

1.3 The application site is Housing allocation (ST4) in the Draft Local Plan (2018) with an anticipated yield of 211 dwellings. There are two planning applications for the allocation, this application being the larger scheme. Partner planning application 15/00167/FULM (which seeks 52no. dwellings) has not progressed and at the time of writing is still pending consideration. Taking both applications into account, the proposal would result in a yield of 214 dwellings, slightly above the yield set out within the policy.

1.4 The relevant local plan policy is SS8 in the Draft Local Plan (2018). The site to the south immediately abuts the University of York Campus land allocation and part of the site entrance includes the University of York Campus land allocation (to the south east and east of the site) as allocated in the Draft Local Plan (2018). Hull Road to the north is allocated for improvements within the Draft Local Plan as a Strategic Pedestrian/Cycle Corridor.

1.5 During the application process a number of revisions and additional information have been submitted, including amended plans, changes to the description and the change to a hybrid application. The initial scheme back in 2015 proposed 180no. dwellings, therefore has seen a reduction by 18no. dwellings. The housing mix proposed is as follows;

113no. Open market dwellings;

- 5no. 1 bedroom houses
- 26no. 2 bedroom houses
- 12no. 2 bedroom apartments
- 40no. 3 bedroom houses.
- 21no. 4 bedroom houses.
- 9no. self build plots (unknown number of bedrooms at this stage)

49no. Affordable dwellings;

- 12no. 1 bedroom apartments.
- 2no. 1 bedroom houses.
- 6no. 2 bedroom apartments.
- 14no. 2 bedroom houses.
- 11no. 3 bedroom houses.
- 4no. 4 bedroom houses.

1.6 The proposal as amended seeks a new main vehicular access into the Site by extending the existing road spur on Kimberlow Rise. Open space is distributed

throughout the site, however an open area is provided near the western boundary and the northern boundary against Hull Road. A local equipped area for play (LEAP) is to be provided against the south eastern boundary. The self-build plots are to be located along the eastern boundary.

1.7 The proposed development does not comprise 'Schedule 1' development. The proposed development is however of a type listed at 10 (b) in column 1 of Schedule 2 (Urban Development Projects) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The site is not within or adjacent to an environmentally sensitive area (as specified in the regulations). Taking into account the characteristics of the proposed development, the location, and characteristics of the potential impact, the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment is not required.

1.8 Biodiversity Net Gain is not applicable for this application, given the date of submission.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

2.1. The revised National Planning Policy Framework (NPPF) was published in December 2023 and sets out the government's planning policies for England and how these are expected to be applied.

2.2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).

2.3. The statutory Development Plan for the City of York comprises the saved policies and key diagram of the otherwise revoked Yorkshire and Humber Plan Regional Spatial Strategy (2008) and any made Neighbourhood Plan. There is no Neighbourhood Plan in this area.

PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

2.4. The DLP 2018 was submitted for examination on 25th May 2018 and is currently under examination. It is expected to be adopted late 2024. The Draft Plan policies

can be afforded weight in accordance with paragraph 48 of the NPPF. Draft policies relevant to the determination of this application are:

DP2 – Sustainable Development
SS8 – Land Adjacent to Hull Road
H1 – Housing Allocations
H2 – Density of Residential Development
H3 – Balancing the Housing Market
H4 – Promoting Self and Custom House Building
H5 – Gypsies and Travellers
H9 – Older Persons Specialist Housing
H10 – Affordable Housing
HW3 – Built Sports Facilities
HW4 – Childcare Provision
HW5 – Healthcare Services
HW7 – Healthy Places
ED6 – Preschool, Primary and Secondary Education
D1 – Placemaking
D2 – Landscape and Setting
D6 – Archaeology
D9 – City of York Historic Environment Record
GI1 – Green Infrastructure
GI2 – Biodiversity and Access to Nature
GI4 – Trees and Hedgerows
GI6 – New Open Space Provision
CC2 – Sustainable Design and Construction of New Development
ENV1 – Air Quality
ENV2 – Managing Environmental Quality
ENV3 – Land Contamination
ENV4 – Flood Risk
ENV5 – Sustainable Drainage
WM1 – Sustainable Waste Management
T1 – Sustainable Access
T7 – Minimising and Accommodating Generated Trips
T8 – Demand Management
DM1 – Infrastructure and Developer Contributions

3.0 CONSULTATIONS

(The most recent consultee responses recorded)

INTERNAL CONSULTATIONS

Affordable Housing Officer (17th July 2024)

3.1 There is a very substantial need for additional affordable housing within the City of York, estimated at 592 homes per year in the 2022 Local Housing Needs Assessment (LHNA). The homes proposed would contribute towards meeting this need with a range of house types that exceed the Nationally Described Space Standard.

3.2 The application is supported on this basis, providing the tenure mix of 80% Social Rent and 20% Discount in accordance with the council's evidence base is included within the Section 106 agreement for this application, if approved.

The affordable home types proposed in the application are as follows:

| | 1-bed | 2-bed flat | 2-bed house | 3-bed | 4+ bed | Total |
|---------------------------------|--------------|-------------------|--------------------|--------------|---------------|--------------|
| Affordable | 14 | 6 | 14 | 11 | 4 | 49 |
| % of affordable provision | 28.6 % | 12.2% | 28.6% | 22.4% | 8.2% | 100% |

3.3 Taking into account the location and type of development this offers a policy compliant range of homes across both market and affordable tenures. The applicant meets the affordable housing contribution requirement of 30% for a greenfield site with 49 affordable homes proposed. The affordable meet or exceed the Nationally Described Space Standards¹ (NDSS) which sets out a good practice approach to minimum space standards.

3.4 If the application is approved, 80% should be for social rent (39) and 20% will be Discount Sale (8), in accordance with the council's policy expectations and need demonstrated in the evidence base (Local Housing Needs Assessment). The homes would be transferred to a Registered Provider at a price which ensures that no additional public subsidy is required to deliver the affordable homes.

3.5 Access to shared amenities within the site, and provision of car parking, should be the same for the affordable homes and for open market sale properties.

Consideration must be given to affordability of any service charges within the affordable housing provision.

3.6 The affordable housing should be visually indistinguishable from open market homes and should have an equivalent internal specification, except where agreed with the Registered Provider for maintenance reasons, with the council being consulted to demonstrate good quality internal specification for the affordable homes.

Conservation and Design – City Archaeologist (9th October 2023)

3.7 An intrusive programme of archaeological investigation has now taken place across the application site. Despite, the high level of archaeological potential in this area, no archaeological resource was identified. The investigation, by MAP, targeted anomalies shown in the geophysical survey and blank areas. Officers are satisfied that the area has now been thoroughly evaluated and no further archaeological mitigation will be required during or prior to construction of the dwellings on this site.

Strategic Planning Policy

3.8 Consider that the land does not perform Green Belt purposes and should not be treated as Green Belt for the purpose of determining the application. Support the general approach the applicant has taken which seeks to address, in particular, the stated requirements of policy SS8 and makes provision for 30% affordable housing.

3.9 In relation to policy H5 the weight of the policy remains limited on the basis of ongoing Inspector scrutiny and consultation on modifications dealing specifically with gypsy and traveller provision. Given this, it would be unreasonable to insist that the applicant provides all the information expected of policy H5.

Public Protection (22nd June 2024)

3.10 Advice regarding land contamination, air quality, noise, construction management and EV charging points. Recommends conditions.

Conservation and Design - Ecologist (10th July 2024)

3.11 No objection but recommend a biodiversity net gain condition, ecological enhancements condition, construction environmental management plan condition, and lighting plan condition.

Educational Planning Officer (26th June 2024)

3.12 Provided revised off-site calculation for the eligible housing with 2 bedrooms or more, being 18 flats and 125 houses. The contribution sought is for an additional 34 secondary places £979,234, 18 early years places £376,920 and 1.4 SEND places £124,014 (total contribution of £1,480,168).

Flood Risk Management Team (28th June 2024)

3.12 In principle surface water to the CYC Highway drainage network (subject to it becoming a public sewer) is agreed but query re whether a S106 can be sought in relation to maintenance. Foul water drainage to public foul water sewer acceptable. Recommend three conditions; separate systems for drainage, development in accordance with details submitted and surface water drainage installed before discharge and foul water drainage before occupation.

Highway Network Management (7th February 2024 with further comments on [] July 2024)

3.13 Full detailed comments provided and recommended conditions/obligations including; visitor parking, vehicle swept path analysis needed, garages too small for parking, bus stop provision required and footpath/cycleways needed in and around the site, travel plan is insufficient, adoption clarification, some driveways too small, layout needs improving.

3.14 Further comments provided July 2024 which reinforce insufficient visitor parking, access to cycle storage is tight, vehicle swept path analysis and minor layout concerns.

3.15 The requested planning obligations and off site works to encourage walking and cycling are agreed in principle.

Public Realm and Sports Development (22 December 2023 and updated figures provided 5 July 2024)

3.16 Sport provision; there is a small surplus of outdoor sports provision locally, however the size of the development would produce a shortfall and as such a monetary contribution towards procuring the provision of / or improvements to sport or active leisure facilities off-site at Osbaldwick Sports Club, University of York Sports Village, Hull Road Park and / or another project within the ward or connecting wards, the need for which directly arises from the development is requested.

Amenity contribution would require 3,751m² (which equates to £62,937) and play contribution would require 1,784m² (which equates to £134,025).

Public Right of Way Team (28 September 2023)

3.17 No objections.

Conservation and Design - Landscape Architect (5 July 2024)

3.18 Minor revisions recommended but no objection to the proposed development.

3.19 The primary street is lined with trees within grass verges. Beyond this there are a reasonable number of trees within sufficiently large front-garden beds; which when coupled with trees within the open spaces, provide tree-lined streets across the majority of the site. The LEAP open space in the southeast relates well to Jubilee Wood, and links to the other open space by way of a retained view of the Minster, and a tree-lined street. Combined with the road alignment, this keeps the majority of private properties away from the edge of Jubilee Wood, whilst retaining a legible relationship with it.

3.20 Four of the properties are still close to the boundary with Jubilee wood, where a landscape buffer is desirable, nonetheless, the arrangement is not unreasonable given the limited number of properties that would be affected; the orientation of the properties; and the open margin between the garden boundary and the site boundary.

3.21 Some crown lifting of the self-sown Sycamore and Willow etc. along the existing fence line within groups G5-C2 and G6-C2, would be required to implement the development.

3.22 Given the limited amount of information on the landscape masterplan, such as tree stock sizes, and an indicative planting schedule, suggest that the request for an

approved landscape scheme and tree planting details are included as pre-commencement conditions. These should be in accordance with the Landscape Masterplan; and should include the tree planting indicated between the primary street and the red line boundary (which is not indicated on the proposed site plan) and along the approach road.

