provided and it is recommended that the mitigation measures within this are secured by condition.

### Network Rail

3.33 No objection in principle to the development but some requirements identified in relation to development in proximity to an electrified railway.

### Ainsty Internal Drainage Board

3.34 The Board has concerns about the impact of the development on the SSSI which it would like to see sustained and improved. It is understood that water management and drainage are significant to the SSSI status. The Board does not have the technical expertise to comment on this and ask that the LLFA consider the matter further. Peak flow rates should not be increased in this area because some of it drains to Moor Lane pumping station which is known in times of high flow to be close to capacity. There is no capacity to increase the size of the existing pumping station structure. Conditions recommended.

### Planning Casework Unit

3.35 No comments on the environmental statement.

### Sport England

3.36 The proposal includes 2 football pitches, tennis courts, a sports pavilion and multi-use games area. England considers that any sporting provision should meet an identified demand and as such consulted with a number of National Governing

Bodies for Sport. Detailed comments were received from the ECB, RFU, FA and LTA. Using Sport England's Sports Facilities Calculator (and based on an assumed population of 1218) a demand for a total of £475,307 towards sports facilities would be required from the development. Sport England notes that the Planning Statement (paragraph 4.23) states the exact sports and recreational facilities can be confirmed at the detailed design stage following further discussions with CYC, Sport England and local sporting communities.

3.37 Sport England considers that the sporting provision should be secured at outline stage in order to ensure the right facilities are being provided to meet a need. York is also producing a Playing Pitch Strategy and this will, when complete, identify any shortfall in sporting provision.

3.38 Sport England therefore object to the proposals until the sporting needs arising from the development can be addressed, either through on site provision, and/or off site contributions.

Yorkshire Water

3.39 Conditions recommended.

Historic England

3.40 The historic City of York is unique and particularly sensitive to inappropriate and harmful change within its setting. The proposal site is an important part of the landscape setting of the historic City of York that plays a role in allowing its special character to be appreciated. The proposed development would cause harm to the historic City of York in two fundamental ways. Firstly, it would harm the relationship of the main built-up area with one of its surrounding villages. As such, development of this site would undermine the primary purpose of the York Green Belt. Secondly, it would fail to preserve the special character and setting of the historic City of York. These are both Character Elements of the special character and setting of the historic City identified in the City of York Council's 2013 'Heritage Topic Paper'. Given the harm the proposals will cause we do not consider that it constitutes sustainable development as defined in the National Planning Policy Framework (July 2018) paragraph 8c). Historic England therefore objects to the application on heritage grounds.

Natural England

3.41 Objections raised to the proposal as it will damage or destroy the interest features for which Askham Bog SSSI has been notified.

3.42 Natural England has raised serious concerns about housing development in this location since it was first proposed during the Local Plan process. They have also engaged with the applicant through their Discretionary Advice Service and have welcomed the early engagement and progress made on areas of concern. Issues remain however in relation to recreational disturbance on the SSSI, impact on the hydrology of the SSSI and loss of quality agricultural land.

#### Yorkshire Wildlife Trust

3.43 Objections are raised to the proposed development. The four main areas of concern are the impact on hydrology, isolation of the reserve from the surrounding countryside, damage and disturbance due to the proximity of housing and impact due to changes in air quality. It is considered that the Ecological Protection and Enhancement Zone (EPEZ) raises issues as shallow attenuation ponds are used to provide a barrier to stop human and domestic animal trespass on to the SSSI however it cannot be guaranteed that these will remain wet. It will also be possible to circumnavigate the proposed wet barrier and bund as well as crossing via the access points provided for the IDB. Retention of fences and other barriers in perpetuity is unlike to be possible. The bund is likely to erode and pollute the attenuation ponds. Finally the EPEZ will further isolate the reserve from the surrounding countryside and the fencing will negatively impact on perception of the landscape.

3.44 A report was also commissioned by the YWT from JBA Consulting which gave further technical supporting information on the hydrological and hydrogeological processes that are supporting the Bog.

#### Treemendous York

3.45 Objections are raised to the proposal which is not allocated in the draft Local Plan. The site has been well-considered during the Local Plan process. The proposal will lead to increased highway congestion and impacts on air quality. Significant evidence has been provided as to the detrimental impact on the SSSI. It is suggested that the land is turned over to forestry.

#### Botanical Society of Britain and Ireland

3.46 The Society objects to the proposal as it will result in significant adverse effects on a nationally important botanical habitat. The SSSI is one of the best documented natural sites in the UK and has been a focus for a significant body of research. This makes it an unusually valuable laboratory for the study of environmental change.

3.47 The flora of the site is very rich and while some species were lost in the early 20th century, recent careful management by the YWT has resulted in some recolonisation. The flora is also highly distinctive and less common in this part of the country.

3.48 The diversion of water away from the Bog in the summer and regulation of winter flooding will be severely detrimental to the SSSI. Wetlands are among the most threatened habitats in the UK and depend on proper management of the site itself and the catchment. Building houses on the catchment will inevitably damage the SSSI.

Julian Sturdy MP

3.49 Mr Sturdy raises objections to the proposal which is rightly not included in the draft Local Plan. Woodthorpe should be protected from urban sprawl and the SSSI protected. The development could disturb the local water table which the wildlife of the site relies on and could result in the loss of one of York's most treasured nature reserves. In addition, local infrastructure and amenity cannot cope with the additional pressures.

York Environment Trust

3.50 The Trust object to the proposals. The site of Askham Bog is nationally precious and any chance of damaging it must not be permitted. Whilst the developers may think that they can mitigate against damage to the site the actual ecological structure is far too sensitive for any attempt at nearby large scale building development to be permitted.

York Ornithological Club

3.51 Askham Bog is a unique habitat in the North of England and should be safeguarded for its long term future. There is rich variety of plants, insects, reptiles, mammals and birds there some of which are found nowhere else in the region.

3.52 The mitigation measures are considered insufficient to safeguard the Bog. Closing off the northern boundary will impact on the accessibility to wildlife and groundwater flows will be compromised. Rainwater run off from the new development will be contaminated and not suitable for flowing into the Bog. Diverting water flows from the Bog will increase the risk of it drying out.

3.53 Askham Bog is used extensively by the local community and is a highly valued local and national amenity. It is considered that the measures proposed will not stop unauthorised entry in to the Bog with a consequent detrimental impact.

York Environment Forum

3.54 The importance of Askham Bog SSSI has been recognised with the proposed development site at Moor Lane not being allocated in the Local Plan. Changes in the hydrology of the area are likely to have impacts on the Bog. The 125m buffer may be inadequate to protect the Bog from human activity and to allow continued functioning of the Bog where this relies upon surrounding land for processes which support the ecosystem within the Bog. Unless it has been evidence elsewhere that this distance is sufficient then it appears to have been chosen simply because it is the available distance between the Bog and new development.

3.55 Concern is raised about the purpose of the buffer and if it will have public access.

3.56 York Environment Forum does not oppose development in principle and appreciate that York needs more affordable housing but there appears to be

substantial risk to environmental resource of great value and in the absence of complete certainty that no harm would be caused, the proposal cannot be supported.

#### York Green Party

3.57 The site is clearly shown as Green Belt in the Local Plan and would have a significant impact on the Green Belt by pushing the built envelope further South. The area was taken out of earlier versions of the Local Plan after strong local campaigning to protect Askham Bog and it is therefore inappropriate that it should be developed while the Local Plan is being considered. The population projections for York have fallen so there is no need for development not designated in the Local Plan.

3.58 The development is very close to Askham Bog SSSI. While some mitigation is proposed this will not be sufficient to prevent significant damage to a precious and much loved area. The proposal will alter watercourses and it cannot be known what impact this will have on the Bog. The proposal will enclose the Bog with development and the bund will alter the way water moves through the Bog.

3.59 The masterplan shows each property has a garage. This is not sustainable at a time when we need to move away from reliance on cars because of the impact on climate change. A sustainable development close to the city centre should not rely so heavily on car usage.

#### Yorkshire Philosophical Society

3.60 The YPS is a charity whose remit is to promote the public understanding of science which it does through its annual lecture series. The special features of Askham Bog have been explained in lectures at the Society since 1886.

3.61 The wildlife on the Bog is very sensitive to changes and is entirely dependent on the water table. The Society is concerned that the development will harm the hydrology of the site, lead to predation of wildlife by pets and vandalism. It is known that the wildlife in the Bog uses the development site. Askham Bog is one of York's cultural jewels and we have a responsibility to protect for future generations both as an important scientific site and as part of a sustainable future environment for the city.

#### Campaign to Protect Rural England (CPRE) North Yorkshire

3.62 Objection is raised to the proposals as the development will impact negatively on the Askham Bog SSSI; are inappropriate in the Green Belt; and will impact on the landscape in this rural location. The proposals are therefore contrary to national planning policy and the emerging Local Plan.

3.63 The proposal also results in the loss of 40Ha of agricultural land, 23Ha of which is categorised as the 'Best and most versatile' in line with the NPPF which states that development should avoid this category of land where possible. Development of the site would result in an irreplaceable loss to the setting of the historic city.



3.64 Approval of this application would be premature until the Local Plan has been discussed at Examination.

Councillor David Carr (Copmanthorpe)

3.65 Objects to the scheme as it will have an impact on the SSSI Askham Bog as a result of the increased noise, light, impact on the water table and general disturbance associated with 500+ homes. The site is not allocated in the emerging Local Plan and is in the Green Belt. The impact of increased congestion and air pollution from the development. These are already significant issues on Tadcaster Rd near Tesco's and the Park & Ride.

Councillors Reid, Fenton and Mason (Ward councillors prior to May 2019 election)

3.66 The site is within the Green Belt. The development proposed is inappropriate and the very special circumstances outlined by the applicant are not sufficient or unique to this site. The site also contributes to the purposes of including land within the Green Belt - checking unrestricted sprawl - and is not very limited in its Green Belt purpose as claimed by the applicant. The claim by the applicant in their very special circumstances that there is no coherent strategy for addressing the acute housing need is disputed. The engineering works required to create the EPEZ represent engineering works in the Green Belt and will impact on openness.

3.67 The site is not allocated in the draft Local Plan which has identified enough housing land for future needs. This site is surplus to requirements and the application is premature. The applicant argues that as the site was identified in a previous draft Local Plan and was deleted as CYC decided not to identify any safeguarded land then it is suitable for development. Safeguarded land was removed from the plan to give residents and developers certainty as to which sites would be developed in the plan period. This site was removed as it is not needed for housing.

3.68 The concerns of the Yorkshire Wildlife Trust regarding the SSSI are supported. If the proposed mitigation does not work then there will be a devastating and irreversible impact on the Bog. Further harm to Bog will be caused by the proximity of a large population of residents and the Bog will become isolated.

3.69 The proposal will lead to traffic congestion. There are few local employment opportunities so most people will commute. The provision of community facilities in the application seems to be proposed to appease residents and are not facilities which residents feel are needed.

Councillor Waller (Westfield)

3.70 Objections are raised as the proposal leads to a loss of open space which is at a premium in this part of the city and an increase in urban sprawl. The proposal is contrary to the draft Local Plan and the application, if approved, would jeopardise aspects of the plan.

3.71 The impact on the SSSI is also raised and attention is drawn to the Yorkshire Integrated Catchment Solutions Programme which encourages the retention of peatlands to alleviate flooding, as well the importance of peat in sequestering carbon to tackle climate change.

3.72 The development would have the potential to suffer from surface water problems and may also threaten existing communities with new problems. The impacts of the increased traffic would be felt in neighbouring Westfield ward and this has not been adequately considered.

#### Neighbour notification and publicity

3.73 401 letters of objection have been sent directly to the Local Planning Authority. A petition set up on the Yorkshire Wildlife Trust website sent 7210 emails from members of the public objecting to the planning application to the Local Planning Authority. Of these representations, 6649 were in the form of a standard letter, this raised comments related to:

- The exceptional quality of the site in terms of wildlife
- The role the Bog plays in the cultural heritage of York
- Its dependence on the local water table and sensitivity to disturbance
- Isolation of the SSSI from the wider countryside
- Increased pet predation and damage from unauthorised access

3.74 The remaining 561 emails were deemed to have been substantially altered from the standard letter. These comments have been included with the issues raised by correspondents who contacted the Local Planning Authority directly and are summarised below:

#### 3.75 Impact on Askham Bog SSSI and ecology concerns

- Impact on wildlife
- The site is a wildlife corridor
- Detrimental impact on Askham Bog SSSI
- No benefit for Askham Bog from development
- Development will harm fragile ecosystem at Askham Bog
- Askham Bog will become a target for anti-social behaviour as a result of such a large number of houses in close proximity to it
- Impact on the water table on which the Bog is dependent
- Askham Bog is valued by the community and is part of York's cultural heritage
- Domestic animals from the development will impact on wildlife
- Existing groundwater flooding risks in the area and the development will exacerbate these.
- Askham Bog has high biodiversity value and is one of the last remaining fragments of lowland fens which covered much of the Vale of York

- Askham Bog provides an important research site for the university; research projects would be at risk as a result of changes caused by the proposed development
- The development site is the last link between Askham Bog and the wider landscape
- Fens are very sensitive to changes in water supply and nutrient loadings. The development will disrupt this hydrology
- Askham Bog has already been extensively damaged by atmospheric pollution from the A64; by bringing traffic into closer proximity to the Bog this will only increase
- The proposed mitigation is not likely to be effective
- Chemicals from gardens would run in to Bog
- The Bog is thousands of years old and is irreplaceable
- The application makes no provision for protection of Askham Bog
- Loss of habitat
- Askham Bog is already surrounded by development
- The site should be kept safe for future generations
- The development will increase the isolation of the Bog by cutting it off from the only remaining semi-natural green space on its North side. Increased isolation of nature reserves leads to a loss of species. The NPPF seeks to secure net gains for biodiversity and this scheme clearly runs in the face of that.
- Askham Bog is a peaceful place to walk and experience nature within the city
- Askham Bog is too small to cope with unrestricted recreational access
- Proposal is contrary to Council's policy on biodiversity and SSSI
- The Bog is used by local groups for educational purposes
- The Bog is home to rare plants and insects
- Askham Bog is important as it was the first nature reserve for the YWT
- Importance of Askham Bog recognised in its SSSI status
- The area is a large and well used green space
- Impact of domestic animals on wildlife in the Bog
- The proposal to address groundwater issues appear to involve short term storage and removal which would change the hydrology of the area
- The proposal will alter watercourses in the area and we do not know what impact this will have on the Bog
- Proposal will not enhance or improve the SSSI as claimed by the developer
- The land could be developed for projects more in keeping with ecological concerns and to enhance the future of the Bog and contribute to quality of life by providing green space
- Light and noise pollution would impact on wildlife
- The development fails to protect biodiversity as required by S40 of the NERC Act 2006
- The environment should take precedence over development in green areas
- The proposal will deprive future generations of a precious resource left in trust to the City

