

COMMITTEE REPORT

Date: 7 November 2024 **Ward:** Huntington/New Earswick
Team: East Area **Parish:** Huntington Parish Council

Reference: 23/01016/OUTM
Application at: Land To South And East Of The Cemetery New Lane Huntington York
For: Outline planning application with all matters reserved except access, for up to 107 dwellings (use class C3) with associated landscaping, public open space, and vehicular access from New Lane
By: Jomast Developments And GBL Projects
Application Type: Major Outline Application
Target Date: 30 April 2024
Recommendation: Approve after referral to Sec. of State and subject to completion of S106 agreement

1.0 PROPOSAL

APPLICATION SITE AND SURROUNDINGS

1.1 The application site is within the general extent of the Green Belt on the east side of New Lane, Huntington. It comprises three agricultural fields with hedgerows. The cemetery and a cycle / footpath leading to Monks Cross are to the north, the Monks Cross Park and Ride to the east and housing to the west. To the south contains land that formerly accommodated a farm shop but is subject to a planning application (pending approval following completion of s106 agreement), for the Island, a children's centre with associated car parking and landscaping.

1.2 The surrounding land has the following planning permissions in place / applications pending determination -

- Land to the south
22/01733/FULM – children's centre with car parking – planning permission will be issued when the planning obligation (s106 agreement) is concluded.

- Land to the north
Application Reference Number: 23/01016/OUTM Item No: 4a

17/01250/FUL – permission to extend New Lane cemetery.

21/00305/OUTM – planning permission for circa. 300 houses on land between the cemetery and Forge Close.

THE SCHEME

1.3 The application is in outline for up to 107 dwellings on the site. All of the homes would be affordable (as defined in the national planning policy; the NPPF). The main access from New Lane forms part of this application.

1.4 The application includes an indicative layout with a mix of 2, 3 and 4-bedroom dwellings, up to 2.5 storey in height with a vehicle access from New Lane. The layout includes a nature zone of the east side of the site, a village green on the north side of the site, drainage infrastructure (pumping station and attenuation tank), and a sub-station. There would be multiple pedestrian and cycle connections into the existing route to the immediate north of the site and a 3m wide shared cycle lane and footpath on the east side of New Lane. The hedgerow to the south boundary is shown as retained, part of the hedgerow on the west boundary is removed (to accommodate the segregated pedestrian and cycle lane and for visibility splays at the main entrance). The majority of the hedgerow that runs east-west through the site is retained.

1.5 The scheme includes drawings which propose the following highway works –

- The pedestrian / cycle lane to the north of the site is continued on the east side of New Lane.
- A signalised crossing (for cycles and pedestrians) is provided on New Lane.
- Vehicle entrance which will have an LTN 1/20 compliant pedestrian / cycle crossing (precise details to be subject to highways approval).
- Bus shelter on east side of New Lane to be relocated and updated.

ENVIRONMENTAL IMPACT ASSESSMENT

1.6 It has been determined that an Environmental Impact Assessment is not required in this case.

1.7 The EIA regulations establish that if residential development of more than 150 dwellings are proposed a screening process is required to determine if an EIA is required, taking into account the characteristics / scale of the development, location and characteristics of potential impacts. The indicative criteria for dwellings is provided in the guidance as significant urbanising effects in a non-urban area, for example more than 1,000 dwellings. The guidance also states -

- Only a very small proportion of Schedule 2 development will require an Environmental Impact Assessment.

- The more environmentally sensitive the location, the more likely it is that the effects on the environment will be significant and will require an Environmental Impact Assessment.

1.8 The proposed development is up to 107 dwellings; the threshold for screening is not met, and the site is not in a sensitive area, as defined in the regulations. As such it is deemed an EIA is not required.

2.0 POLICY CONTEXT

THE NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

2.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies; it must be taken into account in preparing the development plan and is a material consideration in planning decisions. At the heart of the NPPF is a presumption in favour of sustainable development. To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways.

2.2 The most relevant NPPF sections to this outline application are –

- Section 2 Achieving sustainable development.
- Section 5 Delivering a sufficient supply of homes.
- Section 9 Promoting sustainable transport.
- Section 12 Achieving well-designed and beautiful places.
- Section 13 Protecting Green Belt Land.

HUNTINGTON NEIGHBOURHOOD PLAN

2.3 The Neighbourhood Plan is adopted; it is the development plan for the area and covers the period 2017 to 2032/33. Policies most relevant are -

H1 Housing need

The policy states that as appropriate to their scale, nature and location development proposals for new residential development should:

- Promote and accommodate transport links for pedestrians, cyclists, and public transport.
- Provide safe pedestrian and cycle links to Huntington Village, local schools and the existing network of pedestrian and cycle routes, including through green infrastructure where this would not have an adverse impact on biodiversity.
- Include significant and well-designed landscape and green areas to ensure that development sits sympathetically with the existing landscape.
- Retains and where practicable improve trees and hedgerows of good amenity, arboricultural or biodiversity value.

H2 Housing mix in new housing development proposals

Developments should provide for a mix of housing types, sizes and tenures to meet identified housing need in the Parish and the City of York. Development proposals that deliver smaller homes (one or two bedrooms) suitable for young families and young people as well as older people (including those who wish to downsize) to meet an identified housing need will be particularly supported.

H4 Design principles

Development proposals should respect the character of their local environment having regard to scale, density, massing, height, landscape, layout materials and access, as appropriate to their nature and location. Development proposals should also take into account the amenity of neighbouring occupiers. Where appropriate, development proposals should provide safe and attractive public and private spaces, and well defined and legible spaces that are easy to get around, especially for older people.

H7 Biodiversity

Proposals should maintain and where practical enhance existing ecological corridors and landscape features.

H21 Walking and cycling

As appropriate to their scale and location development proposals should be designed to provide safe and convenient connections to the network of footpaths and cycleways in the immediate locality. Priority should be given to those that create or improve links between the main residential areas and key local services such as shops and schools.

DRAFT LOCAL PLAN 2018 (DLP 2018)

2.3 The DLP 2018 has been subject to examination and a response from the Inspectors is awaited. The DLP 2018 policies can be given weight in accordance with NPPF paragraph 48 which requires regard to the stage of preparation of the plan, the extent to which there are unresolved objections and the degree of consistency with NPPF policy.

2.4 Most relevant Policies of the DLP 2018 -

| | |
|------|--|
| SS1 | Delivering sustainable growth for York |
| H3 | Balancing the Housing Market |
| D1 | Placemaking |
| D2 | Landscape and setting |
| GI4 | Trees and Hedgerows |
| CC2 | Sustainable design and construction of new development |
| ENV3 | Land contamination |

| | |
|------|--|
| ENV5 | Sustainable drainage |
| T1 | Sustainable access |
| T7 | Minimising and accommodating generated trips |

3.0 CONSULTATIONS

Affordable Housing

3.1 Support. The Local Housing Needs Assessment identifies the need for 592 affordable homes per year. The affordable housing proposed (up to 107 dwellings) would be much needed, are of good size and type and would provide an important contribution to meet the need of affordable housing York.

3.2 The indicative mix is 24% social rent and 76% other types (affordable rent and shared-ownership). The amount of social rent dwellings proposed equates to the council's preferred mix if applying a 30% affordable housing requirement with 80% social rent to a greenfield site.

