

## COMMITTEE REPORT

**Date:** 22 October 2015      **Ward:** Huntington/New Earswick  
**Team:** Major and Commercial Team      **Parish:** Huntington Parish Council

**Reference:** 15/00798/OUTM  
**Application at:** Land to the North Of Avon Drive Huntington York  
**For:** Erection of 109no. dwellings  
**By:** Pilcher Homes Ltd  
**Application Type:** Major Outline Application (13 weeks)  
**Target Date:** 14 August 2015  
**Recommendation:** Refuse

### 1.0 PROPOSAL

1.1 Outline application for the erection of up to 109 dwellings. All matters are reserved except access. The application is accompanied by a masterplan, which is illustrative only. The application includes 1, 2, 3 and 4-bedroom houses. 30% of all house types would be affordable. The development would be bounded to the north by a landscaped buffer between the housing and the ring road. Two access points would be created via two vacant plots on the north side of Avon Drive. A new internal loop road within the development would link the two accesses. The gross density would be 22.6dph. The net density (after excluding open space, the landscaped buffer and 0.2ha for surface water attenuation) would be 32.7dph.

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

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies:

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

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

SP2 – The York Green Belt

SP3 – Safeguarding the Historic Character and Setting of York

GB1 - Development in the Green Belt

GB6 – Housing Development Outside Settlement Limits

CYGP1 - Design

CYGP4A – Sustainability

CYGP9 – Landscaping

CGP15A – Development and Flood Risk

HE10 – Archaeology

NE7 – Habitat Protection and Corridors

H2a – Affordable Housing

H3c – Mix of Dwellings on Housing Sites

L1c – New Open Space in Development

C6 – Developer Contributions Towards Community Facilities

## City of York Local Plan – Publication Draft 2014:-

DP1: York Sub Area

DP2: Sustainable Development

DP3: Sustainable Communities

SS1: Delivering Sustainable Growth for York

SS2: The Role of York's Green Belt

SS3: The Creation of an Enduring Green Belt

H1: Housing Allocations

H2: Density of residential Development

H3: Balancing the Housing Market

H4: Housing Mix

H9: Affordable Housing

D7: Archaeology

GI2: Biodiversity and Access to Nature

GI4: Trees and Hedges

GI6: New Open Space Provision

GB1: Development in the Green Belt

T4: Strategic Highway Network Capacity Improvements

T5: Strategic Cycle and Pedestrian Network Links and Improvements

T10: Safeguarding Routes and Sites

DM1: Infrastructure and Developer Contributions

## 3.0 CONSULTATIONS

### INTERNAL

#### PLANNING AND ENVIRONMENTAL MANAGEMENT (FORWARD PLANNING)

3.1 Objection. For the purposes of determining this application the site should be treated as falling within the Green Belt in accordance with the Regional Spatial Strategy (RSS), the 2005 City of York Council Draft Local Plan and the emerging local plan. Only certain types of development are allowed in the Green Belt, all other forms of development (including residential proposals) are considered to be inappropriate development. As such, it is necessary for the applicant to demonstrate very special circumstances to justify why the presumption against development should not apply.

3.2 The site serves the purposes of the Green Belt and is required to remain as Green Belt to maintain the openness of the site and to prevent coalescence. In the absence of the applicant putting forward an argument for very special circumstance the site is not considered appropriate for housing in this Green Belt location.

#### HOUSING STRATEGY AND DEVELOPMENT

3.3 Supports the application. It complies with the council's interim affordable housing approach for greenfield sites by providing 30% affordable housing, which has been agreed with the applicant. It would provide much-needed quality affordable homes in a mixed and sustainable community. A range of family house types would be provided, with a particular concentration of three bed houses, which are identified as the city's priority need in 2011 Strategic Housing Market Assessment (SHMA).

#### HIGHWAY NETWORK MANAGEMENT

3.4 The proposed scheme is over engineered and should be based on Manual for Streets principles to create more of a sense of place with a clear hierarchy. Two access points into a development of this scale are unnecessary. The eastern access should provide the main vehicular access into the development with the western access being used for pedestrian/cycle access only. The internal layout should be designed, constructed and offered for adoption.

