

## COMMITTEE REPORT

**Date:** 18 January 2024      **Ward:** Huntington/New Earswick  
**Team:** East Area      **Parish:** New Earswick Parish Council

**Reference:** 20/02495/FULM  
**Application at:** Paddock Lying Between Park Lodge And Willow Bank Haxby Road York  
**For:** Erection of no.117 dwellings, pumping station and substation together with means of vehicular and pedestrian access, associated parking, landscaping and open space  
**By:** Joseph Rowntree Housing Trust  
**Application Type:** Major Full Application  
**Target Date:** 31 January 2024  
**Recommendation:** Approve after referral to Sec. of State

### 1.0 PROPOSAL

1.1 Full planning permission is sought for the erection of 117 dwellings together with pumping station and sub-station, associated parking, landscaping and open space on land to the north of Willow Bank, New Earswick.

1.2 The development would provide 101 No. two and three bedroomed houses and 16 No. one and two bedroomed apartments with 100% of the units to be affordable. Each of the dwellings would have an external store to accommodate cycle storage and an air source heat pump.

1.3 A new vehicular access to the site would be provided through the formation of a spur off the roundabout on Hawthorn Terrace with a second vehicular access provided from Willow Bank, in the southwest corner of the site. New pedestrian links would be created from within the site northwards onto Park Lodge at both the east and west corners with another footpath created in the southeast corner to connect the site onto Willow Bank. 160 no. car parking spaces (including visitor parking spaces) are, except for six in-curtilage spaces, provided on a non-allocated basis.

1.4 A formal corridor of open space would run through the centre of the site with a large area of formal and informal open space provided to the east of the site. This would include a children's playground, multisport facilities, a trim trail, an area of public art and seating. A pumping station would be sited in the southeast corner of the area of open space.

1.5 Since the application was submitted in January 2021, there have been a number of changes to the scheme. These revisions include the resiting of residential development and curtilages away from the northern boundary of the site, additional and revised drainage information, biodiversity enhancements and improvements to cycle and pedestrian routes including a segregated cycle-track / footway to the eastern side of Haxby Road. A financial viability assessment prepared by Savills has also been submitted.

## **THE SITE**

1.6 The application site (4.71 ha) is an area of accessible grassland which lies towards the northern edge of New Earswick, immediately to the south of the Joseph Rowntree Secondary School and east of Hartrigg Oaks Continuing Care Retirement Community. The site consists mostly of grassland but includes an existing garage block to the south accessed from Willow Bank. The site is used informally by the local community for dog walking and cutting through to access the school. A linear belt of trees follows the northern boundary along Park Lodge, adjacent to which is a public footpath which connects directly with All Saints Church, the river Foss (and The Foss Walk/Centenary Way), and the old village of Huntington to the east (on the opposite bank of the Foss). To the east and outside of the application site is a narrow woodland belt. To the west, the site is bounded by Haxby Road.

1.7 The site lies outside the New Earswick Conservation Area with the Conservation Area boundary running just to the south of the site. The site is located within a green infrastructure corridor of regional significance (ref: 03 - Foss corridor), as identified within the background papers to the 2018 Draft Local Plan and is within Flood Zone 1 (low risk).

The application site falls within the general extent of the Green Belt as defined in the Yorkshire and Humber Regional Spatial Strategy (RSS).

## **DRAFT ALLOCATION AND PLANNING HISTORY**

1.8 The application site has been identified as a housing allocation (H46) within the 2018 Draft Local Plan with an anticipated yield of 104 dwellings. The area of trees and a strip of green space directly in front of the trees is designated as open space. The southern part of the site accommodates a number of garages that are offered for rent by Joseph Rowntree Housing Trust (JRHT). This part of the site sits outside the H46 housing allocation, which results in the site area and the yield being different to that envisaged by the 2018 Draft Local Plan.

1.9 The recent planning history for the site is confined to an unimplemented approval in 2008 for the erection of a part 2 / part 3 storey school building with associated parking and sports pitches (08/00773/FULM).

1.10 The proposed development does not comprise 'Schedule 1' Development under the EIA Regulations. The proposed development is however of a type listed at 10 (b) in column 1 of Schedule 2 (Urban Development Projects) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, however its scale (below 150 dwellings and less than 5 hectares) is under the stipulated threshold. It is the view of Officers that the proposed site is not within or adjacent to an environmentally sensitive area (as specified in the regulations) and considering the characteristics of the proposed development, the location of the development, and characteristics of the potential impact, the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment is not required.

## **2.0 POLICY CONTEXT**

### Key Sections of the NPPF

Section 4 – Decision Making

Section 5 – Delivering a sufficient supply of homes

Section 11 – Making effective use of land

Section 12 – Achieving well-designed places

Section 13 – Protecting Green Belt land

Section 15 – Conserving and enhancing the natural environment

### Key relevant policies of the 2018 Draft Local Plan (DLP 2018)

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

HW3 – Built Sport Facilities

HW7 – Healthy Places

ED6 – Preschool, Primary and Secondary Education

D1 – Placemaking

D2 – Landscape and Setting

D6 – Archaeology

D7 – The Significance of Non-Designated Heritage Assets

GI1 – Green Infrastructure

GI2 – Biodiversity and Access to Nature

GI3 – Green Infrastructure Network

GI4 – Trees and Hedgerows

GI6 – New Open Space Provision

GB1 – Development in the Green Belt  
ENV2 – Managing Environmental Quality  
ENV3 – Land Contamination  
ENV5 – Sustainable Drainage  
T1 – Sustainable Access  
T7 – Minimising and Accommodating Generated Trips  
DM1 – Infrastructure and Developer Contributions  
CC2 - Sustainable Design and Construction of New Development  
WM1 – Sustainable Waste Management

### **3.0 CONSULTATIONS**

#### **INTERNAL**

#### **HIGHWAY NETWORK MANAGEMENT**

##### **Active Travel**

3.1 Officers raised concerns in relation to accessibility by and safety of active travel modes (walking and cycling) and in response, the developer proposes:

- a segregated cycle-track / footway on the east side of Haxby Road between Park Lodge and Willow Bank with a raised crossing across the main site access road and short sections of unsegregated shared use cycleway / footway at each end.
- several of the footways within the site to be widened to 3.0m to provide unsegregated shared cycle-track/pedestrian routes to increase permeability and ease navigation within and through the site for cyclists and pedestrians.
- The existing connection into the site from Willow Bank through the existing avenue trees opposite Acacia Avenue to be widened to form a 2.0m wide suitably paved footway with permissive use by cyclists (note: widening to 3.0m would have an unacceptable detrimental impact on the tree root zone).

##### **Parking**

3.2 160no. car parking spaces (including visitor parking spaces) are, except for six in-curtilage spaces, to be provided on a non-allocated basis. This is acceptable because it reflects the local car ownership levels and non-allocated parking is more space-efficient than allocated parking. Minor amendments to the layout are required, but these can be resolved by condition.

3.3 Officers have sought clarification with regard to the dimensions of the proposed bike store to ensure that two bikes can be stored but this also can be resolved by condition.

### Layout

3.4 Although the exact layout can be confirmed by condition and under the s38 Agreement, the following matters are noted:

- Visibility is sub-standard in several locations and should be rectified, which may result in up to three parking spaces being relocated or removed.
- Officers recommend that the eastern section of the main access road be changed to a shared surface to create a less car-dominant space next to the hub and public open space at the east end of the site. The applicant should confirm the surfacing material for this area.
- Confirmation sought that parking bays perpendicular to the carriageway have minimum dimensions of 2.4 x 5.0m
- Several proposed trees and three parking bays on the inside of bends and at junctions on the main access road are within forward visibility envelopes and visibility splays. Where this occurs trees / bays should either be dispensed with or relocated unless it can be demonstrated that their trunk diameter will not exceed 500mm and they will have a clear stem of 3 metres from the onset and this clear stem height will be maintained.

### Other Comments

3.5 The applicant proposes to extend the existing fibre network in New Earswick into Willow Bank and have requested this be further extended to provide fibre to the premises (FTTP) connectivity within the site, to maximise opportunities for remote working, etc.

3.6 The site is adjacent to Joseph Rowntree School. The applicant will have to address the management of school drop-off / pick-up parking in the travel plan.

3.7 Officers request a s106 contribution comprising:

- £40,000 towards extending the existing 20mph speed zone along Haxby Road / Hawthorn Terrace from outside Joseph Rowntree School, southwards a distance of approximately 300m to join with the existing 20mph zone just to the north of Cherry Tree Avenue
- £6,000 towards amending the Traffic Regulation Order (TRO) to be able to introduce the extension of the 20mph speed limit towards York city centre stated above
- £25,000 towards City of York Council Travel Plan Support (@ £5,000/per year for 5 years)

- £200 per dwelling (£23,400 overall) for sustainable transport measures (voucher towards cycle purchase or towards bus tickets, etc., for first occupants of each dwelling)

## **WASTE MANAGEMENT**

3.8 The roads should have a minimum width of 5m. Pinch points such as archways or gates should give a minimum clearance of 3.7m width. The vehicle sizes and turning circles included in the application are acceptable. Refer developer to Council guidance on required road widths and waste container requirements.

## **DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGIST)**

3.9 Based on the revised information provided, no objections, subject to conditions relating to the following matters:

(i) Nesting birds – As the site offers potential for nesting birds, precautionary methods need to be undertaken to ensure active nests are not destroyed during any required vegetation clearance works.

(ii) Landscape and Ecological Management Plan (LEMP). Ecological enhancements have been recommended within the supporting ecological reports, which have been designed into the Outline Landscape Masterplan. A LEMP should be used to detail how these enhancements are to be installed, managed, and maintained.

(iii) Construction Environmental Management Plan (CEMP: Biodiversity) - The need for a CEMP is highlighted within the Ecological Appraisal to ensure the protection of significant ecological features (including mature trees and hedgerows).

(iv) Lighting plan - As identified within the Bat Survey report, the site is used by commuting and foraging bats. To ensure both new and retained green corridors are attractive to bats, a lighting strategy shall be submitted.

## **DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT)**

3.10 The retention of a broad open space which includes a new area of equipped play, and the safe retention of the line of mature trees adjacent to the public footpath along northern boundary of the site, plus the considered landscape design within the housing complex, which includes generous tree planting and a central greenway, sufficiently retains the critical GI (Green Infrastructure) credentials of the application site.

3.11 This latest scheme retains the integrity of the area of open space that supports the line of mature trees along the northern perimeter of the application site. I am

satisfied that the welfare of the existing trees shown to be retained could be adequately protected both during the construction and operational phases of the development. This scheme also maintains the capacity to infill any existing or future gaps with new trees of the same or similar species, thus ensuring the stature of this important landscape feature can be retained in perpetuity.

3.12 There is a loss of trees along Hawthorn Terrace and Willow Bank. This is regrettable; nonetheless, the quantity of replacement tree planting, and boundary hedging, alongside the existing and proposed highways, and throughout the site, mitigates this loss and contributes to the leafy, garden-village setting.

3.13 Thus, despite the loss of existing open space and the limited loss of existing trees, I support the latest proposed landscape masterplan because of the sustainable retention of the critical GI components and the quality of the landscape proposals across the site. Recommend conditions relating to the following matters: protection of trees, site compound, arboricultural method statement, landscape scheme, and tree planting details.

## **DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGIST)**

3.14 An archaeological evaluation comprising a geophysical survey and evaluation took place on this site in 2007. Five trenches were excavated in the plot below the school buildings within the proposed development boundary.

3.15 The evaluation to the south of the school hinted at Roman activity with pottery and ceramic building material recorded. Within two of the trenches, the right-angled Roman ditch of an enclosure was located. The function and size of this enclosure remains uncertain, but it is possible that this represents the remains of a marching camp similar to other examples within close proximity to this site.

3.16 A small amount of archaeological excavation will be required within the area where these ditches were noted in 2007. These features are cut into the natural sub soil and will be destroyed during construction works. A WSI has been submitted for the program of strip, map and record mitigation works, the area of which will be limited to focus on the area of most potential. However, there is a contingency that the area may need to expand depending on findings. A condition relating to the programme of post-determination archaeological mitigation on this site is required.

