



**Notice of a public meeting of  
Planning Committee A**

**To:** Councillors Crawshaw (Chair), Fisher (Vice-Chair), Ayre, J Burton, Clarke, Cullwick, Melly, Steward, Whitcroft, Moroney and Watson

**Date:** Monday, 19 May 2025

**Time:** 4.30 pm

**Venue:** West Offices

**AGENDA**

**1. Apologies for Absence**

To receive and note apologies for absence.

**2. Declarations of Interest** (Pages 7 - 8)

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].

**3. Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

**Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the**

**management of public participation at meetings.** The deadline for registering at this meeting is **5:00pm on Thursday 15 May 2025.**

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#### **4. Plans List**

This item invites Members to determine the following planning applications:

- a) **OS Field 2800, Eastfield Lane, Dunnington, York [24/01669/FULM]** (Pages 9 - 58)

Erection of 44no. dwellings (C3 use class), open space, infrastructure and associated landscaping [Osbalwick and Derwent Ward]

- b) **Piglets Adventure Farm, Towthorpe Grange, Towthorpe, Moor Lane, Strensall, York [24/01519/FULM]** (Pages 59 - 90)

Installation of hardstanding, landscaping and infrastructure works to parking area [Strensall Ward]

#### **5. Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

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Ta informacja może być dostarczona w twoim własnym języku. (Polish)

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### Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) <b>OR</b> Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) <b>OR</b> Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

**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

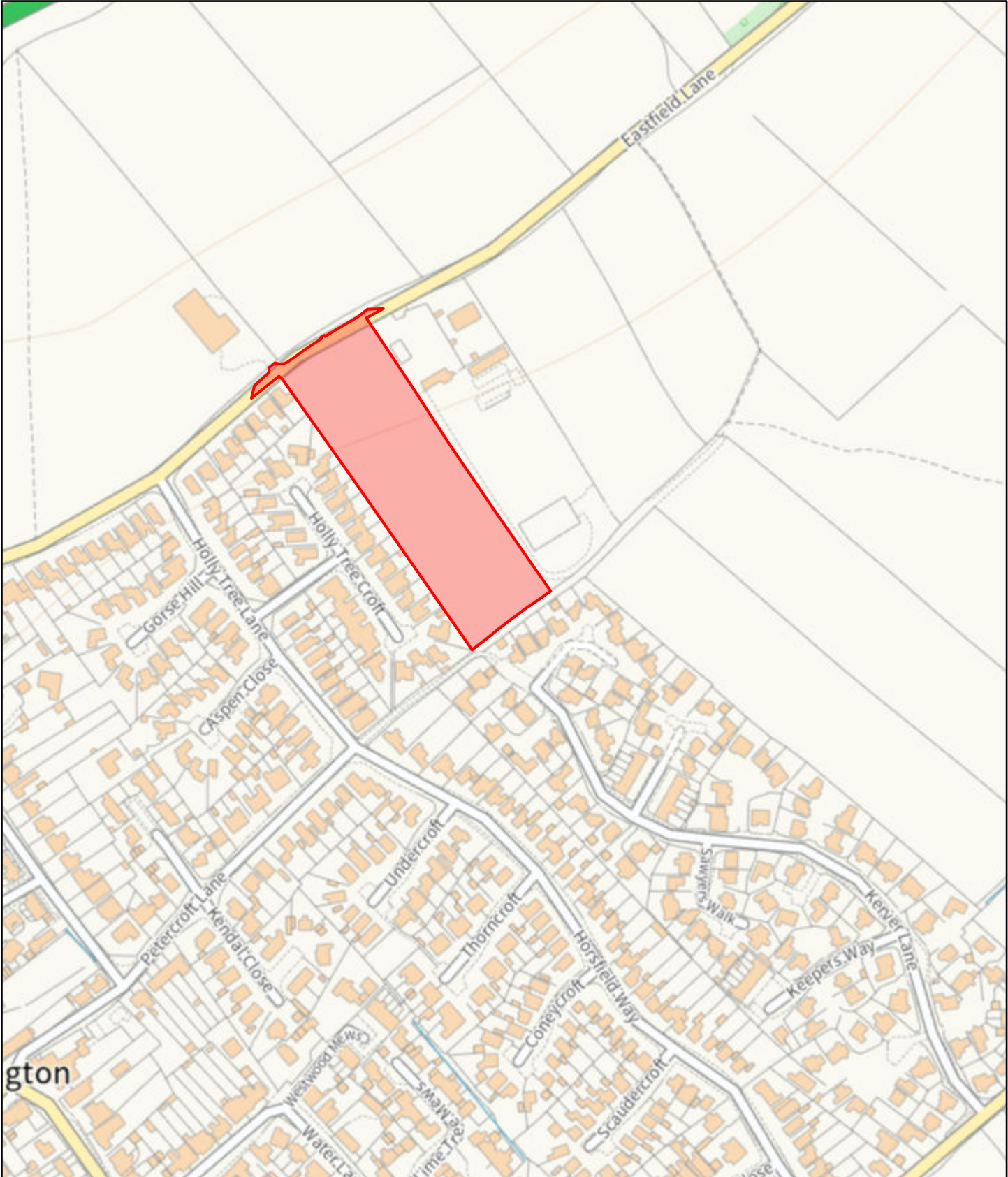
During construction of the development the surface of the Footpath 14/12/10 adjacent to the site must not be damaged or obstructed in any way, for example by drainage across the path or through vehicle use, without the prior approval of a member of the LHA Public Rights of Way team. Any unauthorised 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.

