



**Notice of a public meeting of  
Planning Committee A**

- To:** Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, D'Agorne, Doughty, Fenton, Fisher, Kilbane, Looker, Melly and Waudby
- Date:** Thursday, 1 December 2022
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

**AGENDA**

**1. Declarations of Interest**

At this point in the meeting, Members are asked to declare any disclosable pecuniary interest or other registerable interest they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.

**2. Public Participation**

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

**Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at meetings. The deadline for registering at this meeting is 5:00pm on Tuesday 29 November 2022.**

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

## **Webcasting of Public Meetings**

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

### **3. Minutes** (Pages 1 - 28)

To approve and sign the minutes of the meetings of the Planning Committee A held on 8 September 2022, 5 October 2022 and 3 November 2022.

### **4. Plans List**

This item invites Members to determine the following planning applications:

#### **a) Land to the West of Newlands Lane, Upper Poppleton, York [21/02444/FULM]** (Pages 29 - 72)

Extraction of clay and restoration of the site through the importation of inert wastes at land to the west of Newlands Lane [Rural West York Ward]

#### **b) Land to the East of Middlewood Close, Rufforth, York [22/01844/FULM]** (Pages 73 - 140)

Erection of 21no. dwellings and associated works (resubmission) [Rural West York Ward]

### **5. Urgent Business**

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

#### Democracy Officer

Angela Bielby

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

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

Contact details are set out above.

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

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

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City of York Council

Committee Minutes

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Meeting	Planning Committee A
Date	8 September 2022
Present	Councillors Cullwick (Chair), Ayre, D'Agorne, Doughty, Kilbane, Fisher, Melly, Waudby, Crawshaw (Substitute for Cllr Looker), Douglas (Substitute for Cllr Pavlovic) and Fenton (Substitute for Cllr Barker)
In Attendance	Becky Eades (Head of Planning and Development Services) Ruhina Choudhury (Senior Solicitor) Alison Stockdale (Development Management Officer)
Apologies	Councillors Pavlovic, Barker and Looker

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### **19. Declarations of Interest (16:34]**

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. In respect of agenda items 4a [Northern House, Rougier Street, York [22/00098/FULM], Cllr Crawshaw noted that he was a Governor at Scarcroft Primary School and Cllr Doughty noted that his employer was a tenant of Northern House. There were no further declarations of interest.

### **20. Minutes [16:35]**

Cllrs Crawshaw and Melly noted a number of suggested amendments to the minutes of the meeting held on 4 August 2022.

Resolved: That the approval of the minutes of the meeting held on 4 August 2022 be deferred.

Reason: In order to consider suggested amendments.

## **21. Public Participation [16:42]**

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

## **22. Plans List [16:42]**

Members considered a schedule of reports of the Head of Planning and Development Services, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

## **23. Northern House Rougier Street York [22/00098/FULM] [16:42]**

Members considered a major full application from Rougier Street Developments Ltd for the demolition of 1 - 9 Rougier Street and erection of mixed use development including 153 apartments (Use Class C3), offices (Use Class E), visitor attraction (Use Class F1), aparthotel with 88 rooms (Use Class C1) with associated landscaping and public realm improvements (resubmission) at Northern House, Rougier Street, York.

The Head of Planning and Development gave a presentation on the application showing the existing site, views, elevations and 3D isometrics. She advised that Members needed to base their decision on the scale plan.

An update was given to the committee, informing them of two additional representations in relation to the bat survey being out of date and a request for the full Financial Viability Assessment to be published, not just the Executive Summary. There had also been additional consultations from the Council's Design, Conservation and Sustainable Development (Conservation) officer, Design, Conservation and Sustainable Development (Ecology) officer, Design and Conservation and Sustainable Development (Design) officer and Yorkshire Water, resulting in a number of additional conditions being recommended. These were related to the biodiversity enhancement plan and drawing, the lighting design plan and construction.

### Public Speakers

Johnny Hayes spoke in objection to the application noting concerns regarding harm to heritage and archaeology, the need for affordable housing and disclosure on the Financial Viability Assessment. In response to Member questions, he explained the need for the full FVA to be

published and not just the Executive Summary. He was asked and explained that he could not comment on what would change as a result of seeing the full FVA until he had seen it.

Flick Williams spoke in objection to the application detailing concerns regarding disabled access. She explained a number of problems with the exterior of the building, issues with public transport infrastructure and size of the flats and shared space.

Ken Smith spoke in objection to the application on behalf of the Council for British Archaeology (CBA). He explained the CBA rationale for objecting to the application on the grounds of harm to the central conservation area and concern regarding the proposed approach to archaeology on the site thus resulting in the CBA recommending refusal of the application. In answer to Member questions, he explained that:

- The timescale and funding for the site needed to be sufficient and it was not known what laid under that ground.
- The CBA perspective would be an evaluation of the site when the building was dropped. He added at policies nationally and locally were not being applied.
- There was a degree of assurance in that it was recognised that it was not known what was under the site however but there were further concerns which were explained.
- In accounting for the fundamental difference between the CBA and York Archaeological Trust (YAT), it was noted that YAT were part of the application. The CBA tried to take an objective view in context of designated heritage assets and what was the best way forward.
- If there were waterlogged remains, the site would be of international interest.

Laurence Beardmore, President of the York & North Yorkshire Chamber of Commerce spoke in support of the application on behalf of the Chamber on the economic and business benefits of the scheme. These included economic growth and the regeneration of that side of York. He added that all occupiers of Northern House had leases ending by the end of the year and the offices would be vacant by the end of the year. He added that there was permitted development rights on the building and that the new development would offer grade A office space. In response to Member questions, he noted that:

- The GVA was built over a number of years and was cumulative, and there was a need to keep adding to the city.
- The office space could be converted into flats without planning permission.

Nick Rowe spoke in support of the application on the health and wellbeing benefits of the archaeological dig. He explained the value of archaeology on prescription and the mental health benefits of belonging to the team doing the dig to York and through their contribution to discovery and achievement.

At this point in the meeting, a Member expressed concern regarding the number of registered speakers on behalf of the Applicant. The Chair stated that the speakers on behalf of the Applicant would have 5 minutes to speak combined.

Eamonn Keogh, Agent for the Applicant, spoke in support of the application on the planning case. Neil Brown, the architect for the application explained that when the application was approved the previous year, the Applicant listened to the comments of the committee and had worked with the council design and conservation team and other stakeholders in changing the design of the scheme. He detailed the changes noting that the design included significant public realm improvements. He noted that the Applicant would continue to work with stakeholders. David Jennings spoke on the archaeological aspects of the case on behalf of the Applicant. He explained that public engagement would run alongside the excavation of the site and that the scheme would be focussed on the maximum delivery of public development.

Members then asked Eamonn Keogh and colleagues in attendance a number of questions to which they responded that:

- The Tanners Moat end of the site represented challenges and the reasons for moving the building were explained.
- The entrances and access arrangements were detailed.
- Concerning why the building was not accessible from all directions, there was a need to be clear about how to enter the attraction through the signposted routes on Tanners Moat and the glass atrium.
- The access from Tanners Moat to the public realm space was explained. It was noted that each side of the building did have access.
- Regarding how the building was accessible, this was part of the detailed design stage and the Applicant was happy to have conversations to address concerns about the design.
- Access was at the core of all attractions. They had worked with MySight, The Hut and the Blueberry Academy and they would work hard to make sure that everybody could access the attraction.
- The one and two bedroomed apartments were above space standards and studio bedroom did not have national minimum space standards.



- There was no reception area and there was a mix of units of single and double dwellings.
- The national minimum space standards started at one bedroom dwellings. 60% of the flats were studios. The report stated that the flat space sizes were considered acceptable.
- There would be a minimum let of a three month stay and in services apartments there was an average stay of 18 months. The benefits for tenants of services apartments included access to the gym and restaurant. All apartments would be tenanted.
- It was noted that the site was appropriate for high density.
- There was no level affordable housing in the apartment mix.
- The spaces in the scheme worked for a range of people and mix of tenants.
- The cost of rent would depend on the size of the unit.
- The uplift in visitor numbers was explained and it was noted that the attraction was three times as big as the Jorvik Viking Centre. It was noted that the Roman period was popular and that the projected visitor numbers were modest.
- Regarding displaying finds on the site, the design of the museum had not been finalised. It was explained that they wanted residents to get involved.
- Regarding significant finds on the site, this was about programming. The timings were ambitious and the reality was about resourcing. The estimations were based on long industry understanding. There was a balance between conservation and discovery.
- There were different tests for designated assets and non-designated assets and they would look at specific based assets known on the area and area based assets. The complexity of the assessment of the harm for the area was explained.
- Regarding not following CBA methodology, the YAT was following industry methodology and would comply with the methodology of the Chartered Institute of Archaeologists.
- Concerning the difference of opinion from the CBA and YAT, YAT was interested as an educational institution in investigation. The approaches regarding conservation and investigation were noted.
- In regard to the fuel used in the building, the building was designed using available technology and it met the policy requirements of the Draft Local Plan. The aim was to deliver low energy and a note was made of the measures in place to deliver future proof solutions.

On the news of the death Her Majesty Queen Elizabeth II, Members unanimously agreed to adjourn the meeting to consider the running of the meeting and they left the meeting to deliberate.

[The meeting adjourned from 18:33 to 18:42]

Members returned to the meeting. The Chair read out a statement on the death of Her Majesty Queen Elizabeth II and all present were informed that it was appropriate to discontinue and adjourn the meeting to a later date.

[The meeting adjourned at 18:44]

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Meeting	Planning Committee A
Date	5 October 2022 – Reconvened from meeting adjournment on 8 September 2022
Present	Councillors Cullwick (Chair), Ayre, D'Agorne, Doughty, Kilbane, Fisher, Melly, Waudby, Crawshaw (Substitute for Cllr Looker) and Douglas (Substitute for Cllr Pavlovic) and Fenton (Substitute for Cllr Barker)
In Attendance	Becky Eades (Head of Planning and Development Services) Ruhina Choudhury (Senior Solicitor) Alison Stockdale (Development Management Officer)
Apologies	Councillors Pavlovic, Barker and Looker

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#### **24. Northern House Rougier Street York [22/00098/FULM]**

The Head of Planning and Development Services noted that written representations received following the meeting on 8 September 2022 and the full Financial Viability Assessment (FVA) had been circulated to Committee Members during the Adjournment Period. Concerning paragraph 5.14 of the Committee Report, it was clarified that the scheme would be fully electric. In response to a Member question regarding lobbying, the Head of Planning and Development Services confirmed that written representations had been accepted.

Members were given a precis of the meeting on 8 September, noting that consideration had been given to access and space requirements, density, visitor numbers, archaeology, and energy strategy (including air source heat pumps, photovoltaic and heating). Questions to the Applicant then resumed. The Agent for the Applicant and colleagues were asked and clarified that:

- There was a variety of energy saving and sustainability measures in the scheme. Due to the location of the site, it was not possible to use photovoltaic and the scheme would be using air source heat pumps and electric heating. It was noted that the air source heat pump would increase the BREAMM rating and that it would be located on a compound on the roof.

- Concerning the possibility of valuable archaeological finds, the applicants were relying on the experience of the archaeological team. It was noted that Conditions 5 and 6 covered archaeology and there was a degree of uncertainty with the archaeology with finds dealt with as they occurred.
- Regarding the FVA stating that the scheme was unviable, the different types of viability assessments was explained. It was clarified that there was £6million for the dig and that York Archaeological Trust (YAT) had taken a 10 year view of it. It was further clarified that the £2million figure for the dig was from the previous scheme.
- The overall question of viability related to the S106 obligations and the viability assessment came up with a £24-26million deficit.
- The viability assessment had been carried out using a standard viability assessment. The NPPF guidance was outlined and it was added that the developers were taking a longer term approach to make the scheme viable. If during the life of the scheme it became viable, the S106 contribution for affordable housing could be revisited as part of the overage.
- The scheme was being assessed using the standard methodology in the guidance.
- With reference to the Council for British Archaeology (CBA) methodology for the excavation for the site, it was explained that to widen the size of the excavation would have a greater impact on the site. Reference was made to previous reports on the archaeology of the site and a Member noted the questionability of the location of the Roman road and it was explained that it was highly likely that the bridge was located onwards from Tanner Row.
- The stepped entrance at one access point was because of different ground levels. The stepped access was expected to be mainly used for deliveries but could also be used by the general public.
- It was confirmed that the stairs in the middle of the building met accessibility requirements.
- The gates would be closed when the attraction was not in use and that part of Tanner Street was in the ownership of the building.
- Blue badge holders would be dropped off at the three to four parking spaces on Tanners Moat. An explanation of drop off locations was given.
- Each of the apartments will be accessible, and 20% of the rooms in the aparthotel will be accessible.
- Regarding visitor numbers, the economic impact assessment took account of visitors being from York and this was factored into that calculation.

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

- The viability at the point in time showed that affordable housing could not be provided. This may be able to be provided at a different point in time.
- The Executive Summary of the FVA remained the same as the full report.
- The location of cycle parking and storage was explained.
- The location of the parking bays was yet to be finalised.
- Condition 56 referred to the viability of the scheme.
- It would not be reasonable to include a funding agreement, and a condition could not be used to secure funding. The Senior Solicitor confirmed that conditions could not be used to regulate private contracts.
- It was clarified that the viability assessment was to look at the viability of S106 contributions.
- Paragraph 58 of the NPPF states that the weight to be given to the viability assessment is to be determined by the decision maker.
- The reason for the building material and colour was explained.
- All four clauses needed to be met to meet policy D6 of the Local Plan.
- Condition 6 covered the archaeological remains management plan. The process for the evaluation of archaeology was explained.
- Regarding the CBA reference to the lack of evaluation of the site, there was no real knowledge of what laid under the site. The difference with the site was that other public benefits aside, the benefits outweighed the substantial harm.
- It was difficult to answer whether deposits on the site would dry out as a result of environmental impacts.
- The rationale for the juxtaposition of the design of the building on the corner and its harm to listed buildings was explained.
- It was explained that the details of the overage needed to be confirmed and would be dealt with when negotiating the s106 Agreement.
- The education provision and location of play equipment were based on officer's evidence bases. In the absence of evidence to support alternative allocation, the officer's recommendation regarding the location of the play equipment would remain unchanged.
- The Senior Solicitor confirmed that, depending on the nature of amendment being sought, it was possible to amend an officer recommendation. If changes needed to be made to the S106 once completed, this would need to be agreed and formalised via a Deed of Variation. It was confirmed that details of the amount and allocation of S106 contributions could not be changed.
- The recommendation was based on officer's evidence base.

[The meeting adjourned at 18:50 and reconvened at 19:00].

The Senior Solicitor advised that in the absence of relevant assessments having been undertaken to support changes to the S106 obligations, the Committee needed to make their decision based on the recommendation and evidence used to make the recommendation. The Head of Planning and Development Services advised that the Applicant was prepared to accept a change to Condition 56 regarding providing evidence of funding for the site. The inclusion of this in the condition was considered reasonable by officers.

Members then debated the application. Following debate Cllr Fenton proposed the officer recommendation to approve the application with the additional conditions relating to the inclusion of a biodiversity enhancement plan/drawing, lighting design plan, submission of a construction environmental management plan (CEMP: Biodiversity), works to ensure the stopping up of parts of Tanner Row to facilitate the landscaping scheme and amended Conditions 2, 31, and 42 and amendment to Condition 56 regarding providing evidence of funding for the site. This was seconded by Cllr Doughty. A vote was taken with six voting in favour and five against.

It was therefore:

Resolved: That the application be approved subject to completion of a S106 agreement to include the items below and the recommended conditions:

- Control of Build to Rent tenancy length
- Viability review mechanism
- Education contributions
- Primary £56,928
- Secondary £26,126
- Early years £56,928
- Off-site sports facilities for clubs based in the city centre and Clifton £38,127
- Off-site amenity space at North Street Gardens and War Memorial Gardens £27,029
- Children's play space at Scarcroft Green play area £13,676
- Off-site highways works
- £20,000 to implement changes to loading restrictions on Wellington Row and Tanner Row, access onto Wellington Row and parking restrictions if required
- £3,000 towards signalling changes to accommodate cyclists at the junction of Tanner's Moat and Rougier Street

- £6,000 for a TRO and signage for a car club car on North Street or nearby
- Sustainable travel £400 per dwelling toward bus pass or cycle equipment
- S106 monitoring fee £1000 for travel planning, £1300 each for open space, education and highways.

Additional conditions

1. A biodiversity enhancement plan/drawing shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of above ground works. The approved plan shall be implemented prior to first occupation and retained and maintained for the lifetime of the development.

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.

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

- Demonstrate that required external lighting has been selected in line with current guidance – Bat Conservation Trust (2018) Bats and artificial lighting in the UK.
- Demonstrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications), clearly demonstrated where light spill will occur.
- The approved lighting plan shall be retained and maintained for the lifetime of the development.

Reason: To protect the habitats of European Protected Species where there might be changes on site in accordance with Section 15 of the National Planning Policy Framework.

3. No development shall take place until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following:

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

The details of the approved plan shall be fully complied with in accordance with approved timescales.

Reason: To facilitate the protection of notable/sensitive habitats within the local area.

4. Prior to commencement of development, works to ensure the stopping up of parts of Tanner Row to facilitate the landscaping scheme as shown on the indicative landscape plan 0730-RFM-XX-00-DR-L-0001-S2-P03 shall be completed to the satisfaction of the Local Planning Authority.

Reason: In the interests of good design and highway safety.

#### Amended Conditions

Condition 2 Illustrative landscape plan 0730-RFM-XX-00-DR-L-0001-S2-P03

Condition 31 Upon completion of the development, delivery vehicles and waste removal vehicles to the development shall be confined to the following hours:

Monday to Friday 07:00 to 19:00 hours

Saturday 07:00 to 19:00 hours and not at all on Sundays and Bank

Holidays



Reason: To protect the amenity of occupants of the nearby properties from noise.

Change proposed to delivery hours to address potential conflict with pedestrianised hours.

Condition 42 Prior to the commencement of each phase of development, details of the following shall be submitted and approved in writing by the Local Planning Authority:

- Amount and type of construction traffic
- Construction access and egress
- Routes into and out of the city centre for construction vehicles including arrangements for deliveries and loading (with holding areas off site if required)
- Dilapidation survey over area to be agreed
- Locations for contractor parking
- Suitable and safe access, parking and drop-off for visitors and staff during Phase 1 (archaeological dig)
- Hoarding details - please note hoarding licences are likely to be required
- The approved details shall be implemented prior to commencement of, and fully adhered to throughout, the relevant construction period.

Reason: In the interests of highway safety.

Condition 56 – to provide evidence of funding for the site.

Reasons:

- i. The scheme involves the demolition of 3 buildings within the Central Historic Core Conservation Area. None of the buildings are of significant architectural value, and one is identified as a detractor, therefore no objection is raised to their demolition, providing a sufficiently high-quality replacement is proposed. An archaeological dig will then take place across 28% of the site followed by construction of a 12 storey (2 basement storeys plus 10 above ground) building consisting of a visitor attraction related to the archaeological dig, 2375sqm office space, aparthotel and 153 flats. The site, as well as being in the conservation area and Area of Archaeological Importance, is within Flood Zone 3 and adjacent to, or in close proximity to, a variety of listed buildings. In accordance with paragraph 11 of the NPPF, the more restrictive heritage assets and flood risk policies in the NPPF apply.

