

COMMITTEE REPORT

Date: 7 May 2026 **Ward:** Heworth
Team: East Area **Parish:** Heworth Planning Panel

Reference: 25/01211/FUL
Application at: 45 Hempland Lane York YO31 1AT
For: Erection of 2no. residential apartment buildings (use class C3) with associated parking, refuse, cycle stores, and landscaping following demolition of existing dwelling
By: Swan Properties Ltd
Application Type: Full Application
Target Date: 11 May 2026
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks consent for erection of 2no. residential apartment buildings (use class C3) with associated parking, refuse, cycle stores, and landscaping following demolition of an existing dwelling at No.45 Hempland Lane. The site is located within the Heworth ward of the city.

1.2 The development proposal would result in the formation of 8no. apartments spread across three storeys, within 2no. detached buildings. Access would be from Hempland Lane (as existing). The larger building (building 1) would be located to the southern portion of the site, measuring a total floor area of approximately 164 metres², to contain 4no. 2-bed apartments. The smaller building (building 2) would develop perpendicularly to the east, measuring approximately 150 metres², to contain 2no. 1-bed and 2no. 2-bed apartments. A conventional brick and tile finish is proposed externally, with cream UPVC fenestration. A third floor of accommodation would be positioned within the attic space of building 2, including 2no. dormers in total, located to the eastern most roof plane fronting the allotments. The roof spaces would otherwise be served by skylights. The principal roof forms would develop to approximately 5.6 metres eaves and 8.9 metres (building 1) and 8.6 metres total height (building 2) respectively. 2no. cycle stores and 1no. bin store are shown to the site.

1.3 The existing property is a sizeable, detached bungalow with standalone carport garage to its south. The property is set back from the roadside and building line of Hempland Lane, accessed as existing from a narrow single width drive. The property sits within a generous plot which borders several of the surrounding adjacent dwellings, including Hempland Lane Allotments and local community wildlife area to the south and eastern boundaries. In terms of the site surroundings, the surrounding area is suburban in character, largely characterised by two-storey detached and semi-detached dwellings. The site shares its access from Hempland Lane with a single storey substation.

1.4 Relevant Property History - Erection of 2no. residential apartment buildings (use class C3) with associated parking, refuse, cycle stores, and landscaping following demolition of existing dwelling, refused 07.02.2025, reference 24/02266/FUL.

1.5 The previous application was refused on the grounds that the buildings would be of an incongruous scale, and form, taking into account the established suburban qualities of the area, their impact on neighbouring amenity, and the requirement for further information with regard to the development proposal's likely effect on adjacent habitats.

1.6 The revised scheme still includes the proposed development of 2no. apartment buildings, however the orientation and scale of development on-site have been altered, in which the height of the proposed buildings have been reduced, and site layout altered to set the main mass of the buildings further away from the adjacent boundaries.

1.7 Revisions made as part of this application have included the following:

- Revised access – increasing width of the route internally through the site from 4.5 metres to 5.0 metres.
- Submission of updated swept path analyses in accordance with revised access and layout of parking.
- Revised cycle stores in accordance with comments from Highways with respect to ensuring these are compliant in size and accessibility.
- Incorporation of the two buildings to the south of the site to one singular building, including minor revision building 1's orientation and position within the site to increase the building's set-off from No.61 Hempland Lane.

2.0 POLICY CONTEXT

2.1 Planning applications should be determined in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan is the adopted City of York Local Plan. The application site does not fall within a district of the Authority subject to either a Neighbourhood Plan or Village Design Statement.

City of York Local Plan

2.2 The Local Plan was adopted on 27th February 2025. Local Plan policies relevant to the determination of this application are detailed below:

DP2	Sustainable Development
DP3	Sustainable Communities
H3	Balancing the Housing Market
H10	Affordable Housing
HW7	Healthy Places
D1	Placemaking
D2	Landscape and Setting
GI2	Biodiversity and Access to Nature
GI4	Trees and hedgerows
CC2	Sustainable Design and Construction of New Development
ENV2	Managing Environmental Quality
ENV3	Land Contamination
ENV5	Sustainable Drainage
WM1	Sustainable Waste Management
T1	Sustainable Access

National Planning Policy Framework (NPPF)

2.3 The NPPF sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development. The NPPF forms a material consideration in planning decisions.

2.4 Paragraph 39 of the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at

every level should seek to approve applications for sustainable development where possible.

2.5 Key policies and sections of the NPPF are as follows:

Achieving sustainable development (chapter 2)

Decision-making (chapter 4)

Delivering a sufficient supply of homes (chapter 5)

Promoting healthy and safe communities (chapter 8)

Promoting sustainable transport (chapter 9)

Making effective use of land (chapter 11)

Achieving well-designed places (chapter 12)

Meeting the challenge of climate change, flooding and coastal change (chapter 14)

Conserving and enhancing the natural environment (chapter 15)

3.0 CONSULTATIONS

INTERNAL:

Public Protection

3.1 No objections raised subject to conditions.

Flood Risk Engineer

3.2 No objections raised, subject to conditions in order to protect the local aquatic environment and public sewer network.

3.3 The Ground Investigation Report provides sufficient evidence to prove soakaways will not work in this location and a watercourse is remote. With regards to foul water this will connect to the public foul water sewer in Hempland Lane, this is agreed. Surface water shall connect to the public surface water sewer in Hempland Lane, at a restricted rate of 2.0 (two point zero) litres per second with appropriate attenuation up to and including the 1 in 100-year event with 40% climate change event, this is agreed. The Intrusive Ground Investigation Report, Drainage Assessment and Drainage Layout are in line with City Of York Council's Sustainable Drainage Systems Guidance for Developers Guide and the hierarchy of surface water disposal.

3.4 The development is in Environment Agency (EA) low-risk Flood Zone 1 and should not suffer from river flooding.

Archaeologist

3.5 This application is located near to an area that has previously produced evidence for Roman activity. Approximately 300m to the NW, a large assemblage of late Roman pottery was found and interpreted as relating to occupational activity (MYO2801). The wider area is known to produce similar material, but there has been relatively little opportunity to investigate the context for any activity.

3.6 The application site is positioned close to the proposed course of two Roman roads, approximately 35m and 70m to the south. Evidence for these roads is fragmentary, but they are thought to relate to RCHME Road 4, connecting York (Eboracum) with Malton (possibly Derwentio), and as such represent significant components of York's Roman landscape.

3.7 An Intrusive Ground Investigation Report was commissioned to support this application, based on a survey consisting of 3no boreholes. These were not archaeologically monitored, but the recorded sequence includes: 'Topsoil' between 0.12m and 0.60m deep, underlain by 'made up or disturbed ground' extending as deep as 0.90m to 1.6m below ground level. This contained deposits of 'brick and rubble', and 'sandy clay with occasional coarse, rounded cobbles'. Without archaeological dating evidence this is impossible to definitively interpret, but it is suggestive of potential archaeological material.

3.8 No foundation plans are available, but the proposal comprises three large dwellings which will all require foundations and services, including drainage, that will potentially impact any archaeological material present on the site.