Design & Conservation - Archaeology

3.3 No objection. No conditions recommended (area has been subject to sufficient investigation already).

Design & Conservation – Ecology

3.4 Strensall Common impact and mitigation required. Recommend conditions.

- Strensall Common - Options to mitigate impacts of increased visitor pressure will need to be explored. These could include - increased public open space, increasing the accessibility to current walking routes (through signage and clear access points) and ensuring dog walking routes are clearly marked and facilitated (e.g. dog waste bins). Such information would need to be detailed within an Open Space Strategy, in-line with policy GI2a of the draft local plan.
- Biodiversity enhancement – condition required to mitigate impacts on ecological receptors to be affected through the construction phase of the project.
- Great crested newts (GCN) are assumed present on site. A European Protected Species licence issued by Natural England will be required prior to the commencement of works. A condition is recommended to this effect.
- To ensure wildlife mitigation and enhancement measures are managed and maintained, the provision of a management plan is considered appropriate. A condition is recommended.
- Sensitive lighting plan to protect use of green corridors by light sensitive species recommended as a condition.

Design & Conservation (Landscape Architect)

Recommend conditions.

3.5 The revised site plan illustrates incorporating most of the existing hedgerow that runs east – west across the centre of the site (Tree groups 1 and 2). This provides better amenity and sense of place and orientation for the development (compared to the superseded scheme); and contributes to tree cover within the street scenes.

3.6 Proximity to existing trees –

- The space around Oak tree T8, between plots 84 and 85, is very tight. This threatens the longevity of the tree. The protection zone and buffer around this tree should be more generously robust.
- The reserved matters masterplan should also be cognisant of the mature size of trees T13 (B1) and T14 (B1), and their compatibility and influence on the amenity of any adjacent properties and gardens, i.e. 91 and 105 respectively.

3.7 Proposed tree planting – green streets - the revised scheme shows that it should be possible to incorporate a single verge with street trees along the primary route. Some of the trees within forecourts are in beds that are too small and too close to the property to be feasible, e.g. in front of units 39-41. Otherwise, across much of the scheme, small trees are shown between parking bays within front gardens. Whilst there should not be too much reliance on such front garden trees, there appears to be sufficient proposed tree cover when combined with those in verges, open spaces, existing trees and hedgerows, to present a reasonable presence of trees within the street scenes.

3.8 Recommend conditions –

- Arboricultural method statement and tree protection plan.
- Detailed landscape scheme (this should also include drainage, underground utilities and street lighting).
- Boundary treatments
- Play area and street furniture.
- Landscape and ecological management plan.

Education

3.9 Request planning obligations as follows -

- Early Years 14 places £20,940 per place = £293,160
- SEND 1.17 SEND places plus a contribution towards likely transport costs, total £103,388.

Flood Risk Management

3.10 The drainage scheme is acceptable in principle but reliant on consent from third parties.

- Evidence to discount the use of infiltration methods of surface water disposal (soakaway) is required, in accordance with our SuDS Guidance for Developers and the hierarchy of surface water disposal.
- The scheme shows connection to a private drain in Geldof Road (assumed highway drain) which will require consent from the owner. The Council's highways team would need to allow the connection into this drain.

Highway Network Management

3.11 No objection in principle, request planning obligations and off-site highways works.

3.12 Officers initially (July 2023) advised a 2m wide crossing over New Lane with a central island would be required. In August 2024 the request was updated; to provide a 4m wide toucan crossing (signalised crossing for pedestrians and cycles). Officer note - the plans have been revised accordingly and show a toucan crossing and the specification requested will be secured through condition.

3.13 Further clarification was requested on trip rates required. Officer note - since these comments an updated Transport Assessment was supplied, with updated trip rates, inclusion of modes to promote walking and cycling and impact on the road network. National Highways advised they were content with the impact on the wider network. No further observations have been received from highways in respect of trip rates.

3.14 The following infrastructure to promote walking, cycling and sustainable travel was requested -

- Bus shelter (and relocate bus stop).
- 3m wide footpath on east side of New Lane.
- New lane crossing points - safe crossing point on from the development to the residential estate and primary school.

The three items above were all provided for on revised plans.

3.15 Planning obligations sought –

- £200 per dwelling - Car Club Contributions incentive.
- £600 per dwelling - Travel Plan Contribution to ensure that the travel plan is implemented for 5 years.
- £400 per dwelling - Sustainable Travel Incentives (bus pass or cycle equipment)

- £6,000 - Traffic regulation orders (maybe revised dependant on information supplied).
- A possible contribution was also identified for measures to improve safety and limit speeds on nearby streets and for other pedestrian and cycle crossings.

3.16 Further conditions requested –

- Details of the new junction / site access.
- Dilapidation survey and measures to prevent mud on the highway.
- Car club parking space on site close to new Lane.

Strategic Planning Policy

Housing land supply

3.17 The NPPF requires local authorities to annually update its evidence of deliverable housing sites. The Council has recently completed this exercise using monitoring data from the last full monitoring year (2023/24). A land supply of 4.17 years has been calculated.

3.18 For this planning application, considerations relating to land supply must be made in the context of whether a full 5 years or more of housing sites can be demonstrated. With the Council's supply falling short of a full 5 years' worth of sites, and results of the last published Housing Delivery Test indicating that the delivery of housing was below 75% of the housing requirement over the previous 3 years, the presumption in favour of sustainable development (the 'titled balance in paragraph 11(d) of the NPPF) applies. However, NPPF footnote 7 identifies policy protections and designations that effectively disengage the titled balance, including Green Belt. It is our view that the site is Green Belt and the test of 'very special circumstances' applies.

Affordable housing

3.19 Evidence submitted to the local Plan examination confirms that 9,396 affordable homes are required over the plan period (2017 – 2033). It was estimated that around 35% of affordable housing need could be met from known sources of supply, but the report also acknowledged the likelihood of other forms of supply coming forward in the plan period for which reasonable estimates could not be calculated.

3.20 Policy SS1 now states the amount of affordable housing needed in York and targets meeting at least 45% of need (4,228 homes). In setting the target it was acknowledged that 963 more affordable homes would be needed, above that calculated from known sources of supply (i.e. site allocations and considering historic windfall rates).

3.21 Delivery of affordable housing to date has fallen short of the average levels needed to achieve the target by the end of the plan period. The protracted Local

Plan examination has contributed to this, with the volumes expected on strategic sites not yet translating to completed homes on the ground. However, the Plan is now in its final stages and close to adoption. This milestone will undoubtedly unlock land and the pace of development likely to increase, which in turn will benefit our performance of affordable housing delivery.

3.22 The amount of affordable housing within our land supply remains at around 35% of overall need and windfall schemes offering 100% affordable housing will be necessary if the Council is to achieve its ambitions of facilitating delivery of over 4,200 homes by 2033 (i.e. 45% of identified need). These are matters that are material to a decision on this application.

Public Protection

3.23 No objection. Recommend conditions.

- Land contamination – based on site investigation a remediation strategy is required.
- Construction management – during construction measures to minimise noise, vibration and dust requested.
- EV charging – an informative is recommended.
- Noise – noise survey issued advises on suitable mitigation for future occupants. Secure by condition.

Rights of way (PROW)

3.24 No objection. Advise the path on the north side of the site is a public highway. During and after construction the surface of the route must not be affected for example by drainage or unauthorised vehicle use. If the proposed development results in a deterioration of the current surface of the route the developer would be responsible.