3.5 Financial contributions or measures should be provided by the developer to maximise the sustainability of the development. For example, improvements to adjacent bus stops; choice of either a 12 month bus pass or equivalent value towards a free cycle/cycle accessories for first occupiers; a minimum 3.5m wide

pedestrian /cycle path running along the site's northern boundary to be adopted as public highway.

3.6 The council as highway authority would need a strip of land along the northern boundary to facilitate improvements to the Outer Ring Road. This should be offered to the council for adoption as public highway.

## ENVIRONMENTAL PROTECTION UNIT

3.7 No concerns about occupiers of the new houses being protected from noise emanating from the ring road provided that the proposed double glazing is provided. A 2m-high acoustic barrier is proposed for the full length of the northern boundary of the site adjacent to the outer ring road. Such a barrier is likely to provide up to 10dB reduction in the noise level but this is still likely to result in noise levels in gardens near the ring road exceeding the council's desirable standard by up to 3dB. This is not ideal but is not sufficient to justify refusal of the application. The site appears to have been used as farmland since 1883 with no known sources of contamination. Whilst concentration changes within the immediate vicinity of the site are not expected to result in increased local exposure to air pollutants above the national air quality objectives the development will still have an overall emission impact that will contribute towards the cumulative impact of development on background air quality. In line with the Council's Low Emission Strategy and the NPPF, developers are required to demonstrate that they are making all reasonable efforts to minimise total emissions from development sites during both construction and operational phases. This would include, among other things, energy choices for heating and powering the buildings and use of low emission vehicles.

3.8 If planning permission is granted add conditions to cover the following matters: (1) submission of noise mitigation measures (2) submission of a construction environmental management plan (3) hours of construction (4) unexpected contamination and (5) electric vehicle recharging on site.

## FLOOD RISK MANAGEMENT

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

## ENVIRONMENTAL MANAGEMENT\_(Archaeology)

3.10 The proposed development is likely to have a direct impact upon unknown buried archaeological features (undesigned heritage assets) within the site. It is therefore essential that a geophysical survey and an intrusive archaeological evaluation are carried out before the application is determined. If this information is not provided the application should be refused.

## ENVIRONMENTAL MANAGEMENT\_ (Ecology)

3.11 There are no statutory or non-statutory nature conservation sites within or immediately adjacent to the site. The main habitat on the site is semi-improved grassland with hedgerows, scattered trees and areas of plantation woodland. There is also a pond. Although these habitats are not significant in their own right they contribute to the green networks of the area. There was no evidence of great crested newts when the site was surveyed in 2012 and it is unlikely that great crested newts have colonised the pond since then. More mobile species of common wildlife that may be found on the site, such as roe deer, pheasants and foxes, would not be significantly affected by the development because they would easily be able to use surrounding habitats.

3.12 If this application were approved add conditions requiring (1) submission of an ecological design strategy addressing mitigation and enhancement (2) updated ecology surveys if development does not commence within 2 years (3) submission of a sensitive lighting scheme including consideration of impacts on biodiversity.

## ENVIRONMENTAL MANAGEMENT\_(Landscape)

3.13 The proposed development would have a detrimental impact on the open character of the greenbelt, and would increase the effect of coalescence between Huntington and Earswick.

## LEISURE

3.14 For a development of this size all the necessary amenity and play space should be on site. If planning permission were to be granted a financial contribution should be made towards outdoor sports provision off-site. The open space shown on the illustrative masterplan does not match the open space needs of the residents of the development. The strip of open space along the northern boundary does not offer good quality amenity space. It appears to be little more than an acoustic buffer. If the open space were to be managed by the council a commuted sum for this would be required. Access from Avon Drive offers real opportunities for integrating the development with the existing community and giving walking/cycling routes to local amenities, schools etc.