Waste Services (27 June 2024)

3.23 The plans must adhere to all points outlined in the Waste Information for Developers Guide. Queries regarding the proposal for refuse collection points or the route of the refuse collection vehicle on site, eg how the refuse collection truck reaches the point near the attenuation tank and which properties present.

EXTERNAL CONSULTATIONS

Environment Agency (9 March 2015)

3.24 No objection - Providing the development is carried out in accordance with the flood risk assessment. All surface water details must be agreed with City of York Council and IDB (if discharged into IDB drainage)

Internal Drainage Board (20 June 2024)

3.25 Recommend condition for drainage in accordance with agreed documents. Understand soakaway testing is not viable. The Board notes the applicant is proposing to discharge into an existing highway drain within Hull Road which then discharges into a ditch which runs parallel to Osbaldwick Link Road. Greenfield run off rate (1.4l per second per hectare) should be used. Based on the site area of 5.63ha, 65% would equate to 3.66 hectares and 5.12l per second for the whole site. The application is proposing a discharge rate of 5.1l per second which is agreed. No objection to flow control device.

Fire and Rescue (21 June 2024)

3.26 No objection/observation.

National Highways (13 June 2024)

3.27 No objection subject to a condition for a construction traffic management plan. The Travel plan is acceptable. The June 2024 amendments, as set out, appear to show the scheme would have no impact on the strategic road network.

National Grid (10 June 2024)

3.28 No existing National Grid Electricity Transmission assets affected by the proposal.

Integrated Care Board (10 June 2024)

3.29 The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. As per previous consultation responses, have adopted an average metric of occupancy of 2.4 residents per dwelling. Consequently, estimate the impact of new residential dwellings on this site will result in approximately 388 additional residents and further increase demands upon existing services. A developer contribution will be required to mitigate the impacts of this proposal – a contribution required in this instance to be £165,259.

North Yorkshire Police (21 June 2024)

3.30 In relation to designing out crime, this proposal accords with the core principles and design objectives set out in the National Planning Policy Framework in respect of developments creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Heslington Parish Council (22 November 2023)

3.31 Objects on the ground of traffic generation;

a) Ask for evidence to demonstrate that the traffic generated does not exceed the cumulative highway capacity of Field Lane and Main Street West within Heslington Conservation Area, factoring in any other allocations and/or any recent planning permissions within the local area;

b) Set out any mitigation measures in respect of congestion impacts, highway safety, vehicle/cycle/pedestrian separation and ease of access from and onto Field

Lane/Main Street West. This application should not harm the character, appearance and residential amenity of the Heslington Conservation Area, from the impacts of any significant increase in vehicular traffic on the stretch of Field Lane and Main Street West running through the Conservation Area (including road junctions within this stretch), over and above their highway capacity, as a result of through traffic that could be generated as a result of the development.

Osballdwick Parish Council (30 July 2021)

3.32 Object to the principal of housing development at this location alongside a major access road into the city. The A1079 Hull Road is already overloaded in the immediate vicinity of the application site as was highlighted by the Planning Inspector who looked into the now abandoned Sainsbury Supermarket Plans for the site opposite, further traffic generated by the application can only worsen an already bad situation.

3.33 Given Kimberlow Hill ultimately drains into Osballdwick Beck Osballdwick Parish Council remain to be convinced that built development at the application site will not lead to an increase in water discharged into Osballdwick Beck.

3.34 The loss of this green site and the damage caused to the Jubilee Wood to access the site is of great concern, this site should have seen the wood extend down the hill towards the A1079 rather than be built on.

3.35 The obvious concern is that the housing built will very quickly become another extension to the suburban campus with properties converted into student HMOs, far better just to build 175 'dwellings' on the York University Campus.

Woodland Trust (16 July 2021)

3.36 As the proposals will still result in the partial loss of the diamond jubilee woodland at Kimberlow Hill to facilitate access, the Trust will be maintaining an objection to these applications.

Yorkshire Water (28 May 2024)

3.37 No objection. Submitted Flood Risk Assessment (rev 6, dated 23/05/2024) is considered acceptable. Recommend a condition in compliance with this and informative regarding adoption.

York Traveller Trust (19th July 2024):

3.38 Object – absence of clear written evidence on the planning file that the Applicant has demonstrated that provision of the pitches onsite is not viable, and alternative land unavailable, the Proposals do not comply with the requirements of Policy H5. Expect to see clear evidence that the applicant has demonstrated that the provision of pitches on-site is not viable; and demonstrated that no alternative land is available to the developer for their provision, before the Commuted Sum Payment is accepted.

In order to satisfy the second test the YTT would expect to see clear site selection criteria against which the Applicant has tested alternative sites before excluding them.

4.0 REPRESENTATIONS

4.1 The application has been advertised via site notice, press notice and neighbour notification. The most recent public consultation ended on 17 July 2024.

4.2 Two letters of objection received March 2015;

- Object to this large Greenfield housing development, it should be a greater priority to develop brownfield land.
- Concerns about the impact an extra 250+ cars will have on the roads at rush hour times in the area, especially when all of the extra cars will need to exit onto one small roundabout on field lane.
- At the initial consultation we were told that the planned houses would be no higher than 2.5 storeys high, it now appears that some will be 3 storeys high, spoiling the view from our house onto land which we always thought was green belt.

4.3 Two letters of objection received June and July 2021:

- Plan cuts across a public right of way used by many cyclists, runners, dog walkers and horse riders. It is in an area renowned by the RSPB for its abundant bird life which will suffer severe disruption.
- Hull Rd and Field Lane already struggle to cope with traffic and the doctor's surgeries in the area are over-subscribed.
- Concerns regarding the access. Roundabout on Field Lane will be overwhelmed at peak times. Already, in university term times, the tailback from Heslington stretches back to the Hull Rd and sometimes even the A64.
- Will create significant number of new car journeys per day.

- During the build, local residents will have to suffer the mud and noise that will emanate from the site from the early hours of morning.
- Use the Park and Ride access road which has traffic light-controlled access to the Hull Rd into or out of York.

4.4 One letter of objection received October 2023:

- Serious traffic problems if 200+ houses generated
- Access via the Park and Ride site would offer traffic light-controlled access to the Hull Road, to the East and the West. Council should purchase the land via compulsory purchase for an access road from the Park and Ride road to the site.
- Concern for the frustration to the residents of the new houses and the likely consequences that will be attributable to the inadequate access to the site as proposed.

4.5 One letter of objection received June 2024:

- Want to be assured houses will not become HMOs. Need family and affordable housing.

4.6 One letter of support received June 2015;

- Need more people living here and paying more council tax.
- More jobs around and the area will get better
- Need to match other wards like Huntington and Clifton Moor.

4.7 One letter of general comment received June 2015:

- Client (Melrose Industries) is not objecting to the principle of the site being redeveloped for residential development, but consider that the site needs to be looked at comprehensively and considered as one application in order to address some fundamental planning issues.
- Green Belt - agree with the applicant's conclusion that it is not considered that the site can be considered to be located within the Green Belt or contain Green Belt characteristics, and should therefore not be subject to the policy requirements associated with development in the Green Belt. This position is further cemented by the fact that in the emerging Local Plan Publication Draft, the site has been identified as a 'Strategic Housing Allocation'.
- Principle of residential development - the development of the site is highly sustainable and will not result in adverse environmental impacts but will deliver environmental benefits.

- Need to assess the application comprehensively (in respect of affordable housing, S106, landscaping, open space and access) – unclear where affordables are going, two different applications needs to assessed together, question whether one access is sufficient. The site needs to be considered as one application, with one set of planning conditions and one s106 agreement. Under the current approach, there is the potential risk that one of the application sites might not come forward meaning only half of the overall mitigation is delivered.

4.8 One general comment received May 2016;

- Reroute the main access behind house number 1 & 2 from current proposed site layout, then the Woodland trust will be happy and can build more houses quickly for York.

4.9 One general comment received June 2024;

- If the council is minded to approve the proposal, a condition should be imposed to ensure the development is retained for those specified class C3 uses. The Council will be aware that the upper limit for HOMOs in Badger Hill is already at its maximum. As a result, there may be pressure for Class C4 uses on the proposed development, so such a condition is considered to be both essential and reasonable.
- It is also recommended that Persimmon be invited to contribute (by way of a Sect 106 agreement) towards the cost of setting up a residents parking scheme in order to avoid those problems that currently exist in the Tranby Avenue area and which previously existed in Badger Hill. Property design/layout should also ensure adequate off street parking for those larger properties where occupancy is likely to generate multiple vehicles.

5.0 APPRAISAL

KEY ISSUES

5.1 The key issues relevant to this application are:

- Principle of the proposed development
- Housing mix
- Self build and custom build housing
- Gypsy and Traveller provision
- Highways and sustainable transport

- Design
- Archaeology
- Biodiversity
- Trees and landscaping
- Open space and sports provision
- Health
- Education
- Sustainable design
- Flood risk and drainage
- Residential amenity and public protection
- Planning obligations
- Public Sector Equality Duty

Principle of the proposed development

5.2 The application site is within site allocation in ST4 Land adjacent to Hull Road. Policy H1 of the Draft Local Plan (2018) notes the site is 7.4ha with an estimated yield of 263 dwellings. The requirements for the site are set out in policy SS8 of the Draft Local Plan (2018, as amended). The local plan proposals map shows the Green Belt boundary drawn around the edge of the P&R site and university Campus East on the east side of the city. The plan has been subject to examination and is at an advanced stage.

5.3 Until Draft Local Plan (2018) is adopted, the Wedgewood Judgment (March 2020) is a material consideration in respect of the approach to decision making in the general extent of the Green Belt. Whether to treat land as falling within the Green Belt for development management purposes should take into account the RSS general extent of the Green Belt, the Draft Local Plan (2005), the Draft Local Plan (2018), insofar as can be considered against paragraph 48 of the NPPF and site-specific features in deciding whether land should be regarded as Green Belt.

5.4 The site was identified as Green Belt in the Draft Local Plan (2005) but is not proposed to be Green Belt in the Draft Local Plan (2018); it is allocated for housing. The site is surrounded by development, it is enclosed on its eastern and southern sides by the Park and Ride site and the university campus. The site performs no Green Belt purposes and following the Wedgewood judgement it is not regarded to be Green Belt.

5.5 Given the strategic allocation, the site has been subject to a selection criteria in determining the delivery of sustainable growth for York as set out in policy SS1 which relates to the role of the Draft Local Plan (2018) and the spatial strategy for delivering housing need and sustainable economic growth. The policies acknowledge that housing need cannot be met on brownfield sites alone.

