

## COMMITTEE REPORT

**Date:** 20 August 2015      **Ward:**  
**Team:** Major and      **Parish:** Osbaldwick Parish  
Commercial Team      Council

**Reference:** 15/00754/FULM  
**Application at:** Land Lying To The West Of Metcalfe Lane Osbaldwick York  
**For:** Erection of 36 dwellings with associated roads and public open space - revised layout of part of phase 4 of the Derwenthorpe development  
**By:** Mr A Cornish, Richards Partington Architects  
**Application Type:** Major Full Application (13 weeks)  
**Initial Target Date:** 28 July 2015  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

#### PROPOSAL

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

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

1.3 Access to Phase 4 would remain unchanged. The number of dwellings would reduce from 74 in total accessed from Meadlands to 66 and within the application site itself from 44 to 36. The mix of house types is as follows: 6 no. two bedroom houses, 28 no. three bedroom houses and 2 no. four bedroom houses. The open space would be reconfigured with a large section of Field 9 retained and extended north along the eastern site boundary with Metcalfe Lane, under the line of the power cables.

1.4 The application has been revised since first submission with the omission of 4 no. houses adjacent to Metcalfe Lane and detailed changes to highway and parking layout at the request of officers and following consultation responses.

## ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

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

## 2.0 POLICY CONTEXT

2.1 2015 Draft Development Plan Allocation:

Conservation Area GMS Constraints: Osbaldwick CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

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

2.2 Policies:

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

2. National Planning Policy Framework (March 2012)

3. 2005 Draft York Local Plan (4<sup>th</sup> set of changes). Allocates the land as a housing site. Relevant policies include:

- CYGP1 – Design
- CYGP3 – Planning against crime

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- CYGP4A – Sustainability
- CYGP4B – Air Quality
- CYGP6 – Contaminated Land
- CYGP9 – Landscaping
- CGP15A – Development and Flood Risk
- CYNE1 – Trees, woodland, hedgerows
- CYNE6 – Species protection
- CYNE7 – Habitat protection
- CYGB1 – Development in the Green Belt
- CYT4 – Cycle parking standards
- CYH1 – Housing Allocation
- CYH2A – Affordable Housing
- CYH3B – Managed Release
- CYH3C – Mix of Dwellings
- CYH5A – Residential Density
- CYED4 – Developer Contributions towards Education
- CYL1C – Provision of New Open Space in Development

4. Draft York Local Plan (2014) Publication Draft – Allocates the land as a strategic site (ST23). Relevant policies include:

- DP2 – Sustainable Development
- DP3 – Sustainable Communities
- DP4 – Approach to Development Management

- SS1 – Delivering Sustainable Growth for York
- SS2 – The Role of York’s Green Belt
- H1 – Housing Allocations (ST23)
- H2 – Density of Residential Development
- H3 – Balancing the Housing Market
- H4 – Housing Mix
- H9 – Affordable Housing
- ED6 – Preschool, Primary and Secondary Education
- D1 – Landscape and Setting
- D2 – Placemaking
- GI1 – Green Infrastructure
- GI2 – Biodiversity and Access to Nature
- GI4 – Trees and Hedges
- GI6 – New Open Space Provision
- GB1 – Development in the Green Belt
- 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**

3.1 The application was publicised by means of a press notice, posting of site notices and consultation with statutory consultees and adjacent residents. Further re-consultation was undertaken following the submission of the revised plans. The consultation period expired on 31.7.15.

#### INTERNAL

#### **DESIGN CONSERVATION AND SUSTAINABLE DEVELOPMENT**

Ecology and Countryside Officer

3.2 States the original scheme retained Field 9 as a nature reserve to maintain habitat for great crested newts and also the nature conservation value of the wet grassland habitat found here. The area was to be enhanced with the creation of new ponds and additional hedgerow planting. Stock proof fencing was to be installed to allow grazing as a management option.

