

## COMMITTEE REPORT

**Date:** 19 May 2025 **Ward:** Osbaldwick And Derwent

**Team:** East Area **Parish:** Dunnington Parish Council

**Reference:** 24/01669/FULM

**Application at:** OS Field 2800 Eastfield Lane Dunnington York

**For:** Erection of 44no. dwellings (C3 use class), open space, infrastructure and associated landscaping

**By:** Mr Liam Tate

**Application Type:** Major Full Application

**Target Date:** 30 June 2025

**Recommendation:** Approve

### 1.0 PROPOSAL

1.1. Full planning permission is sought for the erection of 44.no dwellings, landscaping, public open space and associated infrastructure.

1.2. The application site consists of a parcel of land covering approximately 1.34 hectares located to the North Eastern edge of Dunnington. Eastfield Lane is situated to the North of the site. To the West are the existing residential properties of Holly Tree Croft, whilst to the south there are residential properties of Kerver Lane. Beyond the eastern boundary of the site is a property and land know as Market Garden. The main vehicular access to the site is proposed to be taken from Eastfield Lane situated to the North of the site. An existing public right of way exists to the southern end of the site.

1.3. The proposed dwellings are a mix of 1, 2, 3 and 4 bed properties a proportion of which will be affordable homes. There will be open space provided on site. The proposed accommodation mix comprises of:

- 1 Bed, Two Storey: 3 (1 Market, 2 Affordable);
- 2 Bed, Two Storey: 12 (6 Market, 6 Affordable);
- 3 Bed, Two Storey: 20 (17 Market, 3 Affordable);
- 4 Bed, Two Storey: 9 (7 Market, 2 Affordable).
- Total: 44 (31 Market, 13 Affordable).

1.4. Since the original submission the proposals have been subject to amendments. They have focused upon the proposed housing mix and mix of affordable units along with the internal highway layout of the development.

### Background and Relevant Site History

1.5. Planning permission has previously been granted at the site and land adjacent to the site for the erection of 83 no dwellings, landscaping, public open space and associated infrastructure (LPA Reference: 20/01626/FULM). This was granted permission in July 2022 and is an extant permission until July 2025.

1.6. The proposals contained within this current application are a re-plan of this extant permission utilising part of the original application site. These matters and the background to this are discussed later in this report.

## **2.0 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).

2.2. The statutory development plan for the City of York comprises the adopted Local Plan, the adopted Joint Minerals and Waste Plan and any made Neighbourhood Plan.

### LOCAL PLAN (LP)

2.3. The Local Plan was adopted in February 2025. Key relevant policies are:

DP2 – Sustainable Development  
DP3 – Sustainable Communities  
SS1 – Delivering Sustainable Growth for York  
SS2 – The Role of York's Green Belt  
H1 – Housing Allocations  
H2 – Density of Residential Development  
H3 – Balancing the Housing Market  
H10 – Affordable Housing  
HW2 – New Community Facilities  
HW4 – Childcare Provision  
HW7 – Healthy Places  
ED6 – Preschool, Primary and Secondary Education  
D1 – Place Making

D2 – Landscape and Setting  
D6 – Archaeology  
GI2 – Biodiversity and Access to Nature  
GI6 – New Open Space Provision  
CC1 – Renewable and Low Carbon Energy Generation and Storage  
CC2 – Sustainable Design and Construction of New Development  
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

## THE DUNNINGTON NEIGHBOURHOOD PLAN

2.4. In September 2014 an application was approved which defined a Dunnington Neighbourhood Plan area, enabling work to start on developing a Neighbourhood Plan. The site subject of this planning application is located within the approved Neighbourhood Plan Area. A draft pre-submission plan is yet to be consulted on, therefore the proposed Neighbourhood Plan carries no weight in the decision making process.

## NATIONAL PLANNING POLICY FRAMEWORK

2.5. The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are expected to be applied, and is a material consideration.

2.6. Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development which means, for decision taking:

- Approving development proposals that accord with an up-to-date development plan without delay; or
- Where there are no relevant development policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - The application of policies within this framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.

### 3.0 CONSULTATIONS

#### INTERNAL

##### DESIGN AND CONSERVATION - ARCHAEOLOGY

3.1. The proposed development site has been subject to a desk-based assessment, geophysical survey and subsequent evaluation. Although the geophysical survey and evaluation has not been submitted as part of the application. They are available to view on the Historic Environment Record. The investigations failed to find an archaeological resource on the site of interest. There is no further archaeological investigation or mitigation required as part of the development.

##### DESIGN AND CONSERVATION - ECOLOGY

3.2. No objections raised. Recommends conditions in respect of Biodiversity Net Gain, Habitat Management and Monitoring Plan, Construction Environmental Management Plan, Great Crested Newts and lighting.

##### DESIGN AND CONSERVATION - TREES AND LANDSCAPE

3.3. No comments received.

##### AFFORDABLE HOUSING

3.4. The application is supported in respect of affordable housing. The applicant proposed 44.no homes. 13.no of which would be affordable equating to 29.5%. This would meet the requirements for a greenfield site in accordance with Policy H10. Providing that a commuted sum equivalent to 0.2 pf an affordable home is also provided.

##### STRATEGIC PLANNING POLICY [Comments provided prior to Local Plan Adoption]

3.5. Under Policy H1, the site is a proposed housing allocation in the emerging Local Plan known as H31 – Eastfield Lane, Dunnington. Policy SS2 'The Role of York's Green Belt' in the emerging local plan proposes to take the site out of the Green Belt. Having consideration to the advanced stage of the 2018 Local Plan's preparation, the extent and significance of unresolved objections to emerging Policies SS2, and the consistency with the NPPF, we would advise that Policy SS2 can only be applied with limited weight. In line with the decision of the Court in *Wedgewood v City of York Council* [2020] EWHC 780 (Admin), and in advance of the adoption of a Local Plan, decisions on whether to treat land as falling within the Green Belt for development management purposes should take into account the RSS general extent of the Green Belt, the draft Local Plan (2005), the emerging Local Plan, insofar as can be considered against paragraph 48 of the NPPF (2019)

and site specific features in deciding whether land should be regarded as Green Belt. It is against these documents that this proposal should principally be assessed. As such, the application site falls within the general extent of the Green Belt and should be treated as such.

## EDUCATION

A request for Education contributions totalling £551,639 has been received. Broken down as:

	Places Required	Contribution
Early Years	6	£129,288
Primary	0	£0
Secondary	12	£335,632
SEND	0.45	£38,873
Secondary Transport Contribution		£25,632
SEND Transport Contribution		£2,214
Total	18.45	£551,639

3.6. The requested contributions would be allocated towards Fulford Secondary School or Archbishop Holgate School. The contributions for Early Years will ideally be allocated within the standard 1.5km radius of the application site. However due to the rural location of the development it may be necessary to exercise a greater degree of flexibility.