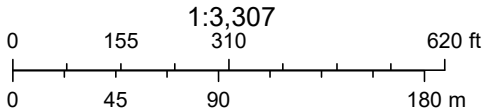
#### **Contact details:**

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

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# Planning Committee A

19 May 2025

# 24/01669/FULM – OS Field 2800, Eastfield Lane, Dunnington, York

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

# Site Location Plan

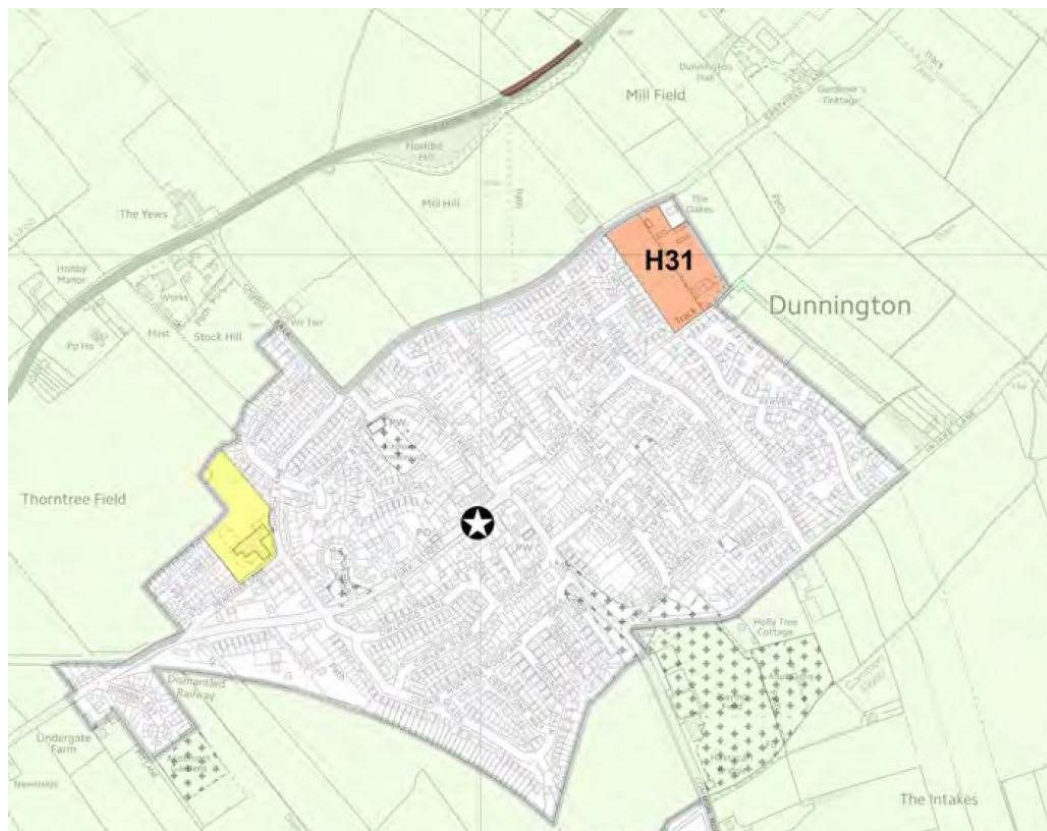








## Local Plan Proposals Map – Dunnington and H31 Housing Allocation



## OS Map Overview of Dunnington



## Proposed Site Layout





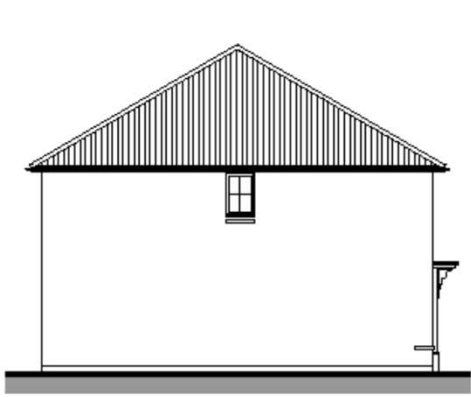
Alder Housetype (2 Bed Semi)



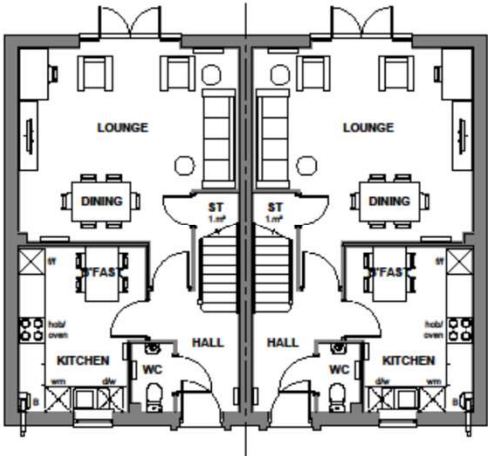
FRONT ELEVATION



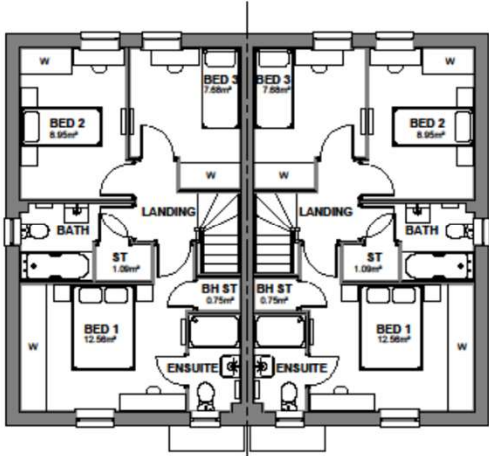
REAR ELEVATION



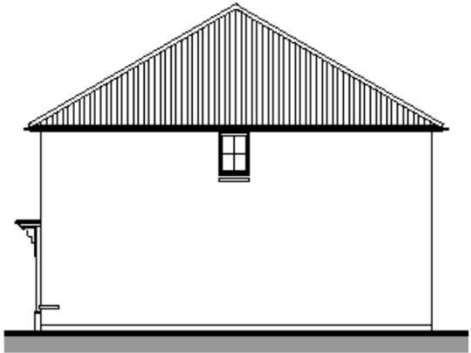
SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SIDE ELEVATION



City of York Council Planning Committee Meeting - 19th May 2025



DAVID WILSON HOMES  
WHERE QUALITY LIVES

Planning  
- Dimensions include buildings and could be subject to change. All dimensions are subject to the final approved plans.  
- Dimensions include buildings and could be subject to change. All dimensions are subject to the final approved plans.

Sales Name: ALDER  
House Type Code: N382 - Semi  
Spec: A3  
Drawn: GDT  
Checked: GDT  
Date: JAN 23  
Scale: 1: 100

TOTAL FLOOR AREA : 966 Sqft / 89.78 m<sup>2</sup>

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# Bradgate Housetype (4 Bed Detached)



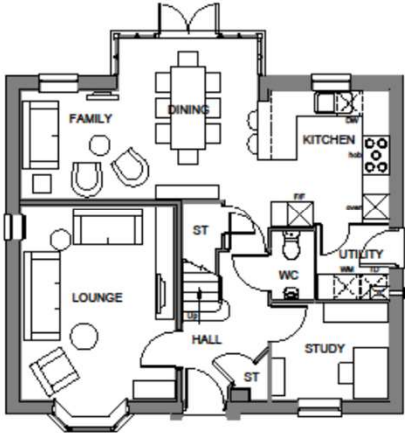
FRONT ELEVATION



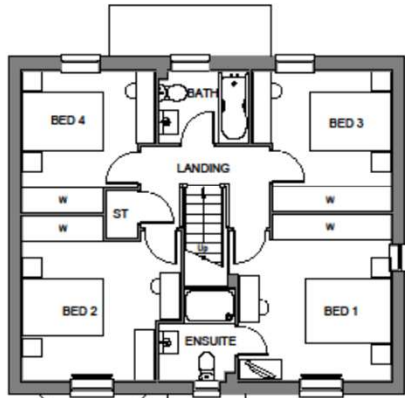
REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SIDE ELEVATION





