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**Sent:** 24 March 2023 15:09  
**To:** localplan@york.gov.uk  
**Cc:** york@iposolutions.online  
**Subject:** Draft Local Plan MM Consultation - HOUSING ALLOCATION SITE REF. ST7 – LAND EAST OF METCALFE LANE  
**Attachments:** York Local Plan - TW Fields - Main Modifications Response - Site ST7 - March 2023.pdf

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Good afternoon,

We write on behalf of our client TW Fields (Osballdwick) Ltd to provide representations to the York Local Plan Main Modifications with regard to their land interest at Land East of Metcalfe Lane which is allocated as a strategic development site under Site Ref. ST7 in the emerging York Local Plan.

The retention of the site within the Local Plan is **supported**.

The enclosed representations focus on identifying the amendments which we are seeking in respect of the site-specific policy considerations of the allocation and the Council's revised approach to Gypsies and Travellers provision. We believe that our proposed amendments will ensure that clear, consistent, and flexible guidance is provided within the final version of the Local Plan, which can benefit all parties when determining a future planning application at the site.

Please confirm receipt of these representations.

Thanks,

Paul

**Paul Butler**  
Director



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**YORK LOCAL PLAN – MAIN MODIFICATIONS**

**HOUSING ALLOCATION SITE REF. ST7 – LAND EAST OF METCALFE LANE**

**TW FIELDS (OSBALDWICK) LTD**

**MARCH 2023**

**INTRODUCTION**

- 1.1 We write on behalf of our client TW Fields (Osballdwick) Ltd to provide representations to the York Local Plan Main Modifications with regard to their land interest at Land East of Metcalfe Lane which is allocated as a strategic development site under Site Ref. ST7 in the emerging York Local Plan.
- 1.2 TW Fields are one of three developers (along with Taylor Wimpey UK Ltd and Barratt Homes) that are promoting the delivery of the allocation. The three developers are working in collaboration to promote the allocation of the site.
- 1.3 Since the conclusion of the examination in public hearing sessions last year the developers have entered into discussions in respect of commencing with the preparation of a planning application at the site.
- 1.4 Land to the East of Metcalfe Lane, Osballdwick is identified as a strategic allocation in the submitted York Local Plan (ST7) to deliver a new sustainable development of a minimum of 845 new homes, alongside the delivery of community infrastructure.
- 1.5 The site is strategically located adjacent to the east of the existing urban edge of the Main Urban Area of York. The site is located within proximity of the existing settlement areas of Heworth, Meadlands and Osballdwick which are all located within the Main Urban Area of the City. The site's allocation replicates the historical development patterns of the City in respect of the delivery of new development located inside of the Outer York Ring Road and A64.
- 1.6 An indicative masterplan which aligns with the Council's proposed site allocation boundary for the site, and which delivers each of the policy aspirations required by Policy SS9 of the Local Plan, has previously been submitted as part of the Local Plan examination process. The indicative masterplan identifies the following key elements: -
  - The delivery of 845 homes, including up to 253 affordable homes and the potential for extra care facilities.
  - The proposals will deliver substantial community infrastructure including open space, allotments, and recreational facilities.
  - Vehicular access will be taken from Murton Way, Stockton Lane & Bad Bargain Lane. Preferential walking and cycling routes are provided throughout the site to deliver direct routes which are logical and well-integrated to encourage use. Bus penetration routes are currently proposed to be provided through the site also.
  - Key views of York Minster and the character of Millennium Way and Osballdwick Conservation Area will be preserved through sensitive master planning.

