

## COMMITTEE REPORT

**Date:** 19 June 2025      **Ward:** Haxby And Wigginton

**Team:** West Area      **Parish:** Haxby Town Council

**Reference:** 23/00160/OUTM

**Application at:** Land To The South Of Rose Cottage Farm And The Lodge Moor Lane Haxby York

**For:** Outline application with all matters reserved except for access for up to 700 dwellings (Class C3 with a potential element of C2 for older persons accommodation), self build plots, provision of open space including informal sports pitches and allotments, flood storage measures, Gypsy and Traveller pitch provision, early years nursery (Class E), landscaping and associated infrastructure (revised description).

**By:** Mr L Tate and Mr M Elliot

**Application Type:** Major Outline Application

**Target Date:** 27 June 2025

**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

1.1 This application seeks outline consent with full details of means of access. It proposes residential development of up to 700 dwellings (C3 with a potential element of C2 older persons accommodation), self-build plots, Gypsy and Traveller pitch provision (sui generis) and early years nursery (Class E) with associated infrastructure including open space, informal sports pitches and allotments, landscaping and drainage (including flood storage measures) and utility infrastructure on land to the north of Haxby.

1.2 The Applicants who are seeking to develop the site are jointly Barratt and David Wilson Homes and Vistry Group.

Application Site

1.3 The application site relates to a parcel of land situated between Moor Lane to the west and Usher Lane to the east within the village of Haxby. The site backs onto the residential gardens of Oaken Grove, Cyprus Grove, Ash Lane, Lowfield Drive and Crooklands Lane. The Haxby and Wigginton cemetery is located to the south west of the site.

1.4 There is no vehicular access directly into the site, with vehicular access available up to a point via an unadopted road, Crooklands Lane, which is accessed from Usher Lane. Crooklands Lane also forms a public right of way (PRoW) (known as Haxby 1 (18/1/10)) which runs centrally through the site leading to Crossmoor Lane to the north.

1.5 The overall site extends 32ha of agricultural fields which are separated by hedgerows and trees. There is a field parcel to the north of the site that sits outside the application site however it is within the Applicant's ownership (denoted by a blue line on the plans).

1.6 The Local Plan policies map (north) allocates the southern parcel of land as open space, with the northern parcel of land as a strategic housing site (ST9) to which Local Plan policy S11 relates and sets out an anticipated yield of 735 dwellings. The application boundary excludes an area to the north of Cyprus Grove, in the southwestern part of the site, although this is within the boundary of the ST9 allocation.

1.7 The site is within Flood Zone 1. The existing watercourses and their easements that run across the site have been agreed with the York Consortium of Drainage Boards and the Council's Flood Risk Engineer. These are shown on the up-to-date land use/parameters plan and masterplan.

### Proposal

1.8 The application seeks outline consent with all matters reserved except means of access for residential development of up to 700 dwellings on land north of Haxby, self-build plots and Gypsy and Traveller pitch provision.

1.9 During the application process a number of revisions and additional information have been submitted, including an amended parameters /land use plan and changes to the description. The following timeline indicates the revisions to the application, at which point the application was subject to additional publicity and further consultation (due to the application constituting EIA development):

### Original application (January 2023)

1.10 Outline application with all matters reserved except for access for circa 800 dwellings, provision of open space, flood storage measures, landscaping and associated infrastructure.

### March 2024

1.11 Revised parameters/land use plan; application includes land dedicated for cemetery extension and primary school on site. The applicant indicated dwelling numbers would be reduced to circa 760 but continued to seek 800 for flexibility. An addendum to environmental statement (ES) was submitted. The southern open space buffer increased from circa 40m to 110m.

### June 2024

1.12 The applicant provided rebuttal to CYC Education and Natural England (NE) and changes to the parameters/land use plan showing agreed easements following discussions with Foss IDB and LLFA.

### July 2024

1.13 Revised parameters/land use plan; application includes provision of gypsy and traveller pitch requirement to be provided in the residential development zone, removal of land dedicated to cemetery extension provision, boundary buffers and green corridors increased to incorporate root protection areas (RPAs) and open space areas extended.

### December 2024

1.14 Revised parameters/land use plan; revised number of dwellings reduced (from circa 800 to 640 dwellings (reduction of 160 dwellings), removal of on-site Gypsy and Traveller provision, removal of on-site primary school. Provision of on-site early years provision in the form of a 50-place nursery (equating to 1,000sqm) of land. The land previously set aside for the primary school will now be allocated for the nursery and informal sports facilities.

1.15 In terms of the overall reduction in the number of dwellings sought, the applicant set out that this was to ensure the site reflects practical site capacity whilst maintaining compliance with overarching design principles and site constraints. The constraints included physical limitations, ecological considerations and consultee feedback.

### The current proposal (revised April 2025)

1.16 In summary, the revised application includes the following amendments to the proposed development:

- revised number of dwellings proposed (from 640 to up to 700 dwellings) along with the potential inclusion of C2 older persons dwellings
- inclusion of Gypsy and Traveller pitch provision (3 pitches to be provided within the application boundary)

1.17 For the avoidance of doubt, the revised application includes on-site early years provision in the form of a 50-place nursery (equating to 1,000sqm of land). A

financial contribution towards primary and secondary education, early years (additional off-site places) and SEND (including SEND transport) has been proposed.

1.18 Whilst formerly plans indicated a circular Suitable Alternative Natural Greenspace (SANG) walking route, the revised parameters/land use plan indicates that this will provide a shared 3m wide pedestrian and cycle route through greenspace. The SANG is shown to be extending within the blue line land, which is still in the control of the applicants.

1.19 There would be natural open space within the northeastern corner of the application site along green corridors throughout the site. To the south of the site, amenity open space will be provided, which incorporates allotments, with informal sport facilities in the southeastern corner of the site. The revised parameters/land use plan has removed the landscape buffer/ minimum building line standoff to the northwestern and northern boundaries.

1.20 2no. attenuation basins are provided within the site (one within the southern buffer, one in the central area, along the northern boundary) and the plans state that these will be dry except for extreme events. It would appear that these have been discounted from any public open space (POS) calculation. The illustrative masterplan shows what appears to be 2no. additional attenuation basins in the natural open space within the northeastern corner of the site.

1.21 Previous iterations of the proposal incorporated an area set aside to accommodate an extension to the Haxby and Wigginton Cemetery, however the current proposals have removed this from the proposals.

### Means of Access

1.22 Generally, the means of access to the proposed development has remained unchanged throughout the consideration of the proposals. Vehicular access to the development will be via two new junctions from Moor Lane and two new junctions from Usher Lane with 3no. additional pedestrian access points into the site on each frontage.

1.23 Proposed shared pedestrian and cycle routes from the existing residential streets Larch Way and Lowfield Drive will link to the SANG that is routed through the southern open space area. Following concerns raised by the Police Architectural Liaison Officer (PALO) which seeks to ensure that the security of the existing residential development is not compromised by these footpath connections which could assist in creating 'leaky' cul-de-sacs, the previous footpath connection from Ash Lane has been removed.

1.24 The existing public footpath, Crooklands Way will be retained, enhanced by a green corridor (minimum width of 23m) providing an area free from development. The footpath will comprise of 3m wide with the applicants indicating that this is likely to comprise of hard surface treatment to enable the route to be used by both pedestrians and cyclists.

1.25 The applicant states that it is a possibility that Crooklands Lane can be upgraded to a public bridleway, allowing use by pedestrians and cyclists although the applicant has not provided further details as to how they seek to upgrade the public right of way, which can only be currently used by walkers. Previously, the applicant indicated that Crooklands Land would be the subject to a Definitive Map Modification Order (DMMO) application to upgrade Crooklands Lane to a bridleway. A DMMO application was made by The British Horse Society to upgrade Crooklands Lane to a restricted byway and was refused in March 2024, due to the evidence submitted being insufficient to redesignate the existing footpath to a restricted byway.

1.26 The internal layout has not been provided at this stage because this will be considered as part of reserved matters; however the revised masterplan shows indicative main internal access roads and each access into the development parcels.

1.27 There has been recent discussions and negotiations in respect to the applicant's approach to sustainable transport. Highways officers have been investigating and believe that there is a reasonable prospect of re-routing the existing bus service 1A into the site to provide a loop. This would be an hourly service. A bus service contribution has been agreed by the applicant which will provide additional capacity so that it would provide a half hour service. This would result in 99% of the dwellings being within 400m of a bus route if services are looped through the site. This replaces a previously proposed 'cycle and ride' approach which involved the provision of a cycle hub (shelter and cycle stands) within The Village and additional bus shelters/flagpole stop.

1.28 The applicant is also proposing to improve pedestrian connectivity with tactile paving at 5no. locations between the southern boundary of the site and The Village. These include:

- i. junction of Larch Way and Ash Lane
- ii. junction of Lowfield Drive and Little Lane
- iii. junction of Oaken Grove and Hawthorn Avenue
- iv. junction of Hawthorn Avenue and Birch Lane
- v. junction of North Lane and Church Lane

1.29 The applicant has also identified a quiet cycle route through residential roads from The Village to the south, which can then link with the existing on-road cycle route on York Road. This route is identified as South Lane, then Old Orchard then

Holly Tree Lane, joining onto York Road. Directional signage is proposed to be installed to direct users to the recommended route.

### Environmental Impact Assessment (EIA)

1.30 The proposal constitutes schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as updated). The local planning authority have previously issued decisions in respect to the screening and scoping stages of EIA, and include:

22/01496/EIASN Screening opinion in respect of up to 800 residential dwellings, public open space, flood storage measures, landscaping and associated infrastructure (site ST9); EIA Required Dated 28.02.22

22/02185/EIASP Scoping opinion in respect of the construction of residential dwellings on 33 hectares of land; Dated 21.12.2022

1.31 The information in the associated environmental statement (ES) is sufficient for the Local Planning Authority to understand the likely effects of the proposals and any required mitigation. Throughout the assessment of the application and the revisions, the ES has been updated, where necessary. The current revisions are supported by a letter of conformity, concluding that the amendments proposed to the land use plan would not result in material changes to the likely significant effect' conclusions of the January 2023 ES, the March 2023 ES Addendum and the March 2024 ES Addendum. Officers agree with this assessment, that the assessment of the likely significant effects on the environment, as set out in each of the technical chapter, remains valid in light of the amendments.

## **2.0 LEGISLATIVE & POLICY CONTEXT**

2.1 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).

### City of York Local Plan

2.2 City of York Council adopted its Local Plan on 27 February 2025. There is no made Neighbourhood Plan relating to this application site.

2.3 The application site is allocated for housing in the Local Plan, identified as a strategic housing site (ST9) (Land to the north of Haxby). The area to the south of the allocation is identified on the policies map as new open space (OS9) under Policy GI6 (New Open Space Provision).

2.4 The policies from the Local Plan which are relevant to the determination of this application are:

DP2	Sustainable Development
DP3	Sustainable Communities
SS1	Delivering Sustainable Growth for York
SS11	Land North of Haxby
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
HW2	New Community Facilities
HW4	Childcare Provision
HW7	Healthy Places
ED6	Preschool, Primary and Secondary Education
D1	Placemaking
D2	Landscape and Setting
D6	Archaeology
GI2	Biodiversity and Access to Nature
GI2a	Strensall Common Special Area of Conservation (SAC)
GI6	New Open Space Provision
CC1	Renewable and Low Carbon Energy Generation and Storage
CC2	Sustainable Design and Construction of New Development
CC3	District Heating and Combined Heat and Power Networks
ENV1	Air Quality
ENV2	Managing Environmental Quality
ENV3	Land Contamination
ENV5	Sustainable Drainage
T1	Sustainable Access
T7	Minimising and Accommodating Generated Trips
DM1	Infrastructure and Developer Contributions

#### National Planning Policy Framework (NPPF)

2.5 The NPPF is a material consideration in planning decisions. It sets out the government's planning policies for England and how these are expected to be applied. It outlines that the purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways (paragraph 8).

2.6 The relevant sections of the NPPF include sections 5 'Delivering a sufficient supply of homes', 8 'Promoting healthy and safe communities', 9 'Promoting sustainable transport', 12 'Achieving well-designed places', 14 'Meeting the challenge of climate change, flooding and coastal change', and 15 'Conserving and enhancing the natural environment'.

2.7 Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay.

2.8 Paragraph 12 of the NPPF outlines that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permissions should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

#### Other relevant guidance

- Building for a Healthy Life (2020) – Design toolkit, written in partnership with Homes England, NHS England and NHS Improvement.
- Chartered Institute of Highways and Transportation - Planning for Walking (2015)
- Department for Transport (DfT) – Gear Change – a bold vision for cycling and walking (July 2020)
- DfT - Local Transport Note – Cycle Infrastructure Design (LTN1/20)
- Environment Agency (EA) – Protecting Groundwater from human burials (updated 24 July 2024)
- Environment Agency – The Environment Agency's approach to groundwater protection (Feb 2008 Version 1.2)
- Fields in Trust (2020) – Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard
- Natural England – Guidelines for creating Creation of Suitable Alternative Natural Greenspace (2021)



- Ministry of Housing, Communities and Local Government – National Design Guide – planning practice guidance for beautiful, enduring and successful places (2021)
- Ministry of Housing, Communities and Local Government – Planning Policy for traveller sites (12 December 2024)

### **3.0 CONSULTATIONS**

#### **INTERNAL**

#### **Strategic Planning Policy**

3.1 The proposal should be considered against policy SS11 and other relevant policies in the Local Plan, detailed below.

SS11: Land north of Haxby - This policy gives detailed considerations for the development of the application site ST9. These include:

- i. Creation of open space in accordance with GI2a and GI6
- ii. Creation of new local facilities – none provided. Comments regarding impacts on retail provision are noted below under policy R1. Mention is made of existing sports facilities and the site makes provision for informal sports facilities in the form of a grassed area without changing facilities. The comments from the Sports Development Manager reflect our concerns about this provision which does not appear to meet the requirements of the policy in this regard.
- iii. School provision – refer to Education
- iv. Drainage strategy – refer to Flood Risk Management Team
- v. Sewer connection – consult Yorkshire Water
- vi. Transport and highways impacts
- vii. Highway access
- viii. Active travel –see policy R1 regarding retail provision
- ix. Protect and enhance landscape features – consult Landscape officer

#### **Policy H2: Density**

3.2 We welcome the increase in density and consequent housing numbers on the site and would encourage the developer to consider whether these could be further increased without impacting on other policy requirements.

#### **H3: Balancing the Housing Market**

3.3 We recommend that the applicant's proposed condition is not used, but instead the mix is conditioned to be in accordance with the LHNA unless sufficient evidence is provided to justify otherwise.

3.4 We further note the final paragraph of policy H3 which encourages an appropriate provision of housing that meets higher access standards of Part M Building Regulations. LHNA (para 6.65 onwards) covers the need for this type of housing. There is still no justification within the application for the lack of such provision.

#### Policy H4: Self and Custom housing

3.5 We note the provision of 5% of plots on site for self and custom build housing. Appropriate details should be secured via condition/S106 agreement. The proposal would therefore be compliant with policy H4.

#### Policy H5: Gypsy and Traveller pitches

3.6 Policy H5 requires 3 pitches on strategic sites of 500-999 dwellings. The policy sets out a sequential approach where pitches should be provided on site or alternative land should be provided, and criteria for this are set out. As a last resort a commuted sum may be accepted to contribute to development of pitches elsewhere.

3.7 The proposal now includes the provision of 3no. Gypsy and Traveller pitches and we welcome the provision on site in conformity with policy H5. A suitably worded planning condition/S106 agreement should be agreed to ensure delivery of the pitches.

#### Policy H9: Older Persons specialist accommodation

3.8 We note the changes to the description of development and suggest that a carefully worded planning condition should be included to ensure the provision of older persons specialist accommodation on site in accordance with the LHNA.

#### Policy H10: Affordable Housing

3.9 We would like to reiterate our previous comments recommending discussions are undertaken with the developers regarding potential for additional affordable housing in accordance with policy H10.

3.10 ST9 was a site tested at 50% affordable housing provision with the results identifying it as a marginal site for 50% affordable housing (Affordable Housing Note August 2022), but the proposal's lack of primary school and local centre provision which would have been included as policy costs tested in our viability work. Policy H10 is clear that the level of affordable housing are a minimum and increased provision should be sought unless viability is compromised. We recommend discussion with the developer regarding viability on site and the potential for increasing affordable housing provision, or that they provide a viability assessment for the scheme to indicate that any increase in provision would not be viable.

#### Policy GI6: New open space provision

3.11 No further comments. Previous comments outlined that we recognise that the overall open space provision on site (13.01Ha), as identified by the applicant,

exceeds the requirements of the Local Plan (10.03Ha) but question whether the location and useability of the proposed open space meets the requirements of the Local Plan evidence base 'Open space and green infrastructure report' Main Report (2014) and Update (2017). In particular, we note an overlapping of amenity space, play areas and attenuation ponds which would result in a reduction in that typology which it is not clear has been accounted for.

3.12 Policy GI6 also identifies an area of new recreation and sports provision (OS9) on the south of the site between the developed area and existing town. The proposed area of open space is significantly smaller than that on the policies map – approximately 7.9Ha of open space is shown on the policies map compared with 4.9Ha on the Land Use Plan with the application. While there are other areas of open space proposed around the site, these are somewhat disjointed and also contain attenuation ponds. It is therefore not clear that the proposed open space will fulfil the requirements of policies GI6 and SS11 in providing for the open space requirements of the Haxby and Wigginton ward and the new development.

## **Design and Conservation**

### **Archaeology**

3.13 Intrusive investigation has proven that there is a below-ground archaeological resource relating to late prehistoric and land use and activity within the northwest corner of the red line boundary close to Moor Lane. Outside of this area the archaeological potential of the site looks to be quite low. None of the archaeology seen so far merits preservation in-situ. Further investigation is required prior to destruction by development and can be secured by condition.

3.14 There are a few fields which contain the remnants of medieval ridge and furrow; the extent of this is uncertain and I don't believe this is to be of the highest quality. Thus preservation in situ is not required, but should be recorded prior to development commencing.

### **Ecology**

3.15 The current proposals fulfil the minimum requirements for net gain. The level of net change in area habitat-based units (+1.16%) is disappointing and is likely to be challenged as the application progresses from the outline stage due to insufficient contingency having been incorporated to allow for changes as the design progresses.

3.16 The ES Addendum identified key ecological receptors that require mitigation during the construction and operational phases of the development. Conditions are recommended to cover Construction Environmental Management plan (CEMP) (Biodiversity), Landscape and Ecological Management Plan (LEMP), Great Crested

Newts, Lighting plan, updated ecological surveys and informatives to cover Great Crested Newts, bats, birds and badgers.

### Landscape

3.17 The revised documents do not incur additional or revised comments. A summary is provided of the outstanding issues:

3.18 At least two residential zones have been extended southwards into the open space allocated within the Local Plan policies map; one to the east of the cemetery (limiting potential expansion of the cemetery) and the other to the west of Crooklands Lane. In respect of the latter, this grouping of large trees and hedgerows are part of the setting of the main open space and appears to be impractical to squeeze development into this relatively small area. The open space in the south of the site does not reflect the LP allocation but this has been the subject of lengthy discussion, with reasons given.

3.19 The two minor green corridors appear to be simply the width of the hedgerow, with little or no space for any recreation value, and are likely to be of little or no relevance to the open space calculations. Although the retention of the hedges/trees within these smallest of green corridors would contribute to the sense of place and biodiversity of the site.

3.20 The parameter plan now includes LAPs and LEAPS, which secures the quantity and general distribution. I had envisaged some of the LAPs being located within the heart of the larger development parcels (as a couple of them were shown in the original illustrative masterplan) to provide immediate access to outdoor play and contribute to the sense of place, orientation and street identity. I am concerned that the developer would not include additional incidental spaces within the development parcels which are needed to provide immediate access to outdoor play and to contribute to the sense of place, orientation and street identity. To this end, the proposed LAPs should not be fixed in these locations.

3.21 Further information required: arboricultural impact assessment required for highway access (and to consider sight lines) for Moor Lane and Usher Lane.

### Design/Public Realm

3.22 No comments provided – DM to assess

### Education

3.23 The offer from the developer is accepted if the housing mix the developer appears to be suggesting remains approximately the same. The Education request has at all times acknowledged that whereas there are currently surplus places in

schools in the local area, nobody can forecast how many places will be available on completion and subsequent occupation. The total amount shared is a maximum capped amount that will account for contemporary projected surplus places.

3.24 The LEA's preference is that the onsite early years provision should be a design, build and operation option commissioned by the developer as the developer contribution. As the new facility will not provide enough additional places to meet the projected steady-state demand, a contribution has also been requested to expand provision in the local area.

### **Highways Network Management**

3.25 Following extensive discussions and negotiations, and subject to the applicant agreeing to financial contributions and/or conditions in respect of A1237 junction improvement works, bus service contribution, traffic regulation orders to facilitate a speed limit reduction to Moor Lane and Usher Lane, off-site works to optimise pedestrian and cycling facilities, the proposed development would have neither an unacceptable impact on highway safety nor a cumulative impact on the highway network and would provide appropriate measures and mitigations pertaining to active travel and public transport.

### **Housing**

3.26 The application proposes 700 homes, 30% of which would be affordable, meeting the requirement for a greenfield site in accordance with Local Plan policy H10. 80% of the affordable housing should be social rented and 20% discount sale tenure. The affordable houses should be pepper-potted throughout the site, along with different tenures evenly distributed and they should be visually indistinguishable from the open market dwellings and which also extends to the amount and quality of car and cycle parking provision, or access to any other shared amenities or communal areas. Affordable provision should deliver an appropriate mix for this location, taking into account the Local Housing Needs Assessment (LHNA) and would be expected to meet or exceed the Nationally Described Space Standards (NDSS).

3.27 All homes should be to an accessibility Part M4(2) standard as a minimum, with 25% of affordable homes at M4(3). The Nominations Agreement for the scheme should ensure that households with an assessed need for the M4(3) homes will be prioritised for all initial and future allocations.

3.28 Appropriate decarbonised heating is supported, however direct electric heating and hot water is unlikely to be suitable for affordable housing due to the running costs leading to high potential for fuel poverty. Well-designed heat pump systems are most likely to be appropriate for heating and hot water. Careful consideration

should also be given to provision of solar photovoltaic panels and thermal insulation design and construction quality, to further reduce residents bill costs.

3.29 The older people's accommodation provision must be set out in accordance with Local Plan policy H9 at any reserved matters, to clarify the nature of the proposed provision.

3.30 The requirements of Local Plan policy H5 (Gypsy and Traveller Provision) must be met in full.

### **Lead Local Flood Authority**

3.31 The principle of how the discharge rate has been calculated is accepted and will be finalised once the Masterplan is formally agreed. Overall, no objections subject to conditions and drainage notes. It is noted that pre-commencement conditions are requested to address the Drainage Boards easement requirements.

### **Lifelong Learning and Leisure**

3.32 Community Sports Development Manager – welcome the update and promotion of additional on-site sports space for the provision of football. We would seek the development of an ancillary facility to include 2 changing rooms, toilets, kitchen and storage as outlined by the Football Foundation in consultation with Sport England.

3.33 Where the space provided does not meet the policy requirements for the site, we would seek to secure a financial contribution to be used at one or more of the additional sports clubs mentioned in the strategy, namely Haxby Netball Club, Wigginton Sports Club, York Sports Club (Clifton Park), New Earswick Cricket Club, Clifton Alliance CC or towards a 3G pitch facility.

### **Public Health**

(Comments submitted January 2025 in response to the revisions made in December 2024).