DAVID WILSON HOMES

WYFTE QUALITY LIVES

PLANNING

Rev

Refer to Date Sheet for full details

Date

Sales Name: BRADGATE

House Type Code: H417-OPP

Spec: A2

Drawn: GDT

Date: May 2023

Checked: GDT

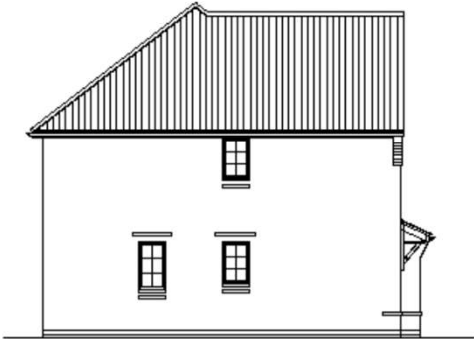
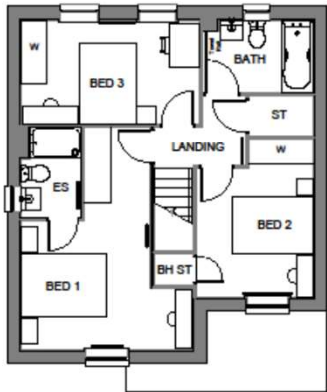
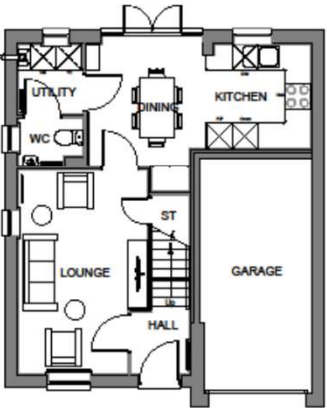
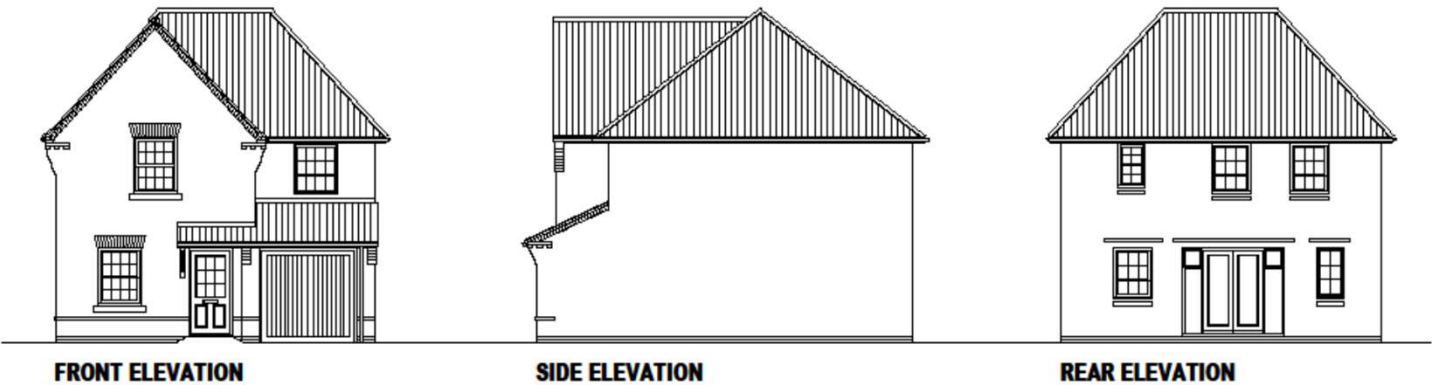
Scale: 1: 100

TOTAL FLOOR AREA : 132.2 m<sup>2</sup> / 1422 Sqft

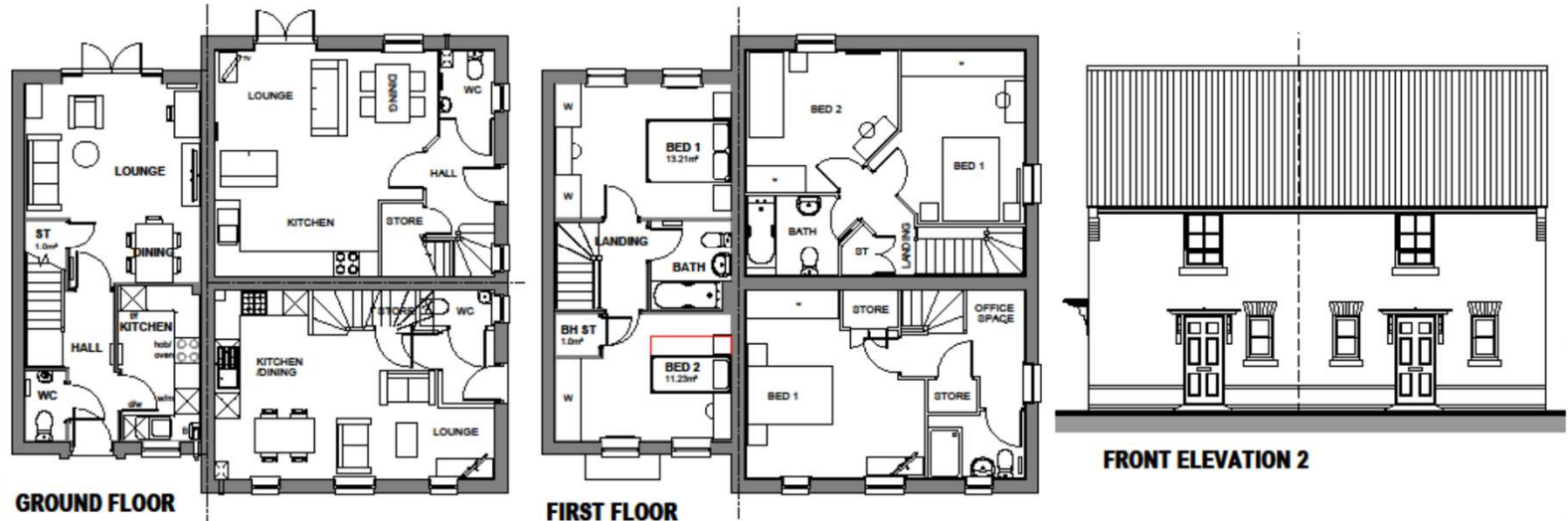
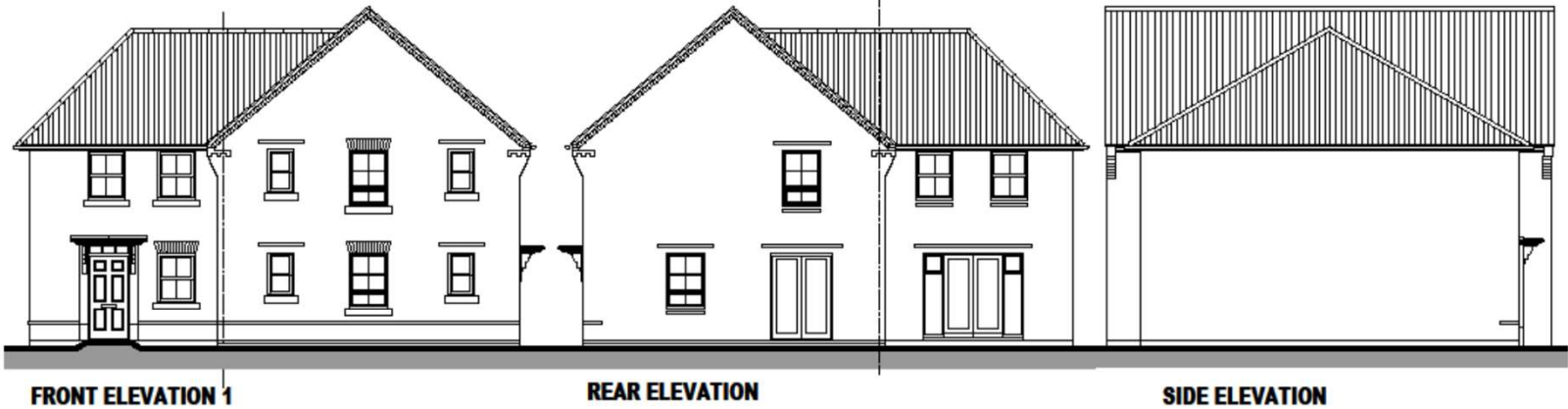
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# Eckington Housetype (3 Bed Detached)



Oakwood, Tulip, Primrose (Block of 3) Housetype



City of York Council Planning Committee Meeting - 19th May 2025



DAVID WILSON HOMES  
WHERE QUALITY LIVES

PLANNING

Rev

Refer to Data Sheet for full details

Date

NOTES TO BE ADDED HERE

Notes to be added to this drawing during consultation of the planning application. Any changes to the drawing should be made to this sheet. Make any amendments to the drawing on a separate sheet. The drawing is for information only and does not constitute an offer of a house. The drawing is for information only and does not constitute an offer of a house. The drawing is for information only and does not constitute an offer of a house.

