

Neighbourhood Plan, Forward Planning/ Strategic Planning Policy  
City of York Council  
West Offices  
Station Rise  
York  
YO1 6GA

**Date:** 7 January 2022  
**Our ref:** 61106/01/JG/TE/

By Email: neighbourhoodplanning@york.gov.uk

## **Strensall with Towthorpe Neighbourhood Plan Submission Version Regulation 16 Representations on behalf of Taylor Wimpey UK Limited**

### **Introduction**

These representations have been prepared by Lichfields on behalf of Taylor Wimpey UK Limited [Taylor Wimpey] in relation to the Regulation 16 consultation on the Strensall with Towthorpe Neighbourhood Plan – Submission Version [STNP].

These representations are made in context of Taylor Wimpey's land interests in Strensall - namely the Land at Brecks Lane, which is being promoted through the emerging City of York Local Plan [YLP] for residential development and lies within the Neighbourhood Area identified in Map A of the STNP.

A plan showing the location of the Brecks Lane, Strensall site is attached at Annex 1.

The YLP was submitted for Examination on the 25<sup>th</sup> May 2018. Consultation on the YLP Proposed Modifications took place between 10<sup>th</sup> June and 22<sup>nd</sup> July 2019. On the 10<sup>th</sup> December 2019 Phase one of hearings began. Following the hearing the Council provided additional evidence and proposed further modifications on 22<sup>nd</sup> December 2020. Further evidence was submitted between January 2021 and May 2021. A third Regulation 19 Consultation was undertaken between 25<sup>th</sup> May to 7<sup>th</sup> July 2021. A further phase of hearings is to be held between February and June 2022.

Representations were submitted in August 2019 on behalf of Taylor Wimpey as part of the STNP Regulation 14 consultation held between 1<sup>st</sup> July 2019 – 26<sup>th</sup> August 2019. Annex 2 provides a copy of the representations previously submitted.

Taylor Wimpey welcomes the efforts made by Strensall with Towthorpe Parish Council in preparing a Neighbourhood Plan. Whilst Taylor Wimpey generally supports the Neighbourhood Plan and recognises the modifications made in response to the Regulation 14 Consultation undertaken in 2019, it has continued concerns with the content of some parts of the STNP. These are set out in the representations below.

In accordance with the transitional provisions of the National Planning Policy Framework (July 2021) [the Framework] Annex 1, the policies within July 2021 Framework apply for the purposes of examining the Neighbourhood Plan.

The Framework [§29] states that:

*“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies”.*

The Planning Practice Guidance<sup>1</sup> [Practice Guidance] states that only a draft Neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:

- 1 having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
- 2 having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.
- 3 having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.
- 4 the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
- 5 the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- 6 the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
- 7 prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

We consider the STNP against these requirements. Specifically, the submission provides representations in relation to the policies and parts of the Plan listed below:

- 1 Section 3.4 – Development Allocations
- 2 Figure 2 – Character Areas
- 3 Policy DH1 – Promotion of Local Distinctiveness
- 4 Policy DH2 – General Design Principles
- 5 Policy DG6 – Affordable Housing
- 6 Appendix 5 [Annex b – Strensall with Towthorpe Boundaries]

Where deletions to policy wording are being suggested these are shown as ~~strikethrough~~ text. Where additions to policy wording are being proposed these are shown as underlined text.

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<sup>1</sup> Reference ID: 41-065-20140306

## **Development Allocations**

### **Introduction**

Section 3.4 of the STNP sets out the intention for York City Council to allocate one site within the Stenstall with Towthorpe Neighbourhood Area through the YLP. Table A of the STNP shows that the sole allocation is for employment land to accommodate B1c, B2 and B8 at Towthorpe Lines, Strensall.

The STNP continues not to allocate any sites for residential development.

### **Consideration of Allocations**

Taylor Wimpey's site at Brecks Lane is currently being promoted for a residential allocation through the YLP. Whilst the Brecks Lane site was not included in the Draft Plan that was submitted to the Secretary of State on 25<sup>th</sup> May 2019, Taylor Wimpey is continuing to promote the site for allocation through the YLP examination process. It may therefore be the case that the Brecks Lane site is allocated as a Main Modification to the Submitted Plan.

Paragraph 3.4.1 of the STNP continues to state that the YLP Proposals Map shows the City of York's intentions to allocate one site within Strensall for development within the Plan period. The 'soundness' of the YLP policies and allocations are still being assessed through the Local Plan Examination process. The Brecks Lane site was allocated for housing in the Preferred Options Draft Local Plan [YLP-PO] and subsequent Publication Draft Local Plan [YLP-PD] (September 2014).

The Brecks Lane site was then removed as a housing allocation in the York Local Plan – Proposed Sites [YLP-PS], with the site's location within the Green Belt given as the reasons for its deletion. Taylor Wimpey disputes the grounds for the site's removal as an allocation in the YLP and is challenging this through the Plan's examination process. The Brecks Lane site could still therefore be reinstated as an allocation in the adopted version of the YLP.

Given the delay in the adoption of the YLP it is necessary for the STNP to make allowances for any further updates, ensuring there is general conformity with the strategic policies contained in the development plan for York. As previously set out, any Local Plan allocations should also be identified on the STNP Proposals Map so that they can be viewed in context of the STNP designations and allocations. With the removal of the residential allocation at the Queen Elizabeth Barracks site, proposed as part of the YLP Proposed Modifications, the allocation of alternative sites within Strenstall is essential to help meet the housing needs of the area, including affordable housing. This may require amendments to Table A of the STNP and proposals map if the Land at Brecks Lane is subsequently allocated.

Notwithstanding the above, Taylor Wimpey considers that the STNP should identify the land at Brecks Lane as a housing allocation. Planning Practice Guidance [PPG]<sup>2</sup> allows for Neighbourhood Plans to allocate additional sites to those in a Local Plan, where there is evidence to demonstrate a need above that identified in the local plan. Without additional housing in Strensall, local people will not have access to housing, including affordable housing and the settlement will not contribute proportionately to the delivery of housing need in the City.

In addition, it is noted that Table A of the STNP shows that the sole allocation is for employment land to accommodate B1c, B2 and B8. It is important to note that on 1<sup>st</sup> September 2020, the new Use Class Order

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<sup>2</sup> Reference ID: 41-043-20140306

was adopted. To ensure conformity with The Town and Country Planning Act 1990 the identified Use Classes should be updated to reflect the Use Class Order 2020.

## Policy DH1 – Promotion of Local Distinctiveness

### Introduction

Policy DH1 states that development that will have an adverse impact on the recognised character and appearance of the designated area will be resisted, where development that will make a positive contribution will be supported. The policy then sets out a number of matters that development is expected to respect, this includes Character Areas, Views, Highways, Public Rights of Way, Spaces, Signage and Strensall Common SAC/SSSI.