## HIGHWAYS NETWORK MANAGEMENT

3.7. No objections raised to the proposals but a have made a number of recommendations in respect of conditions and measures which would need to be secured via Section 106 Agreement.

## PUBLIC RIGHTS OF WAY

3.8. There is an existing public right of way to the south of the site known as Dunnington No.12. It is likely that the proposed development will result in a large increase in the use of this footpath which will lead to a deterioration of the current surface; which in turn would lead to an increase in complaints and an additional maintenance liability. We would therefore object to the proposals connecting to the public footpath unless there is a proposal to surface the public footpath to an adoptable standard.

## PUBLIC PROTECTION

3.9. No objections raised but do request that in the event of planning permission being granted a series of conditions are attached. These relate to the provision of management and mitigation measures around noise and dust during the construction phase. The passive provision of infrastructure for EV recharge points;

and conditions which would provide suitable mitigation for dealing with any land contamination which may be present at the site.

## FLOOD RISK AND DRAINAGE

3.10. No objections raised subject to conditions securing details of how the site will be drained.

## LIFELONG LEARNING AND LEISURE (OPEN SPACE).

3.11. Have requested obligations be secured in respect of Sports Provision.

## EXTERNAL

### DUNNINGTON PARISH COUNCIL

3.12. Objects on the following grounds:

- It is contrary to the national and local planning policies including those contained in the Dunnington Neighbourhood Plan.
- It is inappropriate development in the Green Belt.
- It does not represent sustainable development. It is simply not a sustainable location for this type of development.
- It would cause significant harm to the landscape, infrastructure, character and appearance of the area as well as road safety and other important considerations.
- The Geo-Environmental assessment is 10 years old and uses maps from the previous planning application.
- There are numerous incorrect and inaccurate references to the village.
- The CEMP for the previous application has yet to be discharged. They are still not addressing the problem of the narrow lane and dangerous junctions at Church Balk and onto the A166.

### SAFER YORK PARTNERSHIP (NORTH YORKSHIRE POLICE):

3.13. No comments received.

### YORKSHIRE WATER

3.14. No objections raised but requires the development to be carried out in accordance with the details submitted.

### OUSE AND DERWENT INTERNAL DRAINAGE BOARD

3.15. No objections raised but subject to conditions securing the development proceeds in accordance with the details submitted.

### NORTH YORKSHIRE FIRE AND RESCUE

3.16. No observation/objection to the proposed development.

## NATURAL ENGLAND

3.17. No objection. Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

## ACTIVE TRAVEL ENGLAND

3.18. Response received stating No Comment.

## 4.0 REPRESENTATIONS

4.1. The proposals have been advertised via neighbour notification letter, site notices and local press notice. A total of 11.no objections have been received and 1.no letter of support. Representations have also been received from Cllr Warters.

4.2. Summary of Comments received from Cllr Warters (Ward Councillor for Osbaldwick and Derwent Ward):

- The submission uses material from the previously approved 20/01626/FULM and does appear contradictory in places and is no longer relevant.
- Eastfield Lane is unsuitable for construction access from any direction.
- The developer has failed to demonstrate that the site can be safely accessed.

4.3. Summary of Support Comments

- After growing up in Dunnington, the plans for new development are exactly what the village needs as a first time buyer, like myself, who would love to be able to stay in the village.

4.4. Summary of Objection Comments

- The site is Green Belt
- There is no adequate traffic management plan.
- There is no Construction Environmental Management Plan.
- Access to the site is poor.
- The proposals will have a significant impact upon surface water drainage and sewage.
- Local Medical facilities are under great pressure and this will be exacerbated by the development.
- There are serious implications for the local primary and secondary schools.
- The proposals will have an extremely negative impact upon the village.
- Removal of vegetation.

- Little consideration is given to existing residents on Holly Tree Croft. Leaving residents extremely overlooked.
- The development is higher density than its surroundings.
- Boundary lines between existing and proposed properties are unclear.
- Loss of Green Belt Land and wildlife habitats.
- This new planning application by a builder who has previously applied for similar planning permission in the same location is confusing.
- There will be noise and dust impacts.
- It will result in the loss of a greenfield site.
- Buses from Dunnington to York are already very busy between 7:30 and 9am. No provision is made to improve bus services.
- Eastfield Lane is unsuitable for access.
- The submission has used information from the earlier application. This is confusing.

## **5.0 APPRAISAL**

### **Key Issues**

5.1. The key issues are as follows:

- Principle of Development
- Highways and Access
- Design and Layout of the site
- Residential Amenity and Public Protection
- Affordable Housing
- Drainage & Flood Risk
- Archaeology
- Ecology
- Sustainable design and construction
- Planning obligations

## **PRINCIPLE OF DEVELOPMENT**

5.2. Following the adoption of the Local Plan there are a number of material changes in policy which are relevant to the assessment of these proposals which differ from when the larger scheme was considered under reference 20/01626/FULM. The adoption of the Local Plan formally sets the inner and outer Green Belt boundaries for the York Green Belt. The Local Plan also formally defines a series of Housing allocations within the city which are intended to provide the required level of housing provision over the lifetime of the plan.



5.3. Following the adoption of the Local Plan the application site is not situated within the Green Belt therefore Green Belt planning policy does not apply. Under the Local Plan the application site and part of the land to the North of the application site is allocated for housing. The site forms part of the H31 Eastfield Lane Housing allocation. In this context the principle of a housing development on this land is acceptable subject to all other material planning considerations being considered acceptable.

5.4. Within Policy H1 of the Local Plan the H31 Eastfield Lane housing allocation has an estimated yield of 83. no dwellings and covers an area of approximately 2.51 hectares. The allocation comprises of two distinguishable parcels of land; the oblong block immediately to the west of the properties on Holly Tree Croft and a broadly 'L' shaped parcel which immediately surrounds the existing property known as Marlet Garden. The two parcels are divided by an existing hedge line which runs perpendicular to Eastfield Lane toward Kerver Lane. This hedge forms the northern boundary of the proposals being considered within this application.

5.5. In the previous application considered under reference 20/01626/FULM the proposals utilised the full extent of the housing allocation. The proposals within this current application comprise only part of the housing allocation as set out within the adopted Local Plan. . This has become necessary as the applicant wishes to pursue the development but has been unable to complete the purchase of the all the land required to implement the permission granted under 20/01626/FULM. The proposals within this application do replicate some of the features previously approved in the scheme approved under 20/01626/FULM.

5.6. Given that the proposals within this application utilise only part of the H31 housing allocation, it will be necessary to have regard to avoiding a situation whereby the remainder of the H31 allocation which is not part of these proposals is not sterilised. Careful consideration is needed to ensure that this application does not prejudice the further development of the remainder of the H31 housing allocation. Such matters are considered in greater detail later in this report. Were this to occur it could have an impact upon the housing delivery set out within the adopted Local Plan.

