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Branch Chair Mrs Jan Arger

**Authority:** City of York Council

**Type of consultation:** Planning Application

**Full details of application/consultation:** 23/00160/OUTM - Outline application with all matters reserved except for access for circa 800 dwellings, provision of open space, flood storage measures, landscaping and associated infrastructure

**At land at:** Land To The South Of Rose Cottage Farm And The Lodge, Moor Lane, Haxby ,York

**Type of response:** Objection

**Date of Submission:** 29<sup>th</sup> March 2023

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

All CPRE North and East Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

External planning consultant used in this response:



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## Comment

CPRE North and East Yorkshire ('CPRENEY') welcomes the opportunity to provide City of York Council ('The Council') with comments in response to an application for the erection of 800 dwellings at land to the South of Rose Cottage Farm and The Lodge, at Haxby York. The application has been submitted to the Council on behalf of Barratt and David Wilson Homes and Vistry Homes Ltd ('the applicants') and is accompanied by an Environmental Statement following the undertaking of an Environmental Impact Assessment ('EIA').

The 33Ha site is located adjacent to the settlement of Haxby within the administrative area of the City of York, and comprises 14 individual fields. Vehicular access is from Crooklands Lane on the southern boundary with further access taken from Usher Lane and Moor Lane. The site is surrounded to the north west, north and north east by agricultural fields with boundaries separated by trees and hedgerows, The western boundary of the site is Usher Lane and the western boundary is Moor Lane. Haxby and Wigginton cemetery forms the boundary to the south west and backs on to various residential boundaries to the south, the closest of which are Oaken Grove, Cyprus Grove, Ash Lane, Lowfield Drive and Crooklands Lane.

Crooklands Lane is also a Public Right of Way ('PROW' ref: 18/1/10) and travels through the centre of the site.

The site is located entirely within Flood Zone 1. There are no environmental, landscape or historic designations within the site boundary. The nearest designated site is within 2km of the proposed site and is Strensall Common Special Area of Conservation ('SAC') and the Site of Special Scientific Interest ('SSSI') is 2.1km from the site.

The Scheduled Monument 'Roman Camp in Bootham Stray' is 3.8km south of the site and the nearest listed building to the site is the Grade II Listed 1 Low Farmhouse, circa 270m east of the site. The site is not within a Conservation Area.

The site is located currently within the York Green Belt, however, the site is allocated for residential development within the emerging York Local Plan and as such the Green Belt boundary has been redrawn to reflect this.

The proposals includes the delivery of up to 800 new homes across the site. However, the application is in outline therefore details pertaining to house types, size and scale will be reserved for a future application should the proposal be approved. The applicants state that 30% of the homes in the proposed development will be affordable (up to 240 dwellings), however, all matters such as this and landscaping are reserved apart from site access arrangements, therefore, at this stage, any masterplan, figures and drawings should be considered 'indicative' and liable to change. Thus in reality the principle of the development of this site can only be considered.

Having had the opportunity to comment on the proposals, CPRENEY object to the proposals on a number of grounds including:

- Loss of Green Belt at this location;
- The applicants have not proved that access to the site is safe or suitable in terms of the NPPF;
- The detrimental impact on vulnerable road users of the proposal;
- The detrimental impact on users of the PROW;
- Lack of Biodiversity Net Gain; and
- The Potential impact on the Strensall Common SAC and SSSI;

## Planning Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application should be determined in accordance with the development plan unless material planning considerations indicate otherwise. The planning system should contribute to achieving sustainable development. The National Planning Policy Framework ('NPPF') (2021) aims to deliver sustainable development through the implementation of its policies. Paragraph 11 states that for decision making this means:

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

The Development Plan relevant to this application consists of the City of York Draft Local Plan Incorporating the 4th Set of Changes ('DLP') (approved by Members in April 2005) although this is technically not a gill local plan that has been through an independent inquiry and found sound. This document and its associated appendices and policies map is what is used to control development in the administrative area of the Council alongside material considerations such as the NPPF.

The Council is currently producing an emerging Local Plan ('ELP') which is at a late stage of publication (main modifications) which means that whilst not adopted yet, the proposals have been through independent examination and in accordance with the NPPF, due weight can therefore be afforded to the emerging principles within it.

The site in question is currently wholly within the Green Belt according to the extant DLP and until such time that the ELP is adopted the site remains within the Green Belt designation. As such, the applicant would need to demonstrate very special circumstances which would mitigate harm to the Green Belt. CPRENEY does not consider that the proposal currently satisfies the Green Belt criteria as set out in the DLP policy GB1 or the list of appropriate development exceptions as set out in the NPPF.

That being said, the ELP has redrawn the Green Belt boundary and allocates the site for development. However, it is considered that the applicants have relied on the 'allocation' in this document as a reason why the Council should determine the proposals favorably. Whilst the outline nature of the application allows for the detail of the proposal to be determined at a later point under reserved matters, there are fundamental matters which should still be addressed 'in outline' in order to ensure the suitability of the principle of the proposed scheme for up to 800 dwellings, including access.

The ELP sets out a development brief for the proposed allocation at Policy SS11 Land north of Haxby. This cites that the allocation is for 'approximately' 735 dwellings – notably the proposed development subject to this application is for 'up to' 800 dwellings. Whilst both documents are not specific targets, there is a considerable difference between 735 and 800, CPRENEY would urge the Council that the lower number is more appropriate given the greenfield and current Green Belt nature of the site.