- The efforts of the Yorkshire Wildlife Trust and volunteers should be recognised and defended against development plans which threaten to undo them
- Important for people to have the opportunity to connect with nature for our wellbeing
- Accessibility to Askham Bog is good for disabled
- If the development goes ahead it will become a precedent for environmental vandalism anywhere
- The reserve helps to improve water quality, retain water to avoid flooding, clean air by absorbing pollutants and provide wellbeing benefits to people which help alleviate pressure on public health services. Damaging this fragile area will be damaging and having negative consequences on local economies, public health, society and the environment
- The government's 25 year Environment Plan makes it clear that we need to protect and enhancing existing natural environments; this proposal clearly goes against this
- This is the Year of Green Action - the Council should be taking the lead on this
- The Government's Biodiversity Net Gain approach is about ensuring development result in positive net gain for the environment. This development goes completely against this approach
- Wetlands are hugely important for reducing flooding, clean water provision, carbon sequestration and climate change resilience - as a country we are spending money on creating wetlands but we should be protecting existing
- Askham Bog is nationally significant
- The developer's proposed surface water drainage measures have not been adequately demonstrated to mitigate (1) the reduction in groundwater replenishment by infiltration, and (2) the possible pollutant effects compared to direct precipitation. Both of these factors could have devastating long-term consequences for the nearby Bog and need to be reconsidered in light of the extremes of weather that are increasingly experienced.
- The effectiveness of the suggested buffer zone has also been questioned, which in any case would be self defeating if it were to provide the required access for grazing the SSSI.
- The Wildlife Trust is already having to divert vital resources to combat illicit camping and vandalism at the reserve and at this time there is no nearby housing present.
- The area has been in use since roman times for the collection of peat and other uses hence the unique area has been created to lose it would be a tragedy. The Bog was purchased by Francis and Arnold Rowntree in 1946 and was given as a gift to The Yorkshire Naturalists now Yorkshire Wildlife Trust. They recognised the uniqueness of the site.
- The proposed security fencing will not only stop intruders but will also stop wildlife from the SSSI moving freely as it needs to do
- The benefits of the SSSI would be greatly limited if it were necessary to restrict access in the future

- A bond should be required from the developers for the future upkeep of the SSSI
- The site is too big and therefore too near to Askham Bog
- The construction of the bund itself will be harmful to the habitat around
- The developer's plan requires the lowering of water levels and altering of watercourses which would have a damaging and unpredictable impact on the SSSI
- Impact on wildlife when taken with approved scheme for playing pitches at York College
- The ecological buffer will not be impenetrable
- A condition should be included to ensure that the ecological buffer is completed before any other works
- The Council should not just consider the financial benefits of the scheme but also the benefit of wildlife and future generations
- The claim of a positive impact on ecological fragmentation and isolation of the SSSI is not evidenced
- No evidence to back up claim that the new habitats in the EPEZ and POS will deliver substantial gain in habitats of ecological value
- The developers are not local and can therefore not care about the SSSI
- The risks to the SSSI are greatly understated by the developer
- Askham Bog exists because of the glacial moraine along which the A64 runs. York exists for the same reason - it is sited where the Ouse cuts through the moraine. There is a long history of human intervention on the Bog - it is intimately connected with the cultural history of the city
- The raw data of the applicant's environmental survey and hydrological modelling has not been submitted to allow it to be independently reviews
- Askham Bog should be given the same level of protection as York Minster
- The developer's claim that the EPEZ will limit access to the site by domestic animals while allowing free movement of wildlife is contradictory
- Previous development near Acomb Wood evidences the impact of development on natural habitats
- Visual impact of the EPEZ on the was the reserve is perceived - the sense that the SSSI is separate to existing development will be reduced
- No assessment made in submission of impact on Hob Moor LNR through which Holgate Beck drains nor on Caroline Close flood basin which acts as an important wildlife corridor between Hob Moor and unculverted section of Holgate Beck
- The development will restrict the opportunity to expand the reserve in the future to provide buffer zones
- Askham Bog is mentioned several times in the CYC Biodiversity Action Plan (BAP) as one of the most important natural assets of the city and the fen habitat is a BAP priority habitat
- The SSSI is very accessible as it is on a cycle path
- Already significant threats to SSSI from A64

- York does not have enough green space
- Impact on YWT from loss of Askham Bog
- Wetlands are one of the fastest disappearing land uses
- Askham Bog and Hob Moor Nature Reserve share a groundwater linkage whereby the Bog drains to Hob Moor
- Increased rubbish at the SSSI
- One of the only nature reserves in walking distance of city centre
- Impact on insects and pollinators from loss of SSSI
- Scientific experts have identified that development will harm the Bog
- Concern about mistakes in the Environmental Assessment and its independence
- Pollution from building works would harm wildlife
- The SSSI is particularly small and fragile
- Noise and disruption from building and increased population, traffic volume and destruction of habitat would drive away the wildlife

### 3.76 Infrastructure / highways issues

- There are insufficient jobs in York for all the new residents which will lead to more commuting and traffic
- Traffic problems in locality are already bad
- Impact on traffic flows around Askham Bar
- Moor Lane is the only access and cannot deal with the traffic levels
- Alness Drive is already used as a rat run to Acomb
- The new access points will have a detrimental impact on safety at existing access points
- Additional noise and vibration from traffic to the industrial estate
- Traffic is already a nightmare due to traffic from York College during the week
- Coaches and buses use Moor Lane as a short cut
- Impact of additional traffic on school on St Helens Road
- Tax payers will have to cover the cost of the road upgrades which will be required as a result of the development
- Increase in road accidents
- Impact on wider highway network
- No proposals to improve Moor Lane
- Local schools unlikely to be able to accommodate large influx of pupils
- No proposals to improve local amenities which will not be able to cope with additional use
- There is a need for additional sports centre facilities
- A new access should be provided from the Park and Ride site to prevent congestion. It should be paid for by the developers
- There are already parking issues around Woodthorpe School. The proposal would exacerbate these
- No community facilities proposed, particularly for older people
- Woodthorpe doesn't need another school or more playing fields

- Cumulative highway impact with new development on old park and ride site
- Insufficient parking provision will lead to parking along Bog Lane and Moor Lane which already has restricted traffic movement
- Impact on access to the racecourse as an important revenue for the city would be impacted by increased traffic from the site
- Increased power outages as a result of increased demand
- Increased traffic in Askham Bryan as a result of residents cutting through to the A64
- New access points proposed will impact on access to Eastfield Farm
- Impact of additional traffic on Askham Richard and Askham Bryan
- Cumulative impact pressures on infrastructure in combination with Germany Beck and Imphal Barracks
- Concern that deer will be forced off the site and will cause more accidents on the roads

### 3.77 Drainage

- The site will flood - any attempt to address this will impact on Askham Bog
- Impact on drainage for existing homes
- Impact of runoff on existing ponds
- Proposals for water use and conservation only meet minimum requirements for new properties
- Existing problems with water pressure locally
- The water table is high locally and the site regularly floods
- The foul sewers are already incapable of taking the existing flows
- The land provides flood protection for Woodthorpe which would need to be mitigated
- As the land floods, the foundations of houses would not be sound
- Impact on existing drains from Eastfield Farm
- Wide-ranging detailed concerns about the surface water drainage scheme
- The proposed drainage system will greatly alter the ecology of the site
- Usability of playing fields in winter as a result of standing water

### 3.78 Sustainability

- Development should be on brownfield sites
- Reduction in natural spaces in York
- Land should be protected for future generations
- Negative impact on local communities
- Developers have not engaged effectively with local community
- Application was submitted over Christmas at a time when residents are already busy
- Bus services are not 'very good' as stated in the submission
- Other Barwood developments do not have more than the minimum sustainability features required by Building Regulations

- A long term and sustainable view of development is required rather than a short term commercial one
- Agricultural land will be required post-Brexit to provide food
- The loss of agricultural land will impact on farmers' livelihoods
- The proposals do not represent sustainable development
- The submission states that cycling, walking and public transport will be attractive options but they do nothing to positively discourage car ownership, eg limiting car spaces and garages
- The proposal is at odds with the Council's One Planet Living approach to sustainability
- It is not essential to have development of this site
- Edge of town development will encourage car use and commuting to other centres having an impact on health through inactive travel
- Proposal is promoted as high-quality sustainable development but its sustainability credentials are based on potential options that are not guaranteed and limited in scope

### 3.79 Amenity

- Impact of the intensive development on existing properties
- Residents of Moor Lane enjoy the peace and wildlife in their environment
- Construction traffic will have impacts over a long period of time
- Development will lead to rise in crime
- Length of construction and consequent impact on existing residents' amenity
- Woodthorpe is currently a nice quiet area; the new development will spoil this
- The open aspect of Moor Lane is valued by residents
- Increased problem with littering as a result of increased population
- Increased anti-social behaviour from new residents
- The proposed housing on the Moor Lane frontage is bigger than the existing and will overlook them
- Impact of traffic on quality of life of existing residents of Moor Lane

### 3.80 Green Belt/ Local Plan/ Housing need

- Green Belt must be protected
- The site is Green Belt in the Local Plan
- The site is identified in the Local Plan as a buffer between the city and surrounding countryside
- It is premature to bring the site forward until the Local Plan has been adopted
- The old P&R should be redeveloped before this site
- The site provides a break between the city and bypass
- York will become part of the urban sprawl towards Leeds
- Proposal is contrary to Council policy to protect the Green Belt and build on brownfield sites



- The site was rightly omitted from the Preferred Sites consultation of the Local Plan and to back track on this would cause huge ecological and social damage
- Population projections have fallen since the Local Plan was submitted and there is clearly no need for development not designated in the York Plan
- The site is in a location to appeal to people working in Leeds and will not help with York's housing problems
- There are some houses locally which haven't sold; do we need more housing?
- Need for housing in York does not outweigh objections to this site
- Concern raised about proposed housing figures for city and need for new homes without provision of new infrastructure and jobs.
- The Council should concentrate on building affordable housing for local people who need it
- Concern that development of the site will lead to further Green Belt development around Woodthorpe
- Moor Lane provides a clear boundary to the city so the proposal would extend the urban area
- The proposal would not provide the type of homes required in the city at the prices required
- The Germany Beck development is not comparable, contrary to the developer's suggestion
- The provision of new housing should be pursued through smaller developments, conversions, an empty homes programme and specialist provision
- Developers should be given financial incentive to develop brownfield sites
- The proposal is trying to circumvent the Local Plan process by applying for development on a site which is not in the Plan - the Plan has been widely consulted on and evolved in response to the comments received
- Should be improving existing housing stock rather than building new homes
- Amount of affordable housing is too low for the level of environmental damage that it will result in
- The proposal site fails harms the relationship of the main built-up area with one of its surrounding villages (Copmanthorpe) and also fails to preserve the special character and setting of the historic city
- The very special circumstances put forward by the developer are not supported
- Proposed 35% affordable housing will not be achieved in reality

### 3.81 Other issues

- Many of the new houses are over 2 storeys in height and this is not in keeping with neighbouring existing properties
- Harm to existing residents and wildlife from increases in CO2

3.82 Also received were 2 letters of support and one making general comments. These note the need for new development, particularly housing, in York; the good location of the site close to the ring road and park and ride and the wider community benefits of the proposals. It is also noted that a smaller area of the site could be developed to restrict the impact on Askham Bog as there is an urgent need for housing.

## **4.0 APPRAISAL**

### **4.1 KEY ISSUES**

Principle of the development - Assessment of harm to Green Belt

Landscape and visual assessment

Ecology

Local centre

Highways issues

Layout

Design

Amenity

Education

Open space, sports and leisure

Archaeology

Sustainability

Flood risk and drainage

Housing density and mix

Very special circumstances

## **PRINCIPLE OF THE DEVELOPMENT**

### **GREEN BELT**

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

4.3 As noted above, saved Policies YH9C and Y1C of the Yorkshire and Humberside Regional Strategy define the general extent of the York Green Belt and as such Government Planning Policies in respect of the Green Belt apply. Central Government Planning Policy as outlined in paragraphs 133 to 141 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. Substantial weight should be given to any harm to the Green Belt.

4.4 The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of the Green Belt are its openness and permanence.

The Green Belt serves 5 purposes:

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

4.5 The NPPF (paragraph 143) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

4.6 There are a number of different elements to the proposed scheme and these need to be assessed individually against Green Belt policy.

4.7 Para.145 of the NPPF states that the construction of new buildings is inappropriate except in certain specified exceptions. One of these exceptions (para.145b) is the provision of appropriate facilities for outdoor sport so long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The outline element of the proposal includes provision of a sports pavilion which would fall within para.145b provided that it preserves openness and does not conflict with Green Belt purposes. The addition of a sports pavilion will adversely impact on openness by introducing a built form on to land which is currently undeveloped countryside. Furthermore the proposed pavilion will conflict with the purposes of including land within the Green Belt by failing to safeguard the countryside from encroachment. It is therefore considered that the sports pavilion fails to meet para.145b of the NPPF and represents inappropriate development by definition.

4.8 All other buildings proposed within the site do not fall within any of the exceptions listed in para.145 of the NPPF and therefore represent inappropriate development. This includes the residential development of 516 dwellings and the local centre.

4.9 Para.146 of the NPPF details certain other forms of development which are not inappropriate in the Green Belt providing they preserve its openness and do not conflict with the purposes of including land within it. These include engineering operations (para.146b) and material changes of use in the land (para.146e). The construction of the attenuation ponds, play areas, access points, fencing and bund are all engineering operations within para.146b. However, it is considered that all of these elements adversely impact on openness as a result of the introduction of alien elements into an undeveloped landscape. These elements of the scheme are also considered not to preserve the setting and special character of the historic town of York; nor to prevent neighbouring towns merging into one another; nor to safeguard the countryside from encroachment. The addition of these alien elements reduces the rural landscape which has been identified as important to the historic setting of

the city as well as eroding the space between the urban area and Copmanthorpe. The introduction of features, particularly the bund, fencing and play areas, which would not normally be seen in the countryside lead to encroachment into that countryside.

4.10 The proposed playing fields, allotments and public open space adjacent to the railway line and in the North East corner of the site fall within para.146e and are considered not to harm openness nor to conflict with the purposes of including land within the Green Belt. While it is recognised that some elements associated with these forms of development may cause harm to openness and Green Belt purposes, the proposed change of use of the land is, in accordance with para.146e, not inappropriate in the Green Belt.

## LANDSCAPE AND VISUAL IMPACT

4.11 The proposal includes large areas of public open space to the East in response to the green infrastructure corridor identified in the CYC Green Corridors Technical paper (January 2011). Incorporating public open space within the Green Infrastructure corridor increases its public accessibility and recreational function and hence, potentially, its overall value, notwithstanding specific sports requirements and bio-diversity effects. Tree buffers of 20m and 10m in depth are proposed along the western and southern edges of the proposed urban extension. Both about the remaining open fields and would help the development to sit in its landscape context and contribute to the screening of the site from longer distance views. A further tree buffer would be planted along the boundary with the East Coast mainline.

4.12 However the existing site is predominantly agricultural and open in character. Moor Lane provides a strong edge to the urban form and there is little urban incursion into the agricultural land to the South. There are three clearly defined landscape types adjacent to and within the site - built residential form, agricultural fields and Askham Bog. These would become less clearly defined entities as the separating effect of the open fields between Moor Lane and Askham Bog would be substantially reduced. The new wetlands and woodland of the EPEZ neither replicate the landscape of Askham Bog nor are in keeping with the local landscape character of arable fields. The proposal will introduce, alongside the residential development, two new landscape types - formal recreational space which is broadly open in character, and the EPEZ.

4.13 The EPEZ is formed from the attenuation ponds for the drainage strategy for the site, an earthwork bund to the South of the ponds with thorny hedging on top and 3m high security fencing beyond this with deer fencing separating the EPEZ from the agricultural land and development site to the North. This is an area of the site which has been designed specifically to exclude people and animals (domestic pets) and is a significant and unnatural intervention in the landscape. Much of the Bog is currently openly accessible with little substantial restriction between movement in and out of the SSSI and the fields to the North of it. The EPEZ will

significantly impact on this open access by creating a barrier with fencing and a bund which will be different in character by reason of its form, vegetation and topography to the existing landscape.

4.14 There would also be an increase in tree cover and a greater variety in the landscape features than are currently visible on the site. The increased tree cover, earthworks, fencing and other features associated with the EPEZ will reduce the openness that is a feature of the existing agricultural landscape which is typical of the setting of York. The new wetland feature created by the attenuation ponds in the EPEZ is intended to be seen as an extension to the landscape of Askham Bog however the large earthworks and artificial water bodies are not considered in keeping with the already identified landscape character of the site.

4.15 The receptor at Askham Bog is highly sensitive because the user is largely there for the purposes of enjoying the outdoors, the natural landscape and for contact with nature. Currently views are available out from Askham Bog towards the development site. Controlled movement around the SSSI is encouraged by the use of a boardwalk but access to other areas of the Bog is not prevented and it is possible to use paths to walk to the northern boundary of the Bog and look out across fields to the urban area. These views across open fields place Askham Bog in its rural context on the periphery of the city as a remnant of a former landscape from which the surrounding fields have evolved.

