



## Notice of a public meeting of

### Planning Committee

- To:** Councillors Fisher (Chair), Ayre, Barker, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Hollyer, Looker, Lomas, Melly, Pavlovic (Vice-Chair), Warters and Waudby
- Date:** Thursday, 7 October 2021
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

### AGENDA

#### 1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

#### 2. **Minutes** (Pages 3 - 14)

To approve and sign the minutes of the last meeting of the Planning Committee held on 1 July and 5 August 2021.

#### 3. **Public Participation**

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

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is **5:00pm on Tuesday 5 October 2021**.

To register to speak please visit [www.york.gov.uk/AttendCouncilMeetings](http://www.york.gov.uk/AttendCouncilMeetings) to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

### **Webcasting of Public Meetings**

Please note that, subject to available resources, this meeting will be webcast, including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at [www.york.gov.uk/webcasts](http://www.york.gov.uk/webcasts).

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates ([www.york.gov.uk/COVIDDemocracy](http://www.york.gov.uk/COVIDDemocracy)) for more information on meetings and decisions.

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

This item invites Members to determine the following planning applications:

**a) Os Field 2800, Eastfield Lane, Dunnington, York [20/01626/FULM]**  
(Pages 15 - 84)

Erection of 83 dwellings, landscaping, public open space and associated infrastructure [Osbalwick and Derwent Ward]

**b) Land South Of The Residence, Bishopthorpe Road, York [21/01758/FULM]** (Pages 85 - 136)

Erection of single and two storey residential healthcare building (use class C2), to include 40 bed spaces, associated treatment rooms, car parking, servicing areas and landscaping. [Micklegate Ward]

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

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

## Democracy Officer

Angela Bielby

Contact details:

- Telephone: 01904 552599
- Email: a.bielby@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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**Good ventilation is a key control point, therefore, all windows must remain open within the meeting room.**

If you're displaying possible coronavirus symptoms (or anyone in your household is displaying symptoms), you should follow government guidance. You are advised not to attend your meeting at West Offices.

### Testing

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- You may wish to wear a face covering to help protect those also attending.
- You should wear a face covering when entering West Offices.
- Visitors to enter West Offices by the customer entrance and Officers/Councillors to enter using the staff entrance only.
- Ensure your ID / visitors pass is clearly visible at all time.
- Regular handwashing is recommended.
- Use the touchless hand sanitiser units on entry and exit to the building and hand sanitiser within the Meeting room.
- Bring your own drink if required.
- Only use the designated toilets next to the Meeting room.

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- Make your way home immediately
- Avoid the use of public transport where possible
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You should also:

- Advise the Meeting organiser so they can arrange to assess and carry out additional cleaning
- Do not remain in the building any longer than necessary
- Do not visit any other areas of the building before you leave

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City of York Council

Committee Minutes

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Meeting	Planning Committee
Date	1 July 2021
Present	Councillors Ayre, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Hollyer, Warters, Lomas, Fisher (Chair), Widdowson (Substitute), Looker and Waudby
Apologies	Councillors Barker, Pavlovic and Melly

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### **Election of Vice Chair**

Due to the absence of the Vice Chair (Cllr Pavlovic had given apologies for the meeting) Cllr Looker was nominated by Cllr Kilbane as Vice Chair for the meeting. This was seconded by Cllr Ayre. Cllr Looker was appointed as Vice Chair for the meeting.

### **32. Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. Cllr Widdowson declared an interest in item due to her involvement with the community woodland and she undertook to leave the meeting for that item. The Chair noted a non-prejudicial interest in item as he had worked with the speaker on the Strensall with Towthorpe Neighbourhood Plan.

### **33. Public Participation**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

### **34. Plans List**

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following

planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

**35. Land Comprising Field West of Askham Bryan College, York Road to Westfield Cottages, Askham Bryan, York [20/01923/FULM]**

Members considered a major full application from Askham Bryan College for the erection of two cattle buildings, one hay/straw storage building, one enclosure, two tanks, and hardstanding for use as a beef rearing unit at land comprising field west of Askham Bryan College, York Road to Westfield Cottages, Askham Bryan, York. The Head of Development Services gave a presentation on the application.

Public Speakers

Kathryn Jukes, Agent for the Applicant, spoke in support of the application. She explained that Askham Bryan College was one of the main land based colleges in the country and the emerging Local Plan recognised the college. The college had expanded over a number of years and the proposed shed would extend existing facilities for which it had been awarded funding from the government for the development of the facility. She ended by noting a number of difficulties in contacting the drainage officer and the Head of Development Services noted that this was being resolved.

Members asked Kathryn Jukes a number of questions to which she responded that:

- The application related to teaching and learning on rearing beef cattle. Rearing the beef locally would reduce carbon emissions.
- The travel plan did not form part of this application. Officers advised that that it would not be reasonable to add a travel plan condition.
- The cattle would not be kept inside all year long and the site was within a field where cattle would be allowed outside. This was not an intensive farming facility.
- Cattle rearing was part of the wider curriculum at the college.

Members then asked a further questions from officers to which they responded that:



- The condition for the discharge of run off rates was included in condition 3.
- Public rights of way were not enforced by planning conditions.
- Regarding a proposed additional condition relating to restricting the use of the building, any change of use would require a new planning application.
- Condition 8 was a standard ecology condition and condition 7 related to landscape mitigation.
- It was reasonable that there was a travel plan for different parts of the college.
- The right of the way referred to in the report was a different right of way to that closed by the college previously.

Cllr Ayre proposed an amended condition that if the building was removed from education/agricultural use for 18 months it would be demolished. This was seconded by Cllr D'Agorne. A vote was taken with 8 for and 4 against. The motion carried.

Cllr Ayre proposed approval with the above amended condition seconded by Cllr Doughty. A vote was taken with 13 for and one against.

The motion was carried and it was

Resolved: That delegated authority to be given to the Head of Development Services to:

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

ii. The conditions set out in the report with the Head of Development Services granted delegated powers to determine the final detail of the planning conditions

iii an amended condition that if the building was removed from education/agricultural use for 18 months it would be demolished.

iv. Condition 7 being amended to in perpetuity.

Reason:

- i. The application site is located within the general extent of the York Green Belt and serves two Green Belt purposes. As such it falls to be considered under paragraph 143 of the NPPF which states inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, are clearly outweighed by other considerations. National planning policy dictates that substantial weight should be given to any harm to the Green Belt.

In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green belt when one of the most importance attributes of Green Belts are their openness and the proposal would undermine at least two of the five Green Belt purposes.

Substantial weight is attached to the harm that the proposal would cause to the Green Belt. The harm to the Green Belt is added to by the harm to the visual character and amenity identified in the report

It is considered that the economic and educational benefits, together with the location constraints identified in paragraphs 5.37 and 5.38 are considered to be cumulatively 'very special circumstances' that clearly outweigh the definitional harm to the green belt, the harm to the openness and permanence of the green belt and the harm to the visual character and amenity arising from the proposed development.

- ii. Approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 (application received before 21 April 2021) and the application not being called in by the Secretary of State for determination. The application is required to be referred to the

Secretary of State as the development is considered to be inappropriate development in the Green Belt, and the proposed 3 no. buildings would create floor space (1116.22sq.m) which is in excess of the of the 1000 sq.m floor space threshold set out in the Direction.

[The meeting adjourned from 17:18 to 17:30. Cllr Widdowson left the meeting at 17:18]

**36. Land to the South of Northminster Business Park, Harwood Road, Upper Poppleton, York [21/00796/FULM]**

Members considered a major full application from Northminster Properties Ltd for the Erection of distribution facility (use class B8) including formation of vehicle access onto Glaisdale Road on Land to the South of Northminster Business Park, Harwood Road, Upper Poppleton, York.

The Head of Development Services outlined the application and gave a presentation on it. She then gave an update noting the comments from planning policy, highways matters, climate change, changes to draft conditions, and a late objection from an interested party. The additional information had been assessed and the planning balance and recommendation were unchanged from the published report.

Officers then responded to Members questions, noting that:

- They were satisfied that the conditions addressed concerns regarding congestion on the A59 and that application would not have a negative impact on neighbouring properties.
- Condition 5 could be changed to the lifetime of the development.
- There were conditions relating to safe pathways and cycleways.
- The speed limit on the site was 10mph and 40mph on Northfield Lane.
- The application did not achieve BREAMM.
- There was a condition to protect existing trees and if these trees should die they would need to be replaced.

Public Speakers

Kathryn Jukes, Agent for the Applicant, spoke in support of the application. She explained that DPD had been looking for a new site for a number of years as their existing site at Clifton Moor was not suitable for electric vehicles. She added that this application would allow DPD to operate electric vehicles, deliver 125 jobs for the district and although it was not possible to achieve BREAMM excellent, carbon emissions would be reduced. She was then asked and answered Members' questions:

- The previous application was from Unipart, not DPD.
- The removal of fuel vehicles within the city walls related to the size of vehicles used and deliveries to those properties would be by electric vehicles.
- She explained the BREAMM scoring system and why it was not possible to achieve BREAMM excellent, adding that the site there would be electric vehicles, provision for photovoltaic panels and a rainwater harvesting tank.
- DPD had depots all over the country and the York hub served a wider area including Scarborough, Hull and Harrogate,
- It was the intention that undelivered parcels would be at that depot.
- At present DPD were limited by the size of electric vehicles but as more vehicles become available, they would be used further outwards.
- The DPD drivers had the same benefits as other employees.
- An overview of the structure of the 125 new jobs was given.
- No employees would be self employed.
- Most deliveries to the depot would be during the day and there were different shift patterns.
- There was van washing at the site and a noise assessment had been submitted. The drainage met the drainage requirements for this.
- Two new conditions addressed residents collecting parcels from the depot.

Officers were then asked further clarification questions from Members to which they responded that:

- The site was in the Green Belt and had been allocated employment land in the draft Local Plan. The NPPF very special circumstances was the need to support economic growth and productivity.

- The previous planning application was still live.
- There was a shared pedestrian/cycle route from the A59 to Northfield Lane and a 10mph limit on the Northminster bus park and ride.

Cllr Warters moved approval, seconded by Cllr Daubeney. Following debate a named vote was taken with the following result:

- Cllrs Ayre, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Hollyer, Kilbane, Looker, Warters, Waudby, and Fisher voted for the motion.
- Cllr Lomas voted against the motion.

The motion was carried and it was

Resolved: That delegated authority to be given to the Head of Development Services to:

- i. refer the application to the Secretary of State for Communities and Local Government under the requirements of Section 77 of the Town and Country Planning Act 1990, and should the application not be called in by the Secretary of State, then APPROVE the application subject to
- ii. The conditions set out in this report with the Head of Development Services granted delegated powers to determine the final detail of the planning conditions.

Reason:

- i. The application site is located within the general extent of the Green Belt and serves two Green Belt purposes. As such it falls to be considered under paragraph 143 of the NPPF which states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, are clearly outweighed by other considerations. National planning policy dictates that substantial weight should be given to any harm to the Green Belt. In addition to the harm to the Green Belt by reason of

inappropriateness, the proposal would have a harmful effect on openness and would undermine two of the five Green Belt purposes. Substantial weight is attached to the harm that the proposal would cause to the Green Belt.

- ii. However, the proposed development would make a significant contribution to achieving one of the council's main objectives which is to meet the city's employment needs. The proposal would also enable an existing company to remain within the district and to continue to grow. These benefits are, in combination, considered to amount to 'very special circumstances' that clearly outweigh the harm to the Green Belt due to inappropriateness, impact on the openness and conflict with the purposes of including land within it.
- iii. Approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 (application received before 21 April 2021) and the application not being called in by the Secretary of State for determination. The application is required to be referred to the Secretary of State as the development is considered to be inappropriate development in the Green Belt, and the proposed 3 no. buildings would create floor space (1116.22sq.m) which is in excess of the of the 1000 sq.m floor space threshold set out in the Direction.

Cllr T Fisher

[The meeting started at 4.30 pm and finished at 6.38 pm].

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Meeting	Planning Committee
Date	5 August 2021
Present	Councillors Fisher (Chair), Pavlovic (Vice-Chair), Craghill (Substitute), Doughty, Fenton, Hollyer, Looker, Warters and Waudby
Apologies	Councillors Ayre, Barker, Daubeney, Douglas, Lomas and Melly

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### **37. Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda.

No interests were declared but Cllr Craghill, in the interests of transparency, confirmed that although her partner Cllr D'Agorne would be making representations on the application under consideration, she herself had had no previous involvement in the matter and would approach the application with an open mind.

### **38. Minutes**

In response to a query on the S106 contribution referred to in the resolution at Minute 31a, officers stated that the location of utilities prevented the planting of trees as suggested, and a solution was being sought to this.

Resolved: That the minutes of the meeting held on 17 June 2021 be approved, and signed by the Chair as a correct record.

### **39. Public Participation**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

**40. Plans List**

Members considered a report of the Assistant Director, Planning and Public Protection, relating to the following planning application, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

**40a Frederick House, Fulford Road, York YO10 4EG  
[21/00116/FUL]**

Members considered a full application by Laura Pennington for a variation of condition 2 of permitted application 19/00603/FULM seeking amendments to the external appearance, landscaping, internal arrangements, substation, refuse and cycle stores at Frederick House, Fulford Road, York YO10 4EG.

Officers provided an update at the meeting, seeking the removal of Condition 9 (relating to archaeology), which was no longer needed because the relevant information had already been submitted.

A presentation was given, based on the slides at pages 37-59 of the agenda pack. In response to Members' questions on the report and presentation, officers confirmed that:

- The application must be considered in the context of planning policies rather than building regulations, and on its own merits rather than by re-visiting the original application.
- The overall impact of the variation on the conservation area was considered to be neutral, and the 4-storey block was only visible from Kilburn Road in the gaps between houses.
- The colour of the brick replacement emulated the appearance of timber cladding, and kept the aesthetic.
- No enforcement action had taken place in respect of continued building work because the application for a



variation had already been submitted. This decision did not amount to a pre-judgment of the application.

### Registered Speakers

David Hopwood, a local resident, spoke in objection to the application on behalf of his father and other residents of Kilburn Road, on the grounds that the increase in height would block the light to and view from their properties and the replacement of timber cladding with brick was unnecessary in terms of fire risk.

Cllr D'Agorne spoke in objection as the Ward Member for Fishergate, supporting the comments of the previous speaker and questioning why building work had been allowed to continue in breach of the conditions of the original planning consent.

Ben Wrighton, of Watkin James, spoke on behalf of the applicant, stating that the application sought to address issues relating to biodiversity, fire risk and climate change, and that changes had been kept to a minimum. He then responded to Members' questions, along with Jonathan Morris (Senior Design Manager for Watkin James), stating that:

- They had considered reducing the building height by sinking it lower into the ground, but this would affect drainage and disabled access.
- The substitution of brick for timber cladding was chiefly to address the perception of fire risk; it was not a cheaper option.
- Consideration had been given to reducing the pitch of the roof but this would have a negative effect on the appearance of the building.

Responding to further questions from Members, officers confirmed that the removal of the timber cladding and the increase in height were both material considerations. The increase was a maximum of 30 cm, and in view of the distance from neighbouring properties this was considered acceptable. A change in the roof pitch would be considered negative in terms of conservation.

During the debate that followed Cllr Warters moved, and Cllr Looker seconded, that the application be refused on the grounds of the detrimental impact it would have on the amenity

of residents of Kilburn Road. After further debate this motion was put to the vote, and 5 members voted for it while 4 voted against. The Chair requested that his vote against the motion be recorded.

Resolved: That the application be refused.

Reason: The proposed increase in height is considered to cause an unacceptable impact on the neighbouring properties at Kilburn Road due to the degree of overshadowing and loss of outlook which would harm their residential amenity. This is considered contrary to paragraph 130f) of the NPPF , Policy ENV2 of the Publication Draft City of York Local Plan (2018)

Cllr T Fisher, Chair

[The meeting started at 4.30 pm and finished at 5.43 pm].

**COMMITTEE REPORT**

**Date:** 7 October 2021      **Ward:** Osbaldwick And Derwent  
**Team:** East Area      **Parish:** Dunnington Parish Council

**Reference:** 20/01626/FULM  
**Application at:** Os Field 2800 Eastfield Lane Dunnington York  
**For:** Erection of 83 dwellings, landscaping, public open space and associated infrastructure  
**By:** Mr Tate  
**Application Type:** Major Full Application  
**Target Date:** 5 March 2021  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1. Full planning permission is being sought for the erection of 83.no dwellings, landscaping, public open space and associated infrastructure.

1.2. The application site consists of a parcel of land covering approximately 2.37 hectares located to the North Eastern edge of Dunnington. The land is presently two distinct parcels arranged in a shallow 'L' shape. The southernmost parcel being an enclosed piece of agricultural land. The easternmost section of the application is used as the premises of a landscaping business and comprises of various buildings and structures including glasshouse type buildings.

1.3. The main vehicular access to the site is proposed to be taken from Eastfield Lane situated to the North of the site. An existing Public Right of Way exists to the southern end of the site. Neighbouring residential properties abound the site along the Western and Southern boundaries. There is an existing property to the North East of the site known as The Market Garden.

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

1/2 Bed Duplex: 16 (4 Market, 12 Affordable);  
2 Bed, Two Storey: 5 (14 Market, 5 Affordable);  
3 Bed, Two Storey: 33 (23 Market, 6 Affordable);  
4 Bed, Two Storey: 24 (17 Market, 2 Affordable).  
Total: 83 (58 Market, 25 Affordable).

1.5. Since the original submission the proposals have been subject to amendments. These amendments have seen changes to the layout to improve separation distances to existing properties as well as formalised enhancements to pedestrian access to the site. The overall number of dwellings proposed has also been increased to 83.no.

## BACKGROUND AND RELEVANT SITE HISTORY

1.6. The application site has been identified as a Housing allocation (H31) within the published Draft Local Plan 2018 with an anticipated yield of 76 dwellings.

1.7. The planning history that exists for the site relates to the land that is linked to the property known as The Market Garden. None are however considered to be relevant to the determination of this current application.

## 2.0 POLICY CONTEXT

### NATIONAL PLANNING POLICY FRAMEWORK

2.1. The revised National Planning Policy Framework (NPPF) 2021 sets out the government's planning policies for England and how these are expected to be applied. It is a material consideration in the determination of this planning application.

2.2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).

2.3. The Statutory Development Plan for the City of York comprises the saved policies and key diagram of the otherwise revoked Yorkshire and Humber Plan Regional Spatial Strategy (2008) and any made Neighbourhood Plan.

2.4. Although the RSS has otherwise been revoked, its policies which relate to the York Green Belt have been saved together with the Key Diagram insofar as it illustrates the general extent of the Green Belt around York. Saved policy YH9 states 'the detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city. The boundaries must take account of levels of growth set out in the RSS and must also endure beyond the Plan period.

2.5. The application site falls within the general extent of the Green Belt as shown on the Key Diagram of the saved RSS Green Belt policies.

### THE DUNNINGTON NEIGHBOURHOOD PLAN

Application Reference Number: 20/01626/FULM

Item No: 4a

2.6. In September 2014 an application was approved which defined a Dunnington Neighbourhood Plan area, enabling work to start on developing a Neighbourhood Plan. The site subject of this planning application is located within the approved Neighbourhood Plan Area.

2.7. The draft pre-submission plan is currently being prepared by the Parish Council. However, at the time of writing, a draft pre-submission of the plan is yet to be consulted on. Given the stage of preparation, colleagues in the Forward Planning team advise that the plan carries no weight in the decision making process.

#### PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

2.8. The DLP 2018 was submitted for examination on 25<sup>th</sup> May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019 and consultation on proposed modifications to the plan were consulted on in line with Regulation 19 in 2019 and 2021. In accordance with paragraph 48 of the NPPF the DLP 2018 policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (N.B: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

2.9. Key relevant DLP 2018 policies are:

- DP2 – Sustainable Development
- DP3 – Sustainable Communities
- SS1 – Delivering Sustainable Growth for York
- SS2 – The Role of York’s Green Belt
- H1 – Housing Allocations
- H2 – Density of Residential Development
- H3 – Balancing the Housing Market
- H10 – Affordable Housing
- HW2 – New Community Facilities
- HW4 – Childcare Provision
- HW7 – Healthy Places

D1 – Place Making  
D2 – Landscape and Setting  
D6 – Archaeology  
GI6 – New Open Space Provision  
GB1 – Development in the Green Belt  
CC1 – Renewable and Low Carbon Energy Generation and Storage  
CC2 – Sustainable Design and Construction of New Development  
ENV1 – Air Quality  
ENV2 – Managing Environmental Quality  
ENV3 – Land Contamination  
ENV5 – Sustainable Drainage  
T1 – Sustainable Access  
T7 – Minimising and Accommodating Generated Trips  
DM1 – Infrastructure and Developer Contributions

### **Emerging Local Plan evidence base**

2.10. The evidence base that underpins the proposed emerging policies is considered to be a material consideration in the determination of this planning application. The directly relevant evidence base is:

- City of York Housing Needs Update (2020).
- Topic Paper 1: Approach to defining York's Green Belt (2021).
- City of York Local Plan Viability Assessment Update (2018).
- Strategic Housing Land Availability Assessment and Appendices (2021)
- Strategic Housing Land Availability Assessment and Appendices (2018).
- Strategic Housing Land Availability Assessment and Annexes (2017).
- City of York Strategic Housing Market Assessment (2016).
- City of York Strategic Housing Market Assessment Addendum (2016).
- City of York Site Selection Paper Addendum (2014).
- City of York Site Selection Paper and Annexes (2013).
- City of York Historic Character and Setting Technical Paper Update (2013).
- City of York Historic Character and Setting Technical Paper (2011).
- Approach to the Green Belt Appraisal and Maps (2003).
- Heritage Topic Paper (2014)
- Heritage Impact Appraisal (2017)
- Habitat Regulations Assessment (2020)

### DRAFT LOCAL PLAN 2005

2.11. The City of York Draft Local Plan incorporating the Fourth Set of Changes Development Control Local Plan (April 2005) was approved for Development

Application Reference Number: 20/01626/FULM

Item No: 4a

Management purposes. The 2005 plan does not form part of the statutory development plan for the purposes of S38 (6) of the Planning and Compulsory Purchase Act 2004. Its policies are however considered capable of being material considerations in the determination of planning application where policies relevant to the application are consistent with those in the NPPF although the weight that can be attached to them is very limited.