- ii. The proposal results in the loss of office space within the existing buildings. An assessment of the existing floorspace has shown that it is less attractive to the modern business as a result of its layout and low energy efficiency. Additionally, there has been a change in character along Rougier Street to a more leisure-based emphasis. There is some replacement office space in the new building, and it is acknowledged as a more energy efficient and practical floorspace than the existing. For these reasons, the proposal is considered to comply with policy EC2 of the emerging Local Plan.
- iii. The proposal has been revised significantly since the previous scheme and now represents a more sensitive response to its context. It is still however a large building within the historic city and as such will necessarily impact on its surroundings. As a result, harm has been identified to the conservation area and the setting of a number of listed buildings, most particularly 15, 16 and 17 Rougier Street. The harm to designated above ground heritage assets has been assessed at less than substantial.
- iv. The archaeological dig is an intrinsic part of the scheme. It is anticipated that the archaeological deposits found will be of national importance and they should therefore be considered subject to the policies for designated heritage assets. Local Plan policy D6 identifies that where archaeological deposits of more than 5% of the site are disturbed then this equates to substantial harm to the heritage asset.
- v. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm resulting from the scheme is considered to be substantial however substantial economic, social and environmental benefits have been identified. These benefits relate to the significant economic benefits of the visitor attraction, public engagement and educational benefits of the archaeological dig, provision of housing, modern energy efficient building and public realm enhancements.
- vi. The substantial harm to the designated heritage assets has been afforded great weight in the planning balance however

there are also significant public benefits. While it is clearly a finely balanced decision, these public benefits are considered sufficient to outweigh the harm identified to those heritage assets even when such harm has been afforded considerable importance and weight in the overall planning balance.

- vii. As set out in section 5 of the committee report, other identified potential harms to flood risk, highway safety, visual and residential amenity and other environmental matters could be adequately mitigated by conditions.

Cllr Cullwick, Chair

[The meeting started at 4.30 pm and finished at 7.44 pm].

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Meeting	Planning Committee A
Date	5 October 2022
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, D'Agorne, Doughty, Kilbane, Fisher, Looker, Melly, Waudby and Fenton (Substitute for Cllr Barker)
In Attendance	Becky Eades (Head of Planning and Development Services) Ruhina Choudhury (Senior Solicitor) Jonathan Kenyon (Development Management Officer)
Apologies	Councillor Barker

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## **25. Declarations of Interest [19:46]**

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. None were declared.

## **26. Public Participation [19:46]**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee A. Johnny Hayes explained that when CYC developed its own projects there had been serious public concern about how these were handled in the planning process. He added that the ombudsman had expressed concern regarding planning. He noted his concerns regarding a number of aspects in the determination of planning applications. In respect of the National Railway Museum central hall application on bring considered at the meeting, he noted that flaws in the planning system that were behind the public outrage to the application.

## **27. Plans List [19:46]**

Members considered a schedule of reports of the Head of Planning and Development Services, relating to the following planning applications,

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

## **28. Vacant Site, Eboracum Way, York [19/01467/FULM] [19:46]**

Members considered a report on viability issues in delivering the scheme for the erection of 5 storey apartment building with basement comprising 62 residential units (Use Class C3), associated car parking and landscaping works at Vacant Site, Eboracum Way, York. The scheme, for residential development of the site was considered at planning committee 11 February 2020 and approved in May 2020. The S106 Agreement dated 20 May 2020 (as varied by the Deed of Variation dated 1 December 2020) contained a policy compliant affordable housing obligation of 20% (in accordance with policy H100 of the Publication Draft Local Plan 2018). The Development Management Officer explained that there were now viability issues in delivering the scheme and the construction and abnormal costs had been independently reviewed by Quantity Surveyors and a fresh viability appraisal undertaken by the District Valuer. The viability appraisal, by the District Valuer, concluded that the scheme was not viable and recommended to the Council that the £1m contribution offered was reasonable. As such, Members were asked to consider delegating authority to Officers to vary the S106 agreement accordingly. This would secure £1m in planning obligations. The recommendation was for the affordable housing obligation to be reduced accordingly to £881,471.

The Chair invited the Applicant to the table. The Applicant explained the viability issues to Members. In response to Member questions, he explained that:

- He was not the original applicant and had not been made aware of the £600k costs for access to the site via the delivery track
- Risks were considered, however, there were unforeseen circumstances with the site due to Coronavirus
- Should the affordable housing contribution not be reduced, the development would become unviable
- The Applicant was to get their equity out of the development.
- It was a residential development with dwellings available to buy
- There have been various difficulties in securing funding

In response to questions from Members, Officers clarified that

- The legal agreement as signed currently, including the affordable contribution would stand if the affordable housing contribution was not agreed by Members.

- It was not usual to have a sequence of events leading to a request for a reduction in the affordable housing contribution.
- Under the current s106 there is no opportunity for the council to claw any money back should the price of the units increase.
- The reduction in S106 contributions came from the affordable housing contribution because of obligations within the legal agreement.
- How the viability appraisal was approached.
- The dialogue regarding the scenario of the bank taking the site back. The information given from the bank as part of the preapplication process was that it would be developed into an aparthotel or student accommodation.
- All affordable housing could potentially be lost if an application for an aparthotel was brought back to the Committee for determination.
- The original permission stood and the Committee was considering a deed of variation.
- The extra costs for the boundary wall were included in the development costs. This was not a significant cost.
- The developer was not in full agreement of the valuers costs, including the land value. The 8% profit was based on a land value of £250k.
- Why it was not possible to have parking on the site.
- There could be an overage clause added into the S106 agreement to look at the profit made and a subsequent contribution to affordable housing.

Following debate, Cllr Ayre proposed the Officer recommendation to vary the S106 with the addition of an overage clause into the S106 agreement to look at the profit made and contribution to affordable housing. This was seconded by Cllr Fisher. Nine Members voted for the motion and two voted against. It was therefore,

Resolved: That delegated authority be granted to Officers for the S106 agreement to be varied accordingly to secure £1m in planning obligations including the affordable housing obligation be reduced accordingly; to £881,471 and for the addition of an overage clause into the S106 agreement to look at the profit made and contribution to affordable housing.

Reason:

- i. The developer can afford to provide £1m in planning obligations, although, based on the viability, developer profit is below the normal threshold. In reality the profit is lower,

because of the price paid for the site. This compromise would allow for retention of the current contractor and finance to complete the scheme. Officer recommendation is to vary the s106 agreement to secure a £1m planning obligation, rather than the original £2,058,921. This is broken down as follows:

- a) Education - £54,711 to be used at Tang Hall Primary (reconfiguration to increase capacity) & £24,987 to be used at Archbishop Holgate (extension to increase capacity)
  - b) Open space - £7,138 to be used at Monk Bridge Gardens to improve accessibility
  - c) Off-site sports provision - £19,383 to be used at Glen Gardens to improve tennis, basketball and bowling green facilities.
  - d) Car club - First occupants to be offered £200 towards membership/use (£12,400)
  - e) Affordable housing - £881,381
  - f) The total loss off affordable housing contribution would be £1,058,921
- ii. This follows the recommendation from the district valuer who has carried out an independent viability review on the scheme based on verified incurred construction costs.
  - iii. The risk associated with not proceeding with the s106 variation is that the residential development scheme stalls for an unknown period of time. The banks would likely repossess the site and pursue a more profitable scheme i.e. student accommodation or an apartment type hotel (which would fit within the approved building envelope). This scenario has been confirmed by the applicant. These alternatives would not make the same contribution to local housing need and would incorporate zero affordable housing contribution.

Cllr Cullwick, Chair

[The meeting started at 7.44 pm and finished at 8.54 pm].



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Meeting	Planning Committee A
Date	3 November 2022
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, D'Agorne, Doughty, Kilbane, Fisher, Looker, Melly and Fenton
Apologies	Councillor Waudby
Officers Present	Becky Eades (Head of Planning and Development Services) Jonathan Kenyon (Principal Officer, Development Management) Ian Stokes (Principal Development Control Engineer) Sandra Branigan (Senior Solicitor)

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### **29. Declarations of Interest (4.45 pm)**

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. In respect of agenda items 4a and 4b (Pavers Ltd, Catherine House, Northminster Business Park, Upper Poppleton [21/02804/FUL] and [22/01555/FULM] respectively, Cllr Kilbane noted that although he had visited the Pavers site with Cllr Douglas that the applications had not been discussed.

No further interests were declared.

### **30. Public Participation (4.37 pm)**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee A.

Cllr Douglas, Leader of the Labour Group, stated that the city was a desirable and profitable place for developers, and it was important to ensure that infrastructure was built in a sustainable and managed way. She highlighted that developers must be expected to pay for community green space, education and affordable housing through Section 106 contributions. In addition, City of York Council (CYC) should have a well-

resourced planning enforcement team to ensure that planning conditions had been followed and s106 obligations were met.

### **31. Minutes (4.50 pm)**

Resolved:

- i. That the minutes of the meeting of Planning Committee A held on 4 August 2022, be approved and signed as a correct record, subject to Cllr Crawshaw's amendment as distributed to the Committee.
- ii. That the minutes for the meetings held on 8 September and 05 October 2022, be held over to the next meeting so as to check the accuracy of the Declaration of Interest and Public Participation items.

### **32. Plans List**

Members considered a schedule of reports of the Head of Planning and Development Services, relating to the following planning applications, outlining the proposals and relevant policy considerations, and setting out the views of consultees and officers.

#### **2a) Pavers Ltd Catherine House Northminster Business Park Harwood Road Upper Poppleton [21/02804/FULM] (4.53 pm)**

Members considered a major full application from Pavers Holdings for the extension to warehouse (B\* use with ancillary office/welfare space) with service yard, vehicular and cycle parking, and landscaping at Catherine House, Northminster Business Park, Upper Poppleton, York.

The Principal Planning Officer gave a presentation on the application and provided an update to Members as follows:

Items 4a & 4b

Updated drainage details received which are acceptable. As a consequence recommendations to be changed accordingly.

Item 4a (warehouse) – amend reason for refusal to -

The proposal by reason of its location within the Green Belt would constitute inappropriate development in the Green Belt as set out in Section 13 of the National Planning Policy Framework (NPPF). Inappropriate development is by definition harmful to the Green Belt. The proposal would result in a detrimental impact on openness of the Green Belt and conflict with three of the Green Belt's purposes, as identified in NPPF paragraph 134.

Other identified harm has been identified as follows -

- Sustainable travel promotion is lacking, in particular due to over provision of car parking and the lack of aspiration in the travel plan for promoting alternative to private car travel. To this extent the proposals are not in compliance with NPPF paragraphs 107-113 and Publication Draft Local Plan 2018 policies SS1: Delivering Sustainable Growth for York and T1: Sustainable Access).

- The proposed lighting strategy would lead to loss of potential foraging habitat for bats, contrary to NPPF paragraph 179.

- The noise assessment is not robust in evidencing noise from HGV movements would have no undue effect on the dwellings adjacent the business park entrance, contrary to NPPF 185a.

The site is not one which has been identified for development in the Publication Draft Local Plan 2018 (which is at examination stage). The Local Plan process did consider the site for development and determined it was necessary to remain in the Green Belt, taking into account the spatial strategy for delivering sustainable growth for York.

The benefits put forward by the applicant do not, either individually or cumulatively, clearly outweigh the totality of the harms identified above and therefore do not amount to very special circumstances necessary to justify the proposal for the purposes of the NPPF. The proposal is, therefore, considered contrary to advice within the NPPF, in particular section 13 'Protecting Green Belt land', policy PNP1 of the Upper and Nether Poppleton Neighbourhood Plan and policies SS1, SS2: The Role of York's Green Belt and GB1: Development in the Green Belt of the Publication Draft Local Plan 2018.

The additional revised plans and reports have been assessed and the planning balance, with the exception of the requested alterations to the reason for refusal, do not change the officers recommendation.

## Public Speakers

Ian Gillies, a local resident, spoke in favour of the application. He noted the challenge to attract and retain businesses in York. He stated that as there were no residential properties near to or overlooking the site the building would be an appropriate application located within the green belt.

In response to questions Members were informed that the field was used for growing potatoes. It was noted that special circumstances had been identified for the Park and Ride site and the boundaries of the site had been originally drawn up in 2001. It was felt that the additional jobs could constitute special circumstances.

Stuart Paver, Managing Director, Pavers, spoke in support of the application. He stated that the business needed to grow in an efficient and sustainable way with a centralised warehouse and distribution centre. The expansion had the potential to create 130 jobs and would enable the business to reduce carbon emissions through fewer journeys and reduction of costs of holding stock at ports. He emphasised his personal desire for the business to remain in York.

In response to Members questions, Mr Paver and his team explained that:

- The Park and Ride was currently closed so they were trying to encourage shared rides and would increase cycle provision.
- Refusal of the application would lead to increased movement of vehicles in and out of the site, the office application (agenda item 4b) would be withdrawn as it was dependent on approval.
- A mix of digital and warehouse staff roles would be created, over a 3 to 5 year period.
- It was difficult to determine customer demand but the costs in moving the product around the site or sites reduced efficiency.
- They wanted to stay in York, other sites had been assessed and found unsuitable. They had not engaged with the Local Plan process as they had not anticipated filling the existing space. The new warehouse would be built in stages according to need, they had planned for the maximum possible capacity. The warehouse would require 200m of the field.
- The site at SD19 was not suitable as it did not allow the office and warehouse to be on the same site, this would prevent efficiencies and double the costs of expansion.

Officers responded to Member questions as follows:

- When considering applications on the green belt, each case should be taken on its own merits. The impact of each development were

different with a separate set of circumstances, although approval added weight in the planning balance.

- The Economic Impact Assessment was accessible on the planning portal and had been taken into account in the report, with the economic benefits had been listed in paragraphs 5.24 and 5.25 of the report.
- The boundaries of the green belt were based on the special character of York and were specific to the city.

[6.14pm – 6.22 pm, the meeting was adjourned]

Following debate, Cllr Ayre proposed the officer recommendation to refuse the application. This was seconded by Cllr Fisher. On being put to the vote, with six Members in favour and four against, it was then;

Resolved: That the application be refused.

Reasons:

The proposals are for a warehouse extension of significant scale (11,275sqm floorspace) which is over double the size of the existing premises, along with associated car parking on what is currently open agricultural land within the general extent of the Green Belt.

The land is proposed to remain Green Belt in the emerging local plan which is currently at examination.

The applicants have provided a business case demonstrating the benefits of the existing premises being able to expand, allowing growth and increased efficiency of the business. The expansion of the existing site can only take place on Green Belt land.

Policy requires substantial weight to be 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 identified harm is as follows -

Green Belt

- Inappropriate development which is, by definition, harmful.
- Harm to openness.
- Harm to 3 of the 5 Green Belt purposes.

Other identified harm

- The drainage design is unresolved in respect of the agreed run-off rates and how on-site attenuation (in respect of swales) would be accommodated.
- Due to the conflict between drainage and landscape proposals the scheme does not evidentially provide space for a drainage solution and the landscaping proposed. The landscaping is proposed by the applicants to mitigate landscape and visual impacts and to deliver biodiversity net gain.
- Sustainable travel promotion is lacking in particular due to over provision of car parking and the lack of aspiration in the travel plan for promoting alternative to private car travel.
- Proposed lighting strategy would lead to loss of potential foraging habitat for bats.
- The noise assessment is not robust in evidencing noise from HGV movements would have no undue effect on the dwellings adjacent the business park entrance.

Officers recommendation is that the reasons for the scheme and the economic benefits proposed do not amount to Very Special Circumstances that clearly outweigh the identified harm to the Green Belt along with the other identified harm. To this effect the scheme is in conflict with policy PNP1 of the Upper and Nether Poppleton Neighbourhood Plan in addition to NPPF Green Belt policy.

**33. Pavers Ltd Catherine House Northminster Business Park Harwood Road Upper Poppleton [22/01555/FULM] (6.52 pm)**

Following the outcome of agenda item 4a, Janet O'Neill of O'Neill Associates, the agent for the application, formally withdrew the application relating to agenda item 4b, at Pavers Ltd, Catherine House, Northminster Business Park, Upper Poppleton, [22/01555/FULM].

[6.54 – 7.09 pm, the meeting was adjourned]

**34. Former Gas Works Heworth Green York [22/01281/REMM]  
(7.09pm)**

Members considered a reserved matters application from Heworth Green Property Company Ltd and Moda Living for details of appearance and landscaping for Zone B at the Former Gas Works, Heworth Green, York.

The Development Officer gave a presentation and update on the application as follows:

- The cycle storage had been moved.
- Condition 2 updated to reflect revised elevations received.
- Clarification – reference to brown roof in 5.9 incorrect.

It was confirmed that these changes did not alter the officer's recommendation for approval.

Public Speaker

Tim McDonald, Development Executive at Moda Living, spoke in support of the application and provided some background information on the company. He confirmed that they were invested in the long-term success of the scheme through providing professionally managed, quality accommodation.

In response to Members questions, officers informed the committee that:

- Umbrellas were not allowed on the roof terrace to prevent loss of amenity and reduce the visual impact.
- The timing of conditions was covered in the outline planning permission.
- Noise restrictions were not usually applied to residential properties.
- Cycle stores had been spaced more equally through the site. It was for the management company to manage cycling and pedestrian routes through the development.
- The appearance of the landscaping and buildings could be subject to an informative, as could electric points in the cycle stores.

Following debate, Cllr Kilbane moved the officer recommendation to approve the application. This was seconded by Cllr Looker and following a unanimous vote it was;

Resolved: That the application be approved subject to the recommendations, the additional information contained in the update and the informatives, identified above.

Reasons: The scheme accords with the outline permission and is acceptable in all other respects, taking into account relevant NPPF, national design guide and Publication Draft Local Plan policy. The scheme is subject to the conditions of the outline permission (which include triggers for installation of the landscaping and parking) and those recommended in section 7 of the report.

Cllr C Cullwick, Chair

[The meeting started at 4.42 pm and finished at 7.35 pm].



**COMMITTEE REPORT**

**Date:** 1 December 2022      **Ward:** Rural West York  
**Team:** West Area      **Parish:** Upper Poppleton Parish  
Council

**Reference:** 21/02444/FULM  
**Application at:** Land To the West of Newlands Lane Upper Poppleton York  
**For:** Extraction of clay and restoration of the site through the importation of inert wastes at land to the west of Newlands Lane  
**By:** Mr D Brown  
**Application Type:** Major Full Application  
**Target Date:** 5 December 2022  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 Land west of Newlands Lane comprises an area of 6.8 hectares of scrubland incorporating a large water body to the south west of Upper Poppleton village. The water body was created through unauthorised clay extraction in 2007 and the site is accessed from Kettlewell Lane an unmade agricultural track of some antiquity. Planning permission is presently sought for the extraction of approximately 330,000 tonnes of puddling clay for use in flood defences, repairing canals and reservoirs and lining waste disposal sites. The proposal is subject to an Environmental Impact Assessment under Schedule 2 of the 2017 Town and Country Planning (Environmental Impact Assessment) Regulations and the site lies within the general extent of the York Green Belt.

1.2 Following extraction of the mineral it is proposed to restore the site with graded inert soils and plant the site with an oak based native woodland.

**2.0 POLICY CONTEXT**

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 of the 2008 Yorkshire and Humberside Regional Strategy. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas. Also the relevant policies of the York and North Yorkshire Minerals and Waste Local Plan (2022) Adopted April 2022, together with the relevant policies of the Upper and Nether Poppleton Neighbourhood Plan Adopted 2017.