Sport and Leisure

3.25 No response.

EXTERNAL

Foss Drainage Board

3.26 No objection. Recommend a condition to approve the drainage scheme. Surface water drainage – advise that the Planning Practice Guidance hierarchy for the management of surface water should be adhered to and therefore first soakaways should be ruled out. If soakaways are not achievable the board would

advocate a discharge rate of up to 3.5 l/sec, to enable Yorkshire Water to adopt the infrastructure.

Huntington Parish Council

3.27 Object on the following grounds:

- Principle - the adopted Neighbourhood Plan supports the Green Belt designation for the application site and identifies area "ST8 (off North Lane)", as the only acceptable area of land for development within Huntington Parish. The application is at odds with the community, stakeholder and parish council opinion as outlined in the Neighbourhood Plan.
- Road safety
- Air quality
- Residential amenity and loss of views
- Overdevelopment
- Negative impact on biodiversity
- Harm to open aspect on cemetery
- Flooding issues
- Landscape and visual impact
- Lack of infrastructure

National Highways

3.28 Recommend a condition that travel planning continues until the travel plan targets in the travel plan (version v1.1) have been met.

Natural England

Object. The proposals could have potential significant effects on Strensall Common Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

3.29 Based on the nature, scale and location of the proposed development and the Suitable Alternative Natural Greenspace (SANG) provision it is very difficult to conclude no adverse effect on site integrity for Strensall Common SAC due to the potential impacts from increased recreational disturbance. Natural England does not consider that the mitigation measures proposed are sufficient. There may be scope for amendments to the design of the proposal - changes to the size, quality, and type of the proposed SANG provision - that could avoid or mitigate the environmental harm described above.

NHS

3.30 Request planning obligation - Report that there are 4 GP surgeries within 1.2 miles of the site. Two of these do not have capacity. The increased population

proposed will increase demands on services. Using their formula, taking into account population proposed and additional floorspace required to accommodate such, a financial contribution of £109,182 is requested.

North Yorkshire Police

3.31 No objection. Recommend informative regarding designing out crime and in this respect provide advice on footpath and cycle routes that are direct and have natural surveillance (going past frontages); car parking; lighting; clear definition on ownership of public / private space.

Yorkshire Water

3.32 No objection to drainage strategy dated 24.2.23. Recommend conditions for foul water (further information on this matter was requested as a pumping station maybe required) and surface water (support proposals to drain direct to a watercourse).

4.0 REPRESENTATIONS

4.1 There have been 20 contributors and 13 objections to the application.

- Housing need - Whilst acknowledge affordable housing is needed, it should not be on Green Belt. Labour in the media have said the emphasis would be on ensuring new homes are on brownfield land.
- Harm to green belt purposes.
- Landscape and visual harm.
- Highways - It is unsafe to cross New Lane. Increased pressure for parking and rat running in nearby streets. Excessive traffic on local roads due to amount of recent development. Harm and disruption to roads during construction.
- Ecology – adverse effects due to loss of nature on the site.
- Lack of infrastructure – roads, schools doctors. Existing residents have to use facilities outside of Huntington. Huntington is densely built up with minimal open space, it does not have the parks that other parts of the city enjoy. Proposals at all housing sites would increase the size of the area by 25%.
- Flood risk – the site is susceptible to flooding.
- Public spaces – could increase anti-social behaviour, who would manage.
- Affordable homes – to what extent would the homes be affordable?
- Neighbourhood Plan – contrary to principle P3 – to protect the rural character and quality of life by, for example, prioritising the reuse of brownfield sites and conserving the Green Belt.
- Community engagement – not aligned with the NPPF (paragraph 137) which states applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that

can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

- Wildlife - the Wildlife Area around the Balancing Pond at Monks Cross Park & Ride has had issues with illegal access in the past. It is associated with the effective drainage of the Park & Ride site and the community stadium. It is requested this site includes adequate boundary treatment to restrict access.
- Support - York and North Yorkshire Chamber of Commerce - The proposals would deliver much-needed affordable homes in a suitable location nearby to a range of facilities at Monks Cross and Vangarde, as well as sustainable travel options via the Park & Ride.

5.0 APPRAISAL

5.1 The key issues are as follows –

- Green Belt
- Principle of the proposed development (including housing tenure and mix)
- Biodiversity and ecology
- Design and amenity
- Sustainable design and construction
- Open space
- Landscape and visual impact
- Highway Network Management
- Public protection
- Drainage
- Planning obligations – Education and NHS
- Consideration of very special circumstances

GREEN BELT

Whether the site is within the Green Belt

5.2 The site is within the general extent of the Green Belt in the Regional Spatial Strategy and the site is proposed as Green Belt in the DLP 2018. The proposed Green Belt boundaries in the DLP 2018 do not carry full weight because the plan is still under examination.

5.3 The Wedgewood v City of York Council Judgment, March 2020 is a material consideration in respect of the approach to decision making in the general extent of the Green Belt. The case decided that in the absence of an adopted Local Development Plan that specifies what is and is not green belt, ... the council must apply the high-level policy rationally to determine what land within the inner and

outer boundaries of the Green Belt) is and is not to be treated as Green Belt land. In doing so, it may have regard to

- The 2005 Draft Local Plan.
- The DLP 2018, provided it has due regard to the guidance at paragraph 48 of the NPPF.
- Site-specific features that may tend to treat the site as Green Belt or not.

5.4 The Huntington Neighbourhood Plan policy H14 Green Belt states decisions on whether to treat land as Green Belt will be taken in accordance with *Wedgewood v CYC*.

5.5 Both the 2015 and 2018 DLP allocate the site as Green Belt. The Neighbourhood Plan states (in policy H14) within the general extent of the Green Belt inappropriate development will not be supported except in very special circumstances.

5.6 The third test from *Wedgewood* is whether site-specific features exist, that may tend to treating the site as Green Belt or not.

5.7 In respect of the site specific features –

- In the Green Belt assessment for the appeal concerning the New Lane housing site to the north (Appeal ref: APP/C2741/W/21/3282598 dated 17 October 2023), the land the subject of the current application was described as countryside in the urban fringe visually influenced by the surrounding development. In that appeal both the Inspector and Secretary of State determined the land to the north of this site did not perform Green Belt purposes. However, the land to the south of the cemetery (i.e. the application site) was described as having a more rural character.
- The land south of the application site is Monk Stray, that land is identified as a Green Wedge that plays a role in preserving the historic character and setting of the city (DLP 2018 policy SS1: Delivering sustainable growth for York, figure 3.1). The application site is outside of the Green Wedge, but forms a continuation of it, and has an open character. The land use is rural.

5.8 Following the appeal decision concerning the land to the north, considering the characteristics of the site and its proposed Green Belt designation in the DLP 2018 which is (whilst still subject to objections) advanced, it is appropriate to regard the application site as Green Belt.

Harm to Green Belt

5.9 NPPF paragraph 152 states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 154 and 155 go on to identify development which is not regarded as inappropriate. The proposed development does not fall under any of the exceptions; it is inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5.10 It is also necessary to determine the extent to which the proposals would conflict with the aim of Green Belt policy; to prevent urban sprawl by keeping land permanently open. In this respect the NPPF states the Green Belt serves five purposes –

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.11 Taking into account the appeal concerning the site to the north (decision APP/C2741/W/21/3282598) it can reasonably be determined that the following purposes are relevant to this site –

- to check the unrestricted sprawl of large built-up areas
- to assist in safeguarding the countryside from encroachment

5.12 It is not considered that there would be unrestricted sprawl of the built-up area. The site is contained to existing and established field boundaries, there is development to the north, and the southern boundary of the site is broadly aligned with urban development to the east and the west. The Council have determined to approve planning permission for a children's centre (the Island) to the south – planning reference 22/01733/FULM.