## **PUBLIC PROTECTION**

3.17 No objections raised but recommend conditions requiring details of (i) noise insulation measures for protecting residents from externally generated noise, (ii) details of plant, equipment, and machinery, (iii) submission of a Construction

Environmental Management Plan (CEMP), (iv) contaminated land details and (v) restrictions to the hours of construction.

3.18 In terms of electric vehicle recharge points and in the context of CYC's draft Low Emissions Supplementary Planning Guidance, Officers recommend a condition requiring the submission of a strategy for the provision of EV charging facilities on the site.

### **FLOOD RISK AND DRAINAGE**

3.19 In principle, in terms of general layout and permitted foul and surface water drainage discharge rates and point of connection/s the Flood Risk Management Team have no objection to the submitted Drainage Strategy Plan (24.11.22) but this requires minor amendments and further site-specific details to be provided which we and Yorkshire Water are content can be sought by way of conditions if planning permission is to be granted.

### **LIFELONG LEARNING AND LEISURE (OPEN SPACE)**

3.20 It is positive to see that the developer is providing amenity green space on site. No off-site contribution is required for play and amenity space.

3.21 The City of York Local Plan Evidence Base: Open Space and Green Infrastructure Update September 2017 shows that although the ward has an overprovision of outdoor sports, this development is close to the boundary of connecting wards that have a shortfall of outdoor sports provision which this development should support. As the developer has not provided any sports provision on site, a commuted sum payment of £57,297 to carry out improvements to sports facilities is requested.

### **HOUSING STRATEGY TEAM**

3.22 The application, which proposes 100% affordable housing, is strongly supported based on the quality, amount and type of affordable housing provided. The affordable housing proposed is of excellent quality judged against the policy aims.

3.23 The applicant has undertaken to complete low carbon homes to comply with policy CC2, and with properties of a size that meet or exceed the good practice Nationally Designed Space Standards guidance. The highly energy efficient, low carbon homes may particularly benefit lower income affordable housing occupants, who would realise proportionally greater budgetary savings from reduced energy costs. Taking this into account, and the potential for further affordable housing provision through Homes England grant funding application if successful, it is



accepted that Shared Ownership is provided as an intermediate tenure in place of Discount Sale.

3.24 The proposed housing mix is welcomed and offers a genuine diversity of housing types, all of good size, in accordance with the policy requirement. The open space and related shared amenities are designed at high quality and will be available to all residents, regardless of tenure. Car and cycle parking is also available to residents of all tenures on an equivalent basis.

## **STRATEGIC PLANNING POLICY**

3.25 The applicant has submitted a statement addressing NPPF para 147, outlining the very special circumstances which they consider are relevant to the determination of the application. We offer the following commentary to aid consideration of these very special circumstances:

- land is allocated (H46) and forms part of the future supply of homes as set out in the latest housing trajectory.
- the need for affordable homes in York is significant, estimated at 9396 homes over the Plan period (2017-2033). Provision of 117 affordable homes, with a high proportion of 2 and 3 bed houses, is welcomed.

3.26 Position regarding weight to be given to main applicable policies:

H2 (Density of residential development) Limited weight given level of unresolved objection.

H3 (Balancing the Housing Market) It is consistent with the NPPF to use the Local Housing Needs Assessment (LHNA) to inform judgements on appropriate mix of housing and the LHNA is, in itself, material to decision making.

H10: Affordable Housing Policy H10 requires on-site provision of 30% affordable units. This is consistent with the NPPF and is supported by the viability evidence prepared as part of the Local Plan. Moderate weight can be given to the 30% requirement.

HW3: Built Sport Facilities, DM1: Infrastructure and Developer Contributions - Limited weight given level of unresolved objection.

D1: Placemaking - Policy is consistent with the Framework. In this context and given that a very small number of minor objections D1 can be afforded moderate weight.

DP3 Sustainable Communities - No substantial modifications proposed. No unresolved objections. Policy can be afforded moderate weight.

GB1: Development in the Green Belt - Policy is wholly consistent with the Framework. can be afforded moderate weight.

G1: Green Infrastructure - Policy is consistent with the Framework and given scope of unresolved objections it can be afforded moderate weight.

GI2: Biodiversity and Access to Nature - Proposed modifications ensure appropriate distinctions are made between different levels in a hierarchy of nature sites - Policy is consistent with the Framework. Can be afforded moderate weight.

GI6: New Open Space Provision - Policy has partially resolved objections and is subject to significant modifications. Policy can be afforded limited weight.

CC2: Sustainable Design and Construction of New Development, CC3: Decentralised Energy Networks, ENV1: Air Quality - Objections are partially resolved. Policies are subject to significant modification can be afforded limited weight.

ENV2: Managing Environmental Quality. The Policy is subject to minor modification and no outstanding objections remain. Policy can be afforded moderate weight.

ENV5: Sustainable Drainage - Policy can be afforded moderate weight.

ENV4: Flood Risk: Policy can be afforded only limited weight but SRFA evidence underpinning the policy can be given significant weight.

T1: Sustainable Access - Limited weight given level of unresolved objection.

T7: Minimising and Accommodating Generated Trips – Policy can be afforded moderate weight.

## **EDUCATION**

3.27 Education contributions are requested as follows:

- Early Years – 14 additional pre-school places – within 1.5/2.5 km of the development (£265,664)
- Primary: 14 additional school places – New Earswick / Huntington Primary (£265,684)
- Secondary: 8 additional school places – Joseph Rowntree / Huntington Secondary (£209,008)

## **PUBLIC HEALTH**

3.28 No objections and would comment as follows:

- The inclusion of open space and play area will promote the use of the space for physical activity.
- The provision of cycle lockers for each dwelling will support the use of bicycles and contribute towards to council's objectives regarding Healthy - Weight and Carbon Reduction.
- Plans that encourage social interaction in attractive streets are important. Circular walks and cycle routes as proposed within this development support this, reducing the risk of insular living and increases the opportunity for social interaction.
- Improving access to greenspace, as proposed, has mental health benefits.
- The floorplans on this development provide rooms of an appropriate size, with windows to enable natural light into the environment.
- Digital technology in supporting people to live independently. New Earswick ward has access to fibre broadband services and the development site is located almost opposite the Haxby exchange box providing access to fast digital services.

## **EXTERNAL**

### **NEW EARSWICK PARISH COUNCIL**

3.29 This area of land known locally as "The Old School Field" is still subject to Local Plan review. The Parish Council have formally objected to this area being developed throughout the consultation process and unanimously object to the application on the following grounds:

- Highway Issues - The route through the Parish gives access to the Ring Road and is regularly used. Issues are apparent at the start and finish of school days when long queues occur. There is the potential for conflict with cyclists and pedestrians on the approach to Joseph Rowntree School. Pollution concerns.
- Capacity of Physical Infrastructure - Flooding relating to Westfield Beck and River Foss has taken place on several occasions. Nearby properties have been identified as having problems with sewage and flooding. The Willow Bank allotments are under significant amounts of water in autumn and winter and the site often has standing water.
- Deficiencies in Social Infrastructure - Increase demands on health and social facilities. Already the New Lodge development is taking place with a significant increase in the number of residential care and extra care suites.
- Adverse Impact on Nature Conservation - This is the only significant area of open space in New Earswick and is well used by residents and walkers. There is a unique medieval plough and furrow landscape, and this is the remaining area of the West Huntington Hall which is transversed by the original burial road to the Church.
- Impact on Listed Buildings and Conservation Area - Significance of the historic Conservation village relating to the visual character of the area.

(vi) Layout and Density of Buildings - This application is for many properties with limited outdoor space and no garage facilities. Existing nearby garages are to be demolished with no replacement with the displaced vehicles likely to be placed on nearby streets.

(vii) Previous Appeal Decisions - This area has been refused permission in the past (1993).

### Comments further to review of revised documents

3.30 The Council has consistently opposed development on this land, which is still subject to the developing Local Plan. The drainage impacts has been one of the major concerns for Members of the Council. For information as of 21/2/22 the site has significant flooding over a large area.

### **YORKSHIRE WATER**

3.31 If permission is granted, recommend relating to (i) measures to protect the public sewerage infrastructure within the site, (ii) no piped discharge of surface water prior to the completion of surface water drainage works, and (iii) details of the proposed means of disposal of foul water drainage works to be submitted.

### **ENVIRONMENT AGENCY**

3.32 No comments received.

### **FOSS INTERNAL DRAINAGE BOARD**

3.33 The Board has assets in the wider area in the form of the River Foss and Westfield Beck which are known to be subject to high flows during storm events. Based on the following comments, the Board recommends a condition that the drainage works are in accordance with the submitted Drainage Strategy and Statement.

3.34 Surface Water - The Board recommends that soakaways are first considered in accordance with the PPG hierarchy for the management of surface water. However, the Board notes that soakaways are not viable.

3.35 Discharge into a Watercourse - The applicant is proposing to discharge into the mains surface water sewer. This ultimately discharge into the Board maintained section of the River Foss. Accordingly, approval will be required from the Board. Based on the information provided, the Board has agreed a discharge rate of 17.6 litres per second. It is proposed that this will discharge into the mains surface water sewer.

3.36 Foul Sewage - The applicant is proposing to use the mains sewer for the disposal of foul sewage. If Yorkshire Water is satisfied that the asset has the capacity to accommodate the flow, then the Board would have no objection to the proposed arrangement.

## **SAFER YORK PARTNERSHIP**

3.37 The overall design and layout of the scheme is considered acceptable however some minor issues would improve the safety and security of the scheme, summarised as follows:

- Leaky cul-de-sacs. Footpath exit to cul-de-sac increases risk of crime. Recommend footpath link to rear of plots 12 and 13 is removed.
- Lack of natural surveillance of parking to plots 73 – 76. Recommend footpath to these parking spaces be gated with resident only access.
- Lighting – lamp columns should not be sited near trees to avoid tree canopies obscuring lighting or creating shadow.
- Outdoor seating close to dwellings within the open space should be removed as it can become a gathering place in the evening and lead to antisocial behaviour.

### Further comments

3.38 The security of a development is often compromised by excessive permeability, e.g., when a layout includes leaky cul-de-sacs. However, the rationale for the footpath between plots 3 and 4 and 12 and 13 is accepted. As are the boundary treatment changes to improve natural surveillance for the car park spaces for plots 73 to 76. No further comments to make.

## **4.0 REPRESENTATIONS**

### Site Notifications and publicity

4.1 The proposals have been advertised via neighbour notification letter, press notice together with site notices displayed on Haxby Road, Hawthorn Terrace, Willow Bank and Park Lodge. At the time of writing, a total of 44No. representations of objection, 1No. representation of support, and 1No. representation making general comments, have been received. The comments received in objection are summarised by subject grouping as follows:

### Amenities

- Size of development is too large. There will be nearly 500 additional residents and the population of New Earswick will be increased by 18% (2011 census).
- There is not the additional amenities / infrastructure to deal with another 117 families.

- Eliminates a substantial green space which is used intensely as a recreational space for walkers, children, and dog owners plus ice skating in season.
- This site is one of the last green spaces left.
- Loss of view over to Huntington Church.
- The proposal would diminish the image of New Earswick as a 'garden village'.
- New housing should be on brownfield land

### Trees / Biodiversity

- At least 4 protected trees would require destruction. Some of the healthy trees proposed to be felled or cut back, i.e., ash tree adjacent to Willow Bank and stand of trees opposite the 3 bungalows, should be retained.
- the avenue of old beech trees is a historic feature and should be preserved.
- The site is home to many species of insect, bird, and bats. Light and noise pollution will significantly impact their environment. Will affect wildlife close to the river.
- the land serves as a temporary reservoir after heavy rainfall which has created important wetland habitat.