5.7. Allocation of the site for housing under the Local Plan establishes the basic principle of residential development on the site. Formal allocation under the Local Plan follows the extensive plan making process which included a call for sites and then an assessment of those sites as to their basic suitability for allocation. The site is where, under the Local Plan, the Council expects development to occur.

5.8. Following adoption of the Local Plan and the formal setting of the Green Belt boundaries Eastfield Lane, along the northern boundary of the H31 housing allocation will remain within the Green Belt. As a result of this the works required to widen Eastfield Lane along its frontage with the H31 housing allocation will be within the Green Belt. However it is considered that this element of works would comply with Policy GB1 of the Local Plan.

5.9. Policy GB1 regards the construction of new buildings as inappropriate development. The policy then lists a series of exceptions to this. This includes (GB1 ix.) Engineering Operations; provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt.

5.10. The works to Eastfield Lane comprise of the widening of the road and provision of a footway to provide pedestrian access to the site. These works would replicate the existing situation on Eastfield Lane from outside No.65 Eastfield Lane, to the North West of the application site, back toward Church Balk. The works would ultimately lead to the existing 30mph section of Eastfield Lane being extended to eastwards to include the site frontage of the application site.

5.11. The highways works would constitute an engineering operation which would be an acceptable form of development within the Green Belt. The works due to their nature would be at surface level and as such would not have a significant impact upon the openness of the Green Belt. Nor is it considered that the works would conflict with the purposes of including land within the Green Belt. As such the highways works would be regarded as being an acceptable form of development within the Green Belt.

5.12. Notwithstanding the assessment that element of works located within the Green Belt would be considered acceptable in principle. Significant weight is also attributed to the works facilitating the delivery of an allocated housing site, which has previously being granted planning permission, and will deliver the growth aspirations set out within with adopted Local Plan.

5.13. It therefore considered that, in principle, the development is acceptable subject to all other material planning considerations being addressed. The proposal would therefore accord with Policy SS1 and H1 of the Local Plan.

## **HIGHWAYS & ACCESS**

5.14. Policy T1 of the Local Plan states that development will be permitted where it minimises the need to travel and provides safe, suitable and attractive access for all transport users.

5.15. Paragraph 115 of the NPPF states that in assessing a site that may be allocated for development or specific applications for development, it should be ensured that:

- a) Sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
- b) Safe and suitable access to the site can be achieved for all users;
- c) The design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and National Model Design Code; and
- d) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision led approach.

5.16. Paragraph 116 of the NPPF states that; development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### Access

5.17. The vehicular access to the site would be taken from Eastfield Lane at the northern end of the site; as part of the development Eastfield Lane, along the frontage of the application site will be widened; it was also be necessary for the existing 30mph section of Eastfield Lane to be extended across the frontage of the site. The existing footpath on Eastfield Lane will be continued along the site frontage. In addition to this a footpath link is proposed at the Southern end of the site connecting to an existing paved footpath which links Holly Tree Lane and Kerver Lane.

5.18. Amongst the objections received concerns have been raised around the ability of Eastfield Lane to accommodate the traffic that would be generated both directly from the development but also during the construction phase. Highways have assessed these elements and have not raised any objections on such grounds. Assessment shows the surrounding highway network will be able to cope with the traffic generated by the development. Having regard to construction traffic this can be managed during the construction phase via a suitably worded condition and management plan. Concerns raised around congestion and parked vehicles on Eastfield Lane are noted. However as outlined above it is considered that there is

sufficient capacity within the network for the proposed development to be accommodated. Should such issues persist in the long term the Local Highway Authority would retain powers to implement measures under highways legislation to address such issues where they are considered to be necessary.

5.19. As part of the works it would be necessary to extend the existing 30mph section of Eastfield Lane across the frontage of the proposed development. These measures will be included and secured via a Traffic Regulation Order (TRO). The costs of these works will be borne by the developer.

5.20. The development would also see the widening of Eastfield Lane to 5.5m along the full extent of the northern site boundary. There would also be the extending and widening of the footway to a minimum width of 2m on the southern side of Eastfield Lane from its current termination, approximately 30m to the West of the proposed site access.

5.21. There is an existing public right of way (14/12/10) which runs to the south of the site. Part of this route is already paved and provides a pedestrian link from Holly Tree Lane to Kerver Lane with a spur provided to Holly Tree Croft. The section of the Public Rights of Way (PROW) which abounds the application site is unmade and consists of a track. As part of the works, the pedestrian link from the application site will be linked into the existing footway and would need to be constructed to an adoptable standard. These works can be secured within a combination of conditions and via a Section 106 Agreement. The PROW team have confirmed they have no objections to the proposals but note that the proposals could see an intensification in the use of the existing PROW. As a result of this they have requested that a contribution be secured via a Section 106 Agreement.

### Sustainable Travel

5.22. As part of the submission a Transport Assessment has been undertaken. This concludes that the proposed development generated traffic flows fall below the reasonable assessment threshold of 30 two way peak hour vehicle trips.

5.23. Junction assessments undertaken for Eastfield Lane/Holly Tree Lane and Eastfield Lane/Church Lane demonstrate that these junctions are able to cope with the additional demand the development would generate.

5.24. Parking at the site would be provided via a mix of private driveways, garages and parking bays. Highways have reviewed the proposed parking and arrangements and have confirmed their acceptance of the proposals. Highways have highlighted that in some areas the overall width of some of the proposed dropped crossings

exceeds the recommended widths contained within the draft vehicles crossing policy. These areas are primarily in the parts of the site where multiple bay type parking arrangements are proposed. However in this case this area is demarcated as being a shared surface, which would be clearly differentiated from other sections of the roadway therefore creating a degree of visual break. Other features such as landscaping will also assist in this regard. It is also noted that this approach has been considered and accepted at other developments within the city.

5.25. A Travel Plan has been provided. Highways would wish to see a £200 per dwelling contribution secured towards a public transport pass or cycling equipment to be offered to the first occupier.. Such measures would need to be secured via a S106 agreement. This is considered reasonable and broadly in line with other developments in the city. Such a contribution should act as an incentive for occupiers to utilise sustainable travel options.

5.26. In the interests of assisting with the provision of sustainable methods of transport it is also necessary for the development to provide suitable infrastructure and facilities such as secure cycle parking. Limited details have been provided at this stage. It is therefore considered necessary to condition that these details be provided and agreed with the LPA and Highways.

5.27. Having regard to the general sustainability of the site. The provision of the footpath link at the Southern end of the site greatly improves connectivity and permeability of the site into Dunnington. Bus Stops on Church Street are approximately 400-450m away; served by the No. 10 Service (Stamford Bridge/Poppleton via York City Centre). In addition to this there are also a number of other amenities along Church Street and York Street such as convenience store, post office, pub, doctor's surgery and pharmacy. All of which would be within an accessible distance from the application site. In this regard the proposals would be considered to be sustainable.