3.9 An archaeological evaluation will be necessary on this site, with possible further stages of mitigation, either by excavation or preservation-in-situ. This can be carried out under a planning condition. The evaluation should investigate the proposed areas of all three buildings shown in figure 02M in the submitted Design and Access statement.

Landscape Architect

3.10 None of the trees within the site boundary are subject to a tree preservation order (TPO), nor are they in a conservation area.

3.11 A category 'B' Birch (proposed for removal) on the eastern boundary of the application site stands adjacent to Heworth allotments from where it would be visible. Group G9 (category 'B') within the grounds of Heworth allotment encloses the southern boundary of the application site. This consists of Hawthorn, Crab apple, and Field Maple, the latter being the tallest species. These are small to medium sized trees. The owner of no.45 has the right to prune back overhanging branches, but the density and height of these trees still exerts a visual and physical influence on the application site. For this reason, I advise that the south facing living quarters of buildings 2 and 3 are too close to the southern boundary.

3.12 The existing property has a large garden and is of a sufficient distance and orientation to avoid conflict with the adjacent woodland. The proposed development places the southern elevations of buildings 2 and 3 very close to the southern boundary, immediately beyond which the woodland stands. The proposed development would introduce a new conflict, which would threaten the compatibility between public trees and private properties because there would be extremely limited garden space outside the south-facing main reception rooms of buildings 2 and 3. The existing woodland is located on the south side of the properties at close proximity. The height and density of the trees would cast shade and be imposing over such small garden spaces, thereby posing a significant restriction on reasonable enjoyment of the garden and property. These factors would be likely to put pressure on the local authority to reduce/remove trees. Therefore, I advise that this latest proposal still presents over-development of the site.

Highways

3.13 Commented in objection, raising the following matters:

- The true extent of the northern site/red-line boundary is unclear and should be clarified/confirmed by the applicant, as this has a material impact on the width of the access that can be provided.
- The length of the unadopted 'Minor Access Road' is excessive: the plans should evidence how safe pedestrian access will be provided, and access for fire appliances within the site.
- The unadopted 'Minor Access Road' serves too many dwellings.
- Surfacing detail not provided.

- Insufficient clearance between the access and boundary fence of the adjacent electricity sub-station, with potential for insufficient forward visibility.
- The bin store is too far from the waste loading point.
- Some of the proposed parking bays have insufficient clearance adjacent to vertical features (walls).
- Access to the proposed cycle parking at Building One is inadequate – access would be blocked if cars were parked in bays 1-4 Cycle parking should be specific to each building and the doors to the cycle stores should be wider (can be conditioned).
- The swept path analyses provided are not accepted – they should be resubmitted using a 4.9m long x 2.0m wide IStructE, Guide, Car Park Design 2023, Standard Design Vehicle (SDV) and 7.367m x 2.020m Mercedes Bens L4 Extra Long Wheelbase Van (or similar) for the analyses.
- The applicant should confirm whether any of the dwellings are to be category M4(2) or M4(3)

Ecology

3.14 The Preliminary Ecological Appraisal & Biodiversity Net Gain Assessment and small sites metric submitted indicates that there would be approximately a net change in biodiversity units (BU) of - 48.21% (- 0.3994 BU) of area-based units. To deliver the minimum 10% biodiversity net gain required it is assumed these units will be delivered off-site. This could be through utilising off-site land under the control of the applicant to deliver the off-site biodiversity unit requirement or purchase of units via third-party habitat bank. It is accepted that post-development plans may be indicative at this stage particularly for offsite BNG provision. However, sufficient detail should be provided with the application to enable the Authority to have confidence that the level of BNG proposed is realistically achievable; that the application will be able to meet its biodiversity net gain obligation, and that the applicant is aware of the potential costs associated with the plan proposed to achieve it.

3.15 To finalise conditions and determine how BNG will be secured CYC need additional information on the proposed approach to delivery of the required unit to meet 10% net gain. The approach to delivering BNG will determine if a Habitat Management and Monitoring Plan (HMMP) or Landscape and Ecological Management Plan (LEMP) and the need to secure any BNG measures via a S.106 agreement.

3.16 Further information is therefore required to ensure the application does not deviate from law, policy and/or guidance, with regards to ecology. If further information cannot be provided the application cannot be supported.

3.17 The ecological survey work to date has identified a number of ecological features that require protection throughout the construction phase of the project (e.g., bats nesting birds, habitats, trees, etc). As such, the provision of a CEMP is considered appropriate. Other conditions including a biodiversity enhancement plan and lighting plan may be secured by condition.

EXTERNAL:

Heworth Planning Panel

3.18 No response received.

Yorkshire Water

3.19 No objections raised subject to conditions.

4.0 REPRESENTATIONS

Neighbour Notification and Publicity

4.1 The proposal was publicised by Site Notice on 18th July 2025, as well as by Neighbour Notification Letter.

4.2 Representations of objection from 37 parties were received in total, raising the following concerns:

- Incorrect width of entrance roadway
- Poor visibility for entering/exiting cars
- Insufficiently sized car parking spaces/limited manoeuvrability on site.
- Increase in traffic/demand for parking
- Highway safety as a result of limited visibility and the number of additional vehicles and increased traffic
- Loss of privacy
- Loss of light and outlook
- Loss of sunlight

- Light pollution
- Management of waste
- Overshadowing to adjacent dwellings and nature reserve
- Increased noise pollution and disturbance
- Overbearing and dominance
- Scale and massing would detract from visual amenity of the area
- Loss of mature trees and planting
- Degradation to biodiversity and wildlife on/offsite
- Increase in standing water and flooding/waterlogging
- Density of development
- Prospective use as holiday lets
- Inappropriate architectural design, layout, and scale, resulting in overdevelopment
- Loss of existing family home
- Unproven demand for this type of accommodation
- Poor amenity for future occupants
- Maintaining emergency access to the adjacent substation

4.3 One representation of support was received, commenting that the proposal would contribute towards more housing for the city.

4.4 The application was re-publicised following amendments to the scheme, by Site Notice on 24th December 2025, as well as by Neighbour Notification Letter.

4.5 Further representations of objection were subsequently received from 23 parties, raising the following concerns:

- Inappropriate scale and massing
- Scheme still does not address the core reasons for the previous refusal
- Scheme prioritises profit maximization rather than appropriate urban design
- High-density apartments not in-keeping with suburban character of the area
- Risk that the apartments could be used as short-term holiday lets
- Loss of privacy and overlooking
- Overbearing and oppressive presence
- Shading and loss of outlook
- Noise and light pollution
- Dangerous access into the site
- Inadequate parking and risk of overspill onto adjacent streets
- Insufficient swept path requirements for large vehicles

- Waterlogging and drainage
- Harm to protected green space
- Impact on protected species
- Threat to significant trees
- Failure to National Space Standards
- Inadequate daylight to flats' primary living areas due to obstruction from the adjacent 12m-high woodland trees to the south
- Lounges could be used to create additional bedrooms
- Poor amenity space
- Missing documentation to reflect revised plans
- Boundary Dispute at land adjacent to No.61 Hempland Lane
- Inaccurate Land Registry site overlay
- Impediment to access the adjacent Northern Powergrid substation

Councillor Call-in

4.6 The application was requested to be called into Planning Committee by Councillor Ayre on 9th January 2026, on the following grounds:

- Impact on character of streetscene/built environment
- Residential amenity
- Parking
- Highways issues
- Impact upon trees and landscaping

4.7 The application site is in an adjoining ward for the call-in request (the application site sits on the boundary) however it was decided by the Chair of Planning Committee that this case should be determined by Committee.