### Drainage / Surface water

- This field floods badly and is waterlogged with standing water over a significant surface area during most of the year (excluding Summer) as evidenced by length of time that water can sit on the allotments on Willow Bank.
- 117 houses will affect ground water level even with a surface water tank and could lead to occasional flooding of properties.
- The drainage of surface water from the SW corner into the local drainage system could be a problem for the properties on Park Lodge and the surrounding area.
- The large volume of surface water, which is currently captured regularly- preventing it from entering the river network in times of peak rainfall – will now be pumped into the River Foss when the attenuation tank fills, potentially creating an even worse flooding situation further into York.
- Flood alleviation schemes are increasingly looking to land like this to help with temporary water storage.
- Any excess drainage on to the road will create problems for traffic and pedestrians.
- A requirement needed for no non permeable surfaces being installed post build in front or rear gardens.

### Traffic congestion / pollution / impact on cyclists and pedestrians

- Access onto the Haxby Road via the existing roundabout will slow traffic at peak flow times, leading to difficulties for both regular traffic and emergency vehicles and greater atmospheric and noise pollution for adjacent properties, pedestrians, and cyclists. No attention paid to impact on air quality.

- Safety issues especially close to the school, with long queues and lots of school children crossing between slow moving vehicles. There have been multiple occasions of children being knocked off bikes.
- A hazard which will get worse is turning right on a bike out of Lucombe Way.
- An increased level of traffic will exit onto Willow Bank which is already congested with parked vehicles and not currently safe for pedestrians and cycles.
- As the garages behind the allotments are being demolished there will be additional pressure on road space for parked cars
- If 117 houses are built without a separate access to the Ring Road, traffic will regularly overrun the existing Haxby Road link to the Ring Road.
- At busy times it could be difficult for vehicles to leave Hartrigg Oaks due to the demands on the mini-island.
- Traffic will increasingly use Huntington local routes as rat runs. A direct link road to the Ring Road (built behind the secondary school land) must be a condition of permission.
- Serious impacts for people with sight loss as the proposal does not include improvements to pedestrian safety at the 2 entrances or within the estate. Willow Bank is already difficult to cross at its junction with Hawthorn Terrace, as it is wide and there is no island or traffic lights. Electric cars are making this situation more hazardous. This situation will be made much worse as more people will use this junction. Shared use paths are hazardous for anyone with sight loss.
- The new Haxby Road entry would interrupt the planned cycle track.
- The plan incorporates a shared cycle/pedestrian lane after the roundabout up to Willow Bank, however DofE indicates that cycle lanes should be separate from both motor vehicles and pedestrians.

### Insufficient number of parking spaces

- Majority of residents are likely to be families who may have two cars and so it is questionable if there is enough parking, this would be reduced further if families have visitors. There could be over 130 cars, all parked on roads nearby, exacerbated with the loss of the existing garages.
- The provision of shops in the area within walking distance is poor to non-existent and whilst there is a frequent bus service into the city centre, there is only an infrequent bus service to the main out of town shopping areas which will lead to residents opting for individual cars rather than reliance on public transport.

### Design and Heritage

- Why are the roadways not designed as "Homezones" with footpath and road level indistinguishable? This can slow traffic movement with community benefit and ensure cars do not dominate. Grass verges alongside roads would not then be required - in parts of New Earswick, e.g., Rowan Avenue, these are severely trashed by additional parking.

- Traditional pavements in New Earswick have been narrowed by hedges left to grow too wide. The pedestrian area should permit one person to walk beside someone in a mobility scooter. Homezones enable this and can assist healthy inclusive environments.
- JRHT should demonstrate how the development is in keeping with the ethos and amenity value of the Garden Village of New Earswick and demonstrate the originality in the design more strongly. With its present architecture, housing density and overall layout, it would not sufficiently sustain or improve its heritage.
- The design of the scheme uses cheap, non vernacular materials and design styles such as the contemporary, rather gimmicky jagged edges to the greenway.
- The Joseph Rowntree Foundation has forgotten about its founders vision for abundant areas of open space for its residents. It should be looking to improve what they already have before developing on more green space.

### Sustainability

- The planning documents referenced have not been updated following the Report of the Committee on Climate Change June 2020 and this application substantially fails to meet the required presumption in favour of sustainable development.
- Heritage considerations seem to have constrained possibilities for Passivhaus design or similar. Insulation and energy conservation standards are not mentioned, and it is unclear as to how energy efficient the homes are and whether they have gas heating, or not, and mechanical heat recovery.
- Whilst there are plans for Air Source Heat Pumps, it is not clear whether that is the heating system in all the dwellings; and there is no indication of solar PV panels.
- There is no evidence of electric car charging points throughout the site and where is the secure bike store or Sheffield frames for visitor's bikes?

### Refuse

- CYC should recommend more community waste and recycling collection points. Currently after refuse collection, empty boxes are left littered on pavements and driveways creating hazards.

### Disruption caused by construction process

- The level of disruption and noise caused in the short term during the development considering the limited access to the site and proximity of a very busy road and school, and long term - the increased traffic and safety when it is completed. People on shift work will not get enough sleep.

### Allotments / Garages



- There are shortages of allotments and garage spaces in New Earswick already. JRHT should provide more than numerical garages and provide significantly more allotments.

### Alternative use of site

- The land should be developed as an amenity area with greater wildlife potential, taking full advantage of its natural waterlogged state and location near the River Foss with wide vistas, connections to the countryside beyond, activity spaces and water spaces for rushes, carr, and semi aquatic mere vegetation.

### Other issues

- Developers are using the delay in York's Local Plan to push through planning applications on Green Belt land
- Unclear about street furniture such as benches and tables.
- No provision for some mixed retail/craft/business.
- This site was originally a tip and methane is regularly seen escaping from the ground such that the rotting rubbish must still be active.
- Will the garage walls be resumed as several allotments have lean-to attachments to the structure? Several allotments receive water supplies from the garages.
- The proposed inclusion of lampposts in the EV infrastructure is positive. Is there any indication of how many lampposts this applies to?
- Are there sufficient school spaces available locally to accommodate the children from the development?
- JRHT in awarding work to these Leeds architects have taken away work from local firms and in part damaged the economy of York.
- This land has historical interest which should be protected.

### If the scheme is to go ahead, modifications to the plans should be made as follows:

- The building line is too close to Haxby Road. Moving it further back could create a green corridor enhancing the green approach to the village, benefiting wildlife and air quality for residents. The cycle and pedestrian way could weave through that open belt, without a boundary hedge separating it from Haxby Road.
- The build line on northern edge should be brought in closer to the development to ensure absence of hazard to properties from overhanging trees and better protect the existing character of the tree lined way out eastwards to the fields.
- The retention of existing tree and hedge lined nature of Haxby Rd north of Willow Bank and Rowan Avenue
- No gas fired heating but require ground or air source heat pump heating systems for all buildings. Do not have gas pipes or gas tanks for any gas supply to the development and ensure all cable services are underground not overhead.
- The amenity area should be placed in the middle of the dwellings rather than on the River Foss edge of the development.

- Develop an attenuation pond to act like a village pond and provide ecological benefits
- Two road access points into the development are not needed in a development of this size. The one road access should connect to Willow Bank as this will stagger the traffic flow and prevent the likelihood of cyclist / pedestrian accidents. An access from Haxby Road would also create a substantial break in the proposed green western boundary and impose more concrete and tarmac on the Village.
- The junction from the estate to Willow Bank needs to be designed out and the houses repositioned to accommodate the rerouting of the road back to the roundabout.
- The development does not link in a naturally flowing way with the pedestrian routes within the Village. This could be improved and achieved by a redesign of the major footpath pedestrian and tree lined walkways, to connect with those of the existing Village.
- Should include modern environmental features into all the development's buildings as standard, including Swift Bricks, solar panels on all buildings, communal rubbish bin areas.
- Take the very poor soil quality and land drainage condition of the site into account when planting trees and laying out gardens.
- The outfall pipe from the Westfield Beck Pumping Station runs under the site to join the River Foss. Best to avoid building houses on top of it.
- Provide more than the present barely adequate amount of car parking spaces.
- For road safety reasons, connect the two existing 20mph Speed limit areas outside JoRo School and the Village Primary School, so that one Speed Limit area exists.
- Ensure all road verges are grassed and wide enough for tree planting.
- In relation to green infrastructure require attention to drainage and decent surface provision in the woodland at the eastern edge of this site; improving cycle access eastwards by changing the existing kissing gate which obstructs bikes and needs replacing.

**One representation received in support:**

- Welcome plans to make more housing available to people who might have difficulty in securing good quality housing. Although the execution of the development will cause disruption, it is in the spirit of Joseph Rowntree and a much-needed resource for the people of this city.

Comments provided by Cllr Orrell, Cllr Runciman and Cllr Cullwick:

4.2 The aspiration for housing development on this land has been known for several years but it is a well-used open space and will result in a considerable loss of usable open space for local residents. It follows the loss of open space for the New Lodge buildings.

- There could be a significant period of time when no open space on the site is available. Urge JRHT to not start this development until the New Lodge buildings

are completed thus allowing for all their resources to be concentrated on these proposals so that they can be completed quickly.

- As much of the site should be available for residents as the development progresses so that some open space is there for public use. Would ask Officers to examine how the speedy completion of the proposed development could be addressed.
- The allocation of social housing and shared ownership is welcomed however the allocation of affordable housing should be increased.
- Compliance with Local Plan policy CC2 should be an enforceable condition.

4.3 In addition to these positive aspects of the application we have some concerns and observations:

#### Flooding

- The flood risk assessment refers to one in a hundred-year events but experience of recent years shows this is no longer appropriate. This underestimation of climate change is in conflict with the sustainable building criteria detailed in the application.
- This land is regularly under water acting as a water retention area with the River Foss just a few metres from the field. In 2015 the River Foss flooded properties in Huntington and New Earswick. There is a proposed attenuation tank for excess surface water at the east end of the site but the flooding of the field is routinely worse towards the west end. Is one attenuation tank sufficient to protect the Foss?

#### Traffic management

- The 2 proposed entrances to the estate are problematical. The Willow Bank egress meaning traffic either having to go to Haxby Road (currently a difficult exit for traffic) or down Willow Bank on a potentially fast road. Traffic calming measures would be needed on this section of road and the exit to Haxby Road would need an upgrade.
- The Haxby Road entrance will result in vehicles being in conflict with pedestrians and cyclists on this approach to Joseph Rowntree School. A high number of pupils cycle to school.
- It should be noted that Hartrigg Oaks has only one entrance for around 150 properties. More recently CYC traffic engineers determined that an application for the land north of Avon Drive, Huntington only needed one entrance for a housing proposal of 109 properties.
- The application states that despite conversations with Council officers no agreed traffic solutions have been determined. We would expect that a thorough examination of the traffic implications of the application are examined with solutions in relation to vehicle, cycle and pedestrian movements determined. We do not think it is acceptable to assume that the current road layout will be adequate to cope with the dangers associated with the additional traffic movements.

#### Play Area

- We agree with the proposals for the play area. However, as these facilities often attract ASB we would expect there to be consultation with our Neighbourhood Police Team as to their suitability.

### Garages

- The application states that the garage area becomes brownfield land once the garages are demolished. It does not detail what alternatives there are for the cars currently parked there.

### Conclusion

4.4 Whilst we regret the loss of this much valued open space we appreciate that it was necessary to include land for housing in the Local Plan to meet the housing numbers demanded by the Government. The benefit will be that it provides housing, but we believe the allocation of affordable housing should be greater than the application proposes.

### Comments further to receipt of revised plans

4.5 The revised documents do not address the concerns detailed previously. In particular the documents relating to surface water and flooding – the document still refers to a 1 in a 100-year event. This is no longer an accurate way to assess flood risk. When this land was included in the Local Plan in 2014, the impact of climate change was not considered as high a priority. Since then, our Council has declared a Climate Emergency. It is therefore not appropriate for development to take place on this land until the Local Plan is adopted.

## **5.0 APPRAISAL**

### Key Issues

5.1 The key issues are as follows:

- Openness and Purposes of the Green Belt
- Housing Mix / Affordable Housing
- Highways
- Drainage and Flood Risk
- Design and Layout of the Site
- Landscaping
- Open Space
- Residential Amenity
- Archaeology
- Ecology

- Sustainable Design and Construction
- Planning obligations
- The case for very special circumstances

## **POLICY CONTEXT**

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

5.3 The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. It also includes a number of 'made' Neighbourhood Plans. There is no relevant Neighbourhood Plan which includes the application site.

