

## COMMITTEE REPORT

**Date:** 11 July 2022                                  **Ward:** Copmanthorpe  
**Team:** West Area    **Parish:** Copmanthorpe Parish Council

**Reference:** 18/00680/OUTM  
**Application at:** OS Field Lying To The South Of And Adjacent To No 1 Tadcaster Road Copmanthorpe York  
**For:** Outline planning application with all matters reserved except for means of access for the erection of 158no. dwellings with public open space, landscaping and drainage  
**By:** Mr Gladman  
**Application Type:** Major Outline Application  
**Target Date:** 6 May 2022  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

1.1 The application seeks outline consent for a development of up to 158 houses with public open space. All matters, apart from access, are reserved. Access will be taken off Tadcaster Road with an additional pedestrian access point on to Yorkfield Lane.

1.2 The scheme initially submitted, and considered during the consultation process, showed the developable area extending further towards the city and A64 whilst retaining the ash tree subject of a Tree Preservation Order (TPO) in the southern corner of the site. The scheme now being considered has been revised so that the developed area is in line with that shown on the emerging Draft Local Plan Proposals Map as site allocation ST31. The TPO tree is now proposed for removal with mitigating planting secured by condition.

1.3 The application site is an open field of approximately 7.56Ha located adjacent to the north eastern boundary of Copmanthorpe. The site is roughly triangular in shape with the village to the south west, Tadcaster Road/ A64 dual carriageway to the north and East Coast main line to the east of the site. The north eastern half of the site is roughly level and then slopes up gently to meet the edge of the village.

1.4 The oak trees along the historic field boundary containing the existing village are covered by a Tree Preservation Order. South of the site, Yorkfield Lane is an old byway which has recently become a public right of way. The lane stops at the railway line but in the south-west direction leads to the school and village centre.

## BACKGROUND AND RELEVANT SITE HISTORY

1.5 The application site has been identified as a strategic housing allocation (ST31) within the Publication Draft Local Plan 2018 with an anticipated to deliver 158 houses.

## 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.

### COPMANTHORPE NEIGHBOURHOOD PLAN

2.6 An emerging neighbourhood plan may also be a material consideration in the determination of planning applications, with weight attributed in accordance with NPPF paragraph 48. As the Copmanthorpe Neighbourhood Plan has not been formally submitted to the Council, has not been consulted on at Submission stage, and no examiners report has been received, the Copmanthorpe Pre-Submission Plan only holds very limited weight in relation to planning applications in the Copmanthorpe Parish.

## PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

2.7 The DLP 2018 was submitted for examination on 25th 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. Phase 2 of the hearings took place in May 2022 with further phases scheduled later in the year. 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).

2.8 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
- SS16 – Land at Tadcaster Road, Copmanthorpe
- 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  
GI2 - Biodiversity and access to nature  
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  
WM1- Sustainable waste management  
T1 – Sustainable Access  
T7 – Minimising and Accommodating Generated Trips  
DM1 – Infrastructure and Developer Contributions

## 2.9 Emerging Local Plan evidence base

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 (2019).
- Topic Paper 1: Approach to defining York's Green Belt (2021).
- Strategic Housing Land Availability Assessment and Appendices (2021)
- 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)

## DRAFT LOCAL PLAN 2005

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

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Waste management

3.1 Refer to Council guidance on waste container requirements.

##### Forward Planning

3.2 The site is a strategic housing allocation in the emerging Publication Draft Local Plan: ST31: Land at Tadcaster Road, Copmanthorpe. The site is considered to serve Green Belt purposes by preserving the setting of the historic city, preventing unrestricted sprawl and safeguarding the countryside from encroachment. The emerging Local Plan proposes that, in allocating the site, the Green Belt boundary should form the eastern edge of Copmanthorpe and contain the proposed development by following the edge of the carriageway to the north and the railway to the east.

3.3 The site is one a package of development sites which together will help to deliver the Local Plan's spatial strategy. Having undertaken work to understand which areas of York should remain open in accordance with the spatial strategy, the Plan seeks to allocate ST31 with a dedicated area of new open space to the northeast of the site; this is identified on the Policies Map and listed in policy G16: New Open Space Provision as OS11.

3.4 The Copmanthorpe Neighbourhood Plan has reached pre-submission stage and, while it has undergone a period of consultation to allow wider public comment, it is likely to carry limited weight given the early stage of preparation. It should be noted that evidence supporting the draft Neighbourhood Plan identifies this site for development, albeit for fewer homes than as allocated in the Local Plan and as per this application.

3.5 The scheme has been revised to show a developable area in line with that proposed in the emerging Local Plan. Following this revision, the Forward Planning team fully support the principle of the application. In line with previous comments, if the application progresses in advance of the adoption of the Local Plan, and to satisfy NPPF2021 para 148, the applicant should demonstrate that harm to openness, harm by reason of inappropriateness, and any other harm, can be clearly outweighed by the other cumulative benefits of the scheme. The applicant does not appear to have submitted a case to demonstrate very special circumstances, but has advanced a case for the proposals based on material considerations. It is our view that these material considerations carry some weight.

3.6 The direction of travel in the emerging Local Plan is to bring forward the site for housing development as part of the Plan's overarching sustainable development strategy, although policies in the emerging Plan will remain in draft until such time as the Plan is examined and subsequently adopted. Should negotiation progress in advance of the Plan's adoption, it is done so with the risk that there may be alterations made to the Plan as a result of the process of examination.

#### Affordable Housing

3.7 The housing mix does not reflect the requirements of the SHMA in terms of local needs. The SHMA identifies a need for 15-20% 4+ bed houses where 76 of the 160 homes (47.5%) on the site are proposed as such.

3.8 30% affordable housing is required on this greenfield site of which 70% should be social rented and 30% discount sale tenure. Affordable properties should be pepper potted across the site and should be pro-rata in respect of house size and types. There should be no difference between the amount and quality of car and cycle parking provision between market and affordable homes.

#### Design, conservation and sustainable development (Archaeology)

3.9 Following negotiation with the developer a desk-based assessment and geophysical survey have been provided. The assessment suggests that a large portion of the site was excavated during works to construct the A64 however the area close to Yorkfield Lane is undeveloped and retains the potential to produce significant non-designated heritage assets. These are likely to relate to late prehistoric-Romano-British activity.

3.10 Trial trenching is required to confirm the presence, nature and character of archaeological features which may exist across the site. A condition for a programme of post-determination archaeological evaluation is suggested.

### Public protection

3.11 Since this approximately triangular site is adjacent to the A64 and Tadcaster Road to the north and a railway line to the west-south west it has the potential to be adversely affected by noise, vibration and air quality. Noise was monitored at 3 representative locations with results indicating a medium to medium high risk of adverse effects. Whilst internal noise can be mitigated by robust construction and a high specification of glazing, external noise levels for gardens are more difficult to achieve. Therefore the worst noise affected gardens are proposed to be screened by the buildings, together with a 2 metre high acoustic fence to reduce noise from the A64 / Tadcaster Road. The details are to be submitted and agreed at the reserved matters stage.

3.12 Vibration monitoring indicates a low probability of adverse impact based on the nearest residence being at least 25m from the railway line although actual vibration levels will depend upon ground conditions. Whilst the results indicate that no specific vibration protection measures need to be incorporated into the design of the buildings, care must be taken not to introduce vibration pathways during the construction of the development.

3.13 An updated air quality assessment was submitted in December 2021, this considers the potential dust and fine particulate matter impacts associated with the development construction phase and an assessment of the potential air quality impacts of the additional road traffic generated by the proposed development. Air pollutant concentrations have been considered at existing sensitive receptor locations in the vicinity of the proposed development and also at proposed future receptor locations within the development itself.