5.28. A series of conditions have been requested, by the Local Highways Authority. A number of these are compliance type conditions which will require the areas to be used for vehicles to be laid out in accordance with the approved plans and to a specified standard, such as ensuring that they are positively drained prior to the occupation of the dwellings. Other conditions will require the submission of details in respect of the final road internal road layout.

5.29. Conditions have also been requested to secure off site improvement works. These include the provision of widening Eastfield Lane across the site frontage. Extending and widening the existing footway from Eastfield Lane to connect into the development. The provision of dropped crossings at the junctions on the approach

to the development and the connection of the pedestrian/cycle access at the southern end of the site to the existing footway which links Holly Tree Lane and Kerver Lane. Provision for these will also be made in a Section 106 Agreement. A condition requiring the provision of a travel plan is also requested.

5.30. During the construction phase of the development, it will be necessary to manage the development in terms of construction traffic management, routing of traffic and the management of the site within its boundaries.. A Construction Traffic Management Plan will also include measures such as dilapidation surveys and the management of deliveries to the site within the context of managing, maintaining and monitoring the highway network.

5.31. The conditions requested replicate those which were secured on the previous planning permission at the site and are still considered to be necessary in the event of planning permission being granted.

5.32. Additionally, a condition has been requested to secure the provision of a 3 Stage Road Safety Audit. A Road Safety Audit (RSA) is a multi-stage process of auditing highways interventions; the stages include Preliminary Design, Detailed Design, Post Construction and finally monitoring. In this instance the highways interventions that will be secured as part of the development are considered to be relatively minor, namely the provision of dropped crossings at existing junctions within a residential area and the widening of Eastfield Lane across the site frontage extending the existing 30mph zone across the site frontage. The proposed highways works are fundamentally the same as they were in the earlier approved planning application, with the only alterations being to reflect the smaller proposals now subject of this application. A Road Safety Audit was not secured as part of the previous permission at the site. In any event it is considered that, if the Local Highway Authority deemed it to be necessary, such measures could be secured under their own approvals process which the works would have to be subjected to outside of the planning process. Securing an RSA at this stage is not considered necessary in order to make the proposals acceptable in planning terms.

5.33. Overall it is considered that the proposals would accord with the provisions of Policy T1 of the DLP and Section 9 of the NPPF. The proposals would provide appropriate levels of parking within the development. In addition to this the surrounding highway network would be capable of accommodating the traffic which would be generated by the proposals. The proposals would not give rise to significant highway safety issues and the proposals would be in a sustainable location with regard to access to services and public transport.

## **DESIGN AND LAYOUT OF SITE**

5.34. Policy D1 of the Local Plan states that development proposals will be supported where they improve poor existing urban and natural environments.

5.35. Paragraph 135 of the NPPF sets out a series of objectives which policies and decisions should ensure developments achieve:

- a) Will function well and add to the overall quality of the area, not just for the short terms but over the lifetime of the development;
- b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- c) Are sympathetic to the local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) Establish or maintain a strong sense of place, using the arrangement of streets spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.36. National Planning Practice Guidance refers to the National Design Guide, which sets out the characteristics of well-designed places and illustrates what good design means in practice. The document can be used for decision-making. Policies D1 (Place-making) and D2 (Landscape) of the local plan also cover design principles.

5.37. The historic incremental growth of the village of Dunnington is a characteristic that many of the villages surrounding York exhibit; in that they have grown outwards from the centre. In the case of Dunnington York Street, Church Street and Common Road are quite linear. Subsequent additions have then been made outwards from here which are more suburban in their character being a mixture of interconnected streets and cul-de-sac type developments.

5.38. The proposals are considered to respect local character in terms of layout, scale and density. The proposed dwellings are a mix of detached, semi-terraced and short terraces of properties. All are two storeys in height and provide private amenity space.

5.39. Plots 1-3 and 43-45 will front Eastfield Lane with vehicular access being from within the development. The remainder of the development will be situated behind these dwellings replicating the character and urban grain of surrounding development. The widening of Eastfield Lane along the site frontage and the need to accommodate suitable separation distances within the site it is not considered feasible to retain the existing hedge fronting Eastfield Lane with the proposed dwellings situated behind it. The submitted landscape plan does show elements of landscaping and greenery to the frontage of the proposed dwellings, the character of which would be similar to the existing properties to the West.

5.40. The site covers an area of approximately 1.34 hectares. The proposal for a total of 44 dwellings would equate to a development density of approximately 32.8 dwellings per hectare (dph). This would be broadly in line with the densities set out within Policy H2 local plan; whereby in rural areas and villages a density of 35 dph is expected. As a result the proposals would not be considered to represent an overdevelopment of the site. In comparison the previously approved development achieved a density of approximately 33dph.

5.41. Explanatory text within the National Design Guide states 'A well designed public space that encourages social interaction is sited so that is open and accessible to all local communities. It is connected to the movement network, preferably, so that it people naturally pass through it as they move around. It appeals to different groups. This is influenced by the range of activities that can happen within the space and who they are for. It is also influenced by the versatility and accessibility of its design. The uses around its edges reinforce its appeal and help make it into a destination'. "Well-designed places provide usable green spaces, taking into account: the wider and local context, including existing landscape and ecology; access; how spaces are connected".

5.42. The proposed layout makes provision for two areas of open space across the site. This includes a LAP Play Area which will be enclosed by a 600mm high knee rail fence. A landscaped area will be provided in the South West corner of the site. This area will provide a footpath link into the existing footpath which links Kerver Lane back to the Holly Tree Lane/Horsefield Way junction, beneath this area there will be an attenuation tank.

5.43. Details of the exterior materials to be used in the development have been provided. The dwellings will be constructed using brick with tiled roofs. The proposed materials will be varied across the site to use a Red Multi or Yellow Stock brick with the contrast used as a feature brick. Roofs will be finished in a slate grey or brown pantile. The use of these materials will be in keeping with the existing



materials palette of development within the immediate vicinity of the site. It is considered appropriate to condition these materials.

5.44. The proposed scheme of landscaping can be secured via a suitably worded condition along with securing its ongoing maintenance. The applicant has indicated that the management of the open space can be transferred to a management company. This can be secured by a S106 agreement.

5.45. The NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Secure by Design has been considered in the layout. The layout provides a number of opportunities for better overlooking/natural surveillance within the development, particularly around the main open spaces and accesses into the site. Gardens back onto one another and car parking is typically within sight of the owner's dwellings. All units benefit from external access to their main amenity spaces. The submitted plans show that these accesses will be secured via gates.

5.46. Whilst noting that these proposals only cover part of the H31 housing allocation amendments have been secured during the course of the application to make provision of highway spur toward to the northern boundary of the site. The provision of this feature would provide an opportunity for the remainder of the H31 allocation to be developed in the future, either by providing vehicular access or pedestrian access.

## **RESIDENTIAL AMENITY & PUBLIC PROTECTION**

5.47. The internal layout of the development is such that the proposed dwellings would be suitably arranged to ensure that future occupants do not experience unacceptable levels of overlooking or overshadowing which would be harmful to the amenity of future occupants. Nor would any of the units appear oppressive or overbearing upon neighbouring units.