3.34 Further information is sought or further consideration should be given to:

- councils direction of travel for design criteria (of Lifetime Homes Standard or meet Building Regulation requirements of M4)
- the development should be designed to be suitable for all people including provision and accessibility for either disabled or elderly people and not just limited to accessibility of buildings (i.e. places and spaces, pathways and ramps/steps)
- consider homes for multi-generational families not just adapted homes

- York has a higher rate than England or Y&H average for dementia diagnosis- has this been considered?
- how will the developer address priorities of promoting accessibility and inclusion in health and wellbeing, improving mental health and reducing social isolation and loneliness
- the description of open space seems to be geared towards those who are able-bodied, are young and those already engaged with sport – it is unclear how disabled and older people will access these areas and use the facilities – the junior football pitch should be reconsidered for multi-generational use
- what engagement was undertaken as to the housing needs the local community required?
- can people easily access the health infrastructure and local shops without the need for a car?

### **Public Protection Unit (PPU)**

- Noise

3.35 Mitigation measures for the proposed dwellings are suitable and should be implemented to ensure that recommended internal and external noise levels are achieved.

3.36 Road traffic noise - the short terms impact predicated is major adverse and long term is moderate adverse – it is requested that the Applicant provide details as to whether any further noise mitigation measures can be implemented to reduce potential effects on nearby residents?

3.37 However, the removal of the primary school on-site and an overall reduction in housing (from the original proposals) will result in a reduction in traffic numbers. As such, this can be covered within a noise assessment for the site at RM stage.

- Land Contamination

3.38 The submitted assessment is acceptable. Conditions requested.

- Construction Impacts

3.39 A condition requiring a construction environmental management plan (CEMP) is recommended ensuring noise and vibration will be controlled during the construction phases.

- Air Quality

3.40 The assessment of operational air quality impacts is based on the traffic figures agreed. We agree with the 'Statement of Conformity' statement that the traffic

impacts associated with a reduced number of dwellings will be less in comparison and therefore the figures assumed for the AQ assessment are robust. The amendments would not have a material impact on the AQ assessment and the effects identified in the January 2023 ES (as amended by the March 2023 ES Addendum) and the March 2024 ES Addendum, would remain valid.

3.41 In terms of the damage cost calculation, this is only used to broadly indicate the scale of any mitigation required on a site and we previously considered that the mitigation measures were reasonable and proportionate.

3.42 Our previous response, which remains relevant, advised that:

3.43 Construction Phases - the use of good practice control measures would provide suitable mitigation for a development of this nature and reduce potential impacts to an acceptable level. With implementation of mitigation measures, dust emissions are not anticipated to be significant but included in CEMP/ Dust Management Plan condition.

3.44 Operational Phases - changes in the annual mean nitrogen dioxide concentrations as a result of the traffic generated by the development were considered negligible when assessed in line with national best practice guidance. Based on the worst-case predicated impact, the overall significance of potential operational phase road vehicle exhaust emissions would be classified as 'minor adverse' when assessed in line with national guidance. This would not be considered significant. A 5-year damage cost has been updated to £135,443. A number of measures will be implemented as part of the development that will promote sustainable travel and therefore minimise air quality impacts and such measures are reasonable and proportionate to the damage costs identified. The Travel Plan (TP) should include mechanisms for encouraging the take up of low emission vehicles and information about proposed on-site EV charging facilities at each dwelling and a travel information pack distributed to all new residents.

### **Public Rights of Way**

3.45 Public footpath Haxby 1 (18/1/10) - the Crooklands Lane section is for use by walkers only.

3.46 It is appreciated that detailed designs of a potential upgrade including surfacing and crossing treatments will be addressed at Reserved Matters. However, given the additional level of use of the path the proposed development will bring, a S106 contribution is requested to improve the surface and the accessibility of the sections of footpath both within the development site boundary (Crooklands Lane), and also the continuation of the path leading from the northern end of Crooklands Lane to Crossmoor Lane (outside the development boundary).



3.47 A contribution is requested for the section of Crooklands Lane within the application boundary to be brought up to an adoptable standard (type 21) with a width of 3m. The northern section (Crooklands Lane to Crossmoor Lane, outside of the application boundary), a contribution is requested to improve the surface and accessibility of the footpath leading from the northern boundary of the development up to Crossmoor Lane; to include replacement of the current timber footbridge with a more sustainable, more accessible footbridge; targeted surface improvements, path widening and replacement fencing along the length of this section.

3.48 It is noted that a definitive map modifications order (DMM) application to upgrade Crooklands Lane was rejected by the council in March 2024. This was due to insufficient evidence to show that the public footpath should be recorded as a public restricted byway. This process is reliant on historic evidence which did not pass the statutory test. Any upgrade of Crooklands Lane to a bridleway would have to be undertaken via a public path order.

### **Self and Custom Build**

3.49 It is welcomed that the applicant has agreed to the delivery of self or custom build housing. Local Plan policy H4 requires 5% of total dwellings to be delivered as self-build or custom build; based on 700 dwellings there is an obligation to provide 35 plots. This should be split evenly between developers unless there was a legal agreement in place for one developer to deliver a higher percentage of the plots.

## **EXTERNAL**

### **Haxby Town Council**

3.50 Objects to the proposed development citing that it still fails to comply with policy SS11 and ST9 of the Local Plan. A summary of the issues made in the latest consultation response include:

- the number of dwellings (700) is 5% less than expected (735) and this can hardly be considered 'approximately' given the percentage difference; there is no explanation why this number is so far from satisfying policy
- the site clearly has the capacity to deliver the expected number of dwellings
- the housing mix exceeds CYC requirements; if the number of 4 bed properties were reduced then this should allow for the density of development to increase and secure an increase in overall dwellings
- insensitivity of the location of children's play spaces (and the potential character of noise) in close proximity to the cemetery, where funerals are conducted, and people may wish to pay respects in quiet contemplation
- the applicant hasn't undertaken any survey work to establish ground water conditions with reference to extending the existing cemetery; it appears that a cemetery extension appears to be possible on a practical basis and it is unclear why

the application fails to address identified development requirements for the local community

- if ground conditions prove to be challenging, there is no reason why the extension cannot be accommodated for the interment of ashes in structures above ground, along with a Memorial Garden
- fails to provide a number of requirements to satisfy the needs of the community set out under policy SS11, an audit of existing community facilities and services and their current capacity do not accompany the application
- due consideration must be given to the development being served by buses and within an according through route

3.51 Other matters that have been raised by Haxby Town Council during the consultation periods, include:

- the site is not allocated in an adopted Local Plan so falls within the general extent of the Green Belt – the NPPF presumption in favour of sustainable development does not apply
- inappropriate development in the green belt and no very special circumstances have been presented that justifies the development
- the presentation of the information regarding the number of school places is misleading with a view to demonstrating that a school is not required; the information demonstrates that there is a need for a new 1fe school
- the developer has not assessed the potential impact on secondary school provision
- Open space provision - the proposal falls short of sports provision, amenity open space and cemeteries in favour of natural open space/green infrastructure; natural open space has limited purpose and it does not offer open space provision to satisfy more formal types of open space, such as playgrounds and sports facilities
- areas to provide for BNG will not be accessible for residents to enjoy
- open space provision for dog walking is wholly inadequate and options to mitigate impacts of increased dog-related visitor pressure on Strensall Common SAC/SSSI will need to be explored and detailed within an improved Open Space Strategy
- Retail - no reference to shops, services and facilities which are listed as requirements within policy SS11; a viability appraisal does not accompany the application
- no meaningful consultation with Haxby Town Council at any stage
- the Travel Plan needs to be fully re-visited with a full consultation. The roads in the proposed development need to be wide enough for full sized buses.

### **Wigginton Parish Council**

5.52 Objections. A summary of the issues raised (the latest response dated 10 February 2025) include:

- site remains Green Belt until a local plan is adopted. Therefore, it is inappropriate development in the green belt, compromises openness and no very special circumstances have been presented that justifies the development
- omission of land for cemetery expansion is unacceptable and unnecessary; previous discussions and SS11 of the Local Plan indicated the necessity for an extension to the Haxby and Wigginton Cemetery, supported by CYC. The extension would accommodate future community needs and is necessary to provide for a growing population
- the developers have not conducted sufficient research into the impact of a cemetery extension; there is a precedent for burials on this site; the existing cemetery located adjacent to the application site, demonstrating that such a use is both appropriate and necessary for the local community
- severe impact of traffic with no adequate mitigations, particularly along Mill Lane, leading to the already congested ring road (the dualling of which is now in doubt)
- requests that the following commitments are made by the developer including: exploration of option for creating a new link road, speed management measures on residential roads accessing the development, provision of new cycle lanes and off-site cycle links, financial contributions offered for the upgrade of access to and from the site from Moor Lane and contribution to bus service improvements to serve the development over at least a five-year period after the occupation of the final dwelling
- lack of provision of facilities (healthcare)
- school places will be impacted within the existing local primary schools and further traffic generated during peak hours with additional car journeys to existing primary schools locally
- drainage of surface water and foul drainage; application should be treated as premature because Yorkshire Water does not have the infrastructure in place to deal with additional foul water drainage
- lack of detailed plans for means of access
- Insufficient provision of sports facilities; it would be helpful if the developer would liaise with Wigginton Parish Council and Wigginton Sports and Playing Fields Association about the potential for off-site sports provision in Wigginton
- failure to meet requirements of Policy SS11 – the area allocated to housing further encroaches on the green buffer and has consistently been narrower than the area allocated to open space in the LP policies map
- cause serious harm to habitats and priority species (inc moths) - moths should be included in surveys and an updated bat survey should be submitted

### **CPRE (North and East Yorkshire)**

3.53 No further comments were provided, previous objections (dated March 2023) included:

- loss of Green Belt at this location and the application does not satisfy Green Belt criteria
- the applicants have not proved that access to the site is safe or suitable in terms of the NPPF

- the detrimental impact on vulnerable road users of the proposal
- the detrimental impact on users of the PRow
- lack of Biodiversity Net Gain
- the potential impact on Strensall Common SAC and SSSI

### **Environment Agency**

3.54 As the development no longer includes an extension to the cemetery, we are now able to remove our objection.

3.55 For information, the EA previously objected to the previous proposals for an extension to the cemetery citing that it may pose an unacceptable risk of pollution of ground water contrary to para. 178 of the NPPF. The applicant must provide adequate information to demonstrate that the risks posed by the development to ground water can be satisfactorily managed.

### **Foss Internal Drainage Board (IDB)**

3.56 The Board notes that soakaway testing has been carried out, which was unsuccessful.

3.57 The applicants proposed discharge rate will need amended to consider the revised developable area. The principles of how the applicant has calculated the discharge rate is agreed. The discharge rate will need to be finalised once a masterplan is formally agreed.

3.58 Foul Sewage – the board have no objection if Yorkshire Water are content with the proposed arrangement (mains sewer) and is satisfied that the asset has capacity to accommodate the flow.

3.59 Whilst we understand that a specific drainage condition is recommended (by the LLFA), we would like a planning condition in place for the watercourse easements. To ensure that their requirements have been adequately met, given the size and scale of the site and the plans submitted.

### **National Highways**

3.60 This adjustment to the number of houses, and other proposals do not affect the conditional approval – condition requested for a Construction Traffic Management Plan (CTMP).

### **Natural England**

3.61 No objection, subject to appropriate mitigation being secured, including:

- all relevant mitigation measures as outlined in the sHRA and the updated Site Wide Recreation and Open Space Strategy, including, but not limited to:
  - the provision of at least 12.95 hectares (ha) of public open space / greenspace
  - the securing of a walking route of at least 2.5km that is contained within proposed greenways and semi-natural areas entirely within the Site (including the Off-site Biodiversity Area)

### **NHS Humber and North Yorkshire Integrated Care Board (ICB)**

3.62 The largest primary healthcare services closest to the proposed development (including the most likely affected) are currently under capacity. It has development land which would allow an extension. Haxby Health Centre is owned by NHSPS (NHS Property Services). A developer contribution will be required to mitigate the impacts of this development, which is £566,714 (based on 700 dwellings).

### **Police Architectural Liaison Officer**

3.63 A footpath exit from an existing cul-de-sac has been removed, as requested in our previous response; we have no further comments to make on the application.

### **Sport England**

3.64 We shall leave the decision with the Council to determine if the application has provided the correct range and types of sport facilities to meet an identified demand based on an evidence base as required by the NPPF.

3.65 Previous comments submitted February 2025 in response to the revisions made in December 2024) advised:

3.67 Objection until such clarification is provided over the exact detail of what is provided on-site, or what the off-site contributions are.

3.68 The occupiers of new development, especially residential, will generate demand for sporting provision. There appears to be an intention by the applicant to provide a mixture of both on-site and off-site provision, and in principle this is welcomed. However, we need to ensure that the correct sport facilities are provided on site meet an identified need.

- no actual pitch type has been specified, so it remains uncertain what type of sports provision this will meet
- the applicant makes reference to off-site provision for rugby, tennis, cricket, netball and football; however no details have been provided of what the off-site provision will consist of

3.69 Additionally, the junior football pitch appears to be proposed without any access of consideration to parking or ancillary football facilities (e.g. changing rooms) or toilets to enable its use for formal sport; it is therefore deemed unsustainable and unsuitable for potential users and would be of a low strategic value to football due to the lack of holistic sports provision available to any clubs and users.

3.70 They also advise that the sport pitch is proposed, but they are unable to provide any reference to what evidence base this provision has been determined against.

### **The British Horse Society**

(Comments submitted in both March 2023 and July 2024)

3.71 We request that the development includes upgrading the entire length of footpath Haxby 1 to a bridleway and would like to see the circular routes made into bridleways to provide access to a greater number of users including horse riders and cyclists, complying with para. 105 of the NPPF.

3.72 Further we request that CIL money is used to improve the off-road network for higher status users of the PRow in the surrounding area, benefitting both the existing and new residents.

### **York Civic Trust**

(Comments submitted July 2023 in response to the original application made in January 2023).

3.73 Objections citing the following:

- adverse cumulative transport impact (with sites ST7, ST8, ST14 and ST15)
  - limitations arising from the site's masterplan; designed as a standard dormitory dispersed housing layout and does not support the stated aims of promoting sustainable transport
  - there is no provision for other infrastructure, and it is dismissed this need by saying they do not wish to compete with the village centre
  - lack of public transport provision for this site and little opportunities for active travel.
- Additionally, there is no direct access to the proposed new Haxby Railway Station
- the development does not give adequate space to open space
  - absence of disability assessment and no mention of how disabled residents will be served by the developments
  - loss of medieval ridge and furrow heritage is downplayed in the Heritage Statement; this should be further investigated with archaeological work undertaken prior to determination of the application

## **York Travellers Trust (YTT)**

(Comments submitted January 2025 in response to the revisions made in December 2024).

3.74 We are disappointed, but not surprised that Gypsy and Traveller provision, proposed through LP policy H5, will again fail to materialise. We have consistently argued that allocating much needed culturally appropriate accommodation through policy H5 could easily be circumvented by developers.

3.75 If commuted sums payments are received in lieu of provision at this site, this money should be used to provide culturally appropriate sites. 'Suitable and available alternative sites' may now be provided within the Green/grey Belt by developers through off-site provision instead of commuted sum payments. In order to ensure the needs of Gypsies and Travellers are met in the city, the Council must ensure that pitches are provided off-site. Not to do so would condemn the Gypsy and Traveller population of York to ghettoization, through limited and questionable public provision, or discriminatory exclusion through a glaring lack of provision.

## **Yorkshire Water (YW)**

3.76 Waste Water - Conditions recommended.

3.77 A water supply can be provided.

3.78 Sewage Treatment - the receiving Haxby Walbutts Waste Water Treatment Works (WWTW) (STW) cannot currently accept the additional load that would be generated – the maximum development that can be accommodated without detriment to the treatment process is 500 dwellings.

3.79 Further information regarding the above was requested from Yorkshire Water and have outlined the following:

- as this is an allocated site, Yorkshire Water are obliged to provide the necessary upgrades; there are no planned upgrades for Haxby Walbutts WWTW as part of the current Asset Management Period (AMP) (a five-year period in which YW assess what needs upgrades and assign money. The WWTW is nearing capacity so it will be under consideration for upgrade for the next amp period, however we cannot give any reliable forecast.

## **4.0 REPRESENTATIONS**

### **Ward Councillor (Cllr Cuthbertson)**

4.1 Comments submitted in objection to the application were made in respect to the original submission (January 2023).

- the site is Green Belt and remains as such until the LP is adopted. Insufficient very special circumstances have been demonstrated
- no cumulative traffic impact assessment has been made in relation to other site allocations
- impact of traffic on junction and leaving the application site (Wigginton would be worse affected than Haxby)
- lack of bus provision and only a small proportion of the site falls within a 400m walk of an existing bus stop
- lack of commitment to Travel Plan
- surface and foul water appears problematic and operating beyond its original design capacity
- education – availability of places at early years settings, primary and secondary schools to be considered in light of the likely fluctuations in birth rates and effect of population changes
- failure to expand cemetery and leisure and informal play provided by the buffer area

#### **Ward Councillors (Cllrs Watson, Hollyer and Cuthbertson)**

Comments submitted February 2025 in response to the revisions made in December 2024.

4.2 We wish to adopt the representations and objections made by Haxby Town Council and Wigginton Parish Council. We share the concerns expressed by these two Councils along with representations and objections made by local residents.

#### **Haxby and Wigginton Joint Cemetery Committee**

4.3 Comments submitted May 2025 in response to the revisions made in April 2025.

- The applicant has made no effort to establish whether groundwater conditions would prevent burials or if burials are possible on land that is adjacent to an existing burial land
- no survey work (and the latest drainage strategy) has addressed whether the ground water conditions with specific reference to extending the existing cemetery, are suitable
- the drainage strategy explains that ground water was found to be at a depth of 2.5m and therefore it appears possible to satisfy Environment Agency's minimum 1m clearance requirements (graves are dug to a depth of 1.35m so it is possible that there will be 1.15m between ground water depth and the bottom of the coffin, based on existing ground conditions)



- a cemetery expansion appears to be possible on a practical basis (measuring 2.74ha) and fails to address identified development requirements for the local community that are explicitly listed in the Local Plan (policy SS11)
- if the ground conditions appear challenging there is no reason why an extension cannot be to accommodate the interment of ashes in structures above ground, along with a Memorial Garden.

## **Neighbour Notification and Publicity**

4.4 A total of 345 letters of representation have been received from local residents. This includes responses following all five rounds of publicity and following the Applicants consultation event in January 2024. A number of respondents have comments on more than one occasion on the proposals.

### Letters of Objection

4.5 A total of 339 letters of objection and general comment have been received from local residents and can be summarised as follows:

### Policy SS11

- some requirements of Policy SS11 continue to be ignored (reference is made to sections viii, ix and xi)

### Local Services and Infrastructure

- detrimental impact upon Dr's, Dentists – these are already at capacity
- distance to amenities in Haxby – what will be provided on site?
- contribution for healthcare will pay for a small extension/the extra space is woefully inadequate and where would the extra doctors/staff come from?
- no reference to a new hospital in the Local Plan – York District is well over capacity and no longer fit for purpose
- question merit of some professionally supplied data – Stantec's Health Impact Assessment claims local practices are operating well within capacity – is that a true and reliable statistic to apply now

### Open Space/Play Areas

- need more leisure and outdoor facilities particularly those aimed at teenagers
- smaller/reduction to buffer than shown in the proposals map (200m to 40m)
- inclusion of football pitch but no changing room facilities of parking/dropping off
- retention of historic ridge and furrow fields (seen at the end of Larch Way) be retained/protected
- open space buffer will encourage anti-social behaviour
- scheme is at odds with wider policy of securing a green buffer around such sites
- allotments were included in a previous site plan and now included in a recent letter
- where will they be? Will there be some parking provision?

- a building stand-off should be added to the east on Usher Lane to give wider green space from the narrow country road
- positive that allotments are returning to the plan
- will there be provision for disabled and older people within the open spaces?
- all off-site provision should contribute to provision within Haxby and Wigginton

### Highways, Accessibility and Parking

- congestion on local roads and parking in town is already an issue
- local traffic network not prepared for the likely volume of traffic generated by the development, particularly on existing junctions
- proposals don't appear to improve road safety
- more is required to encourage active travel such as improving cycle infrastructure i.e. segregated cycle lanes and dedicated cycle links to Joseph Rowntree School
- there is no room for cycle paths on Usher Lane
- some residents of the new development will have a lot further to walk than the developers suggest getting to the nearest bus stops, shops or village centre- will pose difficulties for the elderly, disabled and small children
- planned improvements on the ring road should be complete before it goes ahead
- crossings should be changed to traffic light-controlled crossings
- no mention of bus service to serve the development
- allows people to walk through Crooklands Lane, which is a private road
- none of the transport / infrastructure problems have been addressed
- adding two additional bus stops opposite existing ones with nothing for the development when the frequency of existing bus services has been cut
- construction traffic will cause massive disruption through congested residential urban areas
- we need the local train station to give a working solution to the current transport issues before this development can be considered
- local roads will become a rat run
- is a footpath along Usher Lane planned? If so, when will it be constructed, and how far will it be extended?
- if Haxby Station and the dualling of the ring road are cancelled, this development will severely overload the existing road network
- won't now have the infrastructure to support the development to the north of the city due to money (for the York Outer Ring Road) being reallocated
- a new bus service for the development is essential
- will inevitably lead to residents choosing to drive - this does not fit with the ambition of the CYC Transport Plan
- no parking provision for the allotments or football field

### Principle of Development/Green Belt

- loss of green space/ green belt land
- development in this location fails to be appropriate and viable
- Green Belt should be protected
- will result in urban sprawl

### Ecology/Biodiversity

- detrimental impact on wildlife and ecology
- unconvinced the walkway around the site will do much to mitigate the impacts of humans and dogs on Strensall Common
- provision of ponds for Great Crested Newts and very special circumstances for allowing them to be constructed in the Green Belt
- detrimentally effects of pets being introduced by new owners- cats are predators to birds and small animals
- new environmental requirements for Biodiversity Net Gain don't seem to be covered
- threat to local habitat of priority species

### Education/Schools

- school wraparound care running at capacity/shortage of childminders and nurseries in the area
- school and affordable housing won't happen and there will be a contingency in place to avoid buildings these
- school should be located in the centre of the site – increase its role as a focal point for the new estate and minimise the distance needed to walk
- where will the children be educated at secondary level when current secondary schools are at capacity
- limited land prevents future expansion if needed
- removal of on-site primary and early years provision will place more pressure on existing schools in Haxby and Strensall, which are already experiencing significant strain
- it would be inappropriate to use the developer's predictions on surplus school places
- school provision on site is vital and will be a real asset for the community
- how can anyone predict the future of how many school places will be needed
- suggests a change in demographic from 'average family unit' – is there a hidden agenda?

### Cemetery Expansion

- lack of space for cemetery expansion
- land for cemetery expansion is needed
- has an alternative for future proofing demise been discussed?
- reasons for not including cemetery expansion in the plans is not good enough and shouldn't be discounted so quickly; it has been under-investigated
- expansion should still be granted to allow new headstones only
- if cemetery expansion not appropriate, there should be no residential development that may disturb the peace of the cemetery
- why can the developers propose the change when the land has already been ring fenced for the cemetery expansion

- will developer make a financial contribution for provision elsewhere, within Haxby/Wigginton?

