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Sent: 24 March 2023 15:38
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Subject: Draft Local Plan MM Consultation - HOUSING ALLOCATION SITE REF. ST14 - LAND WEST OF WIGGINTON ROAD
Attachments: York Local Plan - Bellway Barratt TW Fields - Main Modifications Response - Site Ref ST14 - March 2023.pdf

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Good afternoon,

We write on behalf of our clients Barratt Homes, Bellway Homes, and TW Fields (Clifton Moor) Ltd to provide representations to the York Local Plan Main Modifications with regard to their land interest at Land West of Wigginton Road which is allocated as a strategic development site under Site Ref. ST14 in the emerging York Local Plan.

The retention of the site within the Local Plan is therefore strongly **supported** and is considered **sound** in the context of the guidance presented in Paragraph 35 of the Framework.

Whilst we support the retention of the allocation in the Local Plan, there are some amendments which we are seeking 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. The proposed amendments are set out within the enclosed representations.

Please confirm receipt of these representations.

Thanks,

Paul

Paul Butler
Director



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YORK LOCAL PLAN – MAIN MODIFICATIONS

HOUSING ALLOCATION SITE REF. ST14 - LAND WEST OF WIGGINTON ROAD

BARRATT HOMES, BELLWAY HOMES & TW FIELDS (CLIFTON MOOR) LTD

MARCH 2023

INTRODUCTION

- 1.1 We write on behalf of our clients Barratt Homes, Bellway Homes, and TW Fields (Clifton Moor) Ltd to provide representations to the York Local Plan Main Modifications with regard to their land interest at Land West of Wigginton Road which is allocated as a strategic development site under Site Ref. ST14 in the emerging York Local Plan.
- 1.2 The developers of the site continue to work in collaboration to promote the allocation. Since the conclusion of the examination in public hearing sessions last year the developers have commenced with the preparation of a planning application for the site, which they intend to submit in the Summer 2023. As part of this work the technical and environmental material required to support a planning application is in the process of being prepared. Further design and master planning work is also being undertaken.
- 1.3 Land to the West of Wigginton Road, referred to as the Clifton Gate scheme, represents a new sustainable Garden Village which will deliver a minimum of 1,348 new homes, alongside the delivery of significant community infrastructure in the form of a new primary school, a village centre, affordable homes, housing for older people, public open space, and recreational facilities.
- 1.4 The identified Vision of the Clifton Gate site is to deliver: -
- A new village with its own identity and good local facilities to meet the everyday needs of residents as the community grows over time. A new village which is well-connected to the centre of York and surrounding settlements by sustainable modes of transport but clearly separated and screened from existing settlements to avoid coalescence. A place that feels a part of York but is still a separate place.***
- 1.5 The site's location respects the historic and landscape character of this area of the City. The Clifton Gate site is strategically located to the north of York, beyond the established boundary of the Outer York Ring Road. The site is separated from the existing urban edge and surrounding villages.
- 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 SS12 of the Local Plan, has previously been submitted at each stage of the Local Plan examination process. The indicative masterplan identifies the following key elements: -
- 1,350 homes to be delivered by 2033.
 - Up to 405 Affordable Homes & Housing for Older People
 - Public open space, green corridors and recreational facilities as part of the development proposals. Including new playing pitch provision.
 - Provision of a Two Form Entry Primary School & School Playing Fields