### Consideration of Policy

Taylor Wimpey recognises the importance of preserving local distinctiveness. However, part of Policy DH1 states that all development should preserve or enhance the positive character of the neighbourhood plan area. It goes on to state that any development within the character areas are expected to preserve or enhance the positive identified key characteristics of the particular character area.

The use of the term 'preserve or enhance' is onerous in the context of 'all' or 'any' development. This is a test which is normally applied to heritage assets and has the potential to unduly restrict sustainable development. The wording of the policy should be updated to ensure sustainable development by the requirements of the policy.

### Basic Conditions Test

It is considered that the Policy DH1 does not meet the Basic Conditions because:

- 1 **It does not contribute to the achievement of sustainable development:** The part of the policy regarding development within character areas is unduly onerous and does not therefore contribute positively to the overall objectives of the Neighbourhood Plan.

### Recommended Change

For the above reasons Taylor Wimpey considers that Policy DH1 should be amended as shown below:

#### *Character Areas*

*Strensall with Towthorpe is situated in a rural setting. All development should ~~preserve or enhance~~ respect the positive character of the neighbourhood plan area. An assessment of the neighbourhood plan area found there to be 21-character areas, which are presented under Appendix Four prepared by Woodhall Planning and Conservation. Any development within the character areas are expected to ~~preserve or enhance~~ respect the positive identified key characteristics of the particular character area.*

## Figure 2: Character Areas

### Introduction

The STNP sets out how each of the 21 identified character areas have different key features that are to be preserved and incorporated into the design of new developments. Figure 2 of the STNP is a map identifying the 21 character areas.

## Consideration of Figure

In the STNP a description of each character area is set out with supporting photographs. However, for the character and distinctiveness to be supported as described in the Plan, there needs to be a map that clearly demonstrates the boundaries of each of the 21 character areas.

Figure 2 of the STNP continues to maintain the overlapping boundaries of the character areas and is still unclear. Taylor Wimpey again recommends that the map in Figure 2 is updated to include defined boundaries for the character areas to allow development to be clearly guided.

## Basic Conditions Test

It is considered that Figure 2: Character Areas fails to meet the Basic Conditions because:

- 1 **It does not contribute to the achievement of sustainable development:** It is not possible to establish the character area boundaries in Figure 2 and it does therefore not play an active role in guiding development to reflect the character of the area.

## Recommended Change

For the above reason Taylor Wimpey considers that Figure 2 should be updated to clearly show definable boundaries for the 21 character areas.

## Policy DH2 – General Design Principles

### Introduction

Policy DH2 adds to the matters set out in Policy DH1 of the STNP, setting out the design principles that new development in Strensall is expected to adhere to.

The submission draft of the STNP reduces the number of design principles. The policy now focuses on scale and massing, layout, boundary treatments, roof form, and materials. Policy DH2 does however now include some of the principles previously set out within the 22 requirements which support the promotion of local distinctiveness [STNP Pre-submission consultation draft].

### Consideration of Policy

Taylor Wimpey recognises the local importance placed on respecting the key characteristics of particular character areas in Strensall and supports the modifications to Policy DH2. However, it is still considered that the wording of some of the design principles require updating.

The design principle which focuses on Layout states that grass verges or the arrangement of development around a central greenspace along with the inclusion of front gardens should be incorporated into development. Taylor Wimpey is of the view that this will not be possible in all instances due to matters such as spatial or economic viability factors and the need to accord with national planning guidance which seeks to promote development that makes efficient use of land. The wording for this section of Policy DH2 should therefore be amended to include 'where appropriate' when referring to the obligation to incorporate grass verge, the arrangement of development around a central greenspace and the including of front gardens into development proposals.

When having consideration for the use of Boundary Treatments, Policy DH2 sets out that it is expected that front boundaries should be defined by a low red brick wall, metal railings, timber fences or hedge. If brick walls are proposed these should have a robust coping. Taylor Wimpey is of the view that this may not be

possible in all instances. The wording for this section of the Policy should therefore be amended to include 'where appropriate' when referring to the obligation to use certain boundary treatments.

Policy DH2 when considering Roof Form, states that roofing should generally use clay pantiles or blue slate for roofing. Taylor Wimpey considers this requirement to be too prescriptive and should be updated to allow the use of more modern materials with a similar appearance.

## Basic Conditions Test

It is considered that Policy DH2 continues to fail the Basic Conditions because:

- 1 **It is not in general conformity with the strategic policies contained in the development plan for the area of the authority:** There are elements of the Policy which are unnecessarily onerous and could impact upon the viability of future development and hamper the ability of York City Council to meet its housing requirement target.

## Recommended Change

For the above reasons Taylor Wimpey considers that the following parts of Policy DH2 should be amended as shown below:

### *Layout*

*Where appropriate the provision of grass verges or the arrangement of development around a central greenspace should be incorporated into development proposals to help maintain and enhance the visual and physical character of the neighbourhood plan area and connect habitat areas wherever possible. Residential development should also incorporate front gardens.*

### *Boundary treatments*

*Where appropriate front gardens should be open in character or have a suitable boundary treatment that reflects the character of the immediate area. ~~It is expected that~~ Where appropriate front boundaries should be defined by a low red brick wall, metal railings, timber fence or hedge. If brick walls are proposed these should have a robust coping.*

### *Roof form*

*The height and pitch of roofs should be compatible with, and sympathetic to surrounding property. A variety of roof heights should be considered within larger development sites. Roofing should generally use high quality traditional materials (clay pantiles or blue slate) or modern materials with a similar appearance.*

## Policy DG6 – Affordable Housing

### Introduction

Policy DG6 states that planning applications for residential development will be expected to include a mix of affordable housing and private homes. It sets out that a particular understanding of the local need within the Parish should be attained to deliver the local housing need.

### Consideration of Policy

Taylor Wimpey recognises that the supporting text for Policy DG6, now found on page 42, has been modified and includes reference the City of York Council's Strategic Housing Market Assessment (2016) and Strategic

Market Assessment Addendum (2016) in addition to a local survey by The Rural Housing Trust and City of York Council in October 2008 [§5.5.1].

Nevertheless, Taylor Wimpey maintains the view that the 2008 and subsequent 2016 assessment may now be out of date and therefore may be unsuitable to assess the local housing need as part of Policy DG6.

If the STNP wishes to rely upon an Affordable Housing Needs Survey to guide its policies, then up to date evidence may need to be obtained to help guide applicants on the requirements of the policy. Taylor Wimpey therefore recommends that up-to-date housing needs data is prepared to inform the Policy.

## **Basic Conditions Test**

It is considered that the Policy DG6 may fail to meet the Basic Conditions because:

- 1 **It does not have regard to national policies and advice:** Up to date evidence may be required to justify the requirements of the policy.

## **Recommended Change**

Taylor Wimpey considers that Policy DG6 should be informed by up to date evidence to justify the requirements of the policy.