## EDUCATION

3.15 This site lies within the catchment of Huntington Primary school and Huntington Secondary school. If the development were to proceed there would be a need for additional provision at Huntington Primary requiring a financial contribution of £200,685.00. The need for additional provision may have changed by the time a full planning application is received. The financial contribution quoted here is therefore indicative and should be used as a guide only.

## EXTERNAL

### ELVINGTON PARISH COUNCIL

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

### JULIAN STURDY MP (ON BEHALF OF LOCAL RESIDENTS)

3.17 The land is in the Green Belt. Previous proposals have been turned down; this should be a key consideration. Approval would hinder the council's ability to achieve its goal of dualling the A1237. The development would contribute to existing traffic and congestion problems on the A1237 and more local roads. The community is concerned over the impact of the development on school places, health facilities, etc. Development would exacerbate the existing drainage of the site and gardens along Avon Drive.

### COUNCILLORS ORRELL, CULLWICK AND RUNCIMAN

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

## ENVIRONMENT AGENCY

3.19 The development is outside the scope of issues that the EA would wish to be consulted on.

## YORKSHIRE WATER

3.20 We are satisfied that the development would not encroach along the 15m corridor (i.e. 7.5m each side) of the large diameter water main that crosses the site.

## FOSS INTERNAL DRAINAGE BOARD (FIDB)

3.21 The site is in an area where drainage problems exist. Development should not be allowed until the local planning authority is satisfied that surface water drainage has been satisfactorily provided for.

## HIGHWAYS ENGLAND

3.22 No objection.

## POLICE (DESIGNING OUT CRIME)

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

## PUBLIC CONSULTATION

3.24 The consultation period expired on 1 June 2015. 70 objections have been received raising the following planning issues:

- Contrary to green belt policy and purposes;
- Development should be on brownfield sites
- Would increase sprawl
- Would worsen existing traffic;
- Traffic is already set to increase due to other approved major developments
- Would reduce highway safety
- Site is needed for dualling of A1237
- No further development until ring road is dualled

- The main access should be from the west end of Avon Drive not east
- The site has already been rejected for housing
- There are no spare places in local schools
- Would put pressure on infrastructure/services
- Inadequate foul and surface water drainage
- Traffic pollution, noise and loss of amenity in Avon Drive
- There are already enough housing developments in Huntington
- Why should affordable housing be built here
- The housing would attract crime
- The public park would encourage anti-social behaviour
- Loss of habitats
- Loss of rural character
- Application is premature
- Loss of site for dog walking would increase risk of dog fouling on the highway.

3.25 A petition has been received containing 295 signatures. The signatories object to the proposal to develop the Green Belt land to the north of Avon Drive.

## **4.0 APPRAISAL**

### **4.1 KEY ISSUES**

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

### **POLICY CONTEXT**

4.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. There is no development plan in York other than the saved policies of the Regional Spatial Strategy (RSS) relating to the general extent of the Green Belt. The site lies within the general extent of the Green Belt as

shown on the Key Diagram of the RSS (the Yorkshire and Humber Plan) saved under The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. Policies YH9 and Y1(C1 &C2) and the key diagram on page 214 of the RSS form the statutory Development Plan for the City of York administrative area. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

4.3 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy Framework (NPPF). It is against this Framework that the application proposal should principally be addressed. Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 14 states that there is a presumption in favour of development, which should be seen as a golden thread running through plan-making and decision-taking. Footnote 9 of paragraph 14 contains restrictions where this presumption in favour of sustainable development does not apply, including land designated as Green Belt. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking. They include seeking high quality design and protecting the Green Belt.

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

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

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

4.6 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, has been halted pending further analysis of housing projections. It carries very little weight in the Council's consideration of this application (in accordance with paragraph 216 of the NPPF). The most relevant of the emerging policies are listed at paragraph 2.2 above.

## THE APPLICATION SITE

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

## HOUSING NEED AND HOUSING SUPPLY

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

4.9 A report was taken to the Council's Local Plan Working Group on 29 September 2015 to update Members on a revised Objective Assessment of Housing Need (OAHN) undertaken for the Council by consultants Arup. The report to Members outlined the requirements placed on the Council through national planning guidance in relation to OAHN and presented to Members the updated work including an assessment of the revised national household projections published by Department of Communities and Local Government (CLG) in February 2015 which is the starting point in the assessment of housing need. Members of the working group were invited to note and comment on this evidence to be used as the starting point for determining the amount of housing land required to be identified in the emerging York Local Plan.