5.0 APPRAISAL

KEY ISSUES:

- Principle of Residential Development;
- Design and Appearance;
- Amenity for Future Occupants;
- Residential Amenity of Neighbouring Properties;
- Highways, Access and Parking;
- Contamination;

- Archaeology;
- Ecology and Biodiversity;
- Sustainable Construction;
- Drainage and Flood Risk.

PRINCIPLE OF RESIDENTIAL DEVELOPMENT

Policy

5.1 To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Paragraph 73 of the NPPF recognises that small and medium sized sites can make an important contribution to meeting the housing requirement in an area and that to promote the development of a good mix of sites. Local Planning Authorities should support the development of windfall sites and give great weight to the benefits of using suitable sites within existing settlements for homes. Policy H2 (Density of Residential Development) promotes the efficient use of land, stating that densities should support the efficient use of land, incorporating good design that responds to its context, an appropriate mix of house types and should be informed by the local character of the area.

Assessment

5.2 The site is within an established suburban area, with established public transport links and a reasonable provision of local amenities. Development of the apartment buildings would result in the loss of 1no. existing dwelling, however with a net formation of 7no. residential units overall. Taking into account the objective to boost the supply of homes, and the established suitability of the site for housing, the principal of residential development within this location is established, on account that there is no local or national policy that would preclude the proposed development. With respect to the site's suitability for the configuration and number of dwellings proposed, taking into account the existing grain and pattern of nearby development, and the requirement to incorporate a new access from Hempland Lane, it is considered that the proposed arrangement of development responds characteristically to the local character of the area, subject to other material considerations as assessed within this report.

DESIGN AND APPEARANCE

Policy

5.3 Policy D1 (Placemaking) of the Local Plan seeks development proposals to improve poor existing urban and natural environments, enhance York's special qualities, better reveal the historic environment and protect the amenity of neighbouring residents. Development proposals that fail to make a positive contribution to the city or cause damage to the character and quality of an area or the amenity of neighbours will be refused. Policy D2 relates to landscape and setting and GI trees and hedgerows.

5.4 Paragraph 129, parts (d) and (e), of the NPPF, state that planning decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places. Paragraph 135 states planning decisions should ensure that developments will function well and add to the overall quality of the area. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Proposals should be sympathetic to local character and history, including the surrounding built environment. Paragraph 139 of the NPPF states development that is not well designed should be refused.

Assessment

5.5 Architecturally, the buildings are seen to comprise a traditional vernacular, which would complement the principally brick and tile style of the wider residential area. Subsequent to refusal of the previous application, the total scale of the buildings has been reduced, seeing a reduction of 0.6 metres at the eaves and 1 metre (building 1) and 1.3 metres (building 2) at the main ridge. Whilst siting of the buildings would form distinctly more prominent additions to the site in comparison to the existing single storey bungalow, with glimpsed views from Hempland Lane itself and of notable appearance from the allotments to the east, the revised overall scale and form would now be more relative in proportion with the wider prevailing domestic architecture of the adjacent streets and area, in particular with the eaves and ridge heights relative to the surrounding properties. Massing of the buildings is seen to aim to broadly replicate the scale and proportions of a typical semi-detached dwelling. To this effect, the 8.6 and 8.9 metre total heights proposed to the buildings would be comparative to the approximately 8.6 metre heights of the semi-detached dwellings adjacent along Hempland Drive.

5.6 The total footprint of on-site development has reduced slightly following the previous application, although with the main difference being the orientation and position of the buildings. Particularly to building 1 to the south, there would now be a greater set-in from the southern site boundary. Cumulatively with reduction to the height of the buildings, it is considered that the proposal now reflects a configuration and scale that would be more coherent with the wider area, forming a new enclave of development off Hempland Lane, similar in configuration to the fashion of existing adjacent streets. Visibility of the buildings would be somewhat limited from Hempland Lane, by virtue of the setback position of the plot, sitting beyond the established building line fronting the street.

5.7 The layout of the site would make efficient use of the space available. The urban grain of this area of Heworth is fairly well regimented by the pattern of the streets, with properties pleasantly spaced from one another and fringed by buffers of greenery and small pockets of open space. The previous determination placed weight to the openness of the garden of the existing bungalow, and lack of suitable regard to the suburban context of the site with respect to the previously proposed design. Whilst the site is still proposed to facilitate 2no. buildings, the cumulative result of the changes outlined above, concerning the scale of the buildings and layout is considered to, on balance, reflect a more receptive design and character which would not result in unacceptable harm to the character and appearance of the area.

5.8 The proposal is therefore considered to be acceptable in design terms and would be compliant with paragraph 135 of the NPPF and policies D1, D2, G12 and G14 of the Draft Local Plan.

AMENITY FOR FUTURE OCCUPANTS

Policy

5.9 Policy ENV2 (Managing Environmental Quality) of the Local Plan states development will not be permitted where future occupiers and existing communities would be subject to significant adverse impacts such as noise, vibration, odour etc without effective mitigation measures. Paragraph 135(f) of the NPPF seeks to create safe, inclusive and accessible developments with a high standard of amenity for existing and future users. The National Design Guide, in particular within H1-3,

provides further national advice in respect to placemaking and, relevant in this case, the creation of well-designed homes both externally and internally.

Assessment

5.10 The plans demonstrate that the dwellings would provide a satisfactory standard of accommodation for future occupants internally, including an appropriate number of openings and generously sized habitable rooms. Concern was raised as part of the previous application with regard to the provision of available sunlight to the proposed dwellings (and consequential pressure to remove trees in the neighbouring wildlife area), particularly the southernmost building, by virtue of the proximity of the woodland to the south which was considered probable to cast shade. The current proposal sees a more offset orientation with the southern boundary, allowing a larger provision of amenity space which would see a greater buffer within the site itself. Some degree of shadowing would still occur as a result of the established mature character of these trees. However, the proposed offset now incorporated as part of the revised site layout is considered to allow a more meaningful provision of amenity to the habitable rooms closest to the site boundary. The buildings would be located within an established residential setting, in which the site layout incorporates areas of soft landscaping and amenity space around the buildings. Given the established residential context, it is not considered that occupants would be subject to undue disturbance from noise. The works are therefore considered to be in compliance with paragraph 135 of the NPPF and policy ENV2 of the Local Plan.

RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

Policy

5.11 Policies D1 and ENV2 of the Local Plan seek to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures. Paragraph 135 of the NPPF seeks a good standard of amenity for all existing and future occupants, and that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Assessment

5.12 The site is surrounded to its north and west by existing residential dwellings, all of comparative styles with pleasant rear amenity spaces, most of which are generous in size and proportions, and which orientate themselves toward the application site. To the south and west is Hempland Lane Allotments.

Nos. 4, 6, 8 and 10 Hempland Drive

5.13 The provision of outlook available to Nos. 4, 6, 8 and 10 Hempland Drive would be impacted as a result of the buildings' siting. In visual terms, the two buildings would interrupt the current longer-distance views which are available across the site, in which the existing bungalow is set at a lower height. To the eastern extent of the application site, closest to Nos. 6, 8 and 10, building 2 would be orientated perpendicular to the rear gardens, set 22 metres distance away at its closest to the adjacent rear elevation (adjacent to No.6) and 4 metres from the boundary. The hipped roof developing away from the boundary and lesser extent of massing at the closest distance would offer some relief (the building measuring 9 metres in depth), however, in which a good degree of outlook would still be available around this building, especially to the southeast where longer views and provision of outlook would be retained.

5.14 In terms of the provision of sunlight, the application as originally submitted included a daylight and sunlight assessment. This has not been subject to revision subsequent to revisions to the development itself, although is still material in understanding some of the impact of the buildings' scale and proximity to the nearest adjacent properties, the greatest change since the report's submission being in relation to the repositioning and merger of two buildings (adjacent to the southern boundary) within the site, although the mean distance of the proposed building(s) from the northern boundary increasing only minorly to 11.75 metres now versus 11 metres previously.

5.15 For the rear elevation of Nos. 4, 6, 8 and 10 Hempland Drive, the report established that the highest angle to the proposed development would be approximately 18.5° (at No.2 Hempland Drive), which would be below the 25° initial obstruction angle criterion in the BRE Report. Subsequent to revisions to the scheme, separation from point of measurement at No.2 and the proposed development has increased from 30.7 metres to 31.6 metres. As a result, the obstruction angle would remain below 25°. Loss of direct sunlight to the rear amenity spaces would be limited to a very small portion of the rear gardens of Nos. 6 and 8,

with overall distancing not considered to hinder the overall provision of direct sunlight.

5.16 The extent to which the scheme would be oppressive to neighbouring dwellings however is also dependant on the extent to which there would be increased overlooking and/or a loss of privacy. As existing, the row of properties to the southern side of Hempland Drive are regimented in character, all with habitable openings facing their rear gardens at both ground and first floor level. In addition, some of the dwellings include living accommodation within their loft spaces. In terms of accommodation proposed within the application site, the northern side elevation (closest to No.6 Hempland Drive) would see 2no. secondary openings, serving the principal kitchen dining and living spaces, although with these rooms orientated with their principal openings and outlook to the east of the site. At first-floor level, however, it is considered appropriate to impose a condition to ensure this opening is obscure glazed and non-opening, on account of the proximity to which this would be to the adjacent rear amenity space. Similarly, a living space to the attic would be served by a dormer to the east, with only a high level rooflight to the north. On account of this, it is not considered that an undue level of overlooking would arise to the adjacent row of properties to the north, in particular Nos. 4, 6, 8 and 10 as a result of building 2's siting. More widely, the openings of habitable rooms to the eastern elevation would be considerably more offset and distanced from properties further to the east along Hempland Drive.

Nos. 41 and 43 Hempland Lane & No.2 Hempland Drive

5.17 Development at the application site would have similar impacts with respect to outlook and openness at the above addresses as would occur along Hempland Drive. Although the proposed apartment buildings would be further away from these addresses, some loss of the existing vistas across the allotments would be interrupted subsequent to erection of the buildings on-site. The orientation of buildings, however, is considered to allow breaks in the site in which some through-views across the site would be maintained. Some increase to the degree of urbanisation along the garden boundary of No.43 would also occur, although with the buildings set further away, and to include retention of the existing hedgerow. The nearest structure to the garden of No.43 would be the cycle store which is seen to be of a modest domestic scale, incidental to that of the main buildings.

5.18 Building 1's habitable openings would be more prominent to Nos. 41 and 43 Hempland Lane, and No.2 Hempland Drive, all of which would be located in closest

proximity to building 1, the building which would sit closer to the southern extent of the site. In terms of new/increased overlooking to these properties derived from the proposed development, due to the orientation of building 1 and 2, openings would see more direct views across the adjacent gardens, however in this instance would be softened in part due to this building's position set more southerly in the site and away from the adjacent boundary. Habitable rooms fronting these properties would include bedrooms and bathrooms. Whilst bedrooms are habitable rooms, it is considered that the intensity of use of these rooms would in fact be less than primary living spaces which are more likely to be in use during the day. The bathrooms are indicated to be obscure glazed.

Nos. 61, 63 and 65 Hempland Lane

5.19 To the west, building 1 would be located in closest proximity to No.61 Hempland Lane, which is considered to be impacted greatest by the proposed development. The southwestern corner of the building would be located approximately 15 metres from the rear elevation of No.61. The nearest adjacent openings proposed within the development to this property would include kitchen living areas. Whilst of reasonably close proximity, the orientation of the building would mean that these openings would be notably offset from resulting in prominent overlooking, in which established planting at the boundary would be retained. The offset of No.61 and building 1, in conjunction with the reduced height of the proposed development is considered to reduce the extent to which the development would create an excessive level of overlooking and/or an overbearing and over-dominant effect to its rear-facing openings or amenity space. With respect to the loss of direct sunlight, given building 1's offset marginally to the north of No.61, the proposed development, would not result in loss to the availability of direct sunlight to No.61's rear facing openings or amenity space beyond the existing conditions.

5.20 Whilst more offset, some loss of outlook and longer-distance views would occur also to Nos. 63 and 65 Hempland Lane. However, positioned south of the development and more considerably distanced, it is not considered that the development would amount to a significant impact to the amenity of these properties.

Wider Impacts

5.21 More widely to the west of the site, the proposed development would not result in an impact to other dwellings in this direction. The buildings and associated

landscaping and parking would be set behind and away from the building line of Hempland Lane.

5.22 Similarly, from other directions, the development, although of greater visual prominence versus the existing relatively concealed bungalow, would be considerably well distanced from other properties within the vicinity. Land to the east and south of the site is made up of land not occupied by residential dwellings. Planting would be inserted at northern and western site boundaries, in addition to existing established vegetation outside of the site.

5.23 Taking into account the above, the proposal is considered to comply with paragraph 135 of the NPPF and policies D1 and ENV2 of the Local Plan and would not result in an undue impact upon neighbouring amenity.

HIGHWAYS, ACCESS AND PARKING

Policy

5.24 Policy T1 (Sustainable Access) of the Local Plan advises that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility, such that it maximises the use of more sustainable modes of transport, and they provide sufficient convenient, secure and covered cycle storage. Policy WM1 (Sustainable Waste Management) requires the integration of facilities for waste prevention, re-use, recycling, composting and recovery in association with the planning, construction and occupation of new development for housing.