### Amenity

- noise and light pollution from sports pitch unwelcome
- general amenity impacts on local residents – a greater buffer/woodland would counter this

### Gypsy and Traveller Provision

- lack of detail regarding the number of pitches and residents to be catered for
- their size and position within the site, noting that their location next to the cemetery is inappropriate and there are other locations within the site that are more appropriate.
- will there be other requirements such as amenity buildings, green spaces/play areas and will they have livestock?
- who will manage the site?
- there are other established sites elsewhere in York should be extended if needed.
- removal so soon after inclusion is clearly a cynical 'loss-leader' political ploy so that the developers can opine that objections were listened to and acted upon

### Drainage/Flooding

- lack of drainage infrastructure / increased pressure on existing flood plains posing flood risk; this has not been resolved
- planning permission should be withheld until Yorkshire Water take appropriate action to cover the whole development period
- Walbutts Waste Water Treatment Works is already overloaded resulting in regular discharge of raw sewage into the River Foss

### Housing

- number of dwellings is too many (when 800 dwellings were proposed)
- inconsistent on number of matters including number of houses
- lacks detail concerning housing mix, percentage social housing etc
- why is this site needed when housing at Clifton Moor and Coco Works is also planned
- will there be specific adapted housing?
- although welcomed, the reduced number of dwellings is insignificant when weighed against the negative impact this huge proposal will have on the quality of life

### Other Matters

- who is responsible for the ongoing cost, care and maintenance of the paths and green spaces? Will the developer contribute to this in the future?
- falls near UNESCO listed City of York and Howardian Hills which should be left
- increase in pollution levels and littering
- has an Environmental Impact Assessment been submitted and is available to view

- new electricity supply served by overhead line which would visually affect more people
- little employment opportunities in Haxby and Wigginton so residents would leave for work
- lack of detailed construction plan and how disruption would be kept to a minimum
- holding back of key decision-making for the Reserved Matters stage
- what provision is being made for the horse riders from the 3 livery yards in the area and private horse owners – some provision for their safety is needed
- fire station at Huntington should be properly funded and staffed on a full-time basis (to be able to serve surrounding areas)
- consultation process unfit for purpose / poor communication from developers / no attempt to genuinely work with the people of Haxby
- timing of consultation leaflet at busy time of year (Christmas / New Year)
- have not given sufficient time for a community consultation as there are a number of changes/additions
- impact on property values
- everything down to profit
- consider it illegal to impose hundreds of new homes in the area which will be split irrecoverably
- no one with any skill, training, theory or vision in the planning office
- the Council is not fit for purpose

4.6 Objections have been received from a local business, The Wonder Years (based at Wigginton Primary School) and York Ornithological Club and their objections are summarised below:

#### The Wonder Years

4.7 The Wonder Years run baby and toddler sessions in the community, pre-school, breakfast clubs and after school clubs plus holiday clubs state that there is already a shortage of childcare provision in Haxby and Wigginton particularly for wrap around care. We do not have space for any more children (due to regulations) and our school sessions are usually oversubscribed on most days and holiday clubs are usually fully booked. The education report does not consider the impact on The Wonder Years; we want to ensure that any investment in essential services includes how we can expand our capacity in line with increase in school places created at Wigginton Primary. It is critical there is a plan for expanding all services the community relies on.

#### York Ornithological Club

4.8 We are concerned regarding the loss of habitat and hedgerows units which is inadequately mitigated and the potential impact on Strensall Common has not been properly considered.

## **Letters of Support**

4.9 6no. letters of support have been received from local residents and local business, Cundalls and the points are summarised below:

- good overall development to help support businesses in Haxby
- York is in desperate need of housing and this scheme will deliver housing to alleviate the decades of housing stagnant in and around York
- facilities this development will deliver will help to tackle nuisance in the town by young persons
- the development is not a threat to wildlife
- proposals include adequate drainage and road and pathway network
- current housing stock is in a poor state, of poor construction and lack modern saving features that new homes will provide
- one letter received in support of the application in its current form, but no specific comments made

## **5.0 APPRAISAL**

### **5.1 Key Issues:**

- Principle of Development
- Assessment of the scheme against policy SS11 of the Local Plan (which relates to the allocation ST9)
- Green Belt
- Housing
- Gypsy and Traveller provision
- Highways (where matters are not covered elsewhere in the report)
- Public Rights of Way
- Residential amenity
- Air quality
- Flood risk
- Ecology
- Landscaping / Trees
- Health
- Childcare provision
- Archaeology
- Sustainable design and construction
- Land Contamination
- Construction Impacts
- Public Sector Equality Duty

## **ASSESSMENT**

### **Principle of Development**

5.2 The Local Plan will play a vital role in delivering sustainable development for York. Not one policy of the Local Plan will achieve this, but collectively the policies will result in communities that are well connected, well served, environmentally sensitive and considerate of the local environment, thriving economically, well designed and built, active, inclusive and safe. The principles included in policy DP2 (Sustainable Development) effectively define Sustainable Development in planning terms for York and have been developed from the Vision.

5.3 Planning applications that accord with the policies in the development plan (including, where relevant, policies in the neighbourhood plans) should be approved without delay, unless material considerations indicate otherwise.

5.4 The proposal is for residential development, and as an allocated site, should address the overarching development principles outlined in DP3 (Sustainable Communities), in order to provide sustainable communities that can improve and enhance the lives of those who live there.

5.5 Policy SS1 (Delivering Sustainable Growth for York) details the spatial strategy for York by setting out the drivers of growth and factors that shape growth, alongside any areas of change. To ensure Green Belt permanence beyond the plan period, sufficient land is allocated to deliver a minimum average annual net provision of 822 dwellings that will support an overall housing requirement of at least 13,152 new homes and deliver 12 new permanent pitches for Gypsies and Travellers and 4 permanent plots for Showpeople over the plan period. Whilst the needs of Gypsies and Travellers and Travelling Showpeople who do not meet the planning definition fall outside of this allocation, in order to meet their assessed needs the Local Plan makes provision for 26 permanent pitches for Gypsies and Travellers who do not meet the definition. Also, Policy SS1 will deliver at least 45% of the 9,396 affordable dwellings that are needed to meet the needs of residents unable to compete on the open market.

5.6 Development in SS1 is directed to the most sustainable locations, with focus on the main urban area of York, and in new free-standing settlements with some urban and village extensions.

5.7 The Local Plan, including the strategic allocation (ST9) and related strategic policy, SS11, new open space (OS9) and its related policy, GI6 (New Open Space provision) and other relevant policies including H1 (Housing Allocations) and H2 (Density) are clear in their expectations of what the site should deliver.

5.8 Local Plan policy H2 (Density of Residential Development) expects the delivery of 40 unit/dph within Haxby/Wigginton and the suburban area. The policy goes on to state that development proposals on allocated sites that are not consistent with the rates above must provide satisfactory justification for a bespoke approach to site

density. The explanation (para. 3.55) to Local Plan policy SS11 states that the density of development should reflect local character and the masterplan should respect the existing framework of field patterns and hedges/trees providing clusters of housing around this framework to provide valuable landscape features.

5.9 The parameters plan/land use plan (Rev U) sets out that a density of 38dph will be achieved based on a residential area of 18.62ha development. It appears that the density provided is not based on a net calculation. Policy H2 of the Local Plan applies net densities, which is outlined in para. 5.17 (explanation of policy H2) to ensure that developments do not use important open space for development in order to achieve the density objectives of the policy.

5.10 The density of the proposals falls below the policy requirement of 40dph. The applicant sets out that this is a marginal deviation and is as a result of the site-specific constraints and extensive open space and landscape requirements. The revisions, mainly from the increase in the quantum of development, recognition of an appropriate mix in line with the Local Housing Needs Assessment (LHNA) as well as the removal of the building line stand off along northwestern and northern boundaries, has resulted in an improvement on the stated density. Previous iterations of the parameters plan / land use plan (rev P) set a density of 34dph based on a residential area of 18.62ha.

5.11 Local Plan policy H1 (Housing Allocations) and SS11 (Land North of Haxby) set out that the estimated yield arising from the development is 735 dwellings. The site area of the allocation is 33.5ha, of which 9ha immediately north of the existing village is indicated as open space (OS9). However, the application site excludes an area of land to the southeast of the cemetery, which covers approximately 1ha shown as part of the allocated open space.

5.12 The Strategic Planning Policy Team advise that when calculating the housing numbers, density assumptions used for this site were 60% of the net site area (35Ha) at 35dph resulting in the site allocation for approximately 735 dwellings. It is recognised that the site area as allocated is slightly less and based on 33.5ha at 35dph, the total indicative number of houses would be 704.

5.13 The application was initially submitted allowing for circa 800 dwellings, which the applicants cited (5.23 Planning Statement, January 2023) allows for flexibility to ensure the site can deliver the maximum amount of residential development which is considerably needed in York whilst taking account of material considerations including the increase of density in line with Policy H2. The applicant further states (para. 5.24, Planning Statement, January 2023) that the masterplan shows that the site can accommodate up to 800 units but the detailed reserved matters approval will set the number of units in detail, the mix, exact density and affordable housing offer (insofar as they relate to appearance, landscaping, layout and scale).



5.14 Following negotiations and discussions, the applicant has agreed to a proposal to increase the quantum of development, to up to 700 dwellings (an increase of 60 from the previously (December 2024) proposed 640 dwellings) and is broadly in line with the capacity expected for an adjusted smaller site area (704) to the site allocation (735).

5.15 Officers are confident that subject to further detailing through reserved matters and conditions, and through the developer applying the principles of retaining and enhancing biodiversity and landscape features, along with other open /green space requirements, that the quantum of development can be achieved.

5.16 In summary, it is considered that the site delivering up to 700 dwellings at a density of 38dph, the provision of new significant areas of open space, as shown on the policies map, complemented further by on-site provision of local green and open space achieves compliance with Local Plan policies SS1, SS11, H1 and H2 in this regard.

**Assessment of the scheme against policy SS11 of the Local Plan** (which relates to the allocation ST9)

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

***- Creation of new open space to the south of the site (in accordance with policy GI6) to reflect the needs of the Haxby and Wigginton ward. This may include formal pitch provisions, informal amenity greenspace, play provision, cemeteries and allotments. The openspace needs of the area should be assessed in detail, liaising with Haxby Town Council and Wigginton Parish Council, the neighbourhood plan group and local residents.***

***- Open space provision that satisfies policies GI2a and GI6.***

5.17 Local Plan policy GI6 (New Open Space Provision) requires residential development proposals to 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. The Council will require on-site provision. On allocated strategic sites, it may be appropriate for green infrastructure masterplanning to make accessible provision beyond the allocation site boundaries.

5.18 Indicative new areas of open space have been identified in connection with strategic sites and this includes OS9: New recreation and sports provision to the south of ST9. The new open space will be complemented by further on-site provision of local green and open space (as required by this and other relevant

sections of the plan) and should be planned cohesively in order, where appropriate, to:

- manage impacts on the city's historic character and setting;
- mitigate and compensate for ecological impacts, and provide for ecological enhancement;
- meet open space requirements arising from new development;
- accommodate drainage infrastructure, flood storage and attenuation;
- retain and enhance landscape and heritage features; and
- frame pedestrian and cycle linkage.

5.19 The policy sets out that the precise delineation and extent of the new open space will be set through detailed master planning and the planning process.

5.20 The most up to date evidence base includes the Open Space and Green Infrastructure Main Report (2014) and Update (2017). This outlines that for the Haxby and Wigginton Ward, population and provision, there is a deficit for each open space typology. The Haxby and Wigginton ward is the most deficient ward in the city with a shortage across all open space typologies:

- City/Local Park **-2.17ha** (deficit) (includes urban parks, formal gardens and country parks)
- Natural and semi-natural **-20.29ha** (deficit) (includes publicly accessible woodlands, urban forestry, scrub, grasslands, wetlands, open and running water and wasteland)
- Outdoor sports facility **-12.92ha** (deficit) (natural or artificial surfaces used for sport and recreation)
- Amenity Green Space **-9.68ha** (deficit) (includes informal recreations green spaces and village greens)
- Children's play area **-4.89ha** (deficit) (designed primarily for play and social interaction involving children)
- Young Person's facility **-2.43ha** (deficit) (designed primarily for play and social interaction involving young people)
- Allotments **-2.29ha** (deficit) (opportunities for those people who wish to do so grow their own produce as part of the long-term promotion of sustainability, health and social inclusion)
- Cemeteries – Total existing 2.73ha

5.21 The overall open space requirements for types of open space (derived from local standards established in 2008) is 5.83ha/1000, although the evidence base sets out that this is only a reference point, with consideration of local circumstances will be critical in terms of the mix of open space which is the most appropriate, current provision and the potential balance between on- and off-site provision.

5.22 The proposal seeks to provide a buffer in the southern part of the site, broadly in line with the open space allocation OS9 as shown on the policies map. This will provide amenity green space with an area for the provision of allotments (0.53ha) within it. A local equipped area for play (LEAP) and local area for play (LAP) is also indicated within this amenity green space. Adjacent to the amenity green space along the southern boundary will be an area in which informal sports facilities will be provided.

5.23 A further area of amenity green space will be provided along the central, northern boundary, which will also contain a further LEAP. There will be a natural open space buffer in the northeastern corner of the site, with buffers continuing along the northern, eastern and western boundaries of the site and green corridors within the site.

5.24 The provision set out in the applicants Site Wide Recreation and Open Space Strategy (SWOSS) (revision 2 dated April 2025) set against the policy requirements (using a figure of 2.4 residents per dwelling as per the SWOSS) includes:

Parks and Garden – 0.28ha (policy requirement) / 0ha (on -site provision)

Natural/semi natural – 3.27ha / 6.97ha

Amenity – 2.23ha / 3.86ha

Children's playspace – 0.74ha / individual size of the play spaces have not been provided; however, the applicant has confirmed that 2no. LEAPs and 6no. LAPs will provide 1,400m<sup>2</sup> in total

Teenage playspace – 0.32ha / 0ha

Outdoor sport – 2.73ha / 1.65ha

5.25 Therefore, the total policy requirement of recreation and open space is 10.03ha. The applicant sets out that 13.01ha will be provided, which exceeds that required by the policy. However, officers have raised with the applicants the difficulty in assessing the proposed levels of different typologies because of the differing presentations of the information between the open space, land use and masterplans as well concerns as to the usability of the open space and appropriateness of the provision for its intended use.

5.26 Officers highlight that the natural open space (10.83ha) which provides for natural and amenity open space for the development appears to include significant areas of narrower open space bordering walkways, trees and hedges. There is concern as to whether these will function as useable open space, and in line with the definition of the different typologies given in the Council's Open Space and Green Infrastructure. For example, there are two minor green corridors which appear to be simply the width of the hedgerow with little or no space for any recreational value and are likely to be of little relevance to the open space calculations, although the green corridors would contribute to the sense of place and bio-diversity value of the site.

5.27 Further, two attenuation basins are shown on the parameters plan/land use plan and are excluded from the POS calculations. However, the illustrative masterplan shows two further attenuations to the northeast of the site, within the natural open space. It is acknowledged that at this stage the plans are indicative, but attenuation basins are not generally included within the open space calculations where their primary function means that land cannot be guaranteed for recreational use. Clarification has been sought from the applicant in this regard, along with the concerns raised above relating to the usability of the provisions of open space and intended use and the way the information is presented. No information has been received in this respect.

5.28 Officers consider that conditions requiring a detailed masterplan and strategy for open space and recreation to provide a much-detailed analysis of the functional open space and recreational areas to be provided, can be secured.

### Allotments

5.29 Allotments present opportunities for those people wishing to grow their own produce as part of long-term promotion of sustainability, health and social inclusion.

5.30 The applicants supporting SWOSS outlines that within the Haxby and Wigginton ward there is an existing allotment located to the south of Mill Lane which contains 20 plots and 1.15ha (approx.) in size. They are managed by Wigginton Parish Council, and it is indicated that there is currently a waiting list.

5.31 Proposals indicate allotments to be provided covering an area of 0.53ha. The parameters plan/land use plan however does not show the allotment area separately and has calculated this provision within the amenity green space, within the southern buffer. Details relating to the allotment provision shall be secured via conditions.

### Play spaces

5.32 Local Plan policy HW7 (Healthy Places) seeks proposals to incorporate formal and informal play spaces and outdoor gyms to encourage physical activity for all age groups and abilities. The Council's Open Space and Green Infrastructure seeks to provide open space for children and young people, which are areas designed primarily for play and social interaction involving children and young people and calculates this separately to other areas of open space and recreation.

5.33 The application has presented the children's play spaces within the wider areas of open space, and it is unclear as to the size of the provision. The applicant has indicated that children's play spaces will be constructed in line with the sizes

recommended by the Fields in Trust guidance, equating to 1,400m<sub>c</sub> in total for the 6no. LAPs and 2no. LEAPs proposed.

5.34 The 2no. Locally Equipped Areas of Play (LEAPs) appear to have been calculated within the amenity open space with the 6no. Local Area for Play (LAPs) appearing to be calculated within the area of natural open space. The Fields in Trust guidance, along with the Council's Open Space and Green Infrastructure recommends a minimum activity zone of 0.01ha for LAPs and 0.04Ha for LEAPs with LAPs in particular dispersed through the residential zones. The Fields in Trust guidance recommends that LAPs are 100m (walking distance) from dwellings and LEAPs are 400m). Further it is recommended that for a scale of development proposed (501 + dwellings) a Neighbourhood Equipped Area for Play (NEAP) is provided within the development (and within 1,000m walking distance).

5.35 Generally, notwithstanding the lack of a NEAP, the number of LAPs and LEAPs expected to be dispersed throughout the site appear appropriate. However, their siting outside of the residential zones is a concern. Given the indicative nature of the plans, further details in respect to the provision of play areas (amount, size and distribution) could be secured by conditions and through reserved matters approvals. It would also be expected that a LAP, which is aimed at very young children would be located in close proximity to the proposed on-site early years nursery, although this is not shown on the parameter's plan/land use plan (Rev U) and this will be explored through conditions.

5.36 Officers also consider that a NEAP should be provided, given the scale of the proposed development exceeds the threshold provided by the Fields in Trust guidance. Again, this can be developed through masterplanning and conditions.

### Cemetery Provision

5.37 The existing Haxby and Wigginton cemetery is located to the west of the boundary of the application site. Two boundaries of the site are shared with the cemetery. It extends 2.45ha (approx.) with existing access from Moor Lane and Oaken Grove.

5.38 Cemetery provision is not a typology included within the Council's Open Space and Green Infrastructure evidence base. Neither is the provision of cemeteries an explicit requirement of policy SS11iii. However, the policy does state that the creation of new open space to the south of the site should reflect the needs of the Haxby and Wigginton ward, which may include cemetery provision.

5.39 Local Plan policy S11 states that the open space needs of the area should be assessed in detail liaising with Haxby Town Council and Wigginton Parish Council, the neighbourhood plan group and local residents. The applicant has attended

meetings with Haxby Town Council and Wigginton Parish Council, although both suggest that this hasn't been adequate.

5.40 A previous iteration of the proposal has included an area of land reserved to allow for the future expansion of the cemetery. The most up to date revision of the parameters/land use plan has removed this from the proposals. This area is now outlined to provide an area of amenity open space (likely to provide the allotments) as well as providing residential development zone.

5.41 Both Haxby Town Council and Wigginton Parish Council, along with the Haxby and Wigginton Joint Cemetery Committee have all raised objections to the lack of provision within the development for an extension to the existing cemetery. There is concern that the justification provided does not address the site-specific conditions or reasons why a cemetery cannot be created. They also cite that the extension would accommodate future community needs and is necessary for a growing population. Further, a number of local residents, through the consultation of the revised proposals have also set out similar objections.

5.42 The Council's Burial Ground and Cemeteries Report (September 2017) outlines that some cemeteries and burial grounds are near to capacity in a number of locations within the Authority area. Specifically in the context of the Haxby and Wigginton cemetery, the report outlines that the Haxby and Wigginton cemetery has a capacity of 15 years with no more land for future expansion, at the current rate of 60 annual internments.

5.43 Local Plan policy GI7 (Burials and Memorial Grounds) outlines a number of principles that the use of the land for as a burial/memorial ground will require to meet. This includes:

- i. there is an identified local need;
- ii. the site is accessible by public transport;
- iii. surface water drainage is adequate and there is no threat to groundwater quality;
- iv. the proposal would not have an adverse impact on the landscape quality nearby, the historic character and setting of York or residential amenity; and
- v. the proposal includes a land management and maintenance programme.

5.44 During the consultation relating to the revised application (March 2024) which included land earmarked for a cemetery extension, an objection was received from the Environment Agency (EA). They outlined that the inclusion of a proposed cemetery could not be supported due to the unacceptable risk of pollution of ground water. They outline that their guidance outlines that they will oppose development proposals that may pollute ground water especially where the risks of pollution is high and the ground water asset is of high value. They state that groundwater is particularly sensitive in this location because the proposed development is in a Principal aquifer.

5.45 To overcome the objection, the EA outline that the applicant would be required to ensure that the development is sustainable, providing adequate information to demonstrate that the risks posed by the development to groundwater can be satisfactorily managed. This includes robust risk assessments (with a tiered approach meaning sites with the highest risk need a more detailed risk assessment than those with the lowest risk) and groundwater monitoring strategies, which are most likely to involve costly ongoing management.

5.46 The applicant sets out that a proposed cemetery expansion would present significant challenges, with additional protections potentially being site-wide and any mitigations/protections likely to be passed onto the bereaved in order to meet these operational requirements.

5.47 It is agreed that best practice and guidance encourages cemetery developers and operators not to propose developments in areas where the groundwater is highly vulnerable (wherever possible) and that they should avoid development proposals that present a very high risk to the water environment. This has been followed by the applicant, and whilst it is disappointing that this is considered the best course of action, it is supported by the council in this regard noting the requirements of policy GI7iii. The provision of an extension to the cemetery is one of a number of open space typologies suitable to be provided within the open space provision to the south boundary of the site.

### Outdoor Sport

5.48 Local Plan policy HW3 (Built Sport Facilities) recognises that accessible sports facilities are an integral part of encouraging people to be more physically active, tackling obesity, and improving the physical and mental health of communities. Built sports facilities as defined in the Council's Built Sports Facilities Strategy include swimming pools, artificial grass pitches, sports halls, indoor bowls and specialist indoor facilities and specialist outdoor facilities. In addition, indoor tennis courts, multi-use games areas, athletics tracks and cycle tracks along with the associated supporting infrastructure (changing rooms, club house) would be considered to form built sports facilities.

5.49 Developments that place additional demands on existing built sports facilities will be required to provide proportionate new or expanded facilities to meet the needs of future occupiers. Developer contributions will be sought to provide these additional facilities. For strategic sites, facilities should be provided on-site where possible. 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.

5.50 The applicant's Site Wide Recreation and Open Space Strategy SWOSS provides an audit of existing built sports facilities and their current capacity and further detail on matters pertaining to open space and recreation provision. As outlined in the Built Sports Facilities Strategy many of the sports facilities are on school sites including Wigginton Primary School, Ralph Butterfield Primary School and Headlands Primary School. Other pitch provision in the Haxby and Wigginton Ward include the Ethel Ward playing fields, Wigginton sports and playing fields based at Mill Lane which offers football, squash, bowling, pétanque and tennis.

5.51 The SWOSS sets out that as part of the development of the original masterplan, discussion were undertaken with local sports clubs including Haxby Town Junior Football Club (HTFC), North Riding County Football Association (NRCFA), Wigginton Grasshoppers (no feedback provided) and Haxby Netball Club (HNC).