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

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

2.13. However, the presumption does not apply if the proposal conflicts with restrictive Green Belt policies as set out in the NPPF.

### **3.0 CONSULTATIONS**

#### **INTERNAL**

#### **ARCHAEOLOGY**

3.1. The proposed development lies to the eastern edge of Dunnington on the south-facing slope of York moraine. Archaeological work and research has been undertaken on sites in a similar location on the moraine at Campus 3 in Heslington and on Walmgate Stray. This work has demonstrated that these sites have the potential to produce well-preserved archaeological features and deposits relating to the late prehistoric and Romano-British occupation. This site has a similar potential to produce highly significant non-designated heritage assets although the eastern side of the plot has been semi-developed.

3.2. The site was discussed at pre-application stage back in 2018. A number of evaluation investigations were recommended to take place prior to submission. At this time only a desk based assessment and geophysical survey had taken place. Several of the evaluation techniques requested have not been undertaken. The

geophysical survey (undertaken on 50% of the site) has not shown any obvious archaeological anomalies; although this doesn't mean the site is devoid of any archaeological features or deposits. The Western half of the plot appears from aerial images to contain faint traces of medieval ridge and furrow.

3.3. The proposals will result in the destruction of all surviving deposits or features within the site. The site has not been thoroughly intrusively evaluated despite the potential it has to retain an archaeological resource. Whilst the results of the geophysical survey (unproven by trenching) have suggested that there is no significant archaeological resource on the site; and the recent uses of the land on the eastern half of the site may have also impacted on any surviving archaeology.

3.4. As is stated in the 2014 desk based survey further archaeological evaluation is required. This can be secured via condition on the understanding that an excavation may be required that cannot, at this stage be quantified. In the event of planning permission being granted the developer would be encouraged to carry out the evaluation work as soon as possible in order to manage any risk.

## ECOLOGY

3.5. The submitted ecology appraisal has accurately identified statutory and non-statutory designated sites in the local area; and as stated in para 5.5 there will be no adverse effect on any of the designated sites. There is however a need to clarify why recommendations for the hedgerow buffer have not been taken into the development, making reference to current policy requirements to avoid, mitigate, compensate and where possible achieve a net gain for biodiversity.

3.6. Additional ecological information was subsequently submitted. The evidence indicates that the development should be able to provide a Biodiversity Net Gain in excess of 10%. Should the council be minded to grant planning permission a series of conditions are recommended.

## TREES AND LANDSCAPE

3.7. No objections raised but outlines a number of points and suggests a series of conditions if planning permission was to be granted.

3.8. It is unclear as to how engaging the seating area within the central open space would be. The open space to the southwest corner has been improved since it creates a better link to the PROW and provides a better setting for the development, although the paved area would only to follow one curve. The PROW still feels too hemmed in for too long a stretch from its connection with Petercroft Lane. The landscape detail for the areas of open space could work harder as shared amenity space. It would be beneficial for to the character of Eastfield Lane and the setting of



the development if access to the northern properties were placed behind the existing hedge. There should be pleasant green interruptions along the north/south road, either by way of incidental spaces hosting specimen trees and or significant pinch points with trees.

3.9. Should the application be approved conditions relating to the following matters should be attached; boundary details, protection of trees and hedges, site compound, landscape scheme, tree pit details.

#### AFFORDABLE HOUSING

3.10. The site is required to make an affordable housing contribution in order to meet council policy. As a greenfield site this represents 30% of the total homes.

3.11. A mix of 1-4 bed homes is proposed for affordable housing which addresses the high level of local need in a popular location. The Housing Policy and Strategy Team supports this application in consideration of the much needed affordable homes and their potential to provide excellent homes of good size for residents facing housing pressures. 80% of the affordable units (20no.) will be for social rent and 20% (5no.) for Discount Sale tenure, in accordance with policy H10.

#### FORWARD PLANNING

3.12. Under Policy H1, the site is a proposed housing allocation in the emerging Local Plan known as H31 – Eastfield Lane, Dunnington. Policy SS2 'The Role of York's Green Belt' in the emerging local plan proposes to take the site out of the general extent of the Green Belt to enable the delivery of development need over the plan period. Having consideration to the advanced stage of the 2018 Local Plan's preparation, the extent and significance of unresolved objections to emerging Policy SS2, and the consistency with the NPPF, we would advise that Policy SS2 can only be applied with limited weight. In line with the decision of the Court in *Wedgewood v City of York Council* [2020] EWHC 780 (Admin), and in advance of the adoption of a Local Plan, decisions on whether to treat land as falling within the Green Belt for development management purposes should take into account the RSS general extent of the Green Belt, the draft Local Plan (2005), the emerging Local Plan, insofar as can be considered against paragraph 48 of the NPPF (2019) and site specific features in deciding whether land should be regarded as Green Belt. It is against these documents that this proposal should principally be assessed. As such, the application site falls within the general extent of the Green Belt and should be treated as such. Additionally, Policy H1, on balance, can be afforded moderate weight in relation to allocation H1 at this stage.

#### EDUCATION

A request for Education contributions totalling £799,738 has been received. Broken down as:

	Places Required	Contribution
Early Years	9	£170,784
Primary	18	£341,568
Secondary	11	£287,386
Total	38	£799,738

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

#### HIGHWAYS NETWORK MANAGEMENT

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

#### PUBLIC RIGHTS OF WAY

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

#### PUBLIC PROTECTION

3.16. No objections raised but do request that in the event of planning being granted a series of conditions are attached. These relate to the provision of management and mitigation measures around noise and dust during the construction phase. The passive provision of infrastructure for EV recharge points; and conditions which would provide suitable mitigation for dealing with any land contamination which may be present at the site.

#### FLOOD RISK AND DRAINAGE

3.17. Having witnessed infiltration testing on site we can confirm that due to the presence of a dense clay overlaid by a saturated sand layer, soakaways as a means of surface water disposal will not work on this site. The next point in the hierarchy of surface water disposal is to watercourse, this must now be explored. We understand

there is a nearby watercourse within the applicant's control therefore this would be the obvious solution.

3.18. The Flood Risk Management Team has raised no objections to the development in principle but if planning permission is to be granted, a series of conditions should be attached in order to protect the local aquatic environment and public sewer network.

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

3.19. Officers advise that they would wish to see all the amenity space provided on site. An offsite contribution has been requested for sports provision in the area. Based on the proposed housing mix a sum of £47,925 is requested with the future spending of the contribution intended to be at Dunnington Sports Club.

#### EXTERNAL

3.20. DUNNINGTON PARISH COUNCIL: Objects on the following grounds:

- It is premature and would prejudice the outcome of, and weaken public confidence in, the plan making process.
- It is contrary to the national and local planning policies including those contained in the Dunnington Neighbourhood Plan.
- It is inappropriate development in the Green Belt.
- It does not represent sustainable development. It is simply not a sustainable location for this type of development.
- It would cause significant harm to the landscape, infrastructure, character and appearance of the area as well as road safety and other important considerations.
- It was unanimously agreed not to support the proposal to increase the number of dwellings from 78 to 83 and any further subsequent changes. We find the amendment makes the proposed development even more unacceptable. The Parish Council has strongly objected in our previous submissions on the matter and our position remains unchanged.

3.21. SAFER YORK PARTNERSHIP (NORTH YORKSHIRE POLICE): No objections raised. In general the overall design and layout of the proposed development is to be commended as it contains many Designing out Crime principles and reduces the opportunity for crime and disorder. There are some elements which require further attention these include: permeability of footpaths, management and maintenance of open spaces, details of boundary treatments, visitor parking provision, bin storage and lighting.

3.22. YORKSHIRE WATER: No objections raised but does request conditions in the event of planning permission being granted.

3.23. OUSE AND DERWENT INTERNAL DRAINAGE BOARD: No objections raised but recommend various measures be secured via condition in respect of drainage at the site.

3.24. NORTH YORKSHIRE FIRE AND RESCUE: No observation/objection to the proposed development. Further comment in relation to the suitability of fire safety measures will be made at the time the building control body submit a statutory Building Regulations consultation.

#### **4.0 REPRESENTATIONS**

4.1. The proposals have been advertised via neighbour notification letter, site notices and local press notice. At the time of writing a total of 4.no letters of support have been received and a total of 59.no objections have been received. The comments received are summarised as follows.

##### **4.2. Summary of Support Comments**

- A new development is exactly what the village needs, the house prices are going through the roof, younger residents and first time buyers are having to move away due to not being able to afford houses. This has a negative impact on the community.
- The scheme offers housing to suit a wide variety of buyers, not to mention the contributions that will be made to the local community for extra capacity within the education system.
- Dunnington's property prices and types are not suitable for first time buyers. I would definitely be looking to buy a property on this development; as I know how much of a lovely village it is.
- It has to be recognised that the City of York Council are required to provide more housing within the city and it is reasonable that some of these numbers are provided within the outlying villages.
- Of all the sites considered in the Draft Local Plan this is the site that fits best with the existing development within the village.
- The development should serve to support village facilities such as local shops, cafes, schools, pubs, sports club but it will also be important the developer makes any necessary financial contributions to support these services.

##### **4.3. Summary of Objection Comments**

Highways:

- Road safety along Eastfield Lane. Exacerbated by congestion now being seen on York Street.
- Track leading to Holy Tree Lane is a risk, park cars can obscure the view of the track exit to motorists heading down Horsefield Way.

- The junction of Eastfield Lane and Church Balk is already hazardous without the increase of additional traffic.
- The road is not wide enough to take additional traffic.
- Eastfield Lane to the Stamford Bridge Road is totally unsuitable for increased vehicles.
- Risks to pedestrians along Eastfield Lane.
- Other areas of the village could be used as rat runs.
- The existing bus services are already poor.
- Increase in traffic travelling along Eastfield Lane. The widening of Eastfield Lane needs to be completed prior to development commencing.
- York Road has a 60mph speed limit which cyclists would need to use to reach the next safe cycle path. The developer should contribute towards the cost of installing a segregated cycle path along that stretch of road.
- The 45/46A bus service no longer comes through Dunnington. The Travel Plan is out of date, only First York provide a bus service to the village. There is no longer a public transport link between Dunnington and Pocklington.
- The proposals do not consider Eastfield Lane to the East of the site.
- Significant traffic will be generated by the proposals. Neither Eastfield Lane/Church Balk nor the Eastfield Lane/Stamford Bridge junctions will be able to cope with the additional traffic.

#### Flood Risk:

- There are already drainage issues and there is a potential flood risk to existing properties.
- Surface water flooding is a risk. Particularly the risk of it accumulating at lower level fields opposite Kerver Lane.
- The additional properties will create problems with surface water and put pressure on existing drainage systems.
- There is often standing water along Eastfield Lane. During heavy rain there is already an issue with flash flooding running into gardens along Kerver Lane. The developer needs to eliminate the risk of flooding.
- The foul sewer system is already running at capacity.

#### Ecology:

- Construction will damage existing hedgerows as Eastfield Lane is not suitable for these types of vehicles.
- Existing hedgerows provide a habitat for wildlife and a screen for existing residents and these should be retained.
- Approval of the proposals will remove agricultural land from the landscape.
- The loss of Green Belt land and the ecological habitats will have a hugely detrimental impact upon the Conservation Area.

- The proposed number of dwellings seems very high for a site of this size. This will have an adverse impact upon wildlife and ecology.
- The proposed landscaping is not wildlife friendly and should be improved. The 5m buffer between the southern hedge and the development should be included in the proposals.
- A representation was also received from the Yorkshire Wildlife Trust, who had been contacted by a member of the public.

#### Design and Amenities:

- There will be added pressure on an already full school and doctor's surgery.
- The developer fails to recognise the increasing number of school age children and makes no contribution towards providing extra school capacity at Dunnington Primary School or nearby secondary school.
- Existing village amenities struggle at present.
- This is a greenfield site that should be protected.
- The proposals would represent an overdevelopment of the site.
- Construction works should be restricted to between 0800-1600 to protect residential amenity.
- We would like assurances that the pumping station will not create any noise.
- We would like assurances that there will be no access of any kind onto the track which runs between the northern end of Kerver Lane and the southern end of the site.
- The proposals leave existing residents overlooked.
- The density and layout is higher than within the existing neighbourhood.
- The proposals will impact severely on Eastfield Lane and the rural setting of the village.
- The proposed architecture and layout is substandard.

#### Policy:

- The land is part of the Green Belt a status which has not been changed.
- The development is inappropriate in the Green Belt.
- The land surrounding the village should be kept intact to prevent over development and keep the village contained.
- The proposals are premature and granting them would undermine the plan making process.
- The proposals are not sustainable.

#### Other:

- The proposals will result in a loss of property value.
- The builder should be accountable to respecting the current residents and the environment. They should be required to pay penalties to Dunnington Parish Council in the event of any conditions being breached.

- Much of the submitted information is out of date.
- Ownership of the land is not fully settled due to probate. Surely this application cannot go ahead until ownership is legally binding.

## 5.0 APPRAISAL

### Key Issues

5.1. The key issues are as follows:

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

### **PRINCIPLE OF DEVELOPMENT**

5.2. For the purposes of s.38(6) Planning and Compulsory Purchase Act, the proposals should be assessed against the saved RSS Green Belt policies. Policies contained within the National Planning Policy Framework are also material considerations.

5.3. The 2005 DLP showed the Green Belt boundaries in the general locality of the application site as being along the rear of properties on Holly Tree Croft and Kerver Lane; around the general built extent of Dunnington; with land to the North East of the village including the application site being within the general extent of the Green Belt. In contrast the emerging Local Plan (2018) shows the land as being part of a proposed housing allocation (H31 – Eastfield Lane) and not being within the Green Belt. The Green Belt boundary is moved eastwards to the eastern side of the nearby property known as The Market Garden, before returning west to meet the rear of properties on Kerver Lane. As a result the land to which the application relates would be removed from the general extent of the Green Belt if the DLP 2018 is adopted, instead becoming part of the defined settlement of Dunnington.

5.4. It is the Local Planning Authority's position that until a Local Plan for the City of York is adopted, development management decisions relating to proposals falling within the general extent of the Green Belt are made on the basis that the land

should be treated as Green Belt. Therefore Green Belt policies set out within the NPPF apply to the determination of development proposals.

5.5. Paragraph 147 of the NPPF states: 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraph 148 goes on to state: 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'.

5.6. Paragraph 149 of the NPPF states: 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) The replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces.
- e) Limited infilling in villages;
- f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception site); and
- g) Limited infilling or the partial or completed redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously development land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

5.7. Paragraph 150 of the NPPF sets out certain other forms of development which are also not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of the including land with it. These are: mineral extraction, engineering operations, local transport infrastructure which



can demonstrate a requirement for a Green Belt location, the reuse buildings provided that the buildings are of permanent and substantial construction, material changes in the use of land (such as changes of use for outdoor sport or, recreation, or for cemeteries and burial grounds); and development, including buildings brought forward under a Community Right to Build Order or Neighbourhood Development Order.

5.8. The proposed development would not meet any of the defined exceptions set out within paragraphs 149 and 150 of the NPPF. As a result the proposals would in this context be considered to amount to inappropriate development within the Green Belt.

#### IMPACT UPON THE OPENESS OF THE GREEN BELT

As set out in Paragraph 137 of the NPPF. One of the essential characteristics of Green Belts are their openness and their permanence. There is no definition of 'openness' in the NPPF. However it is commonly taken to mean the state of being free from development, the absence of buildings and relates to the quantum and extent of development and its physical effect on the site.

5.9. Policy GB1 of the 2018 Draft Plan states that permission will only be granted for development where:

- i. The scale, location and design of development would not detract from the openness of the Green Belt;
- ii. It would not conflict with the purposes of including land within the Green Belt; and
- iii. It would not prejudice or harm those elements which contribute to the special character and setting of York.

5.10. There are unresolved objections to Policy GB1 that will be considered through the examination in public of the Local Plan and therefore it should only be afforded limited weight in the decision making process for the purposes of this application.

5.11. The existing site comprises a rectangular parcel of land which is currently grassland and a section of the existing land currently associated to the neighbouring property at The Market Garden and the contract landscaping business that is operated from the site. As a result this part of the site has historically contained various buildings, structures and paraphernalia associated with such uses. The proposals would, due to their nature, reduce the openness within this part of the Green Belt. However the extent of any such impact upon the overall openness of the Green Belt, as a whole, is considered to be limited.

5.12. The visual impacts and changes brought about by the proposed development would be mostly keenly felt in relative close proximity to the site and the surrounding roads, lanes and footpaths within the immediate vicinity of the site; creating a localised loss of openness. This impact diminishes at points further away from the site as the wider context provided by the existing urban area of Dunnington will begin to contribute to the wider setting of the development.

## IMPACT ON THE GREEN BELT PURPOSES

5.13. The proposed development would be inappropriate development in the Green Belt. It would lead to a degree of harm to the openness of the Green Belt. Paragraph 138 of the NPPF sets out that the Green Belt serves five purposes. These are:

- a) To check the unrestricted sprawl of large built up areas;
- b) To prevent neighbouring towns merging into one another;
- c) To assist in safeguarding the countryside from encroachment;
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict land and other urban land.

5.14. The primary purpose of the York Green Belt is to safeguard the special character and setting of the historic city as referred to in Policy YH9C of the RSS and Policy SS2 of the 2018 emerging local plan, although weight can only be attached to the latter. The proposals would round off the north eastern corner of the existing village would be visually well associated to the existing urban area. It would also preserve the setting and special character of the city of York. The design and layout would be in keeping with the existing grain of the urban area and allow the village to retain the character of a rural village set amongst the countryside. It is therefore considered that the proposals would not conflict with the purposes of the Green Belt.

## HIGHWAYS & ACCESS

5.15. Paragraph 110 of the NPPF states that in assessing site that may be allocated for development or specific applications for development, it should be ensured that:

- a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) Safe and suitable access to the site can be achieved for all users;
- c) The design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and National Model Design Code; and
- d) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be effectively mitigated to an acceptable degree.

5.16. Paragraph 111 of the NPPF states that; Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.17. Policy T1 of the emerging Local Plan seeks to promote sustainable access. Policy T1 states that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility; such that it maximises the use of more sustainable modes of transport. Policy T5 of the emerging Local Plan aims to support proposals which improve access to and around new development for pedestrians and cyclists.

#### Access

5.18. It is proposed within the details submitted that vehicular access to the site would be taken from Eastfield Lane at the northern end of the site; as part of the development Eastfield Lane, along the frontage of the application site will be widened; it was also be necessary for the existing 30mph section of Eastfield Lane to be extended across the frontage of the site. In addition to this a footpath link is proposed at the Southern end of the site connecting to an existing paved footpath which links Holly Tree Lane and Kerver Lane. There will also be a secure gated access point at the South Eastern corner of the site.

5.19. Amongst the objections received concerns have been raised around the ability of Eastfield Lane to accommodate the traffic that would be generated both directly from the development but also during the construction phase. Highways Officers have assessed these elements and have not raised any objections on such grounds. Assessment shows the surrounding highway network will be able to cope with the traffic generated by the development. Having regard to construction traffic this can be managed during the construction phase via a suitably worded condition and management plan. Concerns raised around congestion and parked vehicles on Eastfield Lane are noted. However as outlined above it is considered that there is sufficient capacity within the network for the proposed development to be accommodated. Should such issues persist in the long term the Local Highway Authority would retain powers to implement measures under highways legislation to address such issues where they are considered to be necessary.

5.20. To assist with the accessibility of the site along Eastfield Lane Highways have noted that dropped crossings are required at the junctions of Holly Tree Lane, Garden Flats Lane and Stockhill Close to ensure that users with reduced mobility

and those with pushchairs to use Eastfield Lane to gain access to Dunnington. These measures can be secured via condition.

5.21. Tracking information has been submitted which demonstrates that the site would be accessible to Refuse Collection vehicles. This will allow for the properties to adequately serviced.

5.22. Highways have raised concern with Emergency Access to the site. They note that the CYC Highway Design Guide states 'For any cul-de-sac serving more than 50 dwellings, an alternative access for emergency access should be provided. The proposals would provide means of access to vehicles from Eastfield Lane. In addition to this access could also be obtained via the proposed footpath link at the South of the site although this access would be via foot only with any emergency vehicles having to be parked on Holly Tree Lane or Kerver Lane.

5.23. As requested within the comments received from Highways, North Yorkshire Fire and Rescue have been consulted on the application and have not raised any objections to the proposals.

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

#### Sustainable Travel

5.25. As part of the submission a Transport Assessment has been undertaken. This has shown that the development would generate 47 two way trips during the AM and PM Peak. Junction assessments undertaken for Eastfield Lane/Holly Tree Lane and Eastfield Lane/Church Lane demonstrate that these junctions are able to cope with the additional demand the development would generate.