## **Strensall with Towthorpe Map – Appendix 5 [Annex B]**

### **Introduction**

Annex B of the Strensall with Towthorpe Village Design Statement [Appendix 5 of the STNP] shows the boundaries of the Strensall with Towthorpe Neighbourhood Area, with a land policy overlay and associated key.

### **Consideration of Policy**

The map used for Annex B is a Map taken from an earlier draft of the emerging YLP. The latest version of the YLP Proposals Map was released in February 2018 in conjunction with the YLP Publication Draft.

Taylor Wimpey again notes that a number of the policy overlays on the map in Annex B have now changed. In order to ensure that the STNP is in general conformity with the strategic policies contained in the development plan for York, it will be necessary to make allowances for the progression of the YLP examination ensuring the STNP aligns with any further iterations of the YLP.

### **Conclusion**

Taylor Wimpey generally supports the Neighbourhood Plan and recognises the modifications made in response to the Regulation 14 Consultation undertaken in 2019. However, it has continued concerns with the content of some parts of the STNP.

If the suggested amendments to the STNP are made, the Neighbourhood Plan will meet the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. However, without these amendments it is considered that the plan will not meet these basic tests and cannot be put to a referendum and be made.

The land at Brecks Lane should be identified in the STNP as a housing allocation to meet the needs of the local area, including for affordable housing. The STNP has the ability to include a housing allocation

notwithstanding the absence in the current draft YLP of such an allocation. Taylor Wimpey is actively promoting the inclusion of the Brecks Lane housing allocation in the YLP and is confident that housing needs for the City justify such an allocation.

We trust that the above representations will be passed on to the independent examiner for consideration. Should it be determined that an examination hearing is required in order to consider the Neighbourhood Plan, we reserve the right to appear at the hearing sessions.

Please can you confirm receipt of this representation by return.

Please can you also ensure that we are notified of any further progress and consultation on the Neighbourhood Plan going forward.

Yours faithfully

[Redacted signature block]

[Redacted name]  
**Senior Planner**

Copy [Redacted] – Taylor Wimpey UK Limited





**Annex 1: Land at Brecks Lane. Strensall**



MP 7  
Platth  
SP

0 10 20 30 40 50m

DATE:	September 2013
DWG NO.:	3585/12
REV.:	-
SCALE:	1 : 1250 @ A3
DRAWN:	KLW
CHECKED:	-

PROJECT:	Development at Brecks Lane, Strensall
DRAWING TITLE:	Location Plan

CLIENT:	LINDEN HOMES NORTH
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REV.:	DATE:	AMENDMENT:
-	-	-

**Annex 2: Representations submitted on behalf of Taylor Wimpey to the STNP Regulation 14 consultation**

**Strensall with Towthorpe  
Neighbourhood Plan  
Regulation 14 Draft  
Representations on behalf of  
Taylor Wimpey UK Limited**

Taylor Wimpey UK

August 2019

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# Contents

<b>1.0</b>	<b>Introduction</b>	<b>1</b>
<b>2.0</b>	<b>Development Allocations</b>	<b>3</b>
	Introduction	3
	Consideration of Allocations	3
<b>3.0</b>	<b>Policy CP2 – Car Parking</b>	<b>4</b>
	Introduction	4
	Consideration of Policy	4
	Basic Conditions Test	4
	Recommended Change	4
<b>4.0</b>	<b>Policy DH1 – Promotion of Local Distinctiveness</b>	<b>6</b>
	Introduction	6
	Consideration of Policy	6
	Basic Conditions Test	6
	Recommended Change	7
<b>5.0</b>	<b>Figure 2: Character Areas</b>	<b>8</b>
	Introduction	8
	Consideration of Figure	8
	Basic Conditions Test	8
	Recommended Change	8
<b>6.0</b>	<b>Policy DH2 – General Design Principles</b>	<b>9</b>
	Introduction	9
	Consideration of Policy	9
	Basic Conditions Test	9
	Recommended Change	9
<b>7.0</b>	<b>Policy DG6 – Affordable Housing</b>	<b>11</b>
	Introduction	11
	Considerations of Policy	11
	Basic Conditions Test	11
	Recommended Change	11
<b>8.0</b>	<b>Strensall with Towthorpe Map – Annex B</b>	<b>12</b>

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Introduction	12
Consideration of Policy	12
Introduction	14
Policy History of the Site and Evidence Base	14
Green Belt Purposes	16
Purpose 2 - To Prevent Neighbouring Towns Merging Into One Another	17
Suitability of Land at Brecks Lane for Development	18
Conclusion	20

## 1.0 Introduction

1.1 These representations have been prepared by Lichfields on behalf of Taylor Wimpey UK Limited [Taylor Wimpey] in relation to the consultation on the Strensall with Towthorpe Neighbourhood Plan Regulation 14 Draft [STNP].

1.2 These representations are made in the context of Taylor Wimpey’s land interests in Strensall, namely the Land at Brecks Lane, which is being promoted through the emerging City of York Local Plan [YLP] for residential development and lies within the Neighbourhood Area identified in Map 1 of the STNP.

1.3 A plan showing the location of the Brecks Lane, Strensall site is attached at Appendix 1.

1.4 The YLP was submitted for Examination on the 25th May 2018. Consultation on the YLP Proposed Modifications took place between 10th June and 22nd July 2019. Appendix 2 contains background information regarding the policy history, development suitability and deliverability of the Brecks Lane site. The information in Appendix 2 was submitted to York City Council as part of Taylor Wimpey’s representations to the Proposed Modifications consultation on the YLP.

1.5 Taylor Wimpey welcomes the efforts made by Strensall with Towthorpe Parish Council in preparing a Neighbourhood Plan. Whilst Taylor Wimpey generally supports the Neighbourhood Plan, it has concerns with the content of some parts of the STNP and these are set out in the representations below.

1.6 In accordance with the transitional provisions of the Framework (February 2019) Annex 1, the policies within the February 2019 apply for the purposes of examining the Neighbourhood Plan.

1.7 The Framework [§29] states that:

*“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies”.*

1.8 The Planning Practice Guidance<sup>1</sup> [Practice Guidance] states that only a draft Neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:

- 1 having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
- 2 having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.
- 3 having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.
- 4 the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.

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<sup>1</sup> Reference ID: 41-065-20140306



- 5 the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- 6 the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
- 7 prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

1.9 We consider the STNP against these requirements. Specifically, the submission provides representations in relation to the policies and parts of the Plan listed below:

- 1 Section 3.4 – Development Allocations
- 2 Policy CP2 – Car Parking
- 3 Policy DH1 – Promotion of Local Distinctiveness
- 4 Figure 2 – Character Areas
- 5 Policy DH2 – General Design Principles
- 6 Policy DG6 – Affordable Housing
- 7 Annex B – Strensall with Towthorpe Boundaries

1.10 Where deletions to policy wording are being suggested these are show as ~~striketrough~~ text. Where additions to policy wording are being proposed these are shown as underlined text.