5.48. Having regard to the existing dwellings which abound the application site. The proposed dwellings would be situated parallel to the existing dwellings situated to the West on Holly Tree Croft. The existing dwellings on Holly Tree Croft are a mixture of single storey bungalows and two storey dwellings. The separation distances achieved to these properties will range between 20m-25m. In addition to this the existing hedge and trees situated along the boundary will be retained and supplemented with additional planting. The other existing properties which would have a direct line of sight to the development are those located to the South East on

Kerver Lane. The separation distances achieved to these dwellings would be in excess of 25m.

5.49. Objections have been raised that the proposed development will leave existing residents and properties overlooked. This will perhaps be most keenly felt by those properties which currently have outlooks across the currently undeveloped site. However, it is considered that the proposed layout achieves suitable separation distances between existing and proposed dwellings and as such will not give rise to unacceptable levels of overlooking which would be detrimental to residential amenity of both existing and future residents; to an extent that would warrant refusal on such grounds.

5.50. The Council's Public Protection Team have reviewed the proposals and have not raised any objections to the proposals. They have however requested that a series of conditions be attached to the granting of any planning permission.

5.51. Given the nature of the proposed development there will be a degree of disruption caused, particularly during the construction phase. It would therefore be necessary and appropriate to include conditions which seek to manage and mitigate the worst of those impacts in the interests of the residential amenity of the area. This includes the provision of a Construction Environmental Management Plan (CEMP) to manage and mitigate possible issues of construction noise, dust and vibration. An hours of construction condition is also recommended.

5.52. Public protection have also recommended a condition to secure the passive provision of Electric Vehicle (EV) recharge points. This condition does not require the developer to install EV recharge points. Instead, it requires them to provide a minimum standard of electrical capacity to each property so as to allow for future EV charge point provision by individual householders. These matters do not require securing via condition as this is now covered by the Building Regulations.

5.53. A land contamination survey has been submitted with the application. However this was undertaken in 2014 and owing to the passage of time should be revised. Public Protection have therefore recommended a condition which requires land contamination investigations to be undertaken prior to development. Conditions are also recommended to secure suitable remediation of the site and subsequent verification of those remedial works. These conditions are considered necessary in the interests of safeguarding the health and well-being of future occupants and ensuring suitable environmental protections are secured should there be any land contamination issues.

## **AFFORDABLE HOUSING**

5.54. Policy H10 of the emerging Local Plan sets affordable housing thresholds. These vary depending upon the type of site involved. In this particular case the site is a greenfield site where more than 15 units are proposed. As a result the relevant threshold to be applied is 30%.

5.55. In total 13.no units would be proposed for affordable provision. These would consist of 2.no 1 bed properties, 6.no 2 bed properties, 3.no 3 bed properties and 2.no 4 bed properties. Of these affordable units 10.no would be for social rent whilst the remaining 3.no would be for shared ownership. The proportion of affordable housing achieved in the development would equate to 29.5%.

5.56. The proposed affordable units represent an important contribution towards the identified need in the City of York area. The applicant has provided a welcomed mix of affordable bed type with adequate numbers of 1, 2, 3 and 4 beds provided. Policy H10 requires affordable units to be 'pepper potted' throughout the development. The submitted layout shows the units as being distributed across the development.

5.57. The on-site provision of 13.no units equates to 29.5%. This is fractionally below the policy requirements of 30% as defined within Policy H10 of the Local Plan. To achieve the 30% requirement an additional 0.2 affordable housing unit is required. This will be secured via the provision of a commuted sum within the Section 106 Agreement.

5.58. Overall the proposed affordable housing provision is considered to accord with the provisions of Policy H10. The provision of affordable units will be make a notable contribution the affordable housing stock within the city. It will be necessary to include provision of these units within a S106 agreement to ensure that they are delivered and set out the necessary frameworks and mechanisms for the units to be transferred to a suitable registered provider.

## **DRAINAGE & FLOOD RISK**

5.59. The application site is located within Flood Zone 1 (Low Risk) as defined by the Environment Agency. In NPPF flood risk terms the development is (sequentially) appropriate in this location. The general objective of the NPPF with regard to flood risk is that development should not increase flood risk elsewhere. Policy ENV5 of the DLP advises that sustainable drainage should be implemented unless this is not feasible.

5.60. Amongst the objections received, concerns have been raised about the potential risk of flooding, particularly to those properties to the South of the site

which are on lower ground. The site at present is greenfield and as such does not benefit from any drainage infrastructure. Therefore, instances of gardens flooding will in part be due to the natural topography of the land – it is known from initial infiltration testing that the ability of the land to soakaway surface water is limited. Development of the site will include the provision of drainage infrastructure which should allow for the flows of surface water to be managed and directed.

5.61. The site is greenfield (undeveloped) and as such the local policy requirement is surface water run-off rates shall equate to the existing situation. At the head of the drainage hierarchy are soakaways as a means of surface water disposal. However on-site testing (witnessed by CYC Flood Risk Management Team) has demonstrated that soakaways will not work on this site. This is due to the presence dense clay overlaid by saturated sand.

5.62. The Flood Risk Management Team have confirmed that they have no objections to the proposed development. They do however request that in the event of planning permission being granted a series of conditions be attached. These conditions will ensure that suitable and adequate drainage infrastructure is delivered as part of the development. The conditions require that the site be developed with separate systems of drainage for foul and surface water on and off site. A second condition will also require that full details of the proposed means of foul and surface water drainage including balancing works be submitted and approved in writing by the LPA prior to the commencement of any development on site.

5.63. Yorkshire Water have also confirmed that they do not have any objections to the proposed development. However they have requested that in the event of planning permission being granted that conditions are attached. The requested conditions would require separate systems of drainage for foul and surface water; and also prevent piped discharge of surface water from the site until works to provide a satisfactory outfall have been undertaken. Similarly, the Ouse and Derwent Internal Drainage board have requested that various measures be secured in respect of the drainage of the site; noting that the site sits close to the Drainage Board's district. The measures requested would be encompassed by the conditions requested by CYC Flood Risk Team.

5.64. Subject to the conditions requested it is considered that the proposals would accord with Policy ENV5 of the DLP and the provisions of the NPPF.

## **ARCHEOLOGY**

5.65. The application site is located on the south facing slope of the York Moraine. Archaeological work and research has been undertaken on sites in a similar location

(Campus 3 in Heslington and Walmgate Stray); this work has demonstrated that these sites have the potential to produce well-preserved archaeological features and deposits relating to late prehistoric and Romano-British occupation. Investigations have taken place at the site since the granting of the permission under 20/01626/FULM.

5.66. The on-site investigations have failed to find an archaeological resource at the site. As such the City Archaeologist has confirmed that no further investigation or mitigation would be required as part of this development.