4.10 The report also included an indicative five year housing supply position but the report makes it clear that work on the five year land supply is ongoing and cannot be concluded until a series of decisions have been made on both factors affecting

housing demand and the future portfolio of sites. These include the use of the CLG household projections, the approach to dealing with previous undersupply and the potential application of windfalls.

4.11 The above comments relate to the indicative 5 year supply position in the context of the emerging Local Plan evidence base. Whilst it is possible to give a housing supply position as at 1<sup>st</sup> April 2015, which is 4,904 dwellings, it cannot currently be concluded that the council can demonstrate a five year supply position based on the requirements set out in NPPF given that the work on the emerging plan housing requirement and the supply to meet that requirement is ongoing and will be the subject of further reports to Members in the coming months.

4.12 Independently of the housing need assessment, the council's evidence base includes an objective examination of individual sites to assess their suitability for housing. Where a site is found suitable it will be included in the pool of sites for allocation in the emerging local plan. The application site (known as site 191, Land at Avon Drive) was submitted to the council as a potential housing site at the preferred options stage of the plan. The site was assessed and found to be unsuitable. The reasons were that the northern part of the site would be required for the proposed future dualling of the ring road and that the remaining part of the site would be needed to: provide a landscaped setting to the road after widening; maintain the openness of the site; and to prevent the coalescence of Huntington and Earswick.

4.13 The council's findings were recorded in the Site Selection Paper (June 2013). In order to create the best opportunities for sustainable sites, individual sites were, where possible, amalgamated into larger sites where they were adjacent to each other or overlapping. As part of the site selection process the site was therefore amalgamated with adjacent land to form a larger site (known as site 329, Amalgamated Sites North of Monks Cross). Whilst most of this larger site was proposed for allocation for housing (as site ST8) site 109 was not considered appropriate for the reasons above.

4.14 The applicant submitted additional evidence in support of site 191's inclusion as an allocation site through the preferred options consultation. The site was reconsidered and was again rejected. During the next stage in the assessment of potential sites (the further sites consultation) site 191 was considered yet again following the submission of additional information. It was again found unsuitable as a housing allocation and rejected (ref. Further Sites Consultation Technical Appendix 2, June 2014). It was again reconsidered and rejected (ref. Site Selection Addendum, September 2014). In summary, at the applicant's request and submission of further information, the site was considered many times during the council's assessment of potential housing sites. The council's response each time was that the site was unsuitable as a housing allocation.

## ASSESSMENT OF HARM TO THE GREEN BELT

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

4.16 The application proposal does not fall within any of the categories of appropriate development in paragraph 89. It therefore constitutes inappropriate development for the purposes of paragraph 88 of the NPPF and by definition causes harm to the Green Belt. In order to justify inappropriate development it is for the applicant to demonstrate that very special circumstances exist that clearly outweigh these harms. The NPPF states that the harm to the green belt carries substantial weight against the proposal in the determination of an application for inappropriate development. The harms must be clearly outweighed by other considerations in order for very special circumstances to exist.

4.17 The applicant accepts that the site lies within the non-statutory York Green Belt. He does not make the case for very special circumstances but argues, in the submitted planning statement, that in the context of (i) no adopted development plan that sets the inner boundary of the York Green Belt and (ii) the very limited Green Belt role that the site performs, the site is suitable for development and therefore, the presumption in favour of sustainable development should apply.