5.25 Paragraph 116 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. Paragraph 117 states that proposals give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas, and create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.

Assessment

5.26 The development would be accessed from Hempland Lane to the west of the site. The adopted highway extends to the boundary of the existing gravel drive to incorporate access to the existing drive and the electricity sub-station immediately to the north of the site which has a 2-metre-wide access. The required 2.4m x 43m visibility splays would be achieved at the site access.. The site plan shows the width of the driveway extended to 5 metres to allow two vehicles to pass.

5.27 Highways have raised concern that the provision of space at the access, considering the proximity of the adjacent substation and telegraph pole would result in practical restrictions to delivering the access at the width indicated. The site plan does demonstrate minor variations with regard to the indicated application site boundary and actual position of the existing fence which separates the site from the substation, which is shown to encroach into the application site. Having regard to this, the access would see a minor taper at this pinch point, therefore not achieving 5-metres' width for its entirety. However, it is not considered, taking into account the low speeds of vehicular movements and limited number of dwellings which the access would serve, that this would pose an unacceptable impact on highway safety. 0.5 metre's separation would be maintained from the adjacent telegraph pole.

5.28 The proposed block plan indicates a turning head layout considered to suitably allow vehicles to enter and exit the site in a forward gear. The application has been latterly appended by a number of swept path analyses, which demonstrate a sufficient provision of space also for larger vehicles to manoeuvre within the site and exit in a forward gear. One parking space is proposed per dwelling, in addition to two visitor spaces.

5.29 In terms of accessibility, the site is located to the outer (east) side of Hempland Lane, within an established suburban setting. Although there are bus services within the vicinity, these are not high-frequency services, and some do not run all day. The site is well connected to the wider road network, and is served by pedestrian and cycle links, although the position of the site within the city is likely at the upper limit of the distance occupants may be likely to walk to city centre amenities, or those situated at Monks Cross. As such, it is considered important that the prescribed levels for cycle storage and parking are achieved within this context.

5.30 1no. cycle parking space is required per bedroom, in accordance with the Department for Transport's LTN 1/20 Cycle Infrastructure Design. The application

form proposes provision for 14no. cycles, which would fulfil this requirement. The storage of cycles would be delivered through 2no. detached structures, to the north and west of the site respectively. These are considered to suitably serve the site, taking into account their overall size, following revisions to their design and access. This detail is secured by condition.

5.31 1no. storage facility is indicated for refuse, located to the north of the site. In scale, it is considered proportionate to suitably serve the requirements of the apartments. In location, the facility would be located a considerable distance from the collection point by Council refuse vehicles, required to be within 10 metres of the waste loading point on the adopted highway, as set out within the Waste Services Information for Developers Guide, which would be Hempland Lane. The store is also of substantial distance from the collection point to which occupants would have to carry their waste, if Council managed. The application states, however, that it is intended for waste to be managed by a private provider. Highways confirm that the swept path analysis for a small refuse vehicle would allow suitable space for domestic waste collections within the site. A management strategy to explain responsibilities for the management of waste is sought by condition.

5.32 More widely, the formation of 8no. apartments would result in an increase in the number of vehicle trips to and from the site beyond the level of use currently experienced as a single dwelling. Taking into account this uplift, however, it is considered that the development would not be sufficient to warrant a travel plan or transport statement, nor is it likely to result in a severe impact on the local road network. The site itself is of reasonable size and would allow a sufficient provision of space for vehicles entering the site to manoeuvre and enter/exit in a forward gear. Although the pedestrian footpath would not extend the full depth of the site, resulting in the need for residents of building 2 to walk across the turning head to access the entrance, traffic generation is likely to be low and not amount to a severe impact on highway safety on account of the resultant number of dwellings that would be formed, and their relatively contained scales in comparison to the assortment of extended detached and semi-detached dwellings seen more widely within the local area. Hempland Lane is restricted to a thirty miles per hour speed limit, which promotes typically low speeds of vehicles.

5.33 In line with Building Regulations, Electric Vehicle (EV) charge point provision ('active provision') is required for all residential developments in York. An informative is included to this effect.

5.34 Conditions are imposed to this application to ensure the submission of a method of works statement to manage construction of the development. On this basis, the proposal is not considered to have an unacceptable impact on highway safety and would comply with Policy T1 of the Local Plan and chapter 8 of the NPPF.

CONTAMINATION

Policy

5.35 Policy ENV3 (Land Contamination) of the Local Plan relates to land contamination and states where there is evidence that a site may be affected by contamination or the proposed use would be particularly vulnerable to the presence of contamination, planning applications must be accompanied by an appropriate contamination risk assessment and appropriate remedial measures secured if needed. Paragraph 198 of the NPPF states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Assessment

5.36 Past activities could potentially have given rise to land contamination, so a site investigation and risk assessment is needed to find out whether contamination is present and to assess the nature, scale and extent of any land contamination and the potential risks to human health, groundwater, surface water and other receptors. The Environmental Health Officer recommends conditions to overcome these concerns. In the event of an approval, these could have been added. Contamination concerns are considered to be suitably addressed by condition.

ARCHAEOLOGY

Policy

5.37 Paragraph 207 of the NPPF states that, where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to

submit an appropriate desk-based assessment and, where necessary, a field evaluation

5.38 Policy D6 (Archaeology) states that development proposals that affect archaeological features and deposits should be accompanied by an evidence-based heritage statement that describes the significance of the archaeological deposits affected and, where necessary, report on intrusive and non-intrusive surveys of the application site and its setting. Works should not result in harm to an element which contributes to the significance or setting of a Scheduled Monument or other nationally important remains, unless that harm is outweighed by the public benefits of the proposal.

Assessment

5.39 The City Archaeologist identifies that the site is located near to an area that has previously produced evidence for Roman activity. Approximately 300m to the NW, a large assemblage of late Roman pottery was found and interpreted as relating to occupational activity (MYO2801). The wider area is known to produce similar material, but there has been relatively little opportunity to investigate the context for any activity.

5.40 An Intrusive Ground Investigation Report was commissioned to support this application, based on a survey consisting of 3no boreholes. These were not archaeologically monitored, but the recorded sequence included: 'Topsoil' between 0.12m and 0.60m deep, underlain by 'made up or disturbed ground' extending as deep as 0.90m to 1.6m below ground level. This contained deposits of 'brick and rubble', and 'sandy clay with occasional coarse, rounded cobbles'. Without archaeological dating evidence this is impossible to definitively interpret, but it is suggestive of potential archaeological material.

5.41 No foundation plans have been submitted, but it is anticipated that erection of the buildings will potentially impact any archaeological material present on the site. An archaeological evaluation is therefore considered necessary, with possible further stages of mitigation, either by excavation or preservation-in-situ. This is sought by planning condition.

ECOLOGY AND BIODIVERSITY

Policy

5.42 Policy GI2 relates to biodiversity and access to nature. Paragraph 193(d) of the NPPF seeks to ensure development contributes and enhances the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. These enhancements are required in addition to the protected species licence requirements. Development should achieve net gain in biodiversity (BNG) in accordance with The Environment Act 2021 and national policy and contribute to the recovery of priority species and habitats and new habitat creation.