5.6 It is not considered that this application will prejudice the delivery of the rest of the strategic site allocation. A suitable access point is provided (opposite plots 122 and 128) and housing density and numbers would ensure a suitable mix for the remaining part of the site. In principle the development proposed accords with the Draft Local Plan (2018) and the housing need requirements within the NPPF.

Housing mix

Policy

5.7 Policy H2 of the Draft Local Plan (2018) expects the following housing densities

- 50 units/ha within the York urban area
- 40 units/ha within the suburban area
- 35 units/ha in the rural area and villages

5.8 Within 400m of a high frequency public transport corridor or adjacent to an existing or proposed transport hub, higher density development will also be supported where it complies with other plan objectives. In this respect the site is adjacent to the Park and Ride site and new and upgraded bus stops are proposed to cater for the site.

5.9 Policy H3 of the Draft Local Plan (2018) expects developers to provide housing solutions that contribute to meeting York's housing needs, as identified in the latest Local Housing Needs Assessment (LHNA) and in any other appropriate local evidence. New residential development should therefore maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. The LHNA recommends 9% of dwellings to be M4(3) wheel chair user dwellings.

5.10 Policy H9 of the Draft Local Plan (2018) require residential development proposals on Strategic sites to incorporate an appropriate provision of accommodation types for older persons in accordance with Policy H3.

5.11 Policy H10 of the Draft Local Plan (2018) requires 30% of dwellings on site to be affordable on greenfield sites. Provision must reflect tenure split in terms of social renting and intermediate housing, as set out in the most up to date LHNA or other best available evidence. The affordable housing is required to be visually indistinguishable from the open market dwellings.

Assessment

5.12 The site is considered as suburban and is within a high frequency transport corridor. The proposed housing density is 30 dwellings per ha, which is short of the policy densities as set out in Policy H2, however it is considered the density delivered supports the efficient use of the land due to providing a road network, parking, on site open space and a LEAP. Policy H2 is subject to the caveat that this figure is a guideline only; density must also seek to make effective use of land, in accordance with NPPF section 11, broadly accord with other policy requirements and respond to its context. Additionally the estimated density set out in policy H1 for the overall site (7.4ha) estimates an overall density of 35 dwellings per hectare. In order to secure the C3 use (for which the site is allocated), it is considered appropriate to remove permitted development rights for conversion to C4 use.

5.13 The proposed housing mix is as follows;

| Type and number of bedrooms | Number of dwellings | Proposed percentage of tenure | Recommended percentage split in LHNA | Percentage overall on site |
|--------------------------------|------------------------|-------------------------------|--------------------------------------|----------------------------|
| Open market 1 bedroom dwelling | 5 | 4.4 % | 5-10% | 3% |
| Open market 2 bedroom dwelling | 38 (12 are apartments) | 33.6% | 35-40% | 23.5% |
| Open market 3 bedroom dwelling | 40 | 35.4% | 35-40% | 24.7% |
| Open market 4 bedroom dwelling | 21 | 18.6% | 15-20% | 13% |
| Open market Self Build Plots | 9 | 8% | - | 5.6% |
| | | | | |
| Affordable 1 bedroom dwelling | 14 (12 are apartments) | 28.6% | 15-20 ownership 30-35 rent | 8.6% |
| Affordable 2 bedroom dwelling | 20 (6 are apartments) | 40.8% | 45-50 ownership | 12.3% |

| | | | | |
|-------------------------------|-----|-------|-------------------------------|------|
| | | | 35-40 rent | |
| Affordable 3 bedroom dwelling | 11 | 22.4% | 25-20 ownership 20-25 rent | 6.8% |
| Affordable 4 bedroom dwelling | 4 | 8.2% | 5-10 | 2.5% |
| Total | 162 | | | 100% |

5.14 As set out above, the open market housing mix is generally in line with the recommended mix as set out in the LHNA, importantly by providing a larger proportion of 2 bedroom and 3 bedroom properties (for which need is the highest) and a smaller proportion of 1 bedroom and 4 bedrooms properties. The open market mix is acceptable and meets policy H3 of the Draft Local Plan (2018).

5.15 The proposal includes 49no. affordable homes which equates to 30.2% of the overall mix. The affordable houses are suitably pepper-potted throughout the site and include a range of house types and tenures in accordance with both policy H10 of the Draft Local Plan (2018) and recent national policy and guidance.

5.16 36no. affordable homes will be made available through affordable rent, which is a mix of 12no. 1no. bedroom apartments, 6no. 2 bedroom apartments, 10no. 2 bedroom dwellings, 6no. 3 bedroom dwellings and 2no. 4 bedroom dwellings. This is broadly in line with the recommended mix for social rent dwellings in the LHNA. However the affordable housing plan states these dwellings will be 'affordable rent' (which isn't defined on the plan) and the draft S106 refers to these dwellings as 'social/affordable rent'. In this instance, the Councils preferred housing tenure would be social rent, which is around 50% of market rents. In this case, it is considered that the type of affordable rental housing can be secured through the draft S106 as social rented dwellings.

5.17 13no. affordable homes will be made available through First Homes, which was introduced by the Government in May 2021. The split is as follows; 2no. 1 bedroom dwellings, 4no. 2 bedroom dwellings, 5no. 3 bedroom dwellings and 2no. 4 bedroom dwellings. There are a large proportion of 3 and 4 bedroom First Homes proposed than recommended in LHNA (in terms of affordable dwellings for ownership), however in this instance the overall mix is balanced and provides a range of house types for affordable ownership.

5.18 Specifically, First Homes are discounted market sale units which:
a) must be discounted by a minimum of 30% against the market value;

- b) are sold to a person or persons meeting the First Homes eligibility criteria;
- c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
- d) after the discount has been applied, the first sale must be at a price no higher than £250,000.

5.19 The National Planning Policy Guidance (NPPG) states First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. As a preferred national affordable housing tenure (in the NPPG), the Council consider its use on this site to be acceptable. The majority of affordable homes (75%) would be for social rent; this is broadly in line with advice in the LHNA which advises an 80/20 split (of affordable rent and home ownership) is reasonable. A draft section 106 agreement has been provided to secure the restrictions on the use and sale of the property, and a legal restriction on the title of the property to ensure that these restrictions are applied to the property at each future sale. Policy H10 of the Draft Local Plan (2018) is considered to be met.

5.20 In terms of accessibility, M4(3) dwellings are wheelchair user dwellings whilst M4(2) dwellings are accessible and adaptable dwellings. The proposal seeks to provide the following (marked with a yellow dot on the site plan):

- 2no. 2 bedroom M4(3) compliant affordable houses (Winterfold)
- 6no. 2 bedroom M4(3) compliant open market houses (Winterfold)
- 4no. 1 bedroom M4(3) compliant affordable apartments (ground floor units)

The mix therefore seeks to provide 12no. M4(3) compliant dwellings, which equates to 7.4% of the overall number of dwellings. All homes (apart from the corner type units) would be M4(2) compliant. It is considered the proposal would incorporate an appropriate provision of accessible accommodation at both open market and affordable tenure in accordance with policy H3 and policy H9 of the Draft Local Plan (2018).

Self build and custom build housing

Policy

5.21 Policy H4 of the Draft Local Plan (2018) as amended states proposals for residential development on strategic sites, developers will be required to supply at

least 5% of dwelling plots for sale to self-builders or to small/custom house builders subject to appropriate demand being identified by the Council. Plots should be made available at competitive rates, to be agreed through Section 106 agreements, which are fairly related to the associated site/plot costs.

5.22 Where a developer is required to provide self and custom build plots the plots should be made available and marketed for at least 12 months. Where plots have been appropriately marketed and have not sold within this time period these plots may be built out as conventional plots for market housing by the developer.

Assessment

5.23 In this case, the self-build plots are sought via outline permission with all matters reserved except access. 9no. self-build plots are proposed which is 5.5% of the total number of dwellings on site. The self-build plots are to be located in a row along the eastern boundary. Persimmon will build out the adoptable access road in front of the self-build plots and provide connection ready services to the boundary of each plot.

5.24 The application is accompanied by a Self-Build Marketing Strategy. The Self Build Plots will be soft marketed by an agent for at least 6 months prior to the plots being 'connection ready'. The soft marketing will commence prior to occupation of 10 dwellings on the site. The more detailed plot-specific marketing period shall then commence for a minimum of 12 months once 'connection ready' services have been provided to the boundary of each plot.

5.25 The Self and Custom Build Housing plots will be marketed on an 'arm's length basis' at market value, supported by a valuation by a RICS certified surveyor. The indicative market value will be provided to the Council prior to the plot-specific marketing commencing.

5.26 Purchasers of the self-build plots will need to apply for reserved matters permission for their individual plot which will be guided by the self-build design code (to be conditioned). The construction of each Self and Custom Build dwelling shall be completed within 24 months of purchase.

5.27 Subject to securing the provision via S106 and conditions, the proposal is considered to meet policy H4 of the Draft Local Plan (2018) which seeks to secure 5% self / custom build plots on a strategic site.

Gypsy and Traveller provision

Policy

5.28 Policy H5 of the Draft Local Plan (2018) as amended states residential development proposals on strategic sites will be required to: provide a number of pitches within the site or provide alternative land that meets the criteria set out in part c) of this policy to accommodate the required number of pitches. 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 and that there are no suitable and available alternative sites for the required number of pitches that can be secured by the developer.

Assessment

5.29 The NPPF states that it is important that the needs of groups with specific housing requirements are addressed. The LHNA should include the need for travellers (Paragraph 62). In line with Policy H5 a Strategic Housing site of between 100-499 homes should provide two pitches for Gypsy and travellers. Following advice from the Planning Policy Team, policy H5 of the Draft Local Plan (as amended) is currently given limited weight due to the current main modification consultation on this policy (which commenced 18th July 2024 and is expected to run until 30th August 2024). The policy states that commuted sum payments will only be considered where it is demonstrated that on site delivery is not achievable due to site constraints and that there are no suitable and available alternative sites for the required number of pitches that can be secured by the developer. A contribution for 2 pitches would be £300,000. Although the policy as amended expects on-site provision, or for the developer to provide alternative land, this scheme was submitted in advance of this policy modification. When taking into account the date of submission of the application and the current weighting for policy H5, a financial contribution is acceptable in this instance and meets the aim of policy H5 of the Draft Local Plan (2018). The local plan examination discussed representations and objections to the policy and for this site the Inspector was informed that an off-site contribution was assumed (reference EX CYC 121a Provision for Gypsies and Travelling Showpeople). The Applicant has agreed to this contribution.