### National Planning Policy Framework

5.4 The planning policies of the National Planning Policy Framework as published are a material consideration in the determination of this planning application. The presumption in favour of sustainable development set out at paragraph 11 of the NPPF does not apply when the application of policies relating to land designated as Green Belt indicate that permission should be refused.

### Draft Local Plan 2018 (DLP 2018)

5.5 The Draft Local Plan (DLP) was submitted for examination on 25 May 2018. Four phases of hearing sessions concluded in September 2022. Consultation on proposed main modifications to the DLP closed in March 2023, and responses have been provided to the Local Plan Inspectors for their consideration. The plan has therefore reached an advanced stage of preparation and the Inspectors' report is anticipated early in 2024. In advance of plan adoption, weight may be given to policies in the emerging Plan in accordance with NPPF 2023 para 48.

5.6 Relevant draft policies are set out in section 2 of this report.

5.7 The evidence base underpinning the DLP 2018 is capable of being a material consideration in the determination of planning applications. The following evidence is material to the determination of this application:

- TP1 Approach to defining Green Belt EX/CYC/59 and accompanying annexes
- Open Space and Green Infrastructure Update, Sept 2017 and
- Commuted sum payments for open space in new developments – a guide for developers (updated June 2014)

- EX/CYC/57 'SUDS Guidance (Aug 2018) and EX/CYC61 'Strategic Flood Risk Assessment (March 2021)'.
- EX/CYC/92 Housing Needs Assessment (July 2022)
- EX/CYC/56 – Strategic Housing Land Availability Assessment Update (2021)

## **OPENNESS AND PURPOSES OF THE GREEN BELT**

5.8 The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence. The Green Belt serves 5 purposes:

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

5.9 In line with the decision of the Court in *Wedgewood v City of York Council* [2020], and in advance of the adoption of a City of York Local Plan, decisions on whether to treat land as falling within the Green Belt for development management purposes should take into account the relevant policies within the RSS and may have regard to the 2018 Draft Local Plan, insofar as can be considered against paragraph 48 of the NPPF (2023). It may also have regard to the 2005 draft local plan. Site specific features should also be considered.

5.10 Under Policy SP2 of the 2005 Development Control Local Plan, the application site is shown to fall outside of the Green Belt, within the settlement limits and designated as an area of open space. The weight to be attached to Policy SP2 is very limited. Policy SS2 of the DLP 2018 also shows the application site to fall outside of the Green Belt, as proposed housing allocation H46. As a result, the land to which the application relates would not be part of the Green Belt if the DLP 2018 is adopted, instead becoming part of the defined settlement limit of New Earswick. There are unresolved objections to emerging Policy SS2 and therefore in accordance with the NPPF, only limited weight can be attached to the proposed Green Belt boundaries through Policy SS2 of the Draft Local Plan.

5.11 With reference to the site-specific features, regard has been had to the conclusions in the Topic Paper 1: Approach to defining York's Green Belt Addendum (2021) and accompanying annexes. The application site, which consists of mostly grassland with a garage block to the south of the site, is surrounded on three sides by built development: Joseph Rowntree school to the north, Willow Bank to the south and Haxby Road with the Hartrigg Oaks development to the west. The eastern boundary is defined by a mature woodland belt that forms a physical and

visual barrier between the site and the countryside beyond. Assessments of the site-specific features concludes that land at the application site does not materially serve any of the Green Belt purposes detailed at paragraph 5.8 and should be allocated as a housing site to help meet the overall housing needs of the city.

5.12 Despite assessments of the site specific features indicating that land at the application site should be allocated for housing, in line with the decision of the Court in *Wedgewood V City of York Council* (2020) and in advance of the adoption of the Local Plan, for the purposes of determining this application, the site, given that it falls within the RSS general extent of the Green Belt, should be considered under the restrictive Green Belt policies set out in the NPPF.

5.13 The NPPF attaches great importance to the Green Belt. At Paragraph 152 it states that inappropriate development within the Green Belt, is by definition harmful and should not be approved except in very special circumstances. Except for a small number of exceptions set out in paragraphs 154 and 155 of the Framework, development within the Green Belt should be regarded as inappropriate. Residential development does not fit into any of the exceptions listed and therefore represents inappropriate development.

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

5.15 The fundamental purpose of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The concept of 'openness' in this context means the state of being freed from development, the absence of buildings, and relates to the quantum and extent of development and its physical effect on the site. Openness has both a spatial and a visual aspect (visual impact and volume).

5.16 The proposal through the introduction of residential development onto this site, would result in a reduction in its openness, and inevitably would result in a permanent change to the character of the site, which would be spatially and visually perceived by users of Haxby Road, footpaths and occupiers of adjacent buildings. However, whilst the visual impacts and changes brought about by the proposed development would create a localised loss of openness, the impact would diminish with distance as in its wider setting, the site is considered to read as part of the urban area. This is due to the woodland belt to the east which creates a physical and visual barrier between the site and the wider countryside and is due to the characteristics of the site, bound as it is on three sides by development and lacking the agricultural character associated with the wider countryside due to the rough grassland and absence of crops and livestock.

5.17 The proposed development represents inappropriate development in the Green Belt and in addition would lead to a degree of harm to its openness. The harm would be spatial as well as visual. The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whether very special circumstances exist is assessed later in this report.

## **HOUSING MIX**

5.18 Policy H1 of the DLP 2018, which identifies the application site as a proposed residential allocation (Site H46), is in conformity with the NPPF and the evidence base which shows that the identified sites should deliver a 5-year housing land supply in planning policy terms. However, further consideration needs to be given to the unresolved objections received in relation to the sites included within the supply and alternatives submitted for consideration. The consultation responses in relation to Site H46 are not considered to be significant, notwithstanding that they are unresolved. Taken as a whole, Policy H1 can be afforded limited weight.

5.19 The development is of a scale commensurate with the allocation of Site H46, and the housing mix is consistent with the identified need in terms of providing a mix of smaller homes. Of the 117 properties to be provided, 101No. are two and three bedroomed houses and 16No. are one and two bedroomed apartments. As such the scheme is considered to accord with Policy H3 (Balancing the Housing Market) of the DLP 2018 which seeks to ensure that a mix of housing is delivered in developments to meet the requirements as set out in the Strategic Housing Market Assessment (SHMA). This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people.

5.20 In terms of density, the site covers an area of 4.71 ha (1.32 ha of which would be open space). The proposal for a development of 117 dwellings would equate to a development density of 39 units per hectare if the main road into the site is not included. This would be broadly in line with the densities set out within Policy H2 of the DLP 2018 whereby in suburban areas, a density of 40dph is expected. As such, the proposals would not be considered to represent an overdevelopment of the site.

## **AFFORDABLE HOUSING**

5.21 There is a demonstrable need for affordable housing provision in the city, estimated at 573 homes per year in the SHMA, of which 80% should be social rented tenure allocated to households identified through the Council's waiting list, with the remaining 20% typically for Discount Sale at fixed prices. For a predominantly Greenfield site of this size, DLP 2018 Policy H10 (Affordable



Housing) requires 29.1% of the total to be provided as affordable (34 homes). This is expected to comprise a representative, pro rata mix of house types across the site and should meet the other requirements specified in Policy H10 of the DLP.

5.22 This application for 117 new homes proposes 100% affordable housing, which would make an important contribution towards meeting the identified local need. This proposal for 100% affordable housing is strongly supported on the basis of the quality, amount, and type of affordable housing to be provided.

5.23 In terms of housing types, the breakdown is as follows:

Social Rent	33No x 2 bed, 26No. x 3 bed and 12No. x 2 bed flat
Shared Ownership	23No. x 2 bed, 19No. x 3bed and 4No. 1 bed flat.

TOTAL: 117

5.24 The open space and related shared amenities and car and cycle parking would also be available to residents of all tenures on an equivalent basis.

## **HIGHWAYS**

5.25 The NPPF encourages development that is sustainably located and accessible. Paragraph 114 requires that all development achieves safe and suitable access for all users. It advises at paragraph 115 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Further, paragraph 116 requires development to, inter alia, give priority first to pedestrians and cycle movements and create places that are safe, secure and attractive thereby minimising the scope for conflicts between pedestrians, cyclists and vehicles. Policy T1 of the DLP supports the approach of the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway, giving priority to pedestrians and cyclists.

5.26 A new vehicular access to the site would be provided through the formation of a spur off the roundabout on Hawthorn Terrace with a second vehicular access provided from Willow Bank, in the southwest corner of the site. The Transport Assessment accompanying the application, through an analysis of anticipated trip generation and distribution, sets out that the proposed highway works to create the two junctions should operate within capacity and determines that the proposal would not have any impact on the operation of the network with regard to highway safety.

5.27 The site is well located to promote trips by sustainable modes of travel given the opportunities available on foot and by bike and the site is located adjacent to Haxby Road where there is a regular bus service.

5.28 In response to concerns raised in relation to accessibility by and safety of active travel modes from the site and the surrounding area to Joseph Rowntree School, the application has been revised since submission such that the scheme now includes a segregated cycle-track / footway on the east side of Haxby Road between Park Lodge and Willow Bank. Several of the footways within the site have also been widened to 3.0m to provide unsegregated shared cycle-track/pedestrian routes to increase permeability and ease navigation within and through the site for cyclists and pedestrians.

5.29 Although the site may lend itself to accessible journeys, Officers recognise that traffic volume and speed are the main deterrents to people cycling and note that Haxby Road/Hawthorn Terrace is heavily trafficked at peak hours (including school drop-off time in the morning) and the 30mph speed limit in the vicinity of the site causes a substantial deterrent to cycle. To further encourage more active travel to and from the site, as well as enabling safer cycle journeys between Haxby and York (including pupils of Joseph Rowntree School residing in New Earswick), Officers are therefore seeking to extend the existing 20mph speed limits from outside Joseph Rowntree School, southwards a distance of approximately 300m to join with the existing 20mph zone just to the north of Cherry Tree Avenue (currently 30mph). This would result in a continual 1.1km length of 20mph road providing a much safer road speed for cyclists.

5.30 This extension of the 20mph speed zone requires a developer contribution of J40,000 with a further £6,000 towards amending the associated Traffic Regulation Order (TRO).

5.31 Each dwelling would be provided with an external cycle store that can store two bikes and a condition requiring details of a strategy for the provision of EV charging facilities on the site is recommended. It should be noted that under Buildings Regulations, plots that have associated parking are required to provide electric vehicle recharging points (these are plots 44 - 49, 106 - 109 and 61 - 64).

5.32 A Travel Plan has been submitted which includes Resident Support whereby the first occupant of each property will be provided with either a two-week bus pass or a cycle voucher and site-specific Travel Guide and Personalised Journey Planning. The Travel Plan also details that residents will be provided with information relating to the Enterprise Car Club scheme where three car parking spaces will be provided on site for use solely in association with the Car Club. An EV charging point will be provided for sole use by the Car Club.

5.33 An updated Travel Plan, which includes an action plan with measures, indicative targets, and costings where appropriate and which takes account of the

management of school drop-off / pick-up parking, will be required by condition. The applicant is not agreeable to the requested contributions towards City of York Council Travel Plan Support and a further £200 per dwelling for sustainable transport measures, stating that their Travel Plan is more flexible than the Travel Plan the Council is seeking as rather than stating a specific sum, it sets out intended actions such that JRHT will need to spend that necessary to implement the listed actions. The applicant also states that JRHT have a proven track record for administering the Travel Plan actions and budget and therefore see no reason to contribute towards a Council Officer performing this role. Highways Officers consider a contribution per dwelling is required as even with a costed travel plan, there is less certainty of ensuring the measures are adequately funded, or even delivered, with the only recourse being planning enforcement for a breach of condition.