5.26. Parking at the site would be provided via a mix of private driveways, garages and parking bays. Highways have reviewed the proposed parking and arrangements and have confirmed their acceptance of the proposals. Highways have highlighted that in some areas the overall width of some of the proposed dropped crossings exceeds the recommended widths contained within the draft vehicles crossing policy. These areas are primarily in the parts of the site where multiple bay type parking arrangements are proposed such as the south eastern end of the site. However in this case this area is demarcated as being a shared surface, which would be clearly differentiated from other sections of the roadway therefore creating a degree of visual break. Other features such as landscaping will also assist in this regard.

5.27. A Travel Plan has been provided. However an assessment of this has noted that it provides virtually no budget (£100) and amounts to little more than a resident's survey. Instead Highways would wish to see a £200 per dwelling contribution secured towards a public transport pass or cycling equipment to be awarded to the first occupier. In addition to this such a scheme would be managed either by CYC or in close collaboration with CYC. Such measures would need to be secured via S106 agreement. However this considered reasonable and broadly in line with other developments in the city. Such a contribution will allow the first occupiers to access a more tangible benefit.

5.28. In the interests of assisting with the provision of sustainable methods of transport it is necessary for the development to provide suitable infrastructure and facilities such as secure cycle parking. Limited details have been provided at this stage. It is therefore considered necessary to condition that these details be provided and agreed with the LPA and Highways. A second condition will ensure that these facilities are then delivered once they are agreed.

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

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

## **DESIGN AND LAYOUT OF SITE**

5.31. Paragraph 130 of the NPPF sets out a series of objectives which policies and decisions should ensure developments achieve:

- a) Will function well and add to the overall quality of the area, not just for the short terms but over the lifetime of the development;

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

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

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

5.34. The proposals are considered to respect local character in terms of layout, scale and density. The proposed dwellings are a mix of detached, semi-terraced and short terraces of properties. All are two storeys in height and provide private amenity space. The exact specification of exterior materials to be used in the construction of the proposed dwellings has not been specified. Therefore in the event of granting planning permission it would be necessary to condition that such details be provided and approved in writing by the LPA, prior to their use in the development.

5.35. Plots 1-2 and 78-84 will front Eastfield Lane with plots 78-84 taking their main access from Eastfield Lane. This arrangement replicates the arrangement created by the existing dwellings along Eastfield Lane immediately to the west of the site. The remainder of the development will be situated behind these dwellings replicating the character and urban grain of surrounding development. The widening of

Eastfield Lane along the site frontage and the need to accommodate suitable separation distances within the site it is not considered feasible to retain the existing hedge fronting Eastfield Lane with the proposed dwellings situated behind it. The submitted landscape plan does show elements of landscaping and greenery to the frontage of the proposed dwellings, the character of which would be similar to the existing properties to the West.

5.36. The site covers an area of approximately 2.37 hectares. The proposal for a total of 83 dwellings would equate to a development density of approximately 35.02 dwellings per hectare (dph). This would be broadly in line with the densities set out within Policy H2 of the emerging local plan; whereby in rural areas and villages a density of 35 dph is expected. As a result the proposals would not be considered to represent an overdevelopment of the site.

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

5.38. The proposed layout makes provision for three areas of open space across the site. The main section is to be located centrally within the site and comprise of an area of grassed space including a small play area and seating area. This area will be bisected by a section of the existing hedgerow which is to be retained. The area will be partially enclosed by a hedge and knee rail fence to delineate between the public and private spaces. The space will create a central focal space within the development; a number of the properties will overlook the space providing a degree of natural surveillance but also a preferable outlook. A second space is proposed towards the south eastern corner of the site adjacent to the proposed pumping station, again overlooked by a number of properties. Finally a landscaped area will be provided in the South West corner of the site. This area will provide a footpath link into the existing footpath which links Kerver Lane back to the Holly Tree Lane/Horsefield Way junction.

5.39. The proposed scheme of landscaping can be secured via a suitably worded condition along with securing its ongoing maintenance. The applicant has indicated

that the management of the open space can be transferred to a management company. This can be secured under the associated S106 agreement.

5.40. The NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Secure by Design has been considered in the layout. The layout provides a number of opportunities for better overlooking/natural surveillance within the development, particularly around the main open spaces and accesses into the site. Gardens back onto one another and car parking is typically within sight of the owner's dwellings. All units benefit from external access to their main amenity spaces. The submitted plans show that these accesses will be secured via gates; although it is noted that plots 33-35 appear to be lacking gates, although this can be addressed via a suitably worded condition – requiring exact details of the various boundary treatments to be used in the scheme to be submitted and approved in writing.

#### **RESIDENTIAL AMENITY & PUBLIC PROTECTION**

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

5.42. Having regard to the existing dwellings which abound the application site. The proposed dwellings would be situated parallel to the existing dwellings situated to the West on Holly Tree Croft. The existing dwellings on Holly Tree Croft are a mixture of single storey bungalows and two storey dwellings. The separation distances achieved to these properties will range between 20m-25m. In addition to this the existing hedge and trees situated along the boundary will be retained and supplemented with additional planting. The other existing properties which would have a direct line of sight to the development are those located to the South East on Kerver Lane. The separation distances achieved to these dwellings would range between 21m-29m. A 21m separation distance between rear to rear two storey dwellings is generally considered to be appropriate and is the recommendation set out within the Councils SPD on Extensions and Alterations to dwellings.

5.43. Objections have been raised that the proposed development will leave existing residents and properties overlooked. This will perhaps be most keenly felt by those properties which currently have outlooks across the currently undeveloped site. However it is considered that the proposed layout achieves suitable separation



distances between existing and proposed dwellings and as such will not give rise to unacceptable levels of overlooking which would be detrimental to residential amenity of both existing and future residents; to an extent that would warrant refusal on such grounds.

5.44. The Council's Public Protection Team have reviewed the proposals and have not raised any objections to the proposals. They have however requested that a series of conditions be attached to the granting of any planning permission; these are set out in greater detail below.

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

5.46. The proposals also include provision of a pumping station. Whilst most pumping stations do not produce high noise levels there is the potential for low frequency noise. As such it is considered appropriate to condition that details and specifications of the plant and equipment to be installed in the pumping station is submitted to and approved in writing by the Local Planning Authority.

5.47. Public protection have also recommended a condition to secure the passive provision of Electric Vehicle (EV) recharge points. This condition does not require the developer to install EV recharge points. Instead it requires them to provide a minimum standard of electrical capacity to each property so as to allow for future EV charge point provision by individual householders. This condition will assist with delivering the objectives of CYC's Low Emissions Strategy and also accord with paragraph 112 of the NPPF.

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

## **AFFORDABLE HOUSING**

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

5.50. In the original submission consisting of 78 dwellings. The affordable housing mix was not considered to be appropriate, with concerns around the size of the affordable units being proposed. In addition to this the level of affordable housing would not have met the required 30%. Subsequently amendments have been made to the scheme which have resulted in a housing mix being achieved which is supportable by colleagues within the Housing Strategy team.

5.51. In total 25.no units would be proposed for affordable provision. These would consist of 6.no 1 bed properties, 13.no 2 bed properties, 4.no 3 bed properties and 2.no 4 bed properties. Of these affordable units 20.no would be for social rent whilst the remaining 5.no would be for discount sale tenure. The proportion of affordable housing achieved in the development would equate to 30.1%.

5.52. The proposed affordable units represent an important contribution towards the identified need in the City of York area. 1 and 2 bed houses are in exceptionally high demand for social rented housing. Strong demand is also expected for the 3 and 4 bed units, which are of a good size and well distributed around the site. Policy H10 requires affordable units to be 'pepper potted' throughout the development. The submitted layout shows the units as being distributed across the development.

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

## **DRAINAGE & FLOOD RISK**

5.54. The application site is located within Flood Zone 1 (Low Risk) as defined by the Environment Agency. In NPPF flood risk terms the development is (sequentially) appropriate in this location. The general objective of the NPPF with regard to flood risk is that development should not increase flood risk elsewhere. Policy ENV5 of the DLP 2018 advises that sustainable drainage should be implemented unless this is not feasible. Detailed local requirements are set out within the Sustainable Drainage Systems Guidance for Developers (2018).

5.55. Amongst the objections received, concerns have been raised about the potential risk of flooding, particularly to those properties to the South of the site which are on lower ground. The site at present is greenfield (undeveloped) and as such does not benefit from any drainage infrastructure. Therefore instances of gardens flooding will in part be due to the natural topography of the land – it is known from initial infiltration testing that the ability of the land to soakaway surface water is limited. Development of the site will include the provision of drainage infrastructure which should allow for the flows of surface water to be managed and directed.

5.56. The site is greenfield (undeveloped) and as such the local policy requirement is surface water run-off rates shall equate to the existing situation. At the head of the drainage hierarchy are soakaways as a means of surface water disposal. However on-site testing (witnessed by CYC Flood Risk Management Team) has demonstrated that soakaways will not work on this site. This is due to the presence dense clay overlaid by saturated sand. It is noted that there is a watercourse nearby which is understood to be within the applicants control; which could provide a solution to achieving sustainable surface drainage from the site.

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

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

5.59. Subject to the conditions requested it is considered that the proposals would accord with the provisions of the NPPF and Policy ENV5 of the DLP 2018.

## **ARCHEOLOGY**

5.60. The application site is located on the south facing slope of the York Moraine. Archaeological work and research has been undertaken on sites in a similar location (Campus 3 in Heslington and Walmgate Stray); this work has demonstrated that these sites have the potential to produce well-preserved archaeological features and deposits relating to late prehistoric and Romano-British occupation. It is considered that the application site has a similar potential to produce highly significant non-designated heritage assets; although the eastern side of the plot has been semi-developed.

5.61. An archaeological desk based assessment and geophysical survey have been submitted within the application; the geophysical survey has only been undertaken on 50% of the site. The geophysical survey has not shown any obvious archaeological anomalies. The Western half of the plot appears from aerial images to contain faint traces of medieval ridge and furrow; believed most likely to be ploughed out as it has not been highlighted as upstanding in either desk based assessment or geophysical assessment.

5.62. The nature of the potential archaeological resource at the site and the proposed development will result in the destruction of all surviving deposits or features within the site. Whilst the submitted archaeological information does not present any obvious anomalies this has not been thoroughly intrusively evaluated and proven by trenching. Therefore given the potential of the site and as is concluded by the submitted information further archaeological evaluation is required. This can be secured via condition. The condition would secure a programme of post-determination archaeological evaluation comprising of a series of stages each of which will need to be completed by the developer and agreed by the LPA. The securing of these works via condition will ensure that the proposals are carried out in accordance with section 16 of the NPPF and accord with the provisions of policy D6 of the DLP 2018.

## **ECOLOGY**

5.63. Section 15 of the NPPF covers the conservation and enhancement of the natural environment. It states that planning policies and decisions should contribute to and enhance the natural and local environment; by minimising impacts upon on an providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. In the context of determining planning applications (Para 180, d)) states that 'opportunities to improve biodiversity in and around developments should be integrated as part their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate'.. Policy GI2 of the emerging Local

Plan also seeks to achieve similar objectives; with the overarching aim of conserving and enhancing York's biodiversity. Policy GI2 (iv) specifically requires development to result in a net gain to, and help improve, biodiversity.

5.64. An ecology appraisal has been submitted with the application. The proposals would result in the loss of land that is categorised as poor-semi improved grassland, tall ruderal, scattered scrub and areas managed for cultivating vegetables and turf; however these habitats have been assessed as being of low botanical value. There are hedgerows within the site which qualify as a habitat of Principal Importance.

5.65. The appraisal has identified a medium population of Great Crested Newts within 100m of the site to the East; with suitable terrestrial habitat for great crested newts being present within the site – which would be lost to facilitate development. The submitted ecological appraisal has concluded that there are no bat roosts within the site and none of the buildings or trees provide a greater than negligible roost potential. Site habitats are considered to be of limited value for foraging and commuting. The existing scrub, hedgerows and buildings within the site are considered suitable for a range of nesting birds. The removal of such habitats could have an adverse impact on active nests, any eggs, chicks or adult birds' presents; if work effecting these are carried out during the bird breeding season.

5.66. The submitted ecological information has been reviewed by the Council's Ecologist who has not raised any objections to the proposals or the proposed mitigation measures. It will be necessary to secure an Environment Management Plan for biodiversity, to include measures for the protection of retained habitats, species protection measures and construction related lighting. Submission of a lighting strategy and the submission of a detailed Ecological Mitigation and Management Plan which includes objectives for habitat creation, establishment and management. Management of retained habitats. Creation and maintenance of features put in place to support species including details of the long term management. It is also noted that the proposals will be capable of providing a Biodiversity Net Gain (BNG) in excess of 10% on site. BNG is an approach to development that leaves biodiversity in a better state than before.

5.67. The submitted Ecological information included a series of recommendations most of which will be taken forward in the proposals or secured by way of condition in the event of planning permission being granted. However it is noted that two of the recommendations, namely the provision of a pond on site and the buffer zone to the existing hedgerows are not incorporated into the scheme. The 5m buffers to the hedgerows were intended primarily for the management and maintenance of the existing hedges; both of which are to be retained. The applicant has advised that these measures (hedge buffer and pond) are not feasible on a site of this size and

will undermine deliverability of the site. A pond also raises significant health and safety issues, particularly on a site of this size.

5.68. Hedgerow H3 along the northern boundary will be lost as a result of the need to widen Eastfield Lane and provide access to the dwellings which will face Eastfield Lane. Elements of Hedgerow H2 which runs through the centre of the site are to be retained and incorporated into the domestic properties and the open space. The other hedgerows at the site are to be retained with some selective removal of non-native species to be replaced and enhanced with native species. Other proposed enhancement measures include the provision of Swift Brick Bird Boxes and Integral Bat Boxes at various locations within the proposed development. A 'Hedgehog Highway' will be incorporated into boundary fences and walls to provide connectivity between garden areas. Log Piles are also proposed in the South Eastern corner of the site.

5.69. Overall it is considered that the proposals would accord with the provisions of Section 15 of the NPPF; the proposals would achieve a Biodiversity Net Gain. The potential risks to protected species and existing habitats can be suitably managed via a series of mitigation measures which can be secured via planning condition.

### **SUSTAINABLE DESIGN AND CONSTRUCTION**

5.70. Policy CC1 and CC2 of the DLP 2018 establish local requirements on sustainable construction. They require that, compared to Building Regulation targets, buildings achieve a reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable (CC1). At least 19% of such should be from building fabric efficiency (CC2).

5.71. The provisions of Policy CC1 have been noted within the Design and Access Statement that has been submitted by the applicant in support of the application. However no tangible measures have been detailed as to how the provisions of CC1 or CC2 would be achieved within the development. Notwithstanding this the provisions of Policy CC1 and CC2 are considered to be relevant in the context of ensuring that any development that proceeds does so in a manner which assists with tackling climate change. It is therefore considered necessary to impose conditions which will require each dwelling to achieve a reduction in carbon emissions to a level that is stated within Policy CC1 and CC2.

### **OTHER MATTERS RAISED IN REPRESENTATIONS**

5.72. Amongst the representations received there are a series of matters which have not been covered in earlier sections of this report. Objections relating to the proposals adversely affecting property values are not a material planning consideration.

5.73. The age of some of the submitted information is noted and as a result where it is considered necessary and appropriate, in the event of planning permission being granted, conditions will secure the provision of up to date information in order to satisfy relevant planning conditions.

5.74. It is not a requirement within planning legislation that the land owner(s) must be the applicant. The submitted application form details that there are several land owning parties involved in the site and that the applicant has, by virtue of completing the application form and Certificate B within the application form, confirmed to the Local Planning Authority that they have served the requisite notice upon these parties. This is all that the planning application requires and is considered to be satisfactory; and would not be matter which would preclude the application from being determined.

## **PLANNING OBLIGATIONS**

### **Education**

5.75. Policy DM1 DLP 2018 states; the Council will seek contributions from developers to ensure that the necessary infrastructure is in place to support future development in York. In terms of Education the Councils supplementary planning guidance note informs the methodology.

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

- Early Years (9 Places) - £170,784. This would be for provision within a 1.5km radius of the site. However due to the rural location this radius may need to be extended.
- Primary (18 Places) - £341,568. This would be for provision at Dunnington School.
- Secondary (11 Places) - £287,386. This would be for provision at Fulford School.

5.77. The contributions will need to be secured through a completed S106 agreement.

### **Affordable Housing**

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

## **Open Space**

5.79. All residential development proposals are expected to contribute to the provision of open space for recreation and amenity in line with Policy GI6. Areas of open space will be provided within the development. The proposed dwellings will also benefit from private garden areas.

5.80. A contribution towards off site sports provision is considered necessary. Based on the number of dwellings and number of bedrooms proposed the required contribution has been calculated as £47,925. The contribution would be intended to be used at Dunnington Sports Club.

5.81. The above mentioned proposed s106 planning obligations are considered to be compliant with NPPF paragraphs 55 to 57 and the relevant CIL regulations.

## **The case for very special circumstances**

5.82. The proposed residential development represents inappropriate development in the Green Belt. Paragraph 147 of the NPPF explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 says when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations. The following considerations have been put forward to justify the proposal:

- The site is considered to be suitable and deliverable in line with the spatial strategy which seeks to minimise harm to York's historic and natural environment.
- Given the location of the site at the edge of an existing settlement the site is sustainably located.
- Unmet housing need cannot be accommodated on deliverable sites on land that is outside of the general extent of Green Belt. In order to meet housing need – the site is identified to be excluded from the Green Belt as part of an expansion to Dunnington Village.
- Aside from the issue of Green Belt there are no objections to the scheme considering other material considerations which cannot be addressed through either planning conditions or S106 agreement.
- Overall the application would be for sustainable development that will conform to the Government's objective of significantly boosting the supply of homes.



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

### **Whether the site serves any of the five purposes of the Green Belt**

5.84. The five purposes of the Green Belt are set out at Paragraph 138 of the NPPF and these are:

- a) To check the unrestricted sprawl of large built up areas;
- b) To prevent neighbouring towns merging into one another;
- c) To assist in safeguarding the countryside from encroachment;
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.85. The application site is a housing allocation within the emerging Local Plan (H31) which was defined as Green Belt in the 2005 DLP and forms part of the general extent of Green Belt as outlined in the saved RSS Key diagram.. It is the role of the Local Plan to define the detailed Green Belt boundaries to ensure that the city can meet its development needs and allow permanence to the green belt boundaries beyond the plan period. The approach to this is set out within Topic Paper 1: Approach to defining Green Belt Addendum 2021. The Green Belt Addendum (2021) document provides a detailed explanation of how and where detailed inner and outer Green Belt boundaries have been defined to inform the Local Plan. The detailed methodology, including defined criteria to inform the delineation of the detailed boundaries are set out within Section 5 of the Topic Paper Addendum. This methodology takes consideration of national guidance and, an appraisal of the essential characteristics of openness and permanence in York, including the context of the existing built environment and landscape against the relevant green belt purposes set out in the NPPF. The methodology also sets out the approach to strategic permanence and consistency with local plan's spatial strategy (in line with NPPF para 85) to identify suitable locations for development to meet development needs which cannot be accommodated in the identified urban areas. It also establishes which sites have been considered as suitable for proposed development in this context. Annexes 2, 3 and 4 present the potential boundaries to the Green Belt should there be no unmet identified need.

5.86. The key role for defining the detailed boundaries is to establish long term development limits to the built up (urban) area and other densely developed area to distinguish land that needs to be kept permanently open to meet the purposes of Green Belt. For York primarily safeguarding the special character and setting of the historic city.

5.87. Dunnington village is identified to be excluded from the Green Belt. Consideration of the detailed Green Belt boundaries around the village of Dunnington is set out in Annex 4 (Other densely developed Areas in the General Extent of the Green Belt) to the 2021 addendum. A total of 5 boundaries are identified around the village. Boundary 2 runs along the North Eastern extent of the village adjacent to the land that forms the subject of the application.

5.88. The detailed GB assessment identified the location of Dunnington as forming a freestanding village in the settlement pattern of villages outside of the York Outer Ring Road, physically separated from the surrounding development clusters. Key points from the analysis identified that:

- Allowing the village to grow significantly would take it out of proportion with the settlement pattern of York; an important feature identified in the Heritage Topic Paper.
- Increasing the distance of residential areas away from the village core can cause harm to the compactness of the village. To the East (boundary 2), some expansion is possible but this would need to be limited so as not allow development to reach too far from the existing urban core and ensure compactness of the village is retained.
- The current boundary 2 (excluding expansion) is recognisable with on the ground features.

5.89. In order to deliver long term permanence for the York Green Belt, it was determined that there is potential for the village of Dunnington to grow within a sustainable pattern of development. Dunnington is of an urbanised built up nature with a lack of openness and therefore offers an opportunity for focusing development towards an urban area within the Green Belt and which meets the requirements of the spatial strategy.

5.90. Whilst a number of proposed sites in and around the existing village were put forward as part of the Local Plan process only the site now known as H31 was included in the Local Plan as a Housing Allocation (in Policy H1). This was determined as the most appropriate location for development in the village as it would round off land to the North East corner. The proposals would also infill an

existing gap which exists between the main developed section of Eastfield Lane and the existing property known as The Market Garden,(which would remain within the Green Belt boundary). It is considered that this would minimise visual impact and avoid coalescence – important to the perception of compactness of the village and historic city overall.

5.91. In defining a clear and defensible boundary, the GB Addendum (2021) recommends that with the proposed allocation and this parcel of land inset from the GB, the eastern boundary should be strengthened as part of the master planning of the site in order to create a single boundary, which acts as a defined and recognisable urban edge which will be permanent in the long term.

