

COMMITTEE REPORT

Date: 7 October 2021 **Ward:** Osbaldwick And Derwent

Team: East Area **Parish:** Dunnington Parish Council

Reference: 20/01626/FULM

Application at: Os Field 2800 Eastfield Lane Dunnington York

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

By: Mr Tate

Application Type: Major Full Application

Target Date: 5 March 2021

Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

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

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

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

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

1/2 Bed Duplex: 16 (4 Market, 12 Affordable);

2 Bed, Two Storey: 5 (14 Market, 5 Affordable);

3 Bed, Two Storey: 33 (23 Market, 6 Affordable);

4 Bed, Two Storey: 24 (17 Market, 2 Affordable).

Total: 83 (58 Market, 25 Affordable).

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

BACKGROUND AND RELEVANT SITE HISTORY

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

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

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

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

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

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

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

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

THE DUNNINGTON NEIGHBOURHOOD PLAN

Application Reference Number: 20/01626/FULM

Item No: 4a

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

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

PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

2.8. The DLP 2018 was submitted for examination on 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. In accordance with paragraph 48 of the NPPF the DLP 2018 policies can be afforded weight according to:

-The stage of preparation of the emerging plan (the more advanced the preparation the greater the weight that may be given);

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

-The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (N.B: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

2.9. Key relevant DLP 2018 policies are:

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

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

Emerging Local Plan evidence base

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

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

DRAFT LOCAL PLAN 2005

2.11. The City of York Draft Local Plan incorporating the Fourth Set of Changes Development Control Local Plan (April 2005) was approved for Development Application Reference Number: 20/01626/FULM Item No: 4a

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

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

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

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

3.0 CONSULTATIONS

INTERNAL

ARCHAEOLOGY

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

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

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

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

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

ECOLOGY

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

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

TREES AND LANDSCAPE

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

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

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

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

AFFORDABLE HOUSING

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

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

FORWARD PLANNING

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

EDUCATION

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

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

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

HIGHWAYS NETWORK MANAGEMENT

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

PUBLIC RIGHTS OF WAY

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

PUBLIC PROTECTION

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

FLOOD RISK AND DRAINAGE

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

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

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

LIFELONG LEARNING AND LEISURE (OPEN SPACE).

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

EXTERNAL

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

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

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

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

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

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

4.0 REPRESENTATIONS

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

4.2. Summary of Support Comments

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

4.3. Summary of Objection Comments

Highways:

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

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

Flood Risk:

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

Ecology:

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

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

Design and Amenities:

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

Policy:

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

Other:

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

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

5.0 APPRAISAL

Key Issues

5.1. The key issues are as follows:

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

PRINCIPLE OF DEVELOPMENT

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

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

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

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

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

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

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

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

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

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

IMPACT UPON THE OPENESS OF THE GREEN BELT

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

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

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

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

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

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

IMPACT ON THE GREEN BELT PURPOSES

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

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

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

HIGHWAYS & ACCESS

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

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

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

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

Access

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

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

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

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

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

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

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

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

Sustainable Travel

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

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

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

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

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

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

DESIGN AND LAYOUT OF SITE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESIDENTIAL AMENITY & PUBLIC PROTECTION

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

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

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

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

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

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

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

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

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

AFFORDABLE HOUSING

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

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

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

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

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

DRAINAGE & FLOOD RISK

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

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

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

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

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

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

ARCHEOLOGY

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

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

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

ECOLOGY

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

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

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

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

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

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

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

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

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

SUSTAINABLE DESIGN AND CONSTRUCTION

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

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

OTHER MATTERS RAISED IN REPRESENTATIONS

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

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

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

PLANNING OBLIGATIONS

Education

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

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

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

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

Affordable Housing

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

Open Space

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

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

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

The case for very special circumstances

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Unmet Housing Need

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

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

Whether prematurity is grounds to refuse the application

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

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

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

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

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

6.0 CONCLUSION

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

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

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

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

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

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

7.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years

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

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

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

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

Proposed Plans and Elevations:

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

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

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

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

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

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

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

3 Prior to the commencement of development a programme of post-determination archaeological evaluation is required on this site. The archaeological scheme comprises 3-5 stages of work. Each stage shall be completed and approved by the Local Planning Authority (LPA) before it can be approved.

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

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

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

evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

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

E) No development shall take place until:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuDS). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuDS.

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

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

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

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

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

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

Reason: In the interests of road safety.

9 The development hereby permitted shall achieve a reduction in carbon

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

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

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

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

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

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

Notes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of highway safety.

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

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

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

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

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

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

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it

clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

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

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

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

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

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

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

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

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

27 An Ecological Mitigation and Management Plan (EMMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the EMMP shall include the following:

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

The EMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the EMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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

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

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

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

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

29 Prior to the installation of any new external lighting, a 'lighting design plan' shall be submitted to and approved in writing by the local planning authority.

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

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

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

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

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

Travel Plan co-ordinator to be specified.

Provision and implementation of sustainable travel incentives for first occupants.

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

8.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the

requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

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

2. The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

3. The applicant/developer should be advised that the York Consortium of Internal Drainage Board's prior consent is required (outside the planning process) for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

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

Contact details:

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