5.13 The site is in agricultural use at the urban fringe and forms part of a larger field network, which forms part of the Green Wedge as identified in the Council's Green Belt Appraisal 2003. The Inspector in determining the appeal at the site to the north (decision APP/C2741/W/21/3282598) referred to the more rural character of the city in the location of this site. It is reasonable to conclude residential development of the site would be detrimental in terms of the purpose of safeguarding the countryside from encroachment. As the site is rural and contains no built form and appears in landscape terms of an extension of the Green Wedge to the south (Monk Stray) there would be a harmful effect on openness.

5.14 To conclude there would be harm to the Green Belt; by definition and by leading to loss of openness and being in conflict with one of the Green Belt purposes.

5.15 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

5.16 Further to the Green Belt assessment above, in the planning balance and considering weight to give to the harm to Green Belt the Ministerial Statement "Building the Homes we need" dated 30 July 2024 is a material consideration. The statement is in the context of proposed changes to the NPPF in respect of the development of Green Belt land with limited Green Belt purposes where the authority cannot meet its development needs. The Ministerial Statement carries little weight; the proposed changes to the NPPF have only been subject to consultation and the final version is unknown.

PRINCIPLE OF THE PROPOSED DEVELOPMENT

5.21 The agricultural land is classed as being of moderate quality (DEFRA Agricultural land classification). When applying NPPF paragraph 15 in respect of the natural environment there would be no policy conflict resulting from the loss of agricultural land.

5.22 A key social objective of the NPPF is to ensure a sufficient number and range of homes can be provided to meet the needs of present and future generations. The NPPF in paragraph 76 requires that the Council should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing. This should include a 5% buffer. The Council should also monitor housing delivery. There is a requirement in paragraph 79 (over a 3-year period) to either –

- Prepare an action plan to increase delivery if it falls below 95%.
- Increase supply (a 20% buffer rather than the 5% buffer referred to above)

5.23 In respect of the above in York –

- Housing supply falls short of a full 5 years' worth of sites (4.17 years).
- The last published Housing Delivery Test indicates delivery of housing was below 75% of the housing requirement over the previous three years.

5.24 The Secretary of State in determining the New Lane appeal (land to the north - (APP/C2741/W/21/3282598) found 30% affordable housing to be a very significant benefit. The Inspector's report commented on the very significant shortage of Housing Land Supply and the poor delivery of market housing and affordable housing, further stating that they found the future pipeline for affordable housing "very poor."

5.25 Policy SS1: Delivering sustainable growth for York includes a priority to deliver at least 45% of the 9,396 affordable dwellings required to meet the needs of residents unable to compete on the open market (within the plan period 2017-2033). It goes on to explain the spatial principles that should guide the location of development. These principles include directing development to sustainable locations. The background text acknowledges at least 2,360 affordable homes are expected to be delivered through the site allocations and affordable housing policies in H7 (student housing, which requires an off-site contribution towards affordable housing) and H10 (affordable housing).

5.26 Policy SS1 advises it is estimated around 3,265 (35%) affordable homes can be delivered in the plan period when windfall sites (sites not allocated in the plan and using an estimate based on the number of windfall permissions in previous years) and the Council's Housing Delivery Programme are factored in. This remains 940 dwellings short of the target set in the DLP 2018. In previous years delivery of affordable homes has fallen short of the average levels needed to achieve the target by the end of the plan period. The Council is reliant on windfall sites such as the application site to meet the target for affordable housing delivery in the DLP 2018.

5.27 The application is on the basis 100% of the homes are affordable. The indicative mix shows 46 x 2-bed, 51 x 3-bed and 10 x 4-bed. Policy H2 of the Huntington Neighbourhood Plan states proposals that deliver smaller homes (one or two bedrooms) will be particularly supported, policy H3 states that housing proposals where possible exceed affordable housing targets in the DLP 2018. The predominant amount of 2 and 3 bed sized homes is aligned with homes identified as being in most need in the local housing needs assessment (LHNA).

5.28 Given the social objectives of the NPPF regarding housing delivery, current under delivery in York (and the lack of the measures as required under the NPPF to address such) the provision of 107 affordable homes, that meet the affordability definition in the NPPF, and provides house sizes aligned with identified need in this specific case is given very substantial weight in decision-making.

BIODIVERSITY / ECOLOGY

Strensall Common Special Area of Conservation (SAC)

5.29 The site is within the Zone of Influence of Strensall Common Special Area of Conservation (SAC). DLP 2018 policy GI2a states proposals for housing development which are not within plan allocations will not be permitted unless it can be demonstrated that they will have no adverse effects on the integrity of the SAC, either alone or in combination with other plans or projects. Any necessary mitigation measures may be sought through planning contributions and must be secured prior to the occupation of any new dwellings and secured in perpetuity. Open space provision must also satisfy policy GI6.

5.30 The advice from the Council's Ecologist was that options to mitigate impacts of increased visitor pressure on Strensall Common SAC will need to be explored. These could include - increased public open space, increasing the accessibility to current walking routes and ensuring dog walking routes are clearly marked and facilitated (e.g. dog waste bins).

5.31 Following advice from the Ecologist the appeal decision for the site to the north, (APP/C2741/W/21/3282598) for some 300 homes was received (dated 17.10.23). For what is a larger scheme to the north, the Secretary of State was satisfied that for a number of factors, including the proposed mitigation on site (provision of a dog walking route), alternative public open space and the distance from Strensall Common, the proposed housing would not result in adverse effects on the integrity of the Strensall Common SAC. The circumstances are the same for this application. The scheme provides direct access to the public footpath to the north and has access to alternatives to Strensall Common, including (in due course) the residential scheme to the north. Policy GI2a in respect of effects on Strensall Common is satisfied.

Tree and hedgerow retention

5.32 DLP 2018 policy GI4 states development will be permitted where it recognises the value of the existing tree cover and hedgerows, their biodiversity value, the contribution they can make to the quality of a development, and its assimilation into the landscape context and where it retains trees and hedgerows that make a positive contribution to the character or setting. The policy is broadly consistent with H17 Biodiversity in the Neighbourhood Plan. The scheme takes an acceptable approach to tree and hedgerow retention in accordance with local policy GI4.

5.33 The hedgerow parallel to New Lane is categorised as B2 quality. The trees within the hedge are category C, apart from one which is B2 - self-seeded Ash trees 6m to 13m high. Part of the hedge requires removal to accommodate a new 3m pedestrian and cycle lane on this side of the street and for sight lines at the entrance. Replacement planting would be provided setback further within the site.

5.34 Tree group which runs east – west through centre of site. Hawthorn, blackthorn and apple; the tree survey states this is a strong cohesive feature -

Category B2. Revised plans have been issued that retains most of this group of trees and hedges. There will be minimal penetrations to allow the access road around the site. The hedgerow will become a primary landscape feature and add value to the scheme, in respect of biodiversity and landscape character. Trees and hedgerows on the north, south and west boundaries are to be retained.

Great crested newts (GCN) and derogation tests

5.35 GCN are a protected species. Newt ponds are within 250m of the site – within this range GCN may travel to habitat or breeding sites. Without mitigation there is risk GCN could be harmed and their access to habitat (i.e. ponds off-site) removed. To provide sufficient mitigation in the form of retained and enhanced habitat (grassland) the 15m wide nature zone and meadow are proposed on the east side of the site. A licence from Natural England would be required through condition to secure appropriate mitigation. Notwithstanding that licencing process, the species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017 (as amended), contain three "derogation tests" the planning authority must consider in deciding whether to grant planning permission.