## 2.0 **Development Allocations**

### **Introduction**

2.1 Section 3.4 of the STNP sets out the intention for York City Council to allocate one site within the Strensall with Towthorpe Neighbourhood Area through the York Local Plan [YLP]. Table A of the STNP shows that the sole allocation is for employment land to accommodate B1, B2 and B8 uses at Towthorpe Lines, Strensall.

2.2 The STNP does not allocate any sites for residential development.

### **Consideration of Allocations**

2.3 Taylor Wimpey's site at Brecks Lane is currently being promoted for residential allocation through the YLP. Whilst the Brecks Lane site was not included in the Submission Draft Plan that was submitted to the Secretary of State on 25<sup>th</sup> May 2019, Taylor Wimpey is continuing to promote the site for allocation through the YLP examination process and it may therefore be the case that the site is allocated as a Main Modification to the Submitted Plan.

2.4 Paragraph 3.4.1 of the STNP currently states that the YLP Proposals Map shows the City of York's intentions to allocate one site within Strensall for development within the Plan period. The 'soundness' of the YLP policies and allocations are yet to be assessed through the Local Plan Examination process. The Brecks Lane site was allocated for housing in the Preferred Options Draft Local Plan [YLP-PO] (June 2013) and subsequent Publication Draft Local Plan [YLP-PD] (September 2014).

2.5 The Brecks Lane site was then removed as a housing allocation in the York Local Plan – Proposed Sites [YLP-PS], with the site's location within the Green Belt given as the reason for its deletion. Taylor Wimpey disputes the grounds for the site's removal as an allocation in the YLP and are challenging it through the Plan's examination process. The Brecks Lane site could still therefore be reinstated as an allocation in the adopted version of the YLP.

2.6 In order to ensure that the STNP is in general conformity with the strategic policies contained in the development plan for York, it will be necessary for progress on the YLP examination to be monitored and any further iterations of the STNP will need to align with the YLP. Any Local Plan allocations should also be identified on the STNP Proposals Map so that they can be viewed in the context of the STNP designations and allocations. With the removal of the residential allocation at the Queen Elizabeth Barracks site now proposed in the YLP Proposed Modifications document, the allocation of alternative sites within Strensall is essential to help meet the housing needs in the area, including affordable housing. This may require amendments to Table A of the STNP and proposals map if the Land at Brecks Lane is subsequently allocated.

## 3.0 Policy CP2 – Car Parking

### Introduction

3.1 Policy CP2 requires that new development includes provision for off-street parking to serve the proposed use. It states that the provision of car parking spaces should be in accordance with the City of York Council’s Development Control Local Plan Appendix E: Car and Cycle Parking Standards (2005) or any successor document. New residential properties are expected to incorporate private parking spaces commensurate with the number of bedrooms. However, the Policy goes on to state that shared parking facilities will not be supported unless related to apartments where sufficient visitor parking will need to be provided.

3.2 The Policy also sets out that development adjacent to or concerning the Village area will be expected to incorporate additional parking spaces to address current under provision and local concern in relation to the level of off-street parking generated by development.

### Consideration of Policy

3.3 Taylor Wimpey appreciates the need to provide sufficient private car parking within new residential development and notes the requirements set out for dwelling houses (C3) in Appendix E of the City of York Council’s Development Control Local Plan (2005).

3.4 The second paragraph of Policy CP2 sets out that ‘shared parking facilities will not be supported unless related to apartments where sufficient visitor parking will need to be provided’. This does not align with Appendix E of the City of York Council’s Development Control Local Plan (2005) which states that ‘outside the Foot streets and York City Centre, a visitor parking standard equal to 1 space per 4 dwellings will be required. This can be provided on street’.

3.5 In order to be in accordance with the requirements set out Appendix E, shared parking facilities will have to be provided at 1 per 4 dwellings to accommodate visitors. Taylor Wimpey therefore considers that the inclusion of the text in the second paragraph of Policy CP2, stating ‘shared parking facilities will not be supported unless related to apartments where sufficient visitor parking will be required’ to be contradictory to the requirements set out in the first paragraph of the Policy.

### Basic Conditions Test

3.6 It is considered that the Policy CP2 fails to meet the Basic Conditions because:

- 1 **It is not in general conformity with the strategic policies contained in the development plan for the area of the authority:** The explanatory text to the policy is self-contradictory and does not align with York Council’s parking requirements.

### Recommended Change

3.7 For the above reasons Taylor Wimpey considers that Policy CP2 should be amended as shown below:

*Development must include provision for sufficient off-street car parking to serve the proposed use, including visitor car parking, in accordance with City of York Council’s Development Control Local Plan Appendix E: Car and Cycle Parking Standards (2005) or any successor document.*

*New residential properties are expected to incorporate private parking commensurate with the number of bedrooms. ~~Shared parking facilities will not be supported unless related to apartments where sufficient visitor parking will need to be provided.~~*

*Development adjacent to or concerning the following sites will be expected to incorporate additional parking spaces to address current under provision and local concern in relation to the level of off-street parking generated by development. The areas of the neighbourhood area to which this policy applies are identified on the Proposals Map and are:*

*CP2-1 The Village area as shown on the Proposals Map.*

## 4.0 **Policy DH1 – Promotion of Local Distinctiveness**

### **Introduction**

4.1 Policy DH1 states that development which has an adverse impact on character and appearance will be resisted. It goes on to state that development will only be supported where it promotes local distinctiveness, as defined by the Strensall with Towthorpe Parish Council Village Design Statement (2015). The Policy sets out 22 requirements which support the promotion of local distinctiveness.

### **Consideration of Policy**

4.2 Taylor Wimpey recognises the importance of preserving local distinctiveness. However, there are elements of DH1 which are unclear and have the potential to cause uncertainty, or in the case of Requirement 1, are too prescriptive.

4.3 Requirement 6 states that, wherever possible, developers are to create a variety of new properties harmonious to the character of the Neighbourhood Plan area using a mix of building styles and sizes. This does not align with Requirement 1 of the Policy, which states that development is expected to follow the key characteristics of a particular character area. Taylor Wimpey considers the contrasting wording of Requirements 1 and 6 to cause doubt as to whether developers are required to provide uniform or varied buildings in the character areas. The wording of Policy DH1 at Requirement 6 should be updated to establish consistency throughout the Policy.

4.4 Requirement 7 of Policy DH1 states that grass verges and front gardens will be expected to be incorporated into development proposals. Taylor Wimpey notes that this will not be possible in all instances due to matters such as spatial or economic viability factors and the need to accord with national planning guidance which seeks to promote development that makes efficient use of land. The wording for Policy DH1 Requirement 7 should therefore be amended to include 'where appropriate' when referring to the obligation to incorporate grass verges and front garden into development proposals.

4.5 Policy DH1 Requirement 9 states that roofing should generally use clay pantiles or blue slate for roofing. Taylor Wimpey considers this requirement to be too prescriptive and should be updated to allow the use of more modern materials with a similar appearance.