### **Unmet Housing Need**

5.92. The Council cannot currently demonstrate a 5 year supply of deliverable housing sites in terms of the NPPF requirement on land that is outside of the general extent of York's Green Belt, i.e the site allocations in the emerging Local Plan are required. This site is an allocated housing site in the emerging Local Plan.

5.93. The Council has concluded that changes to the general extent of the York Green Belt are required to meet the development needs for housing, employment land and education, which cannot be solely provided for in urban areas or villages (outside of the Green Belt) or by other means. It is recognised that an undersupply of homes or employment land would exacerbate housing affordability issues, increase unsustainable commuting patterns and adversely impact on building a strong, competitive economy. Site H31 is proposed to be allocated to help meet the overall needs of the city within the general extent of the Green Belt following an extensive exercise to identify suitable sites which minimise harm on York's environmental assets and the purposes of the Green Belt.

### **Whether prematurity is grounds to refuse the application**

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

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

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

5.96. It is considered that to grant planning permission for this scheme would not undermine the plan-making process because the Council’s assessment of the Green Belt to inform the emerging plan (as detailed within Topic Paper 1: Approach to defining the Green Belt Addendum 2021) concluded that the site could be excluded from the Green Belt to enable development needs to be met in line with the spatial strategy. . Given the scale of the development proposed (83 dwellings); that the site is required to meet development needs and will be excluded from the Green Belt; and as the emerging Local Plan has been submitted for examination and promotes this as a housing site, to be delivered within the short term (1-5 years) of the plan, there are no clear grounds (as is required by the NPPF) to refuse this particular application on the basis that it would prejudice the plan-making process.

5.97. There are outstanding objections to the removal of land from the general extent of the Green Belt and the delineation of the detailed Green Belt boundaries. Such objections reduce the weight that can be attributed to the relevant emerging plan policy SS2. However, even taking this into account and recognising that it is a matter of planning judgement and attaching substantial weight to the harm to the Green Belt. Cumulatively there are very special circumstances which, as is required by the NPPF, clearly outweigh the harm to the Green Belt and any other harm as a result of development. It is considered to be a ground for very special circumstances which justify development now.

## **6.0 CONCLUSION**

6.1. The above report outlines how the proposed development, subject to conditions, can be compliant with the NPPF with regards to impacts upon the highway network, sustainable travel, residential amenity, archaeology, biodiversity, flood risk and drainage. In addition to this there are considered to be suitable mechanisms to ensure that the infrastructure required to support the development can be secured.

6.2. At present the site is considered to remain within the general extent of the Green Belt. However as is set out above, is identified as part of the portfolio of sites to meet identified needs in the city and is therefore excluded from the green belt in the defined green belt boundaries. It is considered that there are very special

circumstances that would clearly outweigh any harm to the Green Belt. Further, there is no case for refusing the scheme on prematurity grounds.

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

6.4. The associated Section 106 Agreement will be required to secure the following:

- Contributions totalling £799,738 toward the provision of Early Years, Primary and Secondary school places.
- The provision of 25 affordable housing units.
- A contribution of £47,925 towards off site sports provision.
- The provision of a Traffic Regulation Order (TRO) which would secure the provision of dropped crossings on Eastfield Lane with the junctions of Holly Tree Lane, Garden Flats Lane and Stockhill Close; and the extension of the existing 30mph zone across the site frontage of Eastfield Lane and widening of Eastfield Lane in the same area, including the provision of new highway signage.
- Provision of a £200 per dwelling contribution towards a public transport pass or cycling equipment to be awarded to the first occupier, with the scheme being managed by or in close collaboration with CYC.

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

1 TIME2 Development start within three years

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

Landscape Masterplan: Drawing No. P18:5192:100 Rev J

Proposed Site Layout: Drawing No. P18:5192:200 - N

Location Plan: Drawing No. P18-5192:02 - A

Proposed Plans and Elevations:

P380/SH75/80 (AS-OP): Drawing No. BDW-STD-HT-5101

SH75/80/P380 (AS-AS-OP-OP): Drawing No. BDW-STD-HT-5102

Tulip/Orchard/Alder (AS-OP): Drawing No. BDW-STD-HT-5103

Alder/Tulip/Orchard (AS-OP): Drawing No. BDW-STD-HT-5104

Tulip/Orchard/Alder/Tulip/Orchard (AS-AS-OP-OP): Drawing No. BDW-STA-HT-5105

P380/Tulip/Orchard (AS-OP-OP-OP): Drawing No. BDW-STD-HT-5106  
Primrose (AS-OP): Drawing No. BDW-STD-HT-5107  
Alder (AS-OP): Drawing No. BDW-STD-HT-5108  
Primrose/Tulip/Orchard (AS-OP-AS-OP): Drawing No. BDW-STD-HT-5109  
P382 (AS-OP): Drawing No. BDW-STD-HT-5003  
P382 (AS-AS-OP): Drawing No. BDW-STD-HT-5004  
P341 (AS): Drawing No. BDW-STD-HT-5007  
P341 (OP): Drawing No. BDW-STD-HT-5008  
H349 (AS): Drawing No. BDW-STD-HT-5009  
H349 (OP): Drawing No. BDW-STD-HT-5010  
H421 (AS): Drawing No. BDW-STD-HT-5012  
H417 (AS): Drawing No. BDW-STD-HT-5029  
H417 (OP): Drawing No. BDW-STD-HT-5030  
H411 (AS): Drawing No. BDW-STD-HT-5031  
H411 (OP): Drawing No. BDW-STD-HT-5032  
P341/P382 (AS-OP): Drawing No. BDW-STD-HT-5035  
P341/P382 (AS-AS-OP): Drawing No. BDW-STD-HT-5039  
H403 (AS): Drawing No. BDW-STD-HT-5083  
H403 (OP): Drawing No. BDW-STD-HT-5084  
Single Garage: Drawing No. BDW-STD-GAR-1000  
Double Garage: Drawing No. BDW-STD-GAR-1001  
Twin Garage: Drawing No. BDW-STD-GAR-1002  
Double Garage (6X3): Drawing No. BDW-STD-GAR-1007

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

3 Prior to the commencement of development a 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 approved by the Local Planning Authority (LPA) before it can be approved.

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

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

C) A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the

evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion 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, archive deposition and evidence of publication if required 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. To ensure that the development accords with Section 16 of the National Planning Policy Framework

4 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 positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used

for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

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

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

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses [public.protection@york.gov.uk](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

5 Prior to the commencement of development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
  - human health,



- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

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

7 Prior to the commencement of development details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuDS). 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 therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuDS.

As SuDS methods have been proven to be unsuitable then a suitable watercourse must be considered in accordance with the following criteria; In accordance with City of York Councils City of York Councils Sustainable Drainage Systems Guidance for Developers (August 2018) and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas during the 1 in 1 year event). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

As there are no existing connected impermeable areas this Greenfield site must be limited to the discharge rate to the pre developed run off rate. The pre development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size) during a 1 in 1 year event. Please be advised as the watercourse appears to be nearby and any discharge will be new/additional therefore only the proposed developed areas (i.e. hard paving and roof areas) can be used to calculate this rate. It is recommend discussing and agreeing the permitted discharge rate with the Councils Flood Risk Management Team at an early stage.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Details of the future management and maintenance of the proposed drainage scheme must be provided.

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

8 The development shall not commence until details of the internal road layout have been submitted to, and approved in writing, by the Local Planning Authority. No building/dwelling shall be occupied until the internal road has been provided, up to base-course level, in accordance with such approved plans. The wearing course shall be laid within two years of the base-course being laid or prior to the occupation of the penultimate house, whichever is the sooner.

Reason: In the interests of road safety.

9 The development hereby permitted shall achieve a reduction in carbon

emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations. Prior to commencement of construction of the two storey extension details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018

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

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

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

12 The development shall incorporate sufficient capacity within the electricity distribution board for one dedicated radial AC single phase connection to allow the future addition of an Electric Vehicle Recharge Point (minimum 32A) within the garage space (or parking area) if desired. The applicant should identify the proposed location for a future Electric Vehicle Recharge Point within the development curtilage and ensure that any necessary trunking/ducting is in place to enable cables to be run to the specified location.

Notes:

Any future Electric Vehicle Charging Points need to be professionally installed. The installation process routinely involves wall mounting a charge point on an exterior wall or garage and connecting it safely to the mains electricity supply. All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation

- In the UK, there is a government-grant scheme available to help reduce the cost of installing a home EV charge point. For more information on the scheme see the OLEV website <https://www.gov.uk/government/collections/government-grants-for-low-emission-vehicles>

- The above requirement does not preclude the installation of Electric Vehicle Charge Point from the outset, if desired.

- Details of passive provision to be included within household pack for first occupant,

to include location of proposed Electric Vehicle Recharge Point, trunking/ducting provided and details of distribution board location and capacity.

Reason: To ensure future electric vehicle charge points can be easily added to the the property in line with the NPPF and CYC's Low Emission Strategy

13 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours: Monday to Friday 0800 to 1800 hours, Saturday 0900 to 1300 hours and there shall be no works or operations on Sundays and Bank Holidays.

Reason: In the interests of safeguarding the residential amenity of neighbouring residents.

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

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

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

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

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

out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16 Prior to the first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

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

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

18 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

Reason: In the interests of highway safety.

21 Prior to commencement on site, protective fencing to BS5837: 2012 shall be erected around all existing trees, including neighbouring trees, and hedges shown to be retained in the approved plans. Before commencement on site the protective fencing line shall be shown on a tree and hedge protection plan and agreed in writing by the local authority and subsequently adhered to at all times during development to create exclusion zones. A copy of the approved protection plan shall be available on site at all times.

None of the following activities shall take place within the exclusion zone: excavation, raising of levels, storage of any materials or top soil, burning, parking or manoeuvring of vehicles, mechanical cultivation under the canopy spread of retained trees. Within the exclusion zones there shall be no site huts, no marketing offices, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To protect trees and hedges that are considered to make a valuable contribution to the amenity of the development and/or the immediate area.

22 Notwithstanding any details shown on the approved plans details of all means of enclosure to the site boundaries and all properties shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development above foundation slab level commences and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

23 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 their use in the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could 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.

24 The approved development shall not exceed foundation slab level until there has been submitted and approved in writing by the Local Planning Authority all tree planting details, to include: means of support, and protection (e.g. from vehicle overrun or strimming), and irrigation; maintenance regime, and responsibilities; soil volumes and structural soil cell systems where applicable, and the corresponding paving detail, and locations of underground utilities. Where trees are to be located within paved areas, the surface area of soil cell systems, soil volumes, and tree species, and any utilities shall also be shown on a tree planting plan to include all proposed tree planting and existing trees.

Reason: Suitable detailing and maintenance will encourage the proposed trees to survive and thrive since they are a critical element of the approved landscape and setting of the development. These also need to be compatible with highway authority requirements where applicable.

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

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

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

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

26 Prior to the development coming into use 2m x 43m sight lines, free of all obstructions which exceed the height of the adjacent footway by more than 0.6m, shall be provided both sides of the junction of any access with the footway, and shall thereafter be so maintained.

Reason: In the interests of pedestrian safety and highway safety.

27 An Ecological Mitigation and Management Plan (EMMP) 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 EMMP shall include the following:

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

The EMMP 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 EMMP 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.

Reason: Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 d) of the NPPF (2021) to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

28 The following works site clearance, ground excavations or vegetation clearance shall not in any circumstances commence unless the local planning authority has been provided with either:

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

Reason: To ensure Great Crested Newts and their habitat are protected during the



proposed works. Great Crested Newts and their habitat are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

29 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.

Details of the height, type, position, angle and spread of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed and operational prior to the development hereby permitted being brought into use. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area.

Reason: To maintain the favourable conservation status of protected species. To protect residential amenity. To protect visual amenity and character of the area

30 Prior to the footpath link at the southern end of the site adjacent to Plots 23-24 on the approved site layout plan being brought into use details of bollards to be installed at the entrance to the footpath link shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that any measures used to prevent vehicular access to the footpath are not prejudicial to the use of the footpath by pedestrians, cyclists or users with limited or impaired mobility.

31 Notwithstanding the details submitted no part of the development shall be occupied until a revised travel plan has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said travel plan. The travel plan shall provide full details regarding the following sustainable travel incentives:

Travel Plan co-ordinator to be specified.

Provision and implementation of sustainable travel incentives for first occupants.

Reason: In order to promote sustainable travel, in accordance with section 9 of the NPPF and Publication Draft Local Plan policy T7.

## **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 38) 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:

Sought and obtained amendments to the proposals to improve the layout, housing mix and provision of affordable housing.

2. 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.

3. The applicant/developer should be advised that the York Consortium of Internal Drainage Board's prior consent is required (outside the planning process) 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 to the watercourse will also require the Board's prior consent.

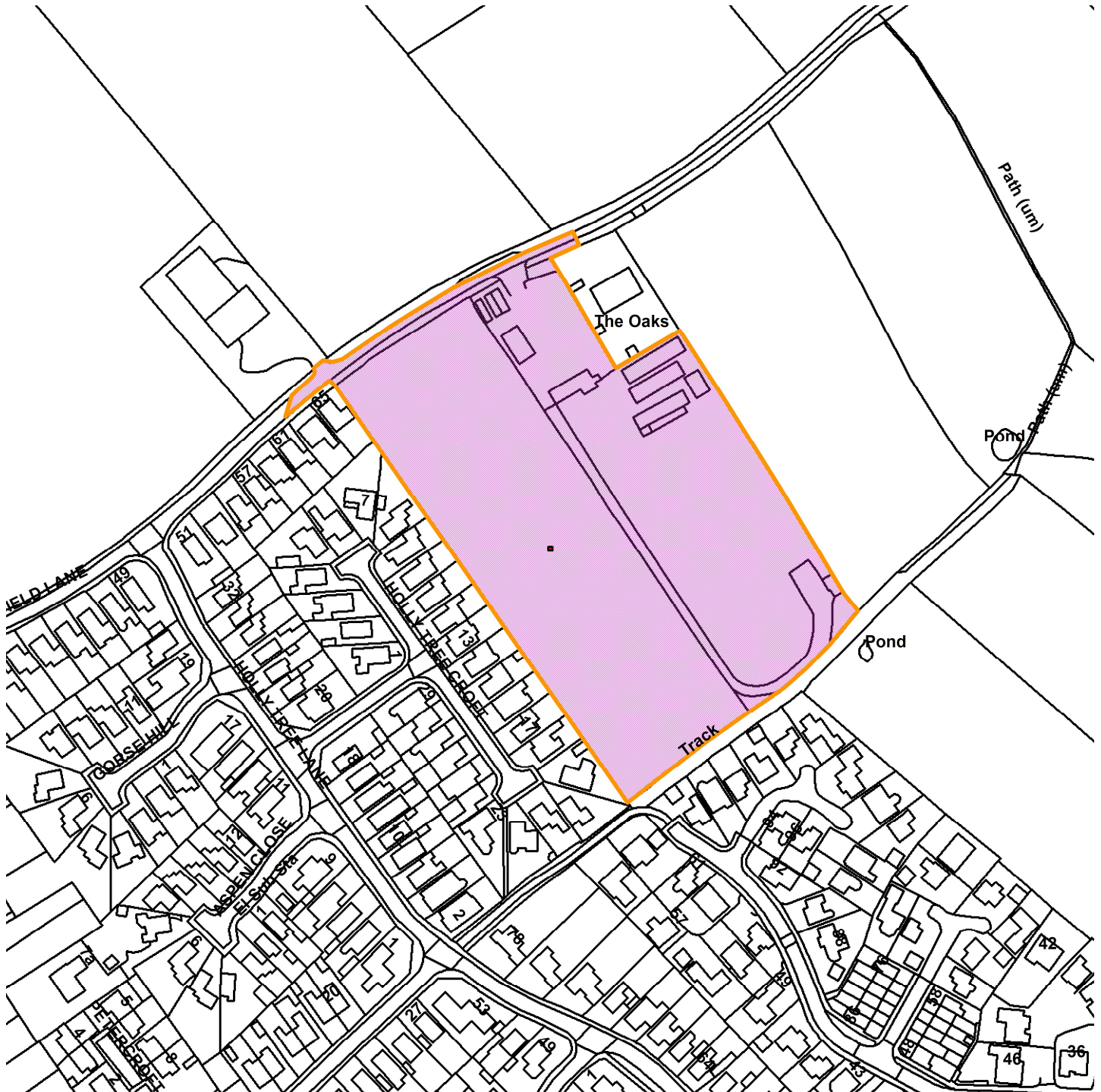
4. It is recommended that the services of a landscape architect are employed to produce a final landscape scheme and to oversee the landscape contract on site, in order to ensure that the ground preparation and planting are carried out to a satisfactory standard and are in strict accordance with the approved drawings and specifications. The developer is also advised to inform the local authority of when the planting is complete, so that i) the local authority can monitor the planting within the ten year period and hence continue to ensure that the requirements of this condition are met and ii) there is no discrepancy as to when the requirements of the planning condition cease.

**Contact details:**

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

# Eastfield Lane, Dunnington

20/01626/FULM



Scale : 1:2329

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<b>Organisation</b>	City of York
<b>Department</b>	Department of Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	27 September 2021
<b>SLA Number</b>	

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# Planning Committee

To be held on Thursday 7<sup>th</sup> October 2021

# 20/01626/FULM – Os Field 2800, Eastfield Lane, Dunnington, York

Erection of 83 dwellings, landscaping, public open space and  
associated infrastructure

# Site Location Plan



REV	DATE	DESCRIPTION	BY	CHECK
A	14.06.20	THE REDLINE HAS BEEN ALTERED TO INCLUDE ANY IMPROVEMENTS/UPGRADES TO EASTFIELD LANE	RAV	VS

REV	DATE	DESCRIPTION	BY	CHECK
-----	------	-------------	----	-------



CLIENT:  
BARRATT YORK  
DUNNINGTON  
PROJECT:

DRAWING NUMBER:  
P18-5192.02 - A  
SCALE @ A2:  
1:1250  
DATE:  
FEB 19

DRAWING:  
LOCATION PLAN

14 MARINER COURT | CALDER PARK | WAKEFIELD | WF4 3FL  
01924 383322 | www.jrpassoc.co.uk | info@jrpassoc.co.uk  
jrpassoc is a trading name of jrp 57 Wakefield Limited



## 02 / LOCATION PLAN

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Extract of DLP 2018  
Proposals Map –  
Allocation H31

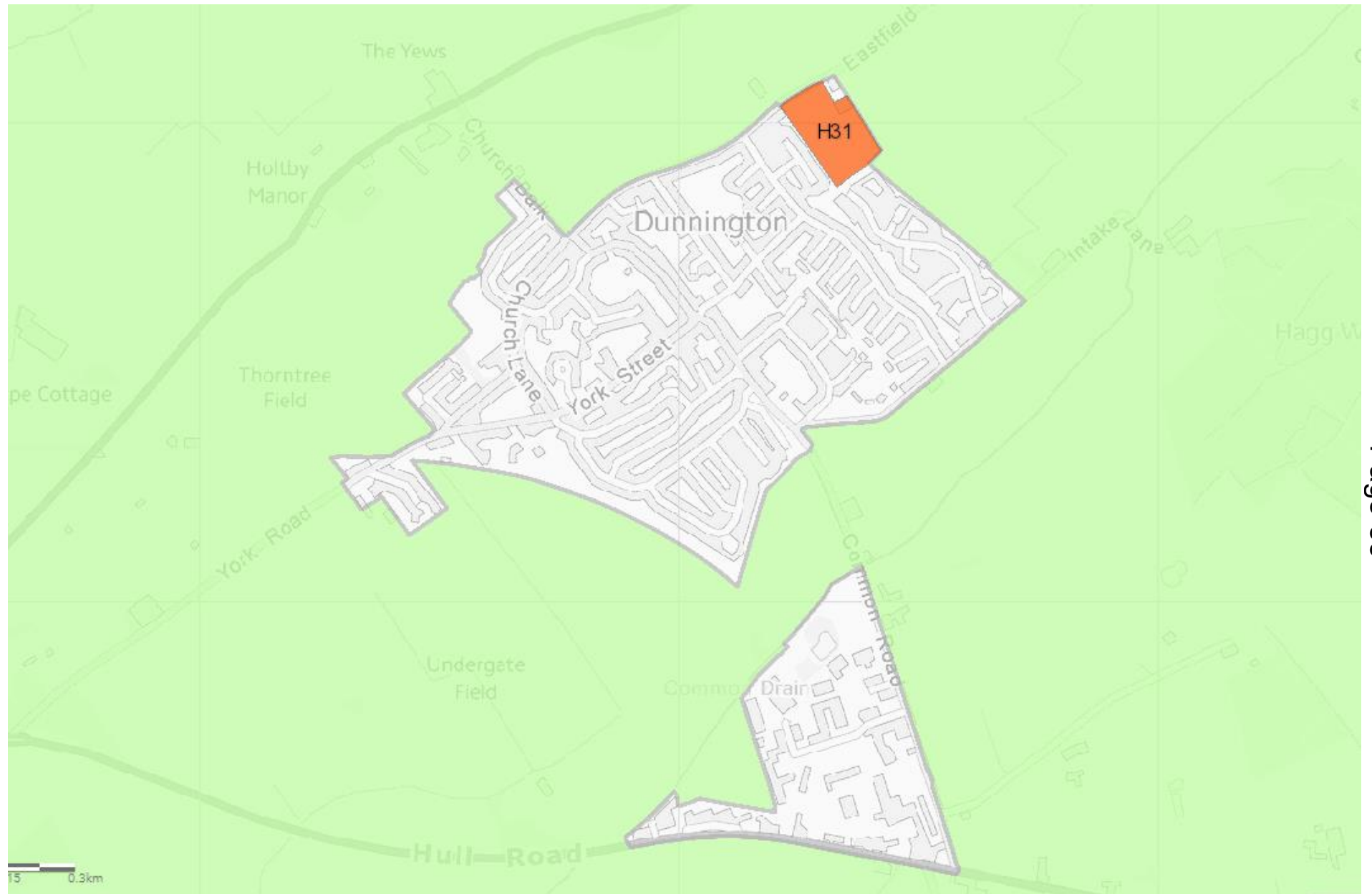


Photo – From existing field entrance looking towards Kerver Lane



View Eastbound along  
Eastfield Lane



View Westbound along  
Eastfield Lane



View East – Eastfield Lane, Existing properties



View towards rear of  
Holly Tree Croft



View from South East  
corner towards Holly Tree  
Croft



# Proposed Site Layout

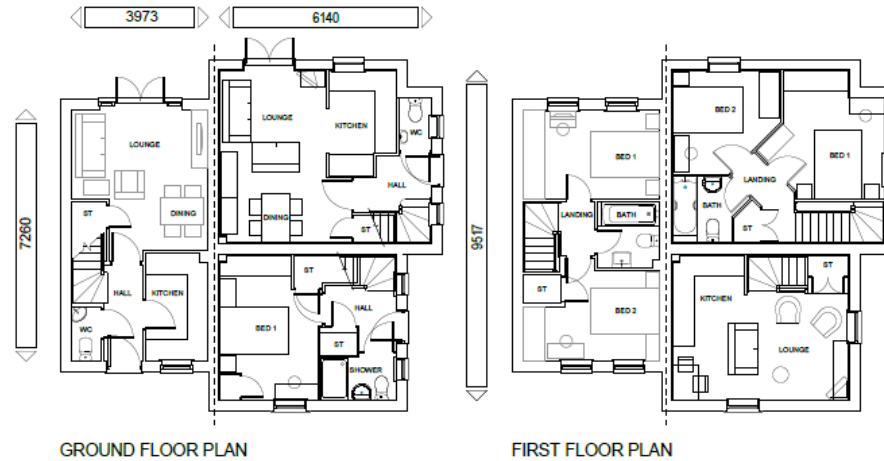


## 200 / 200 PROPOSED SITE LAYOUT

City of York Council Planning Committee Meeting - 7th October 2021



# Proposed Plans and Elevations: 2 Bed – 1/2 Bed Duplex Unit



P204 / SH75/80 (AS-OP)