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

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

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

3.6 This latest revision, removing houses on the eastern side of Field 9, is an improved design as the more interesting area of wet grassland is retained with better connectivity to the wider landscape. The eastern hedgerow along Metcalfe Lane is now at less risk of inappropriate management and disturbance. The

restriction of housing to one side of the field gives it less of a 'village green' feel which could help to minimise 'people pressure' on it, although there is still some risk from this. It still feels that the area of wildflower grassland proposed behind housing on the western side is unlikely to be sustainable in the long term, being at risk of damage from garden waste or unofficial extensions of back gardens.

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

3.8 The improvements to the existing pond are welcomed, as are the new hedgerows which should limit the amount of blackthorn in their composition to avoid encroachment into the field. The Ecological Conservation and Management Plan details the creation of a new pond to the south of the shared user path which would enhance the area. The management for this area is now proposed as annual hay cut which will help to maintain the botanical interest.

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

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

Landscape Architect

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

3.12 The character of this space was to essentially reflect its purpose as a 'nature reserve'. The reduction in size of this particular space and its enclosure with housing will place greater population pressure upon it, but sees no reason why it cannot be maintained as best as possible with nature in mind, including suitable wet areas, and to discourage too much wear and tear through general recreation, given that

there is the provision of other formal facilities within Derwenthorpe. This arrangement, as for others, results in good overlooking of open spaces.

3.13 The planting and hard materials proposed in the Landscape Layout are in keeping with the standards presented throughout the rest of the Derwenthorpe development. However any shrub planting within the two open spaces should be predominantly native. The same style of LAP is provided in a different but equally suitable location. A minor detail but the visitor parking spaces to the east of the link with Meadlands could possibly be given a bit more attention e.g. by way of tree planting.

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

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

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

## HOUSING STRATEGY AND DEVELOPMENT TEAM

3.17 The Housing Strategy and Development Team support this application, subject to a variation to the Section 106 Agreement for 03/02709/OUT to ensure the Agreement is also applicable for this phase of development.

3.18 The large Derwenthorpe scheme of which this application is a part exceeds City of York Council's current policy target of 30% on-site affordable provision, by providing a total of 40% affordable housing pepper-potted within the scheme's various Neighbourhoods. This is split by tenure with 25% of the total scheme Social Rented and 15% Shared Ownership, all owned and managed by Joseph Rowntree Housing Trust.

3.19 In accordance with the Outline (03/02709/OUT) Section 106 Agreement, an Affordable Housing Neighbourhood Plan must be approved by the council for each phase of development which complies with the principles set out in the Section 106. Discussions are underway with the developer on the Plan for this application and development cannot begin on site until approval is given.

3.20 A high standard of environmental sustainability and generous property size is featured in this application, which creates the conditions for a mixed and sustainable community and meets the priority housing need identified in York's latest Strategic Housing Market Assessment.

## ENVIRONMENTAL PROTECTION UNIT

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

3.22 Noise - Concern raised regarding noise associated with the construction of the housing, given the proximity of existing housings in Phases 1, 2 and 3 of the development and properties located on Metcalfe Lane itself. It is therefore requested that conditions be placed on any approval to ensure that residential amenity during the construction phases is not adversely affected.

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

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

## FLOOD RISK MANAGEMENT TEAM

3.25 No objections in principle subject to conditions covering foul and surface water discharge.

## HIGHWAY NETWORK MANAGEMENT

3.26 No objections to the proposed application. The detail submitted accords with the principles set out in the outline application for the site. As the application has



been submitted as a full application, relevant conditions will need to be applied. The Section 106 agreement would need to be varied to ensure that this application is bound by the relevant contributions and highway works linked to the outline consent.

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

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

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

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

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

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

## EDUCATION

3.33 Requests financial contributions towards education provision for foundation (£23,756) and secondary (£29,512).

## LEISURE

3.34 For off-site sports provision, a financial contribution of £22,152 towards upgrading of the Community Sports Hub at the former Burnholme College site is requested.

## EXTERNAL

### NATURAL ENGLAND

3.35 Has no comments to make regarding this application.

### ENVIRONMENT AGENCY

3.36 No objections to proposed change in layout. Any changes to surface water drainage proposals must be agreed with both City of York Council and the IDB.