- Village Centre
 - Key views to York Minster will be preserved and accessible green corridors will be placed within them.
 - The retention and enhancement of existing woodland, hedgerows and trees located within and surrounding the site. Providing landscape, visual and biodiversity enhancements.
 - The provision of substantial levels of new landscape planting within and surrounding the site. Providing landscape, visual and biodiversity enhancements.
 - Existing water features including ponds and streams will be incorporated into the development. New water features relating to a Sustainable Urban Drainage systems will also be delivered. These features will together form an integral aspect of the biodiversity benefits that the development can deliver.
 - New walking and cycling routes will be provided in the form of a new pedestrian/cycle underpass connection at the Clifton Moor Roundabout Access and a new pedestrian/cycle footpath connecting the site's access on Wigginton Road to the Outer Ring Road. These connections will also make the site accessible to the wider York footpath and cycle network.
 - Vehicular access to the site will be taken from the upgraded Clifton Moor roundabout, which will include a 4th access arm that solely serves the development site. A new access will also be provided from Wigginton Road to the east.
- 1.7 As outlined within our previously submitted hearing statements and the Statement of Common Ground agreed with the Council dated 25th July 2022, the site as currently proposed by the Council in the Local Plan is viable and deliverable.
- 1.8 Furthermore, the promotion and future development of the site is now supported by two national housebuilders (Barratt Homes and Bellway Homes), which provides even further evidence of the site's viability and overall deliverability.
- 1.9 The site therefore 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, Bellway Homes, and TW Fields (Clifton Moor) Ltd 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.
- 1.10 The retention of the site within the Local Plan is therefore strongly **supported** and is considered **sound** in the context of the guidance presented in Paragraph 35 of the Framework, as the site allocation is considered to be :-
- *Positively Prepared* – As the delivery of the Clifton Gate site will contribute to achieving sustainable development through significantly helping to meet the evidenced objectively assessed development needs and infrastructure requirements of the City.
 - *Justified* – As robust evidence has previously been provided to demonstrate that the site's allocation is an appropriate strategy for meeting the City's identified housing needs, when considered against the reasonable alternatives and based on proportionate evidence.
 - *Effective* - As the proposed number of homes and other requirements of the site allocation are deliverable within the plan period; and

- *Consistent with national policy* – As evidence has previously been provided to demonstrate that the proposed development will deliver sustainable development within the plan period, and particular in respect of the guidance presented in Paragraph 73 of the Framework which identifies that the supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements.

1.11 Whilst we support the retention of the allocation in the Local Plan, there are some amendments which we are seeking 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 MM3.37 TO MM3.46

2.1 We acknowledge that the amendments outlined within the proposed modifications MM3.37 to MM3.46 largely mirror the Council's proposed amendments to Policy SS12 which were discussed in detail at the Phase 3 Hearing Sessions and which the content of the agreed Statement of Comment Ground dated 25th July 2022 focused on.

2.2 As outlined above, since the conclusion of the examination in public hearing sessions last year the developers have commenced with the preparation of a planning application for the site, which they intend to submit in the Summer 2023. As part of this work the technical and environmental material required to support a planning application is in the process of being prepared. Further design and master planning work is also being undertaken.

2.3 Accordingly, within this response we provide updated comments on each of the identified changes to the site-specific policy for the allocation.

Proposed Modification MM.37 – Delivery within Plan Period

2.4 We maintain the view outlined in the agreed SoCG that the reference to the delivery of 1000 homes within the Local Plan period has no real weight in the future decision making process and as such it should be removed as the housing trajectory outlines the timescales for the delivery of homes at the site.

2.5 This element of Policy SS12 should therefore be amended to read as follows: -

... It will deliver approximately 1,348 dwellings, approximately 1200-1000 units of which will be delivered within the plan period...

Proposed Modification MM3.38 – Housing Mix

2.6 Updated masterplan work being undertaken by the developers seeks 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.

2.7 It is therefore the developers preference to retain and amend 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.

2.8 The developers would therefore wish to retain the following amended criteria 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

Proposed Modification MM3.39 – Education Provision

- 2.9 The developers wish to maintain the position that the policy should state the explicit education requirements for the site as set out in the Council's Local Plan evidence base, which outlines the requirement for a 2-form entry primary school at the site. This position/requirement for the site has again been confirmed in discussions with the Council since the conclusion of the hearing sessions last year. For the avoidance of any doubt, it has always been agreed that the school playing fields can be located outside of the red line allocation boundary.
- 2.10 The land-take/viability impact associated with the delivery of a larger/3-form entry school has not been factored in to any discussions in respect of the development. The point being that due to the restrictive site allocation boundary any additional buildings needed for a 3-form entry school would result in a reduced net developable area for new homes. In all of their previous submissions to the Local Plan, the developers have identified concerns in respect of the proposed allocation boundary being drawn too tightly, and as such leaving the wording open as proposed by the Council in this criterion of Policy SS12 could potentially exacerbate this issue.
- 2.11 Furthermore, a site of 1,348 homes would be too small to sustain a 3-form entry school from a critical mass point of view. Accordingly, any review of the site's education provision should be considered alongside a potential expansion of the site within the future review of the Local Plan.
- 2.12 The approach to meeting the need generated by the development for secondary school places outlined within the modification is supported.
- 2.13 The developers would therefore wish to include the following amended criteria within the policy: -

iv. Deliver on-site nursery and two-form entry primary education facilities, which meets the needs generated by the development, and are well connected to housing by dedicated pedestrian/ cycleways.