3.14 The assessment predicts that all on-site pollutant concentrations considered are within the relevant air quality objectives and would not be of concern. The effect of development generated traffic emissions on human receptors is not considered to be significant based on the updated air quality assessment. A CEMP is recommended to secure measures related to the construction phase. Conditions regarding a CEMP, land contamination and updated EV charging are suggested.

## Education

3.15 An education contribution is required as follows:

	Places required	Contribution
Early years	20	£379,520
Primary	40	£759,040
Secondary	8	£209,008
Total	68	£1,347,568

3.16 The requested contributions would go to Copmanthorpe Primary School and Milthorpe School. The majority of secondary pupils from Copmanthorpe would choose Tadcaster Grammar however North Yorkshire have advised that they do not require a contribution towards expansion at Tadcaster Grammar. The early years' contribution would provide for new or expanded provision in Copmanthorpe or within 2.5km if this was not possible.

## Design, conservation and sustainable development (Landscape)

3.17 The area of open space at the eastern end of the site has been significantly increased to bring it approximately in line with the allocation shown in the emerging local plan, and so provides a better buffer between Copmanthorpe and the urban edge to the north of the A64, whilst also providing a more suitable setting for the proposed development and the edge of the village. This latest layout also makes the main open space more immediate to a wider audience.

3.18 This has been counteracted with the proposed removal of a mature (and emerging veteran) Ash tree (T22) which currently stands in an isolated location in the southern portion of the existing arable field. In terms of landscape character it is preferable to retain all of the mature trees within the site boundaries, including T22 and other protected trees along the existing village boundary, alongside an area of open landscape at the east of the site that protects the setting of the village as per the eLP.

3.19 T22 is publicly visible and is worthy of retention and protection in its current situation. As a mature, emerging veteran tree it has appeal in its size, shape, and display of the natural, aging process seen in trees that make a positive contribution to the rural landscape character. Due to its declining condition, if it were to be incorporated in a general-amenity open space as part of a residential development,



it would need a considerable buffer area around it – much greater than the basic recommended root protection area - in order to deter people interacting with the tree, which would potentially cause damage and would substantially increase the target risk.

3.20 This need for a significant buffer would place a significant constraint on the developable area in addition to that already required for the line of Oak trees located within the field boundary that marks the current extent of the village. It is preferable to attain a more meaningful open space as suggested in the eLP and the revised landscape strategy, and lose the Ash tree, rather than retain the Ash and have a much-reduced open space in the east. The loss of the canopy cover, and amenity, provided by the Ash, would be mitigated with many new trees within the open space to the east, including semi-mature nursery stock of large-species trees.

3.21 General comments note that the layout appears to provide good circulation around the entire perimeter of the site, and through the site, which in turn would contribute to the setting of the development itself and aid orientation/identity within it, including reference to pocket parks, and large-scale trees. The various areas of open space are all readily linked and legible, with clearly defined functions and landscape treatments, all of which are fitting for the location. The principles proposed within the landscape strategy are considered and appropriate for the setting of the development and the quality of environment that would be experienced by residents.

#### Design, conservation and sustainable development (Ecology)

3.22 Biodiversity Net Gain (BNG) is required 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 establishing coherent ecological networks that are more resilient to current and future pressures.

3.23 Although no specific requirements for BNG have been set by the City of York Council, the applicant is still required to provide BNG. Although recommendations for ecological enhancements have been provided in the ecology report and the landscape design, it is not clear if these enhancements will result in BNG post development.

3.24 With the proposed availability of Public Open Space (POS) it is considered that these areas can be suitably enhanced for wildlife as well as providing recreational

space for future residents. The applicant has utilised the DEFRA Metric 3.0 to evidence that BNG in excess of 10% can be achieved on site. An assessment of the current landscape design should be made to ensure an appropriate level of on-site wildlife enhancement can be provided. Any recommendations made within the ecology report should be used to inform the design and layout of the proposed development and subsequently be safeguarded through the provision of a Landscape Ecological Management Plan.

3.25 Conditions recommended.

#### Lifelong learning and leisure (open space)

3.26 Officers advise that while the amenity open space and play space on site is welcomed, a contribution for sports provision is still required. The City of York Local Plan Evidence Base: Open Space and Green Infrastructure Update September 2017 shows that the ward and connecting wards have a shortfall of outdoor sports provision which would mean a contribution would be necessary.

3.27 An indicative value based on the 160 dwellings with an average of 3 bedrooms per dwelling would require an off-site contribution of closer to £102,240 should be identified for sport provision. Potential beneficiaries of the funds would be Copmanthorpe Football Club, Cricket Club, Tennis Club and Bowls Club and Bishopthorpe Football Club.

#### Flood Risk Management Team

3.28 Agreed in principle. Surface water will be taken to existing sewers. Details to be secured via condition. Soakaway testing has not been witnessed by officers.

EXTERNAL

#### Copmanthorpe Parish Council

3.29 No objection to the proposals and note that the site is an integral part of the Copmanthorpe Neighbourhood Plan. The Plan proposes 75 dwellings on the site with development only on the higher part of the land as the lower half floods. S106 monies should go towards the existing Recreation Centre in the village.

3.30 Concern expressed about the impact on the SSSI Askham Bog as a result of the size and density of development proposed. The proposed pumping to clear standing water on site is of concern as a result of its potential impact on water levels at the SSSI.

3.31 Tadcaster Road is already busy and additional traffic would increase pollution. Access to the site is within a 40mph zone and there is concern about road safety here. There should be better pedestrian and cycle access from the site to the village, this could be achieved via Yorkfield Lane.

3.32 Additional houses will put pressure on the village's already strained services including primary school and doctors' surgeries. There are also problems with foul and surface water drainage in the village.

#### Environment Agency

3.33 The site is in Flood Zone 1 and proposes foul drainage to mains sewer. As the site is over 1Ha a Flood Risk Assessment is required.

#### Yorkshire Water

3.34 Conditions recommended.

#### Highways England

3.35 No objection.

#### Ainsty Internal Drainage Board

3.36 No objection in principle. Conditions recommended.

#### North Yorkshire Police

3.37 The applicant has considered crime prevention. This accords with core principles and design objective in the NPPF in respect of safe and accessible environments where crime and disorder do not undermine quality of life.

#### Yorkshire Wildlife Trust

3.38 Following the submission of additional hydrogeological information it is accepted that the site does not drain into Askham Bog but instead flows out to the north east. This is a reasonable assumption given the topography of the site and surrounding area. Plans of the drainage arrangements for the site would clarify the exact position in terms of drainage. Impacts on the nearby Bond Hill Ash Farm Fen SINC should be clarified as the site will now drain into a ditch that flows through it. Further discussion on the recreational impacts on Askham Bog would be welcomed.

#### Network Rail

3.39 Objections are raised to the site layout and potential impact on the safety of the nearby railway level crossing. It is noted that the layout includes open space and a play area adjacent to the track which leads directly both to the site of the closed crossing (Beckett's) and the No 2 crossing (approx. 200m to the south off Ploughmans Close).

3.40 Even if changes were proposed to the layout it is still considered that there will be a likely increase in risk at the Copmanthorpe No 2 crossing relating to increase in use from the proposed site. There are proposals to close the crossing and install a footbridge at the site of Beckett's crossing. However, this has not gone ahead due to accessibility and affordability issues. Due to the potential increase in risk associated with the proposed 160 dwellings within a short walk from the crossing and to address the issues raised by the Council's Footpath Officer, it is considered appropriate that the developer should contribute towards the installation of additional ramps to help address the issues of safety and accessibility. The contribution sought would be in the region of £500,000 and would aid the installation of an accessible structure improving both public and operational railway safety at a crossing which is one of the highest risk sites on this route.