4.16 The proposed tree-topped bund would effectively curtail all views out of or in to Askham Bog along the northern boundary. From the northern boundary of the Bog the view would be a 3m security fence with a tree topped bund beyond. Any context of the Bog sitting within a rural landscape is lost and the only view will be of the man made features of the EPEZ. The stopping off of views from the SSSI towards the urban edge will result in visitors no longer being able to read the Bog in its rural context, separate from the growth of the city. The enclosure of the SSSI both visually, by the bund, and physically, by the security fencing, is considered to significantly harm the landscape setting of the Bog by further isolating it from its wider setting which provides its context.

4.17 The future landscape impact of the proposal would result in an increase in variety and landscape detail across the site and would cause a significant physical change to the landscape character within the application site itself. The scale of permanent and irreversible change to the landscape receptor by way of the proposed housing is very high. The perception of change would be most pronounced from Moor Lane, where built development would replace open, arable farmland. Views from Moor Lane would be significantly curtailed and enclosed by the new housing and the impression of Moor Lane forming the boundary between the urban centre and countryside would be lost. The scale of change to the remaining landscape of the application would be high, since there would be complete loss of the typical arable landscape and an introduction of earthworks and

boundary treatments that conflict with the characteristics of the existing landscape and landscape context.

## ECOLOGY - ASKHAM BOG SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)

4.18 Askham Bog SSSI lies directly to the South of the proposed EPEZ. The Bog was formed as the glaciers retreated leaving a lake which then became silted up. The Bog sits on top of a series of clays, mud and peat with the remains of the glacial moraine being visible as the ridge which the A64 now follows. It has been used since the Romans lived in York as a source of peat for fuel and this has resulted in a variety of habitats. The centre of the Bog is rainwater fed resulting in different habitats to the edges of the site which are fed by groundwater. As a result the site contains a very wide range of plant species and animals within a wetland habitat which is scarce both regionally and nationally. The variety and scarcity of the species on the site has resulted in it being an important resource for scientific research for over 200 years.

4.19 Historically, Askham Bog has an important cultural significance for the city. It was gifted in 1946 by Arnold Rowntree and Francis Terry to the Yorkshire Naturalists Trust. The Trust was formed to preserve Askham Bog and is now known as the Yorkshire Wildlife Trust.

4.20 Para.175b of the NPPF states that:

'Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse impact on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest'.

4.21 During the Local Plan process significant work was done to assess the possible impacts of development on the site adjacent to Moor Lane on the SSSI. These impacts can be broken down in to two broad categories - hydrological impacts and urban edge impacts.

### Hydrological impacts

4.22 Mott McDonald were commissioned by the Council to carry out a review of all the hydrology information submitted by the applicant and also that of the YWT and Natural England. The review raised significant questions over the data and methodologies used by the applicant in determining the extent of interactions between the development site and the SSSI.

4.23 The Mott McDonald reports concluded that basic hydrogeological analyses that would aid understanding of the groundwater flow on site are missing from the applicant's submission. The simplest hydrogeological model of a continuous groundwater body flowing down to the immediately down-gradient Askham Bog is discounted despite it being the most likely option from a consideration of topography, geology and basic hydrogeological principles. Such a model would also account for fluctuation in Bog water levels in mirroring changes in surface water levels in Holgate Beck as has been identified in the YWT submission. The applicant's claim that the Bog depends entirely on rainwater is a misrepresentation of the system.

4.24 The report also notes a number of concerns over data quality and presentation of findings.

4.25 The submissions of the YWT and Natural England are consistent with the finding of the Mott McDonald report. They demonstrate that the applicant has misrepresented the hydrological system of Askham Bog in relation to groundwater connectivity between the site and Bog. The YWT has provided detailed evidence from four years of records which show that hydrological continuity occurs between the site and Bog. The development would result in a change in drainage from a situation where rain gradually infiltrates across the entire site to one where it is managed and fed down to attenuation ponds. This would clearly impact on the quantum and quality of groundwater reaching the Bog.

4.26 Wetlands are particularly vulnerable habitats. As Askham Bog is fragmented from other similar sites, being surrounded by the A64, East Coast mainline, golf course and fields to the North, it is particularly vulnerable to environmental change. Changes to water quality and supply of water would be significantly harmful to the site and species which are found there. It is particularly noted that the species *Carex elongata* (gingerbread sedge) is part of the designated features of the SSSI and is dependent on winter flooding of the wet woodland at the west of the reserve. Alterations to hydrology as a result of the development will impact on this.

#### Urban edge impacts

4.27 The EPEZ has been proposed to provide a buffer to mitigate for urban edge impacts on the SSSI as identified during the Local Plan process. These impacts include increases a number of issues including littering, predation by cats, vandalism, dog fouling and disturbance of stock but also increases in unauthorised access.

4.28 There are concerns that the proposed EPEZ will not be effective in mitigating for these harms. The EPEZ includes bodies of water, fencing and thorny bushes but it is noted that the water bodies (attenuation ponds) are only 30cm deep and there is a high risk of them drying out in times of drought. Regular dredging will be required to maintain their depth. The thorny scrub proposed to the top of the bund will take

some time to establish and become an effective barrier as well as not providing a continuous belt - access needs to be maintained for the Internal Drainage Board to maintain the existing field drains.

4.29 Likewise fencing cannot be guaranteed as a long term barrier. Regular maintenance would be required for the lifetime of the development to ensure damage from vandalism or general wear and tear. A management plan for the buffer zone has suggested inspection of the fence four times a year but this may not be enough given the proximity of the EPEZ to areas of public open space where the fences will be in close proximity to more people.

4.30 The fence itself does not directly tie in to any particular feature at its western end close to the golf course. As a result there is little to stop people or cats simply walking around the fence. The EPEZ ends level with the western boundary of the residential development which itself follows existing field boundaries. These field boundaries are currently used by walkers despite having no public access and it is considered likely that these show a clear desire line from Woodthorpe to the Bog.

#### Other ecological concerns

4.31 The EPEZ, while not providing a secure barrier to stop access from cats and people from the site in to Askham Bog will provide a barrier for wildlife moving between the SSSI and wider landscape. Para.170 of the NPPF requires that planning decisions contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Askham Bog is already bounded by the East Coast mainline, A64 trunk road and a golf course. The EPEZ will then fully enclose the SSSI entirely isolating it from surrounding habitats. Given the importance of connectivity between habitats emphasised in the NPPF this isolation of the SSSI raises further concern about the impact of the proposal on the future wellbeing of the Bog.

4.32 In addition, concern has been raised about the impact of pollutant run-off from the development site entering surface and ground water and impacting on the SSSI. The Mott McDonald report highlights an existing impact from urbanisation shown by increased levels of chloride and Total Dissolved Solids in water samples from the North of the site closest to the urban area. It is reasonable to infer that the extension of the urban area further South towards the Bog will result in impacts to the groundwater further south by bringing the source of pollution closer to the Bog. The loss of dilution currently achieved by the infiltration of water across the site to be replaced by a surface water drainage scheme will further impact on this.

4.33 Erosion from the bund may also increase levels of sediment in to Askham Bog Drain further altering the ecology of the Bog.



4.34 Finally concerns are raised about the impact of air quality on Askham Bog. Increased traffic and emissions levels associated with development can impact on vegetation. The Design Manual For Roads And Bridges (Dmrb Volume 11 Environmental Assessment, Section 3 Environmental Assessment Techniques, Ha 207/07 Part 1 Air Quality) recommends that air quality should be modelled for roads within 200m of a designated site where daily traffic flows will change by 1,000 Annual Average Daily Traffic (AADT) or more; if below this the impact of the scheme can be considered to be neutral in terms of local air quality. The SSSI is within 200m of the A64 and A1036 Tadcaster Road on its southern edge. Air quality and ecology assessments submitted with the application state that development traffic travelling south down the A1036 is predicted to generate an additional 701 AADT, below the threshold for more detailed assessment. The Local Highways Authority have queried the data used in the transport assessment, and as such that used in the air quality assessment, specifically that low trip rates for the type of development have utilised. Further work has been requested and an update will be provided at committee in relation to this issue.

## LOCAL CENTRE

4.35 A local centre of approximately 0.35Ha (with a maximum floorspace of 800sqm) is proposed on the eastern edge of the residential development. It is intended that the centre will have no more than 200sqm of A1-A4 uses to ensure that the provision will not impact on existing centres. Other uses including B1a and D1 would also be possible within the local centre which would include flats above the commercial units.

4.36 Policy R1 of the emerging Local Plan sets out a retail hierarchy to protect the vitality and viability of the city centre, district and local centres. Main town centre uses are directed to the centres identified in this policy and proposals for main town centre uses outside a defined city, district or local centre should be accompanied by an impact assessment if they exceed defined thresholds. In the case of local centres, the defined threshold is 200sqm gross floorspace.

4.37 The proposal does not exceed the 200sqm threshold as defined in policy R1 and no impact assessment would therefore be required. The scale of the local centre is such that it is considered to provide for the day to day needs of future residents and will not impact on existing local centres.

## HIGHWAYS ISSUES

4.38 The proposal is for three main junctions off Moor Lane with an additional minor access point serving a cul-de-sac for a small number of properties. A cycle/ foot way will be provided on the South side of Moor Lane for the full length of the site frontage. In addition a controlled pedestrian crossing is proposed on Moor Lane close to the new central access road to give safe access to the existing bus stop on

the North side of Moor Lane. A new Toucan crossing is proposed on Moor Lane near the Chaloners Road roundabout to tie into the existing road cycle lanes.

4.39 Car parking is proposed in a mix of on plot and on street parking - levels are to be agreed at reserved matters and in line with Council guidelines. Cycle parking will be integrated in garages where provided and otherwise within secure stores with a minimum of 2 spaces per dwelling and one per flat.

4.40 A network of paths will circle the amenity open space and link from there to Moor Lane at the eastern extent of the site. A path will also follow the southern boundary to link with the PROW leading up to the A1237.

4.41 The trip rate used by the applicant to assess the level of additional traffic likely to be created by the proposed development has been identified as unacceptable by the Local Highway Authority. This is because the trip rate used is based on average demand across the city and does not reflect the likely demand for car travel in a commuter suburb, which is likely to be significantly higher than the city average. This in turn will have an impact on local roads and junctions to access the site. Although this impact has been assessed in the documents provided, it is not representative of the likely level of traffic linked to the proposed development and would need to be revised to take account of revised trip rates for the site. More realistic trip rates are likely to show that the proposed development will have a significant impact on the A1237, the A1036 (Tadcaster Road) and junctions with the A64.

4.42 Without the additional information requested then it is not known whether significant impact from the development on the transport network in terms of capacity and congestion can be acceptably mitigated.

## LAYOUT

4.43 As the residential element of the scheme is in outline, with all matters except access reserved, details shown relating to the layout of the housing development are indicative. However, it is clear from this indicative layout that the proposed housing levels could be achieved on site at a density in keeping with the character of the area. Densities will be slightly lower on the southern and western edges of the site to provide a more gradual transition to the countryside beyond.

4.44 Along Moor Lane, new properties will face the highway with a mix of detached and semi-detached dwellings. The existing hedgerow will be retained and strengthened and properties will be set back from this with an access drive running along behind the hedge. To the outer site boundaries sufficient distance will be retained between properties and the planted buffer to prevent any future pressures to prune trees to improve residential amenity.

4.45 Public Health have raised concerns about the layout of the site and made a number of recommendations. They have requested that the development is redesigned to include a connection of green corridors throughout the development with spaces to promote different types of activity. These spaces should be overlooked to encourage passive surveillance. Also, a multi-functional open space should be designed for use by all age groups. This will help reduce social isolation and encourage access to good quality and safe open space with consequent positive impacts on physical activity and mental health. Outside space should be accessible to all. Further information is also required as to why football pitches have been proposed when there are other sports pitches in close proximity. It is considered that these issues could be resolved at reserved matters stage if the application were to be progressed.

## DESIGN

4.46 The applicant suggests a palette of materials to follow those of the existing dwellings. These are mostly suburban in character with red bricks and tiled roofs. Detailed design considerations would be covered at reserved matters stage.

4.47 In terms of scale, properties will be between 2 and 2.5 storeys. Again the lower buildings will sit on the southern and western edges of the site with the 2.5 storey properties in the centre and along Moor Lane. Where the site tails off to the West all properties, including those along Moor Lane, will be 2 storey in height. It is considered that the proposal would meet the requirements of policy D1 of the emerging Local Plan in terms of the design parameters.

## AMENITY

4.48 In terms of amenity, it is not considered that existing residents would be significantly impacted by the proposals. Given the proposed scale and siting of the new properties, it is considered unlikely that there would be any overlooking, overshadowing or overbearing impact on existing properties. There are two existing properties on the South side of Moor Lane which would be surrounded by the new development on three sides. One is bungalow and the other a dormer bungalow and both sit in good sized gardens. Both properties currently enjoy good views out over the application site which will be lost if the site were developed. However there is no legal right to a view and it is considered that both properties will still retain a good outlook given the space about each property.

## EDUCATION

4.49 Para.34 of the NPPF states that local planning authorities should set out in their plans the contributions expected from development towards infrastructure including educational facilities. Emerging Local Plan policy ED6 'Preschool, primary and secondary education' supports the provision of sufficient modern education

facilities for the delivery of preschool, primary and secondary school education to meet identified need and address deficiencies in existing facilities.

4.50 No on-site provision is proposed however the development will increase the demand for places at existing establishments. Education officers have estimated that, based on 516 houses, no flats and no places available in nearby education establishments, then a yield of 268 pupils (65 pre-school, 129 primary, 74 secondary) would be expected. This leads to a commuted sum of £3,508,153. Given the number of places, it would be expected that a nursery was provided on site. As the application is in outline the payment would be based on a formulaic calculation according to number and mix of dwellings provided. This could be secured by a S106 agreement. The applicant has been asked to confirm their agreement to the payment but no response has been received and therefore the proposal fails to comply with policy ED6 and the impact of the development on existing educational facilities is not mitigated.

## OPEN SPACE, SPORTS AND LEISURE

4.51 Emerging Local Plan policy GI 6 'New open space provision' requires that all residential development proposals should contribute to the provision of open space for recreation and amenity. In addition, 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.

4.52 The proposal will deliver 12.02 Ha of new open space excluding the EPEZ. This is within the outline application area of the site and so all proposals are indicative. It is suggested that the open space will include informal amenity space, sports pitches, allotments and a play area.

4.53 It has been calculated that the 516 dwellings proposed would generate a need for 10,000m<sup>2</sup> of amenity open space, 3000m<sup>2</sup> of play space and 30,000m<sup>2</sup> of sports pitches (43,300m<sup>2</sup>, or 4.3 Ha, in total) based on the document 'Commuted sum payments for open space in new developments'. While recognising that some of the identified area of open space is within the flood zone, thereby limiting its usefulness as playing pitches, it is considered that there is sufficient space within on-site to meet the requirements of policy GI6 subject to further discussions.

4.54 Sport England have objected to the scheme as it will generate demand for sporting provision but does not identify the correct sport facilities for the identified need. The Planning Statement submitted with the application states that the exact sports and recreation facilities can be confirmed at detailed design stage. It is also noted that the Council is in the process of producing a Playing Pitch Strategy which will identify any shortfall in sporting provision. As part of their consultation Sport England have provided details of various National Governing Bodies for Sport as to existing shortfall and future requirements for sporting clubs within the city. A

calculation has been provided to indicate the likely demand that will be generated by the development.

4.55 There is an identified shortfall of outdoor sports provision in this ward and connecting wards which the development could help to reduce. Detail of the proposed pitches has not been provided as the application is in outline but, as detailed above in para.4.53, there is sufficient space on site to provide for the sporting needs of future occupiers. If the application were to be approved, details of sports provision could be secured via condition and future management of it could be secured within a S106 agreement as suggested by the applicant in their heads of terms.