2.4 North Yorkshire and York Minerals and Waste Local Plan (2022) Policies:

- M13 Continuity of Supply of Clay
- D02 Local Amenity and Cumulative Impacts
- D03 Transport of Minerals and Waste and Associated Traffic Impacts
- D05 Mineral and Waste Development in the Green Belt
- D06 Landscape
- D07 Biodiversity and Geodiversity
- D09 Water Environment
- D10 Reclamation and After use
- D12 Protection of Agricultural Land and Soils

2.5 Poppleton Neighbourhood Plan (2017) Policies:

- PNP1 Green Belt
- PNP12 Restoration of Land at Dutton's Farm

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

- EC5 Rural Economy
- G12 Biodiversity and Access to Nature
- G14 Trees and Hedgerows
- GB1 Development in Green Belt
- ENV4 Flood Risk
- T1 Sustainable Access

2.7 York Development Control Draft Local Plan (2005) Policies:

- CYGP15a) Development and Flood Risk
- CYNE2 River and Stream Corridors, Ponds and Wetland Habitats
- CYGB1 Development in Green Belt
- CYMW3 Minerals Extraction
- CYMW4 After Use of Mineral Workings

### **3.0 CONSULTATIONS**

Application Reference Number: 21/02444/FULM

Item No: 4a

INTERNAL

Public Protection

3.1 Raise no objection to the proposal

Design, Conservation and Sustainable Development (Archaeology)

3.2 Raise no objection to the proposal.

Design, Conservation and Sustainable Development (Landscape)

3.3 Raise no objection in principle to the proposal but feel that the development would have a lesser landscape impact if the proposed earthworks were slightly higher.

Design, Conservation and Sustainable Development (Ecology)

3.4 Raise concerns that the proposed after use involving deciduous woodland of native species is not in keeping with the development of the area and it is recommended that a restoration scheme more consistent with local landscape development such as a flood meadow be developed in conjunction with an ecologist. The submission of a draft LEMP(Landscape, Environmental Management Plan) is also sought prior to determination.

Lead Local Flood Authority

3.5 Raise no objection in principle to the proposal subject to the requirements of the Ainsty(2008) IDB and the authority's Ecologist being satisfied.

Highway Network Management

3.6 Raise no objection in principle to the proposal subject to any permission being conditioned in detail in respect of the access design and volume of vehicle movements.

Strategic Planning Policy

3.7 Raise no objections to the proposal subject to it being demonstrated as not harming the openness and purposes of designation of the Green Belt, with in the event of harms being demonstrated Very Special Circumstances being presented. The specific requirements of ecology, landscape, drainage and highways being properly addressed.

EXTERNAL

North Yorkshire County Council

3.8 Raise no objection to the proposal.

Ainsty (2008) Internal Drainage Board

3.9 Raise no objection to the proposal subject to the detailed surface water management during operation and restoration being conditioned in detail as part of any permission.

Environment Agency

3.10 Raise no objection to the proposal subject to any permission being conditioned in detail in respect of pollution prevention and to secure the biodiversity value of the site.

Natural England

3.11 Raise no objection to the proposal.

Cross Country Pipelines

3.12 Raise no objection to the proposal.

Upper Poppleton Parish Council

3.13 Object to the proposal on the grounds that surrounding roads are not suitable for the volume and nature of associated traffic, parking within the site is insufficient for those working there, there is a need to secure high quality farmland and the impact of noise from continuous 24 hour working would adversely affect the residential amenity of neighbouring properties.

## **4.0 REPRESENTATIONS**

4.1 The proposal was publicised by Site notice on 30<sup>th</sup> November 2021 and by Press Notice at the same time. Seven letters of objection have been received raising the following issues:

- Objection to the creation of new landfill sites
- Objection to the impact of HGVs accessing and egressing the site on pedestrian and cycle traffic in the locality
- Concern that the applicant may not be able to complete the restoration phase of the development
- Objection to the proposed restoration scheme which does not reflect local landscape history
- Objection to the impact of the proposal upon the residential amenity of the neighbouring farm house through noise
- Concern that the proposal is merely seeking to legitimise the previous unauthorised development
- Objection to the loss of trees and hedgerow surrounding the access to Newlands Lane to facilitate HGV access to the site
- Objection to pollution of surrounding water courses from leachate from the site
- Concern that vehicles from the site may access and egress via Upper or Nether Poppleton contrary to the weight restriction impacting upon the Lane.
- Concern that the increased noise and comings and goings to the site would harm the amenity of the wider area

- Concern that the junction of Newlands Lane with the A59 would become an accident black spot with the increase in traffic using the junction.
- Objection to the impact of the proposal upon local biodiversity

4.2 Coun Ann Hook objects to the proposal on the grounds of conflict between pedestrians, horse riders and cyclists using Newlands Lane and the HGVs accessing and egressing the site.

## 5.0 APPRAISAL

### KEY CONSIDERATIONS

#### 5.1 KEY CONSIDERATIONS INCLUDE:-

- Environmental Impact Assessment
- Principle of the Development
- Impact upon the Open Character and Purposes of Designation of the Green Belt
- Impact upon the Landscape
- Impact upon Local Biodiversity
- Impact upon the Safety and Convenience of Highway Users
- Hydrology and Flood Risk
- Impact upon the Residential Amenity of Nearby Properties

### ENVIRONMENTAL IMPACT ASSESSMENT

5.2 The proposal is EIA development and falls to be assessed under Schedule 2 of the 2017 Town and Country Planning (Environmental Impact Assessment Regulations). A detailed Environmental Assessment has been submitted to support the application. The following potential impacts are itemised

- Air Quality
- Water Quality
- Flood Risk
- Noise
- Traffic
- Landscape and Visual Impacts

The environmental information submitted complies with the above Regulations and is sufficient to assess the environmental impact of the proposal.

### PRINCIPLE OF THE DEVELOPMENT

5.3 Central Government Planning Policy as outlined in paragraph 211 of the NPPF indicates that great weight should be given to the benefits of mineral extraction including to the economy. In considering proposals for mineral extraction minerals planning authorities should ensure that there are no unacceptable adverse effects upon the natural or historic environment, human health, that any unavoidable noise or dust is controlled at source and provide for restoration and after care at

the earliest opportunity carried out to the highest standards. At the same time Policy M13 of the Minerals and Waste Local Plan identifies the site as allocated to secure the supply of clay for industrial purposes. Policy PNP 12 of the Upper and Nether Poppleton Neighbourhood Plan states that proposals for the restoration and reinstatement of land at Dutton Farm should respect its location within the general extent of the Green Belt.

5.4 In terms of the location of the site within the Green Belt paragraph 150 of the NPPF indicates that certain forms of development are not considered as being inappropriate development which includes mineral extraction providing, they preserve openness and do not conflict with the purposes of including land within it. This is paralleled in Policy D05 of the Minerals Plan indicates that proposals for Mineral extraction in the Green Belt will be supported where they are consistent with the purposes of Green Belt identified in National Policy, would preserve the openness of the Green Belt and would safeguard the historic character and setting of York. Restoration and after care of the site must similarly satisfy Green Belt objectives. The appropriateness or otherwise of the development in Green Belt terms is considered in detail below.

5.5 The application site comprises an unrestored site of unauthorised work for extraction of clays in the early 2000s. It has subsequently been allocated in the Minerals and Waste Plan as a site to assist in the securing of supplies of clays suitable for puddling for flood defence works, for repair of artificial water bodies, such, as canals reservoirs and docks and the lining of landfill sites. It is estimated that the site can yield approximately 180,000 cubic metres of puddling clay over six phases prior to restoration. Material would be extracted to a maximum depth of 9 metres AOD, approximately 4 to 6 metres below current maximum ground level at the site. Working would not be continuous and would take place on a contract basis to supply the needs of specific developments requiring use of the specialist clay and would take approximately 6 ½ years to run through all six phases. Restoration would be using 390,000 cubic metres of sifted and inert soils to create a woodland and wetland area.

5.6 The proposed working relates to the extraction of a specialist industrial puddling clay reserves of which in the wider area are limited and therefore require working where they occur. The detail of the proposed working fulfils the requirements of the allocation in Policy M13 of the Minerals Local Plan. The terms of the restoration, whilst not reflective of the landscape in the immediate area, provide a reference to the community woodland being developed a short distance to the south east beyond the A59.

## IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE GREEN BELT

5.7 Paragraph 137 of the NPPF indicates that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belt are their openness and permanence. Paragraphs 147 and 148 of the NPPF indicate that inappropriate development is by nature harmful to the Green Belt and should not be approved other than in very special circumstances. In considering any planning application for development within the Green Belt substantial weight should be afforded to the harm to the Green Belt.

5.8 Openness in terms of Green Belt Policy seeks to keep land permanently open by preventing urban sprawl as outlined in paragraph 137 of the Framework. The application site comprises an area of 6.8 hectares of scrub land with a water body centrally placed within it set within a wider area of open countryside. The proposal envisages the metalling of the access track to enable it to be used by conventional HGVs the formation of a formalised access into the site the construction of a retaining bund around the working area, the erection of a site office and weighbridge, formation of a parking area for vehicles and equipment and the formation of a stock piling area for the extracted clay. Taken in combination each of the elements of the development would lead to harm to the openness of the Green Belt in the vicinity of the application site.

5.9 It is a formerly worked area in terms of clay extraction albeit on an unauthorised basis situated in open countryside which has reverted to nature. The proposal re-commences working which will introduce for the temporary period before restoration, a highly industrial type appearance with a formalised road access, parking area and office with industrial type activities clearly taking place and noticeable over the surrounding area. The applicant has indicated a willingness to restrict the height and dimensions of the worked clay stockpile and to ensure that any processing takes place off site in order to minimise visual harm but there will still be significant visual harm from the associated engineering works and the development is therefore felt to be inappropriate in the Green Belt.

5.10 Paragraph 138 of the NPPF identifies five purposes for designation of the Green Belt. These include the safeguarding of the open countryside from encroachment and also the safeguarding of the setting of historic towns and cities. The proposal is not for an urbanising use and therefore would not be an encroachment in the open countryside with required minerals needing to be extracted where they occur. At the same time its location would not impact upon the setting of the Historic City. The proposal would not therefore impact upon the purposes of designation of the Green Belt. A case for “very special circumstances” in accordance with paragraphs 147 and 148 of the Framework is therefore required which will be considered further below in the context of the planning balance.

5.11 In terms of the restoration scheme the proposal envisages the progressive restoration of the site to a native broadleaf woodland with adjacent wetland habitat. Through its character involving the sensitive removal of natural interventions its positive contribution to the wider natural landscape it is felt that the scheme would preserve the openness of the Green Belt and secure the purposes of including the land within it.

#### IMPACT UPON THE LANDSCAPE OF EXTRACTION

5.11 Central Government Planning Policy as out in paragraph 174 of the NPPF indicates that planning decisions should protect and enhance valued landscapes as well as respecting the intrinsic character and beauty of the countryside. Policy D06 of the Minerals Local Plan indicates that proposals will only be permitted where there will be no unacceptable impact upon the quality and/or character of the landscape having taken account of any proposed mitigation measures.

5.11 The application site lies in an area of very gently rolling but generally low lying landscape to the west of the built up area of the City. Much of the surrounding farmland is cropped as arable

with mature hedge boundary treatment with isolated mature and veteran trees interspersed with wide farm tracks which Kettlewell Lane accessing the site is one example of. A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the formal Environmental Impact Assessment which indicates that the site is not readily visible in medium and longer distance views through the surrounding landscape.

5.12 During the extraction phase work is phased progressively around the site from east to west with extraction of each phase followed by a commencement of the restoration of that phase upon its completion. The extraction equipment and the traffic associated with it would be intermittently visible with extraction activities taking place below the existing landform. That would be mitigated to a degree by the planting of a native species hedge 6 metres inwards from the bank of the Foss dyke and substantial reinforcement of the existing hedgerow planting along Kettlewell Lane. The proposed site office and weighbridge would be located at the north western edge of the site in the area of least visibility from outside of the site. Some extracted clay would be stockpiled on site but any impact can be minimised by condition controlling the height and dimensions of that storage as part of any permission.

5.13 Taking account of the low lying nature of the site and the lack of any significant long distance views across it, combined with the proposed mitigation measures it is felt that the proposed extraction activity would not adversely impact upon the surrounding landscape.

### IMPACT OF THE SCHEME UPON THE LANDSCAPE DURING RESTORATION

5.14 Restoration would take place on a phased basis directly following on from the completion of each phase of extraction. It will involve the importation of graded and sifted soils from development projects elsewhere which then, as restoration is progressively undertaken would infill the voids left from the previous extraction. There would inevitably be some stock piling of soils for a temporary period whilst the infilling work is being undertaken which would impact upon landscape views of the site from the immediate vicinity. The height and dimensions of such stockpiles may be controlled by condition on any planning permission.

5.15 In more general terms the restoration involves the raising of levels over much of the site above existing with planting of broadleaf woodland predominantly oak with a similar approach to that being undertaken with the White Rose Forest to the south east. Whilst the woodland is maturing the visual prominence of the site would increase. However, when fully mature the woodland would form a positive feature within the surrounding landscape. A detailed planting plan for the restoration has been submitted which forms one of the approved plans secured by condition. This is supplemented by a detailed landscape scheme also secured by condition.

### IMPACT UPON LOCAL BIODIVERSITY DURING EXTRACTION

5.12 Central Government Planning Policy as outlined in paragraph 180 of the NPPF indicates that when determining planning applications if significant harm to biodiversity arising from a development cannot be avoided through locating to an alternative site with less harmful impacts, mitigated for or as a last resort compensated for, then planning permission should be refused. At



the same time Policy D07 of the Minerals Plan indicates that proposals will be permitted where it can be demonstrated that having taken account of proposed mitigation measures there will be no harm to biodiversity. Proposals must also consider cumulative impacts, being either multiple impacts from the same development or impacts from the development in combination with other development in the locality.

5.13 The submitted Ecological Impact Assessment establishes that there are no protected species present within the site although the hedge abutting the site along Kettlewell Lane to the north is of some antiquity. It is not however species rich and therefore not of the highest significance in terms of the Hedgerow Regulations. Several mature trees within the hedge have been identified as having potential for a bat roost although the bat survey associated with the Environmental Impact Assessment failed to identify bats as being present in the area. The extraction operation requires the removal of a 50 metre section of the boundary hedge in order to accommodate the access and turning area for the vehicles visiting the site. That would give rise to some short term harm to biodiversity however at the same time a hedge utilising appropriate native species would be planted 6 metres in bound of the bank of the Foss Dyke to the south and south west in order to mitigate impact upon landscape views across the site in that direction. That would additionally enhance the biodiversity of the site particularly in respect of its relationship with the adjacent watercourse. To provide further mitigation any planning permission may be conditioned to require the submission and prior approval of a detailed Landscape Environmental Management Plan (LEMP).

5.14 A second element of the extraction phase of the proposal in terms of biodiversity is the dewatering and ultimately infilling of the existing water body centrally within the site left over from the previous unauthorised clay extraction. That is not the nesting habitat of any significant bird species although it does provide a transient habitat for ducks, waders and swans travelling through area en route to other more significant water bodies near by. The remainder of the site is a poor quality scrub land habitat and local biodiversity would not be harmed through the extraction process. Impact upon the habitat of any nesting birds can be mitigated by means of a condition upon any planning permission restricting operations during the nesting season.

#### IMPACT UPON LOCAL BIODIVERSITY DURING RESTORATION

5.15 As part of the restoration scheme, it is proposed to reconstruct and reinforce the hedge bounding Kettlewell Lane with new planting utilising native species. With the restoration it is proposed to plant the majority of the site with deciduous broadleaf native woodland consisting mostly of oaks with a pond and reed bed at the south eastern edge of the site where it is at its most low lying to retain a wetland habitat that would continue to be a point of attraction for wetland birds travelling through the area. The balance of the site would retain the existing grassland/scrub vegetation. Concern has been expressed by a consultee that the use of a broadleaf woodland as the basis of the restoration of the site does not carry reference to the development of the local landscape history and an alternative should be developed based upon the local mix of vegetation and wildlife species. It is however felt that the addition of an area of woodland planting would enhance local biodiversity and be more characteristic of the wider landscape. A biodiversity net gain can at the same time be demonstrated by the standard methodology as required by the NPPF.

## IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

5.14 Central Government Planning Policy as outlined in paragraph 111 of the NPPF indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative effects upon the road network would be severe. At the same time Policy D03 of the Minerals Plan indicates that where possible minerals operators should use alternatives to road transport. Where road transport is required there would need to be capacity within the existing network for the nature and level of traffic proposed which would not have an unacceptable impact upon local communities or other highway users. Access arrangements should be suitable for the nature and volume of traffic generated and there should be suitable arrangements for on-site loading/unloading and manoeuvring of vehicles.

5.15 Concern has been expressed by objectors in respect of the potential for conflict between users of the site and pedestrians, cyclists and horse riders on adjoining lanes together with the wider possibility of vehicles entering and leaving the site via Upper /Nether Poppleton village to access the surrounding strategic road network in contravention of a Traffic Regulation Order restricting flows of HGVs.

5.16 The scheme through the submitted Transport Statement within the EIA envisages that the site would be worked approximately 278 days per year with 20 two way HGV movements which would use 10 tonne vehicles. That would yield an average of two per hour. Staff would travel to the site in their own vehicles from the company's main site at Escrick in the morning and returning at the finishing of working in the evening with no one permanently based at the site.

5.17 Newlands Lane is a single track road with passing places , however it has wide verges and there is good visibility in a south westerly direction towards the A59. It varies in width from 2.9 to 3.2 metres widening further to 5.7 metres in the vicinity of the junction with the A59. There are four passing places between Kettlewell Lane and the A59 which are informal and of varying dimensions and surfacing. Only a single slight injury accident has been recorded at the junction of Newlands Lane and the A59 in the past five years. Accident risk is therefore relatively small. Subject to the passing places being improved to accommodate HGV s of the appropriate dimensions and the access detail from the site on to Kettlewell Lane and from Kettlewell Lane to Newlands Lane being approved by condition to any permission there is no objection to the proposal in highway terms. Suitable provision for wheel washing of HGVs to prevent spread of detritus on to the surrounding highway is also of particular importance.

5.18 North and north east of the site the lane is used for access to adjoining farms and by dog walkers coming from Nether and Upper Poppleton. In the direct vicinity of the application site the road is comparatively little used with the small number of pedestrians passing along Newlands Lane able to access the verges in the event of a vehicle passing. The applicant has indicated that the construction and operating traffic for the site would access from the A59 in a north easterly direction and return along the same route. It is envisaged by the applicant that the access configuration from Kettlewell Lane on to Newlands Lane would be such as to prevent a vehicle either turning from the north and Poppleton Village and turning out to the north towards the village.

This may be secured by condition as part of any planning permission. To travel further north into either Upper or Nether Poppleton would be to contravene the Traffic Regulation Order and be an offence under the Road Traffic Regulation Act 1984. Routing of traffic could further be secured by means of a condition for a Method of Works Statement attached to any planning permission. With the comparatively low level of existing usage and the level of additional vehicle usage the proposal is felt to be acceptable in highway terms subject to conditions covering improvements to the passing places, access details and wheel wash being appended to any permission

## HYDROLOGY AND FLOOD RISK

5.16 Central Government Planning Policy as outlined in paragraph 185 of the NPPF indicates that planning decisions should ensure that development is appropriate for its location taking account of the effects including cumulative effects upon human health, living conditions and the natural environment including the potential sensitivity of the site and the wider area to the impacts of development. At the same time paragraph 188 indicates that planning decisions should be on whether the development is an acceptable use of land rather than control the processes or emissions (where these are subject to other control regimes). Planning decisions should assume that these regimes work effectively. Policy D09 of the Minerals Plan indicates that proposals for minerals and waste development will be permitted where it can be demonstrated that there would be no adverse impacts including any mitigation upon surface or groundwater quality or surface or ground water flows.

5.17 Concerns have been expressed by consultees and objectors in respect of the potential for contamination of ground water and local water courses arising from the extraction works and also the import of soils for use in the restoration of the site.