3.41 Information has also been provided in relation to safe working practises and design requirements in relation to the railway.

#### Historic England

3.42 The proposal site is an important part of the landscape setting of the historic City of York that plays a role in allowing its special character to be appreciated. The proposed development would cause harm to the historic City of York in two fundamental ways. Firstly, it would harm the relationship of the main built-up area with one of its surrounding villages. As such, development of this site would undermine the primary purpose of the York Green Belt. Secondly, it would fail to

preserve the special character and setting of the historic City of York. These are both Character Elements of the special character and setting of the historic City identified in the City of York Council's 2013 'Heritage Topic Paper'. Given the harm these proposals will cause, we do not consider that it constitutes sustainable development as defined in the National Planning Policy. Historic England therefore objects to the application on heritage grounds.

### NHS Vale of York Clinical Commissioning Group and Old School Medical Practice

3.43 The proposed scheme is on the edge of Copmanthorpe, a small village served by 2 relatively small GP surgeries (the main surgery of Old School Medical Practice and the branch surgery of the Front Street practice in Acomb). The effect of the significant population growth in the village coupled with the provision of no additional GP surgery accommodation since the 1980's has resulted in an under provision of accommodation for the delivery of primary care services to the village. There are similar problems in the adjacent village of Bishopthorpe, where the only GP surgery is extremely limited in both clinical capacity and quality of accommodation.

3.44 The CCG have provided details of the lack of capacity within the existing primary care services within the locality. They have evidenced the likely contributions arising from the development. These would be within a range likely to fall between £291,264 and £199,698, depending on house types and likely residential occupancy, and would be used to expand Old School Medical Practice.

### Natural England

3.45 Natural England have no objection to the proposals subject to appropriate mitigation being secured. The proposals have potential to damage the interest features for which Askham Bog SSSI has been notified but mitigation measures in the form of a CEMP, provision of an information pack to new residents and the on-site open space are considered sufficient. The open space as indicated on the landscape strategy plan is considered sufficient to provide mitigation and divert dog walkers away from the Bog, providing recreation opportunities for residents of the site and existing residents of Copmanthorpe. S106 monies should be directed towards activities or facilities which will specifically mitigate the impacts from increased visitor pressure to the designated site.

## **4.0 REPRESENTATIONS**

## Neighbour notification and publicity

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 2.no letters of support and 6 making general comments and a total of 30.no objections have been received. The comments received are summarised as follows.

- The site is Green Belt
- Other brownfield sites in the city should be utilised first
- Loss of arable farmland
- Loss of the green gap between the village and York
- Proximity of new dwellings to existing properties resulting in overlooking and overshadowing
- Pollution and noise should be considered
- Impact of construction on existing resident amenity and local businesses - mud, dust and noise
- Impact on views of properties at edge of village
- Concern about dog fouling on Yorkfield Lane
- Local roads cannot accept additional traffic – there are existing problems with congestion
- Access should be secured via Yorkfield Lane to ensure children can walk to school without using Tadcaster Road
- Improvements should be made to the surfacing of Yorkfield Lane
- A financial contribution should be required for traffic management at Manor Heath
- Highway safety issues around existing speeding motorists and children walking to and from school
- There are too many houses proposed on the site and this will cause an overdevelopment leading to an adverse impact on the overall character of the neighbourhood – the village plan suggests half this number
- Additional residents would disproportionately increase the size of the village and impact detrimentally on the community
- Insufficient parking in the village centre for further residents
- Local schools cannot cope with additional pupils
- Doctors' surgeries have no additional capacity, and do not have sufficient capacity at present
- Insufficient retail outlets in village to serve additional residents
- There should be more green space on the site

- Loss of biodiversity – boundary hedges should be protected
- Negative impact of site drainage on Askham Bog
- Impact on health from loss of rural views discouraging people to walk/ run in the vicinity
- Impact on trees around boundaries of site
- Negative visual impact as a result of the siting at the entrance to the village
- The development should be in keeping with the local character – density, 2/3 storey housing, paths along both sides of roads, plenty of green space and trees, and realistic parking provision
- Increased flood risk as a result of the development of the site
- Concern that the site will be full of affordable housing thereby bringing down local housing prices
- Future residents will experience high noise and air pollution from the A64 and rail line
- High management fees could be introduced for future homeowners
- More family housing is required in York and the site seems ideal

### Copmanthorpe and District Recreation Centre

4.2 No objection to the proposal but ask that the LPA consider incorporating a requirement for S106 funds to go to additional sports facilities in the village. Schemes for additional pitches at Copmanthorpe have been a priority for the NYFA and CYC for some time and land is allocated in the draft Copmanthorpe Neighbourhood Plan for this use.

## **5.0 APPRAISAL**

5.1 The key issues are as follows:

- Principle of development
- Design and layout of the site
- Heritage impact
- Trees, landscape and visual impact
- Highways and access
- Drainage and flood risk
- Residential amenity and public protection
- Affordable housing
- Drainage & flood risk

- Archaeology
- Ecology
- Sustainable design and construction
- Network Rail
- 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 DCLP shows the site as Green Belt with the existing edge of the village forming the western boundary. The emerging Local Plan shows the land as housing allocation ST31 and not within the Green Belt. The Green Belt boundary moves to follow the site boundary (with the small triangle of land to the south of the site and adjacent to the railway also falling outside of the Green Belt). As a result the land to which the application relates would not be part of the Green Belt if the DLP 2018 is adopted, instead becoming part of the defined settlement of Copmanthorpe.

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 this development proposal.

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.'



5.7 The proposed residential development would not meet any of the defined exceptions set out within paragraph 149 of the NPPF. Areas of open space would fall within para.149b, as provision for outdoor recreation, however the scheme should be taken as a whole and as a result the proposals would, in this context, be considered to amount to inappropriate development within the Green Belt.

## IMPACT ON THE OPENNESS OF THE GREEN BELT

5.8 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:

- The scale, location and design of development would not detract from the openness of the Green Belt;
- It would not conflict with the purposes of including land within the Green Belt; and
- 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 triangular field which is currently in an arable farming use. The impact of introducing a housing development on to the site would reduce openness both spatially and visually and these impacts would be relatively high given the open nature of the site.

## IMPACT ON GREEN BELT PURPOSES

5.12 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:

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

5.13 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. Topic Paper 1: Approach to defining York's Green Belt Addendum (2021) identifies that the site serves Green Belt purposes including preserving the setting of the historic city, preventing unrestricted sprawl and safeguarding the countryside from encroachment. Development on this site would therefore cause harm to Green Belt purposes.

## DESIGN AND LAYOUT OF THE SITE

5.14 The site has been allocated within the DLP at policy SS16 and shown on the policies map as site ST31. The policies map shows the site as a triangular area of land with the eastern third of the site, closest to the city centre, being shown as open space. Development would be focussed around the western side of the site closest to Copmanthorpe.

5.15 Policy SS16 requires that the site is master-planned and delivered in accordance with a number of key principles. In relation to the area of open space shown on the proposals map, it notes that this should be delivered prior to the first phase of development in order to ensure, in particular, the protection of the adjacent SSSI. It would also create a buffer between the new dwellings and railway line and A64 embankment. Policy GI6 also refers to this area of open space (OS11). The text for this policy notes that it should, where appropriate, manage impacts on the city's historic character and setting; mitigate and compensate for ecological impacts and provide ecological enhancement; meet open space requirements for new development; accommodate drainage infrastructure; retain and enhance landscape and heritage features; and frame pedestrian and cycle linkage.

5.16 Policy H2: Density of residential development suggests a housing density of 35 units per hectare in rural areas and villages. It also notes that delivering densities

that support the efficient use of land requires good design that responds to its context, an appropriate mix of house types and should be informed by local character.