Highways and sustainable transport

Policy

5.30 Part i of policy SS8 seeks to maximise pedestrian and cycle integration, connection and accessibility in and out of the site and connectivity to local facilities. The site is adjacent to the Grimston Bar Park & Ride which provides a high frequency bus service to the city centre and is close to other frequent bus routes. SS8 advises it is important that sufficient good quality pedestrian and cycle path connections are made between the site and these facilities and that the Field Lane roundabout barrier to cycling and walking is addressed.

5.31 Part ii of policy SS8 seeks to provide vehicle access to the site from Kimberlow Rise via Field Lane, subject to detailed transport analysis. Other access (e.g. via Hull Road) is not preferred.

5.32 Policy T1 of the Draft Local Plan (2018) seeks to ensure developments that can be reasonably expected to generate significant traffic movement are supported by frequent high quality public transport linking them to York's City Centre and other key destinations, as appropriate. It must be demonstrated there is safe and appropriate access to the adjacent adopted highway for motor vehicles but also for pedestrians and cyclists.

5.33 There must be safe and appropriate links to local services and facilities, the surrounding walking, cycling and public transport networks (including, where appropriate, the Public Rights of Way (PRoW) network), and that these integrate into the overall development. Development must provide suitable access, permeability and circulation for a range of transport modes whilst giving priority to pedestrians (particularly those with impaired mobility), cyclists and public transport services.

5.34 Layouts must be safe and secure for motorised vehicles (including public transport vehicles), cyclists, pedestrians that minimise conflict. Sufficient convenient, secure and covered cycle storage must be provided. For all development, public transport services should be within reasonable safe walking and cycling travel distance of all parts of the development.

5.35 Policy T7 of the Draft Local Plan (2018) states development proposals that can be reasonably expected to have a significant impact on the transport network must be supported by a Transport Statement (TS) or by a Transport Assessment (TA)

and Travel Plan (TP), as appropriate, depending on the scope and scale of the development. These have been provided in support of the application.

5.36 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 (paragraph 115 of the NPPF).

Assessment

5.37 In terms of location, the allocation represents a logical and suitable location for residential development adjacent to the Grimston Bar Park and Ride (providing a high frequency bus services to the city centre) and the University of York. There are a number of sustainable transport options within the vicinity and there are now local facilities at the precinct off Kimberlow Rise which would serve the development.

5.38 In this case, it is important to maximise pedestrian and cycle integration, connection and accessibility into and out of the site. It is important that sufficient good quality pedestrian and cycle path connections are made between the site and these facilities and that the Field Lane roundabout barrier to cycling and walking is addressed.

5.39 The main vehicular access into the site will be created by extending the existing road spur on Kimberlow Rise, via Field Lane, in accordance with part ii of Policy SS8. The initial access road has been designed as a transition road. Where existing footpaths currently cross the access road, these will be re-graded to tie-in and a landscape scheme has been prepared to create a verdant approach to the scheme. The road layout is appropriate, safe and utilises chicanes where necessary to slow down traffic.

5.40 In terms of sustainable access into, out and around the site, a 3m wide shared footway / cycleway is proposed between the site and the A1079 Hull Road (to the north). This new footway / cycleway along A1079 Hull Road will continue to the west, meeting with the existing shared footway / cycleway adjacent to the Field Lane / Tranby Avenue roundabout junction. This will also continue east connecting to the existing footway/cycleway running along the west side of the access road to the Park and Ride, therefore provide direct access to the Grimston Bar Park and Ride, via the signalised pedestrian crossing. The existing footway running from the south western quadrant of the roundabout forming the Hull Road / Field Lane/ Tranby

Avenue junction is to be widened to form a partial 3m wide unsegregated shared use cycle track/pedestrian route and segregated 3.0m wide cycle track plus 2.0m wide footway. This is to be provided by the developer and is conditioned. The off-road cycle access to Archbishop Holgate School from the site will be made continuous.

5.41 The site is within 400m of a road carrying frequent bus services, however only 12% of dwellings are within 400m walking distance of Grimston Bar Park and Ride, 7% are within 400m walking distance to the bus stop on Hull Road and 19% are within 400m walking distance to the Field Lane bus stops. Bus stop improvements are to be provided. The scheme will deliver a new bus stop on the south side of the Hull Road westbound carriageway. This is to ensure dwellings on the development have walkable access to a bus stop. This is to include a layby, bus boarding kerbs, shelter, flag/pole, real-time passenger information display, hardstanding area for waiting passengers and pedestrian / cycle access. This is secured by condition.

5.42 The two 'Deramore Drive' bus stops on Field Lane are to be upgraded, with new kerbing, real time passenger information displays, which is secured by condition. A monetary contribution of £16,000 is requested towards this. A new bus stop shelter is also requested for the bus stops and a monetary contribution of £10,000 is requested towards this. These matters are considered reasonable and would encourage the use of sustainable travel in and around the site.

5.43 A signalised pedestrian crossing on Hull Road is required to allow safe pedestrian access to and from the site and the need for which is to mitigate the effects of the development. This is to be secured through a S106 payment of £300,000.

5.44 A travel plan is provided by Bryan G Hall, dated April 2023. The principal travel plan target is a 10% reduction in single occupancy vehicle trips and this is a reasonable target. The Plan states a dedicated budget will be made available for the Travel Plan Coordinator to cover the cost of implementing the measures outlined within the Travel Plan. The plan goes on to say the ongoing cost of a Travel Plan Coordinator will be funded by the site developer. However this is not included within Table 6.1 Initial Action Plan, therefore an updated Travel Plan is required to ensure this is included within the Action Plan (rather than securing travel plan support via S106). In the event the 5-year travel plan targets are not met, a contribution is requested to be paid after 5 years after first occupation. The measures, signposts and actions are limited or uncosted and as such an updated Travel Plan is required

via condition. In particular sustainable transport packages through the costed action plan need to be included.

5.45 Cycle storage is provided for every dwelling, either through the provision of an independent rear cycle store or those with garages are expected to use their garage, which is considered acceptable and is conditioned. The apartment blocks have a dedicated bin and cycle stores, which will host 12no. cycles in each block. The Highways Officer raises concerns that some of the accesses to the rear plots do not meet 1200mm, which is recommended in the cycle parking guidance, however the accesses are only short by a few centimetres and although tight would still allow a cycle to be wheeled to the rear.

5.46 Each dwelling is provided with off-street parking (the majority to the side of dwellings) and is acceptable for the house types proposed. Garages are to be provided but these are likely to be utilised for storage and cycle storage given their size. Unallocated parking is provided for the apartment blocks (1 space per apartment). 16no. visitor parking spaces are spread throughout the site. Whilst the Highways Officer states there is an under provision of car parking, at present there are no local standards for car parking provision, therefore given that the spaces are evenly spread throughout the site, the location of visitor spaces is considered acceptable.

5.47 Waste collection points are provided within 15m of adopted highways for collections, as the Waste Management Team will not collect from private drives. It would be the resident's responsibility to wheel their bins to the collection points on collection days. Refuse vehicle swept path analysis are provided to show the turning arrangements for the larger vehicles. Whilst the guidance states refuse vehicles should not reverse, given the site constraints and the need for cul de sacs, reversing is inevitable in these instances and cannot be avoided. It is unclear how the waste is going to be managed to communal blocks, therefore a waste management plan is to be conditioned (in terms of responsibility of presenting communal bins at the adopted highway and returning when collected).

5.48 It is recommended un-adopted road details are provided for written approval. Adopted roads will need to be constructed to adoptable standards so a condition is not considered necessary for these roads. A condition is recommended to ensure the Field Lane access is only used for emergencies, pedestrians and cycles and this is conditioned. Cycle parking is conditioned and should be in place prior to the occupation of each dwelling. Car and cycle parking must be laid out in accordance

with the approved plans. A condition is also recommended to ensure the carriageway and footway fronting a dwelling is kerbed, lit and surfaced up to base course level prior to occupation of the building fronting the highway. A road safety audit condition is not required as this is part of the highway adoption process. A car club parking space condition is recommended. An updated travel plan is also conditioned.

5.49 Overall subject to condition and securing suitable obligations, it is considered the development would provide suitable parking, layout and design to ensure a suitable road network whilst providing a number of sustainable transport options in and around the site to access local facilities in line with policy SS8, T1, T7 and T7 of the Draft Local Plan (2018). It is not considered there to be an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe taking into account the amendments made and conditions / obligations sought in line with paragraph 115 of the NPPF.

Design

Policy

5.50 Planning decisions should ensure developments will function well and add to the overall quality of the area (paragraph 135 of the NPPF). This is supported by Policy D1 of the Draft Local Plan (2018) which seeks to ensure the density, massing and design of development respects the local character and its setting. Landscaping is covered within policy D2 of the Draft Local Plan (2018) and this seeks to ensure high quality hard and soft landscaping including suitable lighting.

5.51 The National Design Guide states layout should respect local context and local character. Public spaces should be useable for all and well-overlooked. There should be a distinctive sense of place.

5.52 Policy WM1 of the Draft Local Plan (2018) requires the integration of facilities for waste prevention, re-use, recycling, composting and recovery in association with the planning, construction and occupation of new development for residential sites.

Assessment

5.53 The application is accompanied by a Design and Access Statement (dated May 2024). The housing mix consists of a mixture of 1, 2, 3 and 4 bedroom dwellings

including detached, semi-detached, terraced and apartment blocks, creating a variety of house types within the new streetscape. Materials include 3no. brick types, 2no. roof tiles and cream render. The western part of the site is to host grey roof tiles only, whilst the eastern part of the site is to host terracotta roof tiles. Walling materials are mixed throughout the site, but are predominately brickwork and respect the local vernacular. The proposed materials create interest throughout the site and are considered acceptable.

5.54 The layout ensures views from Kimberlow Hill to the Minster and York City Centre are retained. Street hierarchy is clear and logical. Street trees are incorporated into the design. Pedestrian and cycle routes through and in/out of the site respect desire lines and connect into the wider network. Green links are provided and the landscape design is successfully integrated to ensure public spaces are overlooked. Active frontages are created along the main routes and existing main roads. There is suitable set back of built development within new and existing green landscape features. Waste management is suitably integrated through individual bin storage to the rear for houses and communal bin stores for apartments, which are of an appropriate size. A number of meaningful, open spaces are provided on site, including a new LEAP, which is overlooked. The self build plots are located on the eastern boundary in a row ensuring design and form can be carefully controlled for this specific house type.

5.55 The primary street is lined with trees within grass verges. Beyond this there are a reasonable number of trees within sufficiently large front-garden beds; which when coupled with trees within the open spaces, provide tree-lined streets across the majority of the site. The LEAP open space in the southeast relates well to Jubilee Wood, and links to the other open space by way of a retained view of the Minster, and a tree-lined street. Combined with the road alignment, this keeps the majority of private properties away from the edge of Jubilee Wood, whilst retaining a legible relationship with it. The development is set back from the existing hedgerow alongside Hull Road by the proposed parallel cycle link. Important views of the York Minister are considered to be protected by ensuring no large scale built development in these viewpoints.