Proposed Modification MM3.40 – Vehicular Access

- 2.14 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 connection with the Clifton Moor Roundabout and Wigginton Road. The final design, layout and route of the roads will need to be informed by the detailed technical and master planning work which is taking place as part of the preparation of the planning application. This is a fundamental matter in respect of the site's delivery.

Proposed Modification MM3.41 – Highway Impacts

- 2.15 The Council's evidence base identifies the specific off-site highways works/impacts which are directly related to the delivery of Site Ref. ST14. 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.
- 2.16 At present the proposed policy modification references a number of site allocations, including Site Ref. ST15. Site Ref. ST15 is located on the opposite side of the City and will have a far greater proportional impact on City's highway network than Site Ref. ST14. 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. ST14 being required to deliver mitigation measures beyond its site-specific impact on the local highway network.

2.17 The developers would therefore wish to include the following amended criterion within the policy: -

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

Proposed Modification MM3.42 – Clifton Moor Access Works

2.18 The proposed modification is supported in that it would enable the delivery of new homes from the site prior to the delivery of the dualling works to the A1237 and the upgrade of the Clifton Moor Roundabout to deliver vehicular, cycle and pedestrian access to the site.

2.19 Final details in respect of phasing and the specific number of new homes which can be occupied prior to the delivery of any/all infrastructure requirements will of course be picked up as part of the planning application.

2.20 However, for the purpose of clarity and effectiveness, the developers believe that the policy wording should confirm that the Council is delivering these works, as outlined in the Council's evidence base which supports the Local Plan.

2.21 The developers would therefore wish to include the following amended criteria within the policy: -

viii. Phased development which reflects the delivery of dualling works to the A1237 outer ring road, upgrades and creation of a 4th arm to the Clifton Moor Gate roundabout and pedestrian/cycle underpass to connect Clifton Moor to the site which are being funded and delivered by the Council.

Proposed Modification MM3.43 – Public Transport

2.22 The proposed modification is supported.

Proposed Modification MM3.44 – Boundary Features

2.23 The proposed modification is supported.

Proposed Modification MM3.45 – Site Wide Recreation and Open Space Strategy

2.24 The proposed modification is supported.

Proposed Modification MM3.46 – Vehicular Access – Justification Text Paragraph 3.61

2.25 As outlined above in response to Main Modification MM3.40, whilst the proposed modification is supported it remains key to the delivery of the allocation that the final design, layout and route of the roads will need to be informed by the detailed technical and master planning work which is taking place as part of the preparation of the planning application. This is a fundamental matter in respect of the site's delivery.

Further Required Additional Policy Criterion or Justification Text

2.26 The developers 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.

- 2.27 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 3rd parties that will be interested in the future planning application.
- 2.28 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.
- 2.29 The developers would therefore wish to include the following additional criterion within Policy SS12 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.***
- 2.30 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) 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 The developers would 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 the developers 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, the developers 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 The developers would therefore wish to include the following amended criteria 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 therefore strongly **supported** and is considered **sound** in the context of the guidance presented in Paragraph 35 of the Framework, as the site allocation is considered to be : -
- *Positively Prepared* – As the delivery of the Clifton Gate site will contribute significantly to achieving sustainable development through helping to meet the evidenced objectively assessed development needs and infrastructure requirements of the City.
 - *Justified* – As robust evidence has previously been provided to demonstrate that the site's allocation is an appropriate strategy for meeting the City's identified housing needs, when considered against the reasonable alternatives and based on proportionate evidence.
 - *Effective* - As the proposed number of homes and other requirements of the site allocation are deliverable within the plan period; and
 - *Consistent with national policy* – As evidence has previously been provided to demonstrate that the proposed development will deliver sustainable development within the plan period, and particular in respect of the guidance presented in Paragraph 73 of the Framework which identifies that the supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements
- 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, Bellway Homes, and TW Fields (Clifton Moor) Ltd 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 Whilst we support the retention of the allocation in the Local Plan, there are some 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.