5.52 HTJFC outlined that there was need for new provision to help with growing the girls teams in terms of pitch capacity and they would be keen to take control of any new facilities to be delivered on site. They outlined that in terms of supporting infrastructure a secure storage area and hot drink kiosk would be useful with changing rooms whilst helpful are not completely necessary. There is a general consensus from HTJFC and NRCFA that there is a requirement for more football facilities in the area; NRCFA continue to highlight that all-weather pitches which would include floodlights are required.

5.53 The Haxby Netball Club advised that their current facilities at the Ethel Ward playing fields are unsafe and in need of full refurbishment along with new courts. Previous quotes indicated that investment in their facilities would be around £55,000. Verbal discussions with the Council's Community Sports Development Manager indicate that some of these works have already been completed (such as the fencing) although the re-surfacing still needs to be undertaken (cost of £30,000 approx.) and notes that this could feature enhanced surface for other sports (tennis and football for example) to be played on the courts.

5.54 The applicant has outlined that there is a deficiency in sport provision and will provide 1.65ha of sports provision on site which will be in the form of a junior football pitch. Based on 700 dwellings, 2.73ha of sports provision would be generated, leaving a shortfall of just over 1ha. The applicants outline that a contribution to offset the shortfall in on-site provision is offered.

5.55 Sport England, as a non-statutory consultee due to the size of the proposed residential development, which also seeks to provide playing pitches and opportunities for sport, have objected to the application seeking clarification as to what sport facilities are being proposed on site, and contributions of any in lieu of any on-site and off-site provision. More recently, they have indicated that they will leave the decision with the Council to determine if the application has provided the



correct range and types of sport facilities to meet an identified demand based on an evidence base as required by the NPPF.

5.56 In terms of national sporting bodies, the Rugby Football Union (RFU), Rugby Football League (RFL), Lawn Tennis Association (LTA) and England Cricket Board, there was overall agreement that on-site provision would not meet an identified demand, and that a financial contribution to existing facilities in lieu of on-site provision would be more beneficial to the growth of each of the sports consulted.

5.57 In terms of rugby union, New Earswick Sport Club is considered preferential by the RFU for any off-site contributions, due to Nestle Rowntree RUFC returning to this site, which also hosts cricket, rugby league and tennis.

5.58 The Football Foundation (FF) have confirmed (in the consultation response dated 16 April 2024) that there are existing grass football pitch capacity shortfalls for youth/junior exacerbated by anticipated by future growth to include a future shortfall for adult pitches. They agree that the provision outlined in the application could meet an identified demand, particularly where Haxby Town are concerned, who have recently been in touch with North Riding Football Association regarding facilities and the need for access to additional pitches due to the growth of the club. It is also outlined that there is a need for 3G pitches in the north sub-area.

5.59 Sport England's playing pitch calculator (PPC) (based on 800 homes) suggests that demand arising from the proposed development equates to one adult grass pitch and two changing rooms. The applicant is proposing one junior sized football pitch, which Sport England and the FF indicate as being of relatively low strategic value to football, especially without the provision of ancillary facilities. There is a major shortfall of accessible 3G pitches in the north of York, and it has been suggested that an off-site contribution to other sites, guided by the Playing Pitch Strategy, would be favourable, unless additional pitches were proposed to develop multi-pitch onsite provision.

5.60 One of the key matters raised by Sport England in terms of the on-site provision is the lack of access, consideration of parking or ancillary football facilities or toilets to enable its use for informal sport. This is more acute now that the primary school has been removed from the proposals, which would have enabled a community use agreement for sharing of some of these facilities. However, given the outline nature of the application, ancillary facilities to serve the informal sport provision will come forward as part of reserved matters.

5.61 The Council's Community Sports Development Manager welcomes the promotion of additional on-site sports space for the provision of football, with the identification to support girls' football in the area. It is highlighted that ancillary facilities (changing rooms, toilets, kitchen and storage) would be welcomed to facilitate this.

5.62 In terms of providing an off-site contribution for the shortfall in on-site sport provisions, calculations have been provided, which outline that a contribution of **£210,444** would be required. The applicants have agreed to this contribution.

#### Open space provision that satisfies policies GI2a and GI6

5.63 Policy GI2a (Strensall Common Special Area of Conservation (SAC)) seeks safeguards regarding development directly with the management of the Strensall Common Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). The application site is situated within the 'zone of influence' of Strensall Common and part b of policy GI2a requires the provision of open space within allocated housing sites as mitigation to compensate for increase recreational pressure that Strensall Common is likely to be subject to.

5.64 Strensall Common is one of the largest areas of lowland heath in northern England. Extensive areas of both wet and dry heath occur and form a complex habitat mosaic with grassland, woodlands/scrub and ponds. The heath is subject to considerable recreational pressure from visitors, especially those with dogs.

5.65 The Habitat Regulation Assessment (2020) and Addendums (2023) establishes that adverse effects on the integrity of the common cannot be ruled out without mitigation, in the form of suitable natural greenspace and other measures as may be considered necessary. Suitable Alternative Natural Greenspace (SANG) is the name given to green space that is of a quality and type suitable to be used as avoidance measure. Natural England (NE) guidance states that other functions may be provided within the SANG, as long as this does not conflict with the specific function of mitigating visitor impacts. Some of the essential features of a SANG (as stated in NE's Guidelines for Creation of Suitable Alternative Natural Greenspace (2021)), is that it should be a circular walk of 2.3-2.5km, it must be perceived as semi-natural spaces with little intrusion of artificial structures, access must be largely unrestricted with plenty of space provided where it is possible for dogs to exercise freely and safely off lead.

5.66 The applicant sets out that part of the mitigation includes the provision of at least 12.95ha of public open space/greenspace (including an off-site biodiversity area of 1.57ha) and a walking route of 3km that is contained within the proposed greenways and semi-natural areas with an extension into an off-site area (the blue line land, which is still in the control of the applicants). Natural England have withdrawn their objections based on these mitigation measures being secured in perpetuity either through an appropriate planning condition or planning obligation.

5.67 Officers are content that the mitigation measures presented in the revised application including the open space/greenspace and the design and layout of the

SANG will provide suitable alternative to effectively discourage recreational use of Strensall Common SAC.

5.68 In contrast, Public Rights of Way (PRoW) officers have sought that given the size of the development, they have requested that the SANG walking route is formally dedicated to the public as bridleway or cycle path. Officers consider that this would conflict with the aims of the SANG; it should be perceived as semi-natural spaces and would potentially give rise to conflict between cyclists/horse-riders and dog walkers. It is noted that Crooklands Lane, which runs north/south within the site does not form part of the SANG (although there will be crossing points with it) and proposals for that particular corridor are discussed elsewhere in this report (section: Highways (matters not addressed above in the report)). Whilst officers would seek to take opportunities to optimise pedestrian and cycle integration, connection and accessibility in and out of the site, weight on this occasion is given to addressing the recreational pressures on Strensall Common SAC.

### Habitat Regulations Assessment

5.69 A shadow Habitats Regulations Assessment (sHRA) has been produced by the applicants to inform an Appropriate Assessment (AA) (Appendix 9.8a Report to inform a Habitats Regulations Assessment, dated 2 December 2024). The Council, as competent authority is responsible for producing the HRA and being accountable for its conclusions.

5.70 NE advise that having considered the sHRA and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, providing that they are appropriately secured in any grant of planning permission, concur with the assessment conclusions.

5.71 This application was considered in light of the assessment requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 by City of York Council which is the competent authority responsible for authorising the project and any assessment of it required by the Habitats Regulation.

5.72 Following the appropriate assessment and the consideration of all mitigation measures the competent authority was able to ascertain that the project would not adversely affect the integrity of any European site. In making that decision the competent authority took account of the potential for the project to contribute to cumulative effects of other plans or projects.

5.73 In reaching the conclusion of the assessment the competent authority took the following documents into account:

BSG Ecology – (April 2025) Appendix 9.8 A: Land North of Haxby, Report to Inform a Habitats Regulations Assessment.

5.74 Natural England were consulted on this conclusion and have no objection to the outcome the HRA appropriate assessment. This is subject to securing mitigation measures detailed within the HRA via appropriate planning conditions.

**iv. Create new local facilities, subject to viability, to provide an appropriate range of shops, services and facilities to meet the needs of future occupiers of the development.**

5.75 There are no new local facilities in respect of shops, services and facilities to be provided. In terms of retail provision, York city centre is supported by a network of district and local centres and neighbourhood parades, which are supported by Local Plan policy R2 (District and Local Centres and Neighbourhood Parades). An assessment of these networks has been undertaken to enable classification of each centre and understanding their role is set out in the Council's Retail Study Update and Addendum (2014).

5.76 In the retail study update and addendum, Haxby has been assessed to perform a role as a district centre, providing a wide range of retail and services which respond to typical weekly retail service and community requirements. One of the key characteristics of a district centre is that it caters for a wider catchment than the immediate locality. The retail study outlines that in terms of convenience provision, Haxby is anchored by a convenience (Sainsbury's) store with additional provision (Co-op), two bakeries, greengrocers, a delicatessen, an off licence and newsagents, along with a good range of retail, leisure and financial and business service units. It is noted that during the course of the assessment of this application, and very recently, the Morrisons Daily which included a post office, which was additional convenience provision, has closed down. Local plan retail policies, specifically policy R2 seeks to ensure that the function of district centres are maintained and enhanced to support its vitality and viability.

5.77 Officers agree that given the proximity of the development site to the district centre in Haxby and the shops and other services and facilities that are provided by the district centre, provision of such facilities within the application site are not required, which could detrimentally impact the vitality and viability of Haxby district centre.

Community Facilities

5.78 Local Plan policy HW2 (New Community Facilities) requires an audit of existing community facilities and their current capacity. As outlined in para. 6.5 of the Local Plan, community facilities can include libraries, post offices, public houses and community meeting points. Developments that place additional demands on

existing services will be required to provide proportionate new or expanded community facilities, to meet the needs of existing and future occupiers. These should be provided on site, or where on-site provision is not possible due to site constraints, or where the council agrees provision could better meet need elsewhere, developer contributions will be sought to provide new or expanded facilities.

5.79 The applicant's Health Impact Assessment) (HIA) has undertaken an audit of the community centres/facilities within 2km of the site, although this does not assess their current capacity. It is noted that in closest proximity to the application site is the Oaken Grove Community Centre (350m approx. south) and Wigginton Recreation Hall (450m south west). In terms of the Oaken Grove Community Centre this is run by the Haxby and Wigginton Youth and Community Association and incorporates the Haxby and Wigginton Explore library. There are a number of community groups who use the space and four rooms available to hire. Moreover, the building is wheelchair friendly.

5.80 On balance, officers do not consider that there is a deficit in the locality of community facilities within the locality, and the provision of these community facilities, subject to securing appropriate active travel connections will be appropriately located close to the application site.

**v. Provide a new primary school or required financial contributions to existing local primary and secondary facilities to enable the expansion to accommodate demand arising from the development.**

5.81 The calculation of primary and secondary education, including sixth form and SEND is based on the provision of family housing. One-bedroom flats or houses will not be suitable for families and they are therefore excluded from the contributions. However, the applicants have not provided a full housing mix, outlining that they anticipate a range of house types and sizes, which at this stage include 1, 2, 3, 4 and 5-bedroom dwellings and a mix can be established via reserved matters, and legal agreement.

5.82 The applicant however has provided some clarity regarding the expected number of 1-bedroom units for calculating expected yields when considering the education requirements. The applicant sets out (para. 3.2.6 Updated Planning Statement Addendum, November 2024) that they have attributed 4% of the proposed dwellings as 1-bedroom (equating to 28no. dwellings overall). More recently, the applicant provided a mix in their justification statement relating to Gypsy and Traveller Pitches, which is now appended to the Planning Statement Addendum (April 2025). This maintains that it is expected that 4% of the proposed dwellings will be 1-bedroom. Therefore, for the purposes of the education request, calculation are based on 672 eligible dwellings.

## Primary Provision

5.83 There have been significant and ongoing discussions between the applicant and the Council's Education Team. Initially, based on the original 800 dwellings (with 4% of those identified by the applicants as likely to be 1-bedroom and therefore excluded from any calculations), a 1fe (form entry) primary school with the capacity to expand to a 1.5fe primary school was negotiated and included on-site.

5.84 During the previous proposal (December 2024), the reduction to the number of dwellings from 800 to 640 (and subsequent calculations based on 614 dwellings (96%) as 2+ bedrooms) it was agreed that a new primary school on site is less likely to be viable in the long-term. Therefore, the Education team agreed to the withdrawal of the on-site primary school with the expansion of one or more of the existing schools in Haxby and Wigginton.

5.85 The increase to now provide 700 dwellings (and subsequent calculations based on 672 eligible dwellings (96%) as 2+ bedrooms) has not altered this position regarding an on-site primary school, which is less likely to be viable in the long-term. Additionally, it is noted that the primary expansion contribution remains the same as the previous request based on 640 dwellings.

5.86 There are three existing primary schools in Haxby and Wigginton; Ralph Butterfield Primary, Wigginton Primary and Headlands Primary. The physical capacity of these primary schools is limited and do not currently have space for the estimated yields from the development. It is noted that the published net capacity of Ralph Butterfield is 350 which includes space used by the Haxby Playgroup for over 10 years. It has also recently reduced its published admissions number (PAN) from 50 to 45 because it was unable to manage consistently with year groups of 50 to create viable classes in the space available. Officers note that the calculation of surplus places should include a 5% operating surplus to enable in-year admissions.

5.87 The primary yields for this development justify a request to expand primary provision. There is not sufficient land to expand any school to more than 2fe so the yields must be split between 2 or more schools. Based on the initial need for places, the minimum expansion required would be to expand one school from 1.5fe to 2fe, noting that it is necessary to expand to a size which can support full classes of 30. An initial contribution is therefore requested to expand one primary school to 2fe.

5.88 The development is projected to take longer to build and mature than the Education team are able to forecast capacity. If forecasts, during the build show that, even with the initial expansion, there is insufficient capacity for the projected yield, a contribution for a second 1.5fe to 2fe expansion will then be required. The trigger points for reviewing a decision on this secondary contribution will be agreed with the applicants.

5.89 The maximum capped contribution for expansion, based on projected pupil yield if insufficient surplus places = **£5,279,260**.

- minimum contribution of £2,639,630 required to expand and reconfigure one school to 2fe. Second contribution of £2,639,630 to be triggered by LA if and when necessary based on project places and pupil yields at review points as development matures.

#### Secondary and Sixth form provision

5.90 The Education team note that several developments have prior planning permission to take up surplus spaces at Joseph Rowntree School and Huntington School. These developments are anticipated to yield 500+ secondary-aged children when in a steady state. A secondary contribution is requested, based on a formula and trigger points accounting for any additional surplus places to be available.

5.91 It is noted that the Education Team provided secondary and sixth form contributions together, however the applicants have sought to split these, and consider secondary provision and sixth form provision separately.

5.92 The applicant has agreed to a secondary contribution (11-16yr olds) of **£3,793,408**, which is in line with CYC request.

5.93 In terms of sixth form (16-18yr olds), CYC request, based on 672 eligible dwellings, is **£1,738,858**.

5.94 The applicant sets out in their Education Applicant Offer letter dated 14<sup>th</sup> April 2025 that with regard to sixth form provision, sixth form providers nearest to the development are under capacity; Joseph Rowntree School has a capacity of 300 places in Years 12 and 13 but only 167 students enrolled as of the previous academic year. Huntington School is also under capacity in sixth form in the previous academic year. The applicant states that this reflects wider regional and national trends of declining post-16 enrolment. Therefore, they consider that the requested contributing is not supported by evidence and is not considered to make the development acceptable in planning terms (one of the legal tests for planning obligations).

5.95 The applicant has not agreed to a financial contribution for sixth form provision within a S106 agreement.

#### SEND provision

5.96 A contribution is requested for the steady yield for SEND education provision (calculated from DfE yields) and Home to School transport costs (in line with DfE guidance).

SEND provision – off-site (formula-based contribution based on likely yield) = **£1,216,183**

SEND Transport (formula-based contribution based on full likely yield, non-refundable) = **£40,500**

5.97 In respect to SEND Transport, the applicants offer of a financial contribution matches CYC's request. However, in terms of SEND provision, the applicant has offered **£1,111,028** outlining that this is a modest contribution (shortfall of £105,155). Officers note that this contribution is the same as per the CYC request when the applicants sought 640 dwellings (614 eligible dwellings) and hasn't taken into account the increase in the overall number of dwellings to be provided on site.

5.98 In conclusion, the applicant's education offer is accepted by the Education Team if the housing mix remains approximately the same. Officers consider that there could be some variation to the housing mix to align more closely with the LHNA, although this is likely to be in respect of the 2-, 3- and 4+- bedroom dwellings, with officers noting the potential impact a significant increase in 1-bed dwellings could have on yields and education requirements. However, the applicant has proposed 4% of dwellings to be 1-bed with the LHNA recommending 5% although such an increase (based on 700 dwellings) would equate to an additional 7 dwellings (5% = 35 dwellings and 4% = 28 dwellings).

5.99 The Education request has at all times acknowledged that whereas there are currently surplus places in schools in the local area, nobody can forecast how many places will be available on completion and subsequent occupation of the development. The total amount shared is a maximum capped amount that will account for contemporary projected surplus places.

5.100 The assessment in respect of early years provision is below in the 'childcare provision' section of this report.

5.101 The applicant states (para. 3.2.12 Updated Planning Statement Addendum) that the provision of an on-site school raised some objections during the application's consultation; indeed, a number of local residents suggested that a provision of school on-site would impact the existing local primary schools as well as concerns on traffic impacts on the local highway network. There were however a number of objections concerning primary and secondary education, including how school places have been projected and that the applicant's predications on surplus places and calculations were misleading. It was also outlined that on-site primary provision is vital and a real asset for the community, and that the removal of the primary school on site would place more pressure on existing schools in Haxby and Wigginton, which were already experiencing significant strain.



5.102 Officers, along with the Education team have thoroughly assessed the impacts of the proposed residential development, noting the variation in the number of dwellings during the course of the application, which has meant that the approach to education has had to be revisited during the course of the application. Guidance from DfE (pupil yields dashboard) has been used consistently when determining the yields arising from the development to ensure that this provides a suitable evidence-base. Planning obligations for developer contributions for education infrastructure, as outlined above are recommended to mitigate the impact of development. The DfE has non-statutory guidance which has been produced to aid local authorities develop and apply long-term evidence of pupil yield from housing developments, to inform local plans and planning decisions and justify developer contributions towards education.

5.103 For clarity, the Education team and officers have agreed with the applicant's education offer towards existing primary and secondary education facilities, which will be included within a S106 agreement:

Primary	= £2,639,630
Primary Review	= £2,639,630
Secondary	= £3,793,408
SEND	= £1,111,028
SEND Transport	= £40,500
Total	= <u>£10,224,196</u>

**vi. Provide a suitable drainage strategy to ensure there is no increase to existing agricultural run-off rates and existing drainage ditches are maintained and enhanced. The strategy should be developed in conjunction with the Council and required statutory bodies and should ensure that the development will not exacerbate any existing issues with surface water and drainage owing to the site being flat with a high-water table. The drainage scheme will need to connect to the Strensall and Towthorpe Waste Water Treatment Works to the north of the site given capacity issues within Haxby.**

5.104 An updated Flood Risk Assessment and Drainage Strategy (Ref: 0489/3/FRA Rev 7 dated 9 April 2025 by Egorum) sets out that in terms of surface water, this will discharge from the development via a pumping station to the Foss (Internal Drainage Board (IDB) maintained watercourse, Wigginton Drain; the discharge rate is proposed at 18.5 l/sec.

5.105 In respect to surface water disposal, it is confirmed that following testing, soakaways will not work at this site. The LLFA as well as the Foss IDB have agreed the method of calculating the permitted discharge rates. The point of connection and discharge rate is yet to be finalised and can be once the masterplan is formally

agreed. A drainage strategy could be designed for this greenfield site via reserved matters approvals and conditions.

**vii. Connect the site to the public sewer network, which will incur additional costs. Developers will need to work with Yorkshire Water in developing a suitable scheme.**

5.106 In regard to sewage treatment, Yorkshire Water (YW) outlines that the receiving Haxby Walbutts Waste Water Treatment Works (WW TW) cannot currently accept the additional load that would be generated – the maximum development that can be accommodated without detriment to the treatment process is 500 dwellings.

5.107 Further information has been provided by Yorkshire Water who state that as this is an allocated site they (YW) are obliged to provide the necessary upgrades; there are no planned upgrades for Haxby Walbutts WWTW as part of the current Asset Management Period (AMP) (a five-year period in which YW assess what needs upgrades and assign money). The WWTW is nearing capacity so it will be under consideration for upgrade for the next AMP period, however they cannot give any reliable forecast until phasing plans are provided. Yorkshire Water have set out that the funding required is undertaken through an internal process, and that they do not enter into receiving commuted sums via S106 agreements and CIL tests.

5.108 The applicant has set out that approval is needed prior to Yorkshire Water beginning the process of accessing and implementing the necessary upgrades.

**viii. The transport and highway impacts of the development should be assessed individually and cumulatively with sites ST7, ST8, ST14 and ST15. Where necessary proportionate mitigation will be required.**

5.109 The review and modelling of traffic impacts on the highway network and junction assessment took due account of sites ST7, ST8, ST14 and ST15, as far as is reasonably practicable, taking into account estimated yield where applicable. The modelling and impacts have been agreed and the mitigation measures proposed by the applicant are proportionate. The four off-site highway junctions that are subject to necessary improvements to increase the capacity are at the A1237 junctions with Wigginton Road, Haxby Road, Strensall Road and Monks Cross Link Road/New Lane.

5.110 The applicant has offered a contribution equating to circa **£449,000** to deliver the mitigation measures, to enable capacity to be increased at these junctions including kerb realignment. The Council's consultants (AECOM) have reviewed and verified the applicant's latest costs and have found that there is a considerable disparity between AECOM's and the applicant's estimates. This disparity equates to £1.03 million (AECOM's estimate is £1,476,561.43). The disparity is because the

works would also include the embankment being widened, set back to the face of the vehicle restraint system from the kerb and required clearance.

5.111 The Council has advised that these mitigation measures could be carried out by the developer as off-site works (and the Council would agree the scheme) agreed under a condition and subsequent s278 agreement, unless the applicant agrees to the costs, which can then be secured under S106 planning obligation.

5.112 Subject to the implementation of the mitigations described above, the proposed development would have neither an unacceptable impact on highway safety nor a cumulative impact on the highway network.

**ix. Provide highway access to the site from Moor Lane on the West side, with secondary access from Usher Lane on the East side. Improvements would be required both to the junction of Moor Lane with The Village and Usher Lane/Station Road to improve safety and visibility. The scheme should seek to minimise the amount of trips using the Usher Lane/Station Road junction due to existing capacity and safety issues. Alternative access should also be explored in relation to this site.**

5.113 At present the footways on the main highway routes to the site – Moor Lane and Usher Lane – terminate south of the site. The illustrative plans show 3no. additional pedestrian access points into the site on each frontage. Additionally, vehicular access to the development will be via two new junctions from Moor Lane and two new junctions from Usher Lane.

5.114 Plans have been submitted showing the proposed vehicular accesses into the site at both Moor Lane and Usher Lane, and the principle of these locations are deemed acceptable. Updates to the access drawings have been provided, however officers have not been able to assess these prior to this report being published. Members will be updated at the meeting in respect to these plans.

5.115 Highway officers initially suggested that consideration should be given to the implementation of a 20mph speed limit on Moor Lane and Usher Lane, from the respective junctions with The Village and Station Road, to allow cycling from the site Haxby town centre (and beyond) to be safer and more attractive. However, after further consideration and reviewing DfT guidance (Circular 01/2013, revised March 2024) officers now consider that this would not be the most appropriate solution, and that extending the 30mph speed limit on Moor Lane and Usher Lane is a better solution.