### YORKSHIRE WATER

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

### SPORT ENGLAND

3.38 No Comment.

### NORTH YORKSHIRE POLICE

3.39 Confirms it was consulted by the architects in February this year in respect of an amended layout for Phase 4 of the Derwenthorpe Scheme and that reference is made to this in the Design and Access Statement with a copy of his response and comments included. The revised layout drawings subject of this application, indicate that the points that he raised have been considered and addressed. Therefore, no concerns or issues raised.

### OSBALDWICK PARISH COUNCIL

3.40 Objects to the planning application on the following grounds:

- The plans contradict the 2007 outline permission granted by the Secretary of State that field 9 should not be built on and should be kept as amenity/wildlife open space provision;
- Issues and concerns previously raised relating to flooding and ground water retention have not been addressed;
- Drainage is a major issue due to the land being built up;

- Residents of Meadlands seek confirmation that Meadlands would not be used for construction traffic/workers, that boundary hedges would be retained, that bungalows would be built adjacent to Meadlands with a minimum distance of 20 metres adhered to and working hours defined, adhered to and monitored;
- Request a meeting with CYC, JHRT and local representatives;
- Point out that item 13a) on the application form relating to protected species is incorrectly answered as it does not acknowledge that Great Crested Newts have been found in Field 9 pond in the past and the neglected state of newt fencing since the development commenced;
- Development will compromise the protected species on the area;
- Development on Field 9 further undermines the schemes so called environmentally friendly credentials even further;
  - Should approval be granted for the revised layout what undertaking will be given that the replacement open space under the power lines will not similarly be built on in the future should the power lines come down to facilitate development to the East of Metcalf Lane.
- Objection is raised to the use of outdated flood risk assessment documents to support this revised layout as Meadlands has suffered greater waterlogging problems since development of other phases commenced and concerns are heightened with development on the marshy Field 9 which has always acted as a sump for water;
- Request that dwellings on Plot No's 444 & 445 should be omitted or re-located as their positioning compromises the hedgerow forming the boundary with the PROW and concern is raised as to highway safety with the vehicles associated with these two dwellings manoeuvring onto the public highway so close to the one entrance into and out of this phase;
- Phase 4 has the same underprovision of car parking as is already causing problems on other phases and therefore, concern is expressed as to displaced parking on Meadlands upon occupation and whatever the configuration of public open space is approved the Parish Council request that post and rail fencing is used to protect the open space from damaging parking which is evident on earlier phases;
- Request clear undertakings from the local authority that, given earlier problems on phase 1, 2 & 3 construction, that planning conditions imposed regarding working hours are strictly enforced and that breaches are promptly investigated and sanctions applied;
- Request clear undertakings from the local authority that the Eastern boundary hedge is protected throughout construction and is maintained at its current height with access along the prowl maintained at all times.

## LOCAL RESIDENTS

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

3.42 One letter received from resident of Meadlands seeking confirmation about separation distances and confirmation of house types - queries answered directly by officer.

## 4.0 APPRAISAL

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

- Principle of development;
- Green Belt policy and inappropriate development;
- Openness and purposes of the Green Belt;
- Access and highway issues;
- Design and visual amenity;
- Residential amenity;
- Ecology;
- Flood risk;
- Other considerations.

## POLICY CONTEXT

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

4.3 Central Government guidance is contained in the National Planning Policy Framework (NPPF, March 2012). Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Footnote 9 of paragraph 14 contains restrictions where this presumption in favour of sustainable development does not apply, including land designated as Green Belt and locations at risk of flooding. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design and protecting Green Belt.

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

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

4.6 Section 9 'Protecting Green Belts' says that the essential characteristics of Green Belts are their permanence and openness (paragraph 79). Paragraph 80 sets out the purposes of Green Belt. these are to check unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and, to assist in urban regeneration. Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. With regard to new buildings, paragraph 89 states that the construction of new buildings is inappropriate in Green Belt unless it falls within one of the listed exceptions.

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

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

4.9 Although there is no formally adopted local plan, the City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. The relevant policies are summarised in section 2.2 above. Policies considered to be compatible with the aims of the NPPF and most relevant to the development are GP1 'Design', GB1 'Development in the Green Belt' and H4a 'Housing Windfalls'.