- Ecological mitigation will be provided through the retention of existing features. Biodiversity value will also be substantially enhanced through the provision of new landscape planting and Sustainable Urban Drainage Systems.
  - Public open space will be distributed evenly throughout the site allowing easy access for all future residents of the development. Amenity space which has been carefully considered in terms of its position both in relation to its accessibility and usability and also in respect of its visual impact and sensitivity to its surroundings.
- 1.7 As outlined within our previously submitted hearing statements and the Statement of Common Ground agreed with the Council dated 25<sup>th</sup> July 2022, the site as currently proposed by the Council in the Local Plan is viable and deliverable.
- 1.8 The site represents a **deliverable** residential development site in accordance with the guidance presented in Annex 2 of the Framework. The development proposals are situated in a **suitable** and highly sustainable location, and there are no technical or environmental (built and natural) constraints that would preclude the development of the site. The site is **available** now as Barratt Homes, Taylor Wimpey, and TW Fields control all of the land required to deliver the development and are actively seeking to secure the site's allocation for residential development. The site can also be considered **achievable** as new homes can be viably delivered at the site within the next five years.
- 1.9 However, whilst TW Fields' supports the principle of the allocation, they remain of the view that the current boundary should be expanded.
- 1.10 TW Fields have been promoting alternative development options for the site in response to every publicised version of the Local Plan since June 2013, including to every submission to the examination in public process. TW Fields' expanded site proposals would provide flexibility and enhance the site's sustainability and viability credentials through the provision of an increased critical mass of population, whilst also delivering a proportionate uplift in the social, economic, and environmental benefits that the site can deliver.
- 1.11 Furthermore, it remains the developer's view that the Council's further work undertaken in Annex 5 of the Green Belt Topic Paper 1 (EX/CYC/59g) provides inadequate justification for the inclusion of the area of land to the west of Site ST7 to be included within the Green Belt. The identified justification for the currently proposed boundaries is weak and has not taken into account the context of the area, which would be a thin wedge of land between two areas of modern development, thus not preserving the understanding of the compact, historic city within a rural hinterland. The area would be surrounded by development on all sides. It therefore remains our view that the Council's own evidence has not shown that this area serves the purpose of Green Belt, and it is considered that this area does not demonstrate the essential characteristics of Green Belt.
- 1.12 Rather than repeat our position in respect of the two above matters in full again here, we refer you to our previous submissions to the examination in public process, and in particular our hearing statements to Phase 3 Main Matter 4.
- 1.13 These representations focus on identifying the amendments that we believe need to be made to the Council's proposed modifications in respect of the site-specific considerations of the allocation and the Council's revised approach to Gypsy and Traveller site provision. We believe that our proposed amendments outlined below will ensure that clear, consistent, and flexible guidance is provided within the final version of the Local Plan, which can benefit all parties when determining a future planning application at the site.

## RESPONSE TO MAIN MODIFICATIONS MM3.18 TO MM3.25

- 2.1 We acknowledge that the amendments outlined within the proposed modifications MM3.18 to MM3.25 largely mirror the Council's proposed amendments to Policy SS9 which were discussed in detail at the Phase 3 Hearing Sessions and which the content of the agreed Statement of Comment Ground dated 25<sup>th</sup> July 2022 focused on.
- 2.2 Since the conclusion of the examination in public hearing sessions last year the developers have entered into discussions in respect of commencing with the preparation of a planning application at the site. Accordingly, within this response we provide updated comments on each of the identified changes to the site-specific policy for the allocation.

### Proposed Modification MM3.18 – Removal of Housing Mix Criterion & Replacement with Boundary Features Criterion

- 2.3 Previous masterplan work undertaken by the developers has sought to include a mix of dwellings that reflects a 'garden village' approach to urban design, and which would deliver a proportion of family housing which is above that outlined in the Council's SHMA.
- 2.4 It is therefore TW Fields' preference to retain and amend original criterion ii so that it provides clearer guidance in respect of the development being able to deliver a higher proportion of larger family housing to reflect the 'garden village' approach to urban design, and the anticipated housing needs and demand of the development.
- 2.5 TW Fields would therefore wish to retain the following amended criterion within the policy: -

***ii. Deliver a sustainable housing mix, including the potential to deliver a higher proportion of larger family homes (approx. 35-40%), than that identified in the Council's most up to date Strategic Housing Market Assessment***

- 2.6 The proposed modification in respect of including an additional criterion associated with the delivery of defensible boundaries for the site is supported. This is something which the developers have proposed as part of the multiple masterplan options which they have put forward previously in respect of seeking an amendment to the current boundaries of the site allocation. We refer you to our previously submitted representations to the Local Plan in this regard.