5.36 The three tests relate to (i) whether there is overriding public interest including those of a social or economic nature; (ii) there is no satisfactory alternative and that; (iii) the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

5.37 In respect of the tests there is public interest in the social economic gains of the scheme; there is no satisfactory alternative as the site layout has been designed to accommodate reasonable mitigation, therefore points 1 and 2 would be passed. The final point in respect of favourable conservation of the species would be met as the requirement for a European Protected Species licence will prevent any direct harm, and the provision of new connecting habitat will maintain the range and population of GCN.

Biodiversity Net Gain

5.38 A landscape and ecological management plan is recommended by the ecologist to secure enhancement measures. The eastern extent of the site includes natural amenity space and in addition there are retained hedgerows within and around the site. The scheme would provide some 9,000sqm of land with ecological value (this does not include the other types of open space for play etc). The scheme will achieve biodiversity net gain in accordance with NPPF paragraph 180d. Note that the scheme was submitted before 10% biodiversity net gain became mandatory.

DESIGN AND AMENITY

5.39 Neighbourhood Plan policy H4 Design principles states development proposals should respect the character of their local environment having regard to scale, density, massing, height, landscape, layout materials and access, as appropriate to their nature and location... Where appropriate, development proposals should provide safe and attractive public and private spaces, and well defined and legible spaces that are easy to get around, especially for older people. The NPPF, in addition, in paragraphs 135 and 136 advises developments should promote health and well-being and recognise the important contribution trees make in respect of the character and quality of urban environments.

5.40 The NPPF states development should include tree lined streets, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. This is consistent with Huntington Neighbourhood Plan policy H1 which states that schemes include significant and well-designed landscape and green areas to ensure that development sits sympathetically with the existing landscape and retains and where practicable improve trees and hedgerows of good amenity, arboricultural or biodiversity value.

5.41 The application only seeks detailed approval of the access. The appearance, landscaping and layout of the scheme would be subject to future reserved matters application(s). However, to illustrate the intent and evidence the amount of development proposed can be accommodated on the site in an acceptable manner a landscape and general arrangement plan (revision P07) has been issued.

5.42 The plans issued show a layout that is acceptable in design terms and compliant with NPPF paragraph 135 which states developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. The key components in this respect are a sufficient landscape character; retention of the trees and hedgerow through the centre of the site with a parallel route primarily for walking, cycling and recreation; the main entrance road is tree lined and active frontages would overlook an area of public open space and the existing right of way on the north side of the site. Planning conditions can be used to secure key elements of the landscape and layout including a suitable number of pedestrian and cycle connections directly into the route to the north of the site.

5.43 The houses would be 2 or 2.5 storey; they do not raise any amenity issues in respect of any surrounding occupants.

5.44 The scheme is also acceptable in terms of promoting sustainable travel and health and wellbeing by virtue of the landscaped layout, provision of a 3m pedestrian cycle route parallel to New Lane and a new signalised crossing across

New Lane. There would be an LTN 1/20 compliant pedestrian / cyclist crossing at the main entrance.

SUSTAINABLE DESIGN AND CONSTRUCTION

5.45 DLP 2018 Policy CC2 states all new residential buildings should achieve –

- On-site carbon emissions reduction of a minimum of 31% over and above the requirements of Building Regulations Part L (2013), aiming for 75% (which is future homes standards). At least 19% of the reduction should come from energy efficiency measures.
- A water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

5.46 The applicant's statement on sustainable design and construction is from 2023 and proposes a 70% reduction in carbon emissions compared to 2013 building regulations, achieved using air-sourced heat pumps (ASHP). The policy also seeks a 19% reduction in carbon demand / emissions through fabric efficiency. This was significantly exceeded with a reduction of 42% proposed.

OPEN SPACE

5.47 DLP 2018 Policy GI6 states residential development should contribute to the provision of open space for recreation and amenity in accordance with current local standards and using the Council's up to date open space assessment (shown in the Local Plan Evidence Base Study: Open Space and Green Infrastructure (2014) and Update (2017) and the City of York Commuted Sum Payments for Open Space in New Developments – A Guide for Developers (updated 1 June 2014) and any further updates of these studies).

5.48 The scheme proposes sufficient natural open space and amenity open space (over 10,000sqm). Play space for children would be expected on a site of this scale and can be secured by planning condition; there is space to accommodate within areas of public open space as shown on the landscape general arrangement plan. The developer would be required to manage and maintain the public open space, this could be secured through legal agreement.

5.49 There is no sports provision on site. The ward has a surplus of outdoor sports facilities according to the 2017 update (over 17ha). Consistent with the decision at a larger 100% affordable housing site in the ward (New Earswick Joseph Rowntree Housing Trust application 20/02495/FULM considered at committee A in January 2024) no off-site contribution is sought.

LANDSCAPE AND VISUAL IMPACT (LVIA)

5.50 NPPF Paragraph 180b states that planning decisions should recognise the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services including the economic and other benefits from best and most versatile agricultural land and of trees and woodland. Policy D2 of the DLP 2018 indicates that development proposals will be encouraged and supported where they conserve and enhance landscape quality and character and the public's experience of it and make a positive contribution to York's special qualities. Neighbourhood Plan policy H4 seeks to respect the character of the local environment.

5.51 The application site does not lie within any special landscape designations. The proposed development would change the site's appearance from a rural character to a suburban one. However, taking into consideration the residential and commercial buildings and car parking to the three sides of the site the proposed development would not appear out of context with its surroundings.

5.52 The visual harm would be very localised and not long range but that there would be some harm to the landscape character of the area, and therefore some conflict with Policy H4 of the neighbourhood plan and DLP 2018 policy D2 which seeks to respect the character of the local environment. Consistent with the appeal decision for the larger housing site to the north (APP/C2741/W/21/3282598), moderate weight in the planning balance is attributed to landscape and visual harm by virtue of development of the site.

HIGHWAYS

5.53 The NPPF states that in assessing applications it should be ensured that –

- Opportunities to promote sustainable transport are included where appropriate.
- Safe and suitable access to the site can be achieved for all users.
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

5.54 The NFFPF also states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context, applications for development should –

- Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.

- Address the needs of people with disabilities and reduced mobility in relation to all modes of transport.
- Create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles ...

5.55 Promoting walking and cycling - the scheme is in outline but includes details of access. Certain measures will be fixed by this application to reasonably encourage walking and cycling and sustainable travel and to be compliant with travel related requirements within policy H1 of the Huntington Neighbourhood Plan –

- Multiple access points directly to the cycleway and footpath to the north of the site – which is part of the cities cycle route network.
- Segregated cycle lane along New Lane (3m wide pedestrian and cycle route).
- Signalised crossing on New Lane which is highly beneficial to walking and cycling and again to the wider cycle route network. Since the consultation response from highways in July 2023, highways officers have identified the need for a signalised crossing and this is supported as a more inclusive and effective measure of promoting walking and cycling.
- As advocated in national guidance a travel plan will be a requirement of the development. This can promote car share, target school travel (Yearsley school is only some 350m from the site and the aforementioned signalised crossing would make access convenient and safe).
- Covered and secure cycle parking at a rate of 1 space per bedroom will be required through planning condition.
- LTN 1/20 compliant pedestrian and cycle priority crossing the main site entrance.