4.18 In response, the site lies within the general extent of the Green Belt as shown on the Key Diagram of the RSS and, for development control purposes, has been treated as Green Belt by the local planning authority and the Planning Inspectorate for many years. Although the RSS does not specify the precise inner boundary of the Green Belt its appropriateness for inclusion can be judged by assessing the site against the five purposes of the Green Belt as set out in Paragraph 80 of the NPPF. These are:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;

- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

#### 4.19 Tested against these purposes:

- The site is sizeable and projects significantly from the city's urban area into the open countryside.
- The site is clearly open, in that it has no appreciable structures and it mainly comprises open agricultural land.
- The site is located between Huntington and Earswick, which is the narrowest gap between the main urban area of York and any of its satellite settlements.
- Extending development up to the ring road would (even with boundary landscaping) increase the urban character of the ring road, which has a generally rural character and contributes to the setting of York.
- Restricting development on the greenfield margins of York would encourage recycling of derelict and urban land.

4.20 In summary, the site serves all five purposes of the Green Belt as set out in the NPPF. In the view of officers, and in the absence of a defined inner boundary of the Green Belt, the application site should be treated as being within the Green Belt.

4.21 The planning statement accompanying the application states that officers have agreed that the application does not serve the purposes of the Green Belt (paragraph 6.2) and does not perform a Green belt function (paragraphs 7.27 and 9.1). For the avoidance of doubt this is not the view of officers and no evidence has been produced by the applicant to show that officers have ever claimed this to be the case. On the contrary, the published site selection documents for the emerging local plan make clear that, after the proposed widening of the ring road, the remaining part of the site would be needed to provide a landscaped setting, maintain the openness of the site and prevent the coalescence of Huntington and Earswick.

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

4.23 In summary, the proposal represents inappropriate development in the Green Belt, would cause a considerable loss of openness and would conflict with the five purposes of including land within the green belt. The application should be refused unless other considerations are shown to exist to clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm caused and substantial weight should be given to the potential harm to the Green Belt. There is no presumption in favour of development as argued by the applicant in the

submitted planning statement. Whether there are such other considerations, amounting to very special circumstances, is assessed below at section 5.0.

## LANDSCAPE CHARACTER

4.24 The site consists of one large field within which there is evidence of ridge and furrow. A remnant hedgerow marks the old field pattern before the introduction of the ring road. A key characteristic of York is the setting of the city within a largely open rural surround. Outlying villages lie beyond the rural surround. Key views from the ring road reinforce this image by way of a foreground of fields and a separation between the city and the neighbouring settlements, i.e. the ring road passes through this landscape form. The ring road itself is not a boundary marker. Some sections of the ring road have been built up, to the detriment of the setting of the city, e.g. at Clifton Moor. Repetition of such urban treatment alongside the ring road, as would occur if the current proposal were approved, would further detract from York's character and setting.

4.25 The site is largely experienced from the ring road by passing traffic. The site is mostly screened from the west and south due to existing housing on Strensall Road and Avon Drive respectively. The site is relatively well-screened in the summer months due to the young mature hedge and other vegetation that runs along the boundary with the ring road, along with the flat terrain. However, the hedge is not a solid screen. There is an awareness of openness beyond the hedge before the building line of Avon Drive. If a large number of houses were built on the site (as is proposed) their presence would be obvious in the winter months and there would be an awareness of their proximity in the summer months. Street lighting and internal lighting would render the scheme more visible in the landscape during hours of darkness.

4.26 In summary, the proposed development would be a significant encroachment into open countryside, have a detrimental impact on its open character, increase the effect of coalescence between Huntington and Earswick and be detrimental to the character and setting of York.

## AFFORDABLE HOUSING

4.27 The application is in outline only and does not include details of the mix and layout of affordable housing. However the applicant has agreed to provide 30% affordable housing, i.e. 33 units. The illustrative masterplan state that these would be 12x1-bedroom, 11 x 2-bedroom and 10 x 3-bedroom. This mix was unacceptable to Housing officers, particularly as the masterplan shows all the market houses as having 3 and 4 bedrooms. Since then, following negotiation with Housing officers, the applicant has agreed to provide the affordable houses in the same ratio as the market houses. The illustrative mix of dwelling types now complies with the council's interim affordable housing standards. If planning permission were to be

granted, affordable housing would be secured by a s.106 agreement.