## ARCHAEOLOGY

4.56 Significant archaeological investigation has been undertaken on the site between 2013-2015. Significant archaeological features relating to Iron Age/Romano-British settlement and land use were identified predominantly on areas of higher land. However, officers are satisfied that no nationally significant archaeology will be destroyed under the current proposals. An extensive programme of mitigation would be required and could be secured via condition.

4.57 Marsh Farm is shown on the mid 19th century OS plan but has been altered and enlarged over the years. It is believed that the original farm buildings are still extant although in varying degrees of preservation. Given that these buildings are to be demolished the original elements of the farm should be subject to a light level of recording secured via condition.

## SUSTAINABILITY

4.58 Development has an important role in tackling climate change and delivering sustainable development goals in line with the NPPF. Emerging Local Plan policy CC1 'Renewable and low carbon energy' states that new buildings must achieve a reasonable reduction in carbon emissions of at least 28%. Emerging Local Plan policy CC2 'Sustainable design and construction of new development' requires that development demonstrate high standards of sustainable design and construction; demonstrate energy and carbon dioxide savings in accordance with the energy hierarchy and water efficiency; consider good practice adaptation principles for climate resilience. New residential buildings should achieve a 19% reduction in emission rates and a water consumption rate of 110l per person per day. Non-residential buildings with a floor area of 100m<sup>2</sup> or greater should achieve BREEAM excellent.

4.59 The sustainability statement submitted with the application sets out considerations for addressing these policies. Connection to district heating is not proposed given the relatively low density of development (35dph compared with 55dph typically required for an economically viable heat network). Overall heat requirements for modern homes is relatively low as a result of improved construction

methods as well as the targets included in policies CC1 and CC2 further reducing energy demand. Suggested possible renewable technologies are PV panels, solar water heating and air source heat pumps. It is proposed that a combination of these technologies would be used to deliver the reduction required in policy CC1.

4.60 Given the commitment in the energy and sustainability statements submitted by the applicant to meet the requirements of policies CC1 and CC2 it is considered that these matters could be secured via condition and developed in detail at reserved matters stage to ensure that the proposal meets policies CC1 and CC2.

## FLOOD RISK AND DRAINAGE

4.61 The Environment Agency have confirmed that flood risk could be dealt with on this site via conditions to ensure development was carried out in accordance with the submitted Flood Risk Assessment. This would ensure built development was located entirely in flood zone one, appropriate finished floor levels and compensatory flood storage was provided.

4.62 The Lead Local Flood Authority acknowledge that the surface water attenuation scheme appears to be appropriately designed to take all flows from the site but recognise that this does not take into consideration the hydraulic connectivity between the development site and SSSI. Consequently, while concerns raised about the proposed drainage strategy are not considered significant when viewed in isolation, the proposed change in the form of surface water drainage across the development site has already been identified as raising more fundamental concerns in relation to its impact on hydrology of the SSSI.

## HOUSING DENSITY AND MIX

4.63 Policy H2 of the emerging Local Plan identifies appropriate housing densities for different character areas in the city. The site falls within the rural and village area where the suggested housing density is 35 units per hectare. The proposed number of units on site has been calculated using this figure and is considered acceptable in relation to the context and policy compliance.

4.64 In terms of affordable housing policy H10 of the emerging Local Plan specifies 30% on site provision for greenfield schemes. The applicant is proposing 35% on site affordable housing. Information has been provided in relation to details of the mix and tenure required and this could be secured via a S106 given the applicant's proposed heads of terms.

4.65 No consideration is made of older person's accommodation, residential and nursing care, extra care or independent living properties in the application. Emerging Local Plan policy H3 'Balancing the housing market' seeks to balance the housing market across the plan period and work toward a mix of housing identified in the Strategic Housing Market Assessment. Residential development should reflect the

diverse mix of need across the city. Information within the planning statement indicates that type and tenure of properties can be agreed at reserved matters stage. It is considered that appropriately worded conditions could secure an appropriate housing mix to be discussed at reserved matters stage.

## VERY SPECIAL CIRCUMSTANCES

4.66 The applicant has put forward a number of benefits to the scheme which they claim provide the very special circumstances required by paragraphs 143 and 144 of the NPPF to clearly outweigh harm to the Green Belt through inappropriateness and any other harm. These proposed very special circumstances are:

### *4.67 The site is Green Belt by default*

*The York Green Belt boundaries have never been formally adopted and therefore all land on the edge of York is considered by the Council to be Green Belt regardless of its function. No considered Green Belt assessment and boundary setting exercise or up to date evidence base has been undertaken to support the inner Green Belt boundaries.*

### *4.68 The site performs a very limited Green Belt purpose*

*The role the site plays in relation to Green Belt functions is extremely limited to principally preventing encroachment on the countryside which is true of any site outside the existing urban area.*

#### *Purpose 1 - Checking the unrestricted sprawl of large urban areas*

*The site is located enclosed by the A64 and A1237 road corridors. The wider strategic Green Belt function will not be materially affected by development of the site and these strong physical boundaries provide an exceptional level of containment and offer an opportunity to provide a new strong and defensible boundary to the Green Belt.*

#### *Purpose 2 - Preventing neighbouring towns merging into one another*

*The site does not play an important role in the separation of neighbouring towns as the nearest settlement, Copmanthorpe, is over 1km from the edge of Woodthorpe.*

#### *Purpose 3 - Assisting in safeguarding the countryside from encroachment*

*Land South of Woodthorpe currently functions as countryside and therefore any development would lead to encroachment. The current extent of the rural setting South of Woodthorpe is not contained by a natural landscape feature that dictates that a fixed amount of rural buffer remains; the current urban edge is merely as far as the City has extended in its historic growth. It is accepted that the development would lead to encroachment as is the case with any of the Greenfield sites allocated in the emerging Local Plan.*

#### *Purpose 4 - Preserving the setting and special character of historic towns*

*The main purpose of the York Green Belt is to preserve the historic setting of the city however the site lies outside of any of the areas of 'land important to the historic character and setting of York' in 'The Approach to the Green Belt Appraisal 2003'. Areas of the site containing open space provision and the EPEZ fall within an area identified as important for 'Retaining rural setting' but the uses proposed preserve openness and are appropriate in Green Belt terms.*

*Purpose 5 - Assisting in urban regeneration, by encouraging the recycling of derelict and other urban land*

*Given the scale of housing need and the acceptance of CYC in the emerging Local Plan that Green Belt development needs to occur to meeting housing need then it is clear that the site would not detract from brownfield sites coming forward elsewhere in York.*

*4.69 There is a compelling need for market and affordable housing*

*The Council's approach to identifying its Full Objectively Assessed Need (OAN) is wholly unsound. The Council has rejected GL Hearn's and their own Officers' advice on the need for a market signals uplift and instead opted for a lower housing target of 867 dwellings per annum. This stance is deeply flawed. The evidence points to strong and entrenched market signals issues across York. The approach of applying a flat percentage uplift of the order of 10% to 20% has now been accepted by numerous Local Plan Inspectors. All available approaches to housing need, both current and emerging, point to an OAN of at least 1070 dwellings per annum for York. It will be necessary for the Council to revisit its OAN assessment, which if done correctly, will result in a much greater housing requirement that the Council is not capable of meeting through its current proposed site allocation and will require additional Green Belt release.*

*4.70 The Council does not have a published position on their current 5 year housing land supply (5YHLS). Recent committee reports confirm that the Council accept they do not have a 5YHLS but do not state what the supply is. At appeal in 2017 (Land off Avon Drive, Huntington APP/C2741/W/16/3149489), the Council agreed they could not demonstrate a 5YHLS but did not clarify the extent of the shortfall. The applicant has made their own calculations and suggests that, from a base date of March 2017, that there is a housing supply of 2.2 years at best.*

*4.71 There is no coherent strategy for addressing the acute housing need*

*The Council's proposed housing land supply is considered to contain several unrealistic assumptions including a deficient housing requirement, an unjustified approach to dealing with the backlog from past under-delivery, unrealistic delivery assumptions in relation to large strategic sites early in the Plan period and an over-reliance upon a high level of windfall development. These factors will have an impact upon the overall land supply required in the Plan but critically, by the applicant's calculations, the Council will be unable to demonstrate a 5YHLS upon adoption of the Plan.*



4.72 *Therefore it is no longer appropriate or tenable to wait for the Local Plan to allocate housing and set Green Belt boundaries. All available evidence points to a severe housing crisis in the City. The scale of the problem is now so accurate that very substantial weight must be given to the application site's ability to deliver housing quickly, in a sustainable location adjacent to the urban area and unfettered as it is by the requirement for significant infrastructure requirements or other delivery constraints.*

#### 4.73 *Benefits of the proposals*

- *Helping to meet the acute market and affordable housing need in York - the proposal is for 516 new homes of which 181 (35%) are proposed as affordable housing;*
- *Provision of new recreation facilities and public open space - 13.75 Ha of public open space, including sport and recreational facilities, and a sports pavilion are proposed. This is an over provision in relation to the Council's emerging standards which is a significant benefit of the scheme as there is a shortage of open space provision in York and in the Woodthorpe area;*
- *Provision of a new local centre;*
- *Economic benefits to Woodthorpe and York - including increase in labour supply from future residents, increase in construction employment, Council tax revenues, and wider economic benefits from household expenditure;and*
- *Environmental benefits - The EPEZ will provide an effective and impenetrable barrier between the site and SSSI. It will also prevent and improve the existing urban edge effects experienced on the northern edge of the SSSI. The Green Infrastructure (GI) corridor running east-west along the northern edge of the SSSI would be strengthened by the EPEZ and the open space would improve the GI corridor running alongside the railway line and which connects with the SSSI.*

#### ASSESSMENT OF THE PROPOSED VERY SPECIAL CIRCUMSTANCES OF THE SCHEME AS PUT FORWARD BY THE APPLICANT:

*The site is Green Belt by default only and serves very little Green Belt purpose*

4.74 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates the general extent of the Green Belt.

4.75 Policy Y1 of the RSS states that plans for York 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

YH9(C). Policy YH9(C) states that the detailed inner boundaries should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city.

4.76 From this it can be taken that the site falls within the general extent of the Green Belt being outside the city centre yet within 6 miles of it. The detailed inner boundaries have yet to be adopted and the emerging Local Plan seeks to define these.

4.77 The site has been identified in the Green Belt Appraisal 2003 as important to the historic character and setting of York. The area identified as F3 in the appraisal is described as open agricultural landscape which affords prominent views of the Minster and contributes to giving an impression of an historic city within its rural setting. The land also functions in maintaining separation between York, the outer ring road (A1237/A64) and Copmanthorpe.

4.78 This is most recently discussed in The Topic Paper 1: Approach to defining the Green Belt Addendum March 2019 which provides further detailed information about the York Green Belt and the Local Plan, including an explanation of how and where detailed inner and outer Green Belt boundaries have been defined through the Local Plan. Criteria to inform the de-lination of the detailed boundaries are set out in Section 5 of the Addendum and have been identified on the basis of considerations of national guidance, the strategic approach undertaken in the local plan core strategy and an appraisal of the essential characteristics of openness and permanence in York. The detailed boundaries have then been assessed in the context of the existing built and rural environment and landscape - without taking account of the potential need for growth or expansion of the built-up area. Annexes 2, 3 and 4 therefore, present the potential boundary to the Green Belt should there be no unmet identified need or exceptional circumstances identified.

4.79 The Addendum sets out a methodology, based on a local definition of openness and permanence and evidence which describes the purpose of land within the Green Belt, which is used to define the detailed Green Belt boundary. The key role of the inner Green Belt boundary is to establish long term development limits to the built up area, and distinguish land that needs to be kept permanently open to meet the purposes of Green Belt including safeguarding the special character and setting of the historic city.

4.80 The Green Belt Addendum identifies the site as performing important Green Belt roles, namely purpose 4 (preserving the setting and special character of historic towns) and purpose 2 (preventing neighbouring towns from merging into one another). The area between Moor Lane and the A64 also contains other land uses which illustrate elements of the countryside and which enhance the Green Belt such as Askham Bog SSSI and ancient woodland. Aside from the importance of the designated site, the openness of the area has created valuable resources for the population of York as emphasised by the designation of District Green Corridor 14

(Askham Bog). As such the site also performs an important role in assisting in safeguarding the countryside from encroachment (purpose 3).

4.81 The land to the South of Moor Lane relates more closely to the rural countryside context to the South rather than the suburban development to the North of the site. Moor Lane provides the logical boundary between the urbanised areas and the rural nature of the countryside. While much of the urban area of Woodthorpe to the north is modern development with only tenuous links to the city centre, unlike some other parts of the urban fringe, the close proximity of development has not blighted the adjacent farmland. There are good views from Moor Lane and the properties in Woodthorpe into Askham Bog and the surrounding countryside which increases the sense of the city within and close to its rural context. The outer ring road is on higher ground than the urban area of Woodthorpe and is an important approach to the city affording clear views of the urban edge in its historic rural context and views across to York Minster across land of generally flat topography. Retaining the application site as Green Belt supports York as a compact city within a contained concentric form of development which maintains views across the flat terrain and limits development within the identifiable compact district of Woodthorpe.

4.82 Evidence shows that the application site should be kept open in order to assist in safeguarding the countryside from encroachment, prevent neighbouring towns from merging into one another

4.83 It has been clearly demonstrated that the site is within the general extent of the Green Belt in accordance with the RSS and the up to date evidence base gives further weight to this reasoning in relation to the Green Belt purposes served by the site. As such no weight is accorded to the argument that the site is not within the Green Belt.

#### *Need for housing*

4.84 New population and household projections were released by ONS in 2018. In accordance with National Planning Practice Guidance applied under transitional arrangements the Council commissioned consultants, GL Hearn, to update our OAN taking into consideration this new data. The report concludes that the updated OAN in York is 790 dwellings per annum (dpa) which would be sufficient to respond to market signals, including affordability adjustments as well as making a significant contribution to affordable housing needs. Only by providing this level of housing growth would the population be sufficient to meet the economic growth potential whilst ensuring that there will be improvements to household representative rates among younger persons.

4.85 The updated OAN of 790 dpa confirms to the Council that the robustness of the emerging Local Plan's housing supply, based on the OAN of 867 dpa, is strengthened further by the reduction in the OAN. Officers consider that the

proposed housing supply can be robustly demonstrated to meet the revised OAN of 790 dpa both for the plan period (to 2033) and post plan period ( to 2038). The proposed housing supply in the submitted Plan will provide the required flexibility in order to be able to demonstrate to the Inspector that the Plan can respond to unforeseen circumstances over the duration of the plan period and create a greenbelt boundary that will endure beyond the end of the plan period.

4.86 It is also relevant to understand that the green belt boundaries as drawn on the Policies Maps (2018) have been drawn taking account of identified housing and employment needs over the plan period. The evidence base (TP1 and TP1 Addendum) concludes that exceptional circumstances exist to justify incursions into the general extent of York's green belt to meet these needs and the sites that have been identified as causing the least harm to the green belt, have been proposed in the emerging Local Plan to meet those needs.

4.87 It is not accepted that there is no coherent strategy for addressing York's housing needs. The updated OAN of 790 dpa confirms to the Council that the robustness of the submitted plan's housing supply, based on an OAN of 867 dpa, which is strengthened further by the reduction in the OAN. Officers consider that the submitted Local Plan's proposed housing supply can be robustly demonstrated to meet the revised OAN of 790 dwellings per annum both for the plan period (to 2033) and post plan period (to 2038). Moreover, the proposed housing supply in the submitted Local Plan will provide the required flexibility in order to be able to demonstrate to the Examiner that the Plan can respond to unforeseen circumstances over the duration of the plan period and create a greenbelt boundary that will endure beyond the end of the plan period.