5.56 Safe access – the main access from New Lane does not raise any undue safety issues. The precise design will be subject to approval under the Highways Act.

5.57 Impact on the network - the transport assessment has been undertaken using data from the 2011 census in terms of travel to work statistics. This still shows junctions operate at capacity with the development. It is reasonable to assume working patterns have changed since 2011 and home-working is more frequent (and consequently lowers the number of car journeys in the peak period). There would be no significant impact on the network. Mitigation proposed is in the form of physical measures to promote sustainable travel. The site will have direct pedestrian links to the cycle / pedestrian route to the north. A cycle path off-road is provided along New Lane the extent of the site and the scheme includes a signalised junction to make crossing New Lane and therefore access to schools and amenities easier and more efficient for non-motorised traffic. To reduce reliance on private car ownership the developer will be required to provide a car club parking space on the site and residents will be offered incentives to use the car club.

PUBLIC PROTECTION

5.58 Policy ENV3 of the Draft Local Plan (2018) relates to land contamination and states where there is evidence that a site may be affected by contamination or the proposed use would be particularly vulnerable to the presence of contamination (e.g. housing with gardens), planning applications must be accompanied by an appropriate contamination risk assessment and appropriate remedial measures secured if needed.

5.59 Land contamination –standard conditions will be required to ensure ground investigations to determine whether any remediation measures are required in respect of ground gas. Verification reports, if applicable, any contamination has been dealt with would be required before occupation.

5.60 Noise – the noise assessment undertaken identifies mitigation can ensure adequate noise levels internally and also targets for gardens. The levels can be secured through condition and noise levels in gardens by design / boundary treatment.

DRAINAGE

5.61 DLP 2018 Policy ENV5 emphasises the need for Sustainable Drainage Systems (SuDS) in new development. Existing land drainage systems should not suffer any detriment as a result of development. Landscaping should be designed to reduce surface water flooding and to enhance local biodiversity. Surface water flow/run off is required to be restricted to 70% of the existing runoff rate (i.e. 30% reduction in existing runoff), unless it can be demonstrated that it is not reasonably practicable to achieve this reduction in runoff.

5.62 A planning condition can be used to secure suitable drainage arrangements. The illustrative plans show an area of the site that would accommodate attenuation. It is expected soakaway would not work on the site (it didn't at the sites to the north and to the south). Assuming a connection to watercourse is discounted, the site would connect into the existing local drainage system at an appropriate, policy compliant rate.

EDUCATION

5.63 NPPF paragraph 99 states it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications". The NPPG states Plan makers and local authorities for education should agree the most appropriate developer funding mechanisms for education, assessing the extent to which developments should be required to mitigate their direct impacts. Policy DM1 of the DLP 2018 contains a general policy in respect of planning obligations but

does not explain detailed requirements for education contributions. The Council has been working towards a Community Infrastructure Levy charging schedule which would fund both education and healthcare. Affordable housing schemes would be exempt from the levy.

5.64 Education officers have sought contributions towards 14 Early Years places and 1.17 SEND places plus a contribution towards likely transport costs (for the latter). The combined request is £396,548. The request needs to factor in viability as required by the NPPG (which would suggest a more flexible approach to a scheme which is 100% affordable housing and the national community infrastructure levy regulations advise affordable housing is exempt from charging)).

5.65 The developer has advised that the amount the scheme can afford to contribute towards s106 contributions is limited because the proposals are for a scheme which provides for 100% affordable housing. For affordable housing there are other sources of funding available for education places. The applicants have offered a contribution of £293,160 towards education. This falls short of the contribution sought from Education and is a matter for the planning balance. The applicants have advised the authority could use these funds towards either early years or SEND.

PROVISION OF HEALTHCARE SERVICES

5.66 Policy HW5 of the DLP 2018 states the Council will support the provision of new or enhanced primary and secondary care services when there is an identified need. Improved, enlarged or additional primary or secondary healthcare facilities will be required to support residential developments that place additional demands on services beyond their current capacity. Developer contributions will be required to support increased provision.

5.67 The NPPG advice is that policies for planning obligations should be set out in plans and examined in public. Policy requirements should be clear so that they can be accurately accounted for in the price paid for land. Plan makers should consider how needs and viability may differ between site typologies and may choose to set different policy requirements for different sites or types of development in their plans. Such policies should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability.

5.68 Policy HW5 does it explain how viability or the type of development proposed will be factored in as advised by the NPPG. Assuming the Council progress to adopt a Community Infrastructure Levy, affordable housing would be exempt from financial obligations in respect of healthcare. The NPPG guidance on planning obligations (in the context of setting policies for such) advises obligations need to consider viability, not compromise sustainable development and ensure that asks are realistic. As the scheme provides for affordable housing, it can not afford to

provide the same level of planning gain/obligations compared to a scheme for market housing. The affordable housing proposed means the developer cannot provide for all the obligations required by the Council and no contribution has been agreed. This position has to be weighed against the benefits of the affordable housing proposed.

VERY SPECIAL CIRCUMSTANCES

5.69 The site is regarded to be in the general extent of the Green Belt. Under NPPF Green Belt policy the development is inappropriate. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 152). There is also harm to Green Belt purposes; there would be a loss of openness and encroachment into the countryside (although the harm is limited because of the extent of the surrounding urban area).

5.70 NPPF paragraph 153 requires local planning authorities ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

5.71 The harms identified in this case are -

Green Belt – inappropriate development which is harmful by definition, loss of openness and contrary to Green Belt purpose to assist in safeguarding the countryside from encroachment - substantial weight.

- .
- Landscape and visual harm - moderate weight.

Benefits

5.72 The scheme would deliver up to 107 homes that in NPPF terms would all be regarded as Affordable Housing. The scheme is 100% affordable housing and the Council would require that at least 26 of the homes were for social rent, following the recommendations in the Local Housing Needs Assessment 2022 (para. 1.21).

5.73 The DLP 2018 identifies housing need in York. It only includes a priority to deliver at least 45% of the 9,396 affordable dwellings required (within the plan period 2017-2033). Delivery of affordable housing to date has fallen short of the average levels needed to achieve the target by the end of the plan period. In setting the target DLP 2018 policy SS1: Delivering sustainable growth for York acknowledges that 963 more affordable homes would be needed, in addition to supply calculated from known sources (i.e. site allocations and considering historic windfall rates); windfall schemes offering 100% affordable housing will be necessary

if the Council is to achieve its ambitions of facilitating delivery of over 4,200 homes by 2033 (i.e. 45% of identified need).

5.75 Given the social objectives of the NPPF regarding housing delivery, current under delivery of affordable housing in York (and the acknowledgment that windfall sites providing 100% affordable housing will be necessary to achieve targets for affordable housing) the provision of 107 affordable homes, that meet the affordability definition in the NPPF, is given very substantial weight. The benefits of the scheme are considered to clearly outweigh the identified harm to the Green Belt and other identified harms.

PUBLIC SECTOR EQUALITIES DUTY

5.76 Section 149 of the Equality Act 2010 contains the Public Sector Equality Duty (PSED) which requires public authorities, when exercising their functions, to have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- c) Foster good relations between persons who share relevant protected characteristic and persons who do not share it.

5.77 The PSED does not specify a particular substantive outcome but ensures that the decision made has been taken with “due regard” to its equality implications. The Council have not identified any equalities implications as a consequence of this decision.