5.34 160no. car parking spaces (including visitor parking spaces) are, except for six in-curtilage spaces, to be provided on a non-allocated basis. This is considered acceptable because it reflects the local car ownership levels and non-allocated parking is more space-efficient than allocated parking. Minor amendments to the layout are required, but these can be resolved by condition. Highways officers have recommended a number of other conditions which collectively will ensure that adequate parking, servicing, and access arrangements are achieved without giving rise to highway safety concerns.

5.35 In summary, it is considered that the proposals would accord with the provisions of Policy T1 of the DLP 2018 and Section 9 of the NPPF. The proposals would provide appropriate levels of parking within the development and 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 public transport.

## **DRAINAGE AND FLOOD RISK**

5.36 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 to steer development away from areas at risk of flooding, to ensure development is safe from flood risk and to avoid increased flood risk elsewhere.

5.37 In relation to drainage, the NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. DLP 2018 Policy ENV5 (Sustainable Drainage) advise discharge from new developments should not

exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced.

5.38 Concerns have been raised by third party representations about the potential risk of flooding resulting from the development, also noting that the site itself floods is waterlogged with standing water over a significant surface area during most of the year. It is understood that this is a localised issue with the ground having been compacted at the time of its use by construction traffic when building Joseph Rowntree school.

5.39 Development of the site will include the provision of an attenuation tank within the area of public open space to the east of the site, to enable the flow of surface water to be managed. In respect of foul drainage, a pumping station is to be provided, again within the area of public open space but to the southeast corner of the site.

5.40 The Lead Local Flood Authority Engineer has advised that the general layout, the permitted foul and surface water drainage discharge rates and the point of connection/s of the revised drainage scheme are acceptable in principle. Although minor amendments and further site-specific details are required, these can be secured by conditions.

## **DESIGN AND LAYOUT**

5.41 The assessment of design takes into account the local context and the form and function of the scheme. The following sections of the DLP 2018 and NPPF are relevant in this respect.

5.42 Paragraph 135 of the NPPF states that planning decisions should aim to ensure that developments will function well and add to the overall quality of an area, be visually attractive through good architecture, layout and appropriate landscaping, be sympathetic to local character and history, establish a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space), support local facilities and transport networks, and create safe, inclusive and accessible environments.

5.43 These aims are reflected in Policy D1 (Placemaking) of the DLP 2018 which advises that schemes will be supported where they improve poor existing urban and natural environments, enhance York's special qualities, and better reveal the significances of the historic environment.

### Layout and External Appearance

5.44 The design intent for the layout is for the proposed scheme to represent an extension of New Earswick rather than a stand-alone development, with the design principles picking up on the spatial pattern and landscape features that are inherent to the defining principles established by Parker and Unwin in the design of the original Garden Village.

5.45 As part of the establishment of a hierarchy of spaces, a central pedestrian corridor of greenspace that dissects the site in an east / west corridor from the roundabout on Haxby Road through to the public open space to the east is proposed. The wide central pedestrian corridor would be tree lined with the houses arranged wherever possible, to overlook the greenway offering a pedestrian only green outlook for residents while providing a passive surveillance of the space. The greenway is joined and connected by smaller pedestrian links in turn connecting to clusters of homes. A large area of formal and informal open space would be provided to the east of the site which would include a children's playground, multisport facilities, a trim trail, an area of public art and seating.

5.46 Buildings are arranged in small terraces of 3, 4 or 5 and semi-detached blocks similar to the existing urban grain of New Earswick with mirroring apartment buildings creating a gateway entrance. A sense of community would be promoted through the creation of courtyards and cul-de-sacs that are shared by a small number of neighbours and the arrangement of houses is such that opportunities are created for natural security over the shared spaces.

5.47 In terms of the external appearance of the dwellings, key design principles established for Garden Villages are incorporated. Facing brickwork elevations have recessed round-arched entrances with tile and brickwork detailing to provide modelling to the elevation. The roof tile would be red roman tiles with a mixture of hipped and gable roofs. Key houses have a mixture of feature porch entrances, ginnel access to rear gardens and some chimneys.

5.48 On the basis of the above, Officers consider that the scheme, through its layout, scale, massing, use of materials and detailing, creates a relationship between the site and the original Garden village and therefore respects local character. The scheme is considered to be NPPF compliant in terms of achieving well designed places; it would achieve a strong sense of place, will function well, and add to the overall quality of the area and be visually attractive

5.49 The proposed scheme is also considered to accord with Policy HW7 of the DLP 2018 which seeks to ensure that design principles that support healthy lifestyles are incorporated into plans for development. For example, the design reflects the importance of permeability for pedestrians and therefore in addition to the central pedestrian corridor of greenspace that leads through to the public open space, the existing strong north to south pedestrian connection between Willow Bank and Park Lodge is maintained and enhanced.

## **LANDSCAPE**

5.50 Policy D2 (Landscape and Setting) of the DLP 2018 states that proposals will be supported where they conserve and enhance landscape quality and character. The key elements of the landscaping proposals involve the creation of a central greenway, the retention of the broad open space to the east of the site, a landscape buffer along the site frontage with Haxby Road, tree lined avenues, new hedgerows to the front of dwellings, rear gardens each provided with a fruit tree and the retention of a linear area of open space to the northern boundary.

5.51 The application site is located within a green infrastructure (GI) corridor of regional significance as identified within the background papers to the DLP 2018. The landscape within this GI corridor provides a number of functions, including general recreation, biodiversity, amenity, setting, and sense of place.

5.52 The scheme has been revised since submission with a key change being the re-siting of all residential development and curtilages away from the corridor of mature trees which are subject to a Tree Preservation Order, and which bound the northern boundary of the site. This revision has ensured the integrity of the area of open space that supports these mature trees and also allows free pedestrian movement along the full length of the trees as a coherent green corridor and linear open space, which represents a strong landscape feature and an important green pedestrian and recreational link between New Earswick and Huntington village.

5.53 There would be a loss of trees along Hawthorn Terrace and Willow Bank however the quantity of replacement tree planting and boundary hedging alongside the existing and proposed highways and throughout the site, is considered to mitigate this loss and would contribute to the leafy, garden-village setting. It is considered that the proposed trees would make a valuable contribution to the amenity, setting, and character of the development, and quality of the streetscape

5.54 Through the retention of the broad open space to the east of the site, the inclusion of a new area of equipped play space, the safe retention of the line of mature trees along the northern boundary and in light of the landscape design within the housing complex, which includes generous tree planting and a central greenway which provides a good connection between the Haxby Road roundabout and the open space, Officers consider that the scheme sufficiently retains the critical GI credentials of the application site. Furthermore, subject to detailed landscaping conditions, it is considered that the proposal accords with DLP 2018 Policy D2 and Paragraph 180 of the NPPF which seeks to ensure valued landscapes are protected and enhanced.

## **RESIDENTIAL AMENITY**

5.55 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.

5.56 The layout of the scheme has been designed so as to secure a good standard of amenity for future residents. In terms of the design of the houses, the lounges are served with large windows to maximise daylight and the room sizes comply with National Described Space Standards with level access being provided into the properties. All the properties are set back from the road behind defined front gardens and also have access to private rear gardens – the blocks of flats have communal gardens. The provisions of gardens results in sufficient distances between dwellings to ensure the proposal does not give rise to unacceptable levels of overlooking, overshadowing, or overbearing. A drawing has also been submitted to demonstrate that the properties will receive an acceptable amount of daylight and minimal overshadowing of gardens.

5.57 In terms of the impact on existing residents who live in close proximity to the site, separation distances and the existing and supplementary hedge and tree boundaries proposed are such that no harm would be caused to their amenity. A Construction Environment Management Plan (CEMP) condition for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development, together with an hours of construction condition, would be a requirement of the grant of planning permission.

5.58 Additional conditions which are intended to safeguard residential amenity include a requirement to submit a scheme of noise insulation measures to protect future residents from externally generated noise and a requirement to provide details of plant and equipment to ensure no noise disturbance is caused from the pumping station and substation which would lie close to the future dwellings.

5.59 In terms of land contamination, the applicant has submitted a desk top study. Public Protection has accepted the assessment and has agreed to the recommendations for a Phase 2 assessment. Conditions would be imposed to ensure further land contamination investigations to be undertaken prior to development, suitable remediation of the site and subsequent verification of those remedial works.

5.60 In relation to security and designing out crime, Safer York Partnership (SYP) broadly consider the overall design and layout of the scheme to be acceptable but raise some minor issues relating to a leaky cul-de-sac and lack of natural surveillance of some of the parking bays. To introduce a gate to the parking area in question would constitute a serious compromise to the permeability of the scheme and so as an alternative, the boundary treatment to the walkway adjacent to the

bays has been amended so as to increase natural surveillance. A rationale for not being able to remove the footpath link from the leaky cul-de-sac has also been provided to the satisfaction of SYP.

## **OPEN SPACE**

5.61 Policy GI6 of the DLP 2018 requires all residential development to contribute to the provision of open space for recreation and amenity. The precise type of on-site provision required will depend on the size and location of the proposal and the existing open space provision in the area.

5.62 The scheme provides a trim trail and a children's play area to satisfy the requirements of a LEAP, NEAP and LAP and for all age groups. The children's play area is accommodated within an area measuring 1100 sqm with the trim trail covering a similar floor area. The two areas of formal provision are provided within a wider informal amenity space measuring 1.32 ha which exceeds the 0.24ha required by Council policy. As such, the proposal is considered to meet the requirements for play and amenity space and accords with Policy GI6 of the Emerging Local Plan.

5.63 Given the range and scale of formal sports facilities available within New Earswick at the Sports Club, the provision of on-site formal sports pitches is absent from the proposed development. Lifelong Learning and Leisure confirm that the ward of New Earswick has an overprovision of outdoor sports but on the basis that the development is close to the boundary of connecting wards that have a shortfall, request a contribution of £57,297 to be spent on improvements to sports facilities at New Earswick Sports Club, New Earswick and District Indoor Bowls or Huntington Sports Club.

5.64 Paragraph 55 of the NPPF advises that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. As set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, Paragraph 57 of the NPPF advises that obligations must only be sought where they meet all of the following tests: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

5.65 Taking into account, the level of play and amenity space provided on site, the proximity of the development to New Earswick Sports Club and the consideration that the ward has an over provision of outdoor sports, Officers do not consider that a contribution towards formal sports would be compliant with NPPF paragraphs 55 and 57 and the relevant CIL regulations.

## **ECOLOGY**



5.66 Section 15 of the NPPF relates to the natural environment. It states that planning decisions should minimise the impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Policy GI2 of the DLP 2018 also seeks to achieve similar objectives; with the overarching aim of conserving and enhancing York's biodiversity. Policy GI2 (iv) specifically requires development to result in a net gain to, and help improve, biodiversity.

5.67 An ecology appraisal has been submitted with the application which involved a data search and an extended Phase 1 habitat survey. This showed no evidence of any protected or priority plant species or notable invertebrates on site. The woodland habitat to the north and west of the site has moderate value for commuting and foraging bats but based on tree inspections and emergence surveys, it has been determined that the site is unlikely to support a bat roost. There is a confirmed population of great crested newts (GCN) within 500 metres of the site and as such, the works will need to take place under a European Protected Species Mitigation Licence. It has been assessed that GCN are unlikely to be encountered during stripping of vegetation and building operations on the site.

5.68 The ecological appraisal identifies a number of opportunities for biodiversity enhancement including the planting of a native mixed species hedgerow on the southern and western boundaries, planting of open spaces with a native species-rich grassland mix, integral bird and bat boxes, and retention and management of the swamp area, including scraping out a small area in order to create an area of standing water.

5.69 Following a review of the appraisal, the Council's Ecologist identified a number of further opportunities, such as the introduction of undulating land in the southeast of the site to create a wetland habitat and an increased amount of wildflower and meadow seeding along the eastern and northern boundaries of the site. These measures have since been incorporated into the scheme.