4.6 Requirement 10 of the Policy sets out an obligation for new development to be environmentally future-proof and conforming to the current City of York Council sustainability policy or any subsequent document. There is no practical way to measure how 'environmentally future-proof' a building is. Taylor Wimpey therefore recommends that this part of the Policy is deleted. This requirement is therefore unduly onerous and could threaten the viability of new development in Strensall.

### **Basic Conditions Test**

4.7 It is considered that the Policy DH1 fails to meet the Basic Conditions because:

- 1 **It does not contribute to the achievement of sustainable development:** Parts of the Policy regarding design and character area contradict each other and do not therefore contribute positively towards the overall objectives of the Neighbourhood Plan.

- 2 It is not in general conformity with the strategic policies contained in the development plan for the area of the authority:** There are elements of the Policy which are unnecessarily onerous and could impact upon the viability of future development and hamper the ability of York City Council to meet its housing requirement target.

## Recommended Change

4.8 For the above reasons Taylor Wimpey considers that Requirements 1, 6, 7, 9, and 10 of Policy DH1 should be amended as shown below:

1. *Strensall with Towthorpe is situated in a rural setting. All development should ~~enhance~~ respect the character of the Neighbourhood Plan area. An assessment of the Neighbourhood Plan area found there to be 21 character areas, which are presented under Appendix Four prepared by Woodhall Planning and Conservation. Any development within the character areas are expected to ~~follow~~ respect the identified key characteristics of the particular character area.*
- 6 *Wherever possible, developers are to create a variety of new properties harmonious to the character of the Neighbourhood Plan area ~~using a mix of building styles and sizes.~~*
- 7 *Boundary treatments should be sympathetic to their location and accord with Policy DH2. The inclusion of green space within developments is expected to include native broadleaved tree planting. The provision of grass verges and front gardens will help to maintain and enhance the visual and physical character of the neighbourhood plan area and connect habitat areas and are therefore expected to be incorporated into development proposals where appropriate. For instance, Strensall Park, Southfields Road and the Brecks Lane Estate have buildings grouped around a green. They retain hedges and houses set back from roads with plenty of appropriate trees and grass verges.*
- 9 *The height and pitch of roofs should be compatible with, and sympathetic to surrounding property. A variety of roof heights should be considered within larger development sites. Roofing should generally use traditional materials (clay pantiles or blue slate) or modern materials with a similar appearance.*
- 10 *~~New buildings should be environmentally future proof and must conform to current City of York Council's sustainability policy or any successor document.~~ Sustainable developments such as green building design and the reuse of building materials will be supported on appropriate sites in the Neighbourhood Plan area.*

## 5.0 **Figure 2: Character Areas**

### **Introduction**

5.1 The STNP sets out how each of the 21 different areas have different key features that are to be preserved and incorporated into the design of new developments. Figure 2 of the STNP is a map that identifies the 21 character areas using overlapping shaded colouring.

### **Consideration of Figure**

5.2 In the STNP, a description of each character area is set out with supporting photographs. However, for the character and distinctiveness to be supported as described in the Plan, there needs to be a clear map which demonstrates the boundaries of each of the 21 character areas.

5.3 The boundaries of the character areas shown in Figure 2 are overlapping and unclear. Taylor Wimpey recommends that the map in Figure 2 is updated to include definable boundaries for the character areas to guide development.

### **Basic Conditions Test**

5.1 It is considered that Figure 2: Character Areas fails to meet the Basic Conditions because:

- 1 **It does not contribute to the achievement of sustainable development:** It is not possible to establish the character area boundaries in Figure 2 and does therefore not play an active role in guiding development to reflect the character of each area.

### **Recommended Change**

5.2 For the above reasons Taylor Wimpey considers that Figure 2 should be updated to clearly show definable boundaries for the 21 character areas.

## 6.0 Policy DH2 – General Design Principles

### Introduction

- 6.1 Policy DH2 of the STNP adds to the matters set out in Policy DH1 by stating the design principles that new development in Strensall is expected to adhere to.
- 6.2 The design principles covered in Policy DH2 includes scale and massing, layout, roof form, materials, chimneys, openings, rainwater good and spaces.

### Consideration of Policy

- 6.3 Taylor Wimpey recognises the local importance placed on respecting the key characteristics of particular character areas in Strensall. However, they consider the wording of the first paragraph under the ‘Scale and Massing’ section to be too prescriptive. The text should be relaxed from stating that new development must ‘follow’ the key characteristics of an area to saying they should instead ‘respect’ them. This will ensure that the viability of delivering housing in a particular character area is not negatively impacted upon by Neighbourhood Plan design guidance.
- 6.4 In a similar sense, Taylor Wimpey considers the wording in the fifth paragraph under the ‘Materials’ heading of policy DM2 to be too prescriptive. The text should be updated to say that materials ‘should respect’ the brick utilised in the vicinity of the site, instead of ‘must reflect’ to allow flexibility to ensure that new development can still be delivered if it is not possible or viable to use a certain material.
- 6.5 The ‘Openings’ section of Policy DH2 sets out that all new openings are expected to be vertically proportioned. Taylor Wimpey considers horizontally proportioned windows to be a common feature of current housing because they help to produce more natural light and ensure that windows are proportionate to their modern properties. Policy DH2 therefore needs to be updated to recognise this.

### Basic Conditions Test

- 6.6 It is considered that Policy DH2 fails to meet the Basic Conditions because:
- 1 **It is not in general conformity with the strategic policies contained in the development plan for the area of the authority:** By setting unduly onerous and prescriptive design principles, developers may not be able to bring forward development proposals which would therefore hamper the ability of York City Council to meet its housing requirement target.

### Recommended Change

- 6.7 For the above reasons Taylor Wimpey considers that the ‘Scale and Massing’ section of Policy DH2 should be amended as shown below:
- All new development is expected to respond to the scale, density and height of its surrounding context, and ~~follow~~ respect the key characteristics of the particular character areas, as identified by Woodhall Planning and Conservation.*
- 6.8 Taylor Wimpey considers that the ‘Materials’ section of Policy DH2 should be amended as shown below:



*Materials to be used within new development outside the Conservation Areas ~~must reflect~~ should respect the brick utilized in the immediate vicinity of the site and a similar roofing material to ensure development is integrated.*

6.9 Taylor Wimpey considers that the 'Openings' section of Policy DH2 should be amended as shown below:

*~~All new openings are expected to be~~ Where practical and appropriate new openings should be vertically proportioned. If glazing bars are proposed these should be of a slender proportion and designed to retain the overall verticality of the opening, where appropriate within the wider context.*

## 7.0 **Policy DG6 – Affordable Housing**

### **Introduction**

7.1 Policy DG6 states that planning applications for residential development will be expected to include a mix of affordable housing and private homes. It sets out that a particular understanding of the local need within the Parish should be attained to deliver the local housing need.