5.17 The developable area for the site is 3.95Ha. The proposed housing density proposed is 40 dwellings per hectare which would result in 158 dwellings on site. This is slightly above the density levels proposed by policy H2. This is as a result of master-planning of the site which has identified the need to provide a buffer to TPO trees on the edge of the existing village and has reduced the developable area below that identified in the draft Local Plan. It is considered that the increase in density will be achievable while retaining an appropriate mix of dwellings and respecting local context.

5.18 The topography of the site is such that it undulates gently with the highest part being the existing village boundary and, in particular, the North West corner around Tadcaster Road. Copmanthorpe has historically grown outwards from the historic village centre and development nearest the site is more recent and suburban in its character. The proposals would respect this local character in terms of their layout, scale and density. Proposed dwellings are indicated as a mix of detached, semi-detached and short terraces of properties. There are a mix of 2 and 2½ storey properties all with private amenity space. Materials would be consistent with the local vernacular and be chosen from a palette of red and buff brickwork, render and brown/ red pantiles or artificial slate roofs. Boundary treatments will be hedging or low railings. All these details will be controlled via condition for further approval.

5.19 The proposed layout shows open space predominantly to the north-east of the site with footways encircling the residential area and leading in to it at key points. Further areas of green space will be incorporated into the layout of residential development at reserved matter stage. The children's play space sits within the area of open space. SUDS features and access out on to Tadcaster Road and across to the existing wetland area adjacent to the A64 are sited in the north-eastern corner of the site. The south-western boundary adjoining the existing village development is a buffer of between 20m and 30m in width with planted areas and paths.

5.20 Details of the landscaping scheme can be secured via a suitably worded condition along with securing its ongoing maintenance which would be carried out by a management company. This can be secured under the associated S106 agreement.

## HERITAGE IMPACTS

5.21 In relation to this site, the Heritage Impact Appraisal (HIA) 2017 states ‘*The loss of open fields between the northeast boundary (of the site) and the A64 would reduce this distinct residential/ arable relationship, and increase the association with the A64 and development within the ring road such as the Askham Bar park and ride. Development would have a detrimental impact on the separation between Copmanthorpe and the urban fringe.... This site is perceived as being very much a part of the swathe of open countryside to the south of the ring road. The relationship of York’s distinct, defined villages (such as Copmanthorpe) with the City is an important aspect contributing to the special character of York. This Allocation would bring Copmanthorpe 175 metres closer to the edge of the City and would reduce the gap between York and the village to less 1km. This would detrimentally impact on the setting of the village and separation with the urban fringe, resulting in harm to the special character and setting of the City. Mitigation of impact on landscape and setting is unlikely since it is the openness that provides this characteristic. The scale of impact will be, in some part, dependent on implementation.*’ In response to these issues, the HIA advocates retaining a substantial degree of foreground and to recreate the generous tree edge to Copmanthorpe village. This is reflected in the area of open space which is shown on the proposals map in the north east corner of the site.

5.22 Historic England have objected to the allocation of the site, and this application, on the grounds that development in this location would harm aspects important to the special character and setting of York, specifically the separation of Copmanthorpe and the city but also harm to the setting of the city as a result of the loss of part of the swathe of open countryside around it. They consider that mitigation is not appropriate and that the allocation should be deleted from the Plan.

5.23 The application now being considered has been revised, since these comments were received from Historic England, to reflect the site allocation within the emerging Local Plan. The area of open space now sits in a location, and is of a size, comparable to that shown on the Proposals Map. Policies SS16 and GI6 of the emerging Local Plan both refer to this area of open space. Policy SS16 requires that the site is master-planned and delivered in accordance with key principles. These include the creation of new open space to enhance the local green infrastructure corridor and to provide a buffer between the new dwellings and railway/ A64. Policy GI6 requires that the open space is provided to manage impacts on the city’s historic character and setting; mitigate and compensate for ecological impacts; meet

open space requirements arising from new development; accommodate drainage infrastructure; retain and enhance landscape and heritage features; and frame pedestrian and cycle linkages. It goes on to state that '*The precise delineation and extent of the new open space will be set through detailed master-planning and the planning process. The areas indicated on the proposals map are a guide to general extent based on the current understanding of site and other conditions.*'

5.24 As required by the policies the site has been master-planned, which has guided the submitted development framework and site layout.

5.25 The separation of Copmanthorpe and the urban area, in terms of the setting of the historic city is effectively achieved via the A64, which at this point runs along a landscaped embankment. Beyond this Askham Bog provides a significant green buffer before the suburban housing of Woodthorpe. To the north east, the Park & Ride represents the closest development however as Tadcaster Road runs south west towards Copmanthorpe there are still clear views of Askham Bog to the west and farmland to the east. There is a clear reduction in the density and type of development on the outskirts of the urban area which indicates a change in character moving towards the rural outskirts of the city. The open space proposed will ensure that, as vehicles emerge from the underpass, there will be a significant undeveloped area before the new village edge, which will become visible as the road curves round. Details for the landscaping of this new village edge can be secured via condition.

5.26 In regards to concerns about the loss of open countryside which forms part of the setting of the city, it is considered that any development of the site, in the volume and form proposed in the emerging Local Plan, would result in the loss of this open countryside. The site layout follows that of the emerging Local Plan and Proposals Map and has been assessed as part of the Local Plan process and addressed within the evidence base.

5.27 The HIA has recognised that development of this site would impact on the special character and setting of York. The site allocation seeks to mitigate for this harm by identifying an area of the site in the north east corner which would remain undeveloped. Policies in the emerging Local Plan relevant to this site require that development is master-planned to determine an appropriate layout in accordance with the given development principles. It is considered that the scheme now proposed accords with these development principles and the allocation as shown in the emerging Local Plan.

## TREES, LANDSCAPE AND VISUAL IMPACT

5.28 The scheme, as revised, proposes the loss of the TPO ash tree to the south of the site. An updated arboricultural survey of the tree has been recently received and assessed by the landscape architect. This confirms that the tree is in a declining condition and therefore, if it were to be incorporated into a general amenity open space area as part of a residential development, it would require a considerable buffer area around it. This would be needed to deter people being forced in proximity with the tree which would potentially cause damage and increase the risk of the tree being targeted. The loss of the tree could be mitigated with a high number of new trees within the area of open space including semi-mature large species trees. This could be secured via condition.

5.29 In terms of landscaping the site, the proposed strategy is considered good and would achieve landscaping around the entire perimeter of the site, and through the site, which in turn would contribute to the setting of the development itself and aid orientation/ identity within it, including reference to pocket greens and large-scale trees. The area of open space in the north-east corner of the site helps to marry the landscape on the north side of Tadcaster Road with that on the south. The existing pond and shrub area to the north of the site has evolved to become an important part of the setting and approach to the village. The location of open space within the site, and opposite this existing landscaping, helps to retain an element of visual separation between the city and Copmanthorpe.

5.30 The scheme further seeks to mitigate for any loss of separation by good landscaping along Tadcaster Road including increased tree cover to create a positive gateway into the village. Properties will be set back from the highway and there is space for landscaping between the new dwellings and site boundary.

5.31 The visual impact of the development would be felt most keenly in relatively close proximity to the site. As noted above, the village would appear less separate from the urban area when driving south along Tadcaster Road. To the north views of the site are contained by the A64 so would only be seen by drivers travelling along that road and in the context of the existing urban area of Copmanthorpe. Similarly views from the south of the site (Bishopthorpe and the East Coast mainline) are seen in the context of the raised A64, which already forms a barrier to wider views, and the existing village which occupies a slightly elevated position. Properties on the east side of Copmanthorpe which currently look on to an open field will be most

affected although impacts are limited given the size of the field and limits provided by the A64 and East Coast mainline.