## **ECOLOGY**

5.67. Section 15 of the NPPF covers the conservation and enhancement of the natural environment. It states that planning policies and decisions should contribute to and enhance the natural and local environment; by minimising impacts upon on an providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. In the context of determining planning applications (Para 186, d)) states that 'opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

5.68. An ecology appraisal has been submitted with the application. The proposals would result in the loss of land that is categorised as poor-semi improved grassland; however these habitats have been assessed as being of low botanical value.

5.69. The appraisal has identified a medium population of Great Crested Newts within 200m of the site; with suitable terrestrial habitat for great crested newts being present within the site – which would be lost to facilitate development. The submitted ecological appraisal has concluded that there are no bat roosts within the site and none of the buildings or trees provide a greater than negligible roost potential. Site habitats are considered to be of limited value for foraging and commuting. The existing scrub, hedgerows and buildings within the site are considered suitable for a range of nesting birds. The removal of such habitats could have an adverse impact on active nests, any eggs, chicks or adult bird's presents; if work effecting these are carried out during the bird breeding season.

5.70. The submitted ecological information has been reviewed by the Council's Ecologist who has not raised any objections to the proposals or the proposed mitigation measures. The development would be subject to Biodiversity Net Gain and a BNG Plan will be required to be submitted prior to commencement of development. It is also considered necessary to secure a Habitat Management and Monitoring Plan via condition.

5.71. The submitted Ecological information included a series of recommendations most of which will be taken forward in the proposals or secured by way of condition in the event of planning permission being granted.

5.72. Hedgerow H3 along the northern boundary has already been removed by the applicant.. Elements of Hedgerow H2 which runs along the northern boundary of the site are to be retained and incorporated into the domestic properties and the open space. The other hedgerows at the site are to be retained with some selective removal of non-native species to be replaced and enhanced with native species. Other proposed enhancement measures include the provision of Swift Brick Bird Boxes and Integral Bat Boxes at various locations within the proposed development.

5.73. Overall it is considered that the proposals would accord with the provisions of Section 15 of the NPPF; the proposals would achieve a Biodiversity Net Gain in excess of the statutory 10% (19.4% gain in Habitat Units and 68.7% in Hedgerow units) following the implementation of the proposed Ecological measures. The potential risks to protected species and existing habitats can be suitably managed via a series of mitigation measures which can be secured via planning condition.

## **SUSTAINABLE DESIGN AND CONSTRUCTION**

5.74. Policy CC1 of the Local Plan establishes local requirements on sustainable construction. It requires that compared to Building Regulation targets, buildings achieve a reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. At least 19% of such should be from building fabric efficiency.

5.75. The provisions of Policy CC1 have been noted within the Design and Access Statement that has been submitted by the applicant in support of the application. However no tangible measures have been detailed as to how the provisions of CC1 would be achieved within the development. Notwithstanding this the provisions of Policy CC1 are considered to be relevant in the context of ensuring that any development that proceeds does so in a manner which assists with tackling climate change. It is therefore considered necessary to impose conditions which will require each dwelling to achieve a reduction in carbon emissions to a level that is stated within Policy CC1.

## **PLANNING OBLIGATIONS**

5.76. Policy DM1 of the Local Plan states; the Council will seek contributions from developers to ensure that the necessary infrastructure is in place to support development in York. Where financial obligations are being secured these will be indexed linked to ensure that contributions track inflationary growth between the point at which planning permission is granted and the obligation becomes due.

5.77. Planning obligations assist in mitigating the impact of development to make it acceptable in planning terms. However in securing planning obligations in order to comply with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Obligations must be necessary to make development acceptable in planning terms; directly related to the development and fairly and reasonably related in the scale and kind to the development. The obligations being sought are considered compliant with Regulation 122.

### Education

5.78. In terms of Education the Council's supplementary planning guidance note informs the methodology.

5.79. The need arising from the development and how this would be accommodated is as follows-

- Early Years (6 Places) £129,288 for provision within a 1.5km radius of the site, which may increase to 5km given the rural location.
- Secondary (12 Places) £335,632 for provision at Fulford School or Archbishops Holgate's.
- SEND (0.45 places) £38,873 for provision to meet the need arising from the development.

5.80. The contributions will need to be included in a completed S106 agreement in order to ensure that they are secured.

### Affordable Housing

5.81. As outlined earlier in this report. The proposed development would achieve affordable housing provision of 30% which is in accordance with the policy H10 of the DLP. The provision of these units, the residual commuted sum and the mechanisms and frameworks by which they are delivered and then transferred to an appointed registered provider need to be included within a S106 agreement.

### Open Space

5.82. All residential development proposals are expected to contribute to the provision of open space for recreation and amenity in line with Policy GI6 of the

DLP. Areas of open space will be provided within the development. The proposed dwellings will also benefit from private garden areas. As part of the Section 106 agreement it will be necessary to secure the long term management of the public spaces via a management company/management provider.

5.83. A contribution towards off site sports provision is considered necessary. Based on the number of dwellings and number of bedrooms proposed the required contribution has been calculated as £21,699. The contribution would be intended to be used at Dunnington and Grimston Playing Fields Association.

### Highways

5.84. In addition to the various highways related matters secured via planning conditions the following obligations are required. Sustainable Travel Contributions equivalent to £200 per dwelling, £12,000 toward the processes for introducing and implementing the required Traffic Regulation Orders (TRO) and a contribution of £11,665 toward improvements to footpath 14/12/10 from the point of the proposed pedestrian cycle route in the south western corner of the site to adjoin the existing network.

## PUBLIC SECTOR EQUALITIES DUTY

5.85. 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 a relevant protected characteristic and persons who do not share it.

5.86. 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 that 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.

5.87. 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.

5.88. Officers have given due regard to the equality implications of the proposals in making its 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 above report outlines how the proposed development, subject to conditions, is compliant with the adopted Local Plan and NPPF with regards to impacts upon the highway network, sustainable travel, residential amenity, archaeology, biodiversity, flood risk and drainage. In addition to this there are considered to be suitable mechanisms to ensure that the infrastructure required to support the development can be secured.

6.2. Based on the merits of this case it is recommended that planning permission be granted subject to conditions and completion of a Section 106 Agreement.