### Proposed Modification MM3.19 – Education Provision

- 2.7 The proposed modification is agreed. It reflects the latest position in respect of the education requirements for the site.

### Proposed Modification MM3.20 – Highway Impacts

- 2.8 The Council's evidence base identifies the specific off-site highways works/impacts which are directly related to the delivery of Site Ref. ST7. Accordingly, any policy attached to the site allocation should therefore be site-specific, evidence based, and associated with ensuring that the development is only required to mitigate the direct impacts of the development.
- 2.9 At present the proposed policy modification references a number of site allocations, including Site Ref. ST15. Site Ref. ST15 is located a significant distance from the site and will have a far greater proportional impact on City's highway network than Site Ref. ST7. The inclusion of references to a number of housing allocations within the proposed policy modification therefore lacks clarity and is not consistent with the Council's evidence base for the site, and may lead to Site Ref. ST7 being required to deliver mitigation measures beyond its site-specific impact on the local highway network.
- 2.10 TW Fields would therefore wish to include the following amended criterion within the policy: -

**v. The transport and highways impacts of the development should be assessed, to ensure sustainable transport provision at the site is achievable.**

Proposed Modification MM3.21 – Vehicular Access

- 2.11 With regard to the first element of the criterion, whilst the proposed modification is supported it remains key to the delivery of the allocation that the routes shown on the proposal maps are treated as entirely being indicative and that the only weight to be attached to them should be solely in relation to the proposed vehicular access connections with the Stockton Lane, Bad Bargain Lane and Murton Way. The final design, layout and route of the roads will need to be informed by the detailed technical and master planning work as part of the preparation of the planning application. This is a fundamental matter in respect of the site's delivery.
- 2.12 Within the SoCG and at the hearing sessions we previously outlined our disagreement with the criterion where it identifies that the connection between the two parcels of the allocation should be for pedestrian, cycle, and public transport only. This position related to ensuring the comprehensive development of the site through enabling vehicular permeability to aid the distribution of traffic across both the site and the wider City. Any concerns which the Council would have associated with rat-running could be limited via the provision of appropriate internal layout design measures.
- 2.13 TW Fields would therefore wish to maintain the view outlined within the SoCG that the criterion should be worded 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.**

- 2.14 Finally, the proposed modification as currently worded references public transport penetration through the whole site being provided 'if necessary and feasible', whereas proposed modification MM.22 references public transport services being provided 'through the whole site'. Through amending this criterion in the manner proposed, this would ensure that these two criterion are consistent with one another.

Proposed Modification MM3.22 – Public Transport

- 2.15 The proposed modification is supported subject to the amendment to criteria vi being made as proposed by the developer as this would ensure consistency in respect of public transport penetration through the whole site.

Proposed Modification MM3.23 – Open Space

- 2.16 TW Fields wish to maintain their position as outlined in the SoCG. The principle of the modification is agreed, however, the specific requirement for the buffer to be 50m is not. The identification of a specific measurement is considered to be unduly restrictive and there is no clear evidence at this point to be able to set/establish what the exact width of the buffer should be.
- 2.17 The final details and width of the buffer should be informed by the detailed technical and master planning work as part of the preparation of the planning application. This would also include reaching an agreement in respect of vehicular access permeability and public transport penetration through the whole site. As this could of course impact upon the character of this area of open space. The specific reference to a measurement of 50m should therefore be removed from the criterion.