City of York Council Planning Committee Meeting - 7th October 2021



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BDW-STD-HT-5088



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Proposed Plans and Elevations: 1 Bed/2 Bed – 3 Bed – 1 Bed/2 Bed Terrace



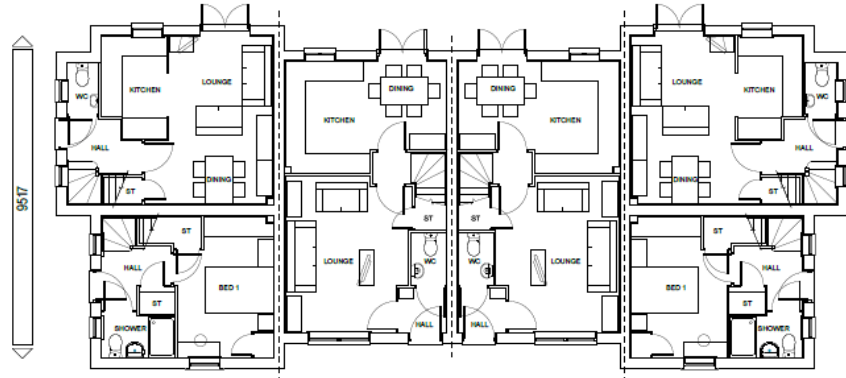
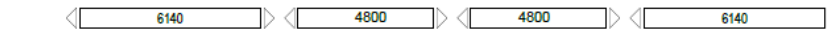
FRONT/SIDE ELEVATION

FRONT/SIDE ELEVATION

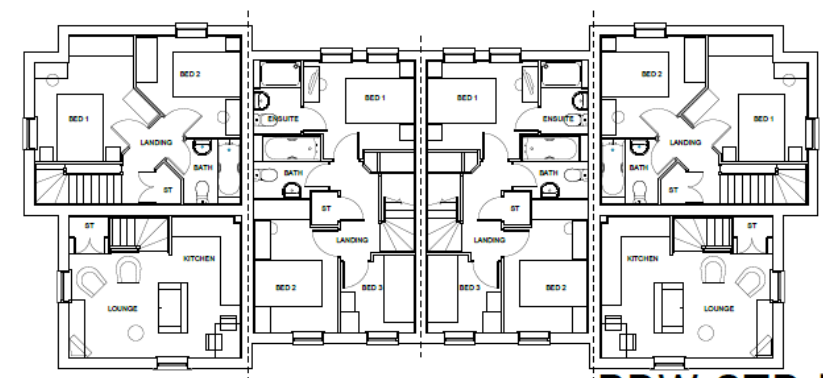


REAR ELEVATION

FRONT/SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

BDW-STD-HT-5092



SH75/80 / P382 / P382 / SH75/80  
(AS-AS-OP-OP)

City of York Council Planning Committee Meeting - 7th October 2022

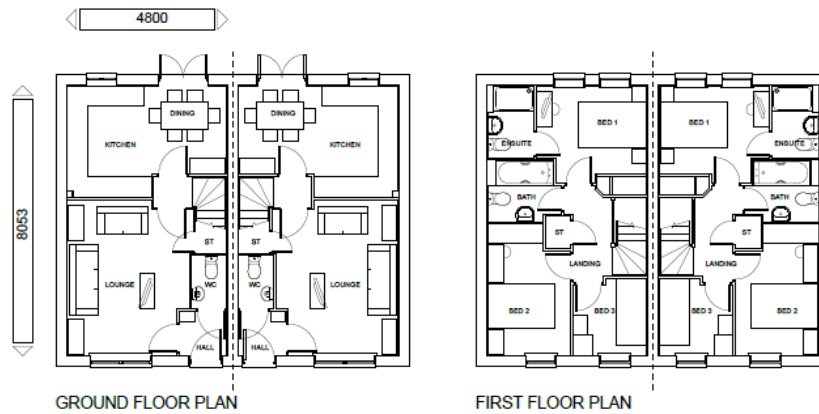


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# Proposed Plans and Elevations: 2 Bed Semi-Detached Unit



P382 (AS-OP)

City of York Council Planning Committee Meeting - 7th October 2021



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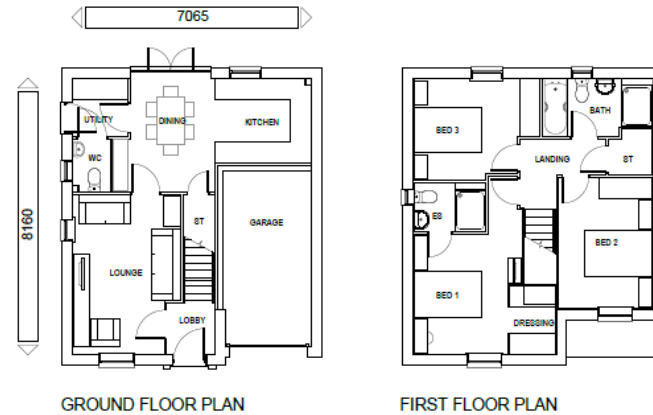
BDW-STD-HT-5003



CLIENT: BARRATT & DAVID WILSON HOMES  
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# Proposed Plans and Elevations: 3 Bed Detached Unit



H349 (AS)

BDW-STD-HT-5009

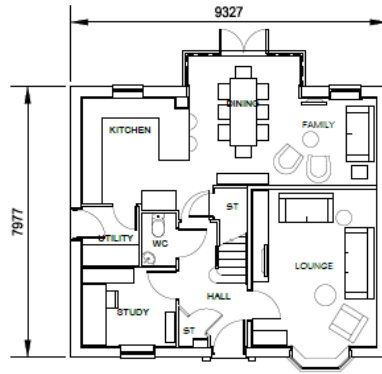
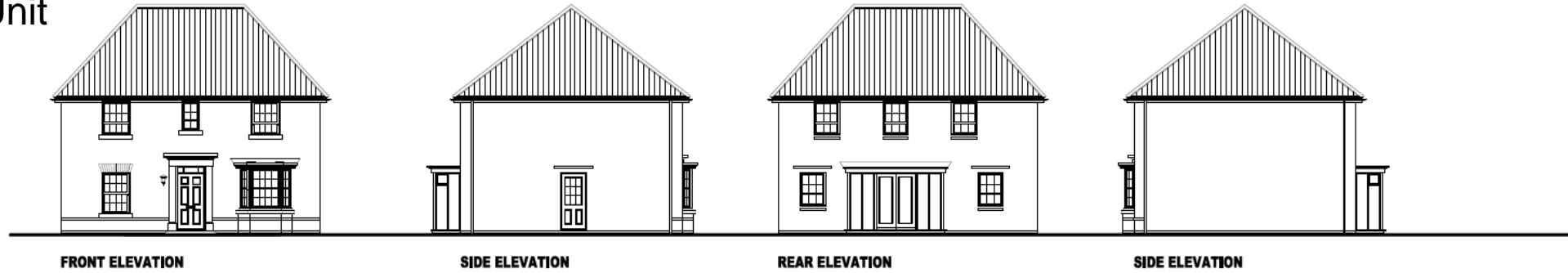


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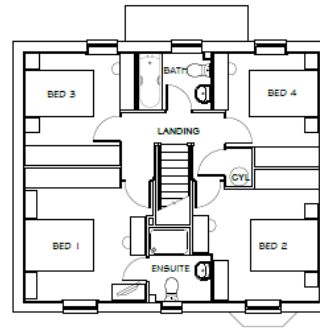
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# Proposed Plans and Elevations: 4 Detached Unit



**GROUND FLOOR PLAN**



**FIRST FLOOR PLAN**



H417 - AS



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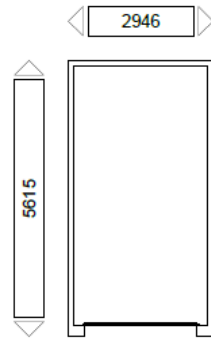
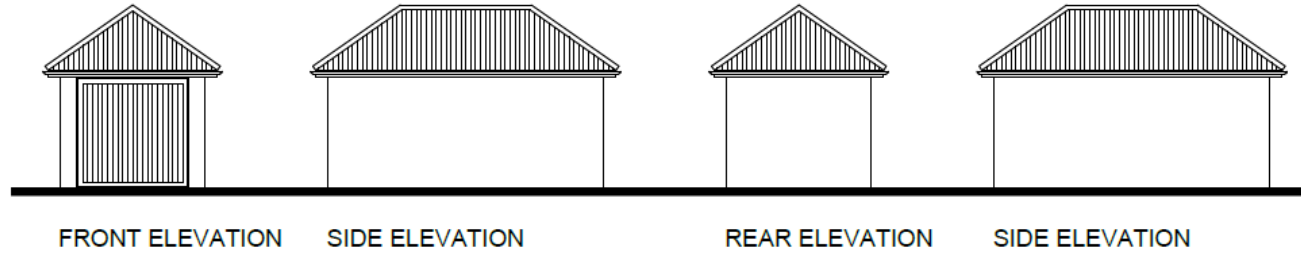
**BDW-STD-HT-5029**



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# Proposed Plans and Elevations: Single Garage



FLOOR PLAN

## BDW-STD-GAR-1000



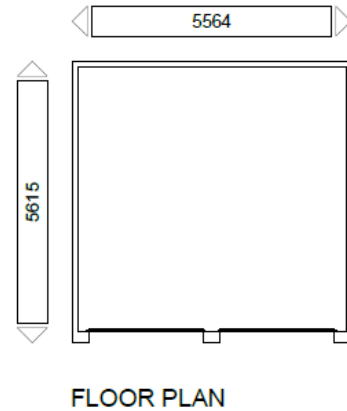
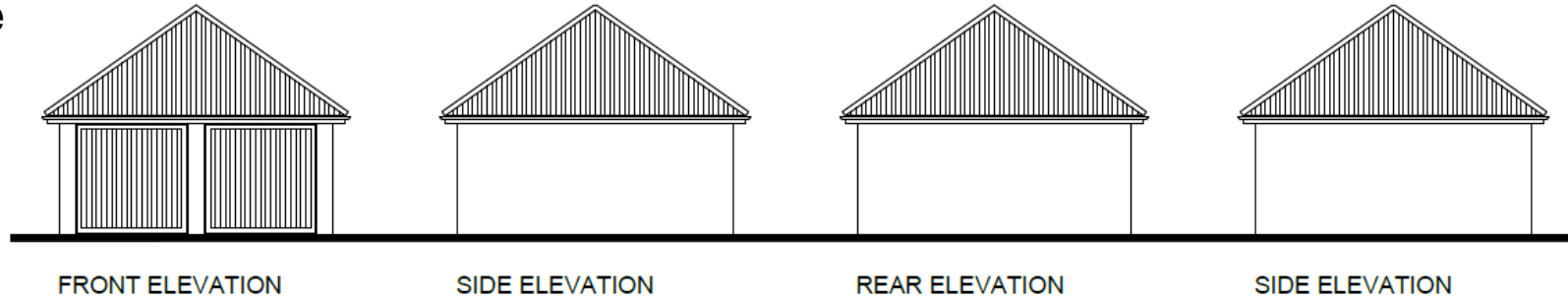
CLIENT: BARRATT & DAVID WILSON HOMES    SCALE @ A3: 1:100    DATE: JAN 2019

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## SINGLE GARAGE

# Proposed Plans and Elevations: Double Garage



BDW-STD-GAR-1001



CLIENT: BARRATT & DAVID WILSON HOMES SCALE @ A3: 1:100 DATE: JAN 2019

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CITY OF  
**YORK**  
COUNCIL

**DOUBLE GARAGE**



# Landscaping Plan



- LANDSCAPE PROPOSALS KEY:**
- SIGNAL TREES & HEDGES:**
    - Signal Tree (Solid Green Circle)
    - Hedge (Dashed Green Circle)
  - PLANTING TREES:**
    - Planting Tree (Green Circle with 'X')
    - Planting Tree (Green Circle with 'O')
    - Planting Tree (Green Circle with 'D')
  - PLANTING SIGNAL & HEDGE PLANTING:**
    - Signal Tree (Green Circle with 'X')
    - Hedge (Green Circle with 'D')
  - PLANTING GRASSY AREAS:**
    - Grassy Area (Green Circle)
    - Grassy Area (Green Circle)
- NECESSARY DEVELOPMENTS:**
- Signal Tree (Green Circle with 'X')
  - Hedge (Green Circle with 'D')
  - Planting Tree (Green Circle with 'O')
  - Planting Tree (Green Circle with 'D')
- LANDSCAPE TREATMENTS:**
- Signal Tree (Green Circle with 'X')
  - Hedge (Green Circle with 'D')
  - Planting Tree (Green Circle with 'O')
  - Planting Tree (Green Circle with 'D')
- LANDSCAPE DESIGN SPECIFICATIONS:**
- THE SCHEME:** The proposed site is designed to be a mix of residential and commercial use. The site is to be developed in a way that is sensitive to the surrounding environment and the needs of the community. A range of landscaping is proposed for different types of residential and commercial use. The site is to be developed in a way that is sensitive to the surrounding environment and the needs of the community.
  - THE SITE:** A green belt is proposed, the eastern boundary is a residential road, the site is to be developed in a way that is sensitive to the surrounding environment and the needs of the community. The site is to be developed in a way that is sensitive to the surrounding environment and the needs of the community.

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- LANDSCAPE TREATMENTS:**
- Signal Tree (Green Circle with 'X')
  - Hedge (Green Circle with 'D')
  - Planting Tree (Green Circle with 'O')
  - Planting Tree (Green Circle with 'D')
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REV	DATE	DESCRIPTION	BY	CHECK
1	18/07/21	ATFORNABLE UNITS DEPOSITED IN LINE WITH CLIENT WISH OF REVISED SUP 21	JLB	VS
2	18/07/21	SOME CHANGES TO SOUTH-WEST BOUNDARY AND GATE TO CARWAGHWAY ANNOTATED	VS	VS

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**CLIENT:** DAVID WILSON HOMES YORKSHIRE EAST DIVISION  
**PROJECT:** PROPOSED RESIDENTIAL DEVELOPMENT DUNNINGTON, YORK  
**DRAWING:** LANDSCAPE MASTERPLAN  
**DRAWING NUMBER:** P18-5192-100  
**SCALE:** 1:500  
**DATE:** AUG 20 2021  
**CHECKED:** DATE: AUG 20 2021





**COMMITTEE REPORT**

**Date:** 7 October 2021      **Ward:** Micklegate  
**Team:** West Area      **Parish:** Micklegate Planning  
Panel

**Reference:** 21/01758/FULM  
**Application at:** Land South Of The Residence Bishopthorpe Road York  
**For:** Erection of single and two storey residential healthcare building (use class C2), to include 40 bed spaces, associated treatment rooms, car parking, servicing areas and landscaping  
**By:** Tom Wheldon and Bill Chidgey  
**Application Type:** Major Full Application  
**Target Date:** 20 October 2021  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The proposal is for the erection of a part single storey part two storey residential healthcare facility to include 40 bed spaces, treatment rooms, landscaping and car parking.

1.2 The facility is currently located in York House at The Retreat and is required to relocate its services as the lease on the current facility expires. York House provides specialist brain injury and mental health hospital facilities for which there is currently an under provision in the UK. The charity which runs the facility, and has submitted the application, The Disabilities Trust is largely funded by local authorities and the NHS.

Site description

1.3 The site is predominantly flat and is currently cleared of development although it was until relatively recently occupied by the factory buildings known as the Northern Lights Building. While the buildings are no longer there some of the hardstanding is still visible beneath the plant growth. There is good tree cover to 3 sides of the site. To the north, the site abuts the parking area serving the apartments in the Grade II listed The Residence. There are a number of other listed buildings within the wider

Terry's site as well as with the Racecourse complex. The whole area forms the Racecourse and Terry's Factory Conservation Area. To the south there is a change of levels down to a parking area serving the racecourse while to the east there is an area of public open space, the Peace Garden, also at a lower level.

### Planning History

1.4 18/02582/FULM – Erection of 85 apartments in two blocks with seven town houses and associated parking, cycle storage and landscaping – Refused:

The proposed development due to its design height and massing would represent an over-development of the site, introducing inappropriate large buildings which would have a harmful visual impact on the setting of the Grade 2 listed building Terry's of York Factory 'The Residence' and to the character and appearance of the Terrys / Racecourse Conservation Area. The buildings would take away the visual permeability of the site harming important views of the listed building and the conservation area. This less than substantial harm is not considered to be outweighed by public benefits. The proposal is therefore contrary to sections 72 and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraphs 127, 128, 130, 193, 194 and 196 of the National Planning Policy Framework (February 2019) and Policies D1, D4 and D5 of the 2018 Publication Draft Local Plan.

1.5 09/01606/OUTM - Outline planning permission, with means of access unreserved, for business (B1); assisted living accommodation and Residential Institution (C2); Residential (C3); Hotels with ancillary leisure (C1); Community Facilities including a Health Centre/Doctor's Surgery (D1); Children's Nursery (D1); exhibition space (D1); Leisure uses (D2); Retail (A1); Financial and Professional Services (A2); Restaurant/Cafe (A3); bar (A4); and live work units, with associated servicing, car parking, landscaping and highway works; additional deck to car park; demolition of existing buildings.

Full planning permission for the retention and flexible change of use (by virtue of Class E of Part 3 of the GPDO 1995) of the following existing buildings:

- The former Headquarters Building to Office (B1);
- The Liquor Store to retail (A1); and/or restaurant/Cafe (A3); and/or Bar (A4); and/or Hotel (C1); and/or Leisure (D1) and/or Community Uses (D1);

- The Clock Tower to business (B1); and/or Exhibition space (D1); and/or retail (A1); and/or restaurant/Cafe (A3); and/or Bar (A4).

Full planning permission for the retention and alteration (by way of extension) and the change of use (by virtue of Class E of Part 3 of the GPDO 1995) of the Multi-Storey Factory to residential (C3); and/or Hotel (C1); and/or Business (B1); and/or Retail (A1); and/or Financial/Professional Services (A2); and/or Restaurant/Cafe (A3); and/or Bar (A4); and/or Exhibition space (D1); and/or Leisure (D2).

### Pre-application discussions and public consultation

1.6 The applicant has undertaken pre-application discussions with the Council since March this year and a number of stakeholder consultation events with local members, residents, York Civic Trust and CAAP. The scheme has been revised to reflect concerns with issues around the impact on the Peace Garden, landscaping and design, views from The Residence on to the roof of the building.