### **Considerations of Policy**

7.2 The supporting text for Policy DG6, found on page 32, refers to an Affordable Housing Needs Survey undertaken by The Rural Housing Trust and York City Council in 2008. Taylor Wimpey is concerned that this assessment may now be out of date and therefore may not be suitable to assess the local housing need as part of Policy DG6.

7.3 If the STNP wishes to rely upon an Affordable Housing Needs Survey to guide its policies, then new evidence may need to be obtained to inform an updated evidence document. Taylor Wimpey therefore recommends that until up-to-date housing needs data is available to inform the Policy.

7.4 This should also help to ensure that the policy aligns with the Framework [§62] which states that when an affordable housing need is identified, policies should specify the type of affordable housing required.

### **Basic Conditions Test**

7.5 It is considered that the Policy DG6 may fail to meet the Basic Conditions because:

- 1 **It does not have regard to national policies and advice:** Up to date evidence may be required to justify the requirements of the policy.

### **Recommended Change**

7.6 Taylor Wimpey considers that Policy DG6 should be informed by up to date evidence to justify the requirements of the policy.

## 8.0 **Strensall with Towthorpe Map – Annex B**

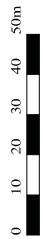
### **Introduction**

- 8.1 Annex B of the Strensall with Towthorpe Village Design Statement (Appendix 5 of the STNP) shows the boundaries of the Strensall with Towthorpe Neighbourhood Area, with a land policies overlay and associated key.

### **Consideration of Policy**

- 8.2 The map used for Annex B is a Map taken from an earlier draft of the emerging YLP. The latest version of the YLP Proposals Map was released in February 2018 in conjunction with the YLP Publication Draft.
- 8.3 Taylor Wimpey notes that a number of the policy overlays on the map in Annex B have now changed. In order to ensure that the STNP is in general conformity with the strategic policies contained in the development plan for York, it will be necessary for progress on the YLP examination to be monitored and any further iterations of the STNP will need to align with the YLP. This may require further amendments to STNP Annex B, which needs to be updated to match the latest Proposals Map from the emerging YLP.

## **Appendix 1 Brecks Lane, Strensall Site**



DATE:	September 2013
DWG NO.:	3585/12
REV.:	-
SCALE:	1 : 1250 @ A3
DRAWN:	KLW
CHECKED:	-

PROJECT:	Development at Brecks Lane, Strensall
DRAWING TITLE:	Location Plan

CLIENT:	
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REV.:	DATE:	AMENDMENT:

# Appendix 2 Background to the Brecks Lane site

## Introduction

- 2.1 The Brecks Lane site was included in previous York Local Plan [YLP] consultation documents as a residential allocation but was identified within the YLP-Preferred Sites [YLP-PS] as 'Proposed Removed Land'. The site was referred to as 'Land at the Brecks' [Allocation Ref. H27] in the YLP- Preferred Options [YLP-PO].
- 2.2 At that time Linden Homes strongly objected to Land at Brecks being listed within Table 9 (deleted housing sites from the Local Plan Publication draft) and requested that it was rightly included within Table 7 (Potential General Housing Allocations).
- 2.3 It was considered that the reasons for discounting the site as a residential allocation were incorrect for the following reasons:
- 1 The site has historically been seen as outside the Green Belt at different stages of plan preparation;
  - 2 The Council's evidence base has previously supported the allocation of the site and further technical assessments do not alter its previous conclusions;
  - 3 The site makes a very limited or no contribution towards Green Belt purposes; and,
  - 4 The development of the site would assist in the delivery of sustainable development within the City.

## Policy History of the Site and Evidence Base

- 2.4 Historically, the site has never been included within a defined Green Belt boundary and no Proposals Map has shown it as such. The site was not shown within the Green Belt in the York Green Belt Local Plan - Modifications (1995); the Southern Ryedale Local Plan - Modifications (1996); and, the City of York Local Plan – 3rd & 4th Sets of Proposed Changes (2003 & 2005). Indeed, it is shown as safeguarded land in the latter document.
- 2.5 More recently, the site was allocated for housing in the Preferred Options Draft Local Plan [YLP-PO] (June 2013) and subsequent Publication Draft Local Plan [YLP-PD] (September 2014). The allocation was a result of the site passing the suitability criteria set out in the Site Selection Paper (2013), Further Sites Consultation (2014) and the Site Selection Paper Addendum (2014).
- 2.6 According to Section 3.0 of the YLP-PS, the revised portfolio of sites was based on further technical assessment, which included updated sustainability criteria; updated officer comments; transport; education; open space; agricultural land classification; sequential flood risk; and Green Belt appraisal. This evidence did not support the exclusion of the site from the list of allocations.
- 2.7 Of the further technical assessments listed in the YLP-PS, only the Green Belt appraisal was considered relevant to the decision to no longer include Brecks Lane as an allocation. The YLP-PS specified at §3.2 that "*work is ongoing to look at the parcels of land around York to understand their significance and contribution against the Green Belt purposes, as set out in NPPF*". This information is not currently available to the public.
- 2.8 The table at page 214 of the YLP-PS was clear that the site's location within the Green Belt was the reason for its deletion as an allocation:

*“The site has recently (March 2015) been refused by the Inspector and Secretary of State at appeal (APP/C2741/V/14/2216946). The decision concludes that the development would impact on 4 of the 5 Green Belt purposes including on openness encroachment and unrestricted sprawl, that its development would cause substantial harm to the greenbelt and that this harm would not be justified by very special circumstances. For these reasons it is recommend that that the site is not included as an allocation”.*

- 2.9 It is acknowledged that the conclusion of the Inspector and Secretary of State [SoS] was that Brecks Lane should be considered as within the outer extent of the Green Belt. In this context, it was found that the site served a number of Green Belt purposes [IR§199]<sup>2</sup>. However, these Green Belt issues were inevitably going to be identified as part of any assessment of the residential development being considered. Therefore, using this as an argument to support a justification to not allocate the site is not a sound basis on which to discount the site in a plan making context.
- 2.10 In the context of the appeal, once the Inspector and SoS concluded that the site should be considered as within the general extent of the Green Belt, it was necessary to address the requirements of the Framework<sup>3</sup> (i.e. whether ‘very special circumstances’ existed which justified the development). The conclusions in the decision were therefore reached on the basis that the site is located in the Green Belt, rather than in the context of its contribution to the Green Belt and whether it should be located within it. These are matters for the Council to assess when considering the future allocation of the site for development in the Local Plan.
- 2.11 It is important to highlight that the Inspector and SoS reached the decision on the Green Belt status of the site based on the Key Diagram of the partially revoked Yorkshire and Humber Regional Strategy (2008) [YHRS]. The Inspector acknowledged that the use of this plan was ill conceived [IR §187], but the conclusion was drawn because the issue of where the outer boundary of the Green Belt is to be drawn (and boundaries to individual settlements) remains unresolved in any adopted plan. The Inspector was unable to give any weight to the policy history of the site, but this does not preclude the allocation of the site for residential development in the YLP, as it is this document that will set detailed Green Belt boundaries for the first time.
- 2.12 It is for the YLP to draw the boundaries of the Green Belt having regard to the guidance set out in the Framework and to ensure that it takes account of the longer term development requirements of the City. The Council has confirmed on many occasions that the Brecks Lane site does not serve any Green Belt purposes. The previous policy approach to the site, together with its inclusion as an allocation in the earlier drafts of the YLP, all demonstrate that it does not perform a Green Belt function and is suitable for development in this regard. The Council has previously followed the guidance in the Framework which emphasises that land which is unnecessary to keep permanently open should not be included within the Green Belt. The current approach does not.
- 2.13 Whilst the YLP-PS referred to further assessments that have been carried out since the aborted YLP (2014), there was no new evidence to suggest that there is any reason to remove Brecks Lane as an allocation.
- 2.14 No new evidence was provided in the Local Plan Pre-Publication Draft [LPPP] and its evidence base. The Local Plan preferred Sites Consultations Statement (2017) simply summarised representations made on the site through the YLP-PS consultation and did not shed any further