5.43 BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

5.44 This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits. The biodiversity gain condition is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan (BGP) must be submitted and approved by the planning authority before commencement of the development.

Assessment

5.45 The application was accompanied at submission by a Tree Survey and Arboricultural Impact Assessment Plans, and Preliminary Ecological Appraisal (PEA) & Biodiversity Net Gain (BNG) Assessment (Vale Ecology, June 2025). The PEA confirmed that buildings and vegetation within and edging the application site provide some suitable habitat for nesting of common species of birds. Evidence of previous bird nesting activity was recorded within the carport, which contains a small timber bird box. No evidence of Barn Owl activity was recorded in the buildings. No evidence was found to indicate bat roosting activity within the site buildings. Habitats within and edging the site were, however, assessed as being suitable for foraging and commuting bats.

5.46 The Vale Ecology Preliminary Ecological Appraisal & Biodiversity Net Gain Assessment submitted, with regard to Great Crested Newts (GCN) recommended the pond 15 metres to the south of the site be surveyed in accordance with Natural England guidance to determine the presence or likely presence of newts; the site is located within an Amber Risk Zone for Great Crested Newts, forming a protected species. Paragraph 195 of the NPPF states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. Further information was required subsequent to determination of the previous application, with regard to the likely presence of Great Crested Newts, the season for obtaining GCN data being from April to June.

5.47 20 samples of pond water have since been taken within the block of mature woodland adjacent to Hempland Lane allotments on in April 2025. The survey recorded a negative score for the presence of Great Crested Newt.

5.48 The ecological survey works also identified a number of ecological features that require protection throughout the construction phase of the project. Submission of a Landscape and Ecological Management Plan is therefore also considered required, among other biodiversity enhancements, and submission of a lighting design plan. These are considered acceptable to be sought by condition.

Trees

5.49 The existing property has a large garden and is of a scale and orientation which avoids prominent conflict with the adjacent woodland. The proposed development would place parts of the new buildings close to, and parallel with, the southern and eastern boundaries, immediately beyond which the woodland stands. 16 small trees are located within the site along with a section of non-native and ornamental hedgerow to the northern boundary, forming the boundary between the site and the neighbouring residential properties. The hedgerow has a width and height of 1-2 metres with no gaps and is well maintained. 12.3 m of The hedgerow (12.3 metres) located on the northern boundary of the site would be retained as part of the proposed development, along with three small trees (T1, T6, T8). Ten small urban trees would be planted within the landscaped grounds surrounding the buildings and areas of hardstanding following development of the site.

5.50 The scheme has been revised across the course of its consideration to set building 1 to the south upwards so that it would sit further away from the southern site boundary (2.5 metres at its closest). The adjacent woodland is established. It is considered that the revised position and orientation suitably mitigates against previous concerns that there would be a conflict of compatibility between public trees and private properties, with risk that the development could prejudice the woodland's longevity and prompt trees' premature removal or reduction. The woodland contributes positively to the amenity of Hempland Lane Allotments. Building 2, whilst located closer at 1.6 metres at its closest to the southern boundary, sees its building's orientation and internal arrangement configured so that views from the internal accommodation would be considerably more offset from the woodland, including a reasonable portion of lawn area and wider amenity space between the building and edge of the site.

Biodiversity Net Gain

5.51 Baseline Habitats within the site include Developed Land; Sealed Surface, Urban Tree, Vegetated Garden, and Non-native and Ornamental Hedgerow. The Biodiversity Gain Hierarchy should be applied to avoid habitats of most value and where they cannot be avoided; they should be maintained on site. The reports identified that, post development, the on-site habitat retention, enhancement, and creation with long-term management (for a minimum of 30 years) will achieve an on-site net change of -0.37 Habitat Units (equivalent to a -48.21% loss) and -0.00 Hedgerow Units (no net change). Proposals for the application site therefore do not satisfy the Area Habitat trading rules.

5.52 It is clarified within the application's submission that the units required to achieve a 10% uplift would be delivered off-site either through utilising off-site land under the control of the applicant to deliver the off-site biodiversity unit requirement or purchase of units via third-party habitat bank. It is accepted that post-development plans may be indicative at this stage particularly for offsite BNG provision. Therefore, granting planning permission without a formal mechanism in place, to secure off-site gains or credits, would not affect the Council's ability to ensure that the BNG objective is achieved at a later stage.

5.53 Planning Practice Guidance (PPG) states that it would generally be inappropriate for decision makers, when determining a planning application for a development subject to BNG, to refuse an application on the grounds that the BNG objective will not be met. However, the PPG continues that decision makers may

need to consider more broadly whether the BNG condition is capable of being successfully discharged, with matters for consideration including the appropriate balance expected between on-site gains, off-site gains and the use of statutory biodiversity credits for the development, taking account of the Biodiversity Gain Hierarchy.

5.54 Consent for the application is granted subject to the need for a Biodiversity Gain Plan to be produced/submitted prior to the commencement of development on-site in accordance with Schedule 7A of the Town and Country Planning Act 1990. The statutory framework for biodiversity net gain requires a Biodiversity Gain Plan to be submitted and approved prior to the commencement of development, to set out how Biodiversity gains are proposed to be secured, either on or off-site. The development cannot be lawfully commenced until this condition is satisfied.

5.55 The site does not contain irreplaceable or rare priority habitats and given the size and context of the site, the development proposed, and requirement for a biodiversity gain plan (BGP), the Local Planning Authority is satisfied that the balance between on-site gains and off-site gains is appropriate, taking into account the constrained suburban nature of the parcel of land, in which there are physical constraints to achieving provision of new housing alongside larger uplifts in BNG. Although it cannot be confirmed that the BGP can be discharged without knowing what off-site land has been secured, the applicant suggests that offsite BNG would be provided via a third-party habitat provider; there is no substantive evidence to indicate that such a solution would not be achievable.

5.56 Due to the scope of the BGP as defined under paragraph 14(2), Schedule 7A of the Act, the appellant is required, in any case, to specify any registered off-site biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development; and any biodiversity credits purchased for the development as part of a future BGP. The Council would have the opportunity to assess the suitability of the BGP as part of the discharge of the BGC.

5.57 To conclude, sufficient information has been provided at this stage that the proposal would provide adequate BNG principally through off-site provision. In this respect, the proposal would accord with policies of the Local Plan which seek, amongst other things, to protect and enhance species and habitats, avoid or minimise impacts on biodiversity and secure BNG, which are sought by condition.

5.58 On account of the conditions imposed, and legislative requirement for the developer to submit a Biodiversity Gain Plan to be prior to the commencement of development on-site, the scheme would comply with the requirements of The Environment Act 2021, paragraph 193 of the NPPF, and policy GI2 of the Local Plan.