5.70 Officers consider that the recommendations detailed within the ecological appraisal and revised landscape masterplan will have a beneficial impact on habitats and biodiversity in providing ecological enhancement. These recommendations will be adhered to through conditions such as the requirement for a Landscape Ecological Management Plan (LEMP) which will detail how biodiversity enhancements such as the installation of bird nesting features and the provision of native planting, will be installed, managed, and maintained. There will also be a condition requiring no removal of hedges between 1st March and 31st August to protect breeding birds, a requirement to submit a Construction Environmental Management Plan (Biodiversity) and a condition requiring the submission of a lighting strategy.

5.71 Based on the above and taking into account the context that the site area excludes the woodland to the east and includes a significant area of open space between the proposed development and the established woodland river corridor to the east, it is considered that the proposed development would accord with GI2 of the DLP 2018, which strives for “enhancement” of biodiversity and Paragraph 186 of the NPPF, which advises that in determining planning applications, LPAs should ensure opportunities to improve biodiversity in and around developments be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

## **ARCHAEOLOGY**

5.72 An archaeological evaluation comprising a geophysical survey and evaluation took place on this site in 2007. The evaluation to the south of the school suggested Roman activity with pottery and ceramic building material recorded. In the north-east corner of the site, the right-angled Roman ditch of an enclosure was located, which may represent the remains of a marching camp similar to other examples within close proximity to this site.

5.73 A small amount of archaeological excavation will be required within the area where these ditches were noted in 2007. A program of strip, map and record limited to the north-east corner of the site (ahead of construction) will enable a full record to be made and allow an attempt to further establish the use/nature of these ditches as there is some uncertainty as to what they represent. This will be secured by means of a condition requiring the submission of a programme of archaeological mitigation.

## **SUSTAINABLE DESIGN AND CONSTRUCTION**

5.74 The modified wording (Jan 2023) of Policy CC2 of DLP 2018 states developments should achieve high standards of sustainable design and construction by demonstrating: energy and carbon dioxide savings in accordance with the energy hierarchy; water efficiency; and consideration of good practise adaptation principles for climate resilience. All new residential development of 1 or more should achieve: on-site carbon emissions reduction of a minimum of 31% over and above the requirements of Building Regulations Part L (2013), of which at least 19 % should come from energy efficiency measures; and a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations. Pending anticipated changes to Building Regulations, developments should further aim to achieve up to a 75% reduction in carbon emissions over and above the requirements of Building Regulations Part L (2013) unless it is demonstrated that such reductions would not be feasible or viable. Any higher level of reductions required through Building Regulations or other legislation will supersede the above requirements.

5.75 The applicant notes in the submission that JRHT has a proven track record of delivering low carbon development and exceeding targets of reducing energy and water consumption with Derwenthorpe being one of the first large scale low carbon developments in northern England. The same objectives are expected to inform the design and construction of the proposed dwellings, but on the basis of some of the lessons learnt from Derwenthorpe, rather than there being a central energy hub, each of the proposed dwellings would be heated by way of an air source heat pump that is to be housed within an outbuilding in the rear garden. The requirements of Policies CC2 will be secured via condition. Policy CC2 has partially resolved objections and can be afforded limited weight.

## **PLANNING OBLIGATIONS AND VIABILITY**

5.76 Policy DM1 of the DLP 2018 states that the Council will seek contributions from developers to ensure that the necessary infrastructure is in place to support future development in York.

### Education

5.77 Paragraph 95 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive, and collaborative approach to meeting this requirement. Policy ED6 of the 2018 DLP states that given the scale and location of future housing development and projected demographic changes in birth rates, the local plan must ensure there are sufficient modern early years and childcare, primary and secondary education facilities across the city. The policy seeks to provide the provision of sufficient modern education facilities to meet an identified need.

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

Pre-school (14 places) – £265,664 New pre-school provision within 2.5km of the site.

Primary (14 places) – £265,664. This would be for provision at New Earswick or Huntington Primary.

Secondary (8 places) – £209,008. To increase capacity at Joseph Rowntree or Huntington Secondary.

**Total: £740,336**

5.79 Financial Viability is a material planning consideration. The NPPF and Planning Practice Guidance for Viability (PPG) set the framework and principle for undertaking and assessing a Financial Viability Assessment (FVA) for plan making and decision taking. In accordance with this framework, the applicant has submitted a FVA (prepared by Savills) on behalf of Joseph Rowntree Housing Trust. The LPA

subsequently commissioned a review of the FVA by Stannybrook Property Consultants.

5.80 An analysis of the FVA illustrates that the scheme without any S106 contributions but with 100% affordable housing produces a negative residual land value and therefore demonstrates that viability is a material consideration and that the proposed 100% affordable housing scheme is unable to provide any S106 contributions. On this basis and in order to address some of the deficit, the applicant proposes that the planning obligation for education be set to zero.

5.81 The fact that the need arising from the development in terms of pre-school, primary and secondary places cannot be met has been discussed with colleagues in Education and is balanced against the contribution this development would make towards meeting the significant need for affordable homes, a high proportion of which are 2 and 3 bedroomed.

### Affordable Housing

5.82 Chapter 5 of the NPPF requires LPAs to provide a sufficient supply and mix of homes including where justified affordable housing. Policy H10 of the DLP 2018 sets out the approach to the provision of affordable housing and housing thresholds.

5.83 As detailed previously, the proposed development would provide 117 affordable homes. As an established Registered Social Housing Provider, JRHT expect to retain ownership of the units and offer them for rent or shared ownership. The mechanism for securing 100% of the scheme as affordable will be via a S106 agreement.

5.84 The proposed s106 planning obligation is considered to be compliant with NPPF paragraphs 55 to 57.

### Highways

5.85 Paragraphs 108 to 117 of the NPPF requires that development should not have an unacceptable impact on the transport network and should prioritise sustainable travel modes. Policy T1 of the DLP 2018 supports the approach of the NPPF in promoting the use of sustainable travel modes and minimising the need to travel.

5.86 106 contributions have been requested by Highways Officers as follows:

- £40,000 towards extending the existing 20mph speed zone along Haxby Road / Hawthorn Terrace from outside Joseph Rowntree School, southwards a distance of approximately 300m to join with the existing 20mph zone just to the north of Cherry Tree Avenue

- £6,000 towards amending the Traffic Regulation Order (TRO) to be able to introduce the extension of the 20mph speed limit towards York city centre stated above
- £25,000 towards City of York Council Travel Plan Support (@ £5,000/per year for 5 years)
- £200 per dwelling (£23,400 overall) for sustainable transport measures (voucher towards cycle purchase or towards bus tickets, etc., for first occupants of each dwelling)

5.87 As detailed at paragraph 5.33, the applicant is not agreeable to the requested contributions towards City of York Council Travel Plan Support and sustainable transport measures but accepts a condition requiring a more detailed Travel Plan to include an action plan with measures, indicative targets, and costings where appropriate. Whilst acknowledging the difficulties of ensuring the measures are adequately funded, or delivered, on the basis of these particular circumstances, the proven track record of JRHT in administering Travel Plan actions and budgets, and the conclusions of the viability appraisal, Officers accept that no contributions towards Travel Plan Support and sustainable transport measures, can be secured for this application. The applicant is agreeable to the payment of the remaining elements, which are considered to be compliant with NPPF paragraphs 55 to 57 and relevant CIL regulations.

### **ASSESSMENT OF VERY SPECIAL CIRCUMSTANCES (VSC)**

5.88 The proposed residential development represents inappropriate development in the Green Belt. Paragraph 152 of the NPPF explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 says when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations.

5.89 Policy SS2 of the DLP 2018 sets out the role of the York Green Belt. The boundary of the Green Belt is the consequence of decisions about which land serves a Green Belt purpose and which can be allocated for development. The Plan seeks to identify sufficient land to accommodate York’s development needs across the plan period. In addition, it provides additional development land to 2038 beyond the plan period. The purpose of which is to ensure that in defining the boundaries of the Green Belt they can then endure and support the primary purpose of the Green Belt of preserving the setting and special character of York.

5.90 The application site is a housing allocation within the DLP 2018 (H46) which was shown to fall outside of the Green Belt in the 2005 Development Control Local Plan but forms part of the general extent of Green Belt as outlined in the saved RSS Key Diagram. It is the role of the Local Plan to define the detailed Green Belt boundaries to ensure that the city can meet its development needs and allow permanence to the green belt boundaries beyond the plan period. The approach to this is set out within Topic Paper 1: Approach to defining Green Belt Addendum 2021. The Green Belt Addendum (2021) provides a detailed explanation of how and where detailed inner and outer Green Belt boundaries have been defined to inform the Local Plan.

5.91 The detailed methodology, including defined criteria to inform the delineation of the detailed boundaries are set out within Section 5 of the Topic Paper Addendum. This methodology takes consideration of national guidance and, an appraisal of the essential characteristics of openness and permanence in York, including the context of the existing built environment and landscape against the relevant green belt purposes set out in the NPPF.

5.92 The methodology also sets out the approach to strategic permanence and consistency with local plan's spatial strategy (in line with NPPF para 147) to identify suitable locations for development to meet development needs which cannot be accommodated in the identified urban areas. It also establishes which sites have been considered as suitable for proposed development in this context.

5.93 The key role for defining the detailed boundaries is to establish long term development limits to the built up (urban) area and other densely developed area to distinguish land that needs to be kept permanently open to meet the purposes of Green Belt. The primary purpose of the York Green Belt is to safeguard the special character and setting of the historic city as referred to in Policy YH9C of the RSS and Policy SS2 of the 2018 Draft Local Plan, although limited weight can only be attached to the latter.

5.94 A full assessment of the Green Belt boundary in relation to the application site (Boundary 10) is presented in Annex 3 to the Green Belt Topic Paper Addendum. The assessment identifies that the boundary line follows recognisable and established natural features along a path and mature tree belt separating New Earswick and the fields west of Huntington Old Village. With it having access to services within 800m, the assessment concludes that the land to the west of the boundary, has potential to provide a sustainable location for growth which would focus development towards the urban area or areas within the Green Belt (in line with NPPF para 147) to be able to contribute to the long-term permanence.

5.95 The proposed development would square off this eastern edge of New Earswick with the woodland belt to the east creating a physical and visual barrier

between the site and the countryside beyond. The site is visually well associated with the existing urban area due to its boundaries and its existing character. The design and layout of the development would be in keeping with New Earswick's garden village setting ensuring its historic identity and scale is protected and the wider setting and special character of the historic city of York would be preserved. In allocating the site for development, the Council has assessed that the site does not serve any Green Belt purposes and therefore does not need to be kept permanently open for Green Belt reasons.

5.96 The proposed development represents inappropriate development in the Green Belt and in addition would lead to a degree of harm to its openness. Substantial weight is attached to the harm that the proposal would cause to the Green Belt. There are outstanding objections to the removal of land from the general extent of the Green Belt and the delineation of the detailed Green Belt boundaries.

5.97 The Council has concluded that changes to the general extent of the York Green Belt are required to meet the development needs for housing, employment land and education, which cannot be solely provided for in urban areas or villages (outside of the Green Belt) or by other means. It is recognised that an undersupply of homes or employment land would exacerbate housing affordability issues, increase unsustainable commuting patterns, and adversely impact on building a strong, competitive economy. Site H46 is proposed to be allocated to help meet the overall needs of the city within the general extent of the Green Belt following an extensive exercise to identify suitable sites which minimise harm on York's environmental assets and the purposes of the Green Belt. There are unresolved objections in relation to the principle of the development of the site with 6No. further objections raised by New Earswick Parish Council in response to the Proposed Modifications and Evidence Base consultation (May 2021). These objections repeat concerns relating to loss of amenity space, loss of green space, highway issues and potential for traffic congestion. The consultation responses are not considered to be significant, notwithstanding that they are unresolved. As there are unresolved objections, *limited weight* should be applied to policies H1 and H46. The evidence upon which the allocation relies is material and can be afforded *significant weight*. The site selection process is well documented through the Strategic Housing Land Availability Assessment (SHLAA) and Local Plan viability work.