## HIGHWAY MATTERS

4.28 One of the main objections to the application is that it would increase congestion on neighbouring roads, particularly Strensall Road and the ring road. Highways officers have assessed the transport statement submitted with the application and are satisfied that the assessment used is robust. The development will generate in the region of 65 two-way vehicle movements during the AM/PM peak periods. The level of traffic expected equates to a little over 1 additional vehicle per minute during the peak periods. Assessment of the impact of this small increase in traffic on the adjacent junctions, using nationally recognised software has demonstrated that the development would not have a material impact on the operation of the adjacent road network. Avon Drive/Strensall Road junction currently operates well within capacity and is expected to continue to do so post-development.

4.29 A strip of land along the northern boundary is expected to be needed for the future widening of the ring road. If planning permission were to be granted this strip should be offered to the council for adoption as public highway. The illustrative masterplan shows this area as landscaping and public open space. Highways officers are content that the proposed houses would not prejudice road widening. However, the road widening would reduce the amount and design of the proposed public open space and no design work appears to have been done to show how much land would be needed for a buffer between the widened road and the proposed housing.

4.30 The internal road layout shown on the illustrative masterplan appears to be over engineered. The council's Highways officers consider that it should be based on Manual for Streets principles to create more of a sense of place with a clear hierarchy. For example the internal layout should include shared surfaces which encourage the use of the highway areas for purposes other than the movement of vehicles; highway width should vary to provide areas of on-street visitor/casual caller parking areas; vehicle speeds should be a maximum of 20 mph and self-enforcing through design measures such as the use of street trees/benches/street furniture; high quality materials should be used for highway areas; garages should be large enough to accommodate cycles as well as cars.

4.31 Two access points into a development of this scale are unnecessary. The eastern access should provide the main vehicular access into the development with the western access being used for pedestrian/cycle use only. This pedestrian/cycle access would provide a direct traffic-free route to adjacent bus stops and facilities. It would also provide a route to the public open space without adjacent residents having to walk along Strensall Road. The internal layout should be designed, constructed and offered for adoption. In the event that outline planning permission

were to be granted details of the two accesses into the site from the public highway (Avon Drive) should be made a condition of approval. The layout and design of the internal road layout would be form part of a reserved matters application.

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

4.33 If the planning application were to be approved the applicant should submit, at the very least, a plan (or revised illustrative masterplan) showing the areas required for the widening of the ring road, the two accesses from Avon Drive (with the western access narrowed for pedestrian/cycle use only) and the general alignment of a minimum 3.5m-wide pedestrian/cycle route along the northern boundary. Members will be updated at the meeting.

## LEISURE AND OPEN SPACE

4.34 For a development of this size all the necessary amenity and play space should be on site. Based on the house mix proposed the council's Leisure officers would expect a total of 10,500sqm of open space. This is less than the 13,000sqm shown on the illustrative masterplan. However the masterplan shows the public open space at the eastern end of the site and along the northern boundary, which is far from ideal. The proposals include a public park at the most-northerly part of the site, close to the ring road/Strensall Road junction. Whilst the absence of houses in these areas would provide a landscaped buffer between the main roads and the development the quality of the open space (close to noisy, busy roads) would be poor. Furthermore, a significant strip of this land would be needed permanently for the widened ring road and a further strip would be needed to construct it. A much better arrangement would be for the open space to be separate from the landscaped buffer and be located closer to the south and west of the site. If planning permission were to be granted this should be part of a reserved matters application.

4.35 Taking access from Avon Drive offers the opportunity to integrate the development with the existing community and giving walking/cycling routes to local amenities, schools and other facilities. Furthermore, restricting the western access to only pedestrians and cycles would provide a direct, traffic free route to adjacent bus stops and facilities and would provide a route to the public open space without adjacent residents having to walk along Strensall Road.

4.36 If planning permission were to be granted a financial contribution should be made towards outdoor sports provision off-site. If the open space were to be

managed by the council a commuted sum for this would also be required.

4.37 The applicant has agreed to the provision of amenity space on site and a financial contribution towards off-site sports pitch provision in accordance with policy requirements. This should be incorporated into a s.106 agreement. The total sum would depend on agreed final number of new dwellings.