SUSTAINABLE CONSTRUCTION

Policy

5.59 Policy CC2 of the Local Plan states all new residential building development of 1 or more dwellings should achieve on-site carbon emissions reduction of a minimum of 31% over and above the requirements of Building Regulations Part L (2013), of which at least 19% should come from energy efficiency measures; and a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations). Pending anticipated changes to Building Regulations, developments should further aim to achieve up to a 75% reduction in carbon emissions over and above the requirements of Building Regulations Part L (2013) unless it is demonstrated that such reductions would not be feasible or viable. The Target Emissions Rate (TER) for proposed new dwellings should be calculated using version 10 of the Standard Assessment Procedure (SAP). Development proposals will be expected to consider good practice adaptation principles for climate resilience in their design, construction, and operation.

Assessment

5.60 The application is not supported by an energy statement or sustainability checklist, however overarching principles of the intended strategy for sustainable construction is set out in section seven of the planning statement. It is considered that the requirements of policy CC2 could be achieved by condition to ensure a reduction in carbon emissions and in ensuring the buildings are energy efficient. Provision for EV charging is managed as part of Building Control regulations.

DRAINAGE AND FLOOD RISK

Policy

5.61 Policy ENV5 (Sustainable Drainage) of the Local Plan states Sustainable Drainage System (SuDS) methods of source control and water quality improvement

should be utilised for all new development, to minimise the risk of pollution and to attenuate flood volumes. The type of SuDS used should be appropriate to the site in question and should ensure that there is no pollution of the water environment including both ground and surface waters. Existing land drainage systems should not suffer any detriment as a result of development. Paragraph 181 of the NPPF states that, when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. For minor development and changes of use, applications should be supported by a site-specific flood-risk assessment.

Assessment

5.62 The drainage strategy submitted sets out the surface water intentions for the development, in account of the fact that the site and surrounding area comprises impermeable soils, and, thus, the use of soakaways would not be viable. Surface water is therefore proposed to discharge to an existing surface water public sewer located on Hempland Lane.

5.63 In accordance with the hierarchy for surface water dispersal, consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort. Sufficient evidence should be provided i.e., infiltration tests to BRE Digest 365 (2016) for the viability of infiltration before other dispersal techniques are considered. City of York Council will only accept infiltration testing results where the test was carried out by a competent Geotechnical or Geoenvironmental Consultant/Engineer and/or Drainage Consultant. Supporting evidence to discount infiltration was submitted as part of the Ground Investigation Report, proving that soakaways within this location will not work, and a watercourse is remote.

5.64 With regard to foul water, this would connect to the public foul water sewer in Hempland Lane. Surface water would connect to the public surface water sewer in Hempland Lane, at a restricted rate of 2 litres per second with appropriate attenuation up to and including the 1 in 100-year event with 40% climate change event. These details are secured by condition and are agreed by the Lead Local Flood Authority and Yorkshire Water.

5.65 The development is in Environment Agency (EA) low-risk Flood Zone 1 and should not suffer from river flooding.

6.0 CONCLUSION

6.1 The proposal seeks consent for the demolition of an existing residential bungalow and the erection of 2no. new buildings to provide 8no. flats at No.45 Hempland Lane, Heworth.

6.2 The application site lies within a suburban area of the city, in a sustainable and accessible location and in a predominantly residential area. The apartments would contribute to the city's housing stock, and, on balance, it is considered that they would do so without undue harm to the character and appearance, visual amenity, highway safety, residential amenity of existing and future occupiers, natural environment or flood risk, subject to the imposed conditions. In light of the above, It is considered it complies with national planning guidance, as contained in the National Planning Policy Framework and the City of York Local Plan 2018. Approval is therefore recommended.

7.0 RECOMMENDATION: Approve

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

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

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

Proposed Site Plan - Dwg. No: WG1372 02 Rev T, dated 09.03.2026.

Building 1 Floor Plans and Elevations - Dwg. No: WG1372 03 Rev L, dated 10.12.2025.

Building 2 Floor Plans and Elevations - Dwg. No: WG1372 05 Rev I, dated 10.12.2025.

Bin & Cycle Stores - Dwg. No: WG1372 06 Rev C, dated 23.02.2026.

Swept Path Analysis of Parking Bays - Dwg. No: 25/244/ATR/001 Rev D, dated 04.03.2026.

Swept Path Analysis of Two Cars Passing - Dwg. No: 25/244/ATR/002 Rev D, dated 04.03.2026.

Swept Path Analysis of Large Van - Dwg. No: 25/244/ATR/003 Rev D, dated 04.03.2026.

Swept Path Analysis of Small Refuse - Dwg. No: 25/244/ATR/004 Rev A, dated 04.03.2026.

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

3 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 above foundation level. 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 appearance.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), the window positioned to the first-floor side (north) elevation hereby approved (facing the rear amenity space of No.6 Hempland Drive) shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above, and non-opening.

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

5 The development shall be carried out in accordance with the details shown in the submitted Drainage Assessment - Re: EWE/2024/3272 Revision D, and the Drainage Layout - Re: EWE/3272/01 Revision B, both dated 30th June 2025, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage

6 The dwellings hereby permitted 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 set out in Part L of the Building Regulations 2013, prior to the construction of development above foundation level, 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 Local Plan.

7 A programme of post-determination archaeological evaluation is required on this site. The archaeological scheme comprises 3-5 stages of work. Each stage shall be completed and agreed by the Local Planning Authority before it can be approved.

A) No archaeological evaluation or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards and guidance set by LPA and the Chartered Institute for Archaeologists.

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

C) A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

D) Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. It should be understood that there shall be presumption in favour of preservation in-situ wherever feasible.

E) No development shall take place until:

- details in D have been approved and implemented on site
- provision has been made for analysis, dissemination of results and archive deposition has been secured
- a copy of a report on the archaeological works detailed in Part D should be

deposited with City of York Historic Environment Record within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ, in accordance with Section 16 of NPPF.

8 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, 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 followed by five yearly reviews to cover a thirty-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 plan 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 LEMP must be fully implemented as approved in accordance with the agreed timescales.

Reason: To ensure delivery of biodiversity gains in accordance with the requirements of Schedule 7A to the Town and Country Planning Act 1990, the NPPF and policy GI2 of the Local Plan To ensure wildlife mitigation, compensation and enhancements measures are managed and maintained appropriately.

9 Within three months of commencement of development a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants. The proposed tree planting shall be compatible with existing and proposed utilities. The approved scheme shall be implemented

within a period of six months of the practical completion of the development. Any trees or plants which within a period of ten 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. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species, in the interests of the amenity of the development in accordance with policy D2 of the Local Plan.

10 Prior to the installation of any new external lighting, a 'lighting design plan' shall be submitted to and approved in writing by the local planning authority. The plan shall demonstrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications), clearly demonstrating where light spill will occur, both within and outside the site boundary.

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

Any new external lighting shall be installed in accordance with the approved lighting design plan.

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

11 A biodiversity enhancement plan/drawing shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of works. The content of the plan shall include the erection/installation of bat and bird boxes on the proposed new buildings and/or suitable retained trees and a timetable for the implementation of the plan.