## **2.0 POLICY CONTEXT**

2.1 Publication Draft City of York Local Plan (2018) Policies:

SS14 Terry's Extension sites

H1 Housing Allocations

H2 Density of Residential Development

H3 Balancing the Housing Market

H10 Affordable Housing

D1 Placemaking

D2 Landscape and Setting

D4 Conservation Areas

D5 Listed Buildings

CC1 Renewable and low carbon energy generation and storage

CC2 Sustainable Design and Construction

ENV2 Managing Environmental Quality

ENV5 Sustainable Drainage

T1 Sustainable Access

G12 Biodiversity and Access to Nature

## 2.2 York Development Control Local Plan incorporating 4<sup>th</sup> set of changes (2005)

### Policies

CYGP1 Design

CYGP4a) Sustainability

CYGP9 Landscaping

CYHE2 Development in Historic Locations

CYHE3 Conservation Areas

CYHE4 Listed Buildings

CYH2a) Affordable Housing

CYH3c) Mix of Dwellings on Housing Sites

CYH5a) Residential Density

CYED4 Developer Contributions to Educational Facilities

CYL1c) Provision of Open Space on Development Sites

CYNE6) Species protected by law

## 3.0 CONSULTATIONS

### INTERNAL

#### Highways Development Management

3.1 The proposal does not raise significant concerns. Conditions are recommended.

#### Design, Conservation and Sustainable Development (Archaeology)

3.2 Previous work identifies little of archaeological interest to the north of the site although previous work to the east did reveal Roman archaeology. It is this area of the site which is of most interest as it lies outside the footprint of the former factory. Limited archaeological evaluation should take place in this area and should be secured via condition.

#### Design, Conservation and Sustainable Development (Ecology)

3.3 Ecology reports are up to date and provide an appropriate level of details therefore it is considered that the recommendation provided within them should be conditioned. Two trees within the site offer low potential for roosting bats; where works to these trees are required precautionary working methods should be used.

#### Design, Conservation and Sustainable Development (Design)

3.4 Much of the redevelopment of the Terry's site has been sensitive and highly successful however there is some concern about provision for car parking and a

lack of variety within the uses of the site leading to less diversity in the community. This application has the potential to improve this situation to the benefit of the Terry's community.

3.5 The site is sensitive to the height of buildings in the foreground of the factory building, and height negatively affecting the setting of this building was the main reason for the refusal of a previous residential proposal (18/02582/FULM). The proposed single building has a deep footprint, taking up nearly half of the site area. The deep plan has three courtyards, providing light and amenity. Additional private outdoor green space is set alongside the two existing tree/hedge boundary sides, and on this aspect of the building are most of the bedrooms. The other two building sides generally have less private functions and look out onto a road and parking moderated soft landscaping. The main entrance is aligned with the axis of the former multi storey factory building, expressed with slightly more building bulk, change in materials and landscape features. The closeness to boundaries would be of concern on a taller building, but less so here.

3.6 To enliven the long elevations cross wings slightly protrude on plan. This was discouraged at pre-application stage as it feels at odds with the more orthogonal factory-drive site geometry of Terry's. It appears to be a health care design theme as a similar footprint can be seen at the recent Haxby Road mental health building. It is not considered a major concern that revisions should be required at this point.

3.7 The building will not have much of a public presence because it is not part of any public through route. However, the site is exposed to important distant views from the south. These views are explored thoroughly in the Heritage and Visual Impact Assessment (HVIA). These views are agreed to be the most important ones. Views from the Peace Gardens or at the point the road enters the site will be probably the most commonly seen close up views. Views from the factory car park will be softened to degree as planted landscape matures. The factory building occupants will get a strong/clear view of the roof and this has been given design consideration in decisions to not locate most of the service equipment on the roof and by having large areas of green sedum roof. The green roof has the potential to help blend the building into the wider open landscape from these views. Distant views from a generally southern location show either none or minimal visibility of the proposal. There will be no impact on heritage significance of buildings on the Terry's site or the conservation area.

3.8 Whilst a horizontal building in massing terms, “verticality” is given a strong architectural expression. The building looks completely composed of end on slices, rather than a continuous horizontal form. It is consistent, but slightly relentless feeling in places. The approach is however supported and maybe influenced by the vertical expression of the factory building and some other design cues as points of reference. It will look very different to those buildings but that is acceptable given that it is altogether a modest building compared to the factory, and is quite different in function and design drivers. Material palette is appropriately non-fussy: one type of brick throughout; a few areas highlighted using a metal cladding instead; a decorative metal treatment to edge of windows; glass; and stone coping.

#### Public Protection

3.9 As there are properties close to the site we would recommend that controls are put in place to minimise noise, vibration and dust during demolition and construction. A lighting assessment has been submitted which concludes that the lighting complies with the ILP guidance on reduction of obtrusive light. Provided the predicted lux levels at the nearest residential facade are in line with the predictions then there is no objection to this application in terms of lighting. Issues of land contamination can be dealt with via condition.

#### Design, Conservation and Sustainable Development (Landscape)

3.10 The existing trees within the site boundary are located within The Racecourse and Terry's Factory Conservation Area. This belt of trees, in particular along the southern boundary, is an essential component of views of the Terry's factory building seen from the surrounding area, both immediate and afar, including a key view from the A64 identified in the York Central Historic Core Conservation Area Appraisal, from where the trees form an apron around the base of the factory building and provide connectivity with other tree cover across the landscape. In turn they make a valuable contribution to the setting of the race course and provide a gentle division between the different uses. To the east, the trees are an integral part of the amenity of the public Peace garden.

3.11 Only one tree is proposed for removal – a small Norway maple which is suffering from decay in its roots and is showing low vigour. The loss is acceptable and would not have a harmful impact on tree cover.

3.12 Some further information is required in the Arboricultural Method Statement to confirm the details of works, eg details of no-dig roadway constructions, means of construction of the generator building etc. This could be secured via condition.

3.13 The landscape arrangement has been revised since pre-app and relocates car parking away from the Peace Garden which benefits the setting of the development. The planting layout and schedule are good however further tree planting within the line of parked cars on the northern boundary would be beneficial in terms of amenity and microclimate. Conditions are recommended.

#### Flood Risk Management Team

3.14 The granting of planning permission is not supported as insufficient drainage details have been provided. The FRMT has objected to the previous drainage schemes submitted for this site (15/00456/FULM and 18/02582/FULM) and have not agreed a surface water discharge rate for the site.

#### Forward Planning

3.15 Given the advanced stage of the emerging Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the Framework, we would advise that the policy requirements of emerging plan policies DP3, SS14, H1, HW5, D1, D2, D4, D5, CC1, CC2, CC3, ENV2, ENV4, ENV5, T1 and DM1 should be applied with moderate weight for this application.

3.16 The Strategic Housing Land Availability Update (April 2021) demonstrates that the supply of dwellings at the end of the plan period (2033) has flexibility to meet overall projected needs and considers this to be an appropriate headroom to ensure that the plan remains robust in the event that there is slippage in the delivery of housing from the allocated or committed sites. On the basis of our analysis it is considered that the loss of 56 dwellings at the Terry's Extension Site – Land to rear of Terry's Factory (Phase 3) as a residential allocation (part of policy SS14/ST16) - can be accommodated in the long-term, we therefore support the principle of this medical use in this location. The proposal also means that the 145 permanent jobs would be maintained in York; this is welcomed.

3.17 The policy requirements include the provision of design and heritage considerations in this sensitive location and comments from colleagues in the Design and Conservation Team should be sought to ensure the design reflects its

setting, and the policy criteria set out in SS14 and D1 are addressed. Whilst we do not consider the site to serve Green Belt purposes and exclude it from Green Belt, its location on the edge of the urban area means that its design should respect the primary purpose of including adjacent land in the Green Belt; to protect the historic character and setting of the city, in line with the analysis set out in the GB addendum. Further advice should be sought in relation to the submitted Sustainability and Energy Statements, SUDS, Drainage and Flood Risk Assessments and on matters of Transport policy.

## EXTERNAL

### Micklegate Planning Panel

3.18 Support the application

### Yorkshire Water

3.19 Conditions are recommended.

## 4.0 REPRESENTATIONS

### Neighbour representations and publicity

#### 4.1 Rachel Maskell MP

Ms Maskell has written in support of the application. She notes that York has a history of supporting those with complex needs including mental health and wellbeing and that York House is an important specialist service of benefit to York and further afield. There is a short of placements in the city for people with complex needs which she has drawn to the Council's attention on a number of occasions.

The site has been identified after a long search and is available for development. Consultation has been undertaken with residents and the racecourse and plans have been adapted to suit concerns and the local context. The facility is a positive asset for the city and will sustainably an important service here in York.

#### 4.2 Terrys of York Planning Action Group

The group raise concerns about the habitat destroyed as a result of the redevelopment of the site; quality of estate roads and parking; quantum of development on the site and the impact on views from the listed buildings; quality of the landscaping scheme; scheme is generally welcomed but would like issues addressed.



#### 4.3 The Residence (York) Management Committee

The scheme is supported in principle and is a considerable improvement on previous applications. Concerns remain about the location of the boundary to the north of the site/ south of The Residence; that the quality of the landscaping scheme is retained through to completion of the site; the access and parking areas should be paved in line with the historic setting and remainder of the site; extensive areas of tarmac; conditions to require details of guttering, vents etc; inappropriate use of buff bricks in this location; and the visual impact of solar panels; location of plant on roof. It is requested that a liaison group is set up between existing residents and contractors and The Disability Trust.

#### 4.4 16 Letters of objection have been received. The comments made relate to:

- Impact on biodiversity
- Poor design of building
- Unsightly solar panels on roof
- Increase in traffic flow on road with existing parking problems
- Additional strain on sewage drainage system
- Increase in on-site parking to detriment of residential amenity
- Further disruption from construction work
- Impact on views from Grade II listed building
- Impact on historical building
- Adjacent to Green Belt
- Impact on character of neighbouring Peace Park
- Too much development on the site and too little landscaping
- Building shouldn't be in buff brick when historic buildings are red brick
- Impact on listed buildings and Conservation Area
- Impact on sightlines preserved across whole Terrys site
- Existing estate roads are in poor condition already
- Excessive noise impact from plant proposed on roof
- Conflict with policy SS14 of the draft Local Plan

#### 4.5 4 Letters of support have been received making comments related to:

- York Racecourse support the proposals subject to high quality landscaping proposals and a high quality finish to the building. They note that the applicant's team have been open and consultative in their approach and this has been beneficial.

- Use of the land is supported subject to high quality finish to scheme

4.6 4 Representations making general comments on the following topics have also been received:

- The site should be non-smoking so that existing residents do not need to see staff smoking outside
- Height now proposed is better than previous schemes
- Concern about increase traffic
- Hardstanding should be block paving not tarmac
- Too much grey roofing
- Red bricks would be more appropriate
- The design needs to be appropriate to the historic location and Green Belt setting
- Solar panels would be inappropriate
- Landscaping is important in this area

## 5.0 APPRAISAL

### KEY CONSIDERATIONS

#### 5.1 KEY CONSIDERATIONS INCLUDE

- Principle of the development;
- Heritage impacts;
- Design and layout of the scheme;
- Impact upon the biodiversity and ecological value of the site’;
- Impact upon residential amenity of neighbouring properties;
- Impact upon the safety and convenience of highway users;
- Sustainable construction and low carbon energy generation;
- Flood risk and drainage

### NPPF

5.2 The National Planning Policy Framework was revised in July 2021 (NPPF) and its planning policies are material to the determination of planning applications.

### LOCAL PLAN

Application Reference Number: 21/01758/FULM

Item 4b

5.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the Local Plan were undertaken in December 2019. In accordance with the NPPF, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.4 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2021, although the weight that can be afforded to them is very limited.

#### LEGISLATIVE AND POLICY CONTEXT:-

5.5 IMPACT ON HERITAGE ASSETS: Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires the Local Planning Authority when determining planning applications for development that affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the 1990 Act requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5.6 Case law has made clear that when deciding whether harm to a conservation area or to a listed building or its setting is outweighed by the advantages of a

proposed development, the decision-maker must give particular weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. There is a "strong presumption" against the grant of planning permission in such cases.

5.7 NPPF defines listed buildings and conservation areas as 'designated heritage assets'. It states that with regard to heritage assets when determining applications local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

5.8 NPPF paragraph 195 advises that the particular significance of a heritage asset that may be affected by the development proposal should be identified and assessed.

5.9 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 states that any harm to the significance of a designated heritage asset from development within its setting should require clear and convincing justification.

5.10 The NPPF sets out where a proposed development would lead to substantial harm or to total loss of significance consent should be refused, unless this is necessary to achieve substantial public benefits that outweigh that harm or other specified factors apply (paragraph 201). Paragraph 202 goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

5.11 The NPPG states that "It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting."

5.12 IMPACT UPON BIODIVERSITY: Central Government planning policy as outlined in paragraph 174 d) of the NPPF indicates that planning decisions should minimise impacts upon and provide net gains for biodiversity including by establishing coherent ecological networks that are more resilient to current and future pressures.

5.13 RESIDENTIAL AMENITY: Central Government Planning Policy as outlined in paragraph 130f) of the NPPF indicates that planning policies and decisions should create places which provide a high standard of amenity for all existing and future users.

## PRINCIPLE OF THE DEVELOPMENT

5.14 The site is a housing allocation in the 2018 Draft Plan known as ST16 'Terry's extension site – Land to rear of Terry's Factory (Phase 3)' and to which policy SS14 refers. There were no objections to the principle of the redevelopment of site for housing and Historic England believe that the policy is sound overall. The site is also identified on the register of previously developed (brownfield) land in accordance with the Town and Country Planning (Brownfield Land Register) Regulations 2017. The site has been identified as being suitable, available and achievable for residential development, in line with the regulations, which adds weight to the site's allocation for housing through the local plan process. Section 11: Making effective use of land in the NPPF also encourages promoting the effective use of land in meeting the need for homes and other uses including mixed use developments.

5.15 Unlike the previous refused application for the site (18/02582/FULM), the current proposal is not for housing. Forward Planning officers have considered the impact of not utilising the site allocation for housing and recommend that the loss of 56 dwellings at the Terry's Extension Site – Land to rear of Terry's Factory (Phase 3) as a residential allocation (part of policy SS14/ST16) can be accommodated in the long-term. It is noted that the Council submitted the Strategic Housing Land Availability Update to the Local Plan Inspectors at the end of April 2021. This sets out the latest figures in relation York's Housing Supply to reflect the updated base date of 1st April 2020. The housing supply projections take into account recent

housing completions and consents along with developer/agent estimations of delivery on sites with a capacity of 10 or more homes with permission. All draft allocations have also been updated to take account of all recent approvals, are based on evidence received through the most recent consultation responses or align with capacity and delivery rates and lead in times assessed as being appropriate through our Housing Implementation Study. The resultant housing trajectory applies a 10% non-implementation rate to development to provide flexibility in delivery as well as an overall 20% buffer. This demonstrates that the supply of dwellings at the end of the plan period (2033) has flexibility in the supply to meet overall projected needs and considers this to be an appropriate headroom to ensure that the plan remains robust in the event that there is slippage in the delivery of housing from the allocated or committed sites.

5.16 Policy HW5: Healthcare Services recognises York's role as a major secondary healthcare provider for the wider sub-area. While the policy does not specifically refer to the charity sector (the Disabilities Trust is a charitable organisation) it acknowledges that additional or adapted healthcare services may be required to respond to changing needs over the Plan period, which will require collaborative working.

5.17 The Forward Planning Team are clear that the loss of housing on this housing allocation will not impact on housing supply in the long term and there is clear policy support from the NPPF and 2018 Draft Plan for the re-use of brownfield sites and provision of healthcare services. It is therefore considered that the development of this site for healthcare provision is acceptable in principle subject to other material planning considerations.

## HERITAGE IMPACTS

### IMPACT UPON THE SETTING OF THE MULTI-STOREY FACTORY (THE RESIDENCE)

**ASSET SIGNIFICANCE-** The former Multi-Storey Factory which is the closest of the retained structures from the former chocolate works to the development is a Grade II Listed Building. The former Time Office which is also in close proximity to the site is similarly Grade II Listed. The wider complex is designed to a simple Neo Classical metaphor characteristic of the early 1920s with each building constructed in brick with art-stone detailing. The remainder of the complex lies to the rear aligned on the

former principal access, now the Boulevard, with prominent Art Deco detailing in art stone on the Clock Tower and Liquor Store to the rear. The complex is a strong group in architectural terms presenting a clear strong architectural style reflecting the position and strength of branding of the Terry's Chocolate firm at the point where the complex was developed. The complex also has strong historic interest representing the best surviving evidence of York's pivotal role in the development of the industry with the Multi-Storey Factory and the Clock Tower making their own particularly iconic contribution to the City skyline.

5.18 ASSESSMENT OF IMPACT- The setting of the building is characterised by the iconic view of the Multi-Storey Factory on the approach to the City from Bishopthorpe to the south west and from the environs of the Racecourse nearby. The view is characterised by a high degree of visual permeability particularly during the winter months when the surrounding trees and other landscaping are not in leaf. The scheme is significantly lower in height than the refused residential scheme and the existing buildings. At its tallest (the plant area on the south side of the site), the proposed building is 9.5m tall compared to The Residence which is 26m tall at its highest point; the separation distance of the buildings is approximately 73m at their closest point.

5.19 The proposed building will have little public presence as it is not on a public through route. Views from the south have been explored thoroughly within the Heritage and Visual Impact Assessment (HVIA) and it is agreed that there will be no or minimal visibility of the proposal in these views. Views from the Peace Garden will be the most commonly seen close up views and these will be softened as the landscaping matures. It is also that this side of the building is single storey to further lessen any impact.

5.20 The building will also be clearly visible from the south elevation of The Residence. The impact of this has been given careful consideration and consequently much of the plant for the building has been relocated within the building. The plant remaining on the roof is a small area to the south adjacent to the PV panels. These will be orientated to face south, thereby not resulting in any glare to the existing residents. Much of the roofscape closest to The Residence will have a sedum roof and this will help to blend the building in to the wider open landscape from these views.

5.21 Residents of The Residence have made reference to the *Barnwell Manor* ruling within their objections. This related to the impacts on the significance of a Grade II listed building due to the introduction of wind turbines and concerned the change of appreciation for the heritage asset and, therefore, impact to its significance as a result of the visibility of the turbines in key views of the asset from within its setting. All key views and setting are considered to have been fully assessed with this application including those from the listed buildings and the scheme has responded positively. Views from The Residence will retain the semi-rural context of the site as well as views of The Racecourse buildings and grounds.

5.22 It is considered that the impact on the designated heritage asset The Residence is at the lower end of 'less than substantial'. Taking account of the NPPF, this harm would be clearly outweighed by the public benefits associated with developing this sustainably located previously developed site for healthcare use, contribution to a more diverse community at the Terry's site, retention of existing jobs and the associated additional construction employment.

#### IMPACT UPON THE SETTING OF THE TERRY'S/RACECOURSE CONSERVATION AREA

5.23 ASSET SIGNIFICANCE: The Terry's/Racecourse Conservation Area comprises the retained buildings of the Chocolate Works complex together with the Racecourse complex. It is characterised by agglomerations of comparatively high buildings some of which such as the Racecourse main stand, the Multi-Storey Factory and the Clock Tower have iconic status within the wider City skyline. The former Terry's character area includes all the retained buildings of the former complex. It is of special interest by virtue of the high quality design approach with the factory layout aligned in a grid with two points of access, with the generally inward facing nature of the site. The key spaces are the main boulevard, the forecourt to the Headquarters Building and the garden to the south west.

5.24 ASSESSMENT OF IMPACT: The submitted scheme responds well to the layout of the conservation area. The main entrance to the building aligns with the axis of the former multi storey factory building and is expressed with more building bulk, a change in materials and landscaping. The footprint of the building with its splayed wings is somewhat at odds with the more regular siting of the factory buildings but is not so significant that it is considered to result in any harm to the conservation area. The scheme has also been revised from the pre-application. It is



felt in the context of paragraph 196 of the NPPF that the level of harm to the setting of the Conservation Area would again be at the lower end of 'less than substantial' and the harm would be outweighed by the public benefit of the development of a sustainably located previously developed site for healthcare use, contribution to a more diverse community at the Terry's site, job retention and associated additional construction employment.

## CONCLUSION ON HERITAGE ASSETS

5.25 It is felt that there would be a demonstrable, albeit small, impact from the proposal upon the designated Heritage Assets within the immediate area. The impact upon the setting of the listed former Multi-Storey Factory and the impact on the conservation area is assessed to be at the lower end of 'less than substantial' in terms of the NPPF and that harm would be clearly outweighed by the public benefit of returning the land to a reasonable beneficial use consistent with the re-development of the wider area, healthcare benefits, contribution to a more diverse community at the Terry's site, job retention and associated additional construction employment.

## DESIGN AND LAYOUT OF THE SCHEME

5.26 The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development; development which is not well designed should be refused. This is echoed in policy D1 of the 2018 Draft Plan which requires proposals to enhance York's special qualities; to respect and enhance views of landmark buildings and important vistas; to ensure proposals are not a pale imitation of past architectural styles; and to ensure appropriate building materials are used.

5.27 The proposed building has a deep footprint, taking up nearly half of the site area. There are 3 courtyards within the building to provide amenity space for residents as well as high quality private outdoor space around the building. Most of the bedrooms look on to the garden areas to the south and west. The building is relatively close to the boundaries however tree cover is retained and the low height of the building ensures this is of no particular concern. The splayed shape of the building is somewhat at odds with the very regular shaped factory buildings on the

rest of the site however the site's secluded location and the buildings lack of bulk will help to ensure that this does not impact on the character of the site.

5.28 The building is horizontal in terms of its massing but has a strong verticality in the elevational detail which reflects the vertical expression of the factory buildings, in particular the Northern Lights building which previously occupied the site. The simple materials palette echoes this with one type of brick throughout, metal cladding used to highlight specific areas and some decorative metal detailing. The result is that the development reflects the proposed use while respecting its context and thereby complying with policy D1 of the 2018 Draft Plan and policy contained within the NPPF.