4.10 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF).

## SITE AND HISTORY

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

4.12 Outline planning permission (ref. 03/02709/OUTM) was granted by the Secretary of State in May 2007 for a residential scheme of approximately 540 dwellings on land to the west of Metcalfe Lane, Osbaldwick. Means of access and the general landscaping structure were approved as part of the outline consent. The scheme involved a sustainable urban extension to the east of the City with high a high proportion of affordable homes that would 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).

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

## PRINCIPLE OF DEVELOPMENT

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

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

## GREEN BELT POLICY

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

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

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

4.18 The proposal constitutes inappropriate development for the purposes of the Green Belt policy tests. For inappropriate development to be acceptable, very special circumstances must exist. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

## IMPACT ON OPENNESS AND GREEN BELT PURPOSE

4.19 The outline consent has been implemented and is part constructed. The current application seeks full planning approval to reposition the properties within Phase 4 of the approved outline scheme to take account of the retention of overhead electricity cables that cut across the site, which were previously intended to be underground by National Grid. The retention of the cables effectively neutralises the land beneath them and within a safety clearance distance of 11m either side of the power lines. This affects 17 no. of the dwellings approved under reserved matters application 12/01878/REMM, which cannot be constructed because the overhead lines and the associated safety clearance corridor cross over the dwelling itself or its private garden.

4.20 The Secretary of State, in granting outline consent, identified that the residential development of the land resulted in limited harm and concluded that the site did not fulfil any purpose of Green Belt set out in paragraph 80 of the NPPF, in particular the preservation of York's historic setting and special character. In light of the previous outline consent for residential development of the land and the fact that this full application seeks to re-site houses within the extent of the previous development site, the proposal would not cause further harm to openness and purposes of the Green Belt. Indeed, the proposal increases openness at the site's eastern boundary with the Green Belt beyond through the omission of houses adjacent to Metcalfe Lane. However, although the harm to openness is considered to be limited, it still needs to be given substantial weight by the decision maker.

## ACCESS AND HIGHWAY ISSUES

4.21 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations. The proposal relates to an approved sustainably located and accessible residential development that forms an extension to the main urban area of the City. The dwellings would be accessed via Meadlands as previously approved through the outline planning application. The main changes that impact on highway considerations relate to the internal road layout and parking provision. The hierarchy of roads within the quadrant remains the same with a circular outer road ("green lane") and internal home zones. The new section of road serving the 6 no. dwellings on Field 9 is accessed by the green lane and has adequate space to turn. Parking provision is provided on a 1:1 basis, as intended for the development site as a whole with visitor spaces and city car club spaces being distributed across the phase. No objection is raised to the application by the Local Highway Authority subject to conditions relating to highway and parking related matters. The revised scheme allows the retention, for the most part, of the existing public right of way cycle/footpath that runs along the eastern boundary from Meadlands to Metcalfe lane and beyond it to the Sustrans cycle route and Osbaldwick. Only the top section would need to be diverted to avoid the semi-detached pair of houses approved under reserved matters and the visitor parking bays now proposed.

## DESIGN AND VISUAL AMENITY

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



opportunities available for improving the character and quality of an area and the way it functions.

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

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

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

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

## RESIDENTIAL AMENITY

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

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

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

4.30 The Council's Environmental Protection Officer has raised concern about the potential adverse impact of noise associated with the construction of the housing on existing housing in the vicinity including within the larger development site itself. A condition is requested requiring the agreement of a construction environmental management plan that would cover noise, vibration, dust and lighting. Further conditions to cover unexpected land contamination and vehicle charge points to address air quality emissions are requested.

## ECOLOGY

4.31 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.

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

4.33 A condition is requested by the Council's Ecologist to require a construction environmental management plan for biodiversity in line with British Standard BS 42020:2013 to ensure that there are no adverse impacts from construction. The improvements to the existing pond and creation of a new pond along with new hedgerow planting would enhance the area. A condition is also requested to require the siting and design of the proposed lighting adjacent to the open space to be submitted for approval. Therefore, the proposal is considered to be acceptable in terms of ecology and biodiversity, subject to conditions.