6.0 CONCLUSION

6.1 The site is in a sustainable location for housing and is of a design that promotes active travel and health and well-being. The scheme would provide affordable housing for which there is an identified need. Windfall schemes such as this, offering 100% affordable housing will be necessary if the Council is to achieve its ambitions of meeting 45% of affordable housing need in the period of 2017-2033. The benefits of the affordable housing proposed carries very substantial weight in favour of the scheme.

6.2 The harm to the Green Belt would be limited and moderate weight is given to the visual and landscape adverse impacts as a consequence of developing the site. The scheme is also unable to provide a full contribution towards the education and NHS requests for planning obligations. There is no other harm arising from the development that cannot be addressed through planning obligations and conditions.

6.3 The proposals comply with the relevant policies in the Huntington Neighbourhood Plan in respect of housing need, housing mix, design principles, active travel and biodiversity. The benefits of the scheme are considered to clearly outweigh the identified harms.

7.0 RECOMMENDATION: Approve with the following conditions subject to Secretary of State Decision and subject to completion of a s106 agreement

7.1 That delegated authority to be given to the Head of Planning and Development Services to:

- Determine the final detail of the planning conditions and planning obligations below.
- Refer the application to the Secretary of State for Communities and Local Application Government under the requirements of the Town and Country Planning Consultation Direction (2021), and should the application not be called in by the Secretary of State, then APPROVE the application subject to planning conditions and completion of a s106 legal agreement to secure the items listed below.

S106 / PLANNING OBLIGATIONS –

- Affordable housing provision – all homes are to meet the NPPF definition of affordable housing. At least 26 of the homes are to be social rent.
- Car Club Contributions incentive - £200 per dwelling.
- Education – £293,160 to be used towards early years and SEND provision.
- Management and maintenance of public open space.
- Monitoring fee £4,520

PLANNING CONDITIONS

1 RESERVED MATTERS

Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

2 SUBMISSION OF RESERVED MATTERS

Application(s) for approval of the reserved matters shall be made to the Local Planning Authority no later than the expiration of three years beginning with the date of the grant of this outline permission; and the development to which this permission relates must be begun no later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

3 APPROVED PLANS

The development hereby permitted shall be carried out in accordance with the following plans:-

Landscape general arrangement
NLY-COL-XX-XX-DR-L-1000- revision P08

Highways works
31073-SC-100-P-001

And in broad accordance with the indicative layout
22003-GT3-00-00-DR-A-08-0901 P9

Reason: For the avoidance of doubt and to ensure the development is carried out in accordance with the approved details.

4 RESTRICTION ON NUMBER OF DWELLINGS

The number of dwellings on site shall not exceed 107.

Reason: To ensure that the necessary infrastructure and mitigation is secured as the application and its impacts has been considered on the basis of a maximum of 107 dwellings.

5 CONSTRUCTION MANGEMENT

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Management plan shall be adhered to throughout the construction period. The plan shall include details of:

- Dust - A site-specific risk assessment of dust impacts in line with the guidance provided by the Institute of Air Quality Management and a package of mitigation measures commensurate with the risk identified in the assessment.
- Air Quality - The air quality impacts associated with construction vehicles and

non-road mobile machinery and the proposed mitigation measures, commensurate with the identified risk.

- Noise - Details on maximum permitted noise levels; noise mitigation measures; and noise monitoring and compliance with relevant standards.
- Vibration - Details of any activities that may result in vibration, including piling. Details shall include maximum vibration levels and any required mitigation and monitoring.
- Traffic management – confirmation that construction vehicles will be required to approach the site from the south.
- Complaints procedure - to detail how a contact number will be advertised to the public, investigation procedure when a complaint is received, any monitoring to be carried out, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken shall be kept and details forwarded to the Local Planning Authority every month throughout the period of construction.

Reason: Specifically required prior to commencement to ensure before development commences that construction methods will safeguard the amenities of neighbouring properties in accordance with Policy ENV2 of the Draft Local Plan.

6 DILAPIDATION SURVEY

Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and good management of the public highway the details of which must be recorded prior to the access to the site by any construction vehicle.

7 NO MUD ON HIGHWAY DURING CONSTRUCTION

Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

8 TIMES OF CONSTRUCTION

Construction, loading and unloading on the site shall not take place outside of the

hours of 8:00 to 18:00 Monday to Friday and 9:00 to 13:00 Saturday. There shall be no construction, loading and unloading at any time on Sundays and public holidays.

Reason: In accordance with NPPF paragraphs 135 and 191. To protect the amenities of adjacent residents.

9 TREE & HEDGE PROTECTION MEASURES

No development shall take place (including the importing of materials and any excavations) until a method statement regarding protection measures for the existing trees and hedgerows shown to be retained on the approved Landscape general arrangement plan shall be submitted to and approved in writing by the local planning authority. All works on site shall be undertaken in accordance with the approved method statement. For the avoidance of doubt this condition excludes works necessary for routine tree maintenance, pruning and crowning works.

The method statement shall include details and locations of protective fencing, and construction details where any change in surface material or installation of services is proposed within the canopy spread and likely rooting zone of a tree. No trenches, pipe runs for services or drains shall be sited within the root protection area of the tree(s) on the site which are to be retained without the prior approval in writing of the local planning authority.

Reason: Required prior to development in the interests of good design and biodiversity.

10 CONSTRUCTION MANAGEMENT BIODIVERSITY

No development shall take place (including ground works and vegetation removal) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction shall be undertaken in complete accordance with the approved Construction Environmental Management Plan. The plan shall include the following:

- Risk assessment of potentially damaging construction activities.
- Identification of 'biodiversity protection zones'.
- Measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (which may be provided as a set of method statements).
- The location and timing of works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists will be present on site to oversee works.
- Details of responsible persons and lines of communication.
- The roles and responsibilities on site of an ecological clerk of works or a similarly competent person.

- Use of protective fences, exclusion barriers and warning signs.

Reason: Specifically required prior to commencement in accordance with NPPF paragraphs 180 and 186. To mitigate and minimise impacts on biodiversity.

11 BIODIVERSITY NET GAIN

No development shall take place (including ground works and vegetation removal) until a detailed biodiversity gain plan has been submitted to and approved in writing by the Local Planning Authority.

The measures set out in the approved biodiversity gain plan shall be implemented in accordance with its terms and permanently maintained.

The biodiversity gain plan must evidence a biodiversity net gain and include -

- Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat.
- The pre-development biodiversity value of the onsite habitat.
- The post-development biodiversity value of the onsite habitat.
- Description and evaluation of features to be managed, including all newly created habitat and enhancement features.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions, including reinstatement/enhancement of work areas, haulage/access roads and site compounds.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward).
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

Reason: To minimise impacts on and provide net gains for biodiversity, in accordance with Paragraph 180 (d) of the NPPF.

12 GREAT CRESTED NEWTS

No development shall take place (including ground works and vegetation removal) unless the local planning authority has been provided with either:

- A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
- A statement in writing from the relevant licensing body to the effect that it does

- not consider that the specified activity/development will require a licence; or
- c) Confirmation that the site is registered on a Low Impact Class Licence issued by Natural England; or
 - d) A countersigned IACPC certificate issued by Natural England is provided, stating the site is eligible for District Level Licencing.