## **7.0 RECOMMENDATION:**

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

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

- Education contributions totalling £551,639;
- Provision of on site Affordable Housing and a commuted sum for the residual amount to secure a policy compliant 30% Affordable Housing provision;
- Management provision for the on-site Open Space;
- An off-site Sports provision contribution of £21,699
- Highways and Sustainable Transport obligations of £32,465

ii The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement.

iii The Head of Planning and Development Services be given delegated authority to determine the final detail of the following planning conditions:

1      TIME2      Development start within three years

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

Location Layout: Drawing No. 001;

Planning Drawing (Single Garage/Large Garage) Drawing No. SSG1-H8 & LDG1-H8;

Site Layout: Drawing No. H6377-100 J;

Landscape Layout: Drawing No. H6377-101 F;

Materials Layout: Drawing No. H6377-ML01 D;

Alder House Type Code N382-SEMI Drawing No.01

Primrose House Type Code N224-SEMI Drawing No.01

Archford House Type Code P382-Semi Drawing No.12

Eckington House Type Code H351-AS Drawing No.12

Eckington House Type Code H351-OPP Drawing No.12

Hadley/Archford House Type Code P341/P382- 3 Block 01 Drawing No.12

Hadley/Archford House Type Code P341/P382- 3 Block 02 Drawing No.12

Hadley/Archford House Type Code P341/P382 Semi Drawing No.12

Oakwood/Tulip/Primrose House Type Code OAK/TUL/N224 Drawing No.12

Oakwood/Tulip/Wilford (3 Block) House Type Code OAK/TUL/P204 Drawing No.12

Oakwood/Tulip/Wilford (5 Block) House Type Code OAK/TUL/P204 01 Drawing No.12

Oakwood/Tulip/Wilford (5 Block)

House Type Code OAK/TUL/P204 02 Drawing No.12

Bradgate House Type Code H417-OPP Drawing No.13

Hadley House Type Code P341-AS Drawing No.13

Ingleby House Type Code H403-AS Drawing No.13

Ingleby House Type Code H403-OPP Drawing No.13

Millford House Type Code H411-AS Drawing No.13

Millford House Type Code H411-OP Drawing No.13

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3      Prior to development (excluding demolition), a site investigation and risk assessment must be undertaken to assess the nature, scale and extent of any land contamination and the potential risks to human health, groundwater, surface water and other receptors. A written report of the findings must be produced and submitted the Local Planning Authority for approval in writing.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination and to accord with Policy ENV3 of the York Local Plan.

4 Where remediation works are shown to be necessary, development (excluding demolition) shall not commence until a detailed remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works.

Reason: To ensure that the proposed remediation works are appropriate and will remove unacceptable risks to identified receptors and to accord with Policy ENV3 of the York Local Plan.

5 Prior to first occupation or use, remediation works should be carried out and completed in accordance with the approved remediation strategy. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority, prior to first occupation. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the agreed remediation works are fully implemented and to demonstrate that the site is suitable for its proposed use with respect to land contamination in accordance with Policy ENV3 of the York Local Plan. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

6 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, if remediation is necessary, a remediation strategy must be prepared and submitted to the Local Planning Authority for approval in writing. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination and to accord with Policy ENV3 of the York Local Plan.

7 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The

CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise first agreed in writing by the Local Planning Authority.

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

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

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

The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified. For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e.

investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses [public.protection@york.gov.uk](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

Reason: To protect the amenity of the locality in accordance with Policy ENV2 of the York Local Plan.

8 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 0800 to 1800 hours, Saturday 0900 to 1300 hours and there shall be no works or operations on Sundays and Bank Holidays.

Reason: In the interests of safeguarding the residential amenity of neighbouring residents and to accord with Policy ENV2 of the York Local Plan.

9 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. The information shall include site specific 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 of 3.5 (three point five) litres per second,
- iii) how the surface water attenuation up to and including the 1 in 100-year event with a 30% climate change allowance shall be achieved,
- iv) a topographical survey showing the existing and proposed, ground, and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties, and
- v) the future management and maintenance of the proposed drainage scheme.

The development shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site and to accord with Policy ENV5 of the York Local Plan.

10 Prior to commencement of the development hereby permitted a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall be compiled by a suitably qualified ecologist and should detail how wildlife enhancements and habitats are to be created, enhanced, managed and maintained. The content of the HMMP shall cover all proposed onsite and offsite landscape and habitats and include the following:

- Ecological trends and constraints on site that might influence management.
- The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- Appropriate management options for achieving aims and objectives.
- The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- The roles and responsibilities of the people or organisation(s) delivering the HMMP;
- The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.
- Schedule for reporting findings to the LPA.

The HMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The results of the monitoring must be submitted to the Local Planning Authority for written approval in years 1, 2, 3, 5, 10, 15, 20 and 30; biodiversity reconciliation calculations should be provided at each stage. The HMMP must be fully implemented as approved in accordance with the agreed timescales.

Reason: To ensure delivery of biodiversity gains in accordance with the requirements of Schedule 7A to the Town and Country Planning Act 1990, the NPPF and policy GI2 of the Local Plan

11 Construction works, including ground clearance and enabling works, shall not in any circumstances commence unless the local planning authority has been provided with either:

a) A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising

the specified activity/development to go ahead; or

- 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 IACPC certificate issued by Natural England can be provided, stating the site is eligible for District Level Licencing.

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

12 No development shall take place until a construction environmental management plan (CEMP: Biodiversity) is submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include, but not limited to the following:

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

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

Reason: To facilitate the protection of notable/sensitive habitats and species within the local area and to accord with Policy GI2 of the York Local Plan.

13 A biodiversity enhancement plan/drawing and a timetable for implementation shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of works. The content of the plan shall include, but not be limited to the erection/installation of bat and bird boxes on the new buildings.

The development shall thereafter be completed in accordance with the approved

plan/drawing and timetable.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Policy GI2 of the York Local Plan and Paragraphs 187-195 of the National Planning Policy Framework 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.

14 Prior to the installation of any new external lighting, a 'lighting design plan' shall be submitted to and approved in writing by the local planning authority. The plan shall:

a) Specified lighting should be made in-line with current guidance - Bat Conservation Trust (2023) Bats and Artificial Lighting at Night:  
<https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

b) Demonstrate 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 development shall thereafter be completed 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 and to accord with Policy GI2 of the York Local Plan.

15 The dwellings shall achieve a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations). The fabric energy efficiency shall achieve a 19% or more reduction in carbon emissions (compared to the target emission rate as required under Part L of the Building Regulations 2013).

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

Reason: In the interests of securing a sustainable development in line with Policy CC2 of the Local Plan.

16 Prior to the development coming into use, all areas used by vehicles shall be



surfaced, sealed and positively drained within the site, in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

17 Prior to the development commencing above foundation slab level details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours and to accord with Policy T1 of the Local Plan.

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

Reason: In the interests of highway safety and to accord with Policy T1 of the Local Plan.

19 Prior to the commencement of development a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. The a statement shall include at least the following information;

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

The measures set out in the statement as so approved shall be implemented at all times during the clearance/preparatory and construction works of the development.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users and to accord with Policy T1 of the York Local Plan.

20 Vehicular access shall be from Eastfield Lane and details of the design of this

access, together with associated sightlines, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to accord with Policy T1 of the York Local Plan.

21 No building/dwelling shall be occupied until the internal road has been provided, up to base-course level,. The wearing course shall be laid within two years of the base-course being laid or prior to the occupation of the penultimate house, whichever is the sooner.

Reason: In the interests of road safety and to accord with Policy T1 of the Local Plan.