## FLOOD RISK

4.34 Paragraph 103 of the NPPF states that development should be directed to the areas of low flood risk and that development should not result in an increase of flood risk within the site or elsewhere. The site lies within low risk flood zone 1 and should not suffer from river flooding. Foul sewage is proposed to be discharged to the existing mains drainage sewer via the approved drainage network provided within the Derwenthorpe scheme. Surface water is proposed to be disposed of via the sustainable drainage system that was approved in principle at outline stage. The Environment Agency raises no objection to the proposal. Yorkshire Water and the Council's Flood Risk Management Team raise no objections subject to the imposition of conditions relating to foul and surface water drainage. As a result, the development is considered to be acceptable in planning terms, subject to conditions to cover the detail of the drainage proposals.

## OTHER CONSIDERATIONS

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

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

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

## **5.0 CONCLUSION**

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

5.2 It is considered that the other considerations set out in paragraphs 4.29 above together with mitigation of other harm through planning conditions clearly outweigh the potential harm to the Green Belt, even when affording this harm considerable weight. This therefore amounts to the very special circumstances necessary to justify the development.

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

- Affordable housing provision – further detail to confirmed at Committee;
- Education - Financial contribution of £23,756 towards foundation stage provision and £29,512 towards the improvement of the dining facilities at Archbishop Holgate's School;
- Off-site sports provision - Financial contribution of £22,152 towards upgrading of the Community Sports Hub at the former Burnholme College site;

- Sustainable Travel - Financial contribution of £160 per dwelling as an incentive to cover membership and drive time of the on site car club and £150 per dwelling towards the provision of a non-transferable (voucher) bus pass.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION:

Approve subject to Section 106 Agreement

Conditions:-

- 1 TIME2 Development start within three years
  - 2 PLANS Plans received 7<sup>th</sup> July 2015
  - 3 HWAY1 Details roads, footpaths, open spaces req
  - 4 HWAY7 Const of Roads and Footways prior to occup
  - 5 HWAY18 Cycle parking to be agreed
  - 6 HWAY19 Car and cycle parking laid out
- 7 Prior to the commencement of any works on site, a Construction Traffic Management Plan and detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. Such a Plan and statement shall include at least the following information:
- The routing that will be promoted by the contractors to use main arterial routes and details of signage
  - Details of measures to be taken to mitigate the impact of construction vehicles on the local highway network, including delivery hours and phasing of deliveries to avoid traffic congestion; and the use of temporary traffic signals if required;
  - Where contractors will park;
  - Where materials will be stored within the site;
  - Measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

The development shall be carried out in accordance with the Traffic Management Plan and method of works statement.

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

8 No construction work shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs within the site. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

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

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

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

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

Reason: In the interests of satisfactory and sustainable drainage.

15 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

16 No development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

No buildings shall be occupied or brought into use prior to completion of the approved foul drainage works, unless otherwise approved in writing by the Local Planning Authority

Reason: To ensure that the development can be properly drained and to ensure that no foul water discharges take place until proper provision has been made for its disposal.

17 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction works. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

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

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

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



also provided in the property to enable the socket to be turned off.

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

19 Prior to commencement of the development, an Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. 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).

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. Details should be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

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, a complaints procedure shall be provided, 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.

Reason: To protect the amenity of local residents

20 Prior to works starting on site a dilapidation survey of the route used by construction traffic along highways in the vicinity of the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority. Immediately following the completion of the construction phase, a further joint survey shall be undertaken and a Schedule of Dilapidations shall be compiled. The extent of damages attributed to the development hereby permitted shall then be jointly agreed and rectified in accordance with details to be first agreed in writing by the Local Planning Authority.

Reason: In the interests of the safety and good management of the public highway the details of which must be recorded prior to the access to the site by any construction vehicle.

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

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

Reason: To protect the amenity of local residents

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

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

**Contact details:**

**Author:** Hannah Blackburn Development Management Officer

**Tel No:** 01904 551325