. An agreement from the applicants to secure a contribution towards the process for amending the Traffic Regulation Order (TRO) has been agreed. The process of implementing the TRO shall be dealt with via condition. Whilst assessment of the access plans have not been fully undertaken, they do show a 3m wide shared pedestrian/cycle route along the site's frontages (both Moor Lane and Usher Lane)

and initial assessment suggests that this provides a much higher level of segregation and protection than is offered by a lightly segregated on-road cycle lane resulting in there no longer being an intrinsic need to reduce the speed limit to 20mph. Extending the 30mph speed limit would suffice in this regard.

5.116 The only other potential alternative vehicular accesses would be to the existing cul-de-sacs to the south of the site, although access would be through the southern open space buffer. To the north, the site is landlocked. Therefore, the proposed vehicular accesses onto Moor Lane and Usher Lane are the most practicable and deliverable.

**x. Optimise pedestrian and cycle integration, connection and accessibility in and out of the site and connectivity to the city and surrounding area creating well-connected internal streets and walkable neighbourhoods, to encourage the maximum take-up of these more ‘active forms of transport (walking and cycling).**

5.117 The Chartered Institution of Highways and Transportation (CHIT) document ‘Planning for Walking’ (2015) (para. 6.3) advises that most people will only walk if their destination is less than a mile away and walking neighbourhoods are typically characterised as having a range of facilities within 20 minutes walking distance (around 800m). The propensity to walk or cycle is not only influenced by distance but also the quality of the experience. It further states that people may be willing to walk or cycle further where their surroundings are more attractive, safe and stimulating, highlighting Transport for London (TfL) “5C’s” of good walking networks (Improving Walkability, 2005). The 5C’s are:

1. connected – walking routes should connect all areas with ‘key attractors’ i.e. public transport, shops, schools, work, leisure
2. convivial – should be pleasant to use – be safe, inviting and enlivened by diverse activities
3. conspicuous – routes should be clear and legible (signposting and waymarking)
4. comfortable – rest and shelters should be provided and high-quality pavements
5. convenient – routes should be direct and designed for the convenience of those on foot

5.118 Whilst officers consider the aforementioned CIHT document to be the standard guidance, Active Travel England (ATE) has published a series toolkit, including the ATE Planning Application Assessment Tool to evidence and assess the active travel merits – walking, wheeling and cycling – of a development proposal in providing high quality, safe and accessible infrastructure to enable people of all abilities to walk, wheel and cycle and reduce car dependency. In terms of pedestrian access to local amenities (which ATE identify as food shops, parks, pubs, cafes, community centres, post offices, public transport nodes, schools and GP surgeries) ATE also consider within 800m to be an accessible walking distance. Additionally, to

meet these criteria footpaths/ways should conform to the National Design Guide standards of being safe, direct, convenient and accessible for people of all abilities.

5.119 National cycling infrastructure guidance is provided by the Department for Transport (DfT) Local Transport Note Cycle Infrastructure Design (LTN 1/20). It should be applied to all changes associated with highway improvements, new highway construction and new or improved cycle facilities. The five core design principles to achieving more people travelling by cycle or foot are identified as **coherent**, **direct**, **safe** and **comfortable** and **attractive** networks and routes. The guidance also contains tools - The Cycling Level of Service (CLOs) and the Junction Assessment tools (JAT) - which set minimum quality thresholds for cycling and walking schemes.

5.120 The TA details that there are a range of amenities, including 4no. primary schools, supermarkets, convenience stores, dentists and GPs within a walking catchment of 1km and 2km from the site. Albeit that one of the primary schools (Robert Wilkinson Primary) is close to being 2km distant.

5.121 The applicant identifies that there are existing residential streets to the south of the site, and it is proposed that these will provide suitable pedestrian routes, to link to Oaken Grove, and then The Village. The Police Architectural Liaison Officer (PALO) identified that these footpath connections could detrimentally impact the security of the existing residential development by creating 'leaky' cul-de-sacs. The applicant has reduced these footpaths connections to Larch Way and Lowfield Drive, with the connection from Ash Lane removed. These footpath connections through the amenity open space will provide a 3m wide shared pedestrian and cycle route. Within the site, these footpath connections will connect to the 3m wide shared pedestrian and cycle route that forms the circular SANG route.

5.122 Officers acknowledge that the SANG should primarily form a walking route, to provide the adequate mitigations from impacts from walkers (primarily dog-walkers) from Strensall Common and the combination of a pedestrian and cycle route for its length could have a detrimental on the ability of the SANG to fulfil its primary purpose. However, having cycle and pedestrian links in the southern open space buffer is critical for pedestrian and cycle integration in and out of the site and to potentially provide active forms of transport to the playing pitch and allotments. A condition requiring a strategy relating to the SANG and open space provision as well as pedestrian and cycle routes being developed through a masterplan and Development Framework Document are sought. The SANG walking route could take on an alternative route in the southern buffer of the site, along with the potential for separate cycle routes, although officers are mindful of the potential impact on the useable open space arising from extensive infrastructure as a result of segregated pedestrian and cycle routes. An informative is included as a reminder to the applicant that elsewhere the SANG walking route shall in all respects be primarily for walkers.

5.123 The application is supported by an Active Travel and Public Transport Audit ("the Audit") to inform the accessibility of the site by active travel and public transport. Additionally, the applicant has reviewed the information presented and has updated their assessment of the surrounding footpaths and highways to consider comments of officers. These have been reflected in a revised Travel Plan (Rev E).

5.124 Initially, a number of pedestrian/cycle routes from the site to the centre of Haxby were identified by the applicant, however a number of these have been removed to take account site specific features:

- Cyprus Grove - a connection from the site to the adopted highway can't be made of a piece of intervening land that appears to not be under the applicant's ownership;
- Crooklands Lane – this is a private road and only leads to Usher Lane

5.125 In respect to other matters that have been raised by officers, the applicant addresses these in the following way:

*- many of the connecting footpath links at the southernmost ends of the cul-de-sacs of Elder Grove, Acacia Grove and Hawthorn Avenue linking to North Lane are too narrow to be used as cycle routes and cannot be widened, because of the immediate proximity of adjacent private dwelling boundaries – the applicant considers that although narrower than current standards, the routes are suitable for cyclists.*

*- existing and future traffic volumes on The Village and Station Road are not conducive to cycling, even though the part of The Village through Haxby town centre is subject to a 20mph speed limit – the applicant considers that these roads are suitable for cyclists and are currently being used by cyclists, and also state that there are far more busier roads in York city centre that are used by cyclists.*

*- improvements such as informal pedestrian crossings with tactile paving on footways are required at various road junctions – the applicant has undertaken a review of the existing pedestrian crossings and now proposes to 5no. uncontrolled pedestrian points in the form of tactile paving and dropped kerbs within the existing residential areas south of the site to improve pedestrian connectivity. (These locations are outlined in para. 1.28). The highways officer has requested an additional pedestrian crossing with tactile paving at the Larch Way and Elm End junction, which along with the other 5 highway improvement works, can be dealt with by off-site works condition.*

5.126 The majority of cyclist will be directed onto Usher Lane and Moor Lane. Along the site boundaries the access drawings show a 3m wide shared pedestrian and cycleway, which will then transition onto the carriageway.

5.127 The applicant has also identified a quiet cycle route through residential roads from The Village to the south, which can then link with the existing on-road cycle route on York Road. This route is identified as South Lane, then Old Orchard then Holly Tree Lane, joining onto York Road. They propose additional signage to direct users to the route. The highways officer considers that this proposed route is long, enclosed and too narrow and are not suitable to be promoted for cyclists. They recommend an alternative route from The Village to Eastfield Avenue/York Road junction via residential streets west of York Road, however details of a route shall be secured by condition, to allow for alternative routes to be investigated.

5.128 Other transport matters, accessibility by public transport (bus provision) and travel plans are discussed below in the 'highways' section of the report.

**xi. Protect and enhance existing valuable landscape features including field patterns, mature hedgerows and trees. Development should minimise the impact on the landscape and setting of the village and reflect the character and rural setting of the surrounding area. Views into the site are limited as the site itself is mainly enclosed and well screened by mature trees and hedgerows which should be retained. New strong defensible landscape boundaries should be created and the historic field patterns should be protected and the layout of the development and the open space should be designed to integrate these narrow medieval strip fields.**

5.129 There is general conformity that the indicative parameters/land use plan is logical, retaining and following/utilising a number of natural features including hedgerows and field patterns. There are a number of areas of concern however, particularly with the lack of integration of playing areas and other open spaces within the residential areas especially the two larger areas in the northwestern corner and on the eastern edge of the site, although conditions and reserved matters approvals can help to ensure that these types of areas are provided and integrated within the residential zones.

5.130 There is currently a strong sense of leaving Haxby village and entering open rural countryside where the built form ends adjacent to the cemetery, marked by the bend in the road. It is important that to transition from the village to the countryside, the development has a generous set back from Moor Lane to include generous grass verge and large-species trees and to accommodate existing, mature, boundary trees.

5.131 A blanket 14m building line along the northwestern and northern boundaries has now been removed from the parameters plan/land use. This was imposed following a request from the Council's Landscape Architect following their

consultation dated 11 June 2024, which sought to “annotate green corridors with minimum widths (10m), plus a minimum distance of 14m between the inner edge of the green corridor and the face of the nearest dwelling for the different landscape types along the northwest and northern boundary, in order for the proposed vegetation to achieve the envisaged screening properties and sustain a robust and mature setting and sense of place for the development.”

5.132 Officers were concerned that the line appeared to be applied too rigidly to the boundary with Moor Lane. In addition, with such a building line it is difficult to fully understand the effect it has on housing numbers and density, without indicative layouts. The 10m for the green corridor is maintained and the enhancement in this location is welcomed. Conditions and reserved matters can be used to ensure that these green corridors are secured and protected with additional screening and natural open space is considered further when designing the housing layouts.

5.133 Details have now been provided in relation to sight lines to the accesses into the site. It is unclear however as these are highway drawings, what the extent of loss of hedgerow removal will be along Moor Lane and Usher Lane as an arboricultural impact assessment has not been provided alongside these drawings. In respect to Moor Lane, excessive removal of hedgerow could detrimentally impact the extent and success of the green corridor to achieve the screening and sense of place for the development. Without information to the contrary, officers can only presume the worst-case scenario, in that significant length of hedgerow would be required to be removed which is likely to have a detrimental impact to the green corridor. This could however be dealt with via conditions and reserved matters approvals.

5.134 In terms of Usher Lane, the transition from village to open countryside is more abrupt than on Moor Lane. The views along Usher Lane in proximity to the site are under greater influence from existing housing development that wraps around the south-east corner of the site. The open space, proposed within the southern and northern part of the development helps to break this up.

5.135 In respect of wider views of the site (Crossmoor Lane, the northern extent of Usher Lane and Moor Lane) the site's location presents a relatively contained, suburban extension that relates to the existing village edge. Existing vegetation provides some screening of the site from these surrounding lanes, however given the height, scale and density of development, the peripheral build development would be visible, especially in the 5 months of the year when leaf cover is reduced/absent.

## **Green Belt**

5.136 At the time the application was submitted and applying the Wedgewood principles (decision of the Court in *Wedgewood v City of York Council* [2020] EWHC



780 (Admin)), the site was assessed as lying within the general extent of the Green Belt. The Local Plan, as of 27<sup>th</sup> February 2025, has been adopted. The Local Plan proposed releasing land from the Green Belt for housing (site allocation ST9), hence the Green Belt boundary being drawn around the edge of the site within the policies map.

5.137 As such, the application site is not Green Belt and the local and national planning policies relating to Green Belt do not apply to the assessment of this application. All objections relating to Green Belt matters have been addressed through the adoption of the Local Plan.

## **Housing**

5.138 Local Plan para. 5.2 states that it is important that the Local Plan delivers not only sufficient housing but also the right type and mix of housing to meet the city's needs, this means ensuring sufficient housing is provided to meet the needs of those requiring affordable housing, specialist housing, homes for young people, older persons accommodation, gypsies, travellers and traveling showpeople, student housing and houses of multiple occupancy (HMO). It should be recognised that households can have a complex set of needs and abilities. It is preferential to keep people living where they need to be as far as possible; should that be in their own purchased home, rental property or a form of special accommodation, whatever their age or disability. As such it is important that the mix and type of housing that is delivered in the plan period provides sufficient choice to meet the broad range of housing needs in the city.

## **Housing mix**

5.139 Local Plan policy H3 (Balancing the Housing Market) requires new residential development to provide a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

5.140 The LHNA Table 5.14 provides the following expected mix for market housing:

1-bedroom	- 5 - 10%
2-bedrooms	- 35 - 40%
3-bedrooms	- 35 - 40%
4+-bedrooms	- 15 - 20%

5.141 The applicant sets out that they anticipate a range of house types and sizes, which at this stage include 1, 2, 3, 4 and 5-bedroom dwellings. To date, the applicants had not provided confirmation regarding housing mix, except to confirm that the number of 1-bedroom units would be 4% for the purposes of calculating expected yields when considering the education requirements. It is noted however, that this falls short of the requirements outlined in the LHNA, noting that changes to

expected housing mix could have implications for education and early years provision.

5.142 The applicant has provided a housing mix following a feasibility study, which is included in their Gypsy and Traveller Pitches justification statement which is appended to the Planning Statement Addendum (April 2025). The housing mix provided sets out the following:

1-bedroom	- 4%
2-bedrooms	- 32.5%
3-bedroom	- 38.5%
4+-bedrooms	- 25%

5.143 Other than the 1-bedrooms as noted above, the provision of two-bedroom properties fall below the LHNA expected mix (3% below) and the provision of 4+bedroom properties are above the LHNA expected mix (5%).

5.144 Noting that the housing mix will generally be dealt with at reserved matters stage, the applicant has proposed a planning condition that responds to the LHNA, provides flexibility while ensuring that the final mix reflects both market demand and the evidence of the LHNA. Whilst these matters can be established via reserved matters, and legal agreement, the housing mix is expected to more appropriately align with the LHNA, with a greater provision of 2- bedrooms and less 4+-bedrooms.

### Older Persons Specialist Housing

5.145 Local Plan policy H9 (Older Persons Specialist Housing) sets out that on strategic sites for residential development proposals should incorporate an appropriate provision of accommodation types for older persons in accordance with Policy H3. Para. 6.40 of the LHNA notes that the older person need equates to 26-29% of all homes needing to be some form of specialist accommodation for older people. The older persons accommodation need for this site (26% of 700 units) equates to 182 units.

5.146 Within this current revision, the applicant is including older persons dwellings, where some specialist accommodation falls within the C2 use class. Officers have agreed with the applicant that due to the outline nature of these proposals; the inclusion of this provision is included within the description of development to provide flexibility. Details shall be reserved for conditions and reserved matters stage, where specialist older persons accommodation and housing can be suitably designed and incorporated into the masterplan. As no specific details have been provided at this stage, it is unknown as to the expected level of delivery, although it is noted the requirements of the LHNA as above and also the potential impact upon

the calculation of education yields/eligible dwellings for the purposes of the education requirements.

5.147 It is acknowledged that if the delivery of specialist older persons accommodation fails to materialise or be delivered, other specialist older persons accommodation may fall within the C3 use class (for example sheltered/extra care) and it is not always a necessity to deliver older person accommodation via C2 use class. The inclusion of C2 within the description of the development at this stage does provide a number of options for delivery by the applicants, which is welcomed.

5.148 The applicants Health Impact Assessment (Assessment Matrix Table 4.1) outlines that generally the development is designed to be suitable for all age groups with the variety in unit mix provides a wide choice and for a wide demographic. Moreover, they state that details will come forward at reserved matters stage demonstrating that homes can be adapted to support independent living from for older and disabled people.

#### Accessible and Adaptable homes

5.149 Accessible and adaptable housing enables people to live more independently, while also saving on health and social costs in the future. Where an identified need exists, local plans are expected to make use of the optional technical housing standards to help bring forward an adequate supply of accessible housing. It is outlined in Local Plan policy H3 that the Council will encourage developers to deliver an appropriate proportion of housing that meets the higher standards of Part M of the Building Regulations. Part M of the Building Regulations requires that all new dwelling to which it applies should be designed to a minimum of M4(1) 'visitable dwellings'. The requirement for M4(3) 'wheelchair user dwellings' will only apply to social and affordable housing, where the end user is known.

5.150 The Council's Housing Officer has requested that: (i) all new homes will be expected to be provided to Part M4(2) 'accessible and adaptable dwellings', and (ii) that 10% of the homes should meet Part M4(3) 'Wheelchair user dwellings' (25% of the affordable homes meeting Part M4(3) requirements).

5.151 Taking the first request (i), the LHNA outlines that evidence sets out that the Council should require all dwellings (in all tenures) to meet M4(2) standards. This commitment can be secured through an appropriate planning condition.

5.152 In respect to point (ii) the request that 10% of all dwellings meeting the M4(3) wheelchair user dwellings standard would not be reasonable. This standard can only apply to social and affordable housing. The LHNA (para. 6.70, p94) outlines that 25% of the affordable homes should meet M4(3) requirements. This however could be secured through legal agreement. The Council's Housing officer outlines that it is through Nominations Agreement within S106 planning obligations that will

enable households with an assessed need for these homes (wheelchair user dwellings) will be prioritised for initial and future allocations.

### Self and Custom Build Housing

5.153 Local Plan policy H4 (Promoting Self and Custom Housing) requires at least 5% of dwelling plots for sale to self-builders or to small/custom house builders on strategic residential sites.

5.154 The requirement at this development equates to 35 plots (based on 700 dwellings). There is no indicative area on the master plan for self and custom build plots. The Council's Community and Self-Build Officer has indicated that pepper-potting doesn't work for a development of this size, with grouping in clusters of c.8-12 dwellings which means that they can be delivered at different times through the life cycle of the development. We would also expect this obligation to be split evenly between developers, unless there was a legal agreement in place for one developer to deliver a higher percentage of the self-build plots. All plots should be 'serviced' including publicly accessible road and all services (electric, water, gas (if on the site), surface water and foul water drainage) up to the boundary of the plots.

5.155 The applicants have stated their agreement to providing self or custom build housing plots in this planning application. The Council's self-build register currently has c.900 people registered and following a recent survey of those on the register, the Haxby and Wigginton ward ranks 4<sup>th</sup> for the most desirable to self-build in. These requirements shall be secured under the S106 planning obligations with a planning condition to develop a strategy including a design code, plot passports outlining delivery and marketing strategy for their delivery.

### Affordable housing

5.156 Local Plan policy H10 (Affordable Housing) sets a target of delivering 3,265 affordable dwellings over the plan period. As a greenfield site, the affordable housing that should be provided as a minimum is 30% (equating to 210 dwellings based on 700 dwellings).

5.157 Within this provision, the Council's Housing Officer has requested that the affordable housing is split with 80% social rented and 20% discount sale tenure. In order to help build mixed and sustainable communities the mix and tenure of affordable homes provided on site should have regard to the latest LHNA (or other available evidence).

5.158 The LHNA Table 5.14 provides the following expected mix for affordable home ownership and affordable housing (rented):

### Affordable home ownership

1-bedroom	- 15 - 20%
2-bedrooms	- 45 - 50%
3-bedrooms	- 25 - 30%
4+-bedrooms	- 5 - 10%

#### Affordable housing (rented)

1-bedroom	- 30 - 35%
2-bedrooms	- 35 - 40%
3-bedrooms	- 20 - 25%
4+-bedrooms	- 5 - 10%

5.159 The Applicant has confirmed its commitment to providing this provision and an affordable housing layout would be approved through reserved matters .

5.160 Officers note that policy requirements stipulate a minimum amount of affordable housing to be policy compliant, however there is an argument that the developers should provide a greater contribution. Policy H10 (i) of the LP sets out that higher rates of affordable housing provision will be sought where development viability is not compromised. It is a greenfield site with no real constraints (in terms of contamination or other enabling infrastructure) and viability has not been an issue raised by the applicants.

5.161 Officers have requested a higher rate of provision of affordable housing with the applicants. In response, the applicants set out that the strategic allocations have been viability tested against all policy requirements, and whilst there isn't the provision of a school, local centre or other community facility, there remains extensive contributions that are being paid. Paragraph 5.52 of the Local Plan sets out that no individual site assessment will be required where proposals achieve the policy requirements of H10.

5.162 The applicant has agreed to providing the policy requirements of H10, that is a minimum of 30% affordable housing, and therefore satisfies the policy requirements in regard to affordable housing.

### **Gypsy and Traveller Provision**

5.163 Alongside the NPPF, the Government have a Policy Paper – Planning Policy For Travellers (Updated December 2024). One of the Government's aims in the policy paper is section c. to encourage local planning authorities to plan for sites over a reasonable timescale.

5.164 Local Plan policy H5 relates to Gypsy and Travellers and takes a sequential approach to the provision of pitches for residential strategic sites whereby pitches are provided within the site or alternative land is provided 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 alternative and available sites that could be secured by the developer. The calculation for this policy sets out that 3no. pitches should be provided.

5.165 The provision of 3no. traveller pitches were not part of the original proposals. They were included within the revisions to the application submitted July 2024 and then subsequently removed from the revisions to the application submitted December 2024. Following extensive negotiations and discussions, the current revised application includes the on-site provision of 3no. Gypsy and Traveller pitches. The applicant however outlines that this should not be interpreted as a departure from their previously stated position, which remains that on-site delivery is not the most appropriate approach in this instance.

5.166 The applicant indicates that the gypsy and traveller pitch requirement would be provided within the application boundary, with the precise location and layout of these pitches to be reserved for reserved matters. Previously, the applicants sought to outline that a suitable location for the required three pitches would be within the residential developable zone located in what was previously the cemetery expansion land (Stantec letter dated 11 July 2024). It is noted that the revisions to the application submitted in July 2024 removed land earmarked to accommodate a cemetery expansion. (The matter of the cemetery extension has been addressed in para's 5.37 – 5.47 of this report). There remains part of the residential developable zone located adjacent to the eastern boundary of the existing cemetery, along with open space to the southern area of this parcel so whilst objections were previously received citing that a position adjacent to a cemetery would be inappropriate, officers do not share this view, and note that it is located within a highly sustainable location within the site, with access off the shared pedestrian and cycle route running through the site east to west and close to public open space. It remains that the applicants have widened the potential location of the pitches to within the application boundary, however it is noted that their position within the site at the expense of open space (amenity or natural) or other community infrastructure would not be accepted. Given the assessment of its location and measures to optimise pedestrian and cycle integration, connection and accessibility in and out of the site and connectivity to the city and surrounding areas, all of these areas within the application boundary, and particularly the residential developable zone are deemed to be suitable for the provision of 3no. gypsy and traveller pitches.

5.167 A number of public comments have sought further detail in respect to the requirements of the pitches. Whilst the Council is currently preparing a Supplementary Planning Document (SPD) covering Gypsy and Traveller pitch design and ancillary requirements for strategic sites the Council during the examination on matters concerning policy H5 'Safeguarding Existing Supply' (undertaken July – September 2024) set out that nationally pitch sizes range from 200m<sup>2</sup> to 500m<sup>2</sup> with the Council's Head of Housing Delivery and Asset

Management confirming to the Council's Strategic Planning Policy Team that in developing of further pitches within the existing Local Authority sites, they would be working from an expected size of 450m<sup>2</sup>, which gives scope for parking areas, amenity blocks on each pitch and other infrastructure to be provided on the site as a whole. The land for pitches at this site therefore would roughly equate to 1,350m<sup>2</sup> (0.135ha) as a maximum.