#### IMPACT UPON THE ECOLOGICAL AND BIODIVERSITY VALUE OF THE SITE

5.29 Policy G12 of the 2018 Draft Plan indicates that new development should result in a net gain to and help improve biodiversity. In view of the low level of objection to the Policy and the position following on from the first phase of hearings it is felt that the Policy carries moderate weight. The site comprises an area of previously developed land surrounded by a belt of mature trees on three sides which define its character within the wider townscape. The proposal has been accompanied by an Ecological Appraisal and Bat Survey in which the possible presence of a series of protected species is examined. Potential for bat roosting within 2 trees on the site has been identified and precautionary working methods should therefore be used and a condition is recommended to secure this.

5.30 Ecological enhancements have been recommended within the Ecological Appraisal with the aim of providing biodiversity net gain post construction. These features include bat roosting features, bird boxes and hedgehog enhancement and further details of these should be secured by condition.

5.31 Subject to appropriate conditions it is felt that the proposal is acceptable in terms of biodiversity and the requirements of Policy G12 are complied with.

#### IMPACT UPON RESIDENTIAL AMENITY

5.32 The NPPF requires that planning policies and decisions should create places which give rise to a high standard of amenity for all existing and future users. This is also required by policy D1 which states that development proposals should 'ensure

design considers residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing’.

5.33 In relation to impacts of overlooking to either existing or new residents, the distance between the proposed building and The Residence is sufficient to ensure no loss of amenity. Similarly the scale of the proposed building and distances involved will ensure there is no overshadowing of The Residence. The proximity of the boundary trees will result in some overshadowing of the new building and outside areas but bedroom windows are some distance from the trees so should not be unduly affected. Outside space is predominantly to the west of the site and should get good sunlight levels for much of the day.

5.34 Bedrooms within the building will have a combination of trickle vents and mechanical ventilation. This will allow for windows to be shut and rooms mechanically ventilated on race days to minimise noise disruption. While such a solution might not be acceptable in a residential development, here there would be staff to close windows as required allowing residents the benefits of fresh air without any loss of amenity.

5.35 In terms of noise impacts on existing residents, the noise report takes account of operation of the emergency plant as well as noise from the proposed plant to be located on the roof. The predicted levels are below the existing background noise levels therefore no mitigation is required.

5.36 The development is considered to comply with policy D1 and the NPPF in terms of the impacts on residential amenity.

## IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

5.37 The NPPF advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

5.38 The application is supported by a Transport Statement and Travel Plan. 47 parking spaces will be provided on site to cater for staff and visitors served by an existing access point constructed when The Residence was converted. There will also be staff cycle parking to the rear of the building and visitor cycle parking to the front. The site is well located to benefit from sustainable modes of travel such as

walking, cycling and public transport as well as its proximity to residential areas and local services.

5.39 A highway impact assessment has been undertaken which considers the consented use under 09/01606/OUTM and the principle of residential development on site with respect to proposed traffic generation of the proposal development. It is demonstrated that the proposal will generate less traffic than these alternative uses and therefore would not have a material impact on the surrounding highway network.

## SUSTAINABLE CONSTRUCTION AND LOW CARBON ENERGY GENERATION

5.40 It is set out in section 14 of the Framework, that the planning system should support the transition to a low carbon future in a changing climate. This includes encouraging the reuse of existing resources, including the conversion of existing buildings and support renewable and low carbon energy and associated infrastructure.

5.41 The publication 2018 Draft Plan policies CC1 and CC2 seek to encourage the use of renewable and low carbon energy generation and high standards of sustainable design and construction. Both policies are applicable to the new building.

5.42 An energy statement has been submitted that outlines the approach of the development to sustainable design. This indicates that compliance with policies CC1 and CC2 will be achieved through air source heat pumps, natural ventilation where possible with mechanical ventilation via heat recovery units where this is not feasible and roof mounted PV panels. The results of the report indicates that the design would have an actual building emissions rate demonstrating a 28% reduction in carbon emissions in comparison with the notional building target emissions rate in compliance with policy CC1 and BREEAM Excellent in compliance with CC2. A condition will ensure that these sustainability measures are implemented at construction stage to ensure compliance with policies CC1 and CC2.

## FLOOD RISK AND DRAINAGE

5.43 The NPPF indicates that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. The application

site is in Flood Zone 1 and therefore at the lowest assessed risk of flooding. The drainage scheme submitted for 15/00456/FULM included provision for drainage for this site. Evidence provided by the applicant indicates that there is no evidence to indicate that the current proposal would have any greater impact on surface water run-off than the situation predicted in the previous submission and it is therefore considered that drainage can be adequately dealt with via condition.

## LANDSCAPE IMPACT

5.44 Policy D1 of the 2018 Draft Plan indicates that development proposals should enhance the existing pattern of landscape, planting and boundary treatment. The application site is located within clearly defined landscaped boundaries that would be protected during the course of development.

5.45 The proposed arboricultural works are considered reasonable and result in the loss of one tree on the site. A scheme of tree planting is proposed to mitigate for this loss, improve tree cover on site, reinforce the southern boundary planting and provide screening for the new building. Details of the tree planting and methods of working close to the trees are to be controlled via condition.

5.46 The trees to the southern boundary are an essential component of views of the Terry's factory building and are a key view as identified in the York Central Historic Core Conservation Area Appraisal. They provide a contribution to the setting of the racecourse and a gentle division between the different uses in the locality as well as an important part of the amenity of the Peace Garden and should be retained for these reasons. Development proposals should be compatible with the existing trees within and immediately adjacent to the site both practically and in relation to the wellbeing of occupants of the dwelling. It is recognised that the proximity of the trees on the southern boundary to the new building will result in some overshadowing of bedrooms facing south however trees are mostly deciduous and impact would be in winter would be reduced. There is also some environmental benefit from this in regulating the temperature of the building. However the most residents of the building will not be permanent occupiers and there are amenity will be generally good for residents. There are high quality areas of outside space both within the courtyard areas and to the west of the site with a sensory garden, lawned and games areas and growing beds recognising the therapeutic benefits of a connection with nature and the surrounding environment

## OTHER ISSUES

5.47 In line with paragraph 112 of the NPPF, developments should be designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

5.48 The application proposes a total of 47 parking spaces. City of York Council's draft Low Emissions Supplementary Planning Guidance requires 5% of all car parking spaces to be provided with electric vehicle charge points. An additional 5% (minimum) of car parking spaces should have the potential to be easily upgraded with electric vehicle charge points in the future. This will require consideration of future power requirements for such points and any necessary cabling and groundwork to be installed from the outset. Spaces should be for the exclusive use of low emission vehicles and can be secured via condition.

## 6.0 CONCLUSION

6.1 The application proposes a development of a part single storey part two storey 40 bed healthcare building on previously developed land in a sustainable location. The site is allocated for housing in the draft Local Plan however it has been accepted that in the long term the loss of this site will not impact housing supply. It is felt that the scheme would give rise to less than substantial harm to the setting of the Multi-Storey Factory or the Terry's Racecourse Conservation Area. The harm caused is felt to be outweighed by the public benefit of the development of a previously developed site in a sustainable location for healthcare use, contribution to a more diverse community, job retention and associated additional employment in construction. The scale and design of the proposal would not harm the living conditions of nearby residents and subject to any permission being appropriately conditioned the amenity of existing residents would be safeguarded. Parking would be provided in accordance with the standards outlined in the DCLP and traffic generation would be lower than that previously identified in respect of the approved outline scheme.

6.2 In the light of these conclusions, there are no protective policies within the NPPF which provide a clear reason for refusal. The application of the presumption in favour of sustainable development in paragraph 11 of the NPPF therefore means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against

the policies in this Framework taken as a whole. The proposal is felt to be acceptable in planning terms and approval is recommended.

**7.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Location plan 1860-JSA-XX-XX-DR-A-01001-P2

Proposed site plan 1860-JSA-XX-XX-DR-A-01202-P4

Proposed layout plan 1860-JSA-XX-XX-DR-A-01301-P8

Landscape general arrangement plan 0877-RFM-XX-00-DR-L-0001-S2-P06

Ground floor plan 1860-XX-00-DR-A-02101-P5

First floor plan 1860-XX-01-DR-A-02101-P5

Roof plan 1860-XX-R0-DR-A-02101-P3

Proposed elevations 1860-XX-XX-DR-A-04001-P6

External lighting LE0164-AGL-EX-ZZ-DR-E-7401 P05

Written Scheme of Investigation September 2021

Bat Survey report, Wold Ecology Ltd. (June 2021)

Energy Statement and Part L compliance report

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

3 LC1 Land contamination - Site investigation

4 LC2 Land contamination - remediation scheme

5 LC3 Land contamination - remedial works

6 LC4 Land contamination - unexpected contam

7 Before the occupation of the development 3 Electric Vehicle Recharging Points shall be provided in a position and to a specification to be first agreed in writing by the Local Planning Authority (active provision). In addition, a minimum of 3 additional parking bays should be identified for the future installation of additional Electric Vehicle Charging Points. Such additional bays should be provided with all necessary ducting, cabling and groundwork to facilitate the addition of Electric

Vehicle Charge Points in the future, if required (passive provision). The locations of these additional bays should also be agreed in writing by the Local Planning Authority. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Within 3 months of the first occupation of the development, the owner will submit to the Local Planning Authority for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Management Plan that will detail the management, maintenance, servicing and access arrangements for each Electric Vehicle Recharging Point for a period of 10 years.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

#### Notes

Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. The exact specification is subject to agreement in writing with the Local Planning Authority.

Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this.

All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation.

8 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.

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



measures required.

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

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

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

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses [public.protection@york.gov.uk](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

Reason: To protect the amenity of the locality.

9 The development hereby approved shall not be brought into use until covered

and secure cycle parking facilities, for cycles, have been provided in accordance with detailed drawings, which are to be submitted to and approved in writing by the Local Planning Authority. Such drawings to show the position, design, materials and finishes thereof. Such facilities shall thereafter be retained for the purposes of parking cycles.

Reason: In the interests of highway safety.

10 The development hereby approved shall not be brought into use until the areas for vehicle parking have been constructed and laid out in accordance with the approved plans (or such details that are subsequently submitted to and approved in writing by the Local Planning Authority). Such areas shall thereafter be retained for the purposes of parking vehicles.

Reason: In the interests of highway safety.

11 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 (LPA) before it can be approved.

A) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the approved Written Scheme of Investigation (Prospect Archaeology Sept 2021) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

B) 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.

C) Where archaeological features and deposits are identified proposals 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.

D) No substation development shall take place until:

- details in C 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 C 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.

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

Reason: The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are recorded.

12 No trees works and/or vegetation clearance shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active birds' nests immediately before the works and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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

13 Tree felling and/or maintenance works to those trees highlighted as having low bat roost potential, shall be undertaken in-line with the Method Statement set-out in section 7.2 of the Bat Survey report, Wold Ecology Ltd. (June 2021). Written confirmation will be required where works have been undertaken in-line with the Method Statement. This should be submitted to the local planning authority on completion of works, if applicable.

Reason: To ensure bats are protected from harm during tree works. All British bat species and their roosts are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

14 A biodiversity enhancement plan shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of above ground works. The content of the plan shall include the recommendations set-out in the Ecological Appraisal, Wold Ecology Ltd. (July 2021), as already submitted with the planning application and agreed in principle with the local planning authority prior to

determination.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 d) of the NPPF (2021) to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

15 Before the commencement of development (including demolition, excavations, and building operations et al), a finalised and detailed version of the 'Arboricultural Method Statement AWA3769AMS' and scheme of arboricultural supervision regarding protection measures for existing trees within and adjacent to the application site shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. Amongst other information this statement shall include details and locations of protective fencing, ground protection, a schedule of tree works if applicable, site rules and prohibitions, phasing of protection measures, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), specialist construction techniques where applicable, parking arrangements for site vehicles, locations for stored materials, and means of moving materials around the site, locations and means of installing utilities, location of site compound. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material, vegetation, and boundary treatments is proposed within the root protection area of existing trees. A copy of the document will be available for reference and inspection on site at all times.

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

16 Within three months of commencement of development a detailed landscape scheme based on the approved 'Planting strategy and schedule' and 'Roof GA Plan' shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; and seed mixes, sowing rates and mowing regimes where applicable. It shall illustrate that the proposed tree planting is compatible with existing and proposed utilities. This 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.

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

17 Within three months of commencement of development tree planting details shall be submitted to and approved in writing by the Local Planning Authority. These shall include: means of support, and protection, and irrigation; maintenance regime, and responsibilities; soil volumes and structural soil cell systems where applicable, and the corresponding surfacing detail, and locations of underground utilities.

Reason: Suitable detailing and maintenance will encourage the proposed trees to survive and thrive; they are a valuable element of the approved landscape and setting of the development.

18 The development shall be carried out to a BRE Environmental Assessment Method (BREEAM) standard of 'Excellent'. A post-construction stage assessment shall be carried out and a post-construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building (or in the case of the certificate as soon as practical after occupation). Should the development fail to achieve a BREEAM standard of 'excellent' or the agreed alternative rating, a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve the agreed standard. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of Policy CC2 of the Publication Draft Local Plan 2018.

19 Unless otherwise agreed in writing the development hereby approved shall achieve a 28% carbon emissions reduction when compared to the Target Energy Rating (TER) in current Building Regulations as identified in the Energy Statement. Prior to above ground construction, details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

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

Reason In the interest of satisfactory and sustainable drainage.

21 Prior to commencement of above ground works, confirmation shall be submitted in writing to the Local Planning Authority of the proposed connection to the surface water drainage system and that the drainage system has capacity to accommodate the proposed surface water run-off rate for the development.

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

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

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

23 Notwithstanding what is shown on the approved plans, and prior to the construction of the building above foundation level, scaled plans and elevations to show the position of all photovoltaics (PV) to serve the building as detailed in the Sustainable Design Alternatives report dated 8 September 2020 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details unless otherwise agreed 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 policies CC1 and CC2 of the 2018 Draft Plan.

24 Prior to the commencement of above ground development 1:20 annotated and dimensioned drawings in plan, section and elevation for the following detail types, are to be submitted to, and approved in writing by, the Local Planning Authority. Drawings should be provided once specialist contractor input has been provided to ensure they are sufficiently representational. The works shall be carried out in accordance with the approved details.

Typical ground-to-roof bay in each wall material, and their general variations,

including decorative treatment around windows, together with overall maximum height AOD.

Reason: In the interests of visual amenity.

25 Prior to the commencement of above ground works, materials are to be submitted to, and approved in writing by, the Local Planning Authority for the following:

On-site sample panels of bricks, in each type of brick, in each type of bond, including chosen mortar and pointing, and including any special brick features are to be constructed. The sample panel should be 2x1.2m minimum overall. If multiple combinations of brick and/or bond are proposed each type to be 1x1.2m. The agreed panel is also to represent a minimum standard for the quality of workmanship that the development should achieve, and the panel should remain on site for the duration of the brickwork package.

Note: a buff coloured brick as shown on drawings/visuals is considered an acceptable approximate tone.

Reason: In the interests of visual amenity.

26 Notwithstanding any proposed materials specified on the approved drawings or other documents submitted with the application, samples of all proposed external building 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 building envelope. For clarity, this includes:

Vision and any non-vision glazing

Flat or pitched roofs (where green roof, confirmation is to be provided on planting type/mix)

Samples should be provided of sufficiently large size to be able to appropriately judge the material (including joints/fixings where an important part of the visual quality of the material), and to be provided together where materials are seen together.

The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices, it would be appreciated if sample materials could 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. Samples should be provided of sufficiently

large size to be able to appropriately judge the material (including joints/fixings where an important part of the visual quality of the material), and to be provided together where materials are seen together.

Reason: So as to achieve a visually cohesive appearance.

27 Prior to the commencement of above ground development, 1:20 drawings in plan and elevation for any external plant room enclosures shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details. This shall include a maximum height of any plant equipment within the enclosure.

Note:

For flat roofs, in situations without a solid roof parapet (1m or higher, as shown on permitted drawings): Service protrusions are not allowed within 2m of any building edge. Any service protrusions lower than 1m above roof finish level elsewhere are allowed. Any proposals for service protrusions higher than 1m above flat roof level elsewhere are to be submitted to and approved by the Local Planning Authority, but should generally be expected not to be permitted.

Permanent external wall fixed equipment or roof guarding used to service the building are not permissible, unless subsequently agreed by the LPA through submission of drawings, but should generally be expected not to be permitted if obtrusive.

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

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

Monday to Friday 0800 to 1800 hours

Saturday 0900 to 1300 hours

Not at all on Sundays and Bank Holidays

Reason: In the interests of residential amenity.

## **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 38) 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:

Imposed appropriate planning conditions

2. The applicant is advised that the proposed scheme is likely to affect statutory undertakers equipment in the vicinity of the site and that such equipment may require alterations. The applicant should therefore contact all the utilities to ascertain the location of the equipment and any requirements they may have prior to works commencing.

3. You are advised that prior to starting on site, consent will be required from the Highways Authority for the works being proposed. For further information, please contact the officer(s) named:

- New Roads and Street Works Engineer 01904 551361

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

4. Invasive Non-Native Species: It is noted that *Crococsmia x crocosmiiflora* is included within the proposed planting schedule (Planting Strategy & Schedule, Reform Landscape Architecture (16.07.21)). The applicant is reminded that this plant species is listed on Schedule 9 of The Wildlife and Countryside Act 1981 (as amended) making it an offence to "introduce plant or cause to grow wild" this species. It is therefore recommended that this plant is removed from the planting schedule, with the aim of stopping any future breaches in wildlife law.

5. Hedgehogs: The applicant is advised to consider using permeable fencing or leaving occasional gaps suitable to allow passage of hedgehogs. Any potential hibernation sites including log piles should be removed outside the hibernation period (which is between November and March, inclusive) in order to avoid killing or injuring hedgehog.

Hedgehogs are of priority conservation concern and are a Species of Principal Importance under section 41 of the NERC Act (2006). An important factor in their recent population decline is that fencing and walls are becoming more secure, reducing their movements and the amount of land available to them. Small gaps of approximately 13x13cm can be left at the base of fencing to allow hedgehogs to pass through. Habitat enhancement for hedgehogs can easily be incorporated into developments, for example through provision of purpose-built hedgehog shelters or log piles.

6. 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. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

**Contact details:**

**Case Officer:** Alison Stockdale

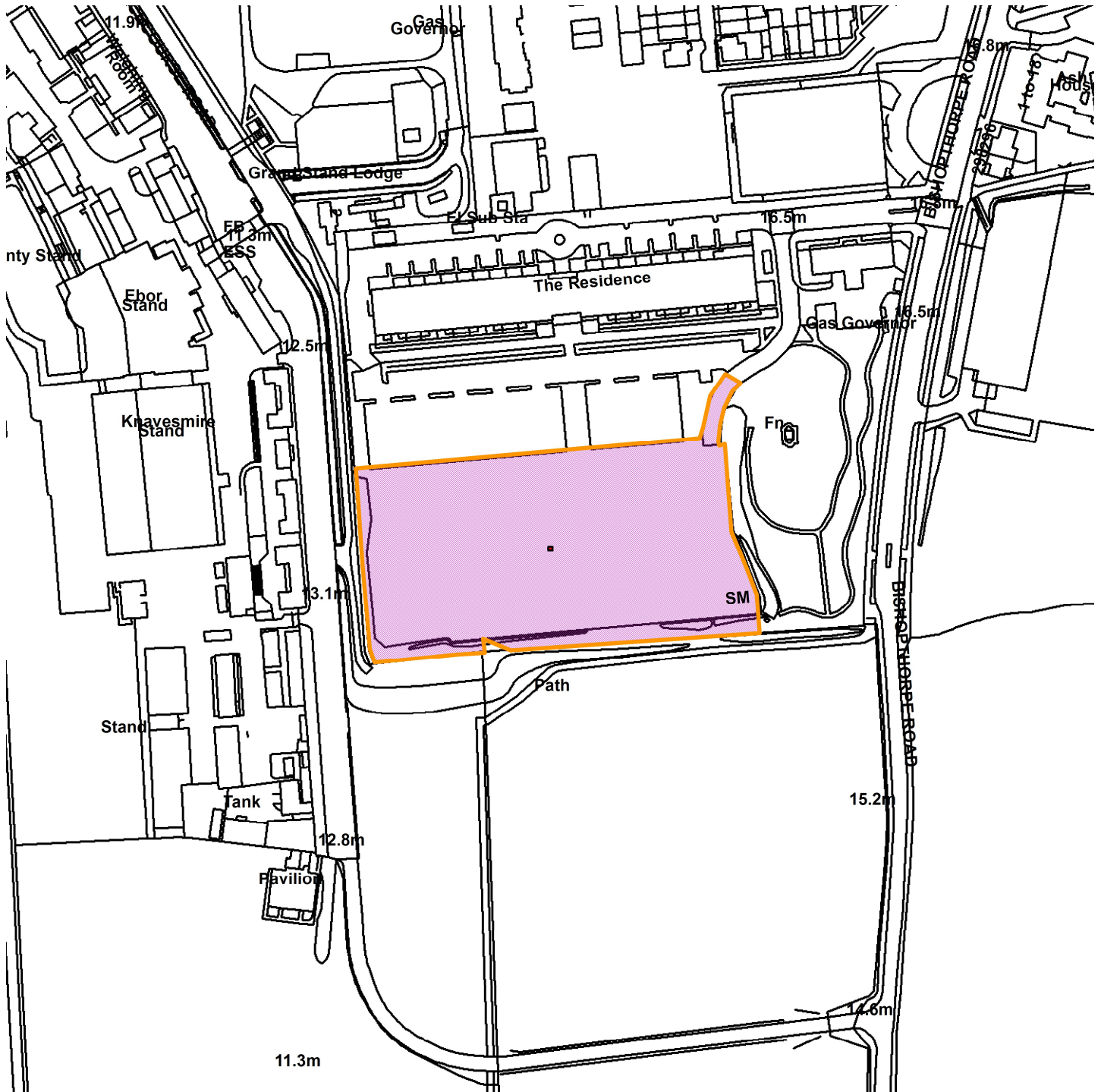
**Tel No:** 01904 555730

# Land South Of The Residence, Bishopthorpe Road

21/01758/FULM



GIS by ESRI (UK)