2.18 There is also some confusion and overlap between the bullet points outlined in criterion ix on the topic of open space provision across the site and the delivery of policy requirement OS7. As currently worded it could be read that the provision of open space to comply with the policy requirements are standalone or in addition to one another. However, in reality the provision of open space under requirement OS7 would safeguard the Millennium Way route whilst also providing amenity, natural greenspace and recreation open space typologies which local residents can use/enjoy, and which would reduce the need to travel to Strensall Common. As such, to ensure clarity is provided within the policy, we believe that further wording should be provided within the bullet points which outlines how the compliance with OS7, and Policies GI2a and GI6 can be delivered in combination through the provision of a variety of open space typologies across the site.

2.19 TW Fields would therefore wish to include the following amended criterion within the policy: -

**ix. Provide a detailed site wide recreation and open space strategy and demonstrate its application in site masterplanning. This must include:**

- **Create Creation of new open space (as shown on the proposals policies map as allocation OS7) to protect the setting of the Millennium Way that runs through the site. Millennium Way is a historic footpath which follows Bad Bargain Lane and is a footpath linking York's strays and should be kept open. A 50m green buffer has been included along the route of the Millennium Way that runs through the site to provide protection to this Public Right of Way and a suitable setting for the new development and achieving the site's open space requirements in association with policies GI2a and GI6. The final details and width of the green buffer shall be determined through a future planning application.**
- **Open space provision that satisfies policies GI2a and GI6 and which allocation OS7 as indicated on the policies map would assist in achieving.**

Proposed Modification MM3.24 – Osbaldwick Meadows

2.20 TW Fields wish to maintain their position as outlined in the SoCG. They believe that the criterion should be deleted on account of there being no ecological value in this area of the site due to previous infrastructure works that have taken place by a statutory undertaker. Furthermore, the Council have not undertaken a detailed survey of this area of the site since the infrastructure works took place to determine its value as a candidate SINC.

2.21 Notwithstanding the above, if the criterion is due to be retained we request that the following wording be included: -

**x. Should further survey work confirm the 'Osbaldwick Meadows' site's value as a candidate Site of Importance for Nature Conservation, the development shall minimise the impacts of access from Murton Way on the 'Osbaldwick Meadows' site and provide compensatory provision for any loss.**

Proposed Modification MM3.25 – Education – Justification Text Paragraph 3.48

2.22 The proposed modification is supported as it aligns with the proposed modification MM3.19 as outlined by the Council.

Further Required Additional Policy Criterion or Justification Text

2.23 TW Fields maintain their position that a further criterion or additional justification text should be included in the plan to provide clarity in respect of the ability to deliver specific types of infrastructure and land uses outside of the identified allocation site boundary.

- 2.24 Such matters will impact upon the 'red line' and 'blue line' application boundaries as outlined on the submitted Site Location Plan, and which will differ from the site allocation boundary shown on the proposals map. The provision of additional criteria/wording in the plan will therefore make the acceptability of this position clear to both the developers and other 3<sup>rd</sup> parties that will be interested in the future planning application.
- 2.25 The Council previously rejected this request solely on the basis that it would effectively duplicate national guidance other policies in the Local Plan. However, in this instance we believe that there is absolutely no harm in providing such repetition when attached to a specific site allocation policy/justification text, as the provision of further wording would improve the clarity and effectiveness of the plan by removing any ambiguity for all interested parties at the planning application stage.
- 2.26 TW Fields would therefore wish to include the following additional criterion within Policy SS9 or as further wording within the policy justification text: -

***In order to ensure that each of the above policy criterion can be delivered, infrastructure and features associated with the provision of Sustainable Drainage Systems, Biodiversity Gain, Open Space & Recreational Use, and Landscaping can be delivered within proximity of the site allocation boundary.***

- 2.27 Overall, and as stated above, it is our view that the proposed amendments outlined above will ensure that clear and flexible guidance is provided within the final version of the Local Plan in respect of the site allocation, which will benefit all parties when determining a future planning application at the site and ensure the deliverability of the site allocation.