## HIGHWAYS AND ACCESS

5.32 Paragraph 110 of the NPPF states that in assessing sites 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.

5.33 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.’

5.34 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.

5.35 In terms of highways requirements and access, policy SS16 of the emerging Local Plan requires that access is via Tadcaster Road with no secondary access from Learmans Way. Additional pedestrian and cycle integration, connection and accessibility in and out of the site and connectivity to the city and surrounding area should be optimised. Maximum take-up of these more active forms of transport should be encouraged.

5.36 As per the requirements of policy SS16, access is from Tadcaster Road at a point close to the village. A sum of £5,000 has been agreed for TROs for speed limit

location changes on Tadcaster Road. Further pedestrian access points are proposed along Tadcaster Road and an additional linkage at the south of the site on to Yorkfield Lane. This is a restricted byway, meaning that it is open to all users except those in mechanically propelled vehicles. It gives good, and direct, access through to the primary school and, beyond that, services within the village centre all along quiet residential streets or public rights of way. A contribution of up to £66,000 has been agreed for upgrading Yorkfield Lane and a further £66,000 for upgrades to Farmer's Way up to the school.

5.37 A S106 contribution of £40,000 is agreed to support the upgrade of the controller for the A1036/Sim Balk Lane. This will mitigate for the development's impact on the A1036/Sim Balk Lane corridor (including A1036/A64/Park & Ride junction and A1036/Sim Balk Lane). Additional funds will cover improvements to footways in the village and will cover improvements to crossing at Millers Croft, Flaxman Croft, Saddlers Close and Sutor Close (£8,800).

5.38 The site is in outline and, as such, details of parking provision are yet to be agreed. Indicative layouts show a mix of parking bays, private drives and garages but details of the level of provision would be confirmed at reserved matters.

5.39 A travel plan has been provided with the application but will need to be updated. This will be secured via condition as is travel plan monitoring. A contribution is also payable towards monitoring by a CYC travel plan coordinator (£32,500). A contribution of up to £40,000 for resident's travel packs has been agreed and will be secured within the S106 agreement. This would provide car club incentives for 50% of households (£100/dwelling, first occupier only) and cycle/public transport incentives for 100% of households (£200/dwelling, first occupier only). It is noted that the Travel Plan targets aim to reduce car use by around 10% at peak time. This is ambitious in this location and needs to be supported by adequate funding.

5.40 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.

5.41 Having regard to the general sustainability of the site, the provision of the foot/cycle path link at the southern end of the site greatly improves connectivity and



permeability of the site into Copmanthorpe. Bus stops on Tadcaster Road are approximately 300m from the site access and provide a daytime Monday to Friday frequency of 4 buses per hour to York; other stops on Flaxman Croft are approximately 350m from the Yorkfield Lane access. Within the village are a variety of services including convenience stores, doctor's surgery, post office and pharmacy. All of these are within an accessible distance from the application site. In this regard the proposals would be considered to be sustainable.

5.42 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.

## DRAINAGE AND FLOOD RISK

5.43 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). While soakaway testing has not been witnessed by the Council's Flood Risk Management Team, a drainage strategy has been agreed in principle and can be secured via condition.

5.44 Amongst the objections received, concerns have been raised about the potential risk of flooding resulting from the development, also noting that the site itself floods. The site at present is greenfield (undeveloped) and as such does not benefit from any drainage infrastructure. The site slopes away from the village to low points adjacent to the railway and A64. Flooding in these areas is a result of 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.

## RESIDENTIAL AMENITY AND PUBLIC PROTECTION

5.45 The area proposed for residential development is sufficiently distant that the new dwellings would not overlook or overshadow existing properties on the eastern edge of the village. Neither would any of the new dwellings appear overbearing from existing properties. New properties would be a minimum of approximately 20m from the boundary of the existing village. The existing properties sit relatively close (between approximately 1.5m and 7.5m at the closest points) to the boundary of the site but are angled in relation to the boundary such that they would view the site at an angle rather than directly on to it.

5.46 Comments have been received from local residents expressing concern about overlooking and overshadowing. As noted above these are not considered significant given the distances involved. It is also noted that the protected trees on the edge of the village are to be retained and will provide screening between the existing properties and new development. The impact of the development will be felt most keenly by those properties on the boundary with the site who will lose their current outlook of open fields. However suitable separation distances are achieved and the site falls away from the village boundary helping to reduce the impact on amenity.

5.47 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.

5.48 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.

5.49 Public protection have also recommended a condition to secure the active and 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.

5.50 Comments were received from local residents regarding pollution impacts on future residents as a result of the proximity to the A64 and railway line. An updated air quality assessment has been submitted by the applicant which considers the potential dust and fine particulate matter impacts associated with the development construction phase and an assessment of the potential air quality impacts of the additional road traffic generated by the proposed development. Air pollutant concentrations have been considered at existing sensitive receptor locations in the vicinity of the proposed development and also at proposed future receptor locations within the development itself. These predict that concentrations of pollution were demonstrated to be within health based objective levels with the development in place. The assessment has also considered pollutant concentrations at two worst case receptor locations within the proposed development site boundary. The assessment has shown that all on-site pollutant concentrations considered are within the relevant air quality objectives and would not be of concern.

5.51 In relation to noise disturbance for future residents internal noise can be mitigated by robust construction and a high specification of glazing, external noise levels for gardens are more difficult to achieve. Therefore the worst noise affected gardens are proposed to be screened by the buildings, together with a 2 metre high acoustic fence to reduce noise from the A64 / Tadcaster Road. The details are to be submitted and agreed at the reserved matters stage. The daytime and night time internal noise levels recommended by the World Health Organisation and incorporated in BS8233 'Guidance on sound insulation and noise reduction in buildings' will be exceeded at some locations within the site. The incorporation of standard thermal double glazing and enhanced acoustic glazing will be required across the site. However some internal noise levels will be exceeded with windows open; they will need to be closed to meet the WHO / BS8233 standards and so will require alternative acoustic ventilation. Public Protection officers have agreed that the measures proposed are suitable and should be secured by condition to be discussed and set at reserved matters stage.

5.52 Vibration monitoring on the site indicates a 'low probability of adverse comment' based upon the nearest residence being at least 25 metres from the railway line. However it should be noted that the actual vibration levels will depend upon ground conditions, any current or proposed underground infrastructure, foundations and construction of the buildings. Whilst the results indicate that no

specific vibration protection measures need to be incorporated into the design of the buildings, care must be taken not to introduce vibration pathways during the construction of the development.

5.53 In terms of land contamination the potential for contamination relating to clay/shale mining at the site does not appear to be fully assessed. The site requires a site investigation with soil sampling focussed on proposed garden areas. The matter can be dealt with via conditions.

## AFFORDABLE HOUSING

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

5.55 In total 48.no units would be required for affordable provision with 80% social rented and 20% discount sale tenure. The proposed affordable units represent an important contribution towards the identified need in the City of York area. Policy H10 requires affordable units to be 'pepper potted' throughout the development. Smaller house types should not be clustered together and affordable housing should be visually indistinguishable from market housing. No differences should be made between car and cycle parking provision or access to other shared amenities of the development.

5.56 The mix of affordable housing provided shall meet policy H3 of the emerging Local Plan by demonstrating its contribution towards the Council's identified housing need in the 2016 Strategic Housing Market Assessment. This equates to 35-40% 1 bed, 30-35% 2 bed, 20-25% 3 bed and 5-10% 4 bed housing for affordable housing.