Scale : 1:2329

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<b>Organisation</b>	City of York Council
<b>Department</b>	Directorate of Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	27 September 2021
<b>SLA Number</b>	

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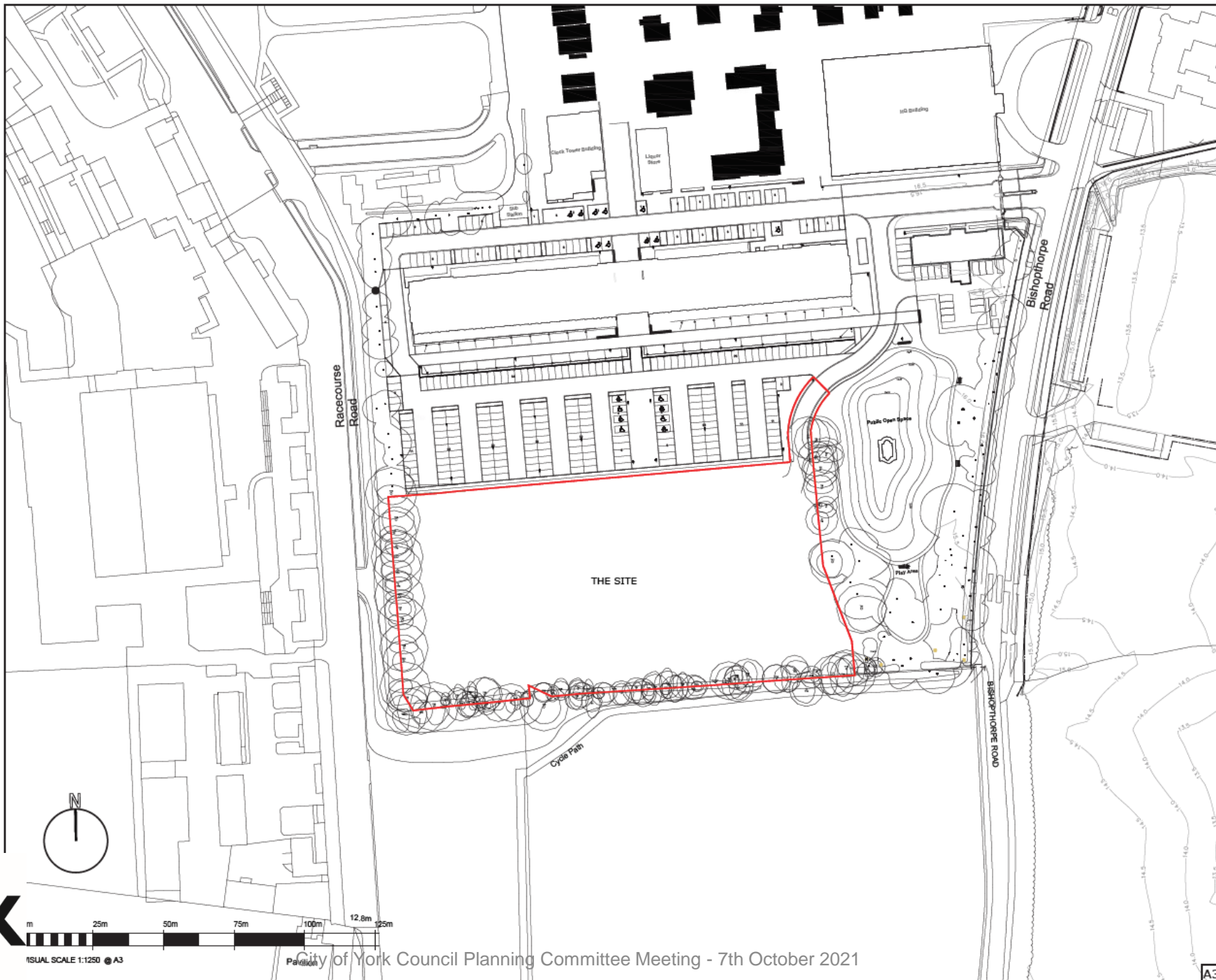
# Planning Committee

To be held on Thursday 7<sup>th</sup> October 2021

# 21/01758/FULM – Land South of The Residence, Bishopthorpe Road, York.

Erection of single and two storey residential healthcare building (use class C2), to include 40 bed spaces, associated treatment rooms, car parking, servicing areas and landscaping

# Site Location Plan



The contractor is to check all dimensions on site and report any discrepancies to the architect.  
All rights described in chapter IV of the copyright, designs and patents act 1988 have been generally asserted

Notes  
— Red Line Boundary

Ordnance Survey, (c) Crown  
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 Licence number 100022432

P2	Planning Issue	16/07/21
P1	Pre-app Issue	29/04/21
Rev	Description	Date

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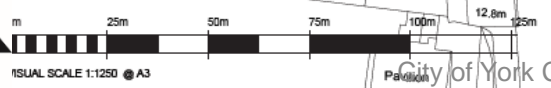
Fulcrum  
 2 Sidney Street  
 Sheffield S1 4RH  
 Telephone +44(0)1142763333  
 Website www.jeffersonsheard.com



Project  
**ABI Hospital**  
**The Chocolate Works York**  
**The Disabilities Trust**

Drawing  
**Site Location Plan**

Scale 1:1250@A3	Drawn MTH	Date 28/04/21
Drawing Purpose <b>PLANNING SUBMISSION</b>	Status S5	
Ref. 1860-JSA-XX-DR-A-01001	Rev. 2	P2



A3

Photograph – Access





Photo – Peace Garden



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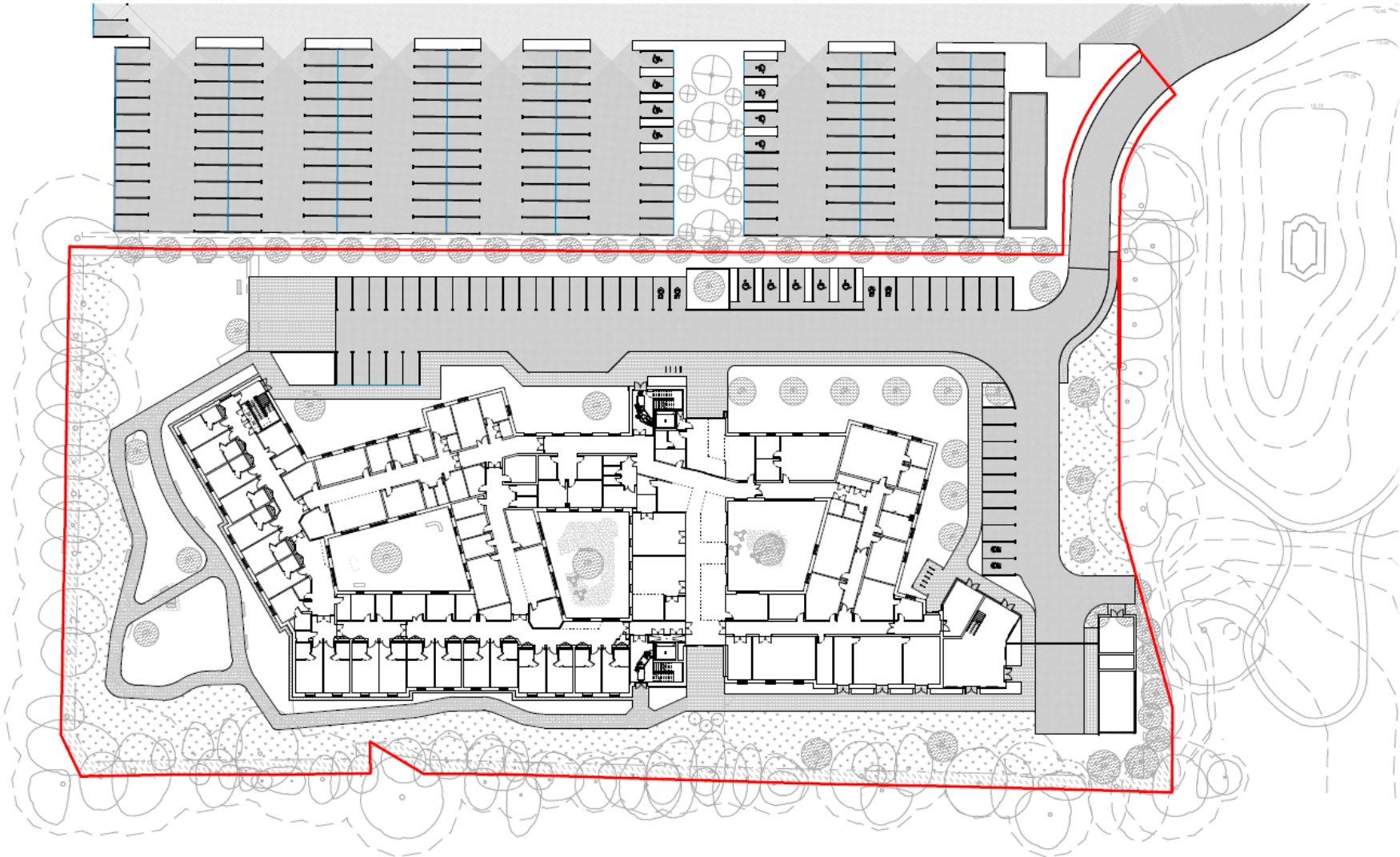
Photo – Looking North  
towards The Residence



Photo – Towards  
Racecourse buildings



# Proposed Site Layout



Project Name	Acquired Brain Injury (ABI) Rehabilitation Hospital, The Disabilities Trust, York
Project Number	1961-25A-03-03-08-4-02202
Project Stage	PLANNING PERMISSION
Project Date	21/10/2021

# Proposed Elevations

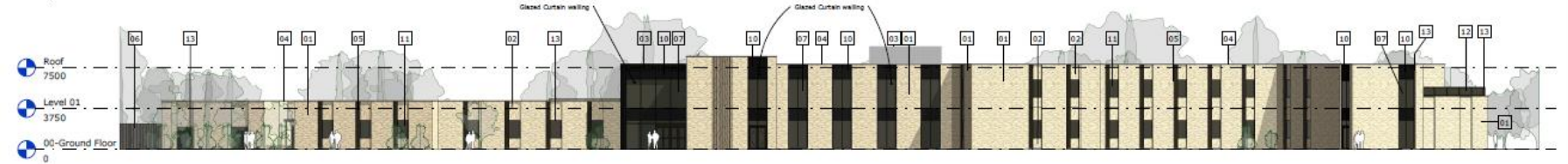


The contractor is to check all dimensions on site and report any discrepancies to the architect.  
 All works are to be in accordance with the contract documents and the current Building Regulations.  
 Notes:

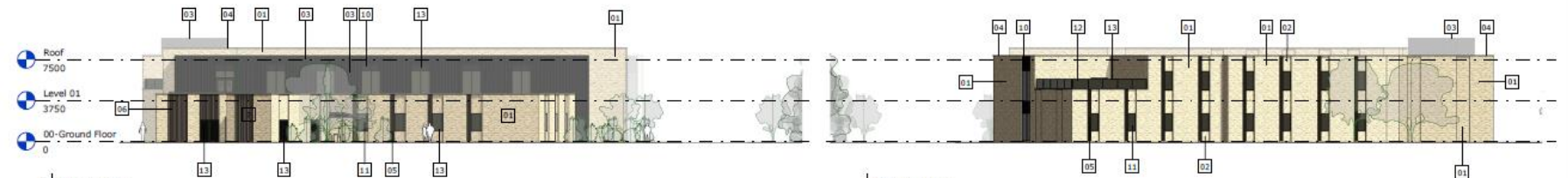
Material Takeoff	
Key	Description
01	Stretcher bond multi buff brick with Light Grey Joints
02	Vertical Stretcher bond multi buff brick with Light Grey Joints
03	Standing seam metal cladding
04	Stone Coping
05	Dark Brass lock PPC decorative window screen
06	Dark wood stain wall
07	Glazing
08	PPC Aluminium Frame
10	Glass Spandrel panel, dark grey/black
11	Aluminium Framed Window
12	Glazed balustrade
13	PPC



1 | Elevation South  
SCALE: 1 : 200

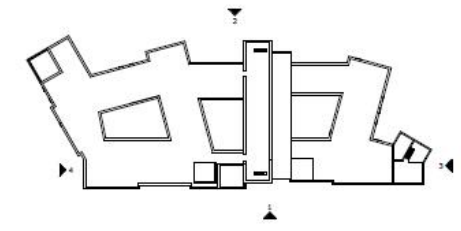


2 | Elevation North  
SCALE: 1 : 200



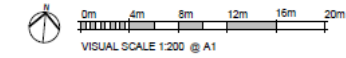
3 | Elevation East  
SCALE: 1 : 200

Elevation West  
SCALE: 1 : 200

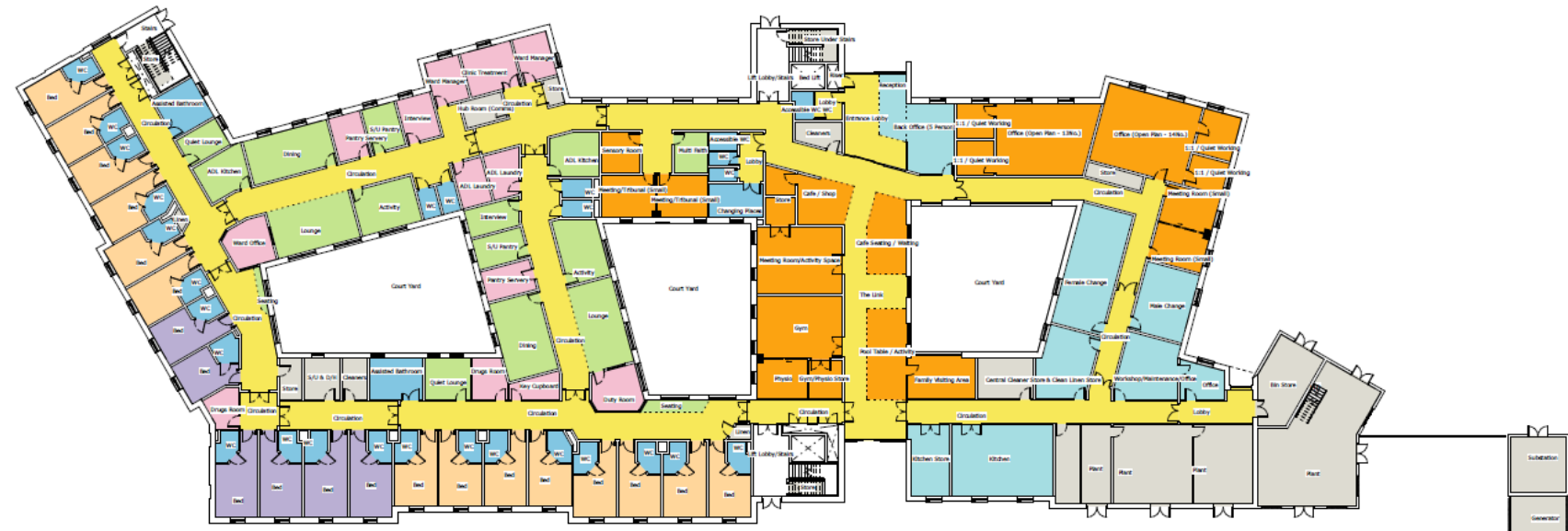


Author	Drawn	Date
J. Gifford	J. Gifford	20/04/21
Checked	PK	
Telephone: +44(0)1904 276355		
Website: www.jeffersonward.com		
Project:		
Acquired Brain Injury (ABI) Rehabilitation Hospital, The Disabilities Trust, York.		
Drawing:		
GA Elevations Sheet 1		
Scale:	As indicated	
Drawing purpose:	PLANNING SUBMISSION	Sheet:
Ref:	1860-JSA-XX-XX-DR-A-04001	Rev:
		P6

# Proposed Ground Floor



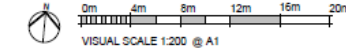
The contractor is to check all dimensions on site and report any discrepancies to the architect.  
All works described in order to be the contractor's design and checked and 100% true when ground is revealed.  
Notes



City of York Council Planning Committee Meeting - 7th October 2021

Revision		Date	By
Address: 2, Millway Street Sheffield S1 4JH Telephone +44(0)114 2761851 Website www.jeffersonwood.com			
Project: Acquired Brain Injury (ABI) Rehabilitation Hospital, The Disabilities Trust, York			
Drawing: Ground Floor GA Plan			
Scale	Drawn	Date	
1 : 200	PK	20/04/21	
Drawing Purpose			
PLANNING SUBMISSION			SS
Ref			
1860-JSA-XI-00-DR-A-02101			PS

# Proposed First Floor

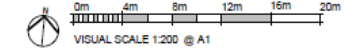


The contractor is to check all dimensions or relevant report any discrepancies to the architect.  
 All areas reserved to change. Subject to the contract, design and construction. Check and amend as necessary.  
 Notes

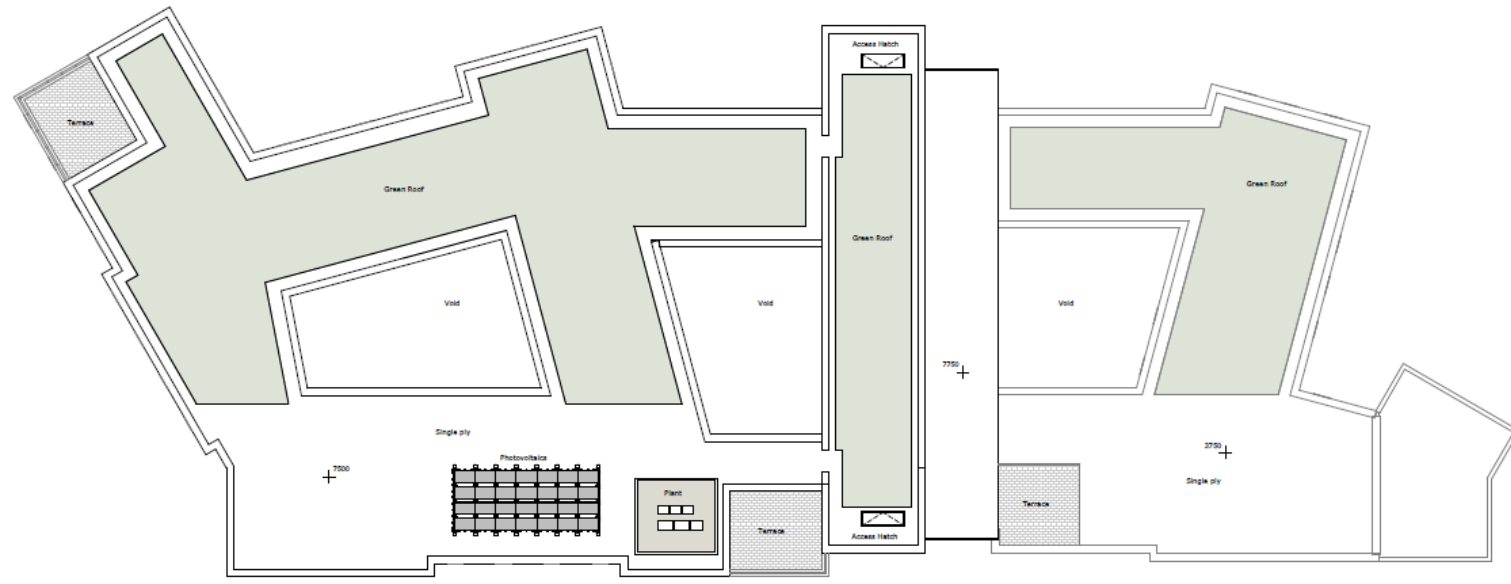



Revision 1 200 20/04/21		
Address 2 Gilly Street Sheffield S1 4EP Telephone +44(0)114 2761551 Website www.jeffreyandsons.com		
Project Acquired Brain Injury (ABI) Rehabilitation Hospital, The Disabilities Trust, York		
Drawing First Floor GA Plan		
Drawing Purpose PLANNING SUBMISSION	Status S5	Date 20/04/21
Ref 1860-JSA-XX-01-DR-A-02101	Rev PS	

# Proposed Roof Plan



The contractor is to check all dimensions on site and report any discrepancies to the architect.  
 All other dimensions are taken from the approved design and shall be used for construction purposes.  
 Notes



Revision		Author	Date
1	Issue	JE	20/04/21
Author: J. Edwards J. Edwards Telephone: 01904 276551 Website: www.jeffersonward.com			
 Project: Acquired Brain Injury (ABI) Rehabilitation Hospital, The Disabilities Trust, York			
Drawing: Roof GA Plan			
Scale	Drawn	Date	
1:200	JE	20/04/21	
Drawing Purpose		Sheet	
PLANNING SUBMISSION		55	
Ref		Rev	
1860-25A-XI-RC-DR-A-02101		P3	



CGI View  
from South  
(Low Level)



CGI View  
from  
South



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CGI View from The Residence



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CGI view of entrance