#### **RESPONSE TO MAIN MODIFICATIONS MM5.11 & MM5.12**

- 3.1 The proposed amendments to Policy H5 of the Local Plan seek to place a greater burden on the developers of strategic sites to deliver the Council's housing requirements for Gypsies and Travellers, on account of the Council being unable to allocate specific sites to meet these needs at this late stage of the Local Plan process.
- 3.2 Whilst this approach could create a number of viability and quantum/capacity implications in respect of the delivery of the strategic sites (which has yet to be tested by the Council's evidence base), the developers wish to work with the Council on this matter in order to ensure that a sound Local Plan can be adopted this year.
- 3.3 Following discussions with the York Travellers Trust (the Trust), we have identified further amendments to the Council's proposed modifications to Policy H5 of the Local Plan which we believe would provide an additional policy mechanism that would further help to facilitate the direct delivery of the housing needs of York's Gypsy and Traveller community. The proposed amendments are outlined below.

#### **Proposed Modification MM5.11 – Proposed Criterion B**

- 3.4 Discussions with the Trust have identified a number of concerns associated with the on-site provision of pitches within the strategic development sites. Their biggest concern is the social impact that the sporadic provision of a handful of pitches within strategic sites would have, on the basis that this would potentially displace family units across large areas of the City. With the further wider impact being that such an approach may result in the on-site provision within strategic sites being undesirable to the Gypsy and Traveller community and therefore ultimately undeliverable.
- 3.5 Furthermore, our discussions with the Trust have also identified that the quality of a number of the City's existing Gypsy and Traveller sites (particularly the one at Outgang Lane, Osbaldwick which is

located within 200m of the allocation site's boundary) represent some of the poorest in the Country, and as a result these sites are considered by the Trust to be undesirable and inefficiently utilised.

- 3.6 The Council's current proposed approach outlined in the amended Policy H5 suggests that financial contributions would be used to deliver new pitches within land which is presently available within these sites. However, the policy as currently worded does not include a mechanism which would enable the use of financial contributions to improve the conditions of existing sites within the City.
- 3.7 In response, we believe that financial contributions could and should be used to facilitate qualitative and quantitative improvements to the City's existing Gypsy & Traveller sites in order to remedy the existing quality issues. Such an approach would also enable the delivery of additional pitches within these sites through improving the efficient use of current available space within them.
- 3.8 This approach would not only make the City's existing sites more desirable, but it would also provide the opportunity for larger family units of the Gypsy & Traveller community to live within the same site. Therefore, directly responding to the concerns which the Trust raised in respect of on-site provision within the strategic sites.
- 3.9 Our proposed amendment to the modification therefore seeks to add a further mechanism that would act as an additional element of the policy to provide further flexibility so that all suitable options to meeting the housing needs of the Gypsy & Traveller community are available at the point of adoption of the Local Plan. Which in turn would improve the soundness of Policy H5.
- 3.10 To further improve the deliverability and flexibility of the proposed amended policy, additional wording is also proposed to the element of the policy which relates to a financial contribution being considered acceptable where it is demonstrated that on site delivery is not achievable due to 'site constraints'. As currently worded 'site constraints' could be read to relate solely to 'physical issues', whereas (as stated above) on-site provision could potentially also impact on the viability and deliverable quantum/capacity of strategic sites. Accordingly, we propose that the wording '*or other material considerations*' should be included in this element of the policy to ensure that it captures the full range of matters which would need to be considered. The specific wording proposed has also been identified in reference to the potential to use financial contributions towards the qualitative or quantitative improvements to existing Gypsy & Traveller pitches, which could also be considered an acceptable '*other material consideration*'. Thus, ensuring the overall approach of the policy is consistent.
- 3.11 Finally, in order to ensure that flexibility is provided throughout the whole of the policy, we propose that the three different mechanisms included within this criterion/paragraph are linked via 'or'. This proposed amendment would ensure that all suitable options to meeting the housing needs of the Gypsy & Traveller community are available at the point of adoption of the Local Plan, whilst also ensuring that the intentions of the policy are fully implementable in practice following the Local Plan's adoption.
- 3.12 TW Fields therefore wish to include the following amended criteria within the policy: -
- Commuted sum payments to contribute to development of pitches elsewhere will only be considered where it is demonstrated that on site delivery is not achievable due to site constraints or other material considerations; or where there are no suitable and available alternative sites for the required number of pitches that can be secured by the developer; or where commuted sum payments would facilitate qualitative or quantitative improvements to existing local authority sites.**
- 3.13 As the Council intend to publish supplementary planning guidance on this matter in the future, specific details in respect of the delivery of the proposed amended policy (including the changes proposed by the developers) can be clearly set out within a future SPD, and TW Fields would welcome the opportunity to work with the Council and the Trust to discuss the content of any guidance in the future.