5.18 In order to maintain access to the two adjoining water courses which the Ainsty IDB are responsible for maintaining the Foss Dyke and the Northfield Beck a 6 metre easement has been agreed along the bank of the Foss Dyke which would be demarcated by a native osier hedge. It is envisaged that during dewatering of the existing pond a formal outfall would be created with a settlement area to allow for the water to be properly treated prior to discharge to ensure that clay particles do not discharge into the beck to cause pollution or silting further along its course.

During each phase of extraction, a settlement area within a bund will be created to allow for surface water to be discharged by means of a pump at a controlled rate of 1.4 litres per second. It is acknowledged that there may be potential for surcharging during periods of particularly heavy rain due to the impermeable nature of the material, in that circumstance extraction activities would cease along with pumping for the duration of the event. In order to address this provision can be made in respect of the requirement for a surface water drainage scheme conditioned as part of any planning permission. In order to minimise discharges no phase would cover more than 1 hectare at a time and the settling pond would incorporate a straw bale filter to ensure that the discharge of clay particles is minimised. This is considered to be acceptable in hydrological terms.

5.19 In terms of the restoration the agreed surface water discharge rate would remain identical. The proposed restoration material would be free draining graded inert soils recovered from other

building projects which provide minimal risk of pollution to the surrounding water environment. The quality of the material can be controlled by condition as part of any planning permission.

## IMPACT UPON THE AMENITY OF THE SURROUNDING AREA

5.20 Central Government Planning Policy as outlined in paragraph 130f) of the NPPF indicates that planning decisions should create places with a high standard of amenity for all existing and future users. At the same time Policy D02 of the Minerals Plan indicates that minerals and waste planning developments including associated infrastructure will be permitted where it can be demonstrated that there would be no unacceptable impacts upon neighbouring residents, businesses or users of the public rights of way network arising from noise, dust, lighting, vibration or visual intrusion.

5.21 Concerns have been expressed by objectors in respect of issues of dust in the surrounding area and particular issues of noise, light and visual intrusion in respect of the occupants of the nearest residential properties to the south west. The development is subject to a parallel requirement for an Environmental Permit under the Environment Act in terms of its operation. Paragraph 188 of the NPPF indicates that planning decisions should be on whether a development is an appropriate use of land rather than control of processes or emissions (where subject to separate pollution control regimes). Where these regimes are in place it should be assumed that these regimes will operate effectively. This is of particular relevance in respect of the mode of extraction and subsequent restoration of the site.

5.22 In terms of lighting the submitted Environmental Statement indicates that there would be no fixed lighting. However, due to the remote nature of the site and the likely pattern of working there will likely be a requirement for mobile lighting which because of its nature may have an increased impact within localised areas of the site and at certain times of year. This gives rise to potential for the site to be visible over a greater distance within the surrounding landscape. There may also be some potential for impact in terms of any foraging birds or bats in the wider area. This may be mitigated by means of lighting scheme secured by condition to any planning permission.

5.23 In terms of dust arising from the development, the clay to be extracted has a high moisture content and so other than in very dry conditions dust would not arise as a significant issue during extraction. In that eventuality it is proposed to use a water bowser to dampen down the surface of the access track where the most significant dust risk would arise speeds of vehicles both within the site and on the access track would be kept to a maximum of 15mph again to minimise generation of dust. Excavation would also be undertaken by hydraulic means which ensures that the clay is extracted with much of the moisture still adhering to it. At the same time no processing activities would take place on the site and a wheel wash would be incorporated for vehicles entering and leaving with the storage areas and construction compound hard surfaced. Each of these mitigations can be secured by condition on any planning permission requiring approval of a detailed dust management plan.

5.24 In respect of visual impact the site is situated in open countryside in relatively flat terrain. From the north and from the east it is not readily visible, however there are two residential properties lying within 200 metres to the south west and clearly intervisible with the site. In terms

of fixed longer term structures, it is envisaged to lay out a storage area for extracted clay, and the soils to be used for restoration, a compound in which the HGVs visiting the site will be loaded and unloaded together with parking for staff and any visitors. These areas would be located at the north western edge of the site where the surrounding landform gives the greatest degree of shelter in terms of views from the neighbouring properties. Furthermore it is proposed to plant a quick growing native species hedge around the southern and south western boundary of the site giving a suitable distance for maintenance of the adjoining watercourse, at an early stage in phase 1 which when mature, would provide a high degree of shelter for nearby properties in views across the site. These mitigations are felt to be acceptable and may be secured as part of a condition on any planning permission.

5.25 With relation to noise issues the proposed method of extraction would be discontinuous and based upon the fulfilment of contracts with periods where the site will be dormant with no work being undertaken. The envisaged operating hours are from 07:00 am to 18:00 Monday to Friday and 08:00am to 13:00pm on Saturdays with no Sunday or Bank Holiday working. Staff would not be permanently allocated to the site and would travel in from the company's main site at Escrick. Taking account of the distance from the nearby properties and the proposed hedge planting which would take place at a very early stage and provide some mitigation, the proposed hours are felt to be acceptable and may be secured by condition attaching to any planning permission.

5.26 In other respects the material would be extracted, and restoration undertaken with a single excavator and two tracked bulldozers. A system of work is envisaged which will minimise reversing movements by the HGVs which can be a significant cause of noise nuisance. Noise may also be increased by the site being dry and it is envisaged to use a water bowser to treat operating areas during prolonged periods of dry weather. This may again be mitigated by means of a condition attaching to any planning permission.

### PLANNING BALANCE AND CASE FOR VERY SPECIAL CIRCUMSTANCES

5.27 In order to address the requirements of paragraphs 147 and 148 of the NPPF and demonstrate a case for "very special circumstances" it is necessary to examine the functional need for and benefits of the proposal and how that balances against all the harms it may cause, when giving substantial weight to the Green Belt harms.

5.28 The proposed development is inappropriate in the Green Belt by virtue of the impact on the openness of the Green Belt of the formation of the associated storage area, compound, site office and the formalisation of the access road.

5.29 However, the site is allocated for the purposes of clay extraction in the Adopted Minerals and Waste Local Plan. Given the recent adoption of that plan, it is considered that the allocation carries full weight. Minerals may only self-evidently be worked where they occur which will include Green Belt locations. The application details identify the type of clay as being of a specialist quality because of its impermeability. It is used for for the specialist purpose of puddling and repairing waterways, building flood defences or lining waste sites. It is something for which there is a continuing significant need, and it occurs in very few locations particularly in the North of England and reserves are at a premium.

5.30 Because of the clear need for the clay and the relatively limited occurrence of reserves afford the proposal substantial weight. . The proposed extraction is for a limited period and would not be continuous. Harm by reason of inappropriateness should of itself be afforded substantial weight., The recent allocation in an adopted Plan should be afforded full weight. A continuing need for the mineral to be extracted which may not readily be obtained elsewhere should also be afforded substantial weight. In terms of paragraphs 147 and 148 and the test for “very special circumstances” it is felt that the need for the mineral and the fact that it may only be worked where it occurs is a consideration which clearly outweighs any harm by inappropriateness and any other harm. At the same time no harms maybe identified to the purposes of designation of the Green Belt. The test of paragraph 148 of the NPPF is met and “very special circumstances” can therefore be demonstrated to justify the development.

## **6.0 CONCLUSION**

6.1 The proposal is for the extraction of approximately 330,000 tonnes of clay for use in flood defences, repairing canals and reservoirs and lining waste disposal sites remaining from the previous unauthorised extraction of clay for farm holding purposes in the early 2000s . The proposal is subject to an Environmental Impact Assessment under Schedule 2 of the 2017 Town and Country Planning (Environmental Impact Assessment) Regulations and the site lies within the general extent of the York Green Belt.

6.2 The clay is of a specialist nature which self-evidently may only be worked where it occurs and forms an allocation within the Adopted Minerals and Waste Local Plan. Restoration would be by means of tipping of sifted and inert soils to form a woodland native species habitat with a water body retained. The principle of the development is felt to be acceptable. The works to the access track, the laying out of the site compound and storage area and the erection of a site cabin and weighbridge are inappropriate development by reason of impact upon the openness of the Green Belt. The proposed restoration scheme would of itself not be inappropriate.

6.3 The impact of the proposed extraction upon the surrounding landscape would be modest taking account of the surrounding topography and the proposed hedge planting to the south and south west. At the same time the impact of the proposed restoration would be acceptable creating a new woodland habitat. In relation to biodiversity the site is not identified as the habitat of any protected species and the proposed restoration incorporates a retained wetland habitat with enhanced hedgerow planting and an additional woodland. The proposal is therefore felt to be acceptable in landscape and biodiversity terms.

6.4 In terms of highway impact the site would be accessed from a farm track from Newlands Lane a single track road joining the A59 subject to a TRO limiting the weight of vehicles travelling its length. The nature of the process would involve only modest vehicle movements per hour with no staff permanently based at the site. The passing places linking the site with the A59 would be upgraded to accommodate the vehicles used. The access track and its junction with Newlands Lane would also be upgraded to restrict access of vehicles in a northerly direction towards Upper Poppleton. The nature of visibility and the availability of wide verges for the remainder of Newlands Lane approaching the A59 is such as to minimise conflict with other road users. The proposal is therefore felt to be acceptable in highway terms.

6.5 The proposal lies directly adjacent to a watercourse maintained by the Ainsty IDB of significant importance to the local pattern of surface water drainage. The proposal has been accompanied by detailed supporting evidence indicating how the existing water body can be dewatered to enable clay extraction without pollution and without increasing flood risk elsewhere in the vicinity. The restored scheme also incorporates a retained water body which in addition to having a biodiversity benefit would help stabilise the local pattern of surface water drainage. The proposal is therefore felt to be acceptable in terms of hydrology and flood risk.

6.6 In terms of amenity impacts there would be no fixed lighting, but mobile lighting would be clearly required at certain times of year which would be acceptable if controlled by condition on any permission. In terms of dust there would not be any generalised impact because of the nature of the material and the nature of the extraction method. Any permission would however be conditioned to require dust management in the circumstances where it would arise. In terms of visual impact key activities such as the storage area and site compound would be located away from more visible areas and the vulnerable south and south west boundary would be planted with a native species hedge. The method of work is designed to minimise noise and may be subject to a condition on any planning permission.

6.7 Taken together and accounting for the various mitigations the proposal is felt to be acceptable, satisfying the test of very special circumstances in paragraph 148 of the NPPF and approval is recommended.

**7.0 RECOMMENDATION:** Approve

1 The development hereby authorised shall be undertaken within 10 years of the date of the this permission and the site shall be restored in accordance with the scheme outlined in accordance with Drawing ref: ES3.12, unless otherwise agreed in writing by the Local Planning Authority”.

Reason: To safeguard the openness of the Green Belt and secure compliance with Paragraph 137 of the NPPF

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

Drawing Refs: ES 3.2; ES 3.3; ES 3.4; ES 3.5; ES 3.6; ES 3.7; ES 3.8; ES 3.9 ; ES 3.10; ES 3.11; ES 3.12; ES 3.13; ES 3.14.

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

3 Vehicular access shall only be from Newlands Lane and details of the design of this access, together with associated sightlines, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Thereafter the access shall be

constructed in accordance with the approved details.

Reason: In the interests of highway safety.

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

5 No part of the site shall come into use until turning areas have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose until completion of the restoration works.

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

6 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

7 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Upgrading of passing places on Newlands Lane between its junction with the A59 and Kettlewell Lane

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

8 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and good management of the public highway the details of which must be recorded prior to the access to the site by any construction vehicle.

9 No works shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Such plan shall include:

i) Details of routing of vehicles

ii) Form of construction of the upgraded Kettlewell Lane and its junction with Newlands Lane



including drainage and surfacing;

iii) Contact details of the site contractor in the event of complaint, and.

iv) Proposed method of reinstatement

v) Mechanism for review at the end of each extraction phase

vii) Wheel washing to prevent spread of detritus on to surrounding highway

viii) Measures to reduce noise from within the site

The development shall thereafter be carried out in accordance with the approved Construction Traffic Management Plan.

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

10 The hours of operation of this approved use shall be confined to 07:00 to 18:00 Mondays to Fridays, 08:00 to 13:00 Saturdays, and no working on Sundays and Bank Holidays.

Reason: To safeguard the amenities of adjoining occupants

11 LC4 Land contamination - unexpected contam

12 Prior to works being undertaken on site a detailed Dust Management Plan (DMP) for both extraction and restoration phases shall be submitted to and approved in writing by the Local Planning Authority. Such plan shall include details of appropriate mitigation measures, management training, monitoring and visual inspection. Thereafter the DMP as approved shall be implemented for the duration of the development.

Reason: To safeguard the amenity of neighbouring properties and to secure compliance with paragraph 130f) of the NPPF.

13 Within 2 months of completion of phase 1 to the clay extraction hereby authorised a detailed management plan, with timescales, in respect of the boundary and restoration landscape planting. including density of planting, mix of species and provision of replacement planting for anything that becomes diseased or dies for a minimum period of ten years from commencement of restoration, shall be submitted to the Local Planning Authority for approval in writing. The development and restoration shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: To safeguard the character of the local landscape and secure compliance with Policy D06 of the Minerals and Waste Local Plan..

14 The development hereby authorised shall not be commenced until a detailed Pollution Prevention Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the plan as approved shall be implemented for the duration of the development This plan shall include:

- A review of the Environmental Management System, the Pollution Prevention and Incident Plan and the site specific Environmental Work practices as outlined in Appendix 7.1 to the

Environmental Statement.

- A detailed Management Plan outlining how the pond will be dewatered and what measures will be put in place to prevent pollution of the water course particularly from silts arising from the bottom of the pond.
- A management plan for water run off during the clay extraction operations phase and during the subsequent restoration phase . Specific measures will be set out as to how water containing sediments will be prevented from entering the watercourse. Soil stock piles will be located at a suitable distance from the water course and there shall be no discharge of contaminated site drainage into either surface or ground water.
- Detailed provision for the storage of excavated clay prior to transport from site.
  - Detailed method of work for extraction of clay and preparation for off-site transport
  - Detailed method of work for deposit and compaction of imported soils during restoration

Reason:- To comply with paragraph 174 of the NPPF

15 No development shall take place until a Landscape and Ecological Management Plan (LEMP) including long term restoration objectives has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include long term restoration objectives, management responsibilities, maintenance schedules and timescales. The LEMP shall be carried out as approved for the duration of the development and the restoration, with any variation first approved in writing by the Local Planning Authority. The LEMP shall incorporate but not be limited to:

- Details of any new habitat created on site including the two new water bodies
- Details of the Proposed Aquatic and woodland/hedgerow planting
- Details of on-going maintenance regimes
- Details of on-going management responsibilities

Reason: To ensure the protection and support of wildlife and supporting habitat and to secure opportunities to enhance the site's nature conservation value in line with Policy G12 of the Publication Draft City of York Local Plan (2018)

16 There shall be no raising of land levels within that part of the site that is within Flood Zone 3.

Reason:- To ensure that there is no loss of flood storage and to ensure that flood waters are not directed on to others.

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

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

18 A biodiversity enhancement plan, with timescales, shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of works. The content of the plan shall include, but shall not be limited to, the recommendation set-out in the Ecological Impact Assessment, BSG Ecology (August 2021). The development shall take place in accordance with the approved plan.

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

19 No development shall take place (including ground works and vegetation removal) until a construction environmental management plan, with timescales, (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The development shall thereafter take place in accordance with the approved CEMP: Biodiversity. The CEMP: Biodiversity shall include the following:

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

Reason: To facilitate the protection of notable/sensitive habitats within the local area.

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

- a) Demonstrate that it has taken account of the recommendation set-out in section 5.11 (Reduction of biodiversity effects by lighting) of Ecological Impact Assessment, BSG Ecology, August 2021.
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications), with timescales, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats accessing their roost sites or using their territory.

Thereafter the approved strategy shall be implemented for the duration of the development.

Reason: To maintain the favourable conservation status of bats by safeguarding connectivity between habitats and retaining suitable foraging habitat.

21 No development approved by this permission shall take place until the Local Planning Authority has approved a scheme for the disposal of surface water during the extraction process. The scheme as approved shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is first brought into use.

- The approved discharge rate shall not exceed 1.4 litres per second
- Full details of the proposed filtration system shall be provided and approved
- Storage Volume shall allow for a 1:100 year storm event with an allowance of 30% for climate change

Reason : To ensure that the development is provided with a satisfactory means of surface water drainage

22 No development the subject of this permission shall take place until a scheme for surface water drainage for the site during and following restoration has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented to the reasonable satisfaction of the Local Planning Authority within 28 days of cessation of working of the site.

- Discharge rate shall not exceed 1.4 litres per second per hectare
- Storage volumes shall accommodate waters arising from a 1 :100 year storm event without surface flooding
- In the event of waters exceeding a modelled 1 in 100 year event then all extraction and pumping activities shall temporarily cease for the duration of that event

Reason : To ensure that the site is provided with a satisfactory means of surface water drainage upon restoration of the site.

23 A strip of land six metres wide adjacent to the top of the bank of the water course known as the Small Foss shall be kept clear of buildings , structures, fencing , trees, planting and plant over hang for the duration of the development. Ground levels shall also not be raised within this area.

Reason: To enable reasonable maintenance of the water course to take place.

24 Prior to extraction activities commencing full details of the proposed clay storage area including overall height and dimensions shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: To safeguard the open character of the Green Belt

25 Prior to extraction activities commencing full details of the proposed imported soil storage area including overall height and dimensions shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the

details thereby approved.

Reason: To safeguard the open character of the Green Belt

## **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 amendment of the proposals for dewatering the existing pond and to provide surface water drainage to minimise flood risk and pollution to adjoining water courses.

### 2. HIGHWAY WORKS:

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

Works in the highway - Section 171 - [streetworks@york.gov.uk](mailto:streetworks@york.gov.uk)

Agreement as to execution of works (Section 278) [development.adoption@york.gov.uk](mailto:development.adoption@york.gov.uk)

### 3. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused, by activities relating directly to the approved development (e.g. delivery of building materials via HGV's). The Council is particularly concerned at the increasing impacts and damage occurring to grass verges. This is detrimental to residential amenity, can present safety issues and places an unreasonable financial burden on the Council, if repairs are subsequently deemed necessary. Therefore, applicants/developers are strongly advised to work proactively with their appointed contractors and delivery companies to ensure that their vehicles avoid both parking and manoeuvring on areas of the public highway (grass verges) which are susceptible to damage. The council wishes to remind applicants that legislation (Highways Act 1980) is available to the authority to recover any costs (incurred in making good damage) from persons who can be shown to have damaged the highway, including verges. If the development is likely to require the temporary storage of building materials on the highway, then it is necessary to apply for a licence to do so. In the first instance please email [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk), with details of the site location, planning application reference, anticipated materials, timelines and volume. Please refer to the Council website for further details, associated fees and the application form.

### 4. NESTING BIRDS

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use

or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. As suitable habitat is present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

#### 5. MAINTENANCE RESPONSIBILITY FOR THE SMALL FOSS

The water course which lies adjacent to the development lies within the area of the Ainsty(2008) Internal Drainage Board. The Board has powers under the 1991 Land Drainage Act to secure its maintenance.

#### 6. CONSENT FOR DISCHARGE

Under the Board's By Laws the written consent of the Board is required for any discharge or increase in discharge to any water course directly or indirectly in the Board's Area.