Reason: To ensure Great crested newts and their habitat are protected during the proposed works. Great crested newts and their habitat are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

13 BATS

Prior to the installation of any new external lighting within the public realm, a 'lighting design plan' shall be submitted to and approved in writing by the local planning authority. The plan shall include (but not be limited to) the following:

- Specified lighting made in-line with current guidance - Bat Conservation Trust (2018) Bats and artificial lighting in the UK.
- Demonstrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications), clearly demonstrating where light spill will occur.
- Details of height, type, position, angle and spread of any external lighting.

The external lighting shall be erected and maintained in accordance with the approved details, to minimise light spillage and glare outside the development area.

Reason: To maintain the favourable conservation status of bats, and protect the habitats used by European Protected Species, in accordance with Section 15 of the National Planning Policy Framework.

14 LAND CONTAMINATION - REMEDIATION SCHEME

Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15 LAND CONTAMINATION - REMEDIAL WORKS

Prior to first occupation the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

16 DRAINAGE

No development shall take place (apart from site enabling works) until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- The means by which the surface water discharge rate shall be restricted to a maximum (greenfield) rate of 1.4 litres per second. (If the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the scheme).
- Storage volume calculations, using computer modelling, which must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.
- A scheme of future management and maintenance.

The approved scheme shall subsequently be fully implemented prior to occupation of the first dwelling.

Reason: To ensure the development incorporates sustainable drainage systems, in accordance with NPPF paragraph 175 and policy ENV5 of the DLP 2018.

17 PUBLIC OPEN SPACE

No development shall take place (apart from site enabling works) until full details of the provision of public amenity space has been submitted to and approved in writing by the Local Planning Authority. The details shall include a masterplan showing

areas for natural/semi-natural amenity space, parks/gardens and a children's play area on-site, including equipment.

The public amenity space shall be provided in full in accordance with the approved details prior to first occupation, unless an alternative phasing plan is approved in advance in writing by the Local Planning Authority.

Reason: In accordance with NPPF section 8 and the York Open space and Green Infrastructure update 2017. To ensure that there is adequate open and amenity space and to promote health and well-being.

18 CARBON EMISSIONS

On-site carbon emissions shall achieve a reduction of a minimum of 31% over and above the requirements of Building Regulations Part L (2013), of which at least 19% shall come from energy efficiency measures.

The Target Emission Rate (TER) for each dwelling should be calculated using version 10 of the Standard Assessment Procedure (SAP) and submitted to the Local Planning Authority prior to construction to demonstrate an overall reduction in carbon emissions of at least 75% above Part L of the Building Regulations 2013 will be achieved. If a reduction of 75% or more cannot be achieved, a statement shall be submitted to demonstrate that such a reduction would not be feasible or viable and shall be approved in writing by the Local Planning Authority prior to construction.

The new build dwellings shall achieve a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

Reason: In accordance with policy CC2 of the DLP 2018 to achieve sustainable design and construction.

19 CAR CLUB

Prior to first occupation of the development hereby permitted a scheme to accommodate at least one dedicated car parking space for the car club shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the location of dedicated car share space and the timeframe for installation. The development shall be carried out in accordance with the approved details and timetable. The car club space shall be retained for parking of car club vehicles exclusively for the lifetime of the development.

Reason: To promote sustainable travel and reduce private car travel, in accordance with NPPF section 9 and policy T7 of the Draft Local Plan 2018.

20 HIGHWAYS WORKS

Prior to first occupation of the development hereby permitted the following highway works, as indicatively shown on the general arrangement plan (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) shall have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

- Pedestrian and cycle lane, 3m wide on the east side of New Lane.
- Signalised crossing on New Lane with a 4m wide crossing point.
- Vehicle entrance provided with LTN 1/20 compliant pedestrian / cycle crossing.
- Bus shelter and associated works on the east side of New Lane relocated.

Reason: In accordance with NPPF section 9 and policy T1 of the DLP 2018; to promote sustainable travel.

21 CYCLE PARKING

Prior to first occupation of each dwelling hereby approved details of cycle parking facilities for the relevant dwelling shall be submitted to and approved in writing by the local planning authority. The facilities shall be covered and secure and provide for at least one space per bedroom. The cycle parking shall be provided in accordance with the approved details prior to the first occupation of the dwelling to which it relates and shall thereafter be retained for its intended purpose at all times.

Reason: To encourage sustainable travel, in accordance with NPPF section 9, LTN1/20 (and the parking standards within) and policy T1 of the DLP 2018.

22 TRAVEL PLAN

The site shall be occupied in accordance with the Travel Plan prepared by Fore, version 1,1.

Reason: In accordance with NPPF section 9 and policy T7 of the DLP 2018. To promote sustainable travel, specifically so that private car travel is an improvement over the anticipated modal split (with no mitigation) and to ensure that traffic flows from the site can be safely accommodated.

23 ACCESS AND LAYOUT

The reserved matters application for the layout of the development hereby permitted shall include details of sufficient direct access points for pedestrians and cycles only into the pedestrian and cycle route to the immediate north of the site.

Reason: To encourage sustainable travel, in accordance with NPPF section 9.

24 LANDSCAPE FEATURES

The reserved matters application in respect of landscaping and layout shall locate all trees and hedgerows to be retained (and their root protection areas), as shown on the landscape general arrangement plan, within public open space. The reserved matters application shall also include at least the areas GCN habitat and POS as shown on the landscape general arrangement plan and a scheme for replacement planting to compensate for the loss of hedgerow parallel to New Lane.

Reason: To minimise impacts on and provide net gains for biodiversity, in accordance with Paragraph 180 (d) of the NPPF and in the interests of good design and placemaking, in accordance with NPPF paragraphs 135 and 136 and to provide sufficient open space provision for future residents, in accordance with NPPF paragraphs 96 and 102 in respect of healthy and safe communities and DLP 2018 policy GI6 new open space provision

25 NOISE

The sound attenuation measures detailed in the noise assessment - Dragonfly Consulting noise assessment DC3764-NR1v2 - shall be fully implemented in each dwelling prior to first occupation.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework.

26 PLANNING OPEN SPACE ACCESS

The permissive routes and public open space hereby approved shall be kept open, free from any obstruction and in a safe condition for use by members of the public at all times unless any temporary closure is reasonably required for essential maintenance.

Reason: In accordance with NPPF section 8 and the York Open space and Green Infrastructure update 2017. To ensure that there is adequate open and amenity space and to promote health and well-being.

8.0 INFORMATIVES:

Notes to Applicant

1. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

Application Reference Number: 23/01016/OUTM Item No: 4a

2. Public Rights of Way

Although the path to the north of the site is not shown on the Definitive Map (<https://www.york.gov.uk/PROW>) it is recorded on the List of Streets maintained at public expense and is therefore a public highway.

If the works mean there is a need to temporarily close this route on safety grounds you can apply for a closure at: <https://www.york.gov.uk/RoadClosures>.

During and after construction the surface of the route must not be affected for example by drainage or unauthorised vehicle use. If the proposed development results in a deterioration of the current surface of the route, you will be expected to restore the surfaces to how they were (or improved) before construction started. Similarly, the development must not reduce the current width of the route or interrupt access.

Please direct any further questions to rightsofway@york.gov.uk.

3. Balancing Pond at Monks Cross

It is recommended that as part of the reserved matters for landscape, planting and boundary treatment takes into consideration measures to restrict public access to the ponds in the interests of public safety.

4. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: sought revised plans to make the scheme acceptable taking into account promotion of sustainable travel, placemaking and biodiversity and the use of planning conditions and an obligation.

Contact details:

Case Officer: Jonathan Kenyon

Tel No: 01904 551323