Sales Name: OAKWOOD / TULIP / PRIMROSE

House Type Code: OAK / TUL / N224

Spec: A3

Drawn: GDT

Drawing No: 12

Checked: GDT

Date: June 2024

Scale: 1: 100

TOTAL FLOOR AREA : 625sqft / 754sqft / 768sqft

1

Oakwood, Tulip, Wilford (5 Block) Housetype



City of York Council Planning Committee Meeting - 19th May 2025



1

TOTAL FLOOR AREA : 625sqft / 754sqft / 621sqft

Sales Name : OAKWOOD / TULIP / WILFORD (5 BLOCK)

House Type Code : OAK / TUL / P204 01

Spec : A3

Drawn : GDT

Drawing No : 12

Checked : GDT

Date : June 2024

Scale : 1: 100

DAVID WILSON HOMES

WHERE QUALITY LIVES

PLANNING

Rev

Refer to Data Sheet for full details

Date

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**COMMITTEE REPORT**

<b>Date:</b>		<b>Ward:</b>	Strensall
<b>Team:</b>	East Area	<b>Parish:</b>	Stockton-on-the-Forest Parish Council
<b>Reference:</b>	24/01519/FULM		
<b>Application at:</b>	Piglets Adventure Farm Towthorpe Grange Towthorpe Moor Lane Strensall York		
<b>For:</b>	Installation of hardstanding, landscaping and infrastructure works to parking area		
<b>By:</b>	Sykes		
<b>Application Type:</b>	Major Full Application		
<b>Target Date:</b>	31 March 2025		
<b>Recommendation:</b>	Approve subject to Section 106 Agreement		

**1.0 PROPOSAL****The Site**

1.1 The application site is Piglets Adventure Park, a theme park at Towthorpe Grange Farm and located on Towthorpe Moor Lane. The adventure park has car parking situated next to the private entry road which connects the site to Towthorpe Moor Lane and borders the main visitor entrance and shop into the adventure park. The park is limited to daytime opening hours only from March to November (except for the occasional night-time event centred around Halloween and time leading up to Christmas).

1.2 The site is in the Green Belt. It is not in a conservation area and there are no protected trees. The site is in low-risk flood zone 1 and abuts Strensall Common SSSI linking Strensall Common and several SINC's and other sites of interest. The application site is not part of a site of importance for nature conservation.

**The Proposal**

1.3 This application seeks planning permission to resurface current grassed sections of the visitor car park with macadam hardstanding and new pedestrian pathways. The aim of the proposal is to resolve existing drainage problems which occur during inclement weather conditions and has resulted in parked vehicles becoming stuck within waterlogged land. The pathways will improve the pedestrian

access into the site. The works will introduce soft landscaping with a mixture of hedges, trees and shrubs to be arranged within the vehicle circulation areas and around its outside edged boundaries.

## **Background History**

1.4 The site was previously used for agriculture and horticulture in association with Towthorpe Grange Farm. In 2001 planning permission was granted for the erection of a farm shop and the creation of a rural education centre. The planning permission included some material changes to the land for car parking for 27no. cars and footpaths. In 2004 planning permission was granted for a large extension to the farm shop building and the addition of no.13 car parking spaces, taking the total number of spaces to no.40 car park spaces. The Planning Authority considered that the extension, although large, would not greatly increase the visual impact of the building nor would the enlarged car park be any more visible than the approved car park.

1.5 In 2023 a certificate of lawful use was granted for the use of the farm as an adventure park including of an area of land which served as a car park.

## **2.0 POLICY CONTEXT**

### **Legislation Context**

2.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

### **Planning Policy Content**

#### **The Local Plan**

2.2 Policy SS2 (Yorks's role in the Green Belt) of the Local Plan states the primary purpose of the Green Belt is to safeguard the setting and the special character of York and delivering the Local Plan Spatial Strategy. New building in the Green Belt is inappropriate unless it is for one of the exceptions set out in policy GB1.

2.3 The key relevant policies in the Local Plan relevant to this application are listed below.

GB1	Development in the Green Belt
D2	Landscape and Setting
T1	Sustainable Access
ENV4	Flood Risk
ENV5	Sustainable Drainage
G14	Trees and Hedgerows
GI2	Biodiversity and Access to Nature
DP2	Sustainable Development
EC4	Visitor Economy
ENV2	Managing Environmental Quality

### National Planning Policy Framework (December 2024)

2.4 The National Planning Policy Framework (NPPF) and its planning policies are material considerations in the determination of planning applications. The presumption in favour of sustainable development does not apply in Green Belt locations if the application of Green Belt policy in the NPPF provides a strong reason for restricting the overall scale, type or distribution of development, in accordance with footnote 7 referenced within Paragraph 11 of the NPPF.

2.5 Section 13 (protecting Green Belt) of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. In paragraph 153 the policy states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

## **3.0 CONSULTATIONS**

### **Internal**

#### **Design and Conservation – Ecology**

3.1 The Council's Ecologist has made recommendations and conditions in respect of the application. In terms of BNG a Biodiversity Gain Plan will need to be submitted and approved in writing by the LPA prior to commencement of the development. Also, as part of BNG and conditions a Habitat Management and Monitoring Plan is required and confirmation that habitat works have been completed. This would be secured through a S.106 agreement for a payment of

£2,750 along with the off-site gains proposed for small sites with low technical difficulty.

#### Design and Conservation - Landscape Architect

3.2 The visual impact from Towthorpe Moor Lane would be low – not significant. Underlying grassland character of the site is compromised by the way in which the site is currently laid out and used for parking at busy times. The proposed landscape layout brings practical order to the site. The subdivision of the field into smaller compartments is uncharacteristic of the wider field pattern, but the quantity and nature of the proposed native planting is appropriate for the rural location and proposed use. The tree cover would be viewed in the context of the location on the margin between woodland and open fields. Although the tree and hedge planting presents considerable landscape mitigation, the proposed development would still result in a significantly adverse change to the underlying landscape character across a large part of the site/field due to the permanent change from green grassland to grey hardstanding of a more permanent nature.

#### Flood Risk Management Team

3.3 The Flood Risk and Drainage Engineer has requested the revised drainage strategy plans to be secured by a planning condition and relevant drainage developers informative.

#### Highway Development Control

3.4 The Highway Development Control Officer has requested further information on visibility splays and applied worded conditions to any future planning permission.

#### Public Protection Unit

3.5 The Public Protection unit have considered the proposal in terms of environmental matters of dust, contamination, noise, and air quality. No objections have been received subject to suitable conditions to restrict land contamination and the installation of electric vehicle charge points.

#### External



Stockton on the Forest Parish Council

3.6 The Parish Council support the proposals.

Foss Internal Drainage Board

3.7 The Foss Internal Drainage Board raise no objection subject to the final drainage strategy being secured by a condition.

Yorkshire Water

3.8 Yorkshire Water have no observations to make.

Natural England

3.9 Natural England have no objections subject to a condition for a Construction Environmental Management Plan to ensure the development does not have any impact on the integrity of Strensall Common SAC.

## **4.0 REPRESENTATIONS**

4.1 The application was published by a Site Notice. No comments have been received.

## **5.0 APPRAISAL**

### **KEY ISSUES**

The key issues regarding this scheme are -

- Whether inappropriate Development in the Green Belt
- Landscape and Setting
- Flood Risk and Drainage
- Ecology / biodiversity
- Highways
- Neighbour Amenity
- Managing Environmental Quality

5.1 The Piglets Adventure Park is an established public attraction for families and early years educational school trips. It provides several child-based activities themed around rural farming and includes opportunities for engagement and interaction with animals. There are also areas of indoor and outdoor play activities, with a café, gift shop and other refreshments/ ice cream kiosk buildings around the park.