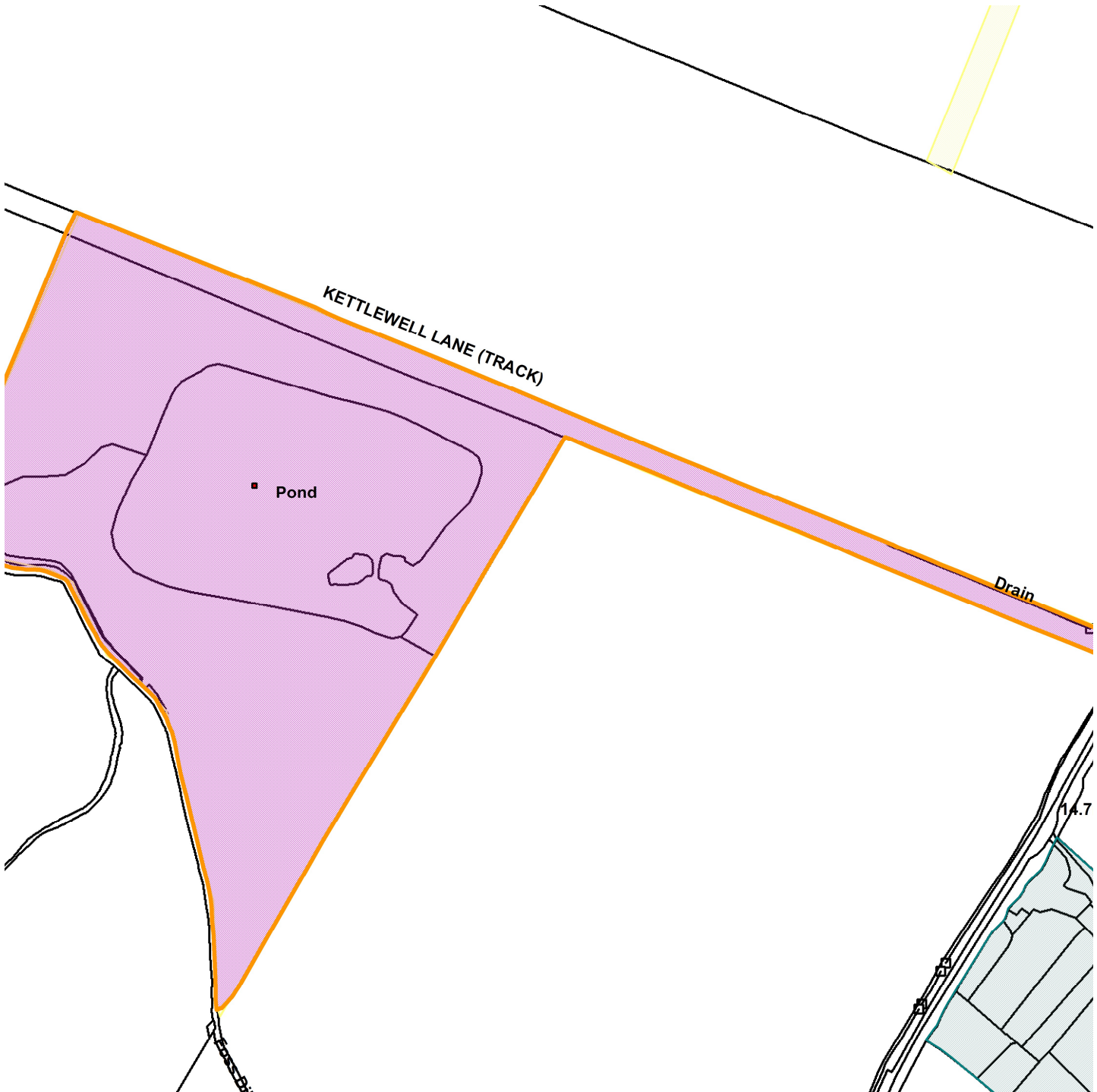
**Contact details:**

**Case Officer:** Erik Matthews

**Tel No:** 01904 551416

21/02444/FULM

Land to the West of Newlands Lane, Upper Poppleton



Scale : 1:3104

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<b>Organisation</b>	City of York Council
<b>Department</b>	Directorate of Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	23 November 2022
<b>SLA Number</b>	Not Set

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# Planning Committee A

To be held on 1<sup>st</sup> December 2022 at 4:30pm

# 21/02444/FULM – Land To The West Of Newlands Lane, Upper Poppleton, York

Extraction of clay and restoration of the site through the importation of inert wastes at land to the west of Newlands Lane



View from access track to A59



## Boundary with Foss Dike



## Surroundings



Waterbody from the East



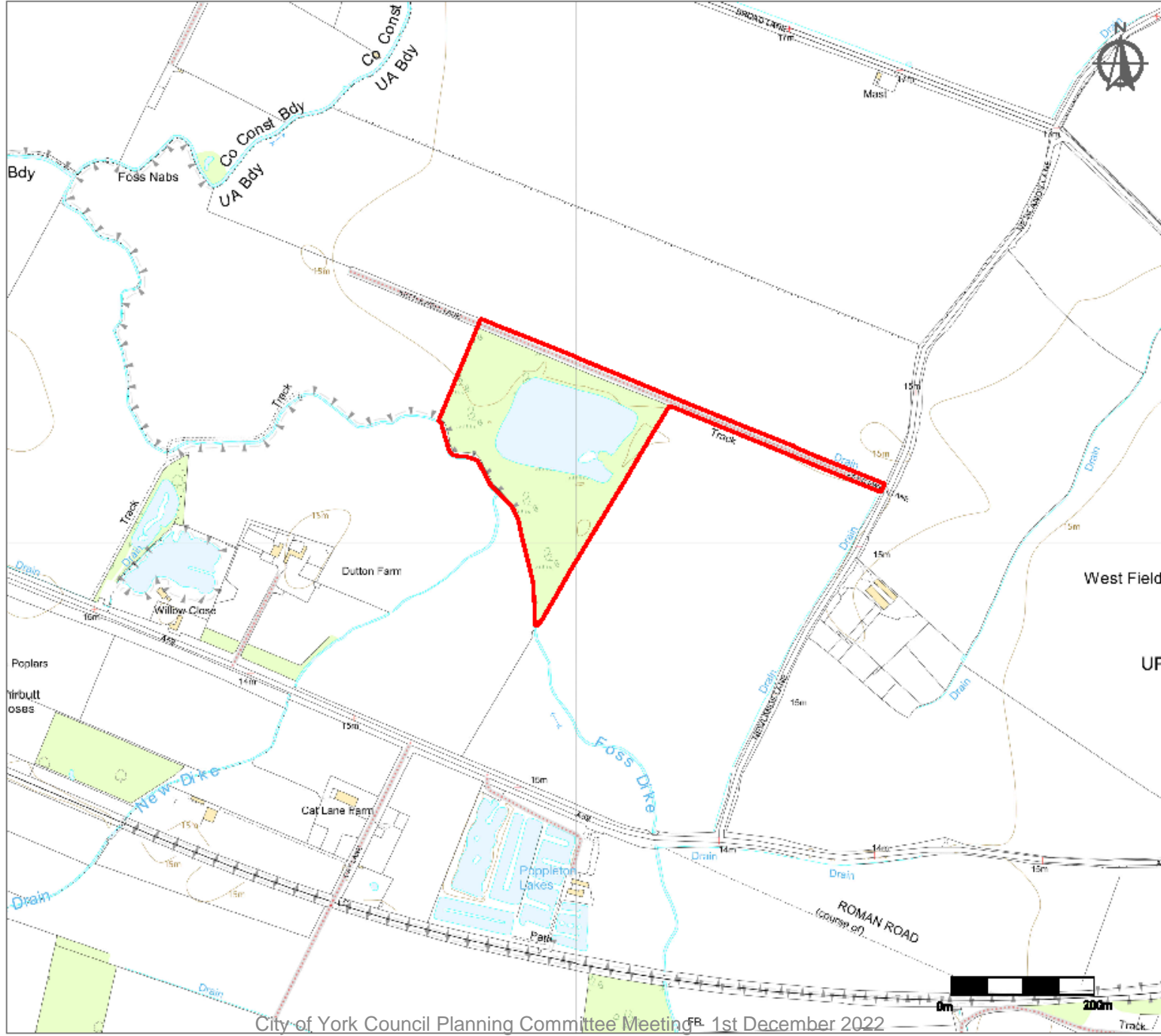
View down access track



View North



# Site Location Plan



**Notes**  
 Site Boundary

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**Client:**  
 Escrick Environmental Services Ltd

**Project:**  
 Kettlewell Lane

**Title:**  
 Site Location

**Drawing Ref:**  
 ES 3.1

<b>Scale:</b> A3: 1:3000	<b>Date:</b> 19th October 2021	<b>Drawn by:</b> CJ
--------------------------------	-----------------------------------	------------------------

**me wp** 15 Queen Square  
 Leeds  
 West Yorkshire  
 LS2 8AJ  
 Planning and Development Consultant

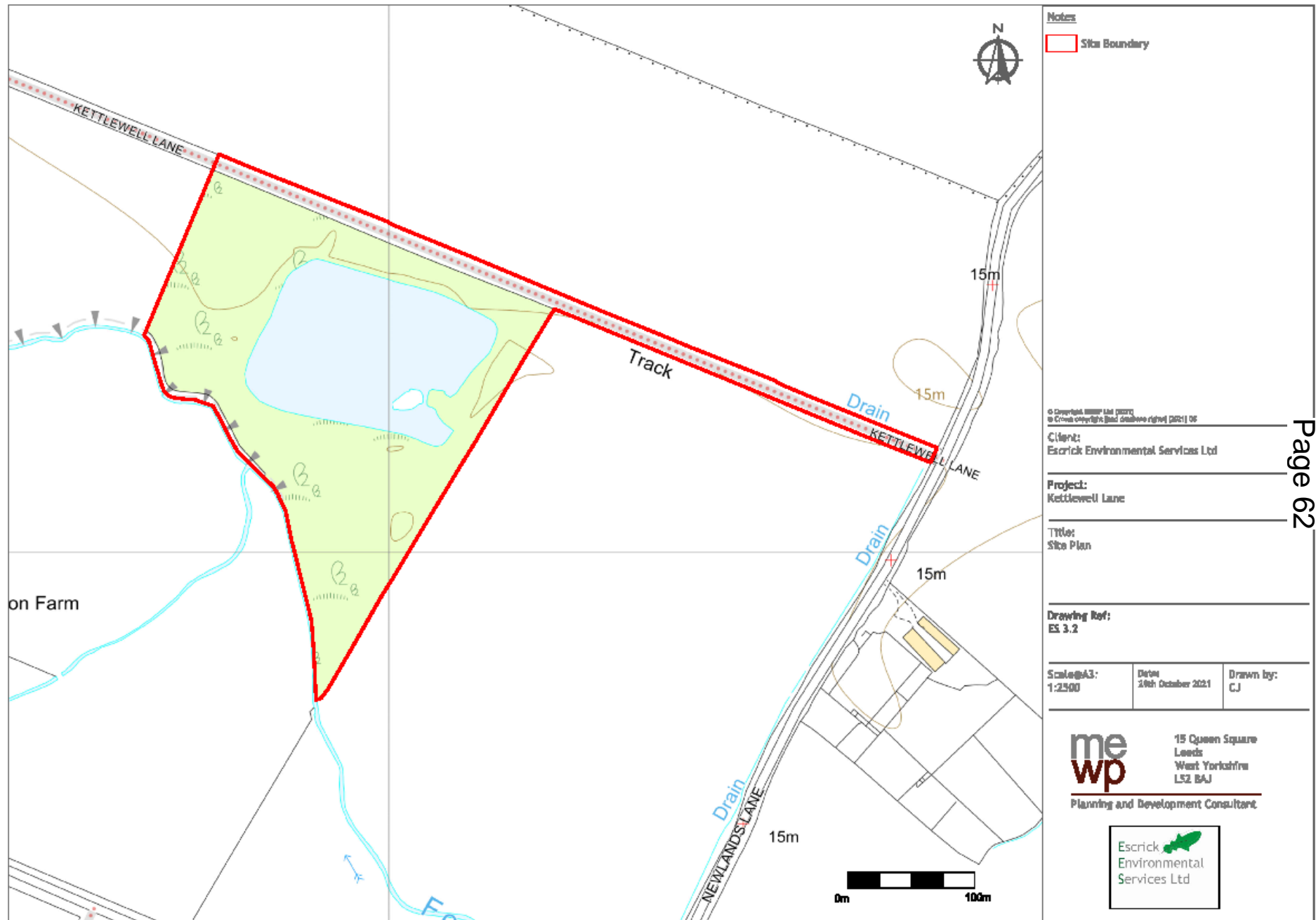
Escrick Environmental Services Ltd

City of York Council Planning Committee Meeting FB, 1st December 2022

9



# Site Plan



**Notes**

- Site Boundary

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**Client:**  
 Escrick Environmental Services Ltd

---

**Project:**  
 Kettlewell Lane

---

**Title:**  
 Site Plan

---

**Drawing Ref:**  
 ES 3.2

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<b>Scale:</b> A3: 1:2500	<b>Date:</b> 29th October 2021	<b>Drawn by:</b> CJ
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**me wp** 15 Queen Square  
 Leeds  
 West Yorkshire  
 LS2 8AJ

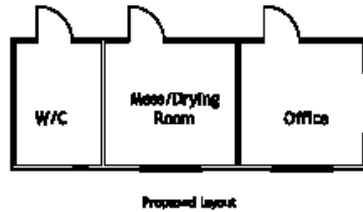
Planning and Development Consultant

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Escrick Environmental Services Ltd



# Proposed Site Cabin



**Notes**

Self-contained, pre-fabricated office building  
 Approx 7.5m<sup>2</sup>, 7.5m x 2.4m high  
 Self contained welfare facilities  
 Electric supply by generator  
 Colour shown Dark Olive Green (final colour to be agreed with Planning Authority)

Proposed weighbridge to measure 22m x 3m to a maximum height of 500mm with a galvanised steel Armco barrier or similar

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Client:  
 Escrick Environmental Services Ltd

Project:  
 Kettlewell Lane

Title:  
 Proposed Site Office and Weighbridge

Drawing Ref:  
 ES3.3

Scale@A3: 1:100	Date: 19/10/21	Drawn by: CJ
--------------------	-------------------	-----------------

**me wp** 15 Queen Square  
 Leeds  
 West Yorkshire  
 LS2 8AJ  
 Planning and Development Consultant



# Site Phasing Plan



- KEY**
- Application boundary
  - Existing contours and levels
  - Phasing areas: 1-6
  - Bunded road edge protection
  - Direction of working
  - Existing hedgerows: managed and gapped-up
  - Proposed species rich hedgerow with Willow
  - Additional hedgerow trees

**Site Establishment Works would include:**

- New site access off Newlands Lane to CYC Highway's specification Drg ref:## with right turn only signage from site routed to the A59.
  - Hardened single track road with passing bays and wheel bath from site entrance to weighbridge.
  - Removal of approximately 30 metres of hedgerow to accommodate weighbridge, office and welfare facilities (note: hedgerow would be re-established on final restoration)
  - Formation of clay stockpile area adjacent to weighbridge and haul route access along northern edge of existing lagoon. All topsoil and subsoil arisings would be placed in temporary store for future re-use.
  - Temporary draining of lagoon and reclaiming clay mineral under proposed separating footprint.
  - Formation of lagoon separating bund using imported fill (circa 8000m<sup>3</sup>) Bund to have a minimum of 2metres freeboard, 3metre crest with 1:3 batter.
- Initial Mitigation Works**
- Planting of a 330metre long native hedgerow with willow for screening and habitat creation purposes along site the Foss Dike corridor.
  - Management and gapping-up of existing hedgerows to include additional hedgerow trees.
  - Repairs to all fences and gates.

**Land to the South of Kettlewell Lane  
Upper Poppleton York**

Proposed Clay Extraction and Restoration  
with Inert Materials

Drawing ES3.4 -  
Site Establishment and Phasing

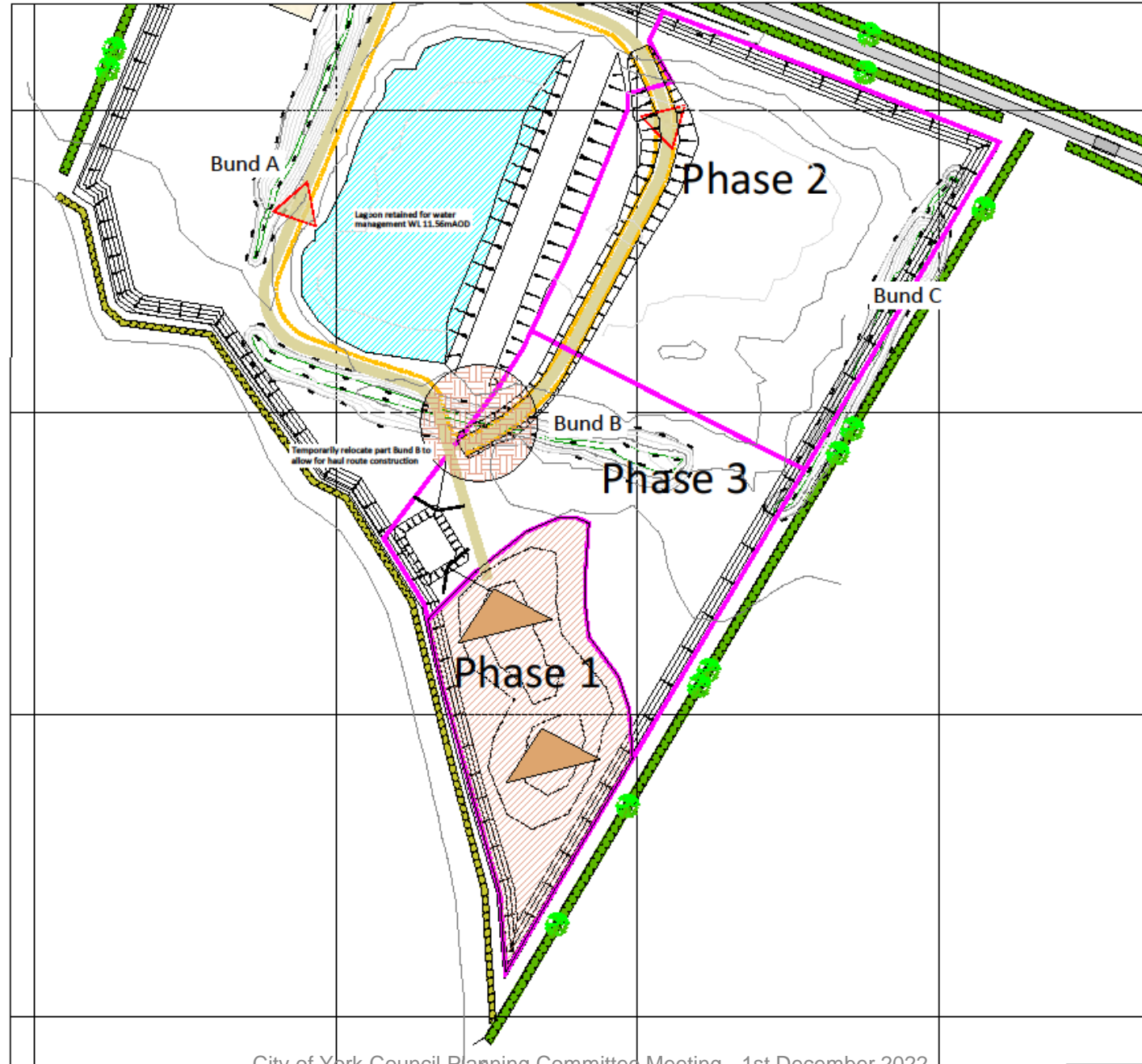
1 : 2500 @ A3



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# Phase 1 Plan



- KEY**
- Haul road circulation routes
  - Bunded road edge protection
  - Limit of clay extraction
  - Clay extraction areas
  - Areas restored with inert materials
  - Direction of working
  - Existing contours and levels
  - Interim temporary batters
  - Direction of topsoil movement
  - Proposed Oak dominant woodland
- Haul Route Establishment:**
- Clay would be excavated within the drained lagoon void under the proposed haul route footprint and placed in low-level temporary store prior to hauling from site;
  - Importation of fill to form haul route through Phase 2 would subsequently take place;
  - Haul route to be continued from Phase 2 lagoon void extending in a clockwise direction through Phases 3, 4, 5 and 6.
- Phase 1 Working:**
- All soils would be stripped and placed in temporary store shown on plan for future restoration;
  - Extract clay down to 9m AOD.