## BIO-DIVERSITY

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

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

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

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

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

4.43 If this application were approved, conditions requiring (i) submission of an ecological design strategy addressing mitigation and enhancement (ii) updated ecology surveys if development does not commence within 2 years (iii) submission of a sensitive lighting scheme including consideration of impacts on biodiversity would be required.

## NEIGHBOUR AND OCCUPIER AMENITY

4.44 Layout is a reserved matter, so the submitted masterplan is illustrative only and may change significantly. Nevertheless, despite the presence of residential dwellings along the south and west boundaries, there is nothing about the size, character or location of the site that would prevent, in principle, the proposed number and type of a dwellings causing a significant impact on local residents.

4.45 Occupiers of the new houses could be protected from noise emanating from the ring road subject to the houses being suitably double glazing and a 2m-high acoustic barrier along the northern boundary of the site adjacent to the outer ring road. Such a barrier is likely to provide up to 10dB reduction in the noise level but this is still likely to result in noise levels in gardens near the ring road exceeding the council's desirable standard by up to 3dB. This is not ideal but is not sufficient to justify refusal of the application.

## ARCHAEOLOGY

4.46 Although the lies outside the city's Areas of Archaeological Interest it is in an area that has been in agricultural use probably since the medieval period. This means that it has been relatively undisturbed. Archaeological investigations in the wider study area have produced evidence of deposits dating from the Romano-British period including military training camps to the south at Monks Cross and south-west on Bootham Stray. The applicant has submitted a desk-based assessment to support the application. This has so far identified evidence of Ridge and Furrow across the site. The report recommends a program of archaeological investigation comprising geophysical survey and evaluation trenching.

4.47 Bearing in mind the history of the site the proposed development is likely to have a direct impact upon unknown buried archaeological features (undesigned heritage assets) within the site. The National Planning Policy Framework (NPPF) requires (at paragraph 128) that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Paragraph 129 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid

or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

4.48 At present, in the absence of a geophysical survey and evaluation, it is impossible to say whether there are archaeological assets preserved on this site whose significance will be affected by this development. If there are undesignated archaeological assets of national importance present on the site, these would have a significant impact on the proposed development. The presence of significant but not nationally important undesignated heritage assets would also have an impact on the development.

4.49 To date, as far as officers are aware, no geophysical survey and trial trenching has been carried out. The failure to carry out this work and to submit the results to the local planning authority for evaluation should be included among the reasons for refusal.

## LOCAL SERVICES

4.50 Some local residents are concerned that the proposal would put unacceptable pressure on local services, particularly local schools. The site lies within the catchment of Huntington Primary school and Huntington Secondary school. Whilst there are currently sufficient places available at Huntington Secondary school to accommodate potential demand from this development (and no need for a preschool contribution), there would be a need for additional provision at Huntington Primary if the development were to proceed. This would require a financial contribution of £200,685.00. The contribution quoted is based on current levels of surplus space within local schools and providers. The number/type of housing and/or the number of surplus places at the schools may have changed by the time a full planning application is received. S106 amounts quoted here are therefore indicative and should be used as a guide only.

4.51 Any section 106 funds received would be put towards a two-to-three classroom expansion at the school, the need for which would be generated by this and other extant developments in the area. To date two other s.106 agreements to contribute to this infrastructure project have been entered into since 2010 so the council has not reached the five-agreement pooling limit required under current legislation. The applicant has agreed to the principle of a financial contribution calculated in accordance with the council's standard formula and for the contribution to be incorporated into a section 106 agreement.

4.52 As for health services, these are outside the control of the local planning authority. Any shortfall in provision would be a matter for the appropriate health authority.