The applicants have chosen to 'reserve' all matters bar access. The development brief sets out clearly at point

8 and point 9 that matters of highways will need to be carefully considered and assessed on its own merits but also cumulatively in relation to other proposed allocations in the Local Plan. The fact that applications for those sites are not necessarily before the Council does not at this stage prevent the applicant from modelling this information with the figures quoted within the ELP document for each site (given that the allocations have been subject to very recent Examination in Public and the developers have said that the sites are viable at the proposed level). The applicant should be required to provide additional information relating to sites ST7, ST8, ST14 and ST15 as defined in the ELP prior to determination. Point 8 of the development brief sets out that *'where necessary proportionate mitigation will be required'*. CPRENEY could not find information relating to this matter in the applicants documents. Without the full assessment it is not clear what type, scale or even if mitigation is required.

Due to the location of the main access route off Moor Lane, CPRENEY are concerned that the proposals will detrimentally impact the village of Wigginton particularly leading to the junction with The Village and Mill Lane. Point 9 of the development brief sets out clearly that any development of this site should *'Provide highway access to the site from Moor Lane on the West side, with secondary access from Usher Lane on the East side. Improvements would be required both to the junction of Moor Lane with The Village and Usher Lane/Station Road to improve safety and visibility. The scheme should seek to minimise the amount of trips using the Usher Lane/Station Road junction due to existing capacity and safety issues. Alternative access should also be explored in relation to this site.'* More information needs to be provided to address this point at this stage of the application process.

Further point 10 of the development brief relates to the need to *'Optimise pedestrian and cycle integration, connection and accessibility in and out of the site and connectivity to the city and surrounding area creating well-connected internal streets and walkable neighbourhoods, to encourage the maximum take-up of these more active forms of transport (walking and cycling)'*. The supporting textual justification sets out at paragraph 3.59 that *'A Transport Assessment and subsequent travel plan should focus on the potential to readily integrate the site with the surrounding area, particularly for walking and cycling journeys to the local facilities.'* This is in conformity with the principles of DfT Circular 01/2022, the NPPF which seeks to encourage alternative forms of transport whilst enhancing and promoting the needs of vulnerable users and the amended Highway Code. Whilst the submitted masterplan is admittedly indicative, the applicant has not provided details in relation to cycle lanes, parking area and current bus stops are reported as being circa 300m from the south-western boundary of the site – meaning that future occupants of the most northerly parts of the site will have a long walk to the existing public transport option and thus are considered unlikely to utilise this.

All of these matters relate to 'access' which the applicant seeks to deal with as part of this outline applicant. However, insufficient information has been submitted in these regards and as such, further information should be requested from the applicant.

It is thus our opinion, that the Council simply cannot determine that highway matters are satisfactory in relation to congestion, site access and highway safety are safe and suitable in terms of the tests required in the NPPF and as such should be refused.

As a result of the recent pandemic, CPRENEY are aware how people are recognising the benefits that green space and access to the countryside can offer in terms of both physical and mental health and wellbeing and are actively choosing to re-engage with the countryside next door. Moor Lane is currently a recognised PROW which allows easy access to local countryside for residents in the surrounding settlements as well as visitors to the area. It is considered that the proposal should retain this PROW in its entirety to enable continued access. However, the construction of up to 800 dwellings at this site will impact the experience of users of the route and may prevent some existing users from using the route as it would effectively lengthen the time taken to

access the 'countryside' away from built development.

The site consists of 33Ha of land mainly laid to grass. It is accepted that this will provide an existing biodiversity baseline well above what a proposal for 800 dwellings and associated infrastructure can provide. However, that does not mean that the applicant should not seek to provide a minimum Biodiversity net gain. The Environment Act is due to be integrated into planning policy later this year however, best practise is already emerging across the country and a minimum of 10% net gain (over and above the existing baseline) is required to be provided across new developments. The ELP sets out its requirements in this regard at policy GI2 which is required to be given due weight in the planning balance when determining this proposal.

ELP Policy GI2a deals specifically with the Strensall Common SAC and sets out clearly that *'Development not directly connected with or necessary to the management of the SAC will only be permitted where it will not adversely affect the integrity of the Strensall Common SAC, either alone or in combination with other plans or projects'*. Point b of the policy sets out that there is a 'zone of influence' between 400m and 5.5km linear distance from the SAC boundary – which includes this site. As such careful consideration needs to be afforded to this policy in the applicants assessments and the Council's subsequent determination. The Policy Point Bi states that *'Where new residential development is proposed within the zone of influence on allocated housing sites SS9/ST7, SS10/ST8, SS11/ST9 and SS12/ST14, provision of open space must include or secure access to areas of suitable natural greenspace secured by way of mitigation prior to any occupation of new dwellings and secured in perpetuity.'* CPRENEY is not convinced that the applicant has currently proposed sufficient open space of suitable size in relation to this proposal via the indicative masterplan. Perhaps a reduction in number of dwellings would enable this to be the case. It has to also be borne in mind that 'natural greenspace' is not the same as informal or formal open space – the likes of which will be required by Sports England given the size of the proposal.

## **Conclusion**

CPRENEY welcomes the opportunity to provide the Council with comments regarding the outline application for up to 800 dwellings with all matters reserved apart from access at land north of Haxby.

CPRENEY recognise that the principle of development has been established via the emerging policy SS11. However, consider that the applicant has relied too heavily on the emerging Local Plan and the site's potential allocation by not submitting sufficient information at this outline stage to ensure that the proposed development is appropriate for the site, particularly in relation to access and highways concerns, including the impact on vulnerable road users. Furthermore, the applicant has not provided any information relating to the required net gain for biodiversity or indicated the provision of sufficient open space mitigation for the Strensall Common SAC.

In its current guise CPRENEY, therefore, object to the proposals at this location and ask the Council to request further information from the applicant to satisfy these concerns or refuse the proposal.

CPRENEY reserve the right to comment further should additional information be consulted upon in support of the development in this location.