**Land to the South of Kettlewell Lane  
Upper Poppleton York**

**Proposed Clay Extraction and Restoration  
with Inert Materials**

**Drawing ES3.5 -  
Phase 1: Detailed Methodology and  
Restoration**

1 : 1250 @ A3



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# Phase 2 Plan



- KEY**
- Haul road circulation routes
  - Bunded road edge protection
  - Limit of clay extraction
  - Clay extraction areas
  - Areas restored with inert materials
  - Direction of working
  - Existing contours and levels
  - Interim temporary batters
  - Proposed final contours at 0.5 metre intervals
  - Direction of topsoil movement
  - Proposed Oak dominant woodland

- Phase 2 Working:**
- All residual topsoil within the working area would first be stripped and directly placed in Phase 1 prior to mineral extraction;
  - extract clay down to 9m AOD.
- Phase 1 and 2 Restoration:**
- Commence restoration of Phase 1 using soils in long-term store within Bunds A-D and adjoining temporary storage area (circa 7,300m<sup>3</sup>);
  - Restoration of Phase 2 would directly follow on from mineral extraction. Outer site margins would be restored in the first instance wherever possible to provide early screening and woodland establishment.

**Land to the South of Kettlewell Lane  
Upper Poppleton York**

Proposed Clay Extraction and Restoration  
with Inert Materials

Drawing ES 3.6 -  
Phase 2: Detailed Methodology and  
Restoration

1 : 1250 @ A3



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# Phase 3 Plan



- KEY**
- Haul road circulation routes
  - Bundled road edge protection
  - Limit of clay extraction
  - Clay extraction areas
  - Areas restored with inert materials
  - Direction of working
  - Interim temporary batters
  - Proposed final contours at 0.5 metre intervals
  - Direction of topsoil movement
  - Proposed Oak dominant woodland

- Phase 3 Working:**
- All residual topsoil's with the working area would first be stripped and directly placed in Phase 1 prior to mineral extraction;
  - Extract clay down to 5m AOD.
- Phase 1, 2 and 3 Restoration:**
- Completion of Phase 1 and continuation of progressive restoration of Phases 2 and 3. Outer site margins would be restored in the first instance wherever possible to provide early screening and woodland establishment.

**Land to the South of Kettlewell Lane  
Upper Poppleton York**

Proposed Clay Extraction and Restoration  
with Inert Materials

Drawing ES3.7 -  
Phase 3: Detailed Methodology and  
Restoration

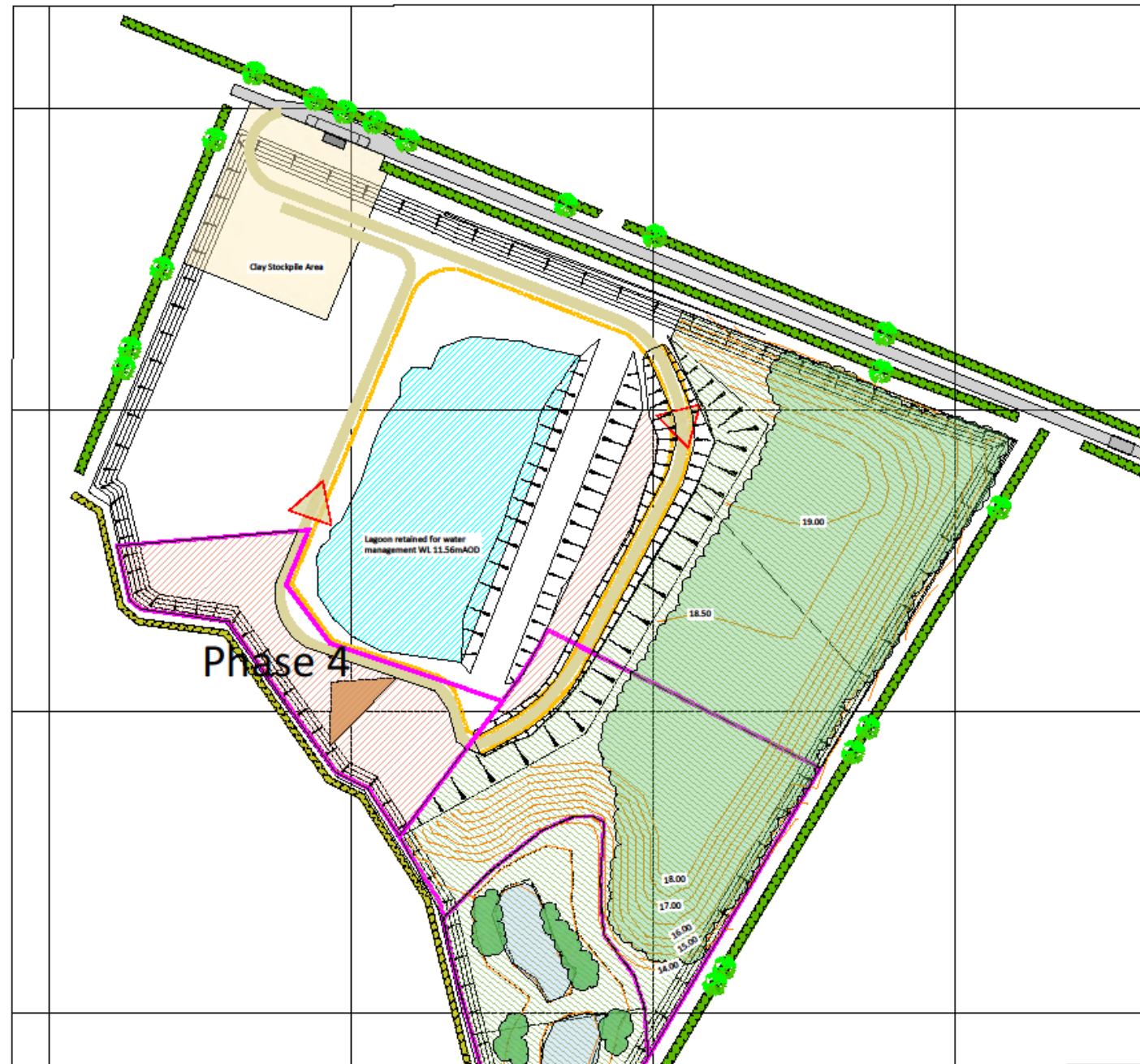
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# Phase 4 Plan



- KEY**
- Haul road circulation routes
  - Bundled road edge protection
  - Limit of clay extraction
  - Clay extraction areas
  - Areas restored with inert materials
  - Direction of working
  - Interim temporary batters
  - Proposed final contours at 0.5 metre intervals
  - Direction of topsoil movement
  - Proposed Oak dominant woodland

- Phase 4 Working:**
- All residual topsoils within the working area would first be stripped and directly placed along site margins prior to mineral extraction;
  - Extract clay down to 9m AOD.
- Phase 3 Restoration:**
- Continuation of progressive restoration of Phase 3. Outer site margins would be restored in the first instance wherever possible to provide as screening and woodland establishment.

**Land to the South of Kettlewell Lane  
Upper Poppleton York**

Proposed Clay Extraction and Restoration  
with Inert Materials

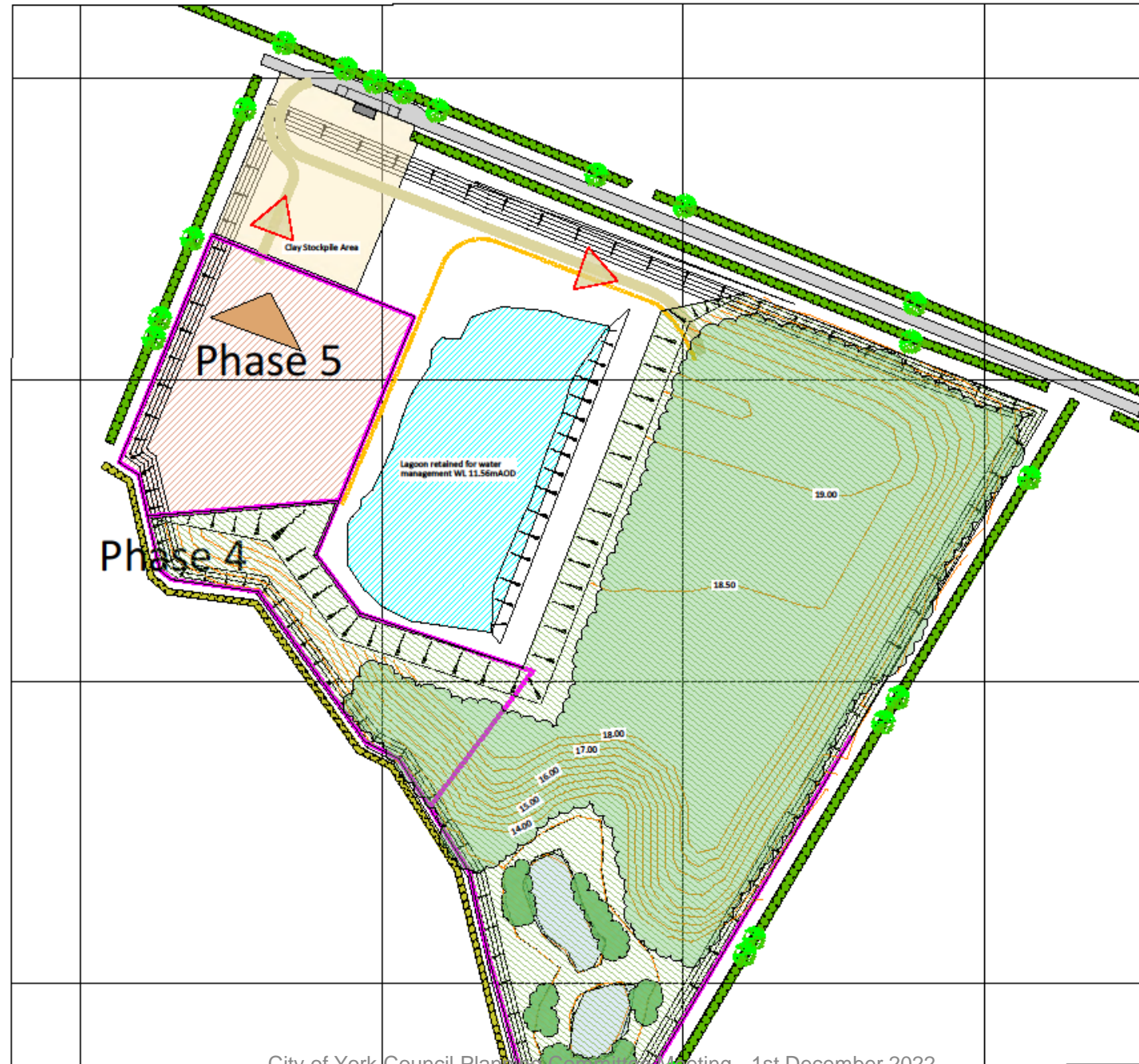
Drawing ES3.8 -  
Phase 4: Detailed Methodology and  
Restoration

1 : 1250 @ A3





# Phase 5 Plan



- KEY**
- Haul road circulation routes
  - Bunded road edge protection
  - Limit of clay extraction
  - Clay extraction areas
  - Areas restored with inert materials
  - Direction of working
  - Interim temporary batters
  - Proposed final contours at 0.5 metre intervals
  - Direction of topsoil movement
  - Proposed Oak dominant woodland

- Phase 5 Working:**
- All residual topsoils within the working area would first be stripped and directly placed along site margins prior to mineral extraction;
  - Extract clay down to 9m AOD.
- Phase 4 Restoration:**
- Continuation of progressive restoration of Phase 4 and backfilling of haul route access working anti-clockwise. Outer site margins would be restored in the first instance wherever possible to provide early screening and woodland establishment.

## Land to the South of Kettlewell Lane Upper Poppleton York

### Proposed Clay Extraction and Restoration with Inert Materials

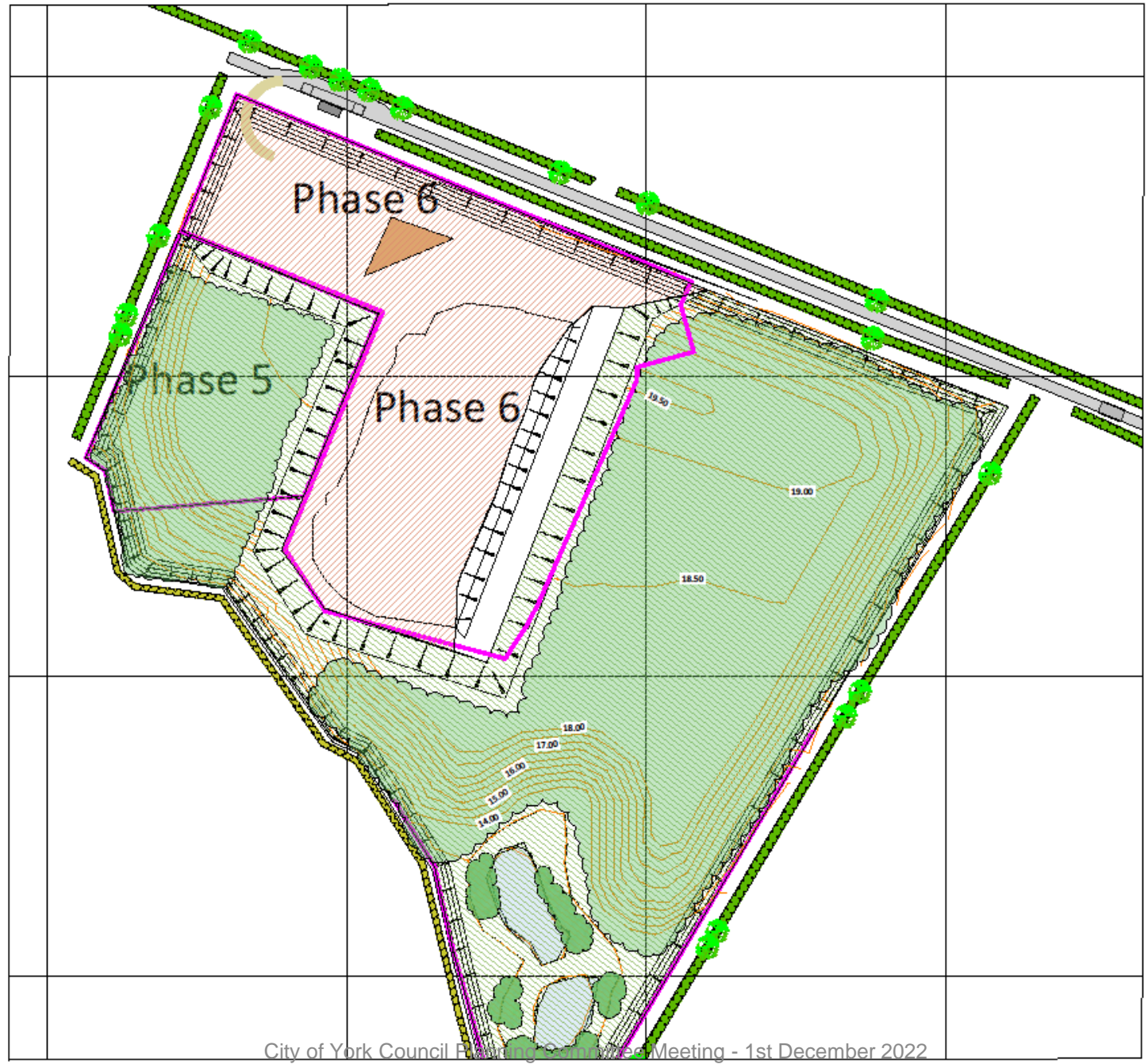
#### Drawing ES3.9 - Phase 5: Detailed Methodology and Restoration

1 : 1250 @ A3



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# Phase 6 Plan



- KEY**
- Haul road circulation routes
  - Bundled road edge protection
  - Limit of clay extraction
  - Clay extraction areas
  - Areas restored with inert materials
  - Direction of working
  - Interim temporary batters
  - Proposed final contours at 0.5 metre intervals
  - Direction of topsoil movement
  - Proposed Oak dominant woodland

- Phase 6 Working:**
- All residual topsoils within the working area would first be stripped and directly placed along site margins prior to mineral extraction;
  - Clay stockpile area would be depleted prior to continuation of working Phase 6 (final Phase);
  - Final Phase would firstly require pumping out remaining water in lagoo prior to clay extraction and subsequently restored with inert materials;
  - Should water management still be required part of the restored wetter area at the south east corner of the site could be used for this purpose
  - Extract clay down to 9m AOD.
- Phase 5 and 6:**
- Continuation of progressive restoration of Phase 5. Outer site margins would be restored in the first instance wherever possible to provide early screening and woodland establishment.