5.57 Affordable housing provision shall be secured via S106 to ensure that the scheme accords 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. The S106 agreement would ensure that they are delivered and set out the necessary frameworks and mechanisms for the units to be transferred to a suitable registered provider.

## ARCHAEOLOGY

5.58 A desk-based assessment and geophysical survey have been provided that suggest a large portion of the site has been excavated as a borrow pit during the construction of the A64 in the early-mid 1970s. Lidar images show a straight edge running SW-NE in the southern half of the site. This is believed to be the southern edge of the quarried area. It is thought that most of the northern part of the site is archaeologically sterile.

5.59 The southern area close to Yorkfield Lane is undeveloped and still retains the potential to produce significant non-designated heritage assets. These are likely to relate to late prehistoric-Romano-British activity attested by the proximity to the Roman road and the results of investigations in the vicinity. Small finds relating to all periods (including Roman) have also been found across these fields.

5.60 The geophysical survey has revealed the remains of medieval agricultural practices in the southern area. This may be masking earlier features. Trial trenching should be undertaken in this area to check for the presence/absence of earlier features. While it is likely that the northern half of the site has lower potential to contain archaeological features there are a few anomalies which should be double checked through trial trenching.

5.61 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 AND BIODIVERSITY

5.62 The site sits close to Askham Bog Site of Special Scientific Interest (SSSI) albeit separated by the A64 which runs along an elevated section at this point as it crosses the railway line. The NPPF Section 15 'Conserving and enhancing the natural environment' requires that development on land within, or outside, a SSSI,

and which is likely to have an adverse effect on it, should not normally be permitted. Policy GI2 of the emerging Local Plan requires that proposals take account of the potential need for buffer zones around wildlife and biodiversity sites to ensure the integrity of the site's interest is retained; result in biodiversity net gain; and enhance accessibility to York's biodiversity resource where this would not compromise their ecological value, affect sensitive sites or be detrimental to drainage systems.

5.63 As a lowland fen, Askham Bog is particularly susceptible to changes in water levels both in terms of surface water and ground water. As a result the applicant has undertaken an assessment of the site and its surroundings including borehole monitoring for a year. These have concluded that surface water discharges to field drains to the east of the site, rather than north towards Askham Bog. Surface water drainage for the development will direct water to existing sewers in the village and therefore not flow to Askham Bog. The underlying ground conditions have low capacity to transmit water and hence the development would have little impact on ground water levels. Existing groundwater level and flow between the site and Askham Bog will therefore continue with negligible change.

5.64 As well as potential impacts to Askham Bog through changes in the water environment, increased recreational use of the site is also a concern. Within the proposals map of the emerging Local Plan, a triangular area of open space is shown to the north east of the site identified, in part as mitigation for potential increased recreational use at Askham Bog.

5.65 The open space as indicated on the landscape strategy plan shows areas of informal landscaping with recreational footways, enhancements to existing planting, a woodland area with walkways and a children's play area. The open space as shown provides an attractive walking route round the site and also creates a buffer between the proposed residential development and the A64 and railway line. The scheme is considered to comply with policy SS16 in that it provides open space which is attractive and usable and would encourage recreational use on site rather than at Askham Bog.

5.66 Emerging Local Plan policy GI6 also refers to the area of open space shown on the proposals map. This requires that the new open space is provided in order to mitigate and compensate for ecological impact, and provide for ecological enhancement; it should also meet open space requirements arising from new development. The development as proposed meets these requirements, providing open space provision on site and providing attractive areas for residents'

recreational use. It is also accepted that there will still be some increase in visitors to Askham Bog as a result of the scheme and so a range of mitigation measures are being agreed with the Yorkshire Wildlife Trust (owners of the SSSI) to be secured in the S106. These will form part of an update at planning committee.

5.67 The NPPF and emerging Local Plan policy both require that development results in net gains for biodiversity. The recently enacted Environment Act 2021 requires Biodiversity Net Gain at a minimum of 10% although there is no local policy to support this figure. Calculation of biodiversity net gain for the site has been undertaken using the Natural England Biodiversity Metric 3.0 and a gain of 11.9% was identified

## SUSTAINABLE DESIGN AND CONSTRUCTION

5.68 Policy CC1 and CC2 of the DLP 2018 establish local requirements on sustainable construction. The 2021 edition of the Building Regulations set a higher standard for the energy performance and carbon emissions of new and existing buildings than is currently set out in the emerging Local Plan in Policies CC1 and CC2. It is not necessary to impose conditions on the planning permission to achieve a reduction in carbon emissions.

5.69 The Design and Access Statements notes that at the detailed design stage, the new homes will be designed to meet national and local targets in respect of reducing energy demand, carbon emissions and energy.

## NETWORK RAIL

5.70 Network Rail have raised a number of points in relation to the proximity of the site to the East Coast Main Line. They raise concern about the impact on safety in relation to the nearby level crossing (accessed off Ploughmans Close). This crossing is approximately 300m walking distance from the Yorkfield Lane access point to the site. Existing residents in the village live in closer proximity to the crossing than any dwellings on the new development and Network Rail have for some time been considering proposals to replace the crossing.

5.71 They have to this extent asked for a contribution towards a new crossing of approximately £500,000. Para.57 of the NPPF notes that planning obligations should only be sought where they meet all of the following three tests:

Necessary to make the development acceptable in planning terms;  
Directly related to the development; and  
Fairly and reasonably related in scale and kind to the development.

5.72 Officers have considered whether the request for monies towards the new crossing meets these tests and have determined that it would not. There is no evidence how the sum has been derived and it is noted again, that the crossing has already been identified for replacement as it is a footpath crossing on a high speed line. Given this, it is also considered that the contribution is not directly related to the development as the need for the crossing has already been identified. The request therefore fails the CIL tests of para.57.

5.73 Further comments are made in relation to the proximity of the open space and play areas to the railway line. These areas have since been moved and are further away from the Yorkfield Lane access. As such the play area is further from the level crossing off Ploughmans Close and access to the railway line would be restricted by security fencing along the boundary of the railway. Comments requiring that the boundary with the railway line consists of the rear gardens of private dwellings are noted but it is acknowledged that this would result in significant issues of noise disturbance from the railway to future residents. The layout as shown provides a significant landscaped buffer to the railway to provide visual separation.

## PLANNING OBLIGATIONS

### **Education**

5.74 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 Council's supplementary planning guidance note informs the methodology.

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

Early Years (20 Places) - £379,520. This would be for new or expanded nursery provision in Copmanthorpe preferable or within 2.5km if this is not feasible.

Primary (40 Places) - £759,040. This would be for provision at Copmanthorpe Primary School.

Secondary (8 Places) - £209,008. This would be for provision at Milthorpe Secondary School.



5.76 The secondary school yield reflects the shared catchment between Millthorpe and Tadcaster Grammar. North Yorkshire County Council have advised that they do not require a contribution towards expansion at Tadcaster Grammar. The contributions will need to be secured through a completed S106 agreement.

### **Affordable Housing**

5.77 As outlined earlier in this report. The proposed development would achieve affordable housing provision of 30% (48 units) 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**

5.78 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.

5.79 Amenity open space and play space is provided on site. 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 £102,240. The contribution would be intended to be used for community sports clubs at Copmanthorpe Recreation Centre or Bishopthorpe Football Club (Ashfield Pitches site).

### **Primary healthcare provision**

5.80 The CCG have indicated that there are two surgeries within close proximity to the site (Old School Medical Practice and Front Street Copmanthorpe surgery). Old School Medical Practice is in a converted school with limited ground floor clinical accommodation for access and is significantly undersized for the current population, Unit 5 is a converted retail unit with less than ideal clinical accommodation which has a short term future because it is clinically substandard.