#### *Five year housing land supply*

4.88 The Council cannot currently demonstrate an NPPF compliant five year housing land supply of deliverable sites on land that is outside of the general extent of York's Green Belt. However it is considered that any unmet housing need in isolation is not sufficient justification to allow inappropriate development in the Green Belt.

#### *Other benefits*

4.89 A number of other benefits are proposed which the applicant contends carry significant weight. These include the provision of new dwellings including affordable homes, new public open space and a new local centre, a range of economic benefits and a positive betterment to Askham Bog. It is accepted that the proposal would bring economic benefits in the form of new jobs and investment which would be of benefit to the city. Whilst the scheme would deliver new housing, the provision of housing on this site is not required as sufficient land is allocated for this use in the emerging Local Plan. Finally, it is clearly not agreed that the proposed EPEZ results in any environmental benefits; in fact the EPEZ is only required to attempt to

mitigate for harm caused by the residential development and any benefits resulting from the EPEZ are likely to be minimal when compared to the already identified harm. As a result, while the economic benefits are accepted, it is considered that this consideration carries little weight.

## **5.0 CONCLUSION**

5.1 The position of the Council is that the site is within the general extent of the Green Belt. When taken as a whole, the development represents inappropriate development within the Green Belt when assessed against paragraphs 145 and 146 of the NPPF. Inappropriate development can not be approved except in very special circumstances (para.143) and these very special circumstances will only exist where the harm through inappropriateness, and any other identified harm, is clearly outweighed by other considerations (para.144). Openness has both a spatial and a visual aspect and here it is clear that the quantum of development would harm openness through both its scale and massing but also through the introduction of a built form in an otherwise undeveloped site. Para.133 of the NPPF states that the essential characteristics of Green Belts are their openness and their permanence. This proposal would cause considerable loss of openness and permanence of the York Green Belt. Further harm has been identified to Green Belt purposes including, preventing neighbouring towns from merging, encroachment in to the countryside and impact on the setting and special character of York. Substantial weight is to be given to these harmful impacts on the Green Belt.

5.2 Officers recognise that policies in the emerging Local Plan can only be given weight in accordance with para.48 of the NPPF. There are unresolved objections to emerging Local Plan policy SS2 'The role of York's Green Belt' and it can only be given limited weight at the present stage in the examination process. However the evidence base that underpins the proposed emerging policies is a material consideration in the determination of planning applications. Topic Paper 1 Approach to defining York's Green Belt Addendum has been used for assessing the Green Belt as part of the emerging Local Plan process. This document is currently at consultation but represents the most up to date and thorough assessment of the defined boundaries and character areas of York's Green Belt.

5.3 As well as the harm to the Green Belt through inappropriateness, harm to openness and to the purposes of including land within the Green Belt, further harm has been identified as a result of the scale, form and proximity of the proposed development to Askham Bog SSSI. The Applicant has submitted detailed technical reports which seek to explain the hydrology and hydrogeology connecting the site and the SSSI and which claim to evidence that the Bog is predominantly rainwater fed. However, technical submissions from Natural England and the Yorkshire Wildlife Trust, and the findings of the Council's consultants' Mott MacDonald indicate that the Applicant's findings are flawed. The most likely scenario is that the Bog is predominantly groundwater fed via infiltration from neighbouring land, including the

application site, and the proposed development and surface water drainage proposals will therefore significantly impact on the hydrology of the Bog.

5.4 Further harm is likely to occur to the SSSI as a result of urban edge impacts from the increased residential population in closer proximity to the site. These impacts would include pet predation, littering, vandalism and dog fouling all of which would harm the integrity of the SSSI.

5.5 The Applicant has sought to prevent unauthorised intrusion in to the SSSI from people and animals by the introduction of an Ecological Enhancement and Protection Zone. However this, in its turn, has caused further harm to ecology and also detrimental visual and landscape impacts. The EPEZ contains a long body of water with a bund to the South and fencing North and adjacent to the SSSI. The EPEZ is intended to form a physical barrier to stop people and animals crossing from the development site to the SSSI. However gaps in the body of water and bund to allow access for IDB maintenance of drains limit its effectiveness as well as doubts about long term maintenance of the fencing, thorny hedging and water levels. The EPEZ is in itself a finite structure which it would be quite possible to circumvent at the western end adjacent to the golf course.

5.6 The EPEZ is necessary only to attempt to mitigate harm from the proposed residential development on the SSSI yet in doing so it clearly causes additional harm to ecology and to the landscape and visual amenity of the locality. The attempt to create a barrier to stop traffic from the development site to the SSSI also has the effect of restricting wildlife movement in and out of the Bog and further isolating the SSSI from any other green space. This is particularly crucial given that the SSSI is already enclosed on three sides by the golf course, A64 and East Coast mainline.

5.7 The proposed development will have a harmful impact on the landscape character of the site and Askham Bog and consequently result in harm to visual amenity. The development site is currently arable farmland which forms part of the landscape setting of York. The introduction of 516 houses with associated infrastructure and the EPEZ will irreversibly change the character of the area from undeveloped countryside to suburban development. The change in character of Moor Lane from one marking the edge of the urban area to a road passing through housing development will be acute and harmful to the character of the city as a tight urban area surrounding by countryside.

5.8 The EPEZ introduces a new landscape form of man-made water features and bunding which is not already experienced in the existing flat countryside. It will have the effect of removing views both into Askham Bog from the North and out of the Bog towards Moor Lane. This reduces the experience of the Bog as set within a rural setting outside the urban area and results in an enclosure of the SSSI which is alien to its existing open and level character.

5.9 The transport assessment with the application is not considered acceptable as submitted trip rates are unlikely to reflect the car usage on the site. As such it is not possible to adequately assess the likely impacts on the highway network of the proposed development. It is further noted that higher trip rates would increase emissions with a likely impact on the ecology of Askham Bog.

5.10 A contribution towards the required additional school places generated by the residential development has been requested but not agreed with the applicant. Without the required contribution it is considered that the development would place undue pressure on the existing school system.

5.11 The Applicant has put forward a number of benefits that they consider the development would provide. Officers have carefully assessed these and consider that, whilst the scheme would provide benefits including the delivery of new housing, they do not individually, or cumulatively, clearly outweigh the harm to the Green Belt through inappropriateness and other identified harm. This is even when emerging Local Plan policy SS2 is given limited weight as a result of the unresolved objections and the stage of preparation of the Plan. Officers have accorded great weight to the harm to Askham Bog SSSI. Para.175 of the NPPF states that 'development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it should not normally be permitted'.

5.12 Officers consider that, even with the limited weight which can be afforded to policy SS2, the harm to the SSSI that has been identified is so significant when combined with other identified harm that the benefits of the scheme, as put forward by the Applicant, are insufficient either individually or cumulatively to clearly outweigh the identified harm that the proposal would cause. Therefore the very special circumstances necessary to justify the proposal do not exist and officers recommend that the application be refused.

## **6.0 RECOMMENDATION: Refuse**

1. The proposal by reason of its location within the Green Belt 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 also result in a detrimental impact on openness of the Green Belt due to its size, scale and location. In terms of other identified harms due to the development the proposal would result in a detrimental impact on the rural landscape, harm to the Askham Bog Site of Special Scientific Interest, impacts on education provision in the city; and potential for significant impacts on the transport network and highway safety. The benefits put forward by the applicant do not either individually or cumulatively clearly outweigh the totality of this harm and therefore do not amount to very special circumstances necessary to justify the proposal for the purposes of the NPPF. The proposal is, therefore, considered contrary to advice within the National Planning Policy Framework, in particular section 13 'Protecting Green Belt land' and policy GB1 'Development in the Green Belt' of the emerging Local Plan.

2 The proposed drainage scheme and Environmental Protection and Enhancement Zone associated with the residential development are considered to have an adverse impact on Askham Bog Site of Special Scientific Interest as a result of changes likely to occur to the hydrological/ hydro-geological interaction between the development site and the Bog. The proposals are considered contrary to paragraph 175 of the National Planning Policy Framework and policies DP2 Sustainable Development, DP3 Sustainable Communities, GI2 Biodiversity and access to nature and GI3 Green Infrastructure Network of the emerging Local Plan

3 The proposal is considered to result in a detrimental impact on the Askham Bog Site of Special Scientific Interest and ancient woodland as a result of the introduction of significant numbers of new residents in closer proximity to the designated site which will cause harm through exacerbation of urban edge impacts such as unauthorised and uncontrolled access, increase in littering and dog fouling, predation of wildlife, disturbance to livestock and vandalism. It is considered unlikely that the Environmental Protection and Enhancement Zone will be sufficient to either prevent or mitigate for the harm caused by this increase in numbers and proximity of residents to the SSSI and that the residential development will consequently have an adverse impact on the SSSI. The proposal is therefore contrary to para.175b and c of the National Planning Policy Framework and policies DP2, DP3, GI2 and GI3 of the emerging Local Plan.

4 The introduction of 516 residential units along with associated infrastructure and an Ecological Protection and Enhancement Zone (EPEZ) will have a significant impact on the landscape character of this part of the city by eroding the open flat countryside to the South of Moor Lane which forms part of the setting of the city. The bund and fencing associated with the EPEZ will restrict views into and out of Askham Bog visually isolating the SSSI from the wider landscape context and thereby reducing its significance. The proposal is considered contrary to para.127 and 170 of the National Planning Policy Framework and policies D1 Placemaking and D2 Landscape and Setting of the emerging Local Plan.

5 The proposal would result in an increase demand for places at existing education establishments in the vicinity of the site where there are no places available and for which no mitigation measure have been provided. Given this the proposal would result in a detrimental impact on the development and function of existing educational facilities contrary to para.34 of the National Planning Policy Framework and policy DM1 Infrastructure and Developer Contributions of the emerging Local Plan

6 Insufficient information has been submitted with regard to the impact of the proposal on the transport network (particularly the A1237, A1036 (Tadcaster Road)



and junctions with the A64), in terms of capacity and congestion, and impact on highway safety. Given this a full assessment of the impacts of the proposal including mitigation requirements for any significant impacts on the highway network cannot be made, the proposal is therefore contrary to para.108c of the National Planning Policy Framework and policy T1 of the emerging Local Plan

#### 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 an attempt to achieve a positive outcome:

- i) Considered the applicant submission of very special circumstances.

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

#### **Contact details:**

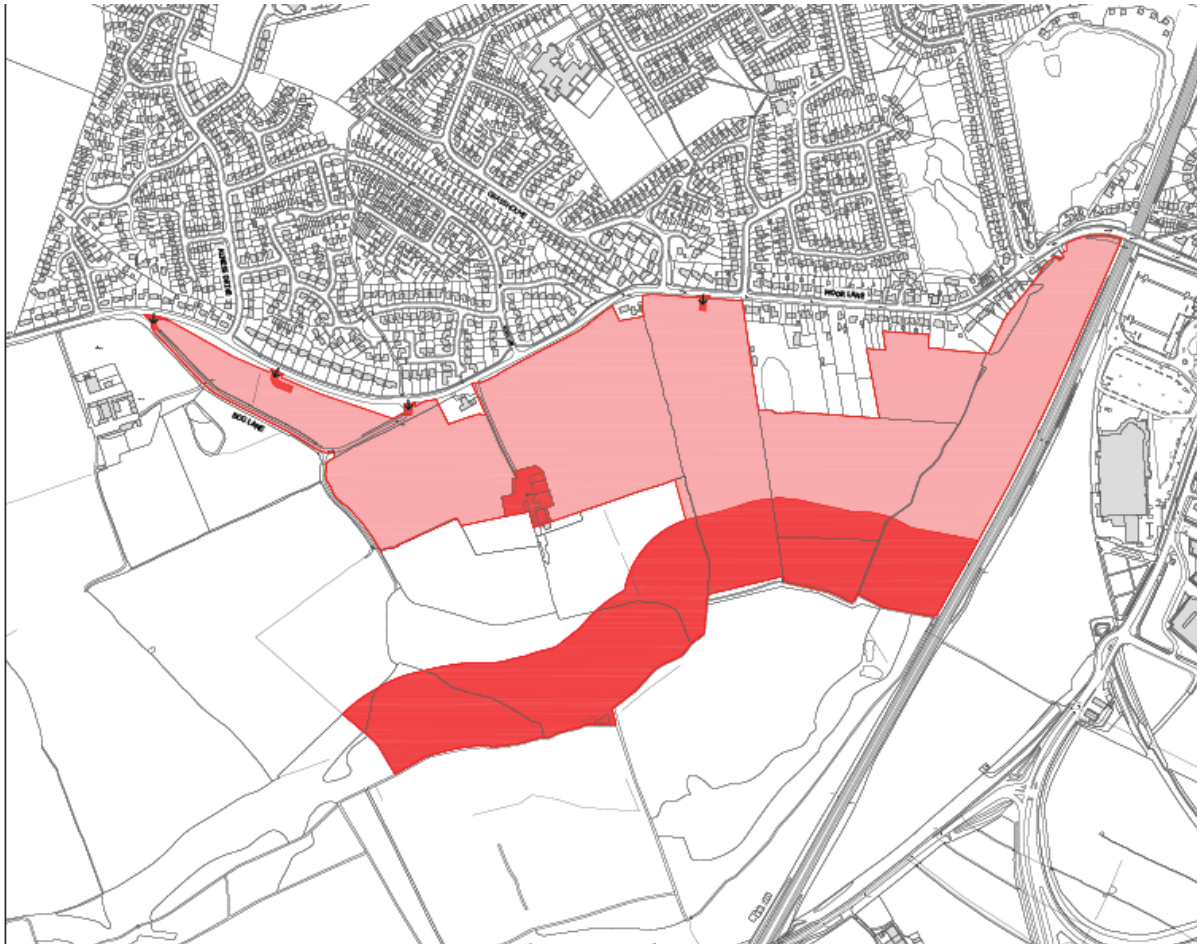
**Author:** Alison Stockdale Development Management Officer

**Tel No:** 01904 555730

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18/02687/OUTM

OS Fields 5475 7267 and 8384, Moor Lane, Acomb



- Hybrid Application Boundary
- Outline Application Boundary
- Full Application Boundary
- Access Points

<b>Organisation</b>	City of York
<b>Department</b>	Economy & Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	03 July 2019
<b>SLA Number</b>	

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**COMMITTEE REPORT**

**Date:** 11 July 2019  
**Team:** Major and Commercial Team  
**Ward:** Osbaldwick And Derwent  
**Parish:** Osbaldwick Parish Council

**Reference:** 18/01778/FULM  
**Application at:** Land To The North And East Of Grid House Metcalfe Lane Osbaldwick York  
**For:** Erection of 40 dwellings with associated roads, landscaping and public open space  
**By:** Mr Andrew Black  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 16 November 2018  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1 This application was reported to Planning Committee on 21 February 2019 and recommended for approval subject to conditions and Section 106 obligations. It was deferred by the Committee in order that further clarity could be provided about sustainable energy measures and that a Construction Traffic Management Plan could be submitted for consideration. The scheme layout has been amended since the application was reported in February following further site investigative work by the applicant that has uncovered a high voltage cable running along the Sustrans cycle route and the edge of the site and requires a change to the planned drainage arrangements for the development. The need to provide a foul and surface water pumping station at the northern end of the site has resulted in a change to the layout of the houses, though the road structure remains the same.

**PROPOSAL**

1.2 The application concerns an area of land approximately 1.49 hectares in size located to the west of Metcalfe Lane and was formerly owned by National Grid. It is part of a larger residential development scheme approved at outline stage by the Secretary of State in 2007 (03/02709/OUT). Reserved matters approval for the four quadrants of the development has subsequently been granted. This proposal relates to an area of land within Phase 3 (sitting between phase 1 to the south and phase 4 to the north) that was granted approval under reserved matters consent 12/01878/REMM for 39 dwellings. The reserved matters approval gave consent for 269 dwellings within Phase 3 with access from Fifth Avenue. The application site lies within flood zone 1.