5.56 The application proposes a LEAP in the southeastern corner of the site. The Agent has provided draft LEAP designs (Q9872_A). The open space is suitably planted with trees, but the proposed design is rather dated. The range of activities (mostly balancing) could be increased, and the landscape setting improved including fencing to the majority of the site to keep dogs out. The play area should also

incorporate a larger accessible area suitable for a greater range of uses. This would allow space for a more generous trail of play equipment and range of activities. Planting and other landscape features could be increased to provide a more visually engaging sensory space. The Landscape Architect has requested that the drawing is not approved and rather further detail be provided by condition. The Agent has also requested the LEAP to be conditioned and this has been added.

5.57 The application is accompanied by a proposed boundary treatment plan (102 P5). A range of boundary treatments are proposed including wall/fencing, timber fencing (some with trellis), railings, knee rail fencing and hedgerows. The Landscape Architect raises concerns regarding the fencing off of areas between plots 79 and 80 and plots 65 and 51 and requests they are left open. However, the areas are fenced off to prevent cut throughs and ensure the landscape buffer is maintained for its ecological purpose. The Police in their previous consultation response also raised concerns regarding ambiguous spaces therefore by fencing them off this ensures no public access.

5.58 Overall and subject to condition, it is considered the development is of suitable layout, density, massing and design with a distinctive sense of place in line with policy D1 and D2 of the Draft Local Plan (2018).

Archaeology

Policy

5.59 Draft Local Plan (2018) Policy D6 relates to archaeology. Development must not result in harm to the significances of the site or its setting. It should be designed to enhance or better reveal the significances of an archaeological site or will help secure a sustainable future for an archaeological site at risk. Development proposals affecting heritage assets will need to be accompanied by an appropriate Heritage Statement and it is expected that the City of York Council HER will have been consulted in preparing this document. Copies of all heritage statements and reports on archaeological interventions, whether pre- or post-determination, must be deposited with the City of York HER as per the requirements of policy D9 of the Draft Local Plan (2018).

Assessment

5.60 The proposed development site is located at the top of a high natural ridge (glacial moraine) adjacent to known areas of high archaeological significance relating to prehistoric and Romano-British land use and settlement. In addition, the line of a Roman road which ran from Brough runs roughly along the line of Hull Road. This glacial moraine contains peri-glacial palaeo-channels which may function as locations for Mesolithic hunter-gatherer activity.

5.61 An intrusive archaeological investigation by trial trenching has been carried out by MAP (dated 18th April 2023) across the site. Despite the high level of archaeological potential in this area, particularly surrounding the 22m contour line, no archaeological resource was identified. The investigation, by MAP, targeted anomalies shown in the geophysical survey and blank areas. The Archaeologist is satisfied that the area has now been thoroughly evaluated and no further archaeological mitigation will be required during or prior to construction of the dwellings on this site. The development is therefore in accordance with policy D6 and D9 of the Draft Local Plan (2018).

Biodiversity

Policy

5.62 Policy GI2 of the Draft Local Plan (2018) relates to biodiversity and access to nature. Paragraph 186 (d) of the NPPF seeks to ensure development contributes and enhances the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. These enhancements are required in addition to the protected species licence requirements to mitigate for bats.

Assessment

5.63 Biodiversity net gain is not required for this application (given the application submission date). However, the report concludes a net biodiversity gain above 10% for both habitat and linear units. However, the trading rules are not satisfied on-site as the proposal relates to the loss of 0.0619ha of Woodland and Forest (other woodland, broadleaved condition poor), primarily to accommodate site access points. This habitat has a medium habitat distinctiveness. To satisfy the trading rules 0.0619ha of woodland and forest would be required.

5.64 It is proposed to create 0.07ha of woodland off-site. A total of 70 trees are proposed to be planted on land owned by the University of York, species include Rowan, Oak, Silver Birch, Wild Cherry, Holly, Hazel, Field Maple and Alder. A plan is attached to the draft S106 (plan 5) outlining the land at York Sports Village. A woodland planting maintenance period of 30 years from the date on which the woodland planting is commenced has been agreed. The mitigation measures are considered acceptable and in accordance with policy GI2 of the Draft Local Plan (2018) and paragraph 186(d) of the NPPF.

5.65 Habitat creation and enhancements shall be delivered as detailed in the Ecological Enhancement Management Plan, Biodiversity Net Gain (BNG) Report and biodiversity metric calculation tool submitted to the LPA as part of this application. This has been conditioned.

5.66 As detailed in the Ecological Enhancement Management Plan (EEMP) (Brooks Ecological, 14 May 2024), nest boxes for swifts (78 in total) and bat boxes (20 in total) shall be provided in the locations identified within the EEMP. In addition, at least one hedgehog access hole (measuring at least 13cm x 13cm) will be installed in each new garden and boundary fence line where this has been identified within the EEMP, allowing gardens to remain connected. This has been conditioned.

5.67 The detailed ecological survey work has identified a number of ecological receptors that require protection throughout the construction phase of the project (e.g., nesting birds, hedgerows, trees, etc). As such, the provision of a CEMP is considered appropriate and this has been conditioned.

5.68 As bat foraging and commuting routes have now been clearly identified (Bat Survey Report), a sensitive lighting plan must now be designed with bats in mind. A scheme should be produced and submitted to the local planning authority for approval prior to any new lighting being installed on site. This has been conditioned.

Trees and landscaping

Policy

5.69 Part iv of policy SS8 seeks to ensure important views including to York Minster are protected and that the site is designed appropriately in relation to the gradient of the site which forms part of Kimberlow Hill (York Moraine) and provides important

views of York. Part v of policy SS8 seeks to maintain and enhance existing trees and hedgerows to the south of the site which act as a gateway for biodiversity.

5.70 Policy GI1 of the Draft Local Plan (2018) seeks to maintain the integrity of existing green corridors and their role in the green infrastructure network and enhancing and extending it where possible through major new development.

5.71 Policy GI4 of the Draft Local Plan (2018) states development will be permitted where it:

- i. 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;
- ii. provides protection for overall tree cover as well as for existing trees worthy of retention in the immediate and longer term and with conditions that would sustain the trees in good health in maturity;
- iii. retains trees and hedgerows that make a positive contribution to the character or setting of a conservation area or listed building, the setting of proposed development, are a significant element of a designed landscape, or value to the general public amenity, in terms of visual benefits, shading and screening.
- iv. does not create conflict between existing trees to be retained and new buildings, their uses and occupants, whether the trees or buildings be within or adjacent to the site
- v. supplements the city's tree stock with new tree planting where an integrated landscape scheme is required and
- vi. Provides suitable replacement planting where the loss of trees or hedgerows worthy of retention is justified.

Assessment

5.72 The application is accompanied by an Arboricultural Impact Assessment (dated May 2024), Tree Assessment Plan, a Landscape Visual Impact Appraisal 1755/rld/Landscape and Visual Appraisal (dated 4th June 2021) and a landscape masterplan (5759-99-011, Rev. K).

5.73 The site falls within the National Character Area 28 in Natural England's Landscape Character Map of England: the area is entitled Vale of York. A Landscape Character Assessment of the landscape of the City of York was carried out in 1996. In this appraisal the site sits at the south eastern edge of the urban

settlement of York, within a landscape character area entitled Woodland Arable Lowland Area. A subsequent assessment entitled North Yorkshire and York Landscape Characterisation Project was carried out in 2011. This placed the site within a landscape character area entitled Vale Farmland with Plantation Woodland and Heathland.

5.74 The site comprises three agricultural fields on the eastern edge of York. The most significant landscape features on the site are its perimeter hedgerows and trees. The most important landscape feature out with the site is Kimberlow Hill from which one has a panoramic view of York that includes views of the Minster. Development is incorporated into the fields using the existing field boundaries and avoids built development in corridors of views of the Minster from Kimberlow Hill.

5.75 There are 19no. individual trees, 8no. tree groups and 3no. hedgerow groups located on the site and immediately adjacent to the site. A willow tree (T21 – category C2) is required for removal for the proposed access road to the south of the site. A Sycamore tree (T17 – category u) requires a crown reduction in height by 7m. Additionally some crown lifting of the self-sown Sycamore and Willow etc. along the existing fence line within groups G5-C2 and G6-C2, would be required to implement the development which is considered reasonable.

5.76 The proposed cycleway/footpath, will pass through a hawthorn hedgerow (H1 – currently category B2) in two locations. This will allow the cycleway/path to enter the main site and run along the existing hedgerow outside of the RPA of the hedge and existing trees. Two small sections will therefore require removal to facilitate the construction of the path. The proposed access into the site from Hull Road will pass through a small section of hawthorn hedgerow (H2 – currently category C2), which will be required to be removed to facilitate construction. The proposed section of removal of the hedges is small and will not have a significant impact on the landscape. The majority of the hedgerow will remain intact. The hedgerow on the eastern boundary requires pruning laterally back to the boundary.

5.77 Given the limited amount of information on the landscape masterplan, such as tree stock sizes, and an indicative planting schedule, the Landscape Architect suggests that the request for an approved landscape scheme and tree planting details are included as pre-commencement conditions. These should be in accordance with the Landscape Masterplan; and should include the tree planting indicated between the primary street and the red line boundary (which is not

indicated on the proposed site plan) and along the approach road. This condition has been added.

5.78 The Landscape Architect notes four of the properties are still fairly close to the boundary with Jubilee Wood, which may result in future conflict, mostly due to shade across the garden and property. However, the Landscape Architect notes the arrangement is not unreasonable given the limited number of properties that would be affected; the orientation of the properties; and the open margin between the garden boundary and the site boundary.

5.79 Subject to conditions requiring an arboricultural method statement, detailed landscape scheme, tree planting details, the proposed development meets policies SS8, G11 and G14 of the Draft Local Plan (2018).

Open space and sports provision

Policy

5.80 Residential development proposals 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 and in accordance with policy G16 of the Draft Local Plan (2018). The successful integration of open space into a proposed development should be considered early in the design process.

5.81 The Council will require on-site provision where possible but off-site provision will be considered acceptable if the proposed development site is of insufficient size in itself to make the appropriate provision feasible within the site or it is demonstrated that provision can be met more appropriately by providing either new or enhanced provision off-site.

5.82 This is further supported by policy G11 of the Draft Local Plan (2018) which seeks to enhance existing recreational open space and through increasing provision in areas where a deficiency has been identified. Policy HW3 of the Draft Local Plan (2018) requires strategic sites to provide on-site built sports facilities but where off site provision is necessary or more appropriate facilities should be accessible to the community it will serve, be well served by public transport and be easy to reach on foot and by bike.