## FLOOD RISK AND DRAINAGE

4.53 The site is in low risk flood zone 1 and is unlikely to suffer from river flooding. The development of the site for housing would increase the surface water run-off from what is currently agricultural land. The public sewer network does not have capacity to accept an unrestricted discharge of surface water so the run-off would need to be attenuated. The Building Regulations require that consideration should be given in the first instance to sustainable drainage methods (SuDS), in particular discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network should only be a last resort. If planning permission were to be granted the developer would have to provide evidence to demonstrate that the site is unsuitable for the use of soakaways and other means of sustainable drainage. The need for attenuation has been accepted by the applicant, who proposes – if sustainable methods are unsuitable - a maximum discharge rate of 18 litres per second (l/s). This is too high. In the event that the site is unsuitable for sustainable drainage the council's flood risk officers and the internal drainage board would require the discharge rate to be no greater than 6.7l/s (which equates to a greenfield run-off rate of 1.4l/s/ha).

4.54 If planning permission were to be granted conditions should be attached regarding (i) separate systems of foul and surface water drainage (ii) submission of drainage details including details of any attenuation and off-site works (iii) no piped discharge of surface water prior to the completion of the approved drainage works.

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

## COMMUNITY INVOLVEMENT

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

## THE PLANNING BALANCE

4.57 Planning policy dictates that substantial weight should be given to any harm to the Green Belt and that inappropriate development should not be permitted unless very special circumstances exist. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

4.58 The applicant has advanced the following other considerations, which they argue outweigh any harm that would be caused:

- The site is in a sustainable location and is deliverable in the short term;
- The development would provide much-needed housing including affordable housing;
- The development would create employment and support the local economy;
- Residential development would not prejudice the widening of the ring road.

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

4.60 The council's highways officers are satisfied that the road could be widened and environmental protection officers are satisfied that noise mitigation measures could be provided. But whilst improvements to a trunk road could constitute very special circumstances the current housing proposal does not. Notional provision in the scheme for the widening of the ring road does not outweigh harm to the Green Belt.

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

4.62 The applicant is not opposed to the principle of undertaking further archaeological survey work but it has not yet been carried out. To approve the principle of development for housing would be premature without first being satisfied

any (as yet unidentified) archaeological features on the site could be properly protected.

4.63 In the planning balance, when giving substantial weight to the potential harm to the Green belt, the applicant has not demonstrated that harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

## **5.0 CONCLUSION**

5.1 Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. The application site is located in the Green Belt as identified in the 2005 City of York Draft Local Plan. It is considered that the proposed development of up to 109 houses and associated infrastructure constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework. Inappropriate development is by definition harmful to the Green Belt. No 'very special circumstances' have been put forward by the applicant that would outweigh harm by reason of inappropriateness and any other harm, including the impact on the openness of the Green Belt and conflict with the purposes of including land within Green Belt. The proposal is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt Land' and policy GB1 'Development in the Green Belt' of the 2005 City of York Draft Local Plan.

5.2 The proposed development is likely to have a direct impact upon unknown buried archaeological features (undesigned heritage assets) within the site. No geophysical survey nor intrusive archaeological evaluation has been carried out to demonstrate that undesigned archaeological assets present on the site would be properly protected. The application is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 12 'Conserving and Enhancing the Historic Environment' and policy HE10 'Archaeology' of the 2005 City of York Draft Local Plan.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. The application site is located in the Green Belt as identified in the 2005 City of York Draft Local Plan. It is considered that the proposed development of up to 109 houses and associated infrastructure constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework. Inappropriate development is

by definition harmful to the Green Belt. No 'very special circumstances' have been put forward by the applicant that would outweigh harm by reason of inappropriateness and any other harm, including the impact on the openness of the Green Belt and conflict with the purposes of including land within Green Belt. The proposal is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt Land' and policy GB1 'Development in the Green Belt' of the 2005 City of York Draft Local Plan.

2 The proposed development is likely to have a direct impact upon unknown buried archaeological features (undesigned heritage assets) within the site. No geophysical survey nor intrusive archaeological evaluation has been carried out to demonstrate that undesigned archaeological assets present on the site would be properly protected. The application is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 12 'Conserving and Enhancing the Historic Environment' and policy HE10 'Archaeology' of the 2005 City of York Draft Local Plan.

## **7.0 INFORMATIVES:**

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