

**From:** Stuart Natkus [REDACTED]  
**Sent:** 28 March 2023 08:41  
**To:** localplan@york.gov.uk  
**Subject:** FW: Mods letter  
**Attachments:** 1300 A3 230321 SN sh York Mods.docx

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Further to the recent consultation please see attached representations on behalf of BDWH to the proposed modifications.

Kind regards

Stuart

**Stuart Natkus**  
Planning Director



Direct: [REDACTED]  
Mobile: [REDACTED]

bartonwillmore.co.uk  
1st Floor, 14 King Street, Leeds, West Yorkshire, LS1 2HL



♻️ Consider the environment, do you really need to print this email?

The information contained in this email (and any attachments) is confidential and may be privileged. It may only be read, copied and used only by the addressee. Barton Willmore, now Stantec, accepts no liability for any subsequent alterations or additions incorporated by the addressee or a third party to the body text of this email or any attachments. We accept no responsibility for staff non-compliance with our IT Acceptable Use Policy.

**By e-mail only – [localplan@york.gov.uk](mailto:localplan@york.gov.uk)**

Job Number/A3/SN/sh  
21 March 2023

## **To Whom it May Concern**

### **YORK LOCAL PLAN MODIFICATION**

Further to the release of the modifications to the Local Plan we write to provide comments on behalf of Barratt and David Wilson Homes (Our Client). We have previously made representations to all stages of the plan and appeared at a number of sessions at the Local Plan.

These comments are made without prejudice to other comments and objections we made, which are not reflected in these modifications, such as boundary changes on a number of the allocations and changes to other policies.

Our comments on the modifications are as follows:

#### **MM3.2 – Policy SS1**

Our Client raised the need for a summary of the spatial approach to accompany SS1 identifying the approach taken to delivering homes and the need for both brownfield and greenfield development, the expansion of the city, settlements and new free standing settlement. This modification is therefore supported.

#### **Policy SS9 - Metcalfe Lane Osbaldwick**

Our Client is one of the promoters of the allocation at Metcalfe Lane. Whilst we support the allocation we did raise a number of comments on the boundary and some of the policy requirements, including some that required amendments and some that require deletion.

**MM3.18** – We welcome the removal of the ix as it is covered by other policies. This was cited as being unnecessary and therefore unsound. We however object to the new wording, which replaces a mix policy with a need to strengthen features and add in new boundaries. Our Client does not object to the need for boundary treatment and this is shown on the masterplans, however the modifications process is to make the plan sound not better, this requirement was not discussed at the examination and is not considered necessary to make the plan sound as other policies on landscaping deal with this.

**MM3.19** – Our Client supports the removal of the need for on-site community and education facilities and replacement with a commuted sum. As per our presentations the provision of on-site facilities is not necessary and the flexibility now provided ensures the allocations is deliverable and the plan sound.

**MM3.20** – Our Client does not wish to comment on this modification.

**MM3.21** – Our Client has previously raised concerns over the approach to split the site in two for vehicle access, with access to the southern and northern parcels kept separate.

The examination discussed this matter at length, with the debate demonstrating permeability for traffic is better from a highways perspective, distributing traffic in both directions and ensuring a reduction in travel distances (in effect any house on the southern parcel would have to go on an elongated route to get north). The Council did raise concerns over the impacts on the usability of the open space and a visual impact. If the infrastructure is in but limited to buses and pedestrians, the visual impacts are in place already, therefore allowing cars to use the road would have no greater impact.

We therefore maintain an objection to the modifications as they do not allow vehicular access, which is not considered to constitute a good overall development of the site as one. The modification proposed in the Statement of Common Ground is therefore supported as follows.

***vi. Provide vehicular access from Stockton Lane to the north of the site and/or Murton Way to the south of the site (as shown indicatively on the proposals policies map), with a small proportion of public transport traffic potentially served off Bad Bargain Lane. Access between Stockton Lane and Murton Way will be limited to public transport and walking/cycling links only be designed to enable vehicular permeability whilst limiting the potential for rat-running through traffic travelling between each of the site's vehicular access points.***

**MM3-22** – Our Client does not wish to comment on this modification.

**MM3.23** – Our Client objects to this modification as it requires an increased level of open space than other allocations with no justification. As drafted, the scheme is required to provide new open space as per the policies map and open space requirements in accordance with GI2a and GI6. By having these as separate requirements implies that they are to be added together and the open space under allocation OS7 cannot contribute to the policy GI2a and GI6 requirements. This is unreasonable and unjustified, the policy should therefore reflect an overall provision in line with the on-site requirements not two separate levels of provision.