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<sup>2</sup> IR refers to the Inspector’s Report into the Brecks Lane application

<sup>3</sup> Framework §87

light on the reasons for its exclusion. The justification for its deletion appears to be based solely on the conclusions reached by the Inspector and SoS in relation to the call-in Inquiry. This approach is unjustified and disregards the basis on which the Inspector and SoS were required to make their decision at that time. The Framework makes clear the basis of judgements in decision making and it is improper to rely upon this when progressing with a Local Plan.

2.15 No further substantive evidence has been provided in the Local Plan Publication Draft [LPP] and its evidence base. The LPP Sustainability Appraisal – Appendix K identifies the site [Site Ref: 49] as a “*Reasonable- Previous Allocation H27*” alternative site but states that it was rejected “*due to impacts on landscape*”. No further explanation is given for its rejection.

2.16 In summary, the site has consistently been excluded from draft Green Belt boundaries (including specific recommendations in the York Green Belt Local Plan and Southern Ryedale Local Plan inquiries) and the Council has confirmed on many occasions that it does not serve any Green Belt purposes. It is incorrect for the Council to rely on the SoS and Inspector’s conclusions in relation to the call-in Inquiry in discounting Brecks Lane as an allocation as this decision was made in the context of the site being situated within the Green Belt and whether its development was justified by very special circumstances (and it was found that it was not). This does not preclude a proper consideration of whether the site should be located within the Green Belt and its contribution to Green Belt purposes.

### **Green Belt Purposes**

2.17 A consideration of the site against the Framework<sup>4</sup> demonstrates that it does not serve any specific role when compared against the five purposes of the Green Belt.

#### **Purpose 1 - To Check the Unrestricted Sprawl of Large Built-Up Areas**

2.18 The village of Strensall is not part of the main urban area of York and the site does not therefore have a role in restricting the urban sprawl of a large built-up area. Instead, it merely fills in a small gap between existing development and the natural boundary to development. The terminology of ‘sprawl’ suggests disorganised or unplanned expansion, whereas the development of land at Brecks Lane has been envisaged since the Southern Ryedale Local Plan in 1991. This is evident in the fact that the road layout of the adjacent residential area enters the site and terminates with a turning head, and also that its eastern boundary is formed by an established tree belt. Both of these physical features were provided as part of the existing development and were intended to facilitate development of the land. They clearly demonstrate that the Council considered that the site should be developed for housing at a future date.

2.19 In addition, the site is substantially contained by built development. It is bounded to the west by a residential estate built in the 1990s, to the north by the River Foss, to the east by an established tree belt and to the south by a road (Brecks Lane) and the York-Scarborough railway line.

2.20 In the appeal decision, the Inspector [IR§191] recognised that the site is “*close to defensible boundaries, of the sort that might be chosen as settlement boundaries*”. This is also accepted in the Council’s summary of the site at page 214 of the YLP-PS, which confirms that “*The northern boundary of the site is formed by dense vegetation, including some mature trees with the River Foss. The eastern edge of the site is also formed by dense vegetation belt. The western boundary is formed by residential properties which comprise part of Strensall urban area and the southern boundary is formed by Brecks Lane with the Transpennine railway line beyond*”.

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<sup>4</sup> Framework §80



- 2.21 These conclusions indicate that in the context of Green Belt purposes, the site is well contained and has strong robust and defensible boundaries. It does not therefore represent part of a potentially continuous urban sprawl. This is therefore not on its own a reason to discount the site.

### **Purpose 2 - To Prevent Neighbouring Towns Merging Into One Another**

- 2.22 This is a principle purpose for the designation of Green Belt and yet land at Brecks Lane plays no role in it. This is confirmed in the Inspector's Report [§197], which states that *"The only one of the five Green Belt purposes which this site offers nothing to is that of preventing neighbouring towns merging into one another. Strensall is a large settlement that has expanded into open countryside, but it is a significant distance (at the appeal site location) from the next settlement"*.

### **Purpose 3 - To Assist in Safeguarding the Countryside from Encroachment**

- 2.23 The site is largely contained by development with a strong landscape boundary to the east, which would be further enhanced as part of any development proposals. It does not therefore form part of the open countryside but relates to the urban area of Strensall.
- 2.24 The Inspector reached the conclusion that the *"purpose of safeguarding the countryside from encroachment also applies, given that that is currently an undeveloped field area, with exception of modest hard-surfaced areas, would become housing under this scheme [sic]"* [IR §194]. This could be applied equally to any undeveloped site within the Green Belt and is fundamentally based on the finding that the site lay within the Green Belt. The fact that land at Brecks Lane is greenfield, lies on the edge of an existing settlement and is thus open and having the appearance of countryside inevitably means that its development might be said to have an adverse effect in terms of encroachment on the open countryside. The same is equally true of any site located on the edge of any urban area. However, when making a reasoned judgement, it can be concluded that the site will not involve encroachment into the open countryside as it is divorced from the open countryside and it forms a logical small extension to Strensall's urban area. This is therefore not on its own a reason to discount this site.

### **Purpose 4 - To Preserve the Setting and Special Character of Historic Towns**

- 2.25 The IR states at §195 that *"developing the site would not have a direct significant bearing on the historic character of the City"*. It can therefore be concluded that as the surrounding area is not of heritage value, the site makes no contribution to this Green Belt purpose. Whilst the Inspector came to the view that it may be visible from the adjacent railway and therefore there is some perception of the site in the approach to the historic city of York, no significant harm was identified.
- 2.26 The development of the site itself will not impact upon wider views of the urban area of Strensall. In fact, it affords an opportunity to enhance the substantial visual screen at the northern and eastern boundary. This is therefore not on its own a reason to discount this site.