1.3 The current proposal seeks full planning approval to erect 40 dwellings following a re-design of the layout of this part of phase 3 to accommodate the retention of two electricity pylons and overhead lines that cross the northern section of the

application site and Grid Cottage which is in private ownership and lies to the west of the application site. The power lines were intended to be laid underground, but National Grid are unable to provide this undertaking and a stand off zone distance set by the grid operator, Northern PowerGrid needs to be adhered to if the power lines have to remain overhead. The retention of the cables effectively neutralises the land beneath them and within a safety clearance distance of 11m either side of the power lines.

1.4 Access to Phase 3 would remain unchanged. The number of dwellings would increase by one to 40 through the extension of the built area into a parcel of land that lies to the north of the main National Grid site and was part of it, but previously proposed to be converted to open space as part of Field 9 to the east. The mix of house types is as follows: 1 no. two bedroom houses, 35 no. three bedroom houses and 4 no. four bedroom houses. Of these, 31 would be market housing, 5 social rented housing and 4 shared ownership housing.

1.5 Revised plans have been submitted during the course of the application to address issues raised by consultees, most notably the Council's Ecologist and Highway Engineer.

## ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

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

## 2.0 POLICY CONTEXT

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

2.2 National Planning Policy Framework (July 2018)

2.3 Draft York Local Plan (4<sup>th</sup> set of changes)(2005) - relevant policies include:

- CYGP1 – Design
- CYGP3 – Planning against crime
- CYGP4A – Sustainability
- CYGP4B – Air Quality
- CYGP6 – Contaminated Land
- CYGP9 – Landscaping
- CGP15A – Development and Flood Risk

- CYNE1 – Trees, woodland, hedgerows
- CYNE6 – Species protection
- CYNE7 – Habitat protection
- CYGB1 – Development in the Green Belt
- CYT4 – Cycle parking standards
- CYH1 – Housing Allocation
- CYH2A – Affordable Housing
- CYH3B – Managed Release
- CYH3C – Mix of Dwellings
- CYH5A – Residential Density
- CYED4 – Developer Contributions towards Education
- CYL1C – Provision of New Open Space in Development

2.4. Publication Draft Local Plan (2018) – relevant policies include:

- DP2 – Sustainable Development
- DP3 – Sustainable Communities
- 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
- HW3 – Built Sport Facilities
- HW7 – Healthy Places
- D1 – Landscape and Setting
- D2 – Placemaking
- GI2 – Biodiversity and Access to Nature
- G14 – 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
- ENV1 – Air Quality
- ENV2 – Managing Environmental Quality
- ENV3 – Land Contamination
- ENV4 – Flood Risk
- ENV5 – Sustainable Drainage
- T1 – Sustainable Access
- DM1 – Infrastructure and Developer Contributions

### 3.0 CONSULTATIONS

INTERNAL

Design Conservation and Sustainable Development (Ecology)

3.1 The proposal would result in the loss of existing scrub and trees from around the perimeter of the National Grid site, along the land to Grid Cottage and to the east of Phase 4. However, the main part of the scheme, plots 4-20, is not significantly different from that previously approved under 12/01878/REMM. The approved revised Phase 4 layout encroached onto Field 9, but retained the existing vegetation on the western boundary with the land north of Grid Cottage. There is approx. 60m of mature native species hedge line that would be lost to the rear gardens of plots 31-40 and the turning head would result in the loss of part of the northern boundary vegetation. The positioning of the sub-station in the south of the site will also result in the loss of part of the hedgerow/scrub on the western boundary.

3.2 In response to the updated landscape masterplan and lighting scheme, requests conditions to secure the landscaping and lighting schemes and makes following comments:

3.3 The substation on the western boundary has been re-located, so protecting hedgerow. The footpath on the north site boundary has been removed, thereby reducing unnecessary light spill onto Field 9. The new native species hedging on the eastern boundary is positive, though requests removal of lighting column 6A to reduce light spill onto adjacent habitat which is shown as being higher than tolerable for common species of bats most likely to be found in this area. Other site lights will be fitted with a shield to help minimise light spill.

3.4 The landscape plan retains and enhances areas of existing scrub around the pylons and on the southern boundary of the site. However there will still be a loss approx 60m of mature nature species hedge line/scrub where there will be the rear gardens of Plots 31-40. The turning head for these houses would also result in the loss of part of the northern boundary vegetation. The approved application for the Phase 4 revised layout encroached onto Field 9 but retained this existing vegetation.

3.5 The loss of mature native species hedge/scrub through the building of Plots 31-40 does not make the scheme unacceptable but is regrettable, particularly in the context that this had been shown as retained in the approved plans for Phase 4 of the development.

3.6 No objections to revised plans. The location of the pumping station will result in the loss of part of the hedgeline along the northern boundary, although it will be possible to retain the hedge line on the western boundary. Whilst disappointing, it is accepted that the standard design and requirements of the pumping station restricts where it can be located. With careful removal of only the minimum vegetation, and due to the height of the vegetation and that of the station (lower), it is considered that the habitat connectivity provided by the hedgeline will be lost. As shown on the revised Landscape Masterplan the loss of vegetation will be mitigated on site with a native shrub mix in the space between the pumping station and existing housing



from the previous phase.

### Highway Network Management

3.7 Acceptable in principle. Road access and layout, parking provision and levels, refuse and servicing acceptable. Detailed matters to be resolved, which would be covered through Section 38 agreement, including road materials. Conditions requested.

3.8 In principle, accepts the Construction Traffic Management Plan subject to further detail being provided.

### Flood Risk Management

3.9 Surface water disposal proposals – Agreed drainage arrangements in principle including surface water discharge at 3.5lps with the applicant. Request conditions and informative to control detailed design.

3.10 Foul water disposal - As per YWS response dated 11th September 2018 and their recommended conditions.

### Public Protection

3.11 Construction Noise and Dust - As there are residential properties close to the site, recommend that controls are put in place by condition to minimise noise, vibration and dust during demolition and construction.

3.12 Air Quality - No objections, but request facilities be incorporated to facilitate electric vehicle charging in line with paragraph 110 of the NPPF.

3.13 Contaminated Land - A site investigation report and contamination report have been submitted. The site investigation report concludes that the preliminary results classify the site as falling within Characteristic Situation 1 although this is dependent on the further three rounds of monitoring that still need to be completed. The contamination report recommends that contaminated soils are removed as part of the development of the site and that all materials used for landscaping in garden/communal areas are tested to ensure suitability. Further, it recommends that following removal of the soils and concrete plinth sampling should be undertaken on exposed soils to be checked for contamination. Reports are generally acceptable. Recommends conditions be attached.

### Education Facilities

3.14 An education contribution is required for secondary age provision (6 anticipated secondary pupil yield x 17,251 cost multiplier 2018/19 =£103,512).

## Public Health

3.15 A financial contribution of £25,986 is requested based on the size of the development and mix of dwellings. The area around the development has a deficit of 3.16ha of sports pitches. The contribution would be split between Osbaldwick Sports Club (£10,986) and Burnholme Sports Pitches (£15,000).

## Housing

3.16 The Housing Strategy and Development Team support this application. It complies with the council's submitted Local Plan policy H10 by providing 20% affordable housing on a Brownfield site. The tenure and house type mix have been considered in the context of the wider Derwenthorpe scheme, which has delivered substantially in excess of the policy requirement level of affordable housing for the highest demand social rented family house types. The homes are pepper-potted throughout the site to facilitate a mixed and sustainable community, and the high quality homes will be managed by the developing Registered Provider.

3.17 The affordable housing will be fixed for a period of three years. Should the development have not meaningfully progressed during this period the level of affordable housing will be revised in line with the council's target applicable at that time.

3.18 The Housing Strategy and Development Team welcome this application which will deliver much-needed new quality affordable homes and expand the popular and sustainable Derwenthorpe scheme.

## EXTERNAL

### Environment Agency

3.19 The proposed development site may have been subject of past activity which poses a risk of pollution to controlled waters. Following recently revised priorities, the EA is unable to provide detailed site-specific advice relating to land contamination issues at this site. Advice reference to EA published 'Guiding Principles for Land Contamination' which outlines the approach to managing risks to the water environment from this site. Advise consultation with Council's Environmental Protection Department. Recommend procedures and good practice regarding land contamination and highlight code of practice for waste on site and taken off site.

### Yorkshire Water

3.20 Request conditions to protect the local aquatic environment and YW infrastructure. A water supply can be provided. The Flood Risk Assessment submitted is generally acceptable. In summary it states that foul water will discharge

to unmapped foul system via pumping station. The off site connection point for foul water to the public sewer network and the proposed foul water pumped rate is required before this can be agreed. In terms of surface water disposal, this will discharge to watercourse via existing swale which is acceptable. The landowners consent will be required for the construction of a new outfall structure. As surface water is not proposed to discharge to the public sewer network no assessment of the capacity of the public sewers to receive surface water has been undertaken.

3.21 In response to re-consultation, no observation comments are required. Previous comments still apply.

#### Natural England

3.22 No comments to make. Natural England has not assessed this application for impacts on protected species. The lack of comment from Natural England does not imply that there are no impacts on the natural environment. Reference made to standing advice and NE guidance.

#### Foss Internal Drainage Board

3.23 The site sits close to the Drainage Board's District and watercourse Osbaldwick Beck. The Board has no objection to the principle of development, but recommends that the applicant be asked to clarify the drainage strategy and prove any connectivity that they are claiming to enable an evaluation to be undertaken in flood risk terms. Conditions requested.

3.24 In principle, the Board agrees with the drainage approach proposed with the revised plans, but seeks a condition to ensure that it is clear where the watercourse proposed to be used is located, and where it then flows to. Highlights the need for the Board's consent under the Land Drainage Act 1991 and the Board's byelaws for any connection and/or discharge to a Board maintained watercourse either directly or indirectly.

#### Yorkshire Wildlife Trust

3.25 The Trust is happy with the amount of detail provided by the Preliminary Ecological Appraisal by Brooks Ecological. The suggestions for mitigation for any loss of biodiversity and enhancement could be conditioned. There may also be opportunities for connectivity to ecological features provided in previous phases of the development. The Trust has no further comments to make following the submission of revised plans.

#### National Grid

3.26 No objection to the proposal which is in close proximity to our high voltage transmission underground cable.

Cadent Gas Limited

3.27 As proposed activity is in close proximity to National Grid's Transmission assets, request that work does not commence until hear from Asset Protection Team. Contractor should contact Plant Protection before works are carried out.

North Yorkshire Police

3.28 Having reviewed the documents submitted, it is pleasing to note that recommendations for designing out crime, as part of a pre-planning application consultation have been considered. The design and layout of this proposal is considered acceptable.

Osbaldwick Parish Council

3.29 Previous objections and comments with regard to earlier applications have largely been ignored in the past, many of these comments have related to entirely predictable adverse effects both in terms of design and layout as well as the actual construction process. The PC has no faith in the local planning authority to address any points in the current submission.

3.30 Design and Layout - As with other phases there are too many houses crammed into too small a space with a highway network too small to accommodate traffic levels typically associated with the development. Road width is too narrow and parking provision totally inadequate leading to displaced parking on landscaped areas. Pleased to see that the private access to Grid Cottage is maintained but question how this will operate. Proposals incorporate an excessive amount of street-lighting - adjacent to field 9 wildlife area and adjacent to Green Belt. Object to use of ugly PV panels as proposed on some of the units and would suggest that all be fitted with solar roof tiles.

3.31 Landscape - Object to further loss of any hedgerows despite commitments to mitigate such losses on earlier phases the applicant and contractor have demonstrated a complete indifference to protection of hedgerows in this site. CYC have seemed equally indifferent to enforcing retention or replacement planting and what has occurred has largely been a result of 'robust' correspondence by the Ward Councillor. No faith in JRHT due to ongoing neglect of the retained meadowland on Phase 3.

3.32 Construction process - Deep concerns as to implications of construction in this area. No construction vehicles should be permitted to use Metcalfe Lane for access/egress/parking and the public's enjoyment of these PROWs should not be

compromised in any way. Remain sceptical as to CYC fulfilling its duties with regard to the PROWs adjacent to the site. Construction route should be taken via Phase 3 and out through Fifth Avenue as set down in planning conditions imposed by the plan in inspector following the 2006 public inquiry. Highlight unregulated nature of HGV delivery access and egress arrangements and contempt shown to residents on construction routes. Request construction traffic and working hours are rigorously enforced.

3.33 Planning obligations - Request that unfulfilled planning obligations are addressed before planning permission is granted including:- retained meadowland in phase 3; construction of footpath/cycle link to Burnholme development; diverted Bridleway on phase 4; Derwenthorpe Partnership Advisory Committee to meet.

## PUBLICITY AND NEIGHBOUR NOTIFICATION

### St Aelred's Primary School

3.34 Comment as follows:

- Raise concerns about highway safety along Fifth Avenue relating to construction traffic, narrow road width, park cars, lack of footpath within Derwent Way, poor road surface along Fifth Avenue, road flooding and pressure for parking due to large school catchment area;
- Construction traffic should not be using Fifth Avenue during and either side of school opening and closing times, which has not been enforced;
- Lack of notification about this application and difficulty finding application online;
- Proposed housing will increase road journeys on Fifth Avenue and perpetuate current highway conditions;
- There is no travel appraisal that takes account of the school;
- Fifth Avenue has experienced a disproportionately high level of adverse effects on amenity as a result of noise and disturbance and pollution - an alternative access and egress measures are considered and implemented for Phase 5 to ameliorate these impacts and restrict further deterioration of the highway;
- Welcome the opportunity to discuss in more detail the influences the scheme has had on the school in terms of numbers of pupils and additional financial obligations.

### Derwenthorpe Residents Association

3.35 Request that Construction Environmental Management Plan condition is strengthened by adding:

- particularly noisy activities and movements of large vehicles be prohibited during anti-social hours, at weekends and on public holidays;
- the CEMP must include wheel washing facilities on site;
- heavy vehicle movements be prohibited within 30 minutes before and after school opening and closing times.

Local residents

3.36 Petition with 55 signatories of residents of Fifth Avenue - strongly object:

- Construction traffic has compromised structural integrity of the road and houses and is detrimental to the environment and children's health. Construction traffic does not adhere to agreed restrictions at school entrance and exit hours or start tie in morning.
- Road within the site has no pavements in the perimeters of the development meaning children must walk down the centre of the road. The road is un-adopted and so there is no maintenance causing flooding of the area as the drains are not cleaned and are full of construction waste.
- The houses and school cannot receive fibre and lighting is sparse and unrepaired meaning low visibility. Request an alternative route would be a better solution.
- No signs have been placed in the area of Fifth Avenue.

3.37 Comments from 3 no. residents living within the Derwenthorpe development:

- Strongly object to noise, disruption, damage to road and houses and danger to children from high volumes of traffic.
- Concerned about access during build and when occupied as it is already a very busy route.
- Inspector allowed access along Fifth Avenue 13 years ago and now 70 properties in Derwenthorpe front directly onto the construction traffic road and at a distance of 5m or less.
- Other points of entry/access should be considered both for new residents and construction traffic, such as Meadlands or Metcalfe Way.
- No confidence in applicant or builders to impose or enforce measures to slow down traffic and restrict access times.

3.38 Comment from 2 residents living on Fifth Avenue:

- No objection to the development, but object to continued use of Fifth Avenue as main access and egress to the site.
- Experience is that developers and suppliers rarely comply with restrictions in place causing severe disruption during school drop off and pick up and causing damage to the road and houses.
- Construction traffic route should be from Hull Road through Osbaldwick Village.

3.39 Comment from 1 resident of Burnholme Avenue:

- Concern about access from Fifth Avenue due to parked cars, damage to road surface and accident risk.
- Houses should be for families rather than buy to let.

## 4.0 APPRAISAL

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

- Principle of development;
- Green Belt policy;
- Access and highway issues;
- Design and visual amenity;
- Residential amenity;
- Contamination;
- Ecology;
- Archaeology;
- Flood risk and drainage;
- Impact on local facilities;
- Housing and affordable housing;
- Other considerations.