5.81 The CCG have provided calculations based on estimated resident numbers to give an indication of the range of contributions required to address the capital cost of the additional primary healthcare services arising from the new development. The range is from £199,698 to £291,264 and would be used to expand the capacity of Old School Medical Practice. It should be noted that these figures were based on an earlier scheme of 160 dwellings, not the current one of 158 and that the final figure would be calculated using a formula secured within the S106 and based on the costs given by the CCG and final resident numbers.

5.82 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

5.83 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.
- 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 Copmanthorpe Village.
- There is a significant need for housing and particularly affordable housing within the city.

5.84 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**

5.85 The application site is a housing allocation within the emerging Local Plan 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 emerging 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 the 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 areas, to distinguish land that needs to be kept permanently open to meet the purposes of Green Belt. For York the primary purpose of the Green Belt is to safeguard the special character and setting of the historic city.

5.87 Copmanthorpe village is identified to be excluded from the Green Belt. Consideration of the detailed Green Belt boundaries around the village of Copmanthorpe 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 5 runs along the North Eastern extent of the village adjacent to the land that forms the subject of this application.

5.88 The detailed Green Belt assessment identified the location of Copmanthorpe 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. Also, that increasing the distance of residential areas away from the village core can cause harm to the compactness of the village. In Copmanthorpe, boundaries to the south and north east are particularly important in retaining separation with

Bishopthorpe. The area including the site is identified as an 'Area preventing coalescence' in Topic Paper 1: Green Belt Addendum Annex 1 Evidence Base. However it was identified that there is potential for development in the open land surrounding the village in line with the Local Plan strategy.

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 Copmanthorpe to grow within a sustainable pattern of development. Copmanthorpe 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 H29 (Moor Lane) and the application site were included in the Local Plan as Housing Allocations. The application site was identified for development as part of a development strategy which looks to preserve the character and setting of the historic City and, acknowledging unmet housing need, the plan allocates the site for development. New Green Belt boundaries should be strengthened as part of the masterplanning of the site (e.g. by creating landscape buffers) in order to create a boundary which is defined, recognisable and permanent in the long term.

5.91 The allocation of the site ST31 generated some objection during ongoing work to develop the Local Plan and an objection of significant weight from Historic England. They state that the site should be deleted because development here could harm a number of elements which contribute to the special character of the historic City (discussed above). While the Council has resolved to allocate the site in its emerging Local Plan, these harms were recognised in the area of new open space shown on the proposals map.

5.92 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 new 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**

5.93 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.

5.94 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 ST31 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. The provision of 30% affordable housing on the site is considered to be a substantial benefit of the scheme.

#### **Other considerations in support of the scheme**

5.95 Development would boost the local economy by providing construction jobs and supporting local building trades, albeit that this would be for a temporary period. The site is located in a sustainable location, accessible to everyday local facilities and services and therefore future occupants of the development would be likely to use and support local businesses, services and facilities. These economic benefits carry some positive weight.

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

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

The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location, or phasing of new development that are central to the emerging plan; and

The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area”.

5.97 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”.

5.98 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 (160 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 to medium term (1-10 years) of the plan, there are no clear grounds (as is required by the NPPF) to refuse this particular application on the basis that it would prejudice the plan-making process.

5.99 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, landscape, 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, it 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.

## 7.0 RECOMMENDATION:

Delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to:

a) The completion of a Section 106 Planning Obligation to secure:

- i The provision of 48 affordable housing units
- ii Landscape management plan
- iii £1,347,568 toward the provision of Early Years, Primary and Secondary school places.
- iv £102,240 towards off site sports provision.
- v Between approximately £199,698 and £291,264 towards primary healthcare provision (doctors' surgery)
- vi Provision of dropped crossings on Millers Croft, Flaxman Croft, Saddlers Close and Sutor Close (£8,800); and changes to the speed limit location on Tadcaster Road (£5,000) through a Traffic Regulation Order.
- vii Provision of a £200 per dwelling contribution towards a public transport pass or cycling equipment to be awarded to the first occupier, and £100 per dwelling to be awarded to the first occupier towards car club incentives, up to a total of £40,000.
- viii Travel plan co-ordinator £32,500 for 5 years and another £32,500 if target is not met.
- ix £66,000 to upgrade Yorkfield Lane from site to Ploughman's Lane.
- x £66,000 to upgrade track from Farmer's Way to school.
- xi £40,000 towards A1036/ Sim Balk Lane signal controller update.
- xii Mitigation measures for recreational impacts on Askham Bog SSSI (To be confirmed at the meeting)

All contributions to be index linked.

b) The conditions set out below, and

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

### Planning Conditions

1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the

date of this permission and the development hereby permitted shall be begun before:

the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (England) Order 2015.

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: appearance, landscaping, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

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

Location plan 2543\_108 A

Building heights plan Figure 5.8 Design and Access Statement

Access Plan (1581/01/ B)

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

4 No development shall commence until a phasing plan detailing the installation of the road network, pedestrian and cycle access points, play areas, public realm and green infrastructure has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the provisions of the approved phasing plan and/or subsequent amendments to it that have been approved in writing by the Local Planning Authority.

Reason: In accordance with sections 8 and 12 of the NPPF. In the interests of good design and to ensure adequate facilities and amenities in respect of the health and well-being of future residents.

5 The development hereby permitted shall be carried out in broad compliance

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with the following plans:

Landscape strategy plan 3543\_111\_D

Development framework plan CSA-3543\_106L

Reason: In the interests of clarity.

6 The total number of dwellings on site shall not exceed 158.

Reason: As the application and all supporting information has been assessed against this number of proposed residential units.

7 Prior to commencement of construction of the development, or phase of development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out as approved. The scheme shall adhere to the principles of the approved parameter plans and the open space provision and shall detail-

- a) A planting plan showing a minimum of 10 replacement trees to mitigate for the loss of ash tree T22 as indicated on the Tree Retention & Removal Plan [BHA\_316\_02, CSA, March 2018]
- b) The number, species, stock size / height and position of trees and shrubs.
- c) The provision of street trees throughout the residential development
- c) Details of children's play areas.
- d) Location and specification of street furniture / seating and cycle parking within the public open spaces.
- e) Management and maintenance.

Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In accordance with NPPF sections 8 and 12. So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area, to mitigate for climate change, and in compliance with paragraph 131 of the NPPF. To ensure adequate play facilities for future residents and in the interests of railway safety.

8 A scheme for the management of the open space to accommodate features to encourage responsible dog walking, and how this will be managed against the needs of other users of the open space, shall be submitted to and approved in writing by the Local Planning Authority prior to the laying out of the open space. The open space shall be implemented as approved and retained and maintained for the

lifetime of the development.

Reason: To ensure that the development provides suitable site wide open space to mitigate and compensate for increase recreational pressures that Askham Bog is likely to be subject to from the proposed housing development. This is to comply with policy SS10, GI2a and GI6 of the City of York Council Publication Draft Local Plan (2018).

9 Prior to the commencement of development, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons. A written report of the findings shall be produced, submitted to and 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 shall 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.

10 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) shall be submitted to and approved in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall 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.

11 Prior to first occupation or use, the approved remediation scheme shall 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.

12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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.

13 The development hereby permitted, or any phase of development, shall not be occupied until details of the internal road layout have been submitted to, and approved in writing, by the Local Planning Authority. No 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 completion of the penultimate house, whichever is the first event.

Reason: In accordance with NPPF paragraphs 104 and 130 and policy T1 of the 2018 eLP. In the interests of good design and road safety.

14 Prior to the development commencing above foundation slab level, details of cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied

until its approved cycle parking and means of enclosure have been provided 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.