5.2 The proposed resurfacing will provide a solution to the poor drainage of the car park. Local Plan policy DP2: “Sustainable Development” seeks to protect and enhance the visitor economy through supporting existing facilities. Policy EC4: “Tourism” supports developments that will retain and grow existing visitor attractions.

### **Whether inappropriate development in the Green Belt**

5.3 The site is within the York Green Belt.

5.4 Policy GB1 (Development in the Green Belt) of the Local Plan seeks to maintain the openness of the Green Belt by generally restricting development. Development in the Green Belt is inappropriate unless one of the listed exceptions applies, including (ix) engineering operations provided they preserve openness and do not conflict with the purposes of including land within the green belt.

5.5 The visitor car park is situated on the western side of the adventure park, to the south of the existing farm shop building and the tree lined private access road towards the south which joins Towthorpe Moor Lane.

5.6 The area is currently laid out in two sections. The first section comprises car park to the rear of the main entrance building which was granted planning permission in 2001 and 2004. The second section is a largely un-surfaced overflow to the existing surfaced car park, this section was granted a certificate of lawfulness in 2023 and is used mostly during busy seasonal open times. This car parking area is laid out with grassed sections to the east side together with pre-existing hardstanding and gravel surfaces.

5.7 The proposed surfacing works will be within the lawful established visitor car park. The development is considered to be an engineering operation and is not inappropriate development provided that it preserves openness and does not conflict with the purposes of including land within the green belt.

5.8 In terms of openness, there are no clear visible aspects of the car park on the

approach from Towthorpe Moor Lane. The site is generally obscured from wider views by the brick wall that fronts the entrance to the park and lengths of hedgerow and post and rail fences that border the agricultural land. The surfacing would be permanent and engineered compared to the existing situation, nevertheless the use of the site for car parking is an existing lawful use and the spatial and visual impact of the development and the car use is considered to be neutral and to preserve openness. The development is not considered to conflict with the purposes of the Green Belt.

### **Landscape and Setting**

5.9 Policy D2 (Landscape and Setting) of the Local Plan, considers both built up urban, suburban, and rural environment, streetscapes and roofscapes. Landscape character is formed by several factors such as topography, vegetation, land use, drainage, materials, and buildings. It is important that through understanding of landscape features is attained to appropriately inform on design process.

5.10 The applicant has explored options for a grasscrete surface material and investigations have taken place through bore holes around the site. The bore holes are illustrated on the Landscape Layout Plan (drawing number H2 2403015). The outcome of the investigations acknowledged a grasscrete surface would not allow the water retention to escape due to the site's soft land surface. In compensating for the hardstanding, soft landscaping will be planted in between the hardstanding and will include landscaping to pre-existing car parking areas. This would comprise of hedgerows with standard tree specimens and a native hedgerow mix will be used comprising field maple, hazel, hawthorn, holly, blackthorn and guelder rose with specimen trees of cherry, field maple and rowan. A small area of wildflower grassland meadow will be created outside the site boundary.

5.11 The visual appearance of the soft landscaping would mitigate the laid-out appearance of proposed macadam surface and contribute to the existing agricultural setting of the wider landform of the open landscape. Therefore, it is not considered that the physical alterations will have any adverse impact on the landscape setting and appearance of the site. Additionally, it would help to enhance the quality of biodiversity.

5.12 The site around the visitor car park occupies an open location of a broad area of green infrastructure which covers several valuable landscapes, linking Strensall Common and several SINC's and other sites of interest. It is not part of a site of importance for nature conservation. However, further details should be provided of

the procedure and schedule of works for any future construction to mitigate any adverse effects on Strensall Common. This can be secured by a pre-commencement condition for a Construction Environmental Management Plan – Biodiversity (CEMP-Biodiversity) on any planning permission granted.

### **Flood Risk and Drainage**

5.13 Policy ENV5 of the Local Plan sets sustainable drainage requirements. In terms of surface water run-off, it requires the following, unless it is agreed such rates are not reasonably practical –

- Previously developed sites – 75% of existing run-off rates.
- New development on greenfield sites – run off rate shall be no higher than the existing rate prior to development taking place.

5.14 The stated aim of the proposal is to resolve existing drainage problems which occur during inclement weather conditions and has resulted in parked vehicles becoming stuck within waterlogged land. There are occasions whereby cars are being pulled from the land by tractors on to the private driveway and has led to complaints from visitors attending the park. The application is accompanied with a drainage strategy report which includes an assessment of the surface water drainage requirements of the site and details the management and mitigation of flood risk. There is no foul drainage is involved and surface water drainage is via proposed surface water attenuation basin (with fuel and bypass separator) and eventually out-falling to Birk Carr Drain.

5.15 The surface water drainage is subject to a revised a SuDS drainage scheme. It has been produced to determine the final surface water connection will be to Birk Carr Drain within the curtilage ownership of the site.

5.16 The Flood Risk Engineer in conjunction with the Foss Internal Drainage Board are satisfied with the proposed restricted water flow rates and the attenuation up to and including the 1 in 100-year event with 45% climate change event. The revised drainage strategy plans will be secured by a planning condition.

### **Biodiversity Net Gain (BNG)**

5.17 Policies G14 (Trees and Hedgerows) and G12 (Biodiversity and Access to Nature) of the Local Plan provide advice in relation to protected species, and habitats. Policy G12 requires compliance with The Environment Act which sets out a

mandatory requirement for development to deliver at least a 10% biodiversity net gain. Net gains in biodiversity can be delivered by almost all development, by following the principles of the mitigation hierarchy and understanding the ecological constraints and opportunities from the early stages of design. Net gain should deliver genuine additional improvements for biodiversity by creating or enhancing habitats in association with development. Improvements should go beyond any required mitigation and/or compensation measures following the application of the mitigation hierarchy.

5.18 These policies reflect paragraph 187 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by, inter alia, minimising impacts on and providing net gains for biodiversity. Also, paragraph 192 states to protect and enhance biodiversity and geodiversity plans should promote the conservation restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species and identify and pursue opportunities for securing measurable net gain for biodiversity.

5.19 This development is subject to the 10% Biodiversity Net Gain (BNG) requirement. Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

5.20 The application is accompanied with a Preliminary Ecological Appraisal (PEA) which details the car park land is mixture of grassland, hedgerow, hardstanding and artificial surfaces of which have negligible ecological value. A biodiversity net gain assessment demonstrates the development will deliver 14.06 % in an area-based habitat biodiversity units and 478.13% net gain in linear – based hedgerow units. and The PEA considers the development will have minor impact on habitats.

5.21 The biodiversity gain requirement for the site will be secured by the statutory pre-commencement condition. Planning conditions are recommended to secure a Habitat Management and Monitoring Plan. A S.106 agreement is recommended to secure a monitoring contribution of £2,750. along with the off-site gains proposed for small sites with low technical difficulty.

5.22 The application site lies in proximity to Strensall Common Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) lies immediately

north-west of and adjacent to Piglets Adventure Farm and is approximately 35 m from the proposed development at its nearest point. As such the application site sits within the Impact Risk Zone (IRZ) of these designations. The potential impacts of the proposed works have been considered. It is acknowledged the habitat within in the site have potential to support common species of invertebrates, nesting birds, foregoing bats and occasional badgers and otters. The protection of recognised habitat will be secured by planning conditions.