## Land to the South of Kettlewell Lane Upper Poppleton York

### Proposed Clay Extraction and Restoration with Inert Materials

#### Drawing ES3.10 - Phase 6: Detailed Methodology and Restoration

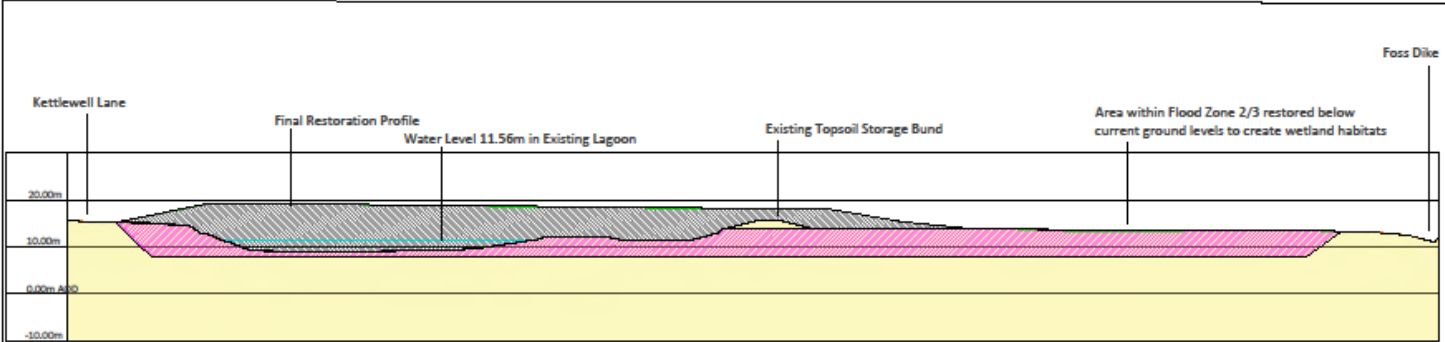
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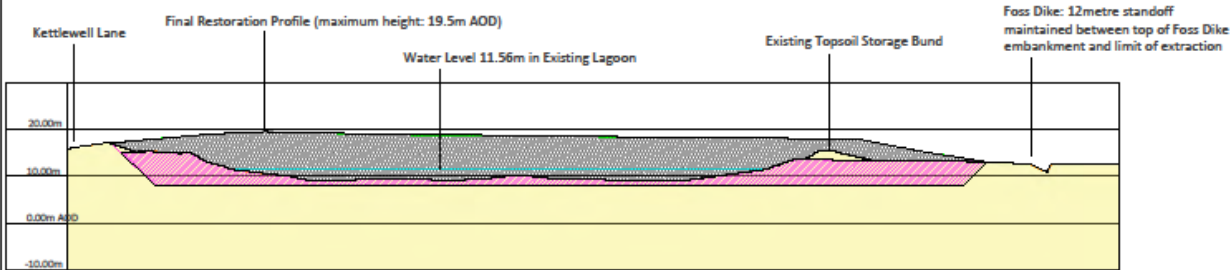
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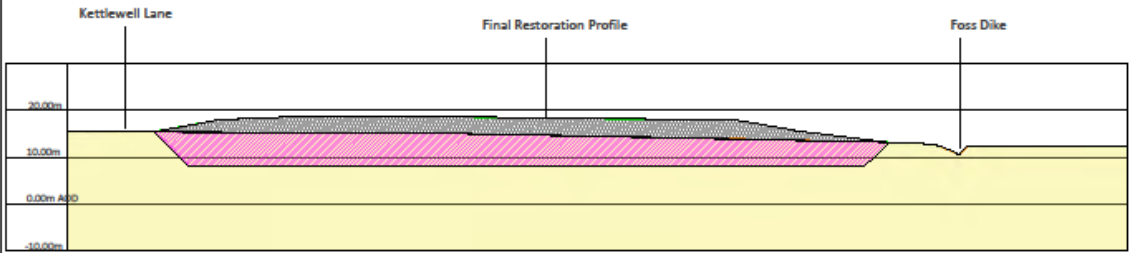
# Final Restoration Cross Sections



CROSS SECTION A A



CROSS SECTION B B



CROSS SECTION C C

- KEY**
- Underlying soils and geology
  - Clay extraction
  - Final restoration and restoration profile

**Land to the South of Kettlewell Lane  
Upper Poppleton**

**Proposed Clay Extraction and Restoration  
with Inert Materials**

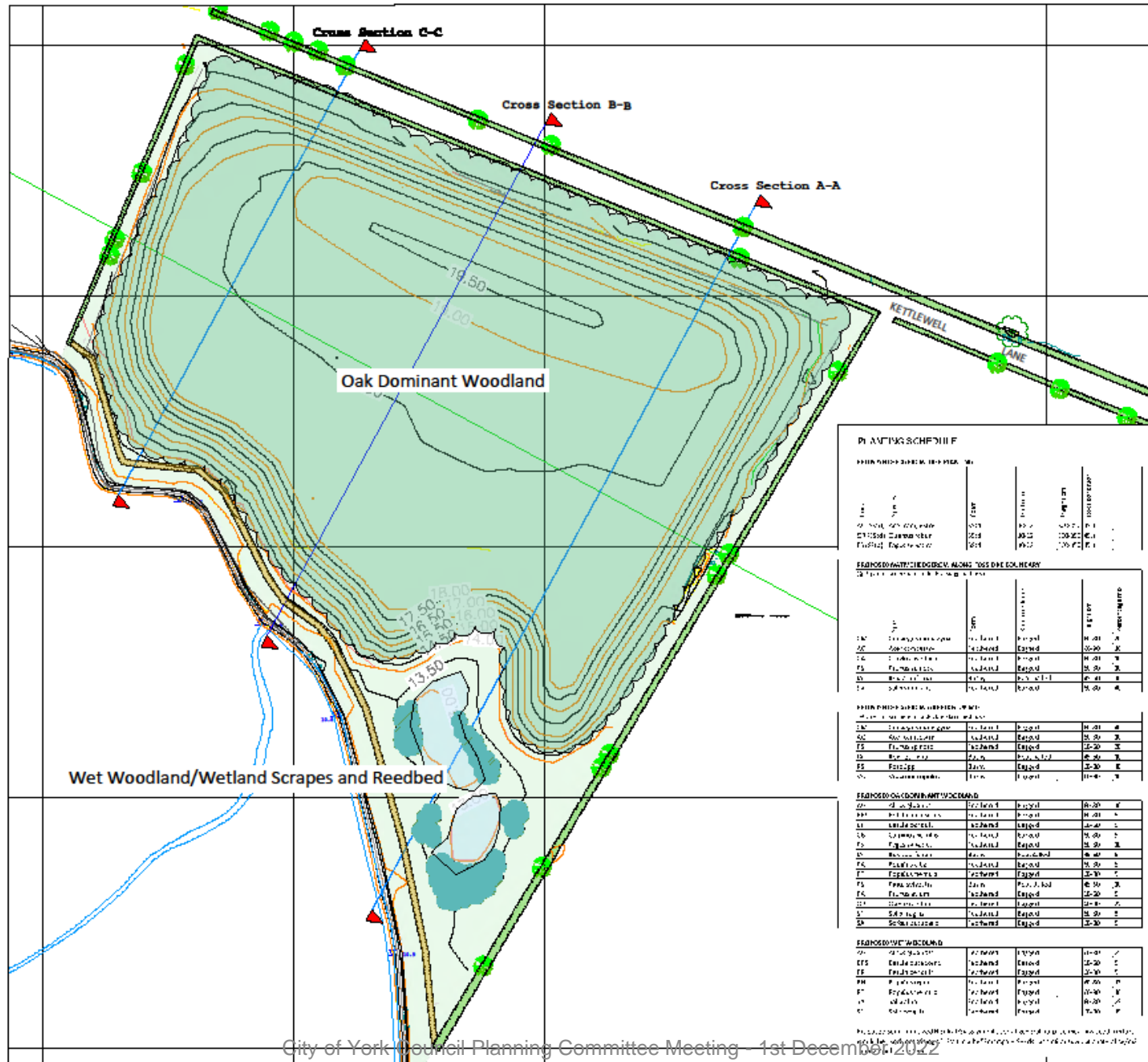
Drawing ES3.13 -  
Final Restoration Cross-Sections

1 : 1000 @ A3

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# Restoration Planting Details



- KEY**
- Existing hedgerows gapped-up together with additional hedgerow trees
  - Proposed species-rich hedgerow with Willow
  - Proposed contours
  - Oak Dominant woodland
  - Semi-improved neutral grassland
  - Wet woodland/wetland scrapes and reedbed margins within Flood Zone 2/3
  - Cross sections A-C (shown of Drg No KLn\_012)

**PLANTING SCHEDULE**

**EXISTING PLANTING TO BE MAINTAINED**

Code	Plant Name	Quantity	Planting Date	Planting Method	Notes
10	...	...	...	...	...

**PROPOSED PLANTING ALONG DRAINAGE CHANNELS**

Code	Plant Name	Quantity	Planting Date	Planting Method	Notes
11	...	...	...	...	...

**PROPOSED PLANTING IN WOODLAND**

Code	Plant Name	Quantity	Planting Date	Planting Method	Notes
12	...	...	...	...	...

**PROPOSED PLANTING IN WETLANDS**

Code	Plant Name	Quantity	Planting Date	Planting Method	Notes
13	...	...	...	...	...

**Land to the South of Kettlewell Lane  
Upper Poppleton York**

**Proposed Clay Extraction and Restoration  
with Inert Materials**

**Drawing ES3.12 -  
Restoration Planting Details**

1 : 1500 @ A3



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**COMMITTEE REPORT**

**Date:** 1 December 2022      **Ward:** Rural West York  
**Team:** West Area      **Parish:** Parish Of Rufforth With  
Knapton

**Reference:** 22/01844/FULM  
**Application at:** Land To The East Of Middlewood Close Rufforth York  
**For:** Erection of 21no. dwellings and associated works (resubmission)  
**By:** Mulgrave Developments Ltd  
**Application Type:** Major Full Application  
**Target Date:** 29 November 2022  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1. The application site consists of a parcel of land covering approximately 1 hectare located to the east of Middlewood Close, Rufforth. The northern section of the site sits to the rear of existing residential properties on Middlewood Close. The southern section abuts the boundary of the existing playing field associated with Rufforth Primary School. The land immediately to the east of the application site is open agricultural land.

1.2. Vehicular access to the site would be via Middlewood Close, which in turn provides access to the B1224 Wetherby Road. At the point where Middlewood Close currently terminates, a field track continues in an easterly direction to provide access to an existing agricultural building approximately 500m away. There are no existing public rights of way within the vicinity of the site.

1.3. Planning permission is sought for the erection of 21.no dwellings and associated works. The proposed dwellings would be a mix of 2, 3 and 4 bed properties, a proportion of which will be affordable homes. The proposed accommodation mix comprises:

2 Bed House: 5 (2 Market, 3 Affordable);

3 Bed House: 10 (8 Market, 2 Affordable);

4 Bed House: 6 (5 Market, 1 Affordable).

Total: 21 (15 Market, 6 Affordable).

## BACKGROUND AND RELEVANT SITE HISTORY

1.4. The application site has been identified as a housing allocation (site reference H38) within the Publication Draft Local Plan 2018, with an anticipated yield of 33 dwellings.

1.5. Application 21/02661/FULM is of relevance. This application was previously subject to refusal by Planning Committee B in August 2022 for the following reason:

*'The application site lies within the general extent of the Green Belt, as set out in saved policies Y1 and YH9 of The Yorkshire and Humber Plan - Regional Spatial Strategy. The proposed development is inappropriate development which, by definition, is harmful to the Green Belt. There would be harm to openness, the development would lead to encroachment into the countryside and would not encourage the recycling of derelict land. No very special circumstances exist which clearly outweigh the identified harm.'*

*The proposal conflicts with the National Planning Policy Framework 2021 Chapter 13 (Protecting Green Belt Land) in particular paragraphs 137, 138, 147, 148 and 149, policy GB1 of the Publication Draft Local Plan 2018 and policy GB1 of the Development Control Local Plan 2005, which seek to restrict development in order to maintain the openness of the Green Belt.'*

1.6. The proposals contained within this current application are substantively the same as those which were previously considered. The number of the proposed dwellings, layout and breakdown of affordable housing provision are the same as is the general extent of the development proposed. One notable change is the submitted red line extent of the application site. In this current application a tract of land which is currently the existing field access track to the Northeast of the site is also included. This has been included for the purposes of providing greater certainty in respect of including land required to facilitate drainage of the site (in the previous application this was included within a blue line). It does not materially change the overall extent of development being proposed.

1.7. Members of the Committee should also be aware that we have received notification from the Planning Inspectorate that the applicant has submitted an appeal against the decision made under reference 21/02661/FULM. At the time of

writing, we are yet to receive formal notification from the Planning Inspectorate that the appeal has commenced or an indication as to the likely timetable or format the appeal will take.

1.8. Since consideration of the earlier planning application the Examination in Public (EIP) of the Local Plan has continued. Phase 4 of the EIP concluded in September 2022 and this phase of the examination, amongst other matters, dealt with the matter of Green Belt boundaries.

## **2.0 POLICY CONTEXT**

2.1. 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).

2.2. 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) (RSS) and any made Neighbourhood Plan.

2.3. Although the RSS has otherwise been revoked, its policies relating 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.’

2.4. 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 RUFFORTH AND KNAPTON NEIGHBOURHOOD PLAN**

2.5. The Rufforth and Knapton Neighbourhood Plan was formally adopted in December 2018. Adoption of this plan followed a near three year period of preparation including public consultation. This culminated in a local referendum being held on whether to adopt the Neighbourhood Plan; where 93% of respondents voted yes.

The adopted Neighbourhood Plan now forms part of the statutory Development Plan for the City of York. It has the same legal status as a local plan. For the purposes of

s.38(6) Planning and Compulsory Purchase Act, the proposal should be assessed against the saved RSS Green Belt policies and the Neighbourhood Plan. Full weight can be given to the policies contained within the Neighbourhood Plan; which represents the most up to date part of the development plan at present.

2.6. Key relevant Neighbourhood Plan Policies are:

- RwK 03 – Heritage
- RwK 04 – Biodiversity
- RwK 05 – Footpaths and Cycle Ways
- RwK 06 – Traffic Management
- RwK 08 – Parking
- RwK 09 – Drainage
- RwK 10 – Design
- RwK 11 – Community Amenities
- RwK 12 – Housing Mix

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

2.7. The DLP was submitted for examination on 25<sup>th</sup> May 2018. Phase 3 of the hearings into the examination of the Local Plan took place in July 2022 with Phase 4 concluding in September 2022, which amongst other topics considered matters relating to the Green Belt and Green Belt boundaries. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

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

2.8. Key relevant DLP 2018 policies are:

- DP2 – Sustainable Development
- DP3 – Sustainable Communities
- SS1 – Delivering Sustainable Growth for York



SS2 – The Role of York’s Green Belt  
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  
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**

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

- City of York Housing Needs Update (2020).
- Strategic Housing Land Availability Assessment Figure 6: Updated to 790 dwellings per annum Objectively Assessed Need (2019).
- 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 (2018).
- Strategic Housing Land Availability Assessment and Annexes (2017).
- City of York Strategic Housing Market Assessment Update (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 Local Plan Viability Study (September 2014).
- City of York Site Selection Paper and Annexes (2013).
- City of York Historic Character and Setting Technical Paper Update (2013).

- 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).

## DEVELOPMENT CONTROL LOCAL PLAN 2005 (DCLP)

2.10. The Development Control Local Plan (incorporating the Fourth Set of Changes) was approved for development management purposes in April 2005. The 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.

## NATIONAL PLANNING POLICY FRAMEWORK

2.11. The revised National Planning Policy Framework (NPPF) was updated and re-published in July 2021 and sets out the Government's overarching planning policies for England and how these are expected to be applied. The policies in the NPPF are material considerations.

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:

(i) 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

(ii) 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 the more restrictive Green Belt policies as set out in the NPPF.

## 3.0 CONSULTATIONS

Application Reference Number: 22/01844/FULM

Item No: 4b

3.1. The application has been publicised by site notice, press notice and neighbour notification letter.

## INTERNAL

3.2. AFFORDABLE HOUSING OFFICER: No objections raised but suggests the layout is adjusted to accord with the definition of 'pepper-potting' within Policy H10. A commuted sum will also be required, to the value of 0.3 of a dwelling, to achieve the 30% affordable housing provision.

3.3. CITY ARCHAEOLOGIST: The application site has been subject to intrusive archaeological evaluation as part of application 21/02661/FULM. The results of the evaluation have confirmed the low archaeological potential of the site. No archaeology work or related conditions are required.

3.4. TREE AND LANDSCAPE OFFICER: No objections raised – recommends various conditions. The revised layout and the proposed highway works better with the existing oak tree and is acceptable. The two existing trees make a good terminating feature at the head of the northwest cul-de-sac. Unit 6 and to a lesser degree unit 7 do look to be uncomfortably shoe-horned into the northwest corner of the site in relation to the existing vegetation.

The location, scale and containment of the site and the linear format of the village, visual impact of the development from Main Street and public rights of way is unlikely to be significant.

3.5. ECOLOGIST: No objections raised subject to conditions relating to nesting birds, a biodiversity enhancement plan and lighting plan.

3.6. HIGHWAYS: Highways DC comments pertaining to the earlier application still apply. These advised: 'No objections raised subject to conditions regarding design and development of the access road and provision of cycle parking. The proposed layout of the development has been subject to various amendments throughout the process to make adjustments to the internal highway layout.'

3.7. PUBLIC PROTECTION (ENVIRONMENTAL HEALTH): No objections raised but recommends the use of conditions relating to the management of the site during the construction phase, potential land contamination issues and an informative regarding the provision of infrastructure relating to the provision of electric vehicle charging points (EVCP).

3.8. LEAD LOCAL FLOOD AUTHORITY (FLOOD RISK): No comments received in respect of this current application. However in respect of the earlier application 21/02661/FULM the following comments were received. 'No objections raised and accepts the proposed discharge rate. The drainage condition will include the requirement for approval of a topographical survey to ensure finished levels of the site are not raised above the level of the adjacent land.'

3.9. PLANNING POLICY TEAM: Update provided following the conclusion of Phase 4 of the Local Plan Examination in Public. Planning Policy can confirm that there are currently no outstanding objections in respect of the H38 allocation. As part of the Examination in Public we have also requested that the estimated yield for the site be reduced from the previously stated 33 units to 21 units. This change would form part of the proposed main modifications, to be consulted on in early 2023.

Comments provided at pre-application stage. The site is an allocation in the submitted City of York Local Plan (2018). It is against the NPPF 2021 and the saved RSS policies relating to the general extent of the York Green Belt that this proposal should be principally assessed along with policies in the adopted Rufforth and Knapton Neighbourhood Plan. Notwithstanding the site's allocation within the emerging Local Plan, the site is located within general extent of York's Green Belt (as per 'saved' RSS policy illustrating the Green Belt's extent); and should be assessed as such.

3.10. EDUCATION: At the time of writing Education were yet to confirm the exact amount of contributions they required as they were still being finalised to reflect inflation. However in the earlier application a request for Education contributions totalling £192,234 to contribute toward expansion and facilities at Rufforth Academy and expansion at Manor School.

3.11. LIFELONG LEARNING AND LEISURE (OPEN SPACE): No Comments received in respect of this application. However in respect of the earlier application 21/02661/FULM the following comments were received. No objections raised. It is noted that the proposals would not provide any on-site amenity, play or sports pitch open space. As such off-site contributions would be required. Amenity open space contributions would be used to improve a facility in the village such as the allotments at Heights Lane. Play space contributions to improve a facility in the village either the play area to the village hall and/or the facility at Rufforth Playing Fields. The Sports contribution would go to the nearest sports organisations and these would be clubs at Rufforth Playing Fields namely, Rufforth Football Club, Rufforth Cricket Club and Rufforth Tennis Club.

3.12. CARBON REDUCTION TEAM: No comments received in respect of this current application. However in respect of the earlier application 21/02661/FULM the following comments were received. No objections raised noting that the submitted energy statement and low / zero carbon technology feasibility study has been provided showing an intent to meet the standards set out in CC1 and CC2. Recommend the use of conditions to achieve these.

## EXTERNAL

3.13. RUFFORTH WITH KNAPTON PARISH COUNCIL: Objects in light of concerns raised by local residents and councillors. The objections are summarised as follows:

- Green Belt Status; the application site lies within the general extent of the green belt as set out in saved policies Y1 and YH9 of the Yorkshire and Humber Regional Spatial Strategy. There would be harm to openness, the development would lead to encroachment and would not encourage the recycling of derelict land. No very special circumstances exist to clearly outweigh the identified harm.
- The site clearly lies within the Green Belt as currently defined. We are aware the emerging York Local Plan is the vehicle for legally defining the extent of the Green Belt. Until such time the York Local Plan is adopted it is our understanding that decisions should be made based on the policies referred to above. Departure from this creates a potential precedent.
- Pedestrian Entrance to the School; a new pedestrian access to the rear of the school was always considered an essential condition of approval and was supported by Rufforth Primary School. Nearby residential streets experience severe parking congestion at school opening and closing times and rear entrance to the school, from the proposed development, would encourage parents to use this access away from the bust B1244 and spread parking over a wider area. This would allow children from the development to access the school. As such the road to the rear of the school should be adopted highway.
- Drainage and Sewerage; this is an area of major concern. Residents in this area of the village already experience severe problems with sewerage with frequent blockages and it is our contention that the current infrastructure is not fit for purpose.
- Shared Access Highways; the Parish notes with great concern that shared access highways are proposed. This represents a very serious safety risk and should not be countenanced. All highways on the site should be adopted roads with pedestrian pavements and must be a condition of approval.
- Section 106 monies; in the event of the proposed development being approved it is essential that such monies are used to fund projects within the Parish of Rufforth with Knapton, and in particular for the benefit of the Primary School.

- Construction hours should commence no earlier than 8:00am for the benefit of local residents. There should also be a commitment to avoid deliveries and movement of HGVs at school opening and closing times.
- The road surface of Middlewood Close is in poor condition and will need to be completely resurfaced at the conclusion of works.