5.98 In their statement of March 2022, the applicant put forward the following considerations to justify the proposal:

- Development of the site will not interfere with the fundamental aim of Green Belt policy, as it is not necessary to keep the land permanently open.
- The site does not fulfil the purposes of Green Belt policy.
- The site is allocated within the draft Local Plan for residential development and so development is consistent with the spatial strategy and will not interfere with the delivery of the local plan policies.

- CYC cannot identify sufficient land supply to meet housing need over the next five years and this site is an important element of the land required to deliver necessary development.
- The development is of a scale commensurate with the allocation of site H46, and the housing mix is consistent with the identified housing need in terms of providing a mix of smaller homes.
- The houses are to be retained by JRHT and offered for social rent or shared ownership and will be secured by S106 in perpetuity for affordable housing.
- Development will make a meaningful contribution to the Government's objective of significantly boosting the supply of homes.
- The development should not give rise to any adverse environmental impacts. Instead, it offers ecological enhancement, additional tree planting and incorporates renewable energy and low energy consumption measures.
- The site is highly accessible and incorporates a layout to encourage walking and cycling by future occupants and surrounding residents, where occupants will be provided with access to extended footpath and cycle networks, a car club, electric vehicle charging and cycle storage to encourage sustainable travel choices.
- The development is considered to be sustainable in terms of the economic, social, and environmental benefits to be secured, and it is also in a highly sustainable location.
- There are no objections to the scheme considering other material considerations which cannot be addressed through either planning conditions or S106 agreement.

5.99 Not only forming part of the future supply of homes as set out in the latest housing trajectory, it is recognised that the proposal would make a meaningful contribution towards meeting the significant need for affordable homes, estimated at 9396 homes over the Plan period (2017-2033) with the proposal securing 117 new affordable homes, a high proportion of which are 2 and 3 bedroomed. In respect to the very special circumstance relating to the proposal it is considered that *significant weight* should be given to the delivery of housing and *significant weight* should be given to the delivery of affordable housing. The City is unable to demonstrate an NPPF compliant 5-year housing land supply.

## WHETHER PREMATURITY IS GROUNDS TO REFUSE THE APPLICATION

5.100 Paragraph 49 of the NPPF states that “in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location, or phasing of new development that are central to the emerging plan; and
- The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area”.



5.101 Paragraph 50 of the NPPF states: “Refusal of planning permission on the grounds of prematurity will seldom be justified where a draft local plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on the grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan making process”.

5.102 It is considered that to grant planning permission for this scheme would not undermine the plan-making process because the Council’s assessment of the Green Belt to inform the emerging plan (as detailed within Topic Paper 1: Approach to defining the Green Belt Addendum 2021) concluded that the site could be excluded from the Green Belt to enable development needs to be met in line with the spatial strategy. Given the scale of the development proposed (117 dwellings); that the site is required to meet development needs and will be excluded from the Green Belt; and as the emerging Local Plan has been through examination and promotes this as a housing site, to be delivered within the short to medium term (1-10 years) of the plan, there are no clear grounds (as is required by the NPPF) to refuse this particular application on the basis that it would prejudice the plan-making process.

## PUBLIC SECTOR EQUALITIES DUTY

5.103 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.

5.104 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.

5.105 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.

5.106 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 scheme has been designed to represent an extension of New Earswick rather than a stand-alone development, with the design principles picking up on the spatial pattern and landscape features that are inherent to the defining principles established in the design of the original Garden Village. Buildings are arranged in small terraces of 3, 4 or 5 and semi-detached blocks similar to the existing urban grain of New Earswick. Officers consider that the scheme, through its layout, scale, massing, use of materials and detailing, creates a relationship between the site and the original Garden village and therefore respects local character. It is also not considered that it would detract from the character or appearance of the adjacent Conservation Area.

6.2 In terms of landscaping, the scheme involves the retention of the broad open space to the east of the site, the inclusion of a new area of equipped play space, the safe retention of the line of mature trees along the northern boundary and good landscape design within the housing complex, which includes generous tree planting and a central greenway which provides a good connection between the Haxby Road roundabout and the open space. Accordingly, Officers consider that the scheme sufficiently retains the critical GI credentials of the application site. Furthermore, it is considered that the recommendations detailed within the ecological appraisal and revised landscape masterplan will have a beneficial impact on habitats and biodiversity in providing ecological enhancement. These recommendations and proposals for biodiversity enhancement will be secured via conditions.

6.3 In respect to highway matters, suitable numbers of (unallocated) car parking spaces are provided, and each dwelling would have an external store for two bikes. Good pedestrian and cycling links are provided from and through the site including a segregated cycle-track / footway on the east side of Haxby Road between Park Lodge and Willow Bank. As part of the scheme and as a means to encourage more active travel to and from the site and enable safer cycle journeys, the existing 20mph speed zone along Haxby Road would be extended. The site is located adjacent to Haxby Road where there is a regular bus service.

6.4 The layout of the scheme has been designed so as to secure a good standard of amenity for future residents. All the properties are set back from the road behind defined front gardens and also have access to private rear gardens – the blocks of flats have communal gardens. The provisions of gardens results in sufficient distances between dwellings to ensure the proposal does not give rise to unacceptable levels of overlooking, overshadowing, or overbearing. In terms of the impact on existing residents who live close to the site, separation distances and the existing and supplementary hedge and tree boundaries proposed are such that no harm would be caused to their amenity.

6.5 A review of the Financial Viability Assessment demonstrates that viability is a material consideration in this case and that the proposed 100% affordable housing scheme is unable to provide any S106 contributions towards meeting the need for pre-school, primary and secondary places. This is balanced against the contribution this development would make towards meeting the significant need for affordable homes, a high proportion of which are 2 and 3 bedroomed.

6.6 Technical matters can be addressed, to achieve policy compliance, through conditions in respect of sustainable design and construction, design, landscape, biodiversity, drainage, archaeology, the highway network and ground conditions and pollution.

6.7 The application site is located within the general extent of the York Green Belt and as such is assessed against paragraph 152 of the NPPF which states inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, are clearly outweighed by other considerations.

6.8 In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would lead to a degree of harm to its openness. Substantial weight is attached to the harm that the proposal would cause to the Green Belt.

6.9 There are unresolved objections in relation to the principle of the development of the site therefore limited weight should be applied to policies H1 and SS18. However, the evidence upon which the allocation relies is material and can be afforded significant weight.

6.10 The City Council is unable to demonstrate a 5-year housing land supply. In this context it is considered that significant weight should be given to the provision of new housing. Furthermore, given the shortage of affordable homes in the York area, significant weight is given to the ability to deliver 117 affordable homes on the site.

6.11 It is considered that the site allocation in the DLP 2018, the comprehensive associated evidence on which the allocation of the site relies and the provision of 117 affordable new homes are considered to amount cumulatively to 'very special circumstances' that clearly outweigh the harm to the Green Belt and any other harm as a result of development.

6.12 Approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021 and the application not being called in by the Secretary of State for determination. The application is required to be referred to the Secretary of State as the development is considered to be inappropriate development in the Green Belt, and the proposed floorspace would be in excess of the 1000 sqm threshold set out in the Direction.

**7.0 RECOMMENDATION:** That delegated authority to be given to the Head of Development Services to:

7.1. Refer the application to the Secretary of State for Communities and Local Government under the requirements of Section 77 of the Town and Country Planning Act 1990, and should the application not be called in by the Secretary of State, then APPROVE the application subject to

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

- £40,000 towards extending the existing 20mph speed zone along Haxby Road / Hawthorn Terrace from outside Joseph Rowntree School, southwards a distance of approximately 300m to join with the existing 20mph zone just to the north of Cherry Tree Avenue
- £6,000 towards amending the Traffic Regulation Order (TRO) to be able to introduce the extension of the 20mph speed limit towards York city centre stated above
- £57,297 to be spent on improvements to sports facilities at New Earswick Sports Club, New Earswick and District Indoor Bowls or Huntington Sports Club.
- 100% affordable housing provision.

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

7.4. The Head of Planning and Development Services be given delegated authority to determine the final detail of the 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:-

304/02(02)002 19 (Proposed Site Plan)

304/02(02)003 5 (Proposed Site Plan - Sheet 1)

304/02(02)004 5 (Proposed Site Plan - Sheet 2)

304/02(02)005 5 (Proposed Site Plan - Sheet 3)

304/02(02)006 5 (Proposed Site Plan - Sheet 4)

304/02(02)008 6 (Boundary Treatment Plan)

304/02(02)009 3 (Location Plan)

304/02(02)060 3 (External Bin Bike & ASHP Store)

304/02(02)061 # (Substation building)

304/02(02)080 1 (Roof Plan)

304/02(02)010 6 (Proposed House Type A 2B4P)

304/02(02)011 2 (Proposed House Type AG & AG1 2B4P)

304/02(02)012 5 (Proposed House Type B 2B4P)

304/02(02)013 6 (Proposed House Type C 3B5P)

304/02(02)014 5 (Proposed House Type D (En Suite) 3B5P)

304/02(02)015 4 (Proposed House Type E 3B5P)

304/02(02)016 7 (Proposed Flat Type T1 & T2 2B3P)

304/02(02)017 6 (Proposed Flat Type T3 & T4 2B3P & 2B4P)

304/02(02)018 5 (Proposed Flat Type T5 & T6 1B2P)

304/02(02)020 3 (Proposed House Type A 2B4P Elevations)

304/02(02)021 2 (Proposed House Type AG-AG1 2B4P Elevations)

304/02(02)022 2 (Proposed House Type B 2B4P Elevations)

304/02(02)023 2 (Proposed House Type C 3B5P Elevations)

304/02(02)024 2 (Proposed House Type D (En Suite) 3B5P Elevations)

304/02(02)025 2 (Proposed House Type E 3B5P Elevations)

304/02(02)026 3 (Proposed Flat Type T1 & T2 2B3P Elevations)

304/02(02)027 3 (Proposed Flat Type T3 & T4 2B3P & 2B4P Elevations)

304/02(02)028 3 (Proposed Flat Type T5 & T6 1B2P Elevations)

304/02(02)030 6 (House Type Configuration A-AG-AG1-A)

304/02(02)031 6 (House Type Configuration A-A & A-E-A)

304/02(02)032 4 (House Type Configuration A-E-E-A)

304/02(02)033 4 (House Type Configuration A-E-E-C3)

304/02(02)034 4 (House Type Configuration B-B)

304/02(02)035 5 (House Type Configuration C-C & C2-C1-C)

304/02(02)036 5 (House Type Configuration C-C1-C1-C1-C)

304/02(02)037 3 (House Type Configuration C-C1-C1-C)

304/02(02)038 4 (House Type Configuration D1-D1)

304/02(02)039 4 (House Type Configuration D-D2-D)

304/02(02)040 3 (House Type Configuration A-AG-AG1-A Elevations)

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304/02(02)041 3 (House Type Configuration A-A & A-E-A Elevations)  
304/02(02)042 3 (House Type Configuration A-E-E-A Elevations)  
304/02(02)043 3 (House Type Configuration A-E-E-C3 Elevations)  
304/02(02)044 4 (House Type Configuration B-B Elevations)  
304/02(02)045 3 (House Type Configuration C-C & C2-C1-C Elevations)  
304/02(02)046 3 (House Type Configuration C-C1-C1-C1-C Elevations)  
304/02(02)047 3 (House Type Configuration C-C1-C1-C Elevations)  
304/02(02)048 3 (House Type Configuration D1-D1 Elevations)  
304/02(02)049 2 (House Type Configuration D-D2-D Elevations)

PWP 419 004 Rev 11 (Outline Landscape Masterplan)  
PWP 419 006 Rev 02 (POS Play Area Details)

Written Scheme of Investigation for a Programme of Archaeological Mitigation  
(March 2021) prepared by On Site Archaeology LTD  
Transport Assessment (December 2020) prepared by Bryan G Hall (Ref: 19-356-  
003.02)  
Travel Plan (December 2020) prepared by Bryan G Hall (Ref: 19-356-002.02)  
Bat Survey (May-Sept 2020) undertaken by Wold Ecology Ltd  
Ecological Appraisal (June 2020) undertaken by MAB Environment & Ecology Ltd)  
Arboricultural Impact Assessment prepared by Rosetta Landscape Design (Nov  
2020)

NPPF Flood Risk Assessment and Drainage Strategy (Curtins Ref: 075858-CUR-  
00-XX-RP-C-001 Revision 01, Issue Date 17 December 2020)  
Drainage Details Sheet 1 (075858-CUR-00-XX-DR-C-92401-P01)  
Drainage Details Sheet 2 (075858-CUR-00-XX-DR-C-92402-P01)  
Drainage Statement (075858-CUR-ZZ-XX-RP-C-92001 Rev V11 - Issue Date 9 Feb  
2023)  
Drainage Strategy (075858-CUR-00-XX-DR-C-04002 Rev P17)

19/356/SKH/004 Rev F (Proposed Access Arrangements)  
075858-CUR-00-XX-DR-C-95006-P01 (Highway Construction Details)  
075858-CUR-00-XX-DR-C-04003-P04 (Highway Levels Strategy)  
075858-CUR-00-XX-DR-C-04001-P06 (Highway Layout Review)  
075858-CUR-ZZ-ZZ-DR-C-05001-P01 (SPA Refuse Vehicle Tracking)  
075858-CUR-00-XX-DR-C-95002-P01 (Typical Road Section and Build-Ups)  
A101 Rev 4 (High Tank Details)

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 the commencement of development, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details of the order and timescales (relative to the occupation of homes) in

which works will be provided including highway works on and off site including roads and footpaths, the landscaping, public open space, the play area and the boundaries around the application site. The development shall only be implemented in accordance with the approved Phasing Plan.