The biodiversity enhancement plan shall be implemented as so approved.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraphs 187-195 of the NPPF to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

12 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 scheme, unless otherwise 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 monitoring 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. All monitoring results should be recorded and include what was found and mitigation measures employed (if any).

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

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

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

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

Reason: To protect the amenity of the locality.

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

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

14 A detailed method of works statement/construction traffic management plan 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;
- hours of working (including hours where vehicles visiting the site will be prohibited), noting the presence of two primary schools nearby;
- where contractors will park; and
- where materials will be stored within the site.

All site clearance/preparatory and construction works shall be carried out in accordance with the method of works statement/construction traffic management plan as so 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.

15 Prior to occupation of the dwellings hereby approved, should the management of waste not be able to be secured by the Local Authority, a management strategy to explain responsibilities for the management of waste by private provider shall be submitted to and approved in writing by the Local Planning Authority. The Management Strategy shall include although not be limited to the following:

Confirmation of the private provider to be responsible

The number of different streams of waste, the number of containers and their size, location and access for residents

The private provider's responsibilities for the management of the collection of waste from the site, including the frequency of collection for each waste stream, point of collection, and collection arrangements.

The management and collection of waste shall be carried out in accordance with the approved management strategy hereafter, unless otherwise agreed by the Local Planning Authority.

Reason: To secure the suitable containment, storage and collection of waste, in accordance with policy WM1 of the Local Plan.

16 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with the approved plans.

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

17 Prior to the development coming into use, the initial 10m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site. Elsewhere within the site all areas used by vehicles shall be surfaced and drained, in accordance with the approved plans.

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

18 The development shall not come into use until the junction with the public highway has been constructed and completed in accordance with the approved plans.

Reason: In the interests of road safety.

19 The buildings shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles, and storage of cycles and refuse 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.

20 No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

21 Prior to the development coming into use the sight lines shown on the approved plans shall be provided free of all obstructions which exceed the height of the adjacent carriageway by more than 1.0m and shall thereafter be so maintained.

Reason: In the interests of road safety.

22 Prior to the development coming into use, X=2.4M, Y=43m highway visibility splays shall be provided at the junction of Hempland Lane, free of all obstructions which exceed the height of the adjacent carriageway by more than 1.0m and shall thereafter be so maintained.

Reason: In the interests of road safety.

8.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 39) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: Revisions made as part of this application included the following:

- Revised access - increasing width of the route internally through the site from 4.5 metres to 5.0 metres.
- Submission of updated swept path analyses in accordance with revised access and layout of parking.
- Revised cycle stores in accordance with comments from Highways with respect to ensuring these are compliant in size and accessibility.
- Incorporation of the two buildings to the south of the site to one singular building, including minor revision building 1's orientation and position within the site to increase the building's set-off from No.61 Hempland Lane.

2. DRAINAGE INFORMATIVE:

- 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, and
- 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 Boards 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.

3. BIODIVERSITY NET GAIN (BNG) INFORMATIVE:

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

Development may not begin unless:

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

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

SUBMISSION REQUIREMENTS:

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

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

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

- name and address of the person completing the Plan, and (if different) the person submitting the Plan;
- a description of the development and planning permission reference number (to which the plan relates);
- the relevant date, for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date;
- the completed biodiversity metric calculation tool(s), stating the publication date of the tool(s), and showing the calculation of the pre-development onsite value on the relevant date, and post-development biodiversity value;
- a description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed);
- (except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;
- pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the relevant date, and drawn to an identified scale and showing the direction of North;
- a description of any irreplaceable habitat on the land to which the plan relates which exist on the relevant date, and any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat; and
- if habitat degradation has taken place:
 - a statement to this effect,
 - the date immediately before the degradation activity,
 - the completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and
 - any available supporting evidence for the value.

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

https://assets.publishing.service.gov.uk/media/65df0c4ecf7eb16adff57f15/Biodiversity_gain_plan.pdf

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

4. CONSTRUCTION NOISE AND DUST:

The developer's attention is drawn to the various requirements for the control of

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site.

5. EV CHARGING:

In line with the National Planning Policy Framework, developments should be designed to 'enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations'.

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

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

From 15th June 2022, Approved Document S applies to new residential and non-residential buildings; buildings undergoing a material change of use to dwellings; residential and non-residential buildings undergoing major renovation; and mixed-use buildings that are either new or undergoing major renovation.

CYC Building Control should be consulted on all proposals for EV charge point provision (active and passive) to ensure compliance with current Building Regulations.

6. BATS INFORMATIVE:

The applicant is reminded that all British bat species are fully protected through The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 as European Protected Species (EPS). All British bat species also receive protection through inclusion in Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Under the legislation, it is an offence:

To deliberately capture, injure or kill a bat.

To damage or destroy a breeding site or resting place of a bat.

To intentionally or recklessly disturb a bat while it is occupying a structure or place which it uses for shelter or protection; or obstruct access to any structure or place which it uses for that purpose.

To deliberately disturb a bat; in particular any disturbance which is likely:

To impair their ability - (i) to survive, to breed or reproduce, or to rear or nurture their young, or (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate;

To affect significantly the local distribution or abundance of the species to which they belong

7. NESTING BIRDS 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 nesting bird activity.

8. GREAT CRESTED NEWTS:

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

- Capture, kill, disturb or injure Great crested newts deliberately.
- Damage or destroy a breeding or resting place.

- Obstruct access to their resting or sheltering places (deliberately or by not taking enough care).
- Possess, sell, control or transport live or dead newts, or parts of them.
- Take great crested newt eggs.

9. CONSENT FOR HIGHWAY WORKS:

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

Agreements as to execution of works (Section 278) -

development.adoption@york.gov.uk

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

Vehicle crossing (Section 184) - streetworks@york.gov.uk

Temporary highway closure (Road Traffic Regulation Act 1984, Section 14) -

highway.regulation@york.gov.uk

10. CONTACT UTILITIES:

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

11. AVOIDING DAMAGE TO 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 HGVs). The Council is particularly concerned at the increasing impacts and damage occurring to grass verges. This is detrimental to residential amenity, can present safety issues and places an unreasonable financial burden on the Council, if repairs are subsequently deemed necessary.

Therefore, applicants/developers are strongly advised to work proactively with their appointed contractors and delivery companies to ensure that their vehicles avoid both parking and manoeuvring on areas of the public highway (grass verges) which are susceptible to damage. The council wishes to remind applicants that legislation (Highways Act 1980) is available to the authority to recover any costs (incurred in making good damage) from persons who can be shown to have damaged the highway, including verges. If the development is likely to require the temporary storage of building materials on the highway, then it is necessary to apply for a licence to do so.

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

the application form.

12. MANAGEMENT OF WASTE:

It is reminded that, in accordance with condition 14, due to the proposed arrangement for waste storage and presentation for collection, the practicalities of securing collection and management by the Local Authority may be restrictive. As such, a strategy to secure the responsibilities for the management of waste by a private provider may be required in securing the suitable collection of waste arising from the properties' formation.

Contact details:

Case Officer: Owen Richards

Tel No: 01904 552275