3.14. AINSTY INTERNAL DRAINAGE BOARD: The application site sits within the Drainage Board's district. The Board has assets in the wider area in the form of various watercourses. These watercourses are known to be subject to high flows during storm events. No objections raised but does request the use of conditions in the event of permission being granted. These relate to ensuring that suitable and adequate drainage provision can be achieved on site.

3.15. YORKSHIRE WATER: No objections raised and request conditions to secure suitable drainage provision in the event of planning permission being granted.

#### 4.0 REPRESENTATIONS

4.1. A total of 22 no objections had been received at the time of writing, including representation from the Ward Councillor – Cllr Hook.

4.2. Summary of the objections received:

##### **Principle of Development:**

- Greenfields should be protected.
- The Local Plan has not been agreed and the land allocated to this development is still Green Belt. Until the plan has been approved there should be no development on the Greenbelt in accordance with the environmental credentials of the Council.
- This is Green Belt and must not be allowed to be built on, otherwise what is the point of Green Belt.
- This will be the starting pistol for speculative developments on similar Green Belt sites.
- The development would set a precedent that small rural cul-de-sacs are suitable access roads for large housing developments.
- Should this development proceed it will lay the ground for future developments in Rufforth's other small residential streets.
- The development is inappropriate and the supposed benefits do not outweigh the harm it will cause. There are no special circumstances in this case.
- The area of Green Belt was identified and put forward for development in the draft local plan, by unelected officials who may have conflicts of interest. It is

important that the draft plan is democratically approved by elected councillors before planning decisions are made about building on the green belt.

- Green Belt land should be protected space for our environment and wellbeing.
- It would be more beneficial to build on the brownfield sites adjacent to the airfield; which is derelict and an eyesore.

### **Traffic:**

- The existing road is narrow. The site should have its own access road.
- 21 houses will mean at least an extra 40 cars using this road.
- Middlewood Close road is severely damaged already by light traffic. This has not been inspected or considered in the process.
- Whilst a pedestrian footpath has been included as an afterthought by the developer, the increased traffic poses a threat to pedestrians in particular children due to the narrowness of the access.
- Middlewood Close is heavily congested with cars during pick up/drop off times. Typically 15 cars at a time.
- At peak times 550-650 vehicles per hour pass along Wetherby Rd in both directions.
- Large vehicles access the nearby pig unit the contents of these vehicles could pose a risk to residents living in and moving around the proposed development.
- There is currently no warning signage regarding agricultural traffic. Will the new residents be advised of this.
- Traffic through the village is already very busy.

### **Drainage:**

- Some properties have ongoing problems with blocked drains.
- Yorkshire Water has failed to properly disclose the issues surrounding the sewerage for Middlewood Close, it has not kept proper records of visits and have not disclosed a planned flushing of the sewer as a result of the frequent blockages. There needs to be a requirement on the developer or Yorkshire Water to take responsibility for any flooding caused by blocked sewers.
- During periods of heavy rain the drains in Middlewood Close are unable to cope resulting in the road flooding. Further development will exacerbate this situation.
- Yorkshire Water have again attended Middlewood Close (26/10/22) to pump sewage out of the drains in the street. This occurs frequently and the operative has informed me that the street is on a regular schedule to have this done each month.

### **Ecology:**

- If development were allowed we feel sure that the intrusion and subsequent light pollution would have a detrimental effect on the wildlife.
- Whilst this development is relatively small it is possible that further developments might be added in the future further destroying wildlife habitats.
- We are in a climate emergency and that we protect natural habitats.

**General:**

- The school is too small to accommodate more children.
- The proposals have already been refused what has changed.
- The plans do not adequately take account of local residents and the school and will cause disruption to residence and schooling.
- The scale of development is unprecedented and the increase in traffic through the village on Wetherby Road.
- There is no provision for increased public transport from the village into York.
- The village is not set up for this additional development.
- Odour control from the pig unit has not been adequately assessed.
- There is no change in this proposal from the previous, the developer is simply arguing that the planning committee were wrong in their conclusions.
- The development would render the existing horse riding arena unusable given it would introduce residential properties so close.
- The proposed site is unsuitable for housing and will spoil the character of the village.
- The village has very limited public services to support further housing, including public transport which is very poor.
- Wetherby Rd either side of the village is covered with refuse, this is particularly acute around Harewood Whinn. This issue will only get worse with increased traffic.
- The No.412 bus service is very infrequent and unreliable the weekend service has been suspended due to driver shortages.
- With limited facilities in the village, this development will increase carbon emissions because a car will be needed for almost every journey made by residents.

## **5.0 APPRAISAL**

### **Key Issues**

5.1 The key issues are as follows:

- Principle of Development
- Highways and Access



- 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 polices and the adopted Rufforth with Knapton Neighbourhood Plan. Polices contained within the National Planning Policy Framework are also material considerations.

5.3. The 2005 DCLP shows the village of Rufforth and the land surrounding it as being 'washed over' Green Belt, meaning that the whole of the village and the land which now forms the subject of this application would be located within the general extent of the Green Belt. In contrast, in the emerging 2018 Local Plan, the village would be excluded from the Green Belt and the defined settlement limits would incorporate both the existing developed extent of the village and the application site. Thus, the site would not fall within the Green Belt, and the resulting Green Belt boundary would abound the eastern and south eastern boundaries of the application site.

5.4. However, 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. For this reason, NPPF Green Belt policies 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. Paragraphs 149 and 150 of the NPPF lists exceptions where new buildings are not inappropriate in the Green Belt. 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. As outlined earlier in this report, the Rufforth with Knapton Neighbourhood Plan has been adopted. Policy Rwk01 – Draft Green Belt is of relevance here. Policy Rwk01 sets out the same general parameters to those now contained within Paragraphs 149 and 150 of the NPPF.

## IMPACT UPON THE OPENESS OF THE GREEN BELT

As set in paragraph 137 of the NPPF, 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 and relates to the quantum and extent of development and its physical effect on the site.

5.7. 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.

5.8. 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. Although it should be noted that matters relating to the Green Belt and the setting of the Green Belt boundaries were items covered in Phase 4 of the Local Plan Examination in Public which concluded in September, however this does not materially change the weight currently afforded to GB1 in the decision-making process.

5.9. The application site comprises of a broadly rectangular parcel of land which is currently grassland. The land is bisected by a track which provides access from Middlewood Close to an agricultural unit located to the northeast of the site. 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 is considered to be limited.

5.10. The visual impact of the proposed development would be most noticeable in 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 will diminish further away from the site as the wider visual context provided by the existing built form and extent of Rufforth will begin to contribute to the wider setting of the development. The proposed development would lead to a degree of harm to the openness of the Green Belt.

## IMPACT ON THE GREEN BELT PURPOSES

5.11. Paragraph 138 of the NPPF sets out the five purposes of the Green Belt. These are:

- a) To check the unrestricted sprawl of large built up areas;
- b) To prevent neighbouring towns margining 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.

5.12. 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 DLP, although moderate weight can only be attached to the latter.

5.13. The proposals would be situated to the east of Wetherby Road and continue the existing pattern of development that characterises the village, consisting of cul-de-sacs and side streets forming extensions of the main ribbon of development fronting onto Wetherby Road. The proposals would also preserve the setting and special character of the city of York, in this regard. The design and layout would be in keeping with the existing grain of the village and allow the village to retain the character of a rural village surrounded by open countryside. It is therefore considered that the proposals would not conflict with 4 out of the 5 purposes of the Green Belt, namely a,b,d and e above of NPPF paragraph 138. With regard to Paragraph 138 e) and the Green Belt purpose of encouraging the recycling of derelict land and other urban land (brownfield land). This purpose was referenced in the reason for refusal in the earlier application (21/02661/FULM). However, it is not considered that the proposals would prejudice this purpose of the Green Belt.

Approval of this current proposal would not discourage the recycling of derelict land. This is because, as is demonstrated by the evidence base of the DLP (which is material and can be afforded significant weight), in order to achieve the required level of sustainable growth and deliver the housing and employment development needs of the DLP there is a requirement to release land from the Green Belt to achieve these. This process has been well documented within the Strategic Housing Land Availability Assessment (SHLAA) and Local Plan viability work (LP documents SD049, SD054 and SD018) and by extensive Sustainability Appraisal. The development needs of the 2018 DLP cannot be accommodated exclusively on brownfield land; therefore these proposals would not be contrary or prejudicial to purpose e) of NPPF paragraph 138.

5.14. The site is at the edge of the existing settlement, in agricultural use and not previously developed. As such the proposals would lead to a degree of encroachment into the countryside and would therefore be in conflict with purpose c) of NPPF Paragraph 138. However in considering the extent to which there is an adverse effect, the proposed Green Belt boundaries in the 2018 DLP are relevant. The boundaries are informed by the Local Plan Green Belt Topic Paper (2021). In applying the methodology within the topic paper, analysis has arrived at the conclusion that the land in question can form part of the settlement and accommodate development in the form of the H38 Housing Allocation. The site can accommodate development without detrimental impact on the most important components of the York Green Belt, landscape character and role the countryside has in preserving the setting and special character of York, including the village of Rufforth.

## **HIGHWAYS & ACCESS**

5.15. The access to the site would form an extension of Middlewood Close, which itself is accessed directly from Wetherby Road. At present, Middlewood Close terminates at a field gate which provides access via a track to an agricultural unit to the east of the application site. As part of the development, it is proposed that this access will be maintained with the field gate being relocated to the eastern boundary of the application site.

5.16. Policy T1 of the 2018 Draft Local Plan states that development will be supported where it minimises the need to travel and provides a safe, suitable and attractive access for all transport users to and within it.

- 5.17. During the assessment of the first application (21/02661/FULM), the layout was subject to various amendments which have included revisions to parking provision within the site and the provision of features such as cycle storage; these have been carried forward into this application.
- 5.18. Connectivity into the existing highway network will be achieved by linking the site to Middlewood Close which in turn has direct access to Wetherby Road. Highways officers have not raised objections to the proposals. Given the overall scale of the proposals, it is not anticipated that the increase in traffic would result in highway capacity or highway safety issues on the surrounding network.
- 5.19. Each of the dwellings within the development will as a minimum be provided with off-street parking commensurate with the size of the dwelling it would serve; these would consist of a mixture of in-curtilage driveways and garages and some detached parking spaces. Visitor spaces will be provided within the development. The level of parking to be provided is considered acceptable in this case, with a degree of overprovision for some dwellings. Amongst comments received concerns have been raised about needing to ensure that adequate parking is provided and reflects the fact that the village is not served by a high frequency bus service. Cycle storage is to be provided at each dwelling. This will allow residents to suitably store cycles at the properties.
- 5.20. The details submitted to date indicate that the development would utilise a 6.5m wide shared surface road. In this scenario, rather than there being a traditional kerbed footway alongside a roadway, a shared surface would serve the needs of both vehicles and pedestrians. Separate space within the highway is not allocated to vehicles and pedestrians, and a varying pallet of materials and surfacing finishes are used in order to offer an element of demarcation between footway and roadway. Given the overall scale of this development, highways officers have advised that this approach would be acceptable under current highway design guidance, however further detail and clarification on certain matters is still required. Therefore, in the event of planning permission being granted, the final layout and design of the highway, in addition to the materials to be used, would be subject to a condition.
- 5.21. Highways officers have also recommended that a number of other conditions be imposed. These include full details of the vehicle access to be submitted and approved, details of the surfacing materials to be used, details of cycle parking to be agreed, a condition ensuring that the agreed car and cycle parking is laid out in accordance with the approved details prior to occupation, and details of the internal road layout to be agreed, including any areas which

may be put forward for adoption by the Local Highway Authority. A condition requiring a construction traffic management plan is also recommended.

5.22. Collectively these conditions will also ensure that adequate parking, servicing and access arrangements are achieved without giving rise to highway safety concerns. The provision of a construction traffic management plan is considered necessary in this case given the close proximity of the site to an existing school. The proposed development meets the policy tests set by the NPPF.

#### Provision of a secondary access to Rufforth Primary School

5.23. Within the representations received, including those from the Parish Council, the issue of the provision of an additional means of access to the existing school site has been raised. As can often be the case with school premises there is a significant peak in traffic in and around the school when pupils are dropped off and collected from the school. This leads to busier periods of traffic and parking on the roads and streets within the vicinity of the school. This issue is perhaps exacerbated to a degree, in this case, by a higher proportion of pupils attending the school from outside of the village leading to a higher prevalence in the use of private cars. The provision of an additional rear access to the school, it is argued, would encourage the parking of vehicles over a wider area and thus reduce the pressures upon Middlewood Close. Such an access would also avoid the need for pupils to negotiate the footpath along the B1224, Wetherby Road.

5.24. The section of Wetherby Road outside of the primary school is a 30mph section with chicanes located on both sides of the road. A Zebra crossing is also situated immediately outside the main pedestrian entrance to the school.

5.25. It is not considered reasonable, or desirable in place-making terms for this residential scheme to be designed to accommodate car parking for the school. Considering this matter in closer detail it becomes apparent that there are also several other matters and considerations which would be relevant. It is not a simple case of providing an additional access to the serve the school. Firstly, there is the issue of the location of such an access. The Parish Council and the School Governors, in the earlier application stated a preference for the additional access to be located somewhere along the south western boundary of the application site, as this would provide a direct line of sight between the access and the main school building. However, in this location the access would need to be taken from an area of the development which is shown to be private driveway, which presents potential issues around rights of access and

ultimately ongoing maintenance. Furthermore, the space within the development for the parking of additional or visiting vehicles and the layout of the space does not appear conducive to such uses. The access would then, within the school site, either need to cut directly across the existing playing fields which would be problematic in the context of impacting upon an existing playing field (which would likely be an issue of concern or objection from national bodies such as Sport England) or navigate the perimeter of the school site to avoid bisecting the playing field; this would require more resources to construct and may not achieve the direct line of sight principle.

5.26. An alternative location could be adjacent to the proposed access to the development within the vicinity of No.11 Middlewood Close. The obvious advantage to this location is that it could be taken directly from the extent of the existing adopted highway, mitigating issues around ongoing and future maintenance. However, this location would be outside of the extent of the application site, is unlikely to satisfactorily address concerns around peak time parking on Middlewood Close and would disproportionately impact upon the amenity of the occupants of No.11. This location would also not meet the criteria applied by the Parish Council and the School Governors of providing a direct line of sight between the access and the school building.

5.27. Another key aspect of assessment as to whether a secondary access to the school should be secured is the scale of the development that is proposed. As is noted elsewhere in this report, the proposals are not anticipated to bring a material increase in the number of children attending the school. Furthermore, the provisions of paragraphs 56 and 57 of the NPPF are of relevance. Paragraph 56 states that planning conditions should be 'only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in other respects. Paragraph 57 then goes on to state, in relation to planning obligations, that they must only be sought where they meet all of the following tests (which are also statutory tests in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010):

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

5.28. The potential provision of a secondary pedestrian access to the school is not without its merits. The issue, within the context of assessing this particular planning application, is whether there are reasonable and justified grounds to require such works as part of this development and whether such works are

required in order to make the proposed development acceptable in planning terms. In this case, it would not be reasonable to require the provision of such infrastructure, nor would the absence of such works likely make the development unacceptable in planning terms. Therefore, it would not satisfy the statutory and policy tests for planning obligations.

## **DESIGN AND LAYOUT OF SITE**

5.31 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments:

- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increase 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.
- 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 community cohesion and resilience.

5.29. 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 (Placemaking) and D2 (Landscape) of the emerging plan also cover design principles.

5.30. Many of the villages surrounding York show patterns of incremental growth from an original historic centre. Rufforth is no different in this regard. However it has perhaps retained a higher degree of its original 'ribbon development' characteristic than other settlements. This is also reflected in its general overall size and scale as a settlement. The oldest buildings within the village typically front Wetherby Road. Later developments have then taken place to the rear of these properties and as former farmyards have been developed.



The result is a series of cul-de-sac type developments, typically of relatively modest scale, all accessed from Wetherby Road. However the historic ribbon character of the village is still clearly discernible.

- 5.31. The proposed development is considered to respect local character in terms of layout, scale and density. The proposed development consists of a mixture of 2, 3, and 4 bed dwellings, all of which are two storey units and predominantly detached or semi-detached. A single terrace of three units is proposed toward the southwestern boundary of the site. The exact specification of external materials and finishes to be used in the development has not been specified. However, the submitted details indicate that a mix of red-multi brick, stone and cream render would be utilised to achieve a cohesive appearance. Roofs are to be finished with slates or pantiles. In the absence of exact specifications being provided, in the event of planning permission being granted, it would be appropriate to attach a condition requiring details of exterior materials and finishes to be submitted for the approval by the local planning authority.
- 5.32. Within the details submitted, the proposed boundary treatments have been specified. These include the use of 1.8m high timber fences and walls. The timber fences would typically be used between the residential units to divide and demarcate private amenity spaces. Walls will be utilised in instances where the boundary faces what would be the public realm areas of the development (plots 1 & 16). Brick screens with piers and brick piers with knee high rails will be utilised to demarcate the transition between areas of highway and areas of private driveways. Some units will also benefit from 1.2m high 'estate railings' to enclose their front gardens. The proposed boundary treatments are considered to be acceptable in striking a balance between creating a visually cohesive appearance and also ensuring each dwelling is afforded suitable levels of privacy and security.
- 5.33. The design of the proposed dwellings is such that they would have a rural character; plots 19-21 have been designed as barn conversions utilising large ground floor openings with simpler, more subservient openings at first floor level with some use of small dormer type structures cut into the roof form. Overall, the general design and character of the proposals is considered to be in keeping with the existing wider built environment.
- 5.34. The site in its totality measures approximately 1 hectare. Policy H1 of the emerging plan specifies that the application site is anticipated to have yield of 33 dwellings. However, as is noted within the comments provided the Councils Forward Planning section, the yields set out within policy H1 do not reflect a detailed site assessment, instead they are a guide to potential deliverability
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based on a standard calculation of 35 dwellings per hectare (dph) across 90% of the developable area of the site.

- 5.35. Whilst acknowledging the importance of the site in delivering against the Plan's housing trajectory, negotiation should allow for reduced housing delivery to accommodate identified constraints, and to deliver against other stated policy principles, including affordable housing provision and housing mix.
- 5.36. Following the conclusion of Phase 4 of the Local Plan Examination in Public (September 22) it should be noted that as part of the main modifications process it is to be requested that the anticipated yield for this allocation (H38) be reduced from the previously published 33 units to 21 units. It is intended that the main modifications would be consulted upon in early 2023. As such the proposal as submitted would achieve a yield that would be compliant with the proposed revisions to Policy H1.
- 5.37. The proposal for a total of 21 no. dwellings would equate to a development density of 21 dph. This would be approximately 40% below the target development density set out within Policy H2 of the emerging plan. However, in this case it is proposed that the existing trees and hedgerows on the site would be retained, save for some minor pruning. When this is factored in along with need for access and general landscaping to be provided the net developable area of the site is approximately 0.69 hectares. This equates to a development density of approximately 30.4 dph.
- 5.38. The development density that would be achieved on this development (30.4dph) is below the target figure set out within Policy H2 of 35dph. However, as is set out in this report, the development would deliver the required proportion of affordable housing units in an appropriate housing mix and achieve the proposed revised unit yield. The proposals also allow for much of the existing mature vegetation and trees around the perimeter of the site to be retained, which will assist with softening the transition from the built extent of the settlement into the more sparsely developed agricultural land that surrounds the village and which forms part of the general extent of the Green Belt. It is also considered that the proposals respond to the existing character of development within the village.
- 5.39. The NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with 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. The proposed layout provides a number of opportunities for natural surveillance, with all units fronting the main access route into the site. All units will benefit from external access to private amenity spaces and these spaces will be enclosed by fences and gates.

5.40. A proposed landscaping plan has been submitted. This will provide