5.168 Officers consider at this stage, given that there is no SPD currently adopted, that to ensure the delivery of the gypsy and traveller pitches, the land shall be transferred to the Council via S106 agreement, who will then deliver these and provide future maintenance and management of the pitches.

### **Highways (matters not addressed above in the report)**

5.169 Local Plan policy T1 (Sustainable Access) states that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility, such that it maximises the use of more sustainable modes of transport. This will be achieved by:

- i. ensuring developments that can be reasonably expected to generate significant traffic movements are supported by frequent high quality public transport linking them to York's City Centre and other key destination, as appropriate.

5.170 In terms of the proposed development's accessibility by public transport (bus) the site's location and layout are such that only 10% (approx.) of it is within 400m of existing bus routes. The extent of the site within 800m of existing bus routes is, however, 90% (approx.). Both Active travel England (ATE) and Sustrans identify walkable neighbourhoods as being both within 800m to key services and 400m to bus stops.

5.171 The applicants travel plan (rev E) outlines an 11% bus modal share by the year 5 target. This would be achieved through a 'cycle and ride' approach initially proposed by the applicants. This would encourage prospective residents to cycle into Haxby to access the bus service to travel further into York city centre or other destinations. Off-site highway improvements would be required, including the provision of a cycle-hub, comprising of a shelter and 4no. Sheffield cycle stands within The Village. Whilst three locations were identified, a preferential location, adjacent to the Memorial Hall bus shelter has been identified. This would be in addition to a new bus shelter on the south side of The Village.

5.172 The applicant proposed a financial contribution to identify the preferred location and install the proposed cycle hub in this location. That contribution was **£20,000**. Highway officers confirmed that the preferred location was a suitable

location within the adopted highway however given that works would need to be undertaken to extend the footway, the build out costs associated with delivering the necessary highway infrastructure have increased to circa **£60-70,000**.

5.173 The proposed cycle and ride approach would generate an additional 67 peak hour bus trips in the base year, rising to 82 by year 5, requiring at least one more bus. The council estimated that the likely developer contribution to provide the additional capacity to meet the expected increase in demand would total **£925,000** over 5 years.

5.174 The applicant has indicated that they would not be willing to make a financial contribution of **£925,000** over 5 years toward enhancing bus services within a s106 agreement, setting out (within the Planning Statement Addendum, April 2025) that “the site is located within walking distances of existing bus services and survey work carried out indicates that there is sufficient capacity within the current network to accommodate future residents of the development.....The assessment concluded that there is not enough additional demand generated by the development to justify the introduction of a new bus service or route.”

5.175 Officers advised the applicant that this statement did not provide adequate justification or evidence to demonstrate that the existing bus services are adequate to accommodate the additional passenger demand from the proposed development and the application severely lacks access to high quality public transport, which is likely to result in an additional 82 peak-hour car trips on the network over and above the expected 444 ‘driving a car or van’ trips on the network by Year 5 if public transport provision is inadequate and the 11% bus mode share isn’t realised.

5.176 With the above in mind, Highway’s officers have been investigating and believe that there is a reasonable prospect of re-routing the existing service 1A into the site to provide a loop. This would result in at least 85% of the dwellings being within 400m of a bus route if services are looped through the site, as per the applicants suggested/indicative route through the site. This would be an hourly service. A public transport contribution is requested to provide additional frequency and capacity so that a half hour service would be provided.

5.177 The cost estimate for the bus service contribution in total equates to **£450,000**. This would comprise of an initial **£250,000** up-front payment with the remainder **£200,000** due after the completion of either the first 200 or 300 dwellings (to be agreed). The previous contributions relating to the installation of a cycle hub within The Village and bus shelters would not be required; these works would not be necessary because a bus service within walking distance would be provided.

5.178 The applicants have been engaged in discussions regarding this provision and have agreed to the contribution as set out above.



5.179 The preceding paragraphs pertaining to active travel and public transport outline is that is imperative to ensure that measures are in place to optimise pedestrian and cycling integration, connection and accessibility in and out of the site, encouraging more active forms of transport to enable prospective residents to access the range of facilities and services located in Haxby town centre and beyond to York city centre and other key destinations.

5.180 Local Plan policy T7 (Minimising and Accommodating Generated Trips) states that all development proposals that can be reasonably expected to have a significant impact on the transport network must be supported by a Transport Statement (TS) / Transport Assessment (TA) and Travel Plan (TP), as appropriate depending on the scope and scale of the development. In the context of this application, the TS or TA shall demonstrate:

- ii. the mitigation, or other measures to be put into place (through a travel plan or otherwise) to reduce the number of trips generated by the development, particularly by private motorised vehicles; and
- iv. appropriate future monitoring arrangements will be put in place to show the effectiveness or mitigation measures, and if it is shown by monitoring that agreed trip generation thresholds set though a travel plan or otherwise are not being achieved, further measures will be taken.

5.181 The explanation (para. 3.59) to Local Plan policy SS11 sets out that that a TA and subsequent TP should focus on the potential to readily integrate the site with the surrounding area, particularly for walking and cycling journeys to the local facilities.

5.182 With the acceptance of the bus service contribution, the Travel Plan (rev E) targets are much more achievable, particularly in respect to mode split targets, that would align with the Council's aspirations and policies in respect of sustainable travel.

5.183 Other contributions, in addition to the bus service contribution that have been offered by the applicant and agreed are:

- **£637,000** Travel Plan contribution including monitoring. The applicant has confirmed that this includes a breakdown of:
  - welcome pack (£400 cycle/public transport voucher per dwelling) - £280,000
  - Car club membership - £147,000
  - Monitoring of travel plan by CYC £300 per dwelling – £210,000

### **Public Right of Way**

5.184 Policy T1 of the Local Plan sets out that development will be permitted where development proposals demonstrate that bii. there are safe and appropriate links to

local services and facilities, the surrounding walking, cycling and public transport networks (including, where appropriate, the PRow network), and that these integrate into the overall development.

5.185 The NPPF para. 105 states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

5.186 There is a recorded public footpath known as Haxby 1 (18/1/10) (Crooklands Lane) running north/south through the site. It is used by walkers only. This footpath is recorded on the Definitive Map as extending from the rear of No. 34 Lowfield Drive and between the rear of properties on Lowfield Drive and Little Lane down to Oaken Grove, however given the position of private dwellings and garages built over it, this is unlikely to be reopened as a footpath. Public Rights of Way officers have advised that this footpath on the definitive map should have been extinguished although there are no legal orders to say this has been completed, hence it is retained on the definitive map.

5.187 Extending from Usher Lane to the east, Crooklands Lane is a private street (public highway maintained at private expense) which serves about 8 properties. This continues to link to the public footpath (Haxby 1) which continues into the application site. Where the public footpath meets the southern boundary of the application site, adjacent to No. 46 Lowfield Lane, there is a timber bridge over the Crooklands Lane (Foss IDB maintained) watercourse. Haxby 1 then continues northwards, where it joins Crossmoor Road.

5.188 Where Crooklands Lane serves the houses, its surface is gravelled and pot-holed; it is deemed to be unsuitable as a commuter walking/cycling route by officers including highway officers. However, it is noted that within the application site and as part of the SANG circular route, a shared pedestrian and cycle path would extend along the southern boundary of the site, leading to an exit onto Usher Lane and thus provides an alternative route to this part of Crooklands Lane.

5.189 Officers have sought clarity in regard to what the proposals are for Crooklands Lane (the public footpath) to ensure that it will link with other sustainable transport measures/initiative proposed within the site (link to x. of Policy SS11). Previously, the applicants have requested a condition to secure upgrades to the public footpath. Whilst in principle officers consider that this would be a suitable mechanism to secure any upgrades, it was unclear what those upgrades might have consisted of. For example, there is a likely need for upgrades to its width and surfacing but the extent and type of transport modes that will benefit from these upgrades remained unclear. There is the opportunity to accommodate walking, cycling and wheeling and horse riding on Crooklands Lane but consideration should also be given to the potential conflict between these potential users.

5.190 The applicants have updated their expectation for Crooklands Lane, setting out in their Planning Statement Addendum (April 2025) that Crooklands Lane will be retained, enhanced by a green corridor (minimum width of 23m) providing an area free from development. The footpath will comprise of 3m wide with the applicants indicating that this is likely to comprise of hard surface treatment to enable the route to be used by both pedestrians and cyclists. An indicative section has been provided (Appendix C of the Planning Statement Addendum, April 2025) to show that the upgrade is achievable. The applicant has outlined that they are content to carry out the upgrade works to this part of Crooklands Lane (within the site) and officers are content that these can be secured through conditions, which allows for officers to consider together the matters relating to the green corridor, including but not limited to ecology/biodiversity/landscaping and RPAs as well as accessibility requirements. In terms of requirements from an accessibility point of view, the improvements required include upgrade to its surface (full construction – Type 21), increase in width to 3m and pin/edging kerbs.

5.191 The applicant also states that it is a possibility that Crooklands Lane can be upgraded to a public bridleway, allowing use by pedestrians and cyclists and horse-riding, although the applicant has not provided further details as to how they seek to upgrade the public right of way, which can only be currently used by walkers. Previously, the applicant indicated that Crooklands Land would be the subject to a Definitive Map Modification Order (DMMO) application to upgrade Crooklands Lane to a bridleway. A DMMO application was made by The British Horse Society to upgrade Crooklands Lane to a restricted byway and was refused in March 2024, due to the evidence submitted being insufficient to redesignate the existing footpath to a restricted byway.

5.192 The mechanism therefore available to the applicants to upgrade Crooklands Lane to a public bridleway is via a public path order, which is facilitated by the Public Rights of Way team and falls outside of the planning system. However, in order to ensure that this can be achieved within a reasonable timeframe, given its importance for sustainable transport measures within the site and noting that without this, cyclists will be committing trespass against the landowner if they were to use it, the condition relating to the upgrade of Crooklands Lane will seek the timeframes for the submission of the public path order application.

5.193 The Public Rights of Way team have further requested a number of planning obligations, relating to other areas of works along Crooklands Lane, notably the improvements to the surface and accessibility of footpath, the continuation of the path leading from the northern boundary of the site to Crossmoor Lane along with a replacement bridge and kissing gates (x2).

5.194 In addition, the British Horse Society (BHS) have requested that community infrastructure levy (CIL) money is used to improve the off-road network for higher

status users of the PRow in the surrounding area. The Council does not currently have a CIL charging schedule. It is unclear from the BHS representation, which off-road network should be targeted.

5.195 The applicant has agreed to a contribution of **£40,000** relating to the upgrade works at Crookland Lane comprising of replacement bridge and kissing gates as per the below (the amount are quoted by the PRow team):

**£35,000 - Replacement Bridge**

Includes removal of existing timber bridge, installation of new more accessible GRP footbridge (length 6.1m, width 1.2m), with new abutments, Project management and design costs.

**£2,500 – Kissing gates**

Includes supply and installation of x2 two kissing gates to replace existing difficult to use timber stiles – subject to landowner approval.

5.196 In terms of the contributions relating to the upgrades to the footpath that are sited outside of the application boundary, the applicant has not agreed to these. They cite that the application proposes a SANG route around the site to encourage walkers/dog owners to stay within the site itself and these improvements are not necessary to make the development acceptable, in planning terms. Crooklands Lane is the only public footpath within this part of Haxby, and at the point it meets Crossmoor Lane, it doesn't link to any other public footpath. Crossmoor Lane is devoid of footways and streetlighting and walking in this direction is unlikely to be an attractive proposition. Additionally, the majority of local facilities and services that prospective residents may wish to use are located within Haxby, which is in a southerly direction to the application site.

5.197 Officers agree that the contribution relating to works located outside of the boundary of the application site would not meet the tests of planning obligations (set out in CIL regulation 122) in respect of they are not necessary to make the development acceptable in planning terms.

**Residential amenity**

5.198 Local Plan policy ENV2 states that development will be permitted where it does not unacceptably harm the amenities of existing and future occupants on the site and in neighbouring communities. It is expected that development proposals that give rise to environmental impacts (including, but not limited to, adverse noise and vibration) shall demonstrate how these matters have been considered in relation to both the construction and life of the development.

5.199 The site lies to the northern edge of the existing settlement, with a buffer separating the existing residential populations and the intended residential zones.

The site extends between Usher Lane to the east and Moor Lane to the west. To the north, the site predominately abuts existing agricultural fields with the residential dwelling known as 'The Lodge'.

5.200 There are green corridors along the majority of the boundaries (northwestern (with Moor Lane), northern, eastern (with Usher Lane) and the southern boundary with the existing cemetery. These green corridors, as their narrowest point measure 10m (approximately). The 14m building line has been removed from the northwestern and northern boundaries to provide much more flexibility in the potential layout of the residential development, it is not considered that this will not detrimentally harm the amenity for neighbouring residents adjacent to site boundaries.

- to the south, Larch Way, Ash Lane and Lowfield Drive will be sited adjacent to the public open space and would be positioned in excess of 110m from the proposed residential development zone.

- to the south, properties on Crooklands Way and Usher Lane will be sited adjacent to the informal sports provision, a buffer of between 16-19m. Residential development zone and the nursery further within the site will be sited over 120m away.

5.201 The parameters/land use plan is indicative at this stage, and further detailed assessment would be required at reserved matters.

5.202 A noise assessment outlines that dominant noise sources is from road traffic. The noise assessment concludes that the site is suitable for residential occupation and a scheme for sound insulation (incorporating trickle vents) and other measures such as layout and orientation of dwellings will ensure that internal noise levels within habitable areas of dwellings as well as external areas will achieve compliant noise levels. Public Protection officers have sought further details as to whether any further noise mitigation measures can be implemented to reduce potential effects on nearby residents, given that the short terms impact predicated is major adverse and long term is moderate adverse. These measures have not been forthcoming, however given the reduction to the number of dwellings proposed (from the original proposal) and the removal of the primary school on site, this is likely to see a reduction in reduction in traffic numbers. As such, this can be covered within a noise assessment for the site at reserved matters stage.

## **Air Quality**

5.203 York has developed an over-arching Low Emissions Strategy (LES) (2012) which aims to reduce tailpipe emissions from individual vehicles and encourage the uptake of alternative fuels and low emission vehicle technologies. Local Plan policy ENV1 states that development will only be permitted if the impact on air quality is

acceptable, including the provisions of mechanisms which appropriately mitigate adverse impacts and further exposure to poor air quality.

5.204 In terms of construction phases, the dust emissions are not anticipated to be significant subject to the use of good practice control/mitigation measures in the form of a construction environmental management plan (CEMP) and/or including a dust management plan condition.

5.205 A sustainable travel plan will provide reasonable and proportionate mitigation in respect to overall damage costs arising from emission impacts associated with the development of the site and provided by pollutant, source and location. Further mitigation shall be in the form of electric vehicle recharging points and conditions can secure appropriate infrastructure and facilities to incorporate charging facilities across the site including residential properties and community facilities.

### **Flood Risk**

5.206 Local Plan policy ENV4 states that new development shall not be subject to unacceptable flood risk and shall be designed and constructed in such a way that mitigate against the current and future flood events. The site is not in either flood zones 2 or 3 and is therefore acceptable in principle for residential development in terms of policies regarding flood risk.

### **Ecology**

5.207 Local Plan policy GI2 sets out that in order to conserve and enhance York's biodiversity, any development should where appropriate:

- viii. achieve net gain in biodiversity in accordance with The Environment Act 2021 (when enforced) and national policy, contributing to the recovery of protected species and habitats and new habitat creations.

5.208 NPPF para. 187 sub sections a), d) and e) states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value, minimising impacts on and providing net gains for biodiversity and preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soils, air, water or noise pollution or land stability.

### **Biodiversity Net Gain**

5.209 The application comprises a major development within the statutory framework for Biodiversity Net Gain (BNG), which applies to planning applications validated on or after 12<sup>th</sup> February 2024. This application was submitted prior to this date and therefore there is no statutory requirement to provide a 10% increase in

biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

5.210 The revised parameters plan/land use (Rev U) and the biodiversity section of the ES sets out that biodiversity enhancements will be provided within an off-site BNG area (within the blue line boundary) to the north-east of the site will comprise of modified grassland, hedgerows and trees will be largely retained and new ones created.

5.211 The proposals will result in the permanent loss of c1.04km of hedgerows with c4.94km of hedgerows will be retained. These will result in the following revised net gains:

Habitat units – 1.34%

Hedgerow units – 5.27%

Watercourse units – 33.28%

5.212 Whilst there is no specific requirement in respect of BNG, the results are disappointing. There are fine margins of net gain being achieved (1.34%) and insufficient contingency incorporated into the proposals to allow for changes as the design progresses from outline stage to reserved matters.

5.213 The Council's Ecologist suggests that a key reason for the low net gain being achieved is the reliance on low distinctiveness habitat such as modified grassland, which although easier to create and manage, delivers a lower return of biodiversity units when compared to other grassland habitat types.

5.214 However, conditions such as the Landscape and Ecological Management Plan (LEMP), will secure a programme of monitoring and reporting to ensure that BNG outcomes are achieved and opportunities to identify areas where biodiversity gains through habitat creation and enhancement can be maximised within the design.

### Habitats and Protected Species

5.215 A number of habitats and protected species surveys have been undertaken within the site. In terms of protected species, this includes badgers, bats, birds, hedgehogs and great crested newts. The ecological surveys supporting the development are well considered and provide an appropriate level of detail.

5.216 Of particular note, no badger records were returned for the site, but records identified setts are within the wider landscape. A condition requiring details of the measures to protect badgers from being trapped in open excavations and/or pipe culverts is recommended. A development licence from Natural England would also be required, supported by an approved method statement.

5.217 The surveys identified the presence of small populations Great Crested Newts may be present to the west of the site. The applicant outlines that Ponds 1 and 3 will be retained on site; Pond 1 was identified as having great crested newt presence in 2019, although following a repeat of surveys in 2022 it was concluded that great crested newt are now likely absent from Pond 1 and therefore, from the site. It is noted that the presence of great crested newts in pond 10, located 20m to the north of the site cannot be ruled out (it has not been subject to presence/absence surveys due to land access issues).

5.218 Any works affecting habitat used by great crested newts within up to 250m of the known breeding pond (pond 7 located outside of the site) and the pond with unknown great crested newt status (pond 10), will require a European Protected Species (EPS) mitigation licence from Natural England.

5.219 The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017 (as amended), contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species (EPS). Notwithstanding the licensing regime, the LPA must also address its mind to these three tests when deciding whether to grant planning permission for a development which could harm an EPS.

5.220 The "derogation tests" which must be applied for an activity which would harm a European Protected Species (EPS) are contained within the species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017 (as amended) are as follows:

1. that the action is for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature,
  2. that there is no satisfactory alternative, and;
  3. that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.
- With regards to the third test, the conservation status of species will be taken as 'favourable' when:
- a) population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
  - b) the natural range of the species is neither being reduced for the foreseeable future, and
  - c) there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.



5.221 In relation to the first test, it is considered that that provision of housing in this location, along with POS provide the overriding public interest required to meet this test. The scale and pattern of development outlined in the Local Plan is guided by the need to safeguard a number of key elements identified as contributing to the special character and setting of the historic City. The plan focusses on identifying sufficient land to meet housing and economic growth with development directed to the most sustainable locations. The application site is an allocated housing site in the Local Plan which safeguards those alternative locations where the impact of new settlements may be harmful to the elements that contribute to the special character and setting of York. There is no satisfactory alternative given this (test 2). With regards to test 3, the requirement for a European Protected Species licence will prevent any direct harm, and the provision of new connecting habitat will maintain the range and population of GCN. Therefore, the third test to maintain the favourable conservation status of this protected species is met.

5.222 Objections have been received from both Haxby Town Council and Wigginton Parish Council highlighting that the proposed development will have a detrimental impact on moths. The objections included a survey/monitoring information undertaken from local gardens, which has been reviewed by the Council's Ecologist. The report states that the extensive network of hedgerows adjacent to the site are likely to be the contributing factor to the diversity of species identified. The proposals have, where possible sought to retain, buffer and enhance existing hedgerows throughout the site and will apply BNG principles. There are sufficient measures included within the proposals to mitigate for the general diversity of moth species identified by the objectors.

5.223 An objection has been received citing that bird mortality arising from predation by domestic cats may occur, especially in proximity to gardens and immediate surrounding areas, however the effect is considered to be negligible.

5.224 There are also a range of habitats present within the site and have also been evaluated. Hedgerows and mature trees are of particular relevance to the development.

5.225 A total of 51 hedgerows were identified on site, totalling 5.97km in length. All hedgerows on site are assessed as Priority Habitat.

5.226 The application indicates a permanent loss of c.1.04km of hedgerows, with c.4.84km of hedgerows will be retained. Of particular note, the proposals seek to retain the hedgerows either side of Crooklands Lane, which are the main hedgerows used by foraging and commuting bats. The main losses will be in the eastern development zones, affecting a number of species-poor hedgerows and poorest quality hedgerows in the site.

5.227 One tree had veteran features; an assessment of this tree and its future within the development is discussed below within the Landscaping and Trees section. Other trees were assessed to have fewer veteran features of those that were more indicative of die-back rather than being in the latter stages of life.

### Ecological Mitigation measures

5.228 The applicant sets out that prior to each phase of the development, a CEMP (biodiversity) will be prepared, setting out appropriate measures through a series of method statements to be followed as well as details of all proposed habitat creation that will be primarily located within the green infrastructure.

5.229 The method statements will include the following: habitat protection, habitat creation, protected species mitigation (bats, badger, hedgehog, birds, great crested newts), invasive non-native species, drainage design, lighting.

5.230 Additionally, there will also be the provision of wildlife installations to compensate for potential loss of habitats used by bats, birds and hedgehogs and to provide enhancements for these species within the development include:

- A combination of integral/external bat boxes associated with the buildings and bat boxes attached to retained trees, particularly in the houses close to the higher foraging areas at Crooklands Lane and the surface water features
- Bird boxes integrated into buildings and attached to retained trees
- Gaps in fences to permit movement of hedgehogs.

### Landscaping and Trees

5.231 Local Plan policy D2 relates to landscape and setting with development proposals supported where they (amongst a number of matters), protect and enhance landscape quality and character, create or utilise opportunities to enhance the public use and enjoyment of existing and proposed streets and open spaces and include sustainable, practical and high quality soft and hard landscape details and planting proposals that are clearly evidenced based and make a positive contribution to the character of streets, spaces and other landscapes.

5.232 Para. 136 the NPPF outlines that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree lined (unless in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate), that opportunities are taken to incorporate trees elsewhere in the development, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

5.233 The application is supported by an arboricultural report, although this focuses on the condition of the trees irrespective of the development proposals. For clarity, there are no trees within the application site that are subject to Tree Preservation Orders (TPO).

5.234 The proposals identify 8 trees and 2 groupings that are identified as category U and are most likely to be removed. Otherwise, there is generally a large number of trees and hedgerows to be retained and identification of their Root Protection Areas (RPA). It is outlined however that it is not just the RPA that also needs to be considered, but also shade, dominance, reasonable garden use, natural aging process of a tree, soil type and changes, drainage and utility runs that determines whether trees can survive and thrive.