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

- Widening of Eastfield Lane to 5.5m along the full extent of the northern site boundary.

- Extending and widening the footway (to 2.0m minimum width) on the southern side of Eastfield Lane, from its current termination approximately 30m west of the site to the proposed site access,

- Installation of dropped crossings at the junctions with Holly Tree Lane, Garden Flats Lane and Stockhill Close,

- Improving the section of footpath 14/12/10 from the point where the proposed pedestrian cycle route at the south west-west corner of the site meets it to where it links with the adopted footpath leading to Kerver Lane.

Reason: In the interests of the safe and free passage of highway users and enhance highway connectivity in accordance with Policy T1 of the Local Plan.

23

23 Prior to the footpath link at the southern end of the site adjacent to Plots 23-24 on the approved site layout plan being brought into use details of bollards to be installed at the entrance to the footpath link shall be submitted to and approved in writing with the Local Planning Authority. Once agreed the bollards shall be installed no later than 3 months of the practical completion of the development.

Reason: In the interests of highway safety in accordance with Policy T1 of the York Local Plan.

24 No part of the development shall be occupied until a Travel Plan (based on the submitted 'Travel Plan, Eastfield Dunnington', August 2024) has been submitted to and approved in writing by the LPA. The Travel Plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan. Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly annual travel surveys carried out over period of 4 years from the first survey or the fifth year after the final occupation whichever the later, shall then be submitted annually to the Local Planning Authority for its written approval.

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

25 Within three months of commencement of development a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; and seed mixes, sowing rates and mowing regimes where applicable. It will also include locations and types of surfacing, street furniture, play equipment, fencing, and lighting. The proposed tree planting shall be compatible with existing and proposed utilities. This scheme shall be implemented within a period of six months of the practical completion of the phase of development to which it relates. Any trees or plants, within a public area of the development or plot frontages, which within the lifetime of the development die, are removed or become seriously damaged or diseased in the opinion of the local authority, shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority agrees alternatives in writing.

Reason: So that the local planning authority may be satisfied with the variety, suitability and disposition of species and other landscape details across the site, since the landscape scheme, is integral to the amenity of the development and the immediate area.

## **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:

Amendments to the layout were secured to address Highways concerns and refine the provision of Affordable Housing.

## 2. INFORMATIVE: BIODIVERSITY NET GAIN (BNG)

The statutory framework for Biodiversity Net Gain (BNG) set by paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 requires a Biodiversity Gain Plan to be submitted and approved prior to the commencement of development. The development cannot be lawfully commenced until this condition is satisfied.

Development may not begin unless:

- (a) A Biodiversity Gain Plan has been submitted to the planning authority; and
- (b) The planning authority has approved the plan

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, which is required in respect of this permission, is the City of York Council.

### SUBMISSION REQUIREMENTS:

Under paragraph 14(2) of Schedule 7A, a Biodiversity Gain Plan must include the following:

- a) Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,
- b) The pre- and post-development biodiversity value of the onsite habitat,
- c) Any registered off-site biodiversity gain allocated to the development, and
- d) Any biodiversity credits purchased to off-set the development and whether or not from a registered provider.

In addition, under Articles 37C(2) and 37C(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the following specified matters are required, where development is not to proceed in phases:

- Name and address of the person completing the Plan, and (if different) the person submitting the Plan;
- A description of the development and planning permission reference number (to which the plan relates);
- The relevant date, for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date;
- The completed biodiversity metric calculation tool(s), stating the publication date of

the tool(s), and showing the calculation of the pre-development onsite value on the relevant date, and post-development biodiversity value;

- A description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed);
- (Except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;
- Pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the relevant date, and drawn to an identified scale and showing the direction of North;
- A description of any irreplaceable habitat on the land to which the plan relates which exist on the relevant date, and any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat; and

If habitat degradation has taken place:

- A statement to this effect;
- The date immediately before the degradation activity;
- The completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and
- Any available supporting evidence for the value.

There is a standard Biodiversity Gain Plan template available to complete which brings together many of these matters into one document.

[https://assets.publishing.service.gov.uk/media/65df0c4ecf7eb16adff57f15/Biodiversity\\_gain\\_plan.pdf](https://assets.publishing.service.gov.uk/media/65df0c4ecf7eb16adff57f15/Biodiversity_gain_plan.pdf)

Failure to submit a Biodiversity Gain Plan prior to the commencement of development will lead to formal enforcement action being considered, which could be in the form of a Temporary Stop Notice (that will require all development on site to stop, for a period of 56 days).

### 3. 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 York Consortium of 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 watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge (either directly or indirectly) to the watercourse will also require the Board's prior consent.

#### 4. HIGHWAYS WORKS

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact:

Adoption of Highway (Section 38) and Agreements as to execution of works (Section 278) [development.adoption@york.gov.uk](mailto:development.adoption@york.gov.uk)

Works in the Highway (Section 171) [streetworks@york.gov.uk](mailto:streetworks@york.gov.uk)

Temporary Highway Closure (Road Traffic Regulation Act 1984 Section 14) [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk)

Footpath/Bridleway Diversion (Town and Country Planning Act 1990, Section 257) [www.york.gov.uk/roadclosures](http://www.york.gov.uk/roadclosures)

#### 5. CONTACT UTILITIES

You are advised that this proposal may have an effect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

#### 6. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused, by activities relating directly to the approved development (e.g. delivery of building materials via HGV's). The Council is particularly concerned at the increasing impacts and damage occurring to grass verges. This is detrimental to residential amenity, can present safety issues and places an unreasonable financial burden on the Council, if repairs are subsequently deemed necessary. Therefore, applicants/developers are strongly advised to work proactively with their appointed contractors and delivery companies to ensure that their vehicles avoid both parking and manoeuvring on areas of the public highway (grass verges) which are susceptible to damage. The council wishes to remind applicants that legislation (Highways Act 1980) is available to the authority to recover any costs (incurred in making good damage) from persons who can be shown to have damaged the highway, including verges. If the development is likely to require the temporary storage of building materials on the highway, then it is necessary to apply for a licence to do so. In the first instance please email

highway.regulation@york.gov.uk, with details of the site location, planning application reference, anticipated materials, timelines and volume. Please refer to the Council website for further details, associated fees and the application form.

#### **7. PUBLIC RIGHTS OF WAY**

During construction of the development the surface of the Footpath 14/12/10 adjacent to the site must not be damaged or obstructed in any way, for example by drainage across the path or through vehicle use, without the prior approval of a member of the LHA Public Rights of Way team. Any unauthorised deterioration of the surfaces of the right of way , as a result of the planned works will be expected to be restored (or improved) to their previous condition with immediate effect.

Furthermore, Where hedges are proposed to be planted or retained parallel to the public footpath these should not reduce the width or damage the surface of the footpath. In addition if gates are to be built on the site they should not open out into the public footpath.

#### **Contact details:**

**Case Officer:** Mark Baldry  
**Tel No:** 01904 552877