### **Purpose 5 - To Assist in Urban Regeneration, By Encouraging the Recycling Of Derelict and Other Urban Land**

- 2.27 Whilst the Inspector considered that preventing development on the site and other Green Belt land is *"likely to encourage development of brownfield land"* [§196], it is for the Council to make a judgement on the identification of the most appropriate land to be used for development

through the process of preparing the YLP. This should be evidenced and be based upon detailed analysis of the supply of such sites. It is considered that the Council does not have a 5-year supply of deliverable housing land and consequently, there is significant pressure to bring forward development sites such as Brecks Lane to meet the shortfall. There is no evidence to suggest that development of this site for housing will prevent the recycling of derelict land or other urban land elsewhere. This is therefore not on its own a reason to discount this site.

## **Suitability of Land at Brecks Lane for Development**

- 2.28 The Council's own assessment of Brecks Lane proves that it is a suitable housing site. This is acknowledged in the Planning Officer's report to the City of York Council Planning Committee (20th February 2014) which confirmed that the planning application represented sustainable development and that there would be economic, social and environmental benefits that arise from the scheme. The case for the Council at the Brecks Lane Inquiry [IR §111] also recognises that *"the planning history coupled with the lack of any site specific constraints of material weight, should mean that there is at least a reasonable prospect of the site being allocated in a future Local Plan"*. The Inspector therefore accepted that the consideration of whether the site should be designated as Green Belt was fundamentally different to the determination of the application in the context of the RS policies and that there was a reasonable prospect of the site being excluded from the Green Belt and allocated for development as part of the forthcoming Local Plan.
- 2.29 As detailed above, the Council proposed to allocate Brecks Lane for housing development in the YLP following its assessment against criteria set out in the Site Selection Paper (2013), Further Sites Consultation (2014) and the Site Selection Paper Addendum (2014). There has been no material change in site circumstances since this time and the Preferred Sites Consultation Sustainability Appraisal identified less negative social, economic and environmental effects resulting from the allocation of the Brecks Lane site than a number of the other proposed sites in and around the City. The only significant negative effects are in relation to the greenfield nature of the site and its distance to education establishments. In this context it is important to highlight that the sustainable development of greenfield land is an important and necessary component of the housing land supply in the City to ensure that identified housing needs are met in full. In relation to education, an off-site contribution to both primary and secondary school places was proposed as part of the planning application for Brecks Lane. This negative effect would therefore be mitigated following the development of the site.
- 2.30 The site layout submitted with the planning application indicates a high quality residential development comprising 102 family dwellings along with highways infrastructure, landscaping and public open space (see Appendix 2 - plan ref. 3585/10 Rev G). The scheme was designed to integrate into the existing settlement and responds directly to the character of the landscape and village context, as well as the opportunities presented by the landscape features within the site.
- 2.31 The allocation of Brecks Lane would assist in the delivery of sustainable development within the City by making a significant contribution towards meeting the need for market and affordable housing. It has also been demonstrated that the site would deliver economic, social and environmental gains in accordance with the Framework. In summary:
- 1 The site would make a significant contribution to the housing land supply including affordable housing in the area. This is particularly important when considered in the context of the current lack of a Framework compliant 5-year housing supply.
  - 2 The site is in a sustainable and accessible location which has the potential to encourage future residents to travel by sustainable modes of transport, including walking and cycling.

- 3 There are no insurmountable constraints to the site or its development and is deliverable within the next five years.
- 4 The development would deliver ecological improvements and secure the maintenance and long-term protection of key ecological assets in the area.
- 5 The development would not impact upon the landscape beyond the site because of its boundary of mature trees and shrubs.
- 6 The development would provide public open space in excess of the requisite standards which will meet needs arising from the proposed development and the existing community.
- 7 The development of the site would have no unacceptable environmental impacts or create unacceptable impacts upon amenity of new and existing residents.
- 8 The development of the site would provide a cohesive residential development with the scheme already built to the west of it. Indeed, the road layout of the adjacent development includes a turning head leading from Heath Ride into the site itself and access points from Green Lane and Tudor Way.
- 9 The site would deliver significant economic benefits through both direct and indirect employment opportunities during the construction phase.

2.32 In addition to its contribution to sustainable development, there is robust, up to date evidence to support the deliverability of Brecks Lane and the Council has previously assessed it against criteria which determined it to be one of the most suitable locations to meet the housing needs of the City. For these reasons, it should therefore remain as an allocated site for housing development within the Local Plan.

### **Deliverability**

2.33 The Framework<sup>5</sup> states that for sites to be considered deliverable, they must be suitable, available and achievable. The land at Brecks Lane meets all of these requirements:

- 1 **Suitable:** the site can be accessed from access points from Heath Road, Green Lane and Tudor Way. It is located within an established residential area, close to the village centre, and provides the opportunity to increase housing provision within Strensall without impacting upon the wider landscape.
- 2 **Available:** The site is in the ownership of a willing landowner who is looking to release it for development.
- 3 **Achievable:** The site is capable of coming forward for development in the short term as soon as a developer has secured the grant of planning permission.

2.34 The Technical Report on Housing Issues prepared by Lichfields and submitted with these representations sets out our concerns in relation to the Council's housing requirement and housing supply.

2.35 It concludes that the Council is not providing sufficient land to meet the housing needs of the City and further sites should be allocated for housing development as part of the YLP. The Local Plan is therefore not soundly based and it is requested that the calculation of York's Objective Assessment of Housing Needs [OAHN] is revisited, and that Brecks Lane is allocated for residential development in order to help make up for the shortfall in housing land.

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<sup>5</sup> Framework footnote 11, page 12

## Conclusion

- 2.36 The Brecks Lane site has been excluded from draft Green Belt boundaries on numerous occasions and designated for possible future development. The Council has also concluded that it serves none of the purposes and objectives of such a designation as set out in the Framework<sup>6</sup>. This is recognised in the fact that the site had been allocated for development within the emerging YLP for a considerable period of time.
- 2.37 It is incorrect for the Council to rely on the conclusions reached by the SoS and Inspector in relation to a call-in Inquiry to justify the deletion of Brecks Lane as a housing allocation. The SoS and Inspector's decision was made in an entirely different context to its proposed allocation and does not preclude a proper consideration of whether the site should be located within the Green Belt and its contribution to Green Belt purposes.
- 2.38 Land at Brecks Lane is a suitable site for housing development that would have no unacceptable environmental impacts or create unacceptable impacts upon amenity of new and existing residents. There are no insurmountable constraints to the site or its development and is deliverable within the next five years.
- 2.39 Separate evidence has been provided as to how the proposed OAHN for York is not robust and is inadequate to meet need and demand within the Housing Market Area. As such, the housing site allocations put forward in the LPP would fail to deliver a housing supply sufficient to achieve the sustainable growth of the City. It is therefore important for the Council to allocate additional land, particularly the site at Brecks Lane, to meet the housing needs of the community.
- 2.40 Drawing these points together, it is requested that the Local Plan is amended to include Land at Brecks Lane as a Housing Allocation.

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<sup>6</sup> Framework §§79-80



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