5.235 The illustrative parameter plan/land use plan does not identify the trees earmarked for removal (when cross-referenced with the arboricultural report), which is not necessarily an issue in itself, given that it is 'illustrative', and no decision would be based on the tree survey/arboricultural report. Concern has been raised in respect to the tree identified as T35 (mature common ash), which is identified as a Category U tree and therefore earmarked for removal. The Biodiversity Section of the ES (section 9.54) appears to identify this tree as a veteran (mature) tree. The hedgerow where the ash is located appears to be retained. The applicant has clarified that it is their intention to retain the tree as part of the development, with careful management so it can be preserved in situ and appropriate measures implemented to ensure its stability. The Council's Landscape Architect has outlined that this Ash tree would not be worthy of a TPO. The tree would be in an area of semi-natural space, although it is adjacent to an attenuation pond it does appear that the attenuation pond has altered its shape to accommodate the retention of the tree.

5.236 Crooklands Lane is a major landscape feature of the site which requires a generous buffer to protect the existing features. Generous buffers are also required to the large number of existing hedgerow trees, hedges and ditches across the site, all of which are beneficial to the value and quality of the landscape character of the site. The green corridors on the parameter plan appear to include the root protection areas of the retained trees, although the largest RPA is not applied as a uniform width along the rest of the corridor, which would be a more robust approach.

5.237 During the course of the application, the level of information presented has been reduced and there isn't now the detail provided when the application was initially submitted. Whilst the principle of the detail provided within them could be retained, given the enhancement and approach to green corridors and root protection areas, some of the detail could require significant adjustment. For example, there were previously details of street hierarchy, identifying pedestrian/priority streets. Whilst the internal highway layout and streets are matters that can be dealt with at reserved matters stage, it is imperative to note that the

success of a street hierarchy depends on street trees; the 'main street' must be tree-lined (within verges), with consideration given to utility compatibility, and not small trees within front gardens. Pedestrian and priority streets should also have trees, which could be delivered by a number of means, such as within occasional generous verges and small incidental spaces for meaningful landmark trees. The existing trees to be retained would fulfil a large portion of this function.

## **Health**

5.238 Local Plan policy HW5 (Healthcare Services) 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 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.

5.239 Further, Local Plan policy HW7 (Healthy Places) supports healthy lifestyles. Through good urban design, the built environment can promote more active lifestyles and time spent outdoors. The application is supported by a Health Impact Assessment (HIA) which is a tool for identifying health impacts of new developments and any remedial actions, which should be incorporated into site masterplanning.

5.240 The applicant has undertaken discussions with the NHS Humber and North Yorkshire Integrated Care Board (ICB) in respect to the impact on the primary care services and any mitigations that may be required. A number of objections have been received from local residents outlining the current difficulties in accessing local primary healthcare services particularly GPs and dentists.

5.241 The submitted HIA outlines that Haxby Group Practice is operating under capacity (based on existing GP to patient ratio). The ICB however consider that the existing GP practices do not have capacity to accommodate the additional growth as a result of the proposed development. The proposals do not include the provision of any healthcare facility on the site. The ICB have outlined that to mitigate the impacts of the proposals, a contribution is sought in a s106 legal agreement for **£566,714** to create additional floorspace. This is based on a development of 700 dwellings. The applicant has agreed to this contribution.

5.242 The Public Health team have reviewed the HIA and have outlined a number of matters that need to be considered in order to ensure that the proposed development can mitigate negative impacts on health and maximise community benefit. These matters are covered in other sections of this report, and cover issues such as accessibility within the site for those with disabilities or mobility impairments, families with children and the elderly, not just in terms of building accessibility, but

accessing the open space and sports provision, health infrastructure, local shops and other local facilities and services required by the community. The applicant has agreed to this contribution.

### **Childcare Provision**

5.243 Local Plan policy HW4 (Childcare Provision) requires strategic residential developments to be accompanied by an audit of existing childcare facilities and their current capacity. If increased demand from new residents would be expected to exceed the existing capacity of facilities in the vicinity, new facilities must be incorporated into the masterplanning of the site. Developer contributions will be sought to provide new or expanded facilities.

5.244 The applicant's HIA has undertaken an audit of the existing early years childcare provision within 2km of the site, outlining that there are four currently operating including The Wonder Years, Little Green Rascals, Haxby playgroup and Stepping Stones. The audit does not assess their current capacity. However, it is noted that The Wonder Years have outlined that there is currently a shortage of childcare provision in Haxby and Wigginton, with their sessions continually fully booked.

5.245 In terms of early years yields, the DfE dashboard is currently being updated to give a more accurate assessment of early years yields. Since September 2024, all eligible parents of children aged 9months and older have been able to access 15 hours per week of early years provision, rising to 30 hours per week in September 2025. The current DfE dashboard only includes children who accessed funded places at the time (3–4-year-olds and disadvantaged 2-year-olds). CYC has been working with the DfE to estimate the number of additional places needed. Approximately 50% of 9month to 3-year-olds are projected to take up places and therefore the DfE dashboard yield has been increased by 50%.

5.246 The Education Team have outlined that the yield arising from the proposed development will result in 65 early years children and currently there are no surplus sufficiency in the area to provide places. The applicants have agreed to the request for a 50-place on-site nursery and have secured an area within the application site to accommodate the required 1,000sqm (0.1ha) of suitable and usable land which is shown on the updated parameter plan/land use plan. The applicants have also set out that they would seek the option of delivering (design, build and owned) the nursery as the developer contribution. This approach is agreed by the Education Team although it is highlighted that land and facilities will need to be compliant with education and childcare building and operation standards and guidance and a timeline will be agreed with the LA for opening, ensuring that sufficient provision can be met in a timely way to meet the assessed sufficiency needs generated from new residential developments.

5.247 A contribution, secured by S106 legal agreement for the rest of the steady state yield has been requested:

5.248 Early years contribution sought for 50-place nursery for additional places off-site (maximum capped contribution) based on 672 eligible dwellings (700 dwellings)  
**= £1,738,858**

5.249 The applicant has offered **£1,609,590** outlining that this is a modest contribution (shortfall of £129,268). Officers note that this contribution is the same as per the CYC request when the applicants sought 640 dwellings (614 eligible dwellings) and hasn't taken into account the increase in the overall number of dwellings to be provided on site.

5.250 The financial contribution offer for the steady state yield is accepted by the Council's Education Team.

### **Archaeology**

5.251 The geophysical survey and initial round of intrusive evaluation has confirmed that there is a below-ground archaeological resource relating to late prehistoric and land use and activity within the north west corner of the red line boundary close to Moor Lane. Outside of this area the archaeological potential of the site appears to be relatively low and none of the archaeology seen so far merits preservation in-situ.

2.252 Further intrusive investigation will need to be undertaken prior to any other ground disturbing works and includes a more detailed investigation where we know there are archaeological features surviving and another round of evaluation trenching across Lund Fields, which can be conditioned. The evaluation could also give further confirmation that the majority of the site is of low archaeological potential.

5.253 In respect to ridge and furrow, there are a few fields that contain the remnants of medieval ridge and furrow, the extent of this is uncertain. The applicant's desk-based assessment mentions visible remnants in the central fields although no further information or images are provided. The Council's Archaeologist does not consider the ridge and furrow present to be of the highest quality and there are much better examples within York and across the county. As such, preservation in situ is not required, although any upstanding remains are recorded prior to development and can be secured under a condition covering a second phase of archaeological evaluation.

### **Sustainable Design and Construction**

5.254 Local Plan policies CC1, CC2 and CC3 seek to tackle the challenges of climate change through ensuring development generates renewable/low carbon

energy, uses natural resources prudently and is built to high standards of sustainable design and construction.

5.255 The application is accompanied by an Energy and Sustainability Statement. This outlines an energy strategy comprising of the following:

- highly insulated building fabric to external walls, floors and roofs
- double or triple glazed windows
- use of natural ventilation
- design of dwellings to allow for cross-ventilation to reduce overheating and helping them stay cool in warmer conditions
- low energy lighting, and
- strong continuity of insulation at building junctions to reduce thermal bridging heat loss.

5.256 Further the energy strategy outlines that the development will be designed to be fossil fuel-free, designed for the use of only electric based heating and hot water systems, which includes air source heat pumps (ASHP). It is also outlined that photo-voltaic (PV) panels could be considered. The energy strategy will be developed as the design progresses through the reserved matters.

5.257 The Energy and Sustainability Statement undertakes 'Step 1: Establishing the principle of the development' of a BREEAM Communities Assessment. Further assessment of the remaining steps 1 (determining the layout of the development) and 3 (design the details) will continue through the reserved matters applications.

5.258 A high-level feasibility study for decentralised energy networks has been conducted which concludes that a site wide district heat network for the site is not expected to be viable.

### **Land Contamination**

5.259 Local Plan policy ENV3 expects that where the proposed use would be particularly vulnerable to the presence of contamination, planning applications must be accompanied by an appropriate contamination risk assessment.

5.260 Investigations within the site identified that the site is considered suitable for the proposed use, however further intrusive investigation and any remediation should be undertaken in a phased approach, which can be conditioned.

### **Construction Impacts**

5.261 Construction works can be impactful to the surrounding area, arising from noise, vibration and dust. The Public Protection officer raises no objections to the development in terms of construction noise and dust, subject to a Construction Environmental Management Plan (CEMP) being secured. The applicant has agreed

to a CEMP being approved prior to works starting on site. With the implementation of the measures outlined in a CEMP, the construction impacts (noise, vibration and dust) during site preparation and construction phases of the development will be minimised.

### **Public Sector Equalities Duty**

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

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

5.263 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.

5.264 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.

5.265 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 Council has an adopted Local Plan. The application site is allocated as a strategic housing site (ST9) to which policy SS11 relates. The southern parcel of the allocation is identified in the policies map and to which policy GI6 relates, as



open space (OS9). The application boundary excludes an area to the north of Cyprus Grove, although this is within the boundary of the ST9 allocation.

6.2 The application seeks outline consent with all matters reserved except access for residential development for up to 700 dwellings. Open space, informal sports pitches, allotments and play spaces, along with a 50-place early years nursery, landscaping and drainage infrastructure will be provided within the site. During the consideration of the application, a number of changes have been made, with key areas of infrastructure changes resulting in the removal of an on-site primary school.

6.3 The applicant has now sought to provide on-site gypsy and traveller provision amounting to 3no. pitches, in line with policy H5. In addition, the applicant is now proposing an increase in the quantum of residential development of up to 700 dwellings. This is reduced from an original (circa) 800 dwellings, but an increase from 640 dwellings (December 2024 proposals). The Local Plan allocation outlines that approximately 735 dwellings are expected to be delivered. This number is reduced to 704 to take into account the smaller application site than the Local Plan allocation. Alongside these changes, the density has also been increased, and whilst not complying with the required 40dph, 38dph is an improvement on the previous proposals, and the proposed development, on balance, would make optimal use of the potential of the site.

6.4 Highways matters, particularly in respect of public transport provision has now been addressed, with a bus service contribution agreed to provide additional frequency (half hour service) and capacity on a bus service that would be re-routed and looped into the site, allowing at least 85% of the dwellings being within 400m of a bus route, ensuring that the modal split targets outlined in the applicant's Travel Plan are much more achievable, whilst also aligning with the Council's aspirations and policies in respect of sustainable travel. Further, the proposals would optimise pedestrian and cycling integration, connection and accessibility in and out of the site, encouraging more active forms of transport to enable prospective residents to access the range of facilities and services located in Haxby town centre and beyond to York city centre and beyond. A commitment (through a s278 condition) to undertaking off-site highway works to improve the capacity of the four junctions of the A1237 with result in the proposal having neither an unacceptable impact on highway safety nor a cumulative impact on the highway network. There will be further enhancements to the public right of way, that runs through the site (north to south).

6.5 Updates and clarification have been provided in respect of ecology and landscaping and the proposals have considered and would reflect local character and the existing framework or field patterns and hedges/trees. There is the provision of open space to the south of the site, which will provide facilities in the form of allotments and paying pitch along with informal amenity greenspace and

play provision throughout the site. The SANG footpath is a key element to the proposals and is required in order to mitigate the impact to Strensall Common SAC.

6.6 The approach to education provision has been revisited during the assessment of the application, arising from the variation in the number of dwellings. The provision of an on-site primary school has been agreed to be less viable in the long-term. Whilst the yields for the development justify a request to expand primary provision the approach that secures developer contributions for education infrastructure via S106 legal agreement, is agreed. Early years provision is also accounted for, with an on-site nursery to be delivered and financial contribution for the rest of the steady state yield is also agreed.

6.7 Overall, and on balance, it is demonstrated that the proposal would achieve sustainable development in providing housing, supporting strong and healthy communities whilst making efficient use of land and enhancing the natural environment. As detailed above, the proposals, are broadly in line with the relevant Local Plan policies, particularly SS11, DP2, SS1, GI6 and H3.

6.8 Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and in this context, this means approving development proposals that accord with an up-to-date development plan without delay. Approval is recommended subject to the completion of a S106 agreement and the imposition of conditions.

## **7.0 RECOMMENDATION: Approve with the following conditions subject to completion of a s106 agreement**

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

a. The completion of a Section 106 Agreement to secure the following planning obligations:

- Affordable housing provision – (30% = 210 dwellings) are to meet the NPPF definition of affordable housing.
- Self and custom build housing – provision of 35 ‘serviced’ plots ‘Serviced’ to include publicly accessible road and all services (electric, water, gas (if on the site), surface water and foul water drainage) up to the boundary of the plots.
- Gypsy and Traveller pitch provision – transfer of land equating to roughly 1,350m<sup>2</sup> (0.135ha) as a maximum.

- NHS
  - **£566,714** to create additional floorspace at Haxby Health Centre
- Education
 

Primary	<b>= £2,639,630</b>
Primary Review	<b>= £2,639,630</b>
Secondary	<b>= £3,793,408</b>
SEND	<b>= £1,111,028</b>
SEND Transport	<b>= £40,500</b>
<b>Total</b>	<b>= <u>£10,224,196</u></b>
- Early years - on-site (50 place nursery) nursery 1,000sqm (0.1ha) of suitable and usable land and contribution for the cost of the build
  - **£1,609,590** contribution for the rest of the steady state yield
- Outdoor Sport (off-site)
  - **£210,444**
- Promotion of sustainable travel
  - Upgrade to Public Rights of Way (Crooklands Lane) = **£40,000**  
 (£35,000 - Replacement Bridge and £2,500 – Kissing gates (installation of x2 two kissing gates))
  - Bus service contribution = **£450,000**
  - Travel Plan (inc monitoring) = **£637,000** which includes a breakdown of:
    - welcome pack (£400 cycle/public transport voucher per dwelling) - £280,000
    - Car club membership - £147,000
    - Monitoring of travel plan by CYC £300 per dwelling – £210,000
  - TRO Process / speed limit amendment (Moor Lane and Usher Lane) = **£12,000**
- Monitoring fee = **£14,860**

b. The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the S106 Agreement.

c. The Head of Planning and Development Services be given delegated authority to determine the final detail of the planning conditions.

## **7.0 RECOMMENDATION:** Approve subject to Section 106 Agreement

### **1 PLANS**

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

22 5606 02 Rev C - Location Plan

332010767/100/002 Rev B - Proposed site accesses

332010767/100/027 - Moor Lane: Site Access 1

332010767/100/028 - Moor Lane: Site Access 2

332010767/100/029 - Usher Lane: Site Access 1

332010767/100/030 - Usher Lane: Site Access 2

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

### **2 RESERVED MATTERS**

Fully detailed drawings illustrating all of the following matters (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 in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4), and the development shall be carried out in accordance with such details:

Details to be submitted: appearance, landscaping, layout, scale of the proposed development to be carried out.

In the case of any self-build or custom build plot or Gypsy and Traveller pitches forming part of the Phasing Strategy approved pursuant to Condition 4, the reserved matters may be submitted for individual plots.

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

### **3 RESERVED MATTERS**

Application(s) for the first reserved matters in any phase shall be made to the Local Planning Authority not later than the expiration of two years beginning with the date of this permission. Application for approval of all reserved matters for the remaining phases shall be made to the Local Planning Authority not later than the expiration of eight years beginning with the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last reserved matters in the first phase to be approved and in line with the Phasing Strategy.

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

#### 4 PHASING STRATEGY

No development shall commence until a detailed Phasing Strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the provisions of the approved Phasing Strategy and/or subsequent amendment to it that has been submitted to and approved in writing by the Local Planning Authority.

The strategy will outline the key elements and projected timeline of each phase of development, and how they will be delivered and made available for use. The strategy shall include the phasing of:

- a) informal sports pitches;
- b) allotments;
- c) natural open space including green corridors (particularly to Crooklands Lane) and the SANG;
- d) amenity open space;
- e) play areas;
- f) residential areas including any C2 older persons accommodation provision;
- g) gypsy and traveller pitches;
- h) self and custom build housing;
- i) early years nursery;
- j) infrastructure (Including internal roads, pedestrian and cycle routes, bus routes and bus stops)

Reason: To ensure the development is carried out in appropriate phases, to deliver a coherent and consistent development, and to ensure that the development incorporates the facilities and services that are critical to the amenity of the development.

## 5 DEVELOPMENT FRAMEWORK DOCUMENT AND MASTERPLAN

Prior to the approval of the first reserved matters application, a Development Framework Document including a revised masterplan covering the entire site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved Development Framework Document and masterplan.

The Development Framework Document and masterplan shall provide indicative locations for infrastructure and other key principles including:

- a) all new junction and accesses to the site, internal roads and pedestrian and cycle routes, bus routes and bus stops;
- b) drainage and other utility works, including:
  - i. demonstrating the extent of watercourse easements (relating to both IDB maintained and ordinary watercourse as agreed on site on 2 May 2024)
- c) informal sports pitches including ancillary infrastructure;
- d) allotments;
- e) natural open space including green corridors (particularly to Crooklands Lane) and the SANG;
- f) amenity open space;
- g) play areas (including 6no. LAPs, 2no. LEAPs and one NEAP);
- h) residential areas, including indicative mix of type and size of dwellings for each area including any C2 older persons accommodation provision;
- i) gypsy and traveller pitches;
- j) self and custom build housing;
- k) early years nursery;
- l) landscaping (hard and soft) including retained trees and hedgerows (taking into account any RPAs) and green corridors;
- m) design principles for the upgrade to Crooklands Lane, enhanced by a green corridor;

n) statement of crime prevention measures to be included within the design of the development, relating to the whole site and to each phase of the development.

Reason: To ensure that the master planning of the site is acceptable, applies suitable design considerations and maintains consistency in the delivery of the development achieving the key principles of policy SS11, H3, H4, H5, H9, GI2a, GI3, GI4, GI6, D1, D2, CC2, T1, T7, ED6 of the Local Plan.

6 Prior to the approval of the first reserved matters application, a strategy for providing the relevant mitigation measures to be delivered to mitigate the impacts to Strensall Common SAC and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved strategy and timetable.

The strategy shall provide details of all the mitigation measures to be delivered as outlined in the sHRA report (BSG Ecology, April 2025) and Site Wide Recreation and Open Space Strategy (SWROSS), including, but not limiting to:

- i. the provision of at least 10.03ha of natural and amenity open space, which shall be functional recreation and open space. It shall be demonstrated whether those areas bordering walkways, trees and hedges will have any recreational or open space value;
- ii. include either inclusion of, or exclusion of, any attenuation basins particularly those in the northeast of the site;
- iii. provision of a Suitable Alternative Natural Greenspace (SANG), which shall
  - a. provide at least 12.95ha of public open space/greenspace
  - b. provide a walking route of at least 2.5km adhering to the following principles:
    - i. contained within the greenways and semi-natural areas entirely within the site (including the off-site biodiversity area) and be perceived as semi-natural spaces with little intrusion of artificial structures;
    - ii. be largely unrestricted with areas for dogs to exercise freely and safely off lead
    - iii. provide the management and maintenance of any off-site areas demonstrating how they will achieve any biodiversity enhancements

The strategy shall set out details of the management and maintenance of the open space and recreation areas as well as a specific SANG management plan and other measures including wayfinding and signposting.

The strategy, shall in all respects, be developed in line with the different typologies /

definitions given in the Council's Open Space and Green Infrastructure Report (2014) and Update (2017).

All works in connection with providing the open space and recreation mitigations shall be carried out in accordance with the timescales in the Phasing Strategy approved pursuant to condition 4 and in accordance with the strategy and details approved pursuant to this condition.

Reason: To ensure that the development provides adequate mitigations and the provision of open space for recreation and amenity to accord with policies GI2a, GI6 and SS11 iii. of the Local Plan as well as ensuring that the development complies with the outcome of the Habitat Regulation Assessment, satisfying the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017, ensuring that there are no adverse effects on Strensall Common SAC.

## 7 CROOKLANDS LANE

No development shall commence to Crooklands Lane public footpath until a strategy for its upgrade and creation of a green corridor has been submitted to and approved in writing by the Local Planning Authority. Any works to Crooklands Lane and its green corridor shall be implemented in accordance with the approved strategy.

The strategy shall provide details of all the works and timeframes associated with upgrading the public footpath and the creation of a green corridor, including, but not limited to:

- full details, including scaled plans and cross-sections of the green corridor to show extent of retained and/or additional landscaping;
- full details of construction of the public footpath including surfacing (to Type 21 standard), width and kerbing;
- timeframe for submission of a Public Path Order to allow its upgrade to public bridleway status;
- 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);
- the location and timing of sensitive works to avoid harm to biodiversity features including a plan and schedule of all trees and shrubs on the site along with the spread of each tree as well as identifying those trees and shrubs to be retained and those to be felled.

All works in connection with Crooklands Lane and the green corridor shall be carried out in accordance with the timescales in the Phasing Strategy approved pursuant to



condition 4 and in accordance with the strategy and details approved pursuant to this condition.

Reason: Crooklands Lane is a key footpath and part of the sustainable transport measures for walkers extending north to south through the site. The proposals seek to provide better facilities for users by upgrading this route within a green corridor setting. A strategy is required to ensure that the upgrade works to Crooklands Lane is undertaken with accessibility in mind, but also consideration is given to the creation of the green corridor, ensuring that existing biodiversity, habitats and landscaping is protected and enhanced, in accordance with policies T1 of the Local Plan and para. 105 of the NPPF.

#### 8 PRELIMINARY ECOLOGICAL APPRAISAL (PEA)

No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until an up to date (no more than 2 years old) Preliminary Ecological Appraisal for that phase has been submitted to and approved in writing by the Local Planning Authority.

If the Preliminary Ecological Appraisal recommends any further habitat or species surveys these shall also be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that baseline ecological information and any mitigation is up to date and relevant, reducing the potential impact upon protected species and the biodiversity of the site, in accordance with policy GI2 of the Local Plan.

#### 9 STRATEGIC BIODIVERSITY MANAGEMENT PLAN (SBMP)

Before or concurrently with the first application for the approval of reserved matters, a site wide Strategic Biodiversity Management Plan (SBMP) and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The site wide SBMP shall include the following:

- a) strategic aims and objectives of management, including securing a minimum 1% biodiversity net gain using Biodiversity Metric 4.0;
- b) description and evaluation of the features to be managed;
- c) framework of management options to achieve aims and objectives;
- d) detail of the roles and responsibilities of personnel involved in delivery of the SBMP;
- e) framework for the monitoring of ecological features, target condition and remedial measures;

f) framework for long term monitoring and management including funding.

The approved SBMP shall be adhered to and implemented throughout the construction period.

Reason: In order to reduce the potential impact upon protected species and the biodiversity of the site arising from the construction of the development in accordance policy GI2 of the Local Plan.

## 10 LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN (LEMP)

Before or concurrently with each reserved matters application a detailed Landscape and Ecological Management Plan (LEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority.

Each LEMP shall demonstrate how it accords with the principles in the SBMP approved under Condition 9 including biodiversity net gain using Biodiversity Metric 4.0.