15 Prior to the development commencing full detailed drawings showing the design and materials for roads, footways, and other highway areas (and which shall comply with the requirements set out in the NYCC Residential Design Guide and Specification - second edition) shall be submitted to and approved in writing by the Local Planning Authority. Such roads, footways and other highway areas shall be constructed in accordance with such approved plans prior to the occupation of any dwelling which requires access from or along that highway.

Reason: In the interests of good planning and road safety.

16 Within six months of first occupation of the development hereby permitted a Full Travel Plan shall be submitted to the Local Planning Authority for approval in writing. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan as approved.

The plan shall adhere to National Planning Policy Guidance, in providing objectives, monitoring and meeting the identified objectives. It shall include details of the Travel Plan co-ordinator and specifically detail - measures to promote school travel by sustainable measures and contain mode split targets which have been approved by the Local Planning Authority. Results of annual travel surveys shall be submitted annually to the authority's travel plan officer for approval.

Reason: In accordance with NPPF section 9, in particular paragraphs 104 and 113 and policy T7 of the 2018 emerging Local Plan. To promote sustainable travel, specifically so that private car travel is an improvement over the anticipated modal split (with no mitigation) and to ensure that traffic flows from the site can be safely accommodated.

17 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.

18 The development shall not be begun until full details of the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

19 Each dwelling shall not exceed a maximum water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

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 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.

21 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

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

22 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.

23 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 (if provided) or parking area for each dwelling. Prior to the construction of any dwelling above foundation level the applicant shall submit a drawing for the written approval of the local planning authority which identifies the proposed location for a future Electric Vehicle Recharge Point within the curtilage of each new dwelling and shall ensure that any necessary trunking/ducting is in place to enable cables to be run to the specified location.

Reason

To ensure future electric vehicle charge points can be easily added to the property in accordance with the National Planning Policy Framework and the City of York

Council Low Emission Strategy to encourage the uptake of electric vehicles in the interests of carbon reduction.

24 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 discharged.

A) No archaeological evaluation or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by 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 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

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

E) No development shall take place until:

- details in D have been approved and implemented on site
- provision has been made for analysis, dissemination of results and archive deposition has been secured
- a copy of a report on the archaeological works detailed in Part D should be deposited with City of York Historic Environment Record within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

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

deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved insitu.

25 Prior to commencement of development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during 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.

Reason: To protect the amenity of local residents.

26 No demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays.

Reason: To protect the amenity of local residents.

27 Details of any acoustic noise barrier(s) to protect the amenity of residential dwellings shall be submitted to and approved in writing by the local planning authority. These details shall include the construction method, height, thickness, acoustic properties and the exact position of the barrier. The barrier shall be erected in accordance with the approval before the use hereby permitted first comes into use and maintained thereafter.

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

28 Prior to the commencement of above ground works, a detailed scheme of noise insulation measures for protecting the approved residential development from externally generated noise shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to first occupation of the approved dwellings and retained and maintained for the lifetime of the development.

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

habitable rooms or if necessary windows closed and other means of ventilation provided.

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

29 Before or concurrently with the first application for the approval of reserved matters, a strategy for the development of at least 5% self or custom build plots across the whole site shall be submitted to and approved in writing by the Local Planning Authority. This strategy shall include a design code setting out the following details:

- Appearance
- Landscaping
- Layout
- Scale

The self and custom build housing shall be provided with services (access to a public highway and connections for electricity, water and waste water) to the extent that it can be defined as a serviced plot of land, as defined in The Self-build and Custom Housebuilding Regulations 2016.

The development of the self and custom build dwellings hereby approved shall not be carried out unless as 'self-build or custom-build' development as defined in the Glossary in Annex 2 of the National Planning Policy Framework (February 2019) or any subsequent replacement document.

All applications for approval of reserved matters for the self-build dwellings shall be in accordance with this strategy and other approved details.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006 and in the interests of local housing need.

30 No later than the submission of the first reserved matters application which includes residential dwellings, a Site Wide Housing Mix Strategy for the proposed mix of dwellings (defined by number of bedrooms), and including that suitable for older persons, shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved Strategy, or any such strategy subsequently approved by the Local Planning Authority.

Each reserved matters application relating to a phase or sub-phase (including a building) for residential development shall include a schedule of the mix of dwellings proposed within that phase, or sub-phase (including a building) and explain how this



relates to the amount and mix of housing approved for the overall development.

Reason: To ensure that the development provides a diverse mix of housing that reflects the need across the City, in accordance with Policy H3 of the City of York Council Publication Draft Plan (2018) and the National Planning Policy Framework.

31 No development other than enabling works of any phase, sub-phase or building shall take place until samples of the external materials to be used for that phase, sub-phase or building have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of that phase, sub-phase or building of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance and in accordance with policy D1 of the Publication Draft Local Plan (2018).

32 No development other than enabling works of any phase, sub-phase or building shall take place until details of the position, design, materials and type of all permanent boundary treatment for that phase, sub-phase or building have been submitted to and approved in writing by the Local Planning Authority. Such walls and fences shall be erected in accordance with the approved details before the phase, sub-phase or buildings to which they relate are occupied.

Reason: To safeguard the character and visual amenities of the site and wider area and in accordance with policy D1 of the Publication Draft Local Plan (2018) and in the interests of railway safety.

33 A Landscape Environment Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The development shall be carried out in accordance with details shown on the approved LEMP. The content of the LEMP shall include the following:

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

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the

management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: In the interests of biodiversity and to comply with policy GI2 of the Publication Draft Local Plan (2018).

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

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

Reason: In the interests of biodiversity and to comply with policy GI2 of the Publication Draft Local Plan (2018).

35 Prior to the installation of any new external lighting in public areas, a 'lighting design strategy for biodiversity' for the entire development site shall be submitted to and approved in writing by the local planning authority. The strategy shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats accessing their roost sites or using their territory. The installation of new external lighting shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity and to comply with policy GI2 of the Publication Draft Local Plan (2018).

## 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:

Requested additional information regarding the impacts of development on Askham Bog SSSI;

Requested additional highways modelling;

Imposed appropriate planning conditions.

#### 2. Drainage 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 (SuD's). 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 SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then 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). 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.

If existing connected impermeable areas not proven then Greenfield sites are to limit 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).

In some instances design flows from minor developments may be so small that the restriction of flows may be difficult to achieve. However, through careful selection of source control or SuDS techniques it should be possible to manage or restrict flows from the site to a minimum 0.5 l/sec for individual residential properties, please discuss any design issues with the City of York Council Flood Risk Management Team.

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development. If discharge to public sewer is required, and all alternatives have been discounted, the receiving public sewer may not have adequate capacity and it is recommend discussing discharge rate with Yorkshire Water Services Ltd at an early stage.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

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 shall be provided.

### 3. Electric vehicle charging information

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 / garage wall 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.

The Government's Electric Vehicle Homecharge Scheme' offers a grant to reduce the cost of installing a home electric vehicle charge point. For more information see the Office for Zero Emission Vehicles' (OZEV) website at:  
<https://www.gov.uk/government/collections/government-grants-for-low-emission->

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

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.

#### 4. Construction Environment Management Plan information

Noise details of hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of temporary acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place, details should be provided on intention 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.

Details should be provided of any activities which may result in excessive vibration, e.g. piling, and details of monitoring to be carried out. All piling operations shall be carried out using the method likely to produce the least vibration and disturbance. Full details of the dates, times and duration of operations shall be submitted to and approved in writing by the Local Planning Authority before any piling operations are begun and piling operations shall take place in accordance with the approved details. 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).

Dust mitigation measures may include, but may 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), targeted 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.

Lighting details should be provided of 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 the complainant will be updated, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses:

public.protection@york.gov.uk and planning.enforcement@york.gov.uk

**Contact details:**

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