### **Sustainable Access/Provisions for Car Parking**

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

5.24 The transport networks around the city have brown visitor attraction signposts for directions into the adventure Park. The entrance to Piglets Adventure Park is through a wide vehicle entrance from Towthorpe Moor Lane which has accessibility for two-way traffic in and out of the site. The development relates to an existing lawful parking area. As such the proposal would have no additional impact to highway safety.

### **Neighbour Amenity**

5.25 The Local Plan policy D1 placemaking is relevant and states development should be appropriate for its proposed use and neighbouring context. Proposals need to ensure that design considers residential amenity, so nearby houses are not unduly affected by noise, disturbance, overlooking and over shadowing.

5.26 The site is isolated and not located near any neighbouring buildings.

### **Managing Environmental Quality**

5.27 Policy ENV2: Managing Environmental Quality of the Local Plan states development that will not be permitted where future occupiers and existing communities would be subject to significant adverse environmental impacts such as noise, vibration, odour, fumes/emissions, dust, and light pollution without effective mitigation measures.

5.28 The development site has potential for risk of contamination. A condition is recommended which requires information and mitigation to be provided should the applicant encounter any unexpected contamination during construction works.

5.29 Electric Vehicle Charging points are required to be installed in the car park in line with paragraph 112 of the NPPF, which states developments should be designed to 'enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations and CYC's Low Emission Planning Guidance. The provisions for EV charging facilities can be secured by planning condition.

## **6.0 CONCLUSION**

6.1 The application site is within the Green Belt.

6.2 The site area currently has a visitor car park area in association with Piglets Adventure Park. The car parking arrangements are lawful following the grant of a certificate of lawful Use application in 2023 and the site benefits from car parking schemes approved following historic planning permissions in 2002 and 2004.

6.3 The proposed development is acceptable when applying Local Plan Green Belt policy; the development is not inappropriate development in the Green Belt, preserves openness and does not conflict with the purposes of the Green Belt. There is no other harm identified in terms of neighbour amenity and sustainable drainage.

6.4 As part of BNG and conditions a Habitat Management and Monitoring Plan is required and confirmation that habitat works have been completed.

6.5 Other technical matters can be secured by conditions.

6.6 The proposal is considered to comply with the Local Plan policies GB1 (Development in the Green Belt) D2 (Landscape and Setting) ENV5 (Sustainable Drainage) T1 (Sustainable Access) G14 (Trees and Hedgerows) GI2 (Biodiversity and Access to Nature) DP2 (Sustainable Development) EC4 (Visitor Economy) ENV2 (Managing Environmental Quality) of the Local Plan and Section 13 (protecting Green Belt) of the NPPF.

## **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:

- Bio-diversity monitoring contribution of £2,750

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 and other submitted details:-

Approved Plans

Location Plan (drawing number H2 2403011 revision C) dated 8 May 2024

Landscape Layout Plan (drawing number H2 2403015) dated 21 June 2024

Topographic Survey (drawing number ASS 3676 01 ) (1 of 2) dated March 2024

Topographic Survey (drawing number ASS 3676 02 ) (2 of 2) dated March 2024

Existing and Proposed Hardstanding Areas (drawing number H2 2403015) dated 7 March 2025

Indicative Drainage Layout ( drawing number SHF.284.003-ENZ-XX-XX-DR-D-0001 Revision P04) dated 8 November 2024

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

3      Habitat Management and Monitoring Plan (HMMP)

Prior to commencement of the development hereby permitted a Habitat Management and Monitoring Plan (HMMP) to include a timetable for implementation 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 body(ies) 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 ENV4 of the Local Plan

#### 4 Construction Environmental Management Plan (Biodiversity)

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

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction ((may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity

features and receptors, such as nesting.

- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The roles and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

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

#### 5 Completion of BNG

The Local Planning Authority shall be notified in writing within 7 days of the completion of the habitat creation and enhancement works as set out in the Biodiversity Gain Plan.

Reason To facilitate reporting of Biodiversity Gain delivery in accordance with the requirements of Schedule 7A to the Town and Country Planning Act 1990, the NPPF and policy ENV4 of the Local Plan.

6 The development shall be carried out in accordance with the details shown on the submitted Indicative Drainage Layout - Re: SHF.284.003-ENZ-XX-XX-DR-D-0001 Revision P04 dated 8th November 2024, unless otherwise agreed in advance in writing by the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage

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

Reason: In the interests of highway safety.

8 A strategy for the provision of EV charging facilities on the site shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and the strategy shall be implemented in accordance with the approved details prior to first use of the development hereby permitted. Charging facilities shall meet minimum requirements as laid out in City of York Council's Low Emission Planning Guidance.

- A minimum of 5% of the total parking provision on a site to include active EV charge points. The points shall satisfy the minimum requirements as set out in Approved Document S: Infrastructure for the charging of electric vehicles (2021)
- Charging points to be located in a prominent position on the site and to be for the exclusive use of zero emission capable vehicles. Parking bay marking and signage shall reflect this.
- The EV charging strategy shall confirm that the charge point(s) will be serviced and maintained in line with the manufacturer's recommendations for a minimum period of 10 years. It should also address charge point fault resolution.

**Reason**

To ensure provision of EV charging facilities in line with policy CC1 of the Local Plan and CYC's Low Emission Planning Guidance.

9 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, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

10 The landscaping scheme shown on the Landscape Layout Plan (drawing number H2 2403015) dated 21 June 2024 shall be implemented within a period of six months of the completion of the development. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area in accordance with Local Plan policy D2.

## **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

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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 requested an amended site plan to establish the amounts of the new surfacing to the existing unsurfaced areas of car parking at the site. The Applicant provided this additional drawing and a positive outcome has been achieved.

## 2. BIODIVERSITY GAIN PLAN

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

- information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- the pre-development biodiversity value of the onsite habitat;
- the post-development biodiversity value of the onsite habitat;
- any registered off-site biodiversity gain allocated to the development and the biodiversity; and
- any biodiversity credits purchased for the development.

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. Habitat Regulations Assessment - European Designated Sites:

Strensall Common Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) lies immediately north-west of and adjacent to Piglets Adventure Farm and is approximately 35 m from the proposed development at its nearest point. As such the application site sits within the Impact Risk Zone (IRZ) of these designations. The potential impacts of the proposed works should therefore be considered. Habitats Regulations Assessment (HRA) is the process that competent authorities must undertake to consider whether a proposed development plan or programme is likely to have significant effects on a European site designated for its nature conservation interest.

As a competent authority it is our (the LPA's) responsibility to produce a Habitat Regulations Assessment. However, it is common practice for the applicant to produce a 'shadow HRA' and for the LPA, in coming to its own conclusions, to 'adopt' this to fulfil the legal duty. A HRA Screening Assessment was undertaken by the applicant and presented in Appendix F of the Preliminary Ecological Appraisal (RPS, August 2024). This assessment concluded that there are no pathways by which the SAC could be adversely affected by the proposed development, and that there will be no likely significant effects (LSE) to the qualifying features of the designated site.

This application was considered in light of the assessment requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) by City of York Council, which is the competent authority responsible for authorising the

project and any assessment of it required by the Regulations. Having considered the nature, scale, timing, duration and location of the project, it was concluded that the proposed works should be eliminated from further assessment as it could not have any conceivable effect on the Strensall Common SAC.