## POLICY CONTEXT

### Development Plan

4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. For the purposes of section 38(6) the development plan for York comprises the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013 and the neighbourhood plans for Poppleton and Rufforth with Knapton. There are no policies within the neighbourhood plans relevant to the determination of this application. The Saved RSS policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

### 2005 Draft Local Plan

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, 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. However, such policies can be afforded very limited weight.

Relevant polices are listed in section 2 of this report. The site is identified as a housing site on the Proposals Map accompanying the 2005 Draft Plan.

### Emerging Local Plan

4.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted to the Secretary of State for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 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 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).

4.5 Relevant policies are set out in section 2 of this report. The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. The site lies within the built-up area of the City outside, but adjacent to the Green Belt inner boundary with areas of open space on the Proposals Map that accompanies the 2018 Draft Plan.

### Emerging Local Plan evidence base

The evidence base that underpins the proposed emerging policies is a material consideration in the determination of planning applications. The directly relevant evidence base is:

- Green Belt TP1 Addendum and Annex 3 York Green Belt Inner Boundary Section Descriptions and Justifications (2019);
- Strategic Housing Land Availability Assessment (2018).

### National Planning Policy Framework

4.6 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", March 2018) places emphasis on achieving sustainable development. The relevant chapters of the Framework include 5 'Delivering a sufficient supply of homes', 11 'Making effective use of land', 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'. The policies in the NPPF are material considerations.

## PLANNING BACKGROUND AND HISTORY



4.7 Outline planning permission (ref. 03/02709/OUTM) was granted by the Secretary of State in May 2007 for a residential scheme of approximately 540 dwellings on land to the west of Metcalfe Lane, Osbaldwick. Means of access and the general landscaping structure were approved as part of the outline consent. The scheme involved a sustainable urban extension to the east of the City with a high proportion of affordable homes that would be retained and managed by JRHT. The general layout of the development, its division into four neighbourhoods each with its own individual vehicular access point, the size and shape of these neighbourhoods and the approximate number of dwellings within each one, along with the general location of public open space, were established through an illustrative masterplan and design documents submitted in support of the outline planning application. Reserved matters consent for siting, design, external appearance and detailed landscaping were subsequently approved. Reserved matters for the phase the subject of this application were approved in 2013 (12/01878/REMM).

4.8 Phases 1 and 2 of the development (Neighbourhood D accessed from Osbaldwick Village and Neighbourhood C accessed Temple Avenue respectively) have been built and are now occupied. Phases 3 and 4 (respectively Neighbourhood A accessed from Fifth Avenue and Neighbourhood B accessed from Meadlands) are under construction with a large proportion of the homes completed and occupied.

4.9 Changes were made to Phase 4 of the scheme under a full planning application (ref. 16/00342/FULM), as a result of the retention of overhead electricity lines, which neutralised an area of land previously to be built on. Instead, this area of land was kept as public open space and a section of land to the western end of field 9 (to the south of Phase 4) was proposed to have six houses built on it. The application was approved in November 2016.

## PRINCIPLE OF DEVELOPMENT

4.10 Whilst the RSS has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates the general extent of the Green Belt around York. These policies comprise the S38 Development Plan for York. The policies in the RSS state that the detailed inner boundaries of the Green Belt around York need to be defined to protect and enhance the nationally significant historical and environmental character of York. Although the 2005 Draft Local Plan proposals map identifies the site for housing development, the Secretary of State in considering the outline application in 2007 concluded that the land was part of the Green Belt. The Secretary of State considered that the site fell outside the categories of development that are considered in policy to be appropriate in the Green Belt and attributed substantial weight to the definitional harm.

4.11 The 2018 emerging Local Plan proposes the removal of the site from the general extent of Green Belt, allocating it for housing and setting the inner boundary of the Green Belt in the 2019 Green Belt TP1 evidence base document along the

eastern edge of the site, along Metcalfe Lane. However, in line with the Secretary of State's 2007 decision and until the emerging Local Plan has been adopted, it is considered that the site falls within the general extent of the Green Belt.

4.12 The Council cannot currently demonstrate an NPPF compliance 5 year supply of deliverable housing sites on land that is outside of the general extent of York's Green Belt. Paragraph 11 of the NPPF establishes the presumption in favour of sustainable development by applying 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.

## GREEN BELT POLICY

4.13 The NPPF at paragraph 133 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open with the essential characteristics of Green Belts being their openness and permanence. Paragraph 134 sets out the five purposes of the Green Belt:

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

### *Inappropriateness*

4.14 Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate development in Green Belt. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 says when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

4.15 The proposal involves the redevelopment of the former National Grid site. Paragraph 145(g) of the NPPF includes the complete redevelopment of previously developed land as appropriate development providing that it would have no greater impact on the openness of the Green Belt than the existing development. Certain other forms of development, being related engineering operations, are also not inappropriate under paragraph 146(b) providing they preserve openness and do not conflict with the purposes of including land with the Green Belt.

4.16 The proposal would involve the erection of 40 dwellings and associated roads on land that is currently level and enclosed by a palisade fence and vegetation. The proposal would therefore have a greater impact on the openness of the site and the contribution it makes to the wider openness of the Green Belt than the existing development. It would therefore constitute inappropriate development for the purposes of the Green Belt policy tests. For inappropriate development to be acceptable, very special circumstances must exist, but will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

*Impact on openness and Green Belt purpose*

4.17 The site falls within a larger residential development that has outline planning consent that has been implemented and is being constructed with two phases complete and the remaining two phases part occupied. The current application seeks full planning approval to re-position the properties within part of Phase 3 of the approved outline scheme to take account of the retention of overhead electricity cables and two support pylons within the site along with the required 11m safety clearance distance from the cables and the separate ownership of Grid Cottage.

4.18 The Secretary of State, in granting outline consent, identified that the residential development of the land resulted in limited harm and concluded that the site did not fulfil any purpose of Green Belt, in particular the preservation of York's historic setting and special character. In light of the previous outline consent for residential development of the land and the fact that this full application seeks to re-site houses within the overall extent of the outline development site that are similar in scale, layout and appearance, the proposal would not cause further harm to openness and purposes of the Green Belt. However, although the harm to openness is considered to be limited, it still needs to be given substantial weight by the decision maker in the planning balance.

*Very special circumstances*

4.19 As stated above, the site has an extant consent for redevelopment as part of the 2007 outline planning permission and subsequently approved reserved matters, which would see housing development extend across the whole area of land to its boundary with Metcalfe Lane. This is the basis of the case for very special circumstances and is assessed from paragraphs 4.58 onwards below.

## TRANSPORT AND HIGHWAY ISSUES

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

(i) Construction traffic

4.21 Concern has been expressed by residents of the Derwenthorpe development and Fifth Avenue and St Aelred's School about the continued use of Fifth Avenue and Derwent Way (the main spine road from Fifth Avenue to the community hub building) as the access for construction vehicles. The residents and school cite the inappropriate road layout for construction vehicles, lack of compliance with the legal agreement requiring a construction traffic management plan, increased numbers of children living in the scheme and the potential for highway safety problems. There has also been representation from Osbaldwick Parish Council seeking confirmation of the agreement for all construction vehicles to continue to use Fifth Avenue.

4.22 The original outline application approved the site access via Fifth Avenue due to its proximity to the strategic road network and layout of the road. This application relates to part of Phase 3, with the rest of the phase being built as part of the original outline and reserved matters consents. It proposes 40 dwellings in comparison to the 39 approved in the same area under reserved matters consent; therefore, only one additional dwelling. Further, it would be very difficult to determine which construction vehicles ought to be accessing this full planning permission element or the remainder of the land within the phase 3 reserved matters approval. In terms of alternative accesses, it is understood that Metcalfe Lane is privately owned with a right of access for vehicles to access Grid Cottage and operational vehicles serving the former National Grid site. Access through Meadlands would be problematic as it would open up a vehicle route between Phases 3 and 4, which was intended to be pedestrian and cycle access only, or involve the removal of more vegetation. Enforcement of any alternative construction traffic management arrangements would not be practicable, and thus could not be controlled through condition as it would not meet the tests set out in the NPPF (paragraph 55).

4.23 The Local Highway Authority considers it appropriate for the current access arrangements for construction traffic to be continued and points out that the internal highway from Fifth Avenue has been designed to naturally constrain vehicle speeds (to 20 mph or below) through the use of localised pinch points, managed on-street parking and building alignment. The road has been designed to accommodate public transport and is therefore considered suitable as a route for construction traffic.

4.24 The Planning Committee deferred determining the application in February in order that a Construction Traffic Management Plan (CTMP) was submitted for consideration. A CTMP has been submitted by the applicant following public meetings with the local community. The plan is a preliminary statement in advance of a contractor for the development being appointed; a more detailed plan will be produced and submitted once a contractor is in place. The plan includes:

- confirmation that the development will be part of the Considerate Contractors Scheme;
- confirmation that the access would be from Fifth Avenue;
- a commitment to continue dialogue with neighbouring residents, business and schools;
- restrictions on deliveries at school opening and closing times;
- the provision of two banks people on Fifth Avenue/Tang Hall Lane and at the site entrance;
- a restriction on vehicles to under 32 tonnes where possible;
- the provision of contractor parking within the site or at the rear of the SSC;
- the provision of a fixed wheel wash and, if necessary, a road sweeper;
- a record for public inspection of any breaches;
- measures in place at St Aelred's School, for example, a pedestrian crossing point, signage and community engagement events (school safety talks for pupils).

4.25 The CTMP has been considered by the Council's Network Management Engineer, who accepts the plan in principle subject to further detail being provided.

#### (ii) Post construction traffic

4.26 The main changes that impact on highway considerations relate to the internal road layout and parking provision. The hierarchy of roads within the quadrant remains the same with a circular outer road ("green lane") and internal home zones. The new section of road serving the 5 no. dwellings on Field 9 is accessed by the green lane and has adequate space for vehicles to park and turn. Parking provision is provided on a 1:1 basis, as intended for the development site as a whole with visitor spaces and city car club spaces being distributed across the phase. The revised scheme includes 10 visitor spaces and 2 car club spaces. It includes the retention of the existing public right of way cycle/footpath that runs along the eastern boundary from Meadlands to the north, via Phase 4 to the Sustrans cycle route, diverted onto the internal roadway; this is as originally approved under outline and reserved matters consent. The existing means of access to Grid Cottage from Metcalfe Lane would be maintained via a gate controlled by the owners, details of which would need to be conditioned.

4.27 No objections have been raised in principle by the Local Highway Authority, subject to conditions relating to highway and parking related matters and Section 106 contributions relating to sustainable travel initiatives.

#### (iii) Sustainable transport

4.28 One of the key principles of the Derwenthorpe housing scheme is its sustainable and accessible location and encouragement of sustainable transport. The development is an urban extension site with four accesses allowing connections to the surrounding built up areas and facilities. Parking is restricted within the

scheme to 1:1, with the exception of some larger properties. A package of sustainable transport measures is required through legal agreement including financial contributions towards the establishment of a site-specific car-club and the provision of a contribution towards a cycle or bus pass for the first occupier. These obligations apply to this revised layout for part of phase 3 and are considered to be:

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

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

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

## DESIGN AND VISUAL AMENITY

4.30 Chapter 12 of the NPPF gives advice on design, placing great importance on the design of the built environment. At paragraph 127 it states that planning decisions should aim to ensure that, amongst other things, developments will function well and add to the overall quality of an area, be visually attractive through good architecture, layout and appropriate landscaping, be sympathetic to local character whilst not stifling innovation, establish a strong sense of place, and create safe and accessible environments. It goes on to say that great weight should be given to outstanding or innovative designs which help raise the standard of design in the area (para.131). At paragraph 130, it advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. These aims are reflected in draft Local Plan policies GP1 of the 2005 draft Local Plan and D1 and D2 of the 2018 emerging Local Plan.

4.31 The proposal would alter the layout of the larger residential development and reconfigure the open space within this part of the larger scheme by introducing five houses and a pumping station for foul and surface water on the land to the west of Field 9 and west of the six houses approved under the full application to revise the layout for Phase 4. The houses would back onto one another. The area of land under the pylons and cables that cannot now be developed for housing, would be partially landscaped and would read as part of Field 9 to the north of the phase. Overall, the existing structural open space layout would be retained.

4.32 The revised scheme would follow the overall approach and design of the larger residential development, with the emphasis on the creation of a sustainable,

accessible and cohesive community and utilising existing house types with a similar palette of materials and fenestration details. The Design and Access Statement submitted with the application states that the homes are proposed to be environmentally friendly and economical to run and are to be built to Joseph Rowntree Foundation 'Lifetime Homes' standard. The Energy Strategy Statement confirms that the originally proposed photovoltaic panels are to be omitted from the scheme following careful analysis and would be replaced with either connection to the District Heat Network or the provision of Ground Source Heat Pumps for the forty homes. There would be a mix of house types ranging from 2 to 4 bedroom properties arranged in terraces, semi-detached and detached forms, with the majority of houses (88%) being three bedroom family homes. There would be a cohesive character and appearance to the approved housing within the Derwenthorpe development.

4.33 The Police Architectural Liaison Officer raises no concerns or issues with the revised layout with regards to opportunities for crime. A condition covering detailed landscaping for the development is required if the application is approved.

4.34 As such, the proposal is considered to be acceptable in terms of its impact on the character and appearance of the area and there would no further harm to Green Belt.

## RESIDENTIAL AMENITY

4.35 Paragraph 127(f) of the NPPF seeks that developments create a high standard of amenity for existing and future users. Paragraph 180 of the NPPF also states that new development should be appropriate for its location taking into account the likely effects on pollution on health and living conditions, including mitigating any impacts from noise and light pollution.

4.36 There are existing established residential properties close to the site including Grid Cottage to the south and west and Langton House on the opposite side of Metcalfe Lane. The occupants of Grid Cottage would experience a significant change in the immediate living situation as the property would be surrounded on three sides by the larger residential development (the cycle path being to the south) with the houses to the north positioned approximately 18m away from it and an internal roadway running along its eastern boundary. However, it would retain its current high boundary enclosure and its private garden area is located to the south of the house, away from the houses proposed within the phase. Grid Cottage would maintain its current right of way through to Metcalfe Lane via a controlled access as well as benefitting from an additional means of access through the estate to Fifth Avenue. Langton House itself is separated from the site by Metcalfe Lane and a range of associated outbuildings and so should not be adversely affected by the proposal. There are houses within phase 3 to the west and 4 to the north that would be in close proximity to the application site, though are in the process of being built.

4.37 As there are residential properties close to the proposed site Public Protection have requested that controls are put in place to minimise noise, vibration and dust during demolition and construction in the form of a Construction Environmental Management Plan (CEMP).

4.38 The proposal would have a similar density to the previously approved layout and would reflect the general housing layout of the other phases of the larger development. The proposed houses would have similar separation distances within the phase to the previously approved scheme and each have an adequate private amenity space to serve them. A Local Area of Play is retained within the phase.

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

## ECOLOGY

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

4.41 The Ecological Report submitted with the application confirms that the site is sufficiently separated from any designated protected sites. The application site is largely hard-surfaced, though there are areas of existing scrub and hedge line, which are likely to be affected by the development. Field 9, which lies to the north of the application site, was originally retained in its entirety due to the presence of great crested newts in the pond within it and the wet grassland habitat it provided. Part of the field was agreed under Phase 4a to be built upon with 6 no. dwellings following ecological surveys that confirmed that the a population of great crested newts was no longer present. The scheme has been revised following concerns about the loss of mature native species hedge and scrub and the impact of lighting on Field 9. The revised plans include the removal of the substation thereby protecting the western hedgerow, the removal of the northern footpath thereby removing unnecessary light spill onto Field 9, additional native species hedging on the eastern boundary and the retention and enhancement of existing scrub around the pylons and on the southern site boundary. There would remain the loss of approximately 60m of mature native species hedge line where plots 32-40 are proposed, which is regrettable, but does not make the scheme unacceptable. The revisions to the scheme to incorporate the pumping station would lead to loss of some scrub vegetation in the far north of the site, which could be compensated to the east of the pumping station. Conditions are requested to secure the landscaping and lighting schemes.