Each LEMP shall include details of the following:

- a) details of the existing and proposed ecological and habitat features to be established, monitored and managed (including protected species mitigation (bats, badger, hedgehog, birds, great crested newts), invasive non-native species) and details of any wildlife installations to provide enhancements for these species
- b) management (and establishment where applicable) prescriptions which demonstrate how aims and objectives can be met;
- c) preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty year period);
- d) details of the body or organisation responsible for implementation of the plan, including evidence of relevant skills and experience;
- e) details of ongoing monitoring, reporting and remedial measures.

In addition, each LEMP shall include details of the following in relation to the construction phase:

- f) risk assessment of potentially damaging construction activities;
- g) identification of biodiversity protection zones;
- h) 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);

- i) the location and timing of sensitive works to avoid harm to biodiversity features including a plan and schedule of all trees and shrubs/hedges on the site along with the spread of each tree as well as identifying those trees and shrubs/hedges to be retained and those to be felled;
- j) the times during construction when specialist ecologists need to be present on site to oversee works;
- k) responsible persons and lines of communication;
- l) the roles and responsibilities on site of an ecological clerk of works or similarly competent person;
- m) use of protective fences, exclusion barriers and warning signs; and
- n) how trees and shrubs/hedges to be retained will be protected during the development of the site by way of reference and adherence to a site-specific arboricultural method statement pursuant to condition 11;
- o) Means of protecting and managing the existing soil to avoid the risk of compaction, contamination, and loss of soil ecology, to areas of proposed green space, and to ensure the ground conditions are fit for purpose

Each LEMP shall be adhered to at all times during the construction of that phase and thereafter shall endure for the lifetime of the development.

Reason: To ensure wildlife mitigation, compensation and enhancement measures are managed and maintained appropriately arising from the construction of the development. To take account of and enhance the biodiversity and wildlife interest of the area in accordance with policy GI2 of the Local Plan and 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, in accordance with para. 187 of the National Planning Policy Framework.

## 11 ARBORICULTURAL METHOD STATEMENT

No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until an Arboricultural Method Statement (AMS) (including specialist construction techniques where required), and a Tree Protection Plan (TPP) (including evidence of compatibility with underground and overhead utilities, street lighting and a drainage strategy), and scheme of Arboricultural supervision regarding protection measures for existing trees within and adjacent to the application site in accordance with BS 5837: Trees in relation to design,

demolition and construction - Recommendations, has been submitted to and approved in writing by the local planning authority. 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 the development process in the interests of protecting the existing trees shown to be retained which are considered to make a significant contribution to the amenity and setting of the development and the natural environment, in accordance with Policy GI4 of the Local Plan.

## 12 GREAT CRESTED NEWTS

Development, including ground clearance and enabling works) shall not commence unless the Local Planning Authority has been provided with either:

- a. A licence issued by Natural England pursuant to Regulations 53 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
- b. A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence; or
- c. Confirmation that the site is registered on a Low Impact Class Licence issued by Natural England; or
- d. A countersigned IACPA certificate issued by Natural England can be provided stating that the site is eligible for District Level Licencing.

Reason: Great Crested Newts and their habitat are protected by the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) and to ensure that Great Crested Newts and their habitats are protected during the development.

## 13 LIGHTING SCHEME

Prior to any lighting being installed in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) a lighting design plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting design plan shall:

- a) 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.

The lighting design plan shall take accord with guidance from the Bat Conservation

Trust (2023) Bats and Artificial Lighting at Night:

<https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/> and take account of Chapter 09 Biodiversity of the Environmental Statement.

Development shall be carried out in accordance with the approved lighting design plan.

Reason: To maintain the favourable conservation status of bats and ensure the site remains attractive to other light sensitive species, in line with Section 15 of the National Planning Policy Framework.

#### 14 ARCHAEOLOGY - RIDGE AND FURROW

A programme of archaeological evaluation is required across the central and eastern area of the site alongside a topographic and photographic recording of existing ridge and furrow in the centre of the site.

Each stage shall be completed and agreed by the Local Planning Authority (LPA) before it can be approved.

- A) No archaeological evaluation or development in central or eastern area of site until an updated written scheme of investigation (WSI) to include additional evaluation and ridge and furrow recording has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.
- B) The site investigation and post-investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- C) A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion of fieldwork or such other period as may be agreed in writing with the Local Planning Authority.
- D) Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. It should be understood that there shall be presumption in favour of preservation in-situ wherever feasible.
- E) No development shall take place until:

- details in D have been approved and implemented on site
- provision has been made for analysis, dissemination of results and archive deposition has been secured
- a copy of a report on the archaeological works detailed in Part D should be deposited with City of York Historic Environment Record within 3 months of completion of fieldwork or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are recorded prior to destruction and to accord with policy D6 of the Local Plan and section 16 of the NPPF.

## 15 ARCHAEOLOGY - STRIP, MAP AND RECORD

A programme of post-determination archaeological mitigation, specifically an archaeological strip, map and record exercise and metal detecting sweep is required across the northwestern corner of this site.

Each stage shall be completed and agreed by the Local Planning Authority before it can be approved.

A) No development shall take place across the northwestern area of the site until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

B) The site investigation and post-investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (and evidence of publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of fieldwork completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site is an area of archaeological interest. Therefore, the development may affect important archaeological deposits which must be recorded prior to

destruction and to accord with policy D6 of the Local Plan and section 16 of the NPPF.

## 16 HIGHWAY MITIGATION WORKS

No development shall commence until details of the off-site A1237 junction improvement works at the following locations has been submitted to and approved in writing by the Local Planning Authority. The A1237 highway junctions include:

1. Strensall Road
2. Monks Cross Link
3. Haxby Road
4. Wiggington Road

The highway improvement works shall be constructed in accordance with the approved plans prior to the occupation of any dwellings, hereby permitted.

Reason: To ensure the delivery of highway mitigation works which are necessary to increase the capacity and road safety at the A1237 junctions.

## 17 CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period for that phase.

The CEMP shall include the following details:

- a) arrangements for parking of vehicles for site operatives and visitors;
- b) storage areas for plant and materials used in the construction of the development;
- c) the location of site compounds;
- d) facilities for cleaning the wheels of vehicles leaving the site;
- e) road sweeping measures;
- f) a programme of works including phasing and measures for the control of construction traffic to and from the site, and within the site, during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition;
- h) a risk assessment of dust impacts in line with the guidance provided by the

Institute of Air Quality Management together with mitigation measures commensurate with the risks identified in the assessment;

i) hours of construction and deliveries;

j) noise mitigation measures and monitoring arrangements;

k) activities which may result in excessive vibration, such as piling, and details of monitoring arrangements and mitigation measures; and

l) artificial lighting and measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting; and

m) reference to, and evidence of compliance with, the approved arboricultural method statement.

The CEMP shall provide a complaints procedure. The procedure shall include how a contact number will be advertised to the public, what will happen once a complaint had been received, monitoring arrangements, how the complainant would be kept informed and what would happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken shall be kept and forwarded to the Local Planning Authority every month.

Reason: To ensure before development commences that construction methods will safeguard the amenities of neighbouring properties in accordance with policy ENV2 of the Local Plan.

## 18 NOISE SURVEY

No development shall commence in any phase (as defined in the Phasing Strategy) approved pursuant to Condition 4) until a noise survey and scheme of noise insulation measures for protecting the approved dwellings in that phase from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. The noise insulation measures shall be installed as approved and a noise report demonstrating compliance with the approved noise insulation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling in that phase.

Reason: To protect the amenity of the people living in the development from externally generated noise in accordance with policy ENV2 of the Local Plan and the National Planning Policy Framework, specifically para. 198.

## 19 LAND CONTAMINATION - REMEDIATION SCHEME

No development shall commence in any phase (as defined in the Phasing Strategy) approved pursuant to Condition 4) until a detailed remediation scheme for that phase 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) has been submitted to and approved in writing by 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, in accordance with policy ENV3 of the Local Plan.

## 20 LAND CONTAMINATION - REMEDIATION VERIFICATION REPORT

Prior to first occupation or use of any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) the remediation scheme for that phase approved pursuant to Condition 19 must be carried out as approved and a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by 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, in accordance with policy ENV3 of the Local Plan.

## 21 LAND CONTAMINATION - UNEXPECTED CONTAMINATION

In the event that unexpected contamination is found at any time when carrying out the approved development, it shall be reported in writing to the Local Planning Authority immediately. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

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, in accordance with policy ENV3 of the Local Plan.

## 22 DRAINAGE STRATEGY

No development shall commence until a strategy for foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority.

The drainage strategy shall provide site - specific information/details of:

- i. how the site shall be developed with separate systems of drainage for foul and surface water, on and off site;
- ii. how the surface water discharge rate shall be restricted to a maximum rate based on a Greenfield rate taken as 1.4 litres per second per hectare of the calculated developed impermeable area with an allowance of 10% for urban creep, or 55% of the area to be developed (excluding open space areas) plus 10% for urban creep;
- iii. how the surface water attenuation up to the 1 in 100-year event with a 30% climate change allowance shall be achieved;
- iv. storage volume calculations, using computer modelling, shall accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 100-year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required;
- v. a topographical survey showing the existing and proposed foul and surface water drainage invert and cover levels, ground and finished floor levels to ordnance datum for the site and adjacent properties. The development shall not be raised above the level of the adjacent land, to prevent run-off from the site affecting nearby properties; and
- vi. the future management and maintenance of the proposed drainage scheme, and;
- vii. evidence of compatibility with existing trees to be retained and proposed tree planting, in respect to drainage/watercourse easements.

The site shall be developed with separate systems of drainage for foul and surface water, on and off site.

No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until details of foul and surface water drainage for that phase have been submitted to and approved in writing by the Local Planning Authority.

All drainage works shall be carried out in accordance with the timescales in the Phasing Strategy approved pursuant to Condition 4 and in accordance with the strategy and details approved pursuant to this condition.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

## 23 DRAINAGE

There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the foul drainage works approved pursuant to condition 22.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharge takes place until proper provision has been made for their disposal.

## 24 SELF/CUSTOM BUILD PLOTS

Before or concurrently with the first application for the approval of reserved matters, a strategy for the development of at least 5% self or custom build plots across the whole site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include a design code setting out the following details:

- a) appearance
- b) landscaping
- c) layout
- d) scale

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

The development of the self and custom build dwellings hereby approved shall not be carried out unless as "self-build or custom-build" development as defined in the Glossary in Annex 2 of the National Planning Policy Framework or any subsequent replacement document.

All applications for approval of reserved matters for the self or custom build dwellings shall be in accordance with the approved strategy.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development in accordance with policy H4 of Local Plan.

## 25 INFORMAL SPORT PITCHES

No development shall commence until a scheme for the provision of informal sports pitches has been submitted to and approved in writing by the Local Planning Authority. The scheme shall set out details of the size, location, type and specification of the sports pitches, changing facilities and other ancillary features (including but not limited to, secure storage area, hot drink kiosk and car/cycle parking) as well as their management and maintenance. The sports pitches shall be

provided in accordance with the Phasing Strategy approved pursuant to condition 4 and shall be completed in accordance with the scheme approved under this condition and shall thereafter be managed and maintained in accordance with that scheme for the lifetime of the development.

Reason: To ensure that the sports pitches are provided and to accord with Policy GI6 and SS11 of the Local Plan.

## 26 EQUIPPED PLAY AREAS

No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to condition 4) until details of the equipped play areas within the phase have been submitted to and approved in writing by the Local Planning Authority. The details shall include the on-site management and maintenance of the play areas. The play areas shall be provided in accordance with the Phasing Strategy approved pursuant to Condition 4, shall be completed in accordance with the details approved under this condition and shall thereafter be managed and maintained in accordance with those details for the lifetime of the development.

Reason: To ensure adequate recreation and amenity facilities for future occupants of the development, in accordance with Policy GI6 and SS11 of the Local Plan.

## 27 ALLOTMENTS

No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to condition 4) until a scheme for the provision of allotments has been submitted to and approved in writing by the Local Planning Authority. The scheme shall set out details of the size, location, of the number of structures allowed over the whole site and the form, scale and materials of such structures and car/cycle parking as well as the management and maintenance of the allotments. The allotments shall be provided in accordance with the Phasing Strategy approved pursuant to Condition 4, shall be completed in accordance with the details approved under this condition and shall thereafter be managed and maintained in accordance with those details for the lifetime of the development.

Reason: To ensure that the allotments are provided and to accord with policy GI6 and SS11 of the Local Plan.

## 28 EXTERNAL MATERIALS

Details and samples of the external materials to be used for all new residential buildings within any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any residential building hereby permitted beyond foundation level. The details shall include the colour, texture and bonding of brickwork, mortar treatment and the colour and texture of render. The development shall be carried out using the approved materials and thereafter retained.

Reason: So that the Local Planning Authority may be satisfied with the finished

appearance of the development and to comply with policy D1 of the Local Plan.

## 29 ELECTRIC VEHICLE CHARGING

Prior to the occupation of dwellings within each phase (as defined in the Phasing Strategy pursuant to Condition 4) a scheme for the provision of electrical vehicle charging facilities for non-allocated parking, shared off-plot parking, non-residential and commercial parking within that phase shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include the location, specification and timescales for installation of all active electric vehicle charging facilities and provide details of the passive provision proposed across the phase. Charging points shall be located in prominent positions and shall be for the exclusive use of electric vehicles. Where additional parking bays are identified for the future installation of electric vehicle charging points (passive provision) they shall provide all the necessary ducting, cabling and groundworks. The scheme shall be implemented in accordance with the approved details and timescales.

The scheme shall include a Management Plan detailing the management, maintenance, servicing and access/charging arrangements for each electric vehicle charging point for a minimum period of 10 years. The Management Plan shall be implemented as approved.

Reason: To promote and facilitate the uptake of electric vehicles on the site in accordance with policy ENV1 of the Local Plan, the Council's Low Emission Strategy (LES) and the NPPF, specifically para. 117.

## 30 CYCLE PARKING

Prior to the occupation of any dwelling in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) details of the location, design and materials of covered and secure cycle parking for all the dwellings for that phase (providing for at least one space per dwelling) shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall accord with guidance within Local Transport Note 1/20 Cycle Infrastructure Design. The cycle parking shall be implemented in accordance with the approved details prior to the first occupation of the dwelling and thereafter be retained for its intended purpose at all times.

Reason: In the interests of good design, visual and residential amenity and to promote sustainable travel, in accordance with policies D1 and T1 of the Local Plan.

## 31 NOISE - NON - RESI BUILDING

Prior to the occupation of any non-residential building that requires installation of any machinery, plant or equipment which is audible outside of that building, details of that machinery, plant or equipment shall be submitted to and approved in writing

by the Local Planning Authority. The details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment as so approved and any approved noise mitigation measures shall be implemented and operational prior to the first occupation of any such building and shall be retained in accordance with the approved details for the lifetime of the development.

Reason: To protect the amenity of people living in the development from externally generated noise in accordance with policy ENV2 of the Local Plan and the National Planning Policy Framework, specifically para. 198.

### 32 CARBON EMISSIONS

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

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

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

Reason: To achieve sustainable design and construction, in accordance with policy CC2 of the Local Plan.

### 33 NUMBER OF DWELLINGS

The total number of residential units shall not exceed 700.

Reason: To ensure that the necessary infrastructure and mitigation is secured as the application and its impacts has been considered on the basis of a maximum of 700 dwellings and to accord with policy SS1 of the Local Plan.

### 34 MIX OF DWELLINGS

The indicative mix of type and size of dwellings included in the Development Framework Document approved pursuant to Condition 5 shall include an indicative mix for each residential area and shall demonstrate how the mix of dwellings across the site will contribute to meeting the housing needs of the city taking account of up-to-date information on housing needs including evidence in the latest Local Housing Needs Assessment. Reserved matters for each phase (as defined in the Phasing Strategy approved pursuant to condition 4) shall demonstrate how they conform to

the Development Framework Document, with regard to housing mix, having regard to any other relevant evidence of housing needs at that time.

Reason: To ensure that the development provides a diverse mix of housing that reflects the need across the city, in accordance with policy H3 of the Local Plan.

### 35 TYPE OF DWELLINGS

All dwellings (in all tenures) shall be built to the M4(2) 'accessible and adaptable dwellings' standard as a minimum.

Reason: For the avoidance of doubt and to ensure that the dwellings provided are accessible and adaptable enabling people to live more independently and to accord with policy H3 of the Local Plan and the Council's Local Housing Needs Assessment.

### 36 HIGHWAY MITIGATION WORKS

No dwelling shall be occupied until details of the off-site improvements to informal pedestrian crossings with tactile paving and dropped kerbs on footways at the following locations has been submitted to and approved in writing by the Local Planning Authority. The road junctions include:

- i. junction of Larch Way and Ash Lane
- ii. junction of Lowfield Drive and Little Lane
- iii. junction of Oaken Grove and Hawthorn Avenue
- iv. junction of Hawthorn Avenue and Birch Lane
- v. junction of North Lane and Church Lane
- vi. junction of Larch Way and Elm End

The highway improvement works shall be constructed in accordance with the approved plans prior to the occupation of any dwellings, hereby permitted.

Reason: To ensure the delivery of off-site highway improvement works within the existing residential areas south of the site which are necessary to improve pedestrian connectivity, to accord with policy SS11 x. and T1 of the Local Plan.

### 37 OFF-SITE HIGHWAY WORKS - TROs

No dwellings hereby permitted shall be occupied until the details of the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- i. the extension of the existing 30mph speed limit on Moor Lane by approximately 350m in a north easterly direction to a point approximately 85m north of the proposed northernmost site access

ii. the extension of the existing 30mph speed limit on Usher Lane from a point approximately 63m north of Usher Park Road in a north easterly direction to a point approximately 133m north of the proposed northernmost site access  
The highway works shall be constructed in accordance with the approved plans.

Reason: In the interests of the safe and free passage of highway users.

### 38 QUIET CYCLE ROUTE

Details of a quiet cycle route between The Village and Eastfield Avenue/York Road junction via residential streets west of York Road, including signage and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority Prior to first occupation. The signage and any other works to enable the implementation of the quiet cycle route shall be installed in accordance with the agreed details and timetable and maintained in the form as approved for the lifetime of the development.

Reason: To ensure the delivery of a quiet cycle route within the existing residential areas south of the site which are necessary to improve cycling connectivity and accessibility to surrounding areas, to accord with policy SS11 x. and T1 of the Local Plan.

### 39 Car Club Membership

Prior to first occupation of any dwelling in any phase (as defined in the Phasing Strategy pursuant to Condition 4) a scheme to accommodate at least one dedicated car parking space for the car club shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the location of dedicated car share space and the timeframe for installation. The development shall be carried out in accordance with the approved details and timetable. The car club space shall be retained for parking of car club vehicles exclusively for the lifetime of the development.

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

## 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 39) 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:



- Engagement throughout the application at all stages; discussions and negotiation in respect of: highways (sustainable transport measures and public rights of way), gypsy and traveller provision, mix/density/quantum, education and early years, green infrastructure, open space including outdoor sport and play areas, cemetery provision, drainage, landscaping and trees, planning obligations and conditions.

## 2. DRAINAGE

- 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's 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 Board maintained watercourse (the watercourses known as Wigginton Drain and Crooklands Lane Drain) or within 3.00m of Ordinary Watercourses 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 watercourses will also require the Board's prior consent.
- iv. In respect to the watercourses known as Wigginton Drain and Crooklands Lane Drain, ground levels shall remain the same in this area and access arrangements will also require the Board's prior consent.

## 3. ECOLOGY - GREAT CRESTED NEWTS

Great crested newts are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife & Countryside Act 1981 (as amended), under which it is an offence to:

- Capture, kill, disturb or injure Great crested newts deliberately.
- Damage or destroy a breeding or resting place.
- Obstruct access to their resting or sheltering places (deliberately or by not taking enough care).
- Possess, sell, control or transport live or dead newts, or parts of them.
- Take great crested newt eggs.

## 4. ECOLOGY - BATS

The applicant is reminded that all British bat species are fully protected through The Conservation of Habitats and Species Regulation 2017 (as amended) as European

Protected Species (EPS). All British bat species also receive protection through inclusion in Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Under the legislation, it is an offence:

- To deliberately capture, injure or kill a bat.
- To damage or destroy a breeding site or resting place of a bat.
- To intentionally or recklessly disturb a bat while it is occupying a structure or place which it uses for shelter or protection; or obstruct access to any structure or place which it uses for that purpose.
- To deliberately disturb a bat; in particular any disturbance which is likely:
  - to impair their ability -
    - (i) to survive, to breed or reproduce, or to rear or nurture their young, or
    - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate;
- to affect significantly the local distribution or abundance of the species to which they belong.

## 5. ECOLOGY - NESTING BIRDS

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Buildings, trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Suitable habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess nesting bird activity.

## 6. ECOLOGY - BADGERS

The applicant is reminded that Badgers and their setts (tunnels and chambers where they live) are protected by the Protection of Badgers Act 1992.

It is an offence to:

- take, injure, ill-treat or kill a badger - or attempt these actions
- treat a badger cruelly
- obstruct, disturb, damage or destroy a badger sett or any part of it
- sell, possess or control a badger (or any part, alive or dead)
- mark, tag or ring a badger

## 7. ECOLOGICAL/HABITAT ENHANCEMENTS

Condition 10 relates to the submission of a Landscape and Ecological Management Plan (LEMP) and the application indicates that there will be a series of habitat protections and creations including the provision of the following wildlife installations to compensate for potential loss of habitats used by bats, birds and hedgehogs. The wildlife installations as noted in your application include the following enhancements:

- A combination of integral/external bat boxes associated with the buildings and bat boxes attached to retained trees, particularly in the houses close to the higher

foraging areas at Crooklands Lane and the surface water features

- Bird boxes integrated into buildings and attached to retained trees
- Gaps in fences to permit movement of hedgehogs.

## 8. SANG - WALKING ROUTE AND CYCLING

Condition 6 requires a strategy for SANG and open space. You are reminded that the provision of the SANG, to mitigate the impacts to Strensall Common (SAC) is primarily as a walking route and any areas where the SANG may be provided as a shared pedestrian and cycle route shall be limited. An exception to this is the area comprising the southern buffer/area of public open space including sports pitches and allotments, where pedestrian and cycle integration in and out of the site and connectivity to existing residential areas and the town centre should be optimised, in order to encourage the maximum take-up of these more 'active forms of transport' (walking and cycling). Condition 6 also sets out the principles that should be applied to the SANG provision.

## 9. LANDSCAPE RESERVED MATTERS

The landscape reserved matters shall include:

- a) detailed landscaping scheme which shall show the number, species, height and position of trees and shrubs;
- b) details of earthworks in connection with the formation of all landscaped areas, including the levels and contours to be formed and the relationship of the proposed earthworks to the surrounding landform;
- c) details of the position, design and materials of all means of enclosure;
- d) details of surface materials for all roads, footpaths and hard landscaped areas; and
- e) a lighting scheme for ecologically sensitive areas, cycle routes, public footpaths and public areas.

## 10. PUBLIC FOOTPATH DETAILS

In respect to condition 7 which required details of the construction of the public footpath at Crooklands Lane (Haxby 1), its surfacing shall be constructed to Type 21 standard so this can be adopted by the City of York Council in the future. It is recommended that further consultation is undertaken with the Council's Public Rights of Way team to establish that the proposed footpath construction is adequate and meets their requirements.

### **Contact details:**

**Case Officer:** Lindsay Jenkins

**Tel No:** 01904 554575