#### 4. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

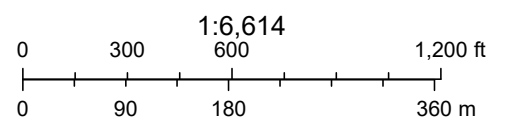
#### **Contact details:**

**Case Officer:** Sharon Jackson

**Tel No:** 01904 551359



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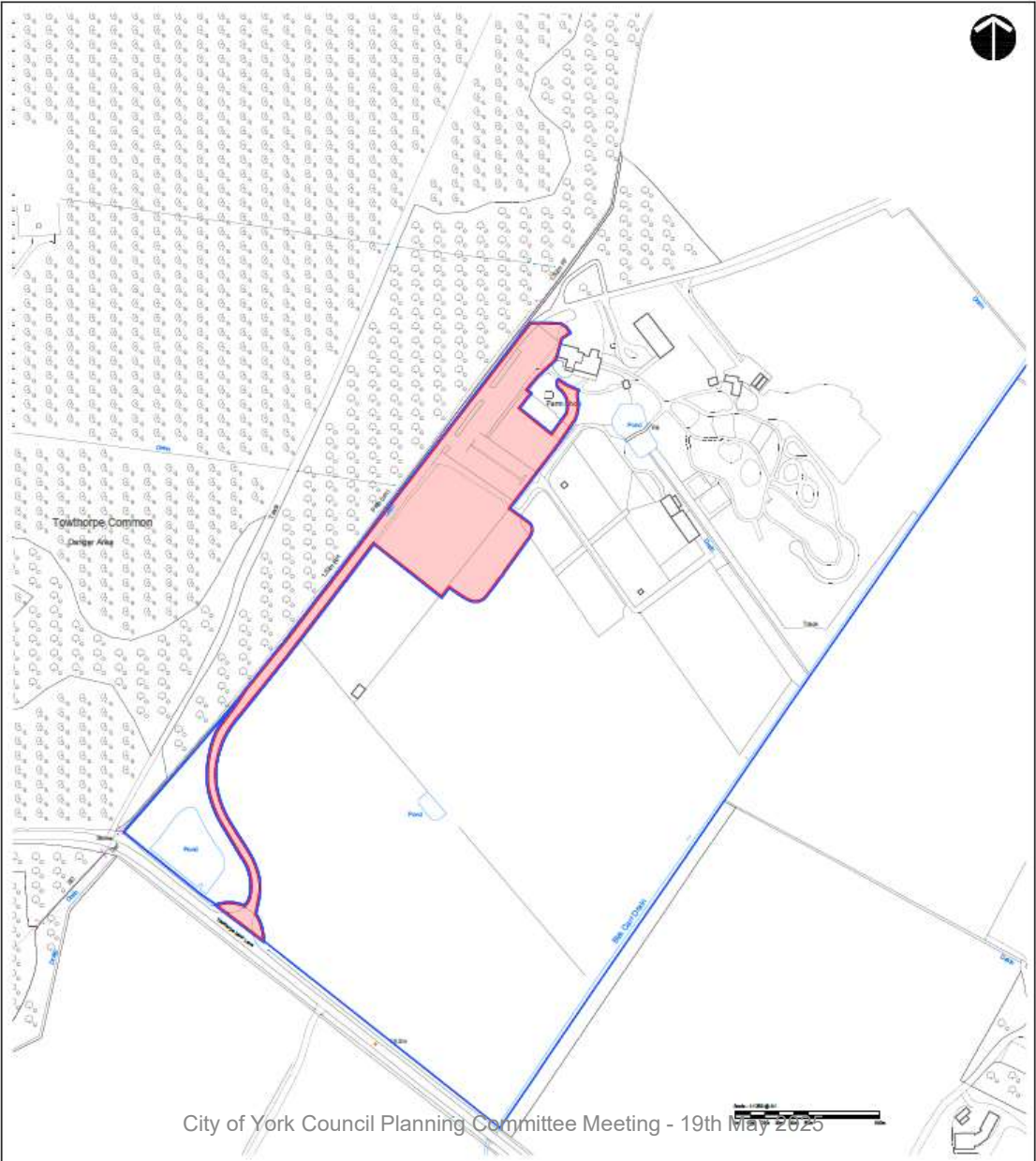
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# 24/01519/FULM – Piglets Adventure Farm, Towthorpe Grange, Towthorpe Moor Lane, Strensall, York

Installation of hardstanding, landscaping and infrastructure works to  
parking area

Site Location Plan (Extract)



Parking Area sections with hardstanding, fencing and grassed areas.



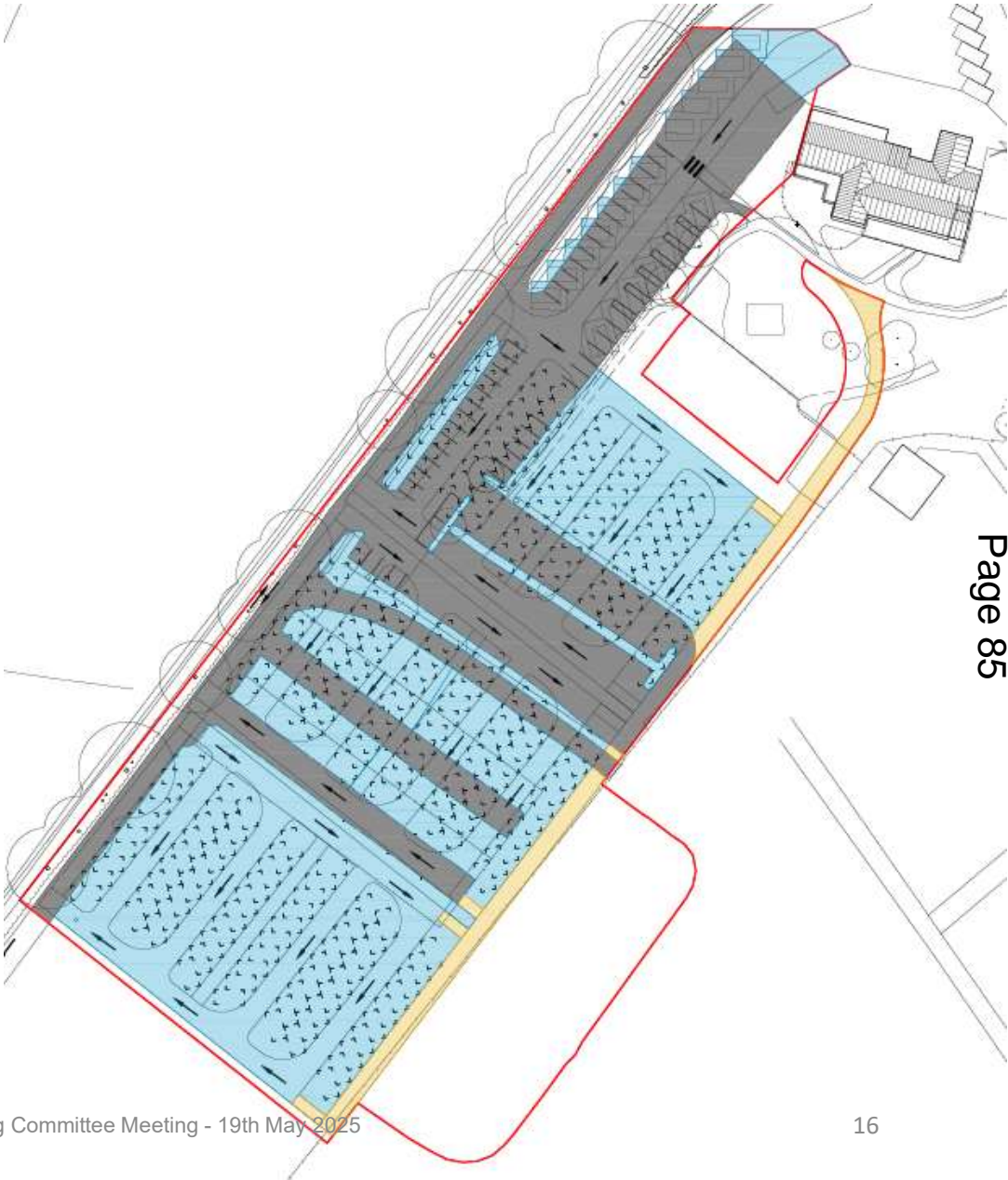
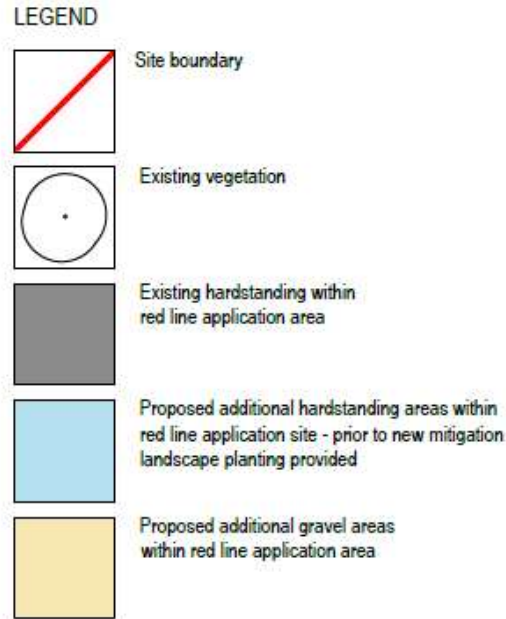