4.42 Therefore, whilst the loss of vegetation is regrettable, the proposal is considered to be acceptable in terms of ecology and biodiversity, subject to conditions. No further harm is identified.



## ARCHAEOLOGY

4.43 Paragraph 197 of the NPPF requires the effect of an application on the significance of a non-designed heritage asset to be taken into account in determining an application. Draft Local Plan Policy HE10 and emerging Local Plan Policy D6 reflects national planning guidance.

4.44 Previous studies and surveys indicated that the site may be the location of a prehistoric settlement and a Roman settlement is known in the vicinity of Osbaldwick. However, this site has been subject to significant ground disturbance from the provision of the hardsurfaced area and erection of electricity pylons. Therefore, it is considered that there would be no harm to non-designated heritage assets and as such there would be no need for further archaeological investigation before determination or through condition.

## FLOOD RISK AND DRAINAGE

4.45 Paragraph 155 of the NPPF states that development should be directed to the areas of low flood risk and that development should be made safe for its lifetime without increasing flood risk elsewhere. Policies GP15a of the 2005 Draft Local Plan and ENV4 and ENV5 of the 2018 emerging Local Plan reflect the advice of the NPPF.

4.46 The application is supported by a Flood Risk Assessment and Drainage Impact Assessment. These confirm that the site and its access lie within low risk flood zone 1 and should not suffer from river flooding. Foul sewage is proposed to be discharged to the existing mains drainage sewerage system. Surface water is proposed to be disposed of via the main sewer to an existing water course. A pumping station is proposed in the northern section of the site to facilitate adequate drainage discharge. The development of this part of Phase 3 is proposed to be drained separately to the rest of the Derwenthorpe development. The Environment Agency raises no objection. Yorkshire Water and the Internal Drainage Board request conditions are attached to any approval. The Council's Flood Risk Management Engineer is satisfied with the drainage arrangements in principle, but seeks further details through condition.

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

## CONTAMINATION

4.48 Paragraph 180 of the NPPF requires planning decisions to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the

potential sensitivity of the site or the wider area to impacts that could arise from the development. Local planning policies reflect this advice. Paragraph 181 encourages planning decisions to contribute towards compliance with relevant limit values or national objectives for pollutants and improve air quality through, inter alia, green infrastructure provision and enhancement. Further, paragraph 110 states that applications for development should be designed to enable charging of plug-in and other ultra low-emission vehicles in safe, accessible and convenient locations. The national policy is reflected in local planning policies GP6 of the 2005 draft Local Plan and ENV1 and ENV3 of the 2018 Publication draft Local Plan.

4.49 The application is supported by a contamination report and site investigation report, which confirm the previous use as an electricity substation operated by National Grid and identify potential sources of contamination at the site from the presence of made ground associated with the former substation, the operation of the site as a substation and its operation for agriculture. The report recommends the removal of the contaminated soils, including the upper 0.5m of soil from 1.0m around the concrete plinth and that all materials used for landscaping of gardens and amenity spaces are tested to ensure suitability. Whilst Public Protection are generally satisfied with the reports, further information, including further sampling of soils and three further rounds of monitoring, is required before a remediation strategy can be agreed. This can be covered by the imposition of conditions.

4.50 Public Protection also seek a condition to ensure that facilities for charging plug-in and other ultra low emission vehicles are incorporated in the scheme to encourage the uptake of low emission vehicles in York, in accordance with paragraph 110(e) of the NPPF and the Council's adopted Low Emission Strategy.

## IMPACT ON LOCAL FACILITIES

4.51 Paragraph 54 of the NPPF advises that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 ('2010 CIL Regulations'), sets out the statutory tests that any planning obligation must satisfy. These tests are: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and, (c) fairly and reasonably related in scale and kind to the development. These tests are reiterated in paragraph 204 of the NPPF. Provision 123 of the 2010 CIL Regulations places further limitations on the use of planning obligations including that where more than five separate planning obligations have been entered into since April 2010 that provide for the funding or provision of that project or type of infrastructure, it would be unlawful to take into account in the granting to planning permission any further planning obligation relating to that project or type of infrastructure.

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

(i) Education

4.53 The development would generate the need for six additional secondary school places at Archbishop Holgate's Secondary Academy. The aforementioned school is currently at capacity. Financial contributions totalling £103,512 would therefore be required under Policies ED4 of the 2005 Draft Local Plan and ED6 of the 2018 emerging Local Plan.

(ii) Public Open Space

4.54 The development would generate the need for off site sports provision in lieu of provision on site. The site lies within an area where there is a deficit of 3.16ha of sports pitches. The contribution would be spent in accordance with the City's playing pitch strategy on the provision of pitches, outdoor sport and ancillary facilities at Burnholme Sports Centre site. A financial contribution of £25,986 is requested based on the size of the development and mix of dwellings.

4.55 These contributions are considered to be:

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

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

## HOUSING AND AFFORDABLE HOUSING

4.56 The proposal would deliver much needed housing for the City, with the majority (35 dwellings) being 3 bedroom properties. The remaining dwellings would include 1 no. two bedroom houses and 4 no. four bedroom properties.

4.57 The NPPF states that local planning authorities should set policies for meeting identified need for affordable housing on site. To that end the Council seeks to ensure that new housing development of 15 dwellings or more in the urban area will include affordable housing. The site lies within the general extent of York's Green Belt, but as the 2005 Local Plan and 2018 emerging Local Plan exclude the site from Green Belt and include it as a housing site within the urban area, it is considered appropriate to treat it as an urban site for the purposes of the affordable housing provision. The original outline planning approval was subject to a Section

106 Legal Agreement that required the provision of 40% affordable housing across the entire site in accordance with an affordable housing plan to be agreed. The pepper-potting of housing has been revised so that more affordable housing is proposed within the western half of Phase 3. However, the application proposes 9 of the 40 dwellings be affordable homes, which equates to 22.5% and exceeds the current threshold of 20% for brownfield sites over 15 dwellings contained in Policy H10 of the emerging Local Plan. Of the nine, 5 are proposed to be social rent and 4 shared ownership. The Council's Housing Strategy and Development Team welcome the proposals for much needed, high quality, affordable homes in a sustainable and accessible location and are in agreement about the tenure, house type mix and location of the affordable homes. Thus, it is reasonable to accept the nine affordable homes as part of this full application for part of phase 3.

## OTHER CONSIDERATIONS

4.58 As previously mentioned, the Council cannot demonstrate a five year supply of housing land outside the general extent of its Green Belt. However, whilst the NPPF 'tilted balance' in favour of the presumption in favour of sustainable development would normally be engaged (paragraph 11(d) and footnote 7 of the NPPF 2019) this is not the case in relation to this application. The NPPFs 'tilted balance' toward the presumption in favour of sustainable development is not engaged in this case because the proposed development is deemed inappropriate development in the Green Belt, which, in accordance with paragraph 11(d)(i) of NPPF 2019, is one of the policies in the NPPF that protect areas or assets of particular importance. As such, the lack of a five year supply of housing land is not considered to engage the 'tilted balance' in favour of the presumption in favour of sustainable development.

4.59 Paragraphs 143-144 of the NPPF advice that permission should be refused for inappropriate development, unless other considerations exist that clearly outweigh harm to the Green Belt by reason of inappropriateness and any other harm, which would amount to very special circumstances. In addition to harm due to inappropriateness, the proposed development would lead to further harm to the Green Belt in respect to openness. No further harm is identified that could not be mitigated by the imposition of conditions or obligations..

4.60 Whilst the Secretary of State considered when determining the outline application that the land falls within the Green Belt, she concluded that the site did not fulfil any of the Green Belt purposes and that harm to openness was limited. The following very special circumstances were identified by the Secretary of State as clearly outweighing the harm to the Green Belt from inappropriate development:

- the nature of the development as a highly sustainable and accessible housing scheme;
- the intended long term management role of JRHT;
- the need for an improved mix and for affordable housing in York; and,
- the absence of harm to any purposes of Green Belt.

The outline consent has been implemented and the development is part constructed. This application seeks approval to amend the layout of houses that fall within the extent of the previous development site and consequently the number of houses has reduced.

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

## **5.0 CONCLUSION**

5.1 The application site is within the general extent of the York Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 144 of the NPPF and by definition causes harm to the Green Belt. This harm, and other limited harm to openness of the Green Belt, must be afforded substantial weight and very special circumstances will not exist to justify the development unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.2 It is considered that the other considerations set out in paragraph 4.60 above together with mitigation of other harm through planning conditions and obligations, clearly outweigh the potential harm to the Green Belt, even when affording this harm substantial weight. This, therefore, amounts to the very special circumstances necessary to justify the development.

5.3 Any approval is subject to the signing of a Section 106 Agreement to cover the following matters, to include any necessary consequential variations being made to the original Section 106 obligation. The applicant has confirmed agreement to these heads of terms:

(i) Affordable housing provision:- Provision of 9 no. affordable dwellings, being 5 no. social rented units and 4 no. shared ownership;

(ii) Education:- £103,512 towards the cost of additional school places at Archbishop Holgate's Secondary Academy. An education contribution is required for secondary age provision (6 anticipated secondary pupil yield x 17,251 cost multiplier 2018/19 =£103,512).

(iii) Off-site sports provision:- Financial contribution of £25,986, of which £15,000 would be allocated to outdoor sport and ancillary facilities at Burnholme Sports Pitches and £10,986 would be allocated to Osbaldwick Sports Club;

(iv) Construction Traffic Management Plan:- Provision of a detailed Construction Traffic Management Plan that would be based on and incorporating the submitted preliminary statement submitted 7.6.19;

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

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

**6.0 RECOMMENDATION:** Approve subject to Section 106 Agreement

1 TIME2 (Development start within three years)

2 PLANS1 (Approved plans)

3 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations.

Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

With respect to dust mitigation, measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses: [public.protection@york.gov.uk](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

Reason: To protect the amenity of the locality.

4 Prior to commencement of development, gas monitoring and/or a risk assessment shall be carried out by a competent person to assess gas generation and migration. Based on the results of the gas monitoring and/or risk assessment, the detailed design of a gas protection system shall be submitted to and approved by the local planning authority.

Reason: To ensure that risks from landfill gas to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5 Prior to development commencing, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to

human health, buildings and other property and the natural and historical environment) must be prepared and approved in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

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

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

8 All demolition, excavation and construction works and ancillary operations, including deliveries and dispatch from the site shall be confined to the following hours: 0800 to 1800 hours Mondays to Fridays, 0900 to 1300 hours Saturdays, and no working on Sundays and Bank Holidays.

Reason: To safeguard the amenities of adjoining occupants.

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



Reason: In the interest of satisfactory and sustainable drainage.

10 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved in writing by the Local Planning Authority. The information shall include site specific details of:

- i) the means by which the surface water discharge rate shall be restricted to a maximum rate of 3.5 litres per second;
- ii) the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved, and;
- iii) the future management and maintenance of the proposed drainage systems.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

11 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

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

12 LAND1 (Landscaping scheme)

13 Lighting details to be submitted

14 HWAY19 (Car and cycle parking)

15 HWAY1 (Road details)

16 HWAY33 (Highway constructed before occupation)

## **7.0 INFORMATIVES:**

### **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:

- Pre-application discussion;
- Request for further information and revised plans to address issues raised;

- Imposition of conditions to mitigate harm.

## 2 Informative: Drainage

i) The applicant should be advised that the Internal Drainage Board's prior consent is required for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

ii) Suitability of the surface water outfall shall be proven.

iii) The Council's Flood Risk Management Team require two weeks notice prior to drainage works starting in order to oversee the installation of the flow control device and associated attenuation measures.

### **Contact details:**

**Author:** Hannah Blackburn Development Management Officer

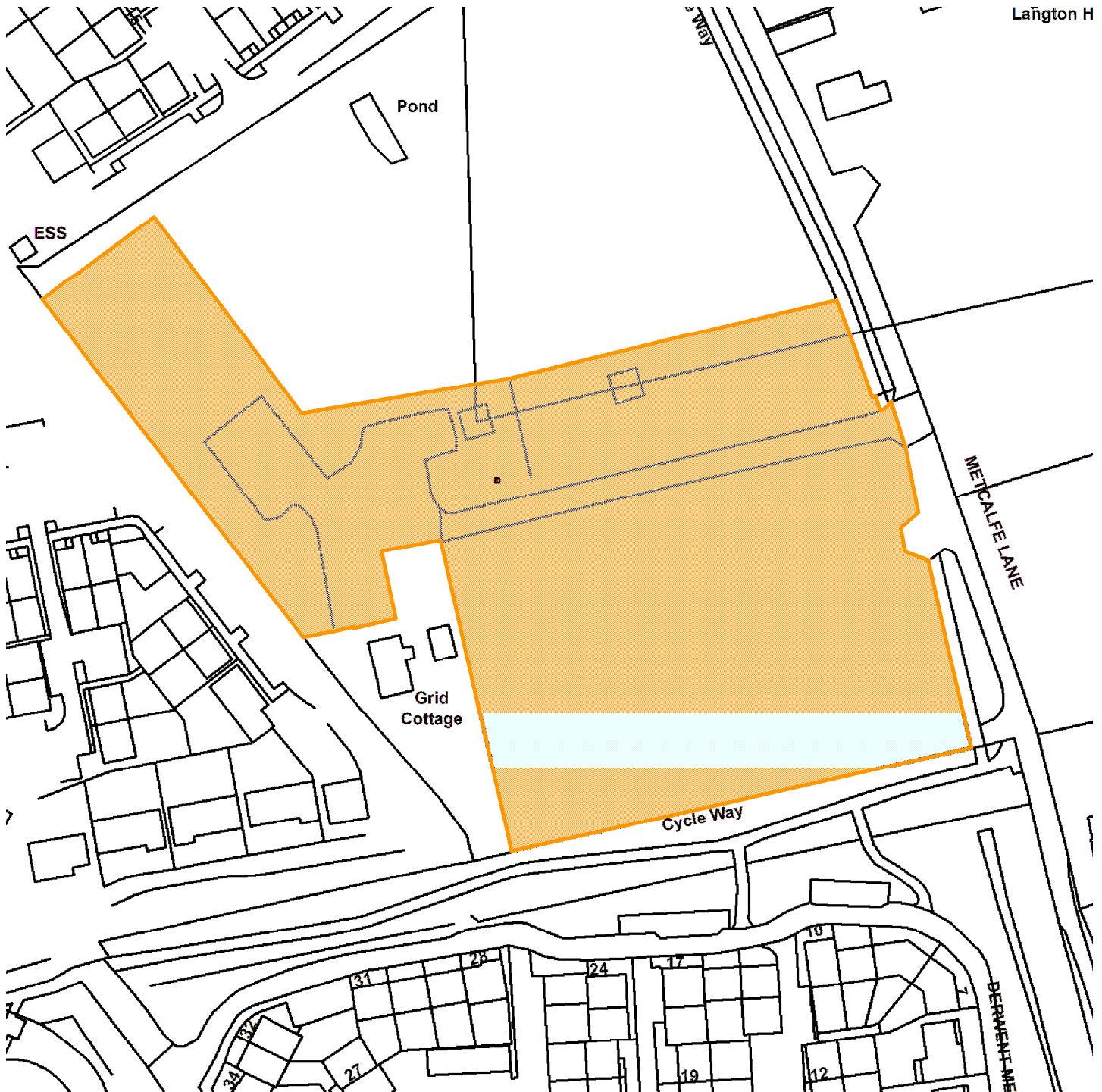
**Tel No:** 01904 551325

18/01778/FULM

Land To The North And East Of Grid House Metcalfe Lane



Langton H



Scale : 1:1198

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	03 July 2019
<b>SLA Number</b>	Not Set

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