**MM3,24** – Our Client objects to the inclusion of the word candidate. Whilst this is accurate, the policy seeks to give enhanced protection to an area that has not been proven to be a SINC. Other policies cover SINC's and if the candidate site is accepted it will have appropriate protection through those policies. If it is not accepted this policy provides a restrictive level of protection that is not necessary. The requirement should therefore be deleted and covered by other policies.

**Policy SS11** – Land north of Haxby

Our Client is one of the promoters of the allocation North of Haxby. Whilst we support the allocation, we did raise a number of comments on the boundary and some of the policy requirements, including some that required amendments and some that require deletion.

**MM3.31** – Our Client supports the amendment to reflect the level of homes being indicative as it considered that the site can deliver more than 735 and the level of homes should not be artificially constrained.

**MM3.32** – Our Client raised objections to this requirement as it is duplicated elsewhere, its deletion is therefore supported.

**MM3.33** – Our Client objected to the previous wording as the requirements of Policy GI6 and the allocation were different. In essence policy GI6 requires an indicative level of open space to the south of the allocation, whereas Policy SS11 required this to follow the annotation on the policies map, effectively requiring a set boundary not an indicative boundary. The amendment to this is therefore supported to make the policy sound.

Further to this we support the amendment to not require all types of open space as previously drafted as that was undeliverable, unnecessary and unsound.

We note the Council have however now added a new requirement to also provide open space in accordance with Policies GI2a and GI6. This implies that this is a separate requirement to the indicative open space on the policies map. If so then this has never been examined, was not debated or discussed and is unreasonable as it requires more open space than other allocations with no evidence as to why this is necessary. The open space provided to the south of the site should be capable of complying with all open space policies, not an extra requirement. This should therefore be deleted.

**MM3.34** – Our Client objected to the requirement for community facilities, given how close the site is to existing facilities. The removal of as required and inclusion of a reference to viability provides more flexibility as this enables the applicant to demonstrate that the scheme cannot provide these facilities. It is however considered that this still implies they are necessary, and it is for the applicant to prove otherwise, when there is no evidence for any community facilities. On this basis we continue to object to this requirement, and it should be deleted.

#### **Policy SS12 – Land west of Wigginton Road**

Our Client is one of the promoters of the allocation west of Wigginton Road. Whilst we support the allocation, we did raise a number of comments on the boundary and some of the policy requirements, including some that required amendments and some that require deletion.

Our Client notes a series of amendments to the policy for the strategic allocation, which address concerns raised at the examination, including mitigation, provision of contributions and access arrangements. The deletion and amendments of certain criteria now provide flexibility to the scheme to enable the application to deal with these matters whilst still delivering in line with the Councils aspirations.

#### **Policy SS18 – Station Yard Wheldrake**

Our Client is one of the promoters of the allocation at Station Yard, Wheldrake. Whilst we support the allocation, we did raise a number of comments on the boundary and some of the policy requirements, including some that required amendments and some that require deletion.

**MM3.66** – Our Client objected to this requirement as it is covered by other policies and therefore supports its deletion.

**MM3.67** – Our Client objected to the requirement for high quality design as this is subjective and conflicts with other policies in the plan. The amendment retains the need for good design, without including requirements that are subjective and unsound. The amendment is therefore supported.

**MM3.68** – the clarification on the level of mitigation required is supported.

**MM3.69** – Our Client supports this amendment.

**Custom build housing**

**MM5.10** – Our Client raised concerns at the examination on which sites this policy applied to, with particular regard to land at Station Road Wheldrake, where only 147 homes are proposed, together with how demand would be identified. The reference to the demand being provided by the Council on these sites is therefore supported and the modification ensures the policy is sound. However, our client objects to the removal of the site size as this now applies to all sites including the smaller strategic sites where custom build may not be necessary or viable.

**Older persons accommodation**

**MM5.19** – Our Client raised objections to this requirement, with regards to the smaller strategic sites, such as Wheldrake, where the provision of older persons accommodation on a scheme for 147 homes may not be appropriate. Discussion at the examination highlighted this site and how a residential scheme for 147 homes was unlikely to provide custom build housing and older persons accommodation, together with whether there was a need in the area. On this basis the policy if applying to all strategic sites should include flexibility.

We trust these comments will be given consideration and reserve the right to comment further should there be any further hearing sessions.

Yours faithfully

**STUART NATKUS**

Director