Driveway  
access



View from parking area toward building

Proposed Site Layout  
Plan (Extract)





# Proposed Landscape Plan



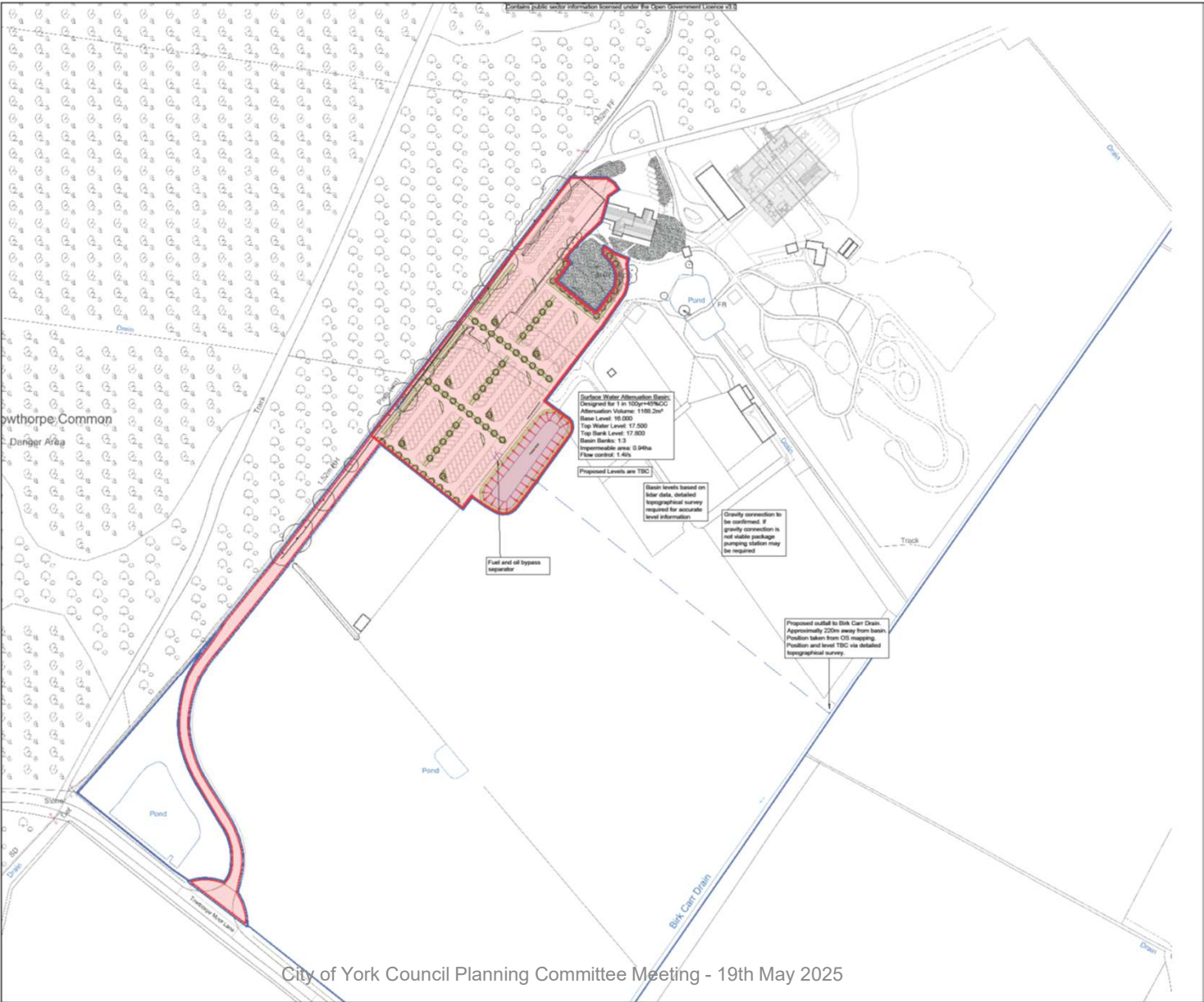
## LEGEND

- Site boundary
- Existing vegetation to be retained
- Existing vegetation to be removed
- Proposed tree  
Selected (Standard)

- Proposed Native Hedge Mix
- Proposed hedge
- Proposed shrub bed
- Proposed grass



Proposed  
Drainage Plan



**NOTES:**  
DO NOT SCALE FROM THIS DRAWING.  
ALL DIMENSIONS ARE IN METRES UNLESS STATED OTHERWISE.  
THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT DRAWINGS AND DOCUMENTS ASSOCIATED WITH THIS PROJECT.  
ALL EXISTING AND PROPOSED DIMENSIONS, LEVELS AND LOCATIONS TO BE CHECKED AND VERIFIED BY THE MAIN CONTRACTOR ON SITE PRIOR TO THE COMMENCEMENT OF THE WORKS AND ANY ANOMALIES REPORTED TO THE ENGINEER.

**KEY:**  
Site Boundary  
Surface Water Pipe with Flow Control  
Headwall at Outlet  
Fuel and Oil Separator

Rev	Date	Description	By	App'd
Rev 01	10/11/24	Updated following LPA discussion	BC	SD
Rev 02	07/08/24	Change of report	BC	SD
Rev 03	07/08/24	Change of report	BC	SD
Rev 04	11/08/24	Issued for comment - approval	BC	SD
Rev 05	11/08/24	Issued for comment - approval	BC	SD

**Project**  
Piglets Adventure Farm, Towthorpe

**Client**  
Laister Planning Limited

**Drawing Title**  
Indicative Drainage Layout

**Scale**  
1:1000@A1

**Date**  
07/08/24

**Status**  
Preliminary

**DWG No.**  
SHF 284.003-ENZ-XX-XX-DR-D-0001

**Revision**  
P04

**Issued**  
01484 359 237

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