Reason: To ensure the satisfactory phasing of the development and to ensure that infrastructure is delivered in a coordinated and planned way.

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices sample materials should be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive high-quality appearance and have regard to the character of New Earswick.

5 Within three months of commencement of development, a detailed landscape scheme in accordance with the approved outline landscape masterplan 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. The proposed tree planting shall be compatible with existing and proposed utilities. This scheme as so approved shall be implemented within a period of six months of the practical completion of the development or in accordance with the phasing plan pursuant to condition 3. Any trees or plants which within a period of 15 years from the substantial completion of the planting and development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

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

6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority all tree planting details, to include: means of support, and irrigation; maintenance regime and responsibilities; soil volumes and structural soil cell systems, where applicable, and the

corresponding paving detail, and locations of underground utilities. Where trees are to be located within paved areas, the surface area of soil cell systems, soil volumes, and tree species, and any utilities shall also be shown on a tree planting plan. The development shall be carried out in accordance with the approved details.

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

7 Prior to the commencement of development, a finalised and detailed Arboricultural Method Statement and scheme of arboricultural supervision regarding protection measures for existing trees within and adjacent to the application site shown to be retained on the approved drawings, shall be submitted to and approved in writing by the Local Planning Authority. Amongst other information, this statement shall include details and locations of protective fencing, ground protection, a schedule of tree works if applicable, site rules and prohibitions, phasing of protection measures, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), specialist construction techniques where applicable, parking arrangements for site vehicles, locations for stored materials, and means of moving materials around the site, locations and means of installing utilities, location of site compound. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material and boundary treatments is proposed within the root protection area of existing trees. A copy of the document as approved will be available for reference and inspection on site at all times. The development shall be carried out in accordance with the document as approved.

Reason: To ensure every effort and reasonable duty of care is exercised during the development process in the interests of protecting the existing trees shown to be retained which are considered to make a significant contribution to the public amenity and/or the amenity and setting of the development.

8 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority the construction details and methodology for the following:

- (i) preparation and implementation of the site compound and its removal,
- (ii) the reinstatement of the grassland to an equal or better standard across the areas allocated for the site compound and temporary marketing suite, parking and other temporary surfacing over proposed grassed areas.

Amongst other details, the methodology shall include types of machinery to be used, permitting weather and ground conditions, depth to which soil will be stripped, height



of top soil bund, method of de-compacting the ground, reinstatement of soil and establishment of grass sward of a quality at least equivalent to the quality of the grassland before the construction compound was erected, and maintenance until the end of the first successful growing season (October) and the following five years. The grassland shall be reinstated within the first full planting season following removal of the construction compound.

The development shall be carried out in accordance with the approved details and in accordance with the phasing plan pursuant to condition 3.

Reason: To ensure the site is restored to a condition fit for purpose.

9 Notwithstanding the details shown on the approved drawings, details of the means of enclosure (including along the Greenway), between and around gardens and around and within proximity of the boundaries of the application site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details in accordance with the phasing plan pursuant to condition 3.

Reason: In the interests of the visual amenities of the area, the amenities of neighbouring properties and to ensure that public areas, including entrances to the site are sensitive to the character of the surrounding area.

10 Prior to commencement of development, details/specification of the hard landscaping scheme including ground surface finishes for driveways/parking, paths etc shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and in accordance with the phasing plan pursuant to condition 3.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the character and appearance of the area.

11 Notwithstanding the approved drawings, prior to the commencement of development above foundation level, full details of the design and provision of all public green open spaces (and associated hard surfacing, landscaping and furniture), including the design of the main area of recreational open space and the associated equipped play area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and in accordance with the phasing plan pursuant to condition 3.

Reason: To ensure suitable recreational provision is provided for future users.

12 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful,

detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

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

13 No development shall take place (including ground works and vegetation removal) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include 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
- 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 development shall be carried out in accordance with the CEMP: Biodiversity as approved.

Reason: To facilitate the protection of notable/sensitive ecological features and habitats on the application site and within the local area.

14 A Landscape and Ecological Management Plan (LEMP) shall be submitted to,  
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and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP 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 LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP 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 development shall be carried out in accordance with the LEMP as approved.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 d) of the NPPF to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. To ensure wildlife mitigation, compensation and enhancements measure are managed and maintained appropriately.

15 Prior to the installation of any new external lighting, a 'lighting design strategy for biodiversity' for the entire development site shall be submitted to and approved in writing by the local planning authority.

The plan shall:

- Demonstrate that it has taken account of the recommendation set out in section 7.5 of Bat Report, Wold Ecology Ltd, September 2020.
- Show how and where external lighting will be installed, so that it can be clearly demonstrated that areas to be lit will not disturb light-sensitive wildlife, such as bats.

The development shall be carried out in accordance with the approved details in accordance with the phasing plan pursuant to condition 3. Thereafter the lighting shall be retained in accordance with the approved lighting plan.

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

16 A programme of post-determination archaeological mitigation, specifically an archaeological strip, map and record exercise is required on this site. The archaeological scheme comprises 2 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be approved.

A) The strip, map and record and subsequent post-investigation assessment shall be completed in accordance with the programme set out in the approved Written Scheme of Investigation (On-Site Archaeology 2021). Provision made for further analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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

This condition is imposed in accordance with Section 16 of NPPF.

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

17 Prior to the construction of any works above the ground floor slab, a detailed scheme of noise insulation measures for protecting the approved residential from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works, no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

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

18 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

19 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.

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

Monday to Friday	0800 to 1800 hours
Saturday	0900 to 1300 hours
Not at all on Sundays and Bank Holidays	

Reason: To protect the amenity of local residents.

21 Prior to the commencement of development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a

written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

23 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates

the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

25 The dwellings shall achieve a reduction in carbon emissions of at least 31% compared to the target emission rate as required under Part L of the Building Regulations 2013 and a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

Should the dwellings not achieve a reduction in carbon emissions of 75%, compared to the target emission rate as required under Part L of the Building Regulations 2013, prior to construction a statement to demonstrate that such reductions would not be feasible or viable shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policy CC2 of the Publication Draft Local Plan 2018

26 Fully detailed drawing illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction on site. The development shall be carried out in accordance with the approved details and in accordance with the phasing plan pursuant to condition 3.

Reason: In the interests of highway safety.



27 Notwithstanding the approved drawings, prior to the commencement of the development, details of the design of the accesses from Haxby Road and Willow Bank, together with associated sightlines, shall be submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the accesses have been constructed in accordance with the approved plans.

Reason: In the interests of highway safety.

28 Prior to the development commencing above foundation level, details of secure and covered cycle parking provision for each home, shall be submitted to and approved in writing by the Local Planning Authority. Each home shall not be occupied until the cycle parking provision has been provided within the site in accordance with the approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

29 No dwelling on the site shall 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.

30 Details of the following highway works (which by definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) shall be approved in writing by the Local Planning Authority:

- The construction of a stepped segregated cycle-track and footway along the east side of Haxby Road / Hawthorn Terrace to allow southbound cyclists to bypass the roundabout and provide a safer route for cyclists and pedestrians to Joseph Rowntree School,
- Modification of the eastern mini-roundabout of the existing double mini-roundabout forming the Hawthorn Terrace / Lucombe Way / Haxby Road junction to form a fourth leg thereto to provide the main access into the development,
- Modification of the existing junction on Willow Bank to provide a second access into the development,
- The construction of a pedestrian priority crossing at the junction of Hawthorn Terrace / Willow Bank,
- Installation of 20mph signs and associated road markings on Haxby Road / Hawthorn Terrace

The highway works shall be carried out in accordance with the approved details and  
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in accordance with the phasing plan pursuant to condition 3.

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

31 No part of the development shall be occupied until a Travel Plan (based on the submitted North of Willow Bank, New Earswick, York, Travel Plan, December 2020) has been submitted and approved in writing by the LPA. The Travel Plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

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

Reason: To ensure that traffic flows from the site can be safely.

32 A three stage road safety audit (RSA) carried out in line with advice set out in GG119 Road safety audit (formerly HD 19/15), and guidance issued by the council, will be required for the section(s) of Haxby Road / Hawthorn Terrace / Lucumbe Way / Willow Bank / Park Lodge, affected by the development, as shown indicatively on Drawing No. (extent to be agreed with DHC prior to approval of application). Reports for Stages 1 and 2 must be submitted to and approved in writing by the LPA prior to works commencing on site. The Stage 3 report must be submitted to and approved in writing by the LPA prior to occupation.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

33 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 prior to the development commencing. The 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;
- times of allowing access to the site noting that the site is next to a secondary school and traffic movements to/from the site will not be permitted at school drop off/pick-up times,
- where contractors will park; and

- where materials will be stored within the site.

The development shall be carried out in accordance with the method of works statement as approved.

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.

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

Reason: In the interest of satisfactory and sustainable drainage.

35 No construction works in the relevant area(s) of the site shall commence, in consultation with the Statutory Undertaker, until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details to be submitted to and approved in writing by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

Reason : In the interest of public health and maintaining the public sewer network.

36 Notwithstanding the submitted details, 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 by the Local Planning Authority. The information shall include site specific details of:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted,
- ii) the flow control device manhole, means by which the surface water discharge rate shall be restricted to a maximum rate of 17.6 (seventeen point six) litres per second,
- iii) the attenuation tank, the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved,
- iv) a topographical survey showing the existing and proposed foul and surface water drainage invert and cover levels, ground and finished floor levels to ordnance datum for the site and adjacent properties. The development 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 and in accordance with the phasing plan pursuant to condition 3.

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

37 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

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

38 A strategy for the provision of EV charging facilities on the site shall be agreed in writing with CYC prior to commencement of development and shall be implemented in accordance with the approved details prior to first use of the development hereby permitted.

o 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.

o 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 the National Planning Policy Framework (NPPF) and CYC's Low Emission Planning Guidance.

## **8.0 INFORMATIVES: Notes to Applicant**

1. You are advised that prior to starting on site, consent will be required from the Highways Authority for the works being proposed under the Highways Act 1980 (or legislation/ regulations listed below). For further information, please contact the section(s) named;

- Agreements as to execution of works (Section 278) -  
development.adoption@york.gov.uk

- Works in the highway (Section 171) - streetworks@york.gov.uk

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2. You are advised that this proposal may have an affect 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.

### 3. 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](mailto: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.

### 4. Informative note: 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.

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.

5. Informative: Further information on bats and lighting is available in the Bat Conservation Trust (2018) Bats and artificial lighting in the UK publication. <https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229&focal=none>

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