Assessment

Sport

5.83 In terms of sports provision, no on-site provision is to be provided, therefore an off-site contribution is required. For a development of this scale 7,919m² of sports provision would be required. There is a surplus of sports provision in the ward by 3,660m², therefore a financial contribution is required for the remaining 4,259m². This equates to a monetary contribution of £47,747.

5.84 This contribution is to be put forward for the procuring the provision of / or improvements to sport or active leisure facilities at Osbaldwick Sports Club, University of York Sports Village, Hull Road Park and / or another project within the ward or connecting wards, the need for which directly arises from the development.

Amenity

5.85 The provision of public open space and green infrastructure accounts for 1.08 hectares within the total site area of 5.19ha. The Landscape Architect notes the roadside grass verges and inaccessible margins do not contribute to the functional POS typologies and should not be part of the total quantity for the 'Areas of POS' provided on this plan. However there is a surplus of amenity greenspace in the ward (around the university) and this is accessible to residents so an amenity contribution in this respect would not be necessary or justified.

Play

5.86 A development of this scale would require a children's play space of 0.17ha. The application proposes a LEAP as part of the permission and given that on-site play provision is to be provided an off-site play contribution is not necessary. Further details of the LEAP are requested by condition.

Health

Policy

5.87 Policy HW5 of the Draft Local Plan (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.

5.88 Policy HW7 of the Draft Local Plan (2018) requires a statement as part of any detailed planning application, proportionate to the size of the development, showing how health design principles have been adequately considered and incorporated into plans for development including;

- Well-designed streetscapes that encourage residents to spend time outdoors;
- The provision of safe walking routes and cycle routes;
- Spaces for communities to come together;
- Adaptions to buildings and public spaces for those with limited mobility;
- Consideration of how design and layout affect crime or perceptions of safety;
- Buildings that are adaptable to the changing needs of residents.

Assessment

5.89 There are a number of GP surgery premises within 1.5km of the site. It is likely that the impact will be greatest on Tang Hall Surgery (Priory Medical Group) and Unity Health (Kimberlow Hill). Following consultation with the Integrated Care Board, it is noted that the existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development.

5.90 The impact of new residential dwellings on this site will result in approximately 388 additional residents (calculated by the ICB based on 162 dwellings) and further increase demands upon existing services (based on 2.4 residents per dwelling). A developer contribution will be required to mitigate the impacts of this proposal and in this instance the ICB request £165,259. This would include improvements to, reconfiguration of, or extension of existing premises or providing additional resource for the benefit of the patients. The contribution is considered to be necessary, reasonable and fair in scale and is requested via a planning obligation as part of the S106 agreement. Subject to securing this obligation, the proposal meets policy HW5 of the Draft Local Plan (2018).

5.91 The application is accompanied by a Health Impact Assessment which outlines how the design principles are met including M4(2) and M4(3) dwellings (as set out within the housing mix) to provide accessible and adaptable dwellings for those with limited mobility. The scheme provides safe walking routes around the site and adequately links with existing routes including public transport to encourage active travel. Secure, private gardens are provided. Active frontages are encouraged and

the scheme provides for natural surveillance in particular of open areas. Secured by design principles have been considered. The open space provision and the inclusion of a LEAP provides outdoor spaces for communities to come together. It is considered the scheme has adequately considered and incorporated healthy design principles in accordance with policy HW7 of the Draft Local Plan (2018).

Education

Policy

5.92 Paragraph 99 of the NPPF states that 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 take a proactive, positive and collaborative approach to meeting this requirement. Part vi of policy SS8 states developer contributions should be secured for education provision, including primary and secondary, which meet the needs generated by the development. This is supported by policy ED6 of the Draft Local Plan (2018) which states the provision of sufficient modern education facilities for the delivery of preschool, primary and secondary school education to meet an identified need and address deficiencies in existing facilities will be facilitated.

Assessment

5.93 An education contribution is required as no provision is to be provided on site. The Education Team at CYC request the following; £979,234 towards providing additional secondary pupil places at Fulford School and/or Archbishop Holgate Secondary School; and £124,014 towards providing specialist educational needs in the Council's Area; and £376,920 towards providing additional preschool/early years pupil places at a preschool/early years provider within 1.5 km of the development if feasible or within 3km. The need for which is to mitigate the effects of the Development and the number of children arising as a result. The developer agrees to the contribution. The proposal complies with part iv of policy SS8 and policy ED6 of the Draft Local Plan (2018) which seeks to secure education provision to meet an identified need.

Sustainable design

Policy

5.94 Policy CC2 of the Draft Local Plan (2018) as recently amended states all new residential buildings development of 1 or more dwellings should achieve:

- on-site carbon emissions reduction of a minimum of 31% over and above the requirements of Building Regulations Part L (2013), of which at least 19% should come from energy efficiency measures; and,
- a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

5.95 Pending anticipated changes to Building Regulations, developments should further aim to achieve up to a 75% reduction in carbon emissions over and above the requirements of Building Regulations Part L (2013) unless it is demonstrated that such reductions would not be feasible or viable. The Target Emissions Rate (TER) for proposed new dwellings should be calculated using version 10 of the Standard Assessment Procedure (SAP).

Assessment

5.96 The application is accompanied by a sustainability statement by JSP LTD, dated June 2023. The applicant will pursue a non-gas heating strategy at the development. Low carbon heat pumps will provide the space and hot water heating for every house. In the apartments, hot water will be sourced from modern domestic air to hot water heat pump cylinders. The statement argues the site's emission rate will better the Building Regulations Part L by a minimum of 59.08%. Electrical vehicle charging points will be provided to every home (this is a building regulations requirement and is not repeated via condition). Water efficiency standards of 110 litres per person per day or less will be achieved. It is considered the requirements of policy CC2 can be achieved by condition.

Flood risk and drainage

Policy

5.97 Development proposals must consider their impact on surface water management and, where appropriate, demonstrate that they have a surface water management plan, which shows that the risk of flooding both on and off site is minimised and managed. The management of surface water run-off from new development should incorporate sustainable drainage techniques and should be designed to deliver wildlife benefits, where possible.

5.98 Development proposals should protect existing watercourses and wetlands. The creation, extension and linking of wetland habitats to enhance the storage capacity of the landscape and reducing downstream flooding will be supported.

5.99 Policy ENV5 of the Draft Local Plan (2018) 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. Areas of hardstanding such as driveways and parking areas should be minimised and porous materials used.

5.100 Sustainable Drainage advise discharge for new development, surface water flow shall 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.

5.101 In line with Policy ENV4 of the Draft Local Plan (2018) a site specific flood risk assessment that takes account of future climate change must be submitted with any planning application related to sites in Flood Zone 1 larger than 1ha.

Assessment

5.102 The application is accompanied by a Flood Risk Assessment (revision 6, dated 23rd May) which includes a proposed drainage strategy (revision H, dated 23rd May 2024) and a site visit record sheet for percolation testing. The application is also accompanied by an Existing Highway Drainage Adoption as Sewer S102 Agreement (Re: 1062-008 dated June 2024, both by Fortum) and a letter (redacted) from Independent Water Networks dated 18th April 2024.

5.103 The Flood Risk Management Team agree to the principle of connection of surface water to the highway drainage network (subject to it becoming public sewer). The Flood Risk Management Team witnessed the site-specific infiltration testing which failed, therefore soakaways will not work on this site and a watercourse is remote from the site. Surface water connection is therefore to the CYC highway drainage network in Hull Road which will be adopted by the applicant's New Appointments and Variation (NAV) and become a public sewer. This then connects to the CYC open ditch highway drainage network in the Osbaldwick Link Road verge, which in turn connects to Osbaldwick Beck at a restricted rate of 5.1 (five point one) litres per second with appropriate attenuation

up to and including the 1 in 100-year event with 30% climate change, with an allowance for 10% urban creep. The principle of surface water drainage is acceptable to both the Flood Risk Management Team and Yorkshire Water. Foul water is connected to the public foul water sewer in Field Lane which is also considered acceptable by the Flood Risk Management Team and Yorkshire Water.

5.104 The Flood Risk Management team have requested a commuted sum (via a S106) for additional highway drainage maintenance and the clearing out of the open ditch between the proposed surface water outfall and to the Foss (2008) Internal Drainage Board maintained watercourse, that being Osbaldwick Beck. However the responsibility of the ongoing maintenance and clearing of these existing assets would fall outside of the control of the Local Planning Authority and would be the responsibility of the Owner. It would therefore be unreasonable to request this as part of the S106 process.

Residential amenity and public protection

Policy

5.105 Part vii of policy SS8 and policy ENV1 of the Draft Local Plan (2018) requires an air quality assessment as there is potential for increased traffic flows which may present new opportunities for exposure if not designed carefully. The assessment should also consider the impact of the University of York boiler stacks. Identified adverse impacts should be appropriately mitigated.

5.106 Part viii of policy SS8 requires a noise survey given the site's proximity to the A1079 and the Grimston Bar Park & Ride. Identified adverse impacts should be appropriately mitigated.

5.107 Part ix of policy SS8 requires exploration of any land contamination issues due to the site's location within 250m of a closed land fill site. Investigation and remediation work (if necessary) will be required to ensure that the land is safe and suitable for its proposed use.

5.108 Policy ENV2 of the Draft Local Plan (2018) seeks to ensure development does not unacceptably harm the amenities of existing and future occupiers of the site and in neighbouring communities.

5.109 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.

Assessment

5.110 The application site at present is not located adjacent to existing residential properties, therefore the proposal will not give rise to any amenity concerns for existing residential development.

5.111 The dwellings are appropriately sited with sufficient garden sizes and distances between properties. Where first floor side windows are located in close proximity to boundaries these are landing windows or bathroom facilities. A condition is recommended to ensure these windows are obscure glazed which are considered acceptable for the use of these rooms.

5.112 The Barnwood House Type features a first floor rear landing window located in close proximity to neighbours and boundaries. It is recommended that this window is obscure glazed in all Barnwood house types.

5.113 The Kielder and Kielder V1 House Type includes a ground side lounge window and utility door located on or near to the boundary. It is recommended that this window and door is obscure glazed in all Kielder house types, except plot 75, 150 and 153 (as these are located a sufficient distance from neighbours). This is considered acceptable to obscure glaze given it is a secondary window for the lounge and non-habitable for the utility in plots 35, 48, 47, 50, 57, 58, 61, 129.

5.114 The ground floor side windows (serving W/C and secondary lounge) on the Danbury House Type on plot 124 will face plot 125 directly which also hosts side windows. It is therefore considered the side windows on plot 124 need to be obscure glazed to prevent overlooking between the two dwellings.