Proposed Modification MM5.12 – Proposed Criterion C

- 3.14 The first criteria of criterion c) of the policy is in our view too vague and ambiguous and could result in the unjustified refusal or rejection of potential Gypsy & Traveller site provision.
- 3.15 Accordingly, TW Fields believe that the policy should be amended to only reference designations which are clearly established within the adopted proposal map. By doing so this would ensure that the policy can be considered sound as it would reflect the Local Plan's evidence base from which specific designations have been identified from.
- 3.16 When combined with the other criteria of this element of the amended policy, this proposed amendment would ensure that developers would be provided with clear guidance from which to use to identify potential alternative site provision (as supported within criterion b) of the policy).
- 3.17 TW Fields therefore wish to include the following amended criterion within the policy: -

***I. do not conflict with the objective of conserving York's internationally, nationally and locally significant nature conservation sites, green corridors and areas with an important recreation function as designated on the proposal map***

- 3.18 In conclusion, following discussions with the Trust we have identified suitable amendments to the Council's proposed modifications to Policy H5 which we believe would remedy a number of the Trust's concerns with the proposed modification as currently worded. Our proposed amendments will provide an additional policy mechanism that would further help to facilitate the direct delivery of the housing needs of York's Gypsy and Traveller community.
- 3.19 The proposed approach would improve the overall soundness and deliverability of the Council's amended policy approach. It would importantly ensure that all suitable options to meeting the housing needs of the City's Gypsy & Traveller community are available at the point of adoption of the Local Plan, whilst also ensuring that the intentions of the policy are fully implementable in practice following the Local Plan's adoption.

**CONCLUSION**

- 4.1 The retention of the site within the Local Plan is **supported**.
- 4.2 The site represents a **deliverable** residential development site. The development proposals are situated in a **suitable** and highly sustainable location, and there are no technical or environmental (built and natural) constraints that would preclude the development of the site. The site is **available** now as Barratt Homes, Taylor Wimpey, and TW Fields control all of the land required to deliver the development and are actively seeking to secure the site's allocation for residential development. The site can also be considered **achievable** as new homes can be viably delivered at the site within the next five years.
- 4.3 However, whilst TW Fields' supports the principle of the allocation, they remain of the view that the current boundary should be expanded in order to enhance the site's sustainability and viability credentials through delivering a proportionate uplift in the social, economic, and environmental benefits that the site can deliver. Furthermore, it remains the developer's view that the Council have provided inadequate justification for the inclusion of the area of land to the west of Site ST7 to be included within the Green Belt.
- 4.4 These representations have focused on identifying the amendments which we are seeking in respect of the site-specific policy considerations of the allocation and the Council's revised approach to Gypsies and Travellers provision. We believe that our proposed amendments will ensure that clear, consistent and flexible guidance is provided within the final version of the Local Plan, which can benefit all parties when determining a future planning application at the site.