Subject to securing these conditions requiring obscure glazing, it is not considered that the proposal would give rise to overlooking and would secure a suitable standard of amenity for the new occupants.

5.115 The application is accompanied by an Air Quality Assessment dated 10th June 2021 by ensafe. The assessment has considered baseline air quality conditions at the site and considered potential air quality impacts in the vicinity of the site arising as a result of the development.

5.116 Air quality dispersion modelling has been undertaken in order to predict pollutant concentrations across the application site and to predict air quality impacts as a result of additional vehicle movements associated with the proposed development. Results have been verified using CYC air quality monitoring data. Public Protection have reviewed the approach used for the assessment of operational air quality impacts and consider that it is in line with best practice and incorporates a number of worst-case assumptions appropriate for a study of this nature. Public Protection are satisfied with the assessment undertaken and the conclusions reached. Operational air quality impacts associated with the development are not considered significant.

5.117 No past industrial activities are known to have taken place at this site, but a closed landfill site, a petrol filling station and a former road haulage depot are all located nearby. The 'Executive Summary – Desk Study Information' (dated 6 March 2013), submitted with the planning application, recommends that a site investigation is undertaken to determine whether land contamination is present. Public Protection agree with the report's recommendation and its proposal to carry out trial pitting, window sampling and associated soil/gas sampling. This can be covered by condition in line with policy ENV3 of the Draft Local Plan (2018).

5.118 The applicant has submitted an ENS Noise Assessment Report dated 13th May 2024. The methodology of this report is accepted and the conclusions that some noise mitigation measures will be required to be installed, in terms of glazing and ventilation for the properties and an external acoustic barrier is also accepted. The noise mitigation measures are required to ensure that the recommended internal noise levels as stated within BS8233:2014 can be achieved. A condition is recommended to ensure the development is carried out in accordance with the conclusions of the noise report.

Planning obligations

5.119 In line with policy DM1 of the Draft Local Plan (2018), the Council will seek contributions from developers to ensure that the necessary infrastructure is in place to support future development in York.

The proposed s106 planning obligations set out in the recommendation and outlined within the report are compliant with NPPF and the relevant CIL regulations and meet the three Regulation 122 tests (necessary, related to the development and fair in scale).

Public Sector Equalities Duty

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.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to the characteristic;
- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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.

Officers have given due regard to the equality implications of the proposals in making this recommendation. There is no indication or evidence (including from consultation on this application) that any equality matters are raised that would outweigh the material planning considerations.

6.0 CONCLUSION

6.1 The proposal seeks full planning permission for 153no. dwellings (C3 use class) to include access, landscaping, highways, open space and associated infrastructure on a parcel of land off Hull Road. The application is in hybrid form and outline planning permission is sought for 9no. self-build and custom build plots (with all matters reserved except access). The site is a strategic allocation for housing in the Draft Local Plan (2018). It is not considered that this application will prejudice the delivery of the rest of the strategic site allocation.

6.2 The development would provide new housing in a sustainable location, of which the design, layout and form is considered acceptable in this setting. The proposal provides an appropriate housing mix and includes provision for affordable housing and self-build plots. It will also provide a significant contribution towards gypsy and traveller pitches to be provided within the City Council boundaries, secured through the S106. Living conditions on the site as a whole will be satisfactory subject to conditions.

6.3 The development would provide suitable parking, layout and design to ensure a suitable road network whilst providing a number of sustainable transport options in and around the site to access local facilities, of which new provisions are secured through a S106 legal agreement and conditions (signalised crossing, bus stop provision and improvements, cycleways and pedestrian footpaths). Surface water drainage and foul water drainage is incorporated and the principle acceptable.

6.4 The landscaping and open space design is considered acceptable subject to the inclusion of more detailed conditions. In respect to leisure and recreation a small park with an equipped play area is provided on site and contributions will be made to improving sports provision in the vicinity. Ecological enhancements are to be provided on-site alongside new off-site woodland planting, which is to be secured through the S106. Sustainable design is secured by condition.

6.5 Planning contributions have been agreed for improvements to education and healthcare facilities in the vicinity of the site. To conclude the proposal would provide much needed housing for York and the provision of C3 housing is conditioned to secure this. Approval is therefore recommended subject to the signing of a S106 legal agreement.

7.0 RECOMMENDATION:

That delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to:

- i. The completion of a Section 106 Agreement to secure the following planning obligations:
- Affordable housing
49no. dwellings (secured through 13no. First Homes and 36no. Social Rent) and the mechanisms and frameworks by which they are delivered and transferred to a registered provider.
 - Self-build housing
9no. Self Build Plots and the mechanisms for marketing and delivery.
 - Education
£1,480,168 – off-site secondary, early years and SEND contributions.
 - Gypsy and Travellers
£300,000 for off-site provision of two pitches.
 - Healthcare
£165,259 towards offsite provision.
 - Sports
£47,747 towards off site provision.
 - Highways/Transport
£300,000 – signalised pedestrian crossing on Hull Road.
£16,000 - passenger information displays on the existing 'Deramore Drive' bus stop flags on Field Lane
£10,000 - bus stop shelters at the existing 'Deramore Drive' bus stops on Field Lane
A contribution to be paid after 5 years after first occupation if 5-year travel plan targets are not met.
Cycle tracks/pedestrian footway on Hull Road connecting to western and eastern footways outside of the site.
Improvements to an existing footway on Hull Road up to Pinelands Way.
New bus stop and layby on Hull Road and improvements to existing bus stops on Field Lane.
 - Ecology
700sq.m. of woodland planting to be provided on the Woodland Planting Land Ecological Enhancement Management Plan

- Planning obligation monitoring fee to ensure the Planning Obligations are fulfilled.
- ii. The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement.
 - iii. The Head of Planning and Development Services be given delegated authority to determine the final detail of the schedule of planning conditions

Planning Conditions

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in strict accordance with the following plans;

Location Plan 000
 Site Layout 111-P10
 Landscape Masterplan Rev L
 House Type Booklet July 2024
 Affordable Housing Plan 103-P5
 Materials Plan 101-P8
 Boundary Treatments 102-P6
 EV Charging Plan 107-P5
 Chimney Location Plan 110- P5
 PV Plan 106-P5
 Storey Height Plan 104-P5
 Proposed Drainage Strategy 1062-004-J
 Existing Highway Drainage Adoption as Sewer 1062-008-A
 Tree Assessment Plan 101.57 rev 1
 Swept Path Analysis - Refuse Vehicle 21-149-ATR-001-Rev B
 Traffic Calming Chicanes 21-149-TR-004
 Public Open Space Areas Plan 113 P2
 Self Build and Custom Build Layout 114 P1

Reason: For the avoidance of doubt and in the interests of proper planning.

3 The dwellings hereby permitted shall be used for C3 (dwellinghouses)

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purposes only; and for no other purpose, in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses (e.g C4 use) which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

4 Prior to the commencement of development, a scheme detailing the phasing of the construction of the development including the means of access, construction of buildings, open space, LEAP, car parking, self build plots and servicing arrangements, shall be submitted to and approved in writing by the Local Planning Authority. The development will be carried out in accordance with the details approved.

Reason: The agreement of a scheme detailing the phasing of the development prior to the commencement of development is fundamental in the interests of highway safety, the amenity of the locality, delivery of open space and play area and delivery of the Self Build plots.

5 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment.

The CEMP shall also include the following with regards to construction method of works and highways;

- measures to prevent the egress of mud and other detritus onto the adjacent public highway;
- a dilapidation survey jointly undertaken with the local highway authority
- the routing and access for construction traffic that will be promoted;

All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users and to protect the amenity of the locality.

6 All demolition and construction works and ancillary operations, including

deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 0800 to 1800 hours

Saturday 0900 to 1300 hours

Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of the locality.

7 Prior to development commencing, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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.

8 Prior to development commencing, 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) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

The scheme must 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.

9 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval 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.

10 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval 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, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11 Development shall be carried out in strict accordance with the recommendations as set out in ENS Noise Assessment Report (dated 13th May 2024).

Reason: In the interests of achieving suitable noise mitigation in line with policy ENV2 of the Draft Local Plan (2018).

12 Before the commencement of development, an Arboricultural Method Statement (AMS) and scheme of Arboricultural supervision regarding protection measures for existing trees within and adjacent to the application site shall be submitted to and approved in writing by the local planning authority. Amongst the detail within the AMS, the statement shall cover details and locations of protective fencing, ground protection, a schedule of tree works if applicable, site rules and prohibitions, phasing of protection measures, site access during development

operations, method of demolition and site clearance, parking arrangements for site vehicles, locations for stored materials, locations and means of installing utilities, location of site compound. The document shall also include methodologies and construction details where specialist construction techniques are required for a change in surface material and/or boundary treatment within the potential root protection area of existing trees. A copy of the document shall be available for reference and inspection on site at all times. The development shall be implemented in accordance with the approved details.

Reason: To ensure every effort and reasonable duty of care is exercised during site preparation & construction in the interests of protecting the existing trees shown to be retained that are considered to make a significant contribution to the amenity and setting of the development.

13 Prior to construction of any part of the dwellings hereby permitted above ground floor level, a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, which shall include the species, stock size, density (spacing), and position of trees, shrubs, and other plants; and seeding mixes, sowing rates and mowing regimes where applicable. The landscape scheme shall be in broad compliance with the approved Landscape Masterplan. This scheme shall be implemented within a period of six months of the substantial completion of the development or the related phase of development where applicable.

Any trees or plants which within the lifetime of development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability, and disposition of species across the site, since the landscape scheme is integral to the amenity of the development.

14 Prior to construction of any part of the dwellings hereby permitted above ground floor level, all tree planting details shall be submitted and approved in writing by the Local Planning Authority, to include: means of support, and irrigation; maintenance regime and responsibilities; soil volumes and structural soil cell systems where applicable, with the corresponding paving detail, and locations of underground utilities. Where trees are to be located within paved areas, the surface area of soil cell systems, soil volumes, and tree species, and any utilities shall also be shown on a tree planting plan.

If within a period of five years from the date of the completion of the landscaping scheme, any tree, hedge or shrubs are felled, removed, uprooted, destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged,

diseased or defective, it/they shall be replaced by planting as originally approved, unless the Local Planning Authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

Reason: The trees are a critical element of the approved landscape masterplan which is integral to the amenity and setting of the development. Suitable detailing and maintenance will encourage the trees to establish and thrive.

15 Prior to first occupation of any dwelling hereby permitted, details of children's play space (to include location, details of equipment and means of enclosure, and the area of play space to be delivered in accordance with policy GI6), located within the public open space and within the residential development area, shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the play areas need to be provided in full, retained in situ for the lifetime of the development and in accordance with the approved phasing plan, unless otherwise approved in writing by the Local Planning Authority through the submission of a planning application.

Reason: To ensure that there is adequate play space and to promote health and well-being, in accordance with section 8 of the NPPF.

16 The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment - Revision 7 dated 15th July 2024, the Proposed Drainage Strategy - Re: 1062-004 Revision J dated 12th July 2024, and Existing Highway Drainage Adoption as Sewer (S102 Agreement) - Re: 1062-008-A dated 12th July 2024, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage

17 The dwellings shall not be occupied until refuse and recycling storage facilities have been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The apartments shall not be occupied until bin store elevations, bin store floorplans and a waste management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall detail the responsibility of moving bins to the collection points and returning the bins back to the storage areas after collection.

Development shall be completed in strict accordance with the approved details and the refuse and recycling storage area / facilities shall thereafter be retained and maintained as such, unless the Local Planning Authority gives prior written approval to any subsequent variations.

Reason: To ensure sufficient and suitable waste management.

18 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).

The fabric energy efficiency of each new build dwelling shall achieve a 19% or more reduction in carbon emissions (compared to the target emission rate as required under Part L of the Building Regulations 2013).

The Target Emission Rate (TER) for the new dwellings should be calculated using version 10 of the Standard Assessment Procedure (SAP) and submitted to the Local Planning Authority prior to construction to demonstrate that an overall reduction in carbon emissions of at least 75% above Part L of the Building Regulations 2013 is 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.

Reason: In accordance with policy CC2 of the Draft Local Plan (2018) to achieve sustainable design and construction.

19 Prior to first occupation of the development hereby permitted a site plan illustrating areas of highway which are not to be adopted and construction details of the relevant areas shall be submitted to the Local Planning Authority for its written approval. All areas of highway which are not to be adopted shall be constructed to an adoptable standard. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of good design, to ensure areas of highway are suitably robust and are not a future maintenance liability for future occupants of the development hereby permitted, in accordance with NPPF paragraph 135a.

20 Vehicular access shall be from Kimberlow Rise and additional emergency vehicular, pedestrian and cycle access only shall be from Field Lane.

Prior to first occupation the Kimberlow Rise access shall have been fully constructed in accordance with the approved plans.

The Field Lane access shall be fully constructed prior to first occupation of plots 146 - 150.

Reason: In the interests of highway safety and promoting sustainable travel.

21 Prior to the development commencing details of the cycle parking areas for all dwellings (including apartments), including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. Each building shall not

be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Note: Cycle storage should be in accordance with LTN 1/20.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

22 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

23 No dwelling that requires access from or along the highway shall be occupied until all carriageways and footways fronting that dwelling and along which access is required to that dwelling have been kerbed, lit and surfaced up to base-course level, in accordance with the approved plans. The wearing course shall be laid within two years of the base-course being laid or prior to the occupation of the penultimate house, whichever is the sooner.

Reason: In the interests of good planning and road safety.

24 The development hereby permitted shall not come into use until the following highway works have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same;

a) the construction of a 3.0m wide unsegregated shared use cycle track/pedestrian route on the south side of Hull Road connecting to the existing footway/cycleway running along the west side of the access road to Grimston Bar Park & Ride / University of York, as shown indicatively;

b) the construction of a 3.0m wide unsegregated shared use cycle track/pedestrian route on the south side of Hull Road connecting to the existing footway/cycleway running along the south-east quadrant of the roundabout forming the Hull Road / Field Lane/ Tranby Avenue junction, as shown indicatively;

c) the widening and resurfacing of the existing footway to create a continuous 3.0m wide unsegregated shared use cycle track/pedestrian route on the south side of Hull Road between the south-western quadrant of the roundabout forming the Hull Road / Field Lane/ Tranby Avenue junction and Archbishop Holgate School.

d) the construction of a new bus stop/layby including layby, bus boarding kerbs, shelter, flag/pole, real-time passenger information display, hardstanding area for waiting passengers and pedestrian / cycle access thereto, on the south side of the Hull Road westbound carriageway with the entry taper to the layby being no less than 105m west of the start of the Hull Road westbound carriageway from the Hull Road / Osbaldwick Link junction

e) Installation of bus boarder kerbs at the two 'Deramore Drive' bus stops on Field Lane

Reason: In the interests of the safe and free passage of highway users and providing access to public transport services.

25 A designated car club car parking space, shall be provided in a suitable location on site for a car club car, prior to occupation of 20no. dwellings. Further locations for additional car club car spaces to be provided should be identified to meet any demand for additional car club cars.

Reason: To ensure that traffic flows from the site can be safely accommodated and to promote the use of sustainable means of transport

26 No part of the development shall be occupied until a Travel Plan (based on the submitted 'Proposed Residential Development A1079 Hull Road / Field Lane York Travel Plan, April 2023') has been submitted and approved in writing by the LPA. The Travel Plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly annual travel surveys carried out over period of 4 years from the first survey shall then be submitted annually to the Local Planning Authority for its written approval.

Reason: To ensure that traffic flows from the site can be safely accommodated and to promote the use of sustainable means of transport

27 The development hereby permitted shall be carried out in strict accordance with the habitat creation and enhancements as detailed in the Ecological Enhancement Management Plan, Biodiversity Net Gain (BNG) Report and biodiversity metric calculation tool submitted to the LPA as part of this application.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraphs 185-188 of the NPPF (2023) to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent

ecological networks that are more resilient to current and future pressures.

28 Prior to first occupation of each dwelling, the measures detailed in the Ecological Enhancement Management Plan (EEMP) (Brooks Ecological, 14 May 2024), including nest boxes for swifts (78 in total) and bat boxes (20 in total) shall be installed in the locations identified within the EEMP and retained in situ for the lifetime of the development. In addition, at least one hedgehog access hole (measuring at least 13cm x 13cm) must be installed prior to first occupation of the dwelling and retained in situ for the lifetime of the development, in each new garden and boundary fence line where this has been identified within the EEMP.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraphs 185-188 of the NPPF (2023) to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

29 No development shall take place (including ground and enabling works, and vegetation removal) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include, but not be limited to the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction ((may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features and receptors, such as nesting.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The roles and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Development shall then be carried out in strict accordance with the approved CEMP.

Reason: To facilitate the protection of notable/sensitive habitats and species within the local area.

30 Prior to the installation of any new external lighting, a 'lighting design plan'

shall be submitted to and approved in writing by the local planning authority. The plan shall:

- a) Specified lighting should be made in-line with current guidance - Bat Conservation Trust (2023) Bats and Artificial Lighting at Night: <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>
- b) Demonstrate that it has taken account of the recommendation set out in the Bat Survey Report provided by Quants Environmental, dated May 2022.
- c) 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, both within and outside the site boundary.

Development shall then be carried out in strict accordance with the approved details.

Reason: To maintain the favourable conservation status of bats and ensure the site remains attractive to other light sensitive species.

31 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or reenacting that Order), unless otherwise agreed in writing with the Local Planning Authority the first floor landing and bathroom windows in the side elevation of all the dwellings hereby permitted shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above and retained throughout the lifetime of the development.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

32 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or reenacting that Order), unless otherwise agreed in writing with the Local Planning Authority the first floor landing window in the rear elevation of plots 37, 45, 46, 59, 60, 66, 71, 94, 101, 104, 117, 122, 128, 132, 137, 138 (as shown on the approved proposed site layout) hereby permitted shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above and fixed shut for the lifetime of the development.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

33 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or reenacting that Order), unless otherwise agreed in writing with the Local Planning Authority the ground floor lounge window and ground floor utility door in the side elevations of plots 48, 47, 57, 58, 61, 129 (as shown on the approved proposed site layout) hereby permitted shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above and retained for the lifetime of the development.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

34 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or reenacting that Order), unless otherwise agreed in writing with the Local Planning Authority the ground floor lounge window in the side elevation and the ground floor W.C in the side elevation of plot 124 hereby permitted shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above and retained for the lifetime of the development.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

35 Application(s) for the approval of the matters reserved by condition of the outline permission for all of the self-build plots shall be made to the Local Planning Authority before the expiration of seven years from the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

36 The self-build dwellings hereby approved as outline permission shall be developed as single plots as shown on the drawings submitted 'Self Build and Custom Build Layout - drawing number 114 P1' and specified in condition 2.

Each self-build plot shall be provided with services (access to a public highway and connections for electricity, water and waste water) to the extent that it can be defined as a serviced plot of land, as defined in The Self-build and Custom Housebuilding Regulations 2016.

Reason: In the interests of securing self build plots in line with policy H4 of the Draft Local Plan and The Self-build and Custom Housebuilding Act 2015.

37 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 prior to the commencement of building works of the relevant self build plot and the development shall thereafter be undertaken in accordance with the approved details.

Each reserved matters application will need to demonstrate compliance with the design code and its relationship with each plot/phase and submit a street scene to demonstrate the relationship with other approved plots/phases (if applicable).

Additionally each reserved matters submission must include a site construction

environmental management plan.

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development.

38 The marketing of the self build plots shall be carried out in strict accordance with the following document;

Self and Custom Build Housing Plots Marketing Strategy dated June 2024.

Reason: In the interests of securing self build plots in line with policy H4 of the Draft Local Plan and The Self-build and Custom Housebuilding Act 2015.

39 Prior to the commencement of marketing (as required by condition 38), a Design Code (including plot passports) for the site shall be submitted to and approved in writing by the Local Planning Authority. A plot passport shall be provided for each plot and the design code shall consist of guidance and coding relating to the following matters: plot size and width; character areas; building typologies; boundary treatments; building heights; landscaping and public realm.

Once approved, the details to be submitted at reserved matters stage for the self-build plots shall follow the principles of the approved Design Code.

Reason: In accordance with policy H4 of the Draft Local Plan (2018) to ensure suitable design parameters for the Self-Build dwellings.

8.0 INFORMATIVES:

Notes to Applicant

1. 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:

2. For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in

duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

With respect to dust mitigation, measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting. In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

3. In line with Building Regulations, Electric Vehicle (EV) charge point provision ('active provision') is required for all residential developments in York, unless the development has no parking. To prepare for increased demand for charging points in future years, appropriate cable routes ('passive provision') should also be included in

the scheme design and development. Approved Document S: infrastructure for charging electric vehicles outlines the required standards and provides technical guidance regarding the provision of EV charge points and cable routes.

4. Drainage notes:

- i) The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal,
- ii) The applicant should be advised that the Yorkshire Waters prior consent is required (as well as planning permission) to make a connection of foul and surface water to the public sewer network, and
- iii) The applicant should be advised that the Foss (2008) Internal Drainage Board prior consent is required (outside and as well as planning permission) for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge (either directly or indirectly) to the watercourse will also require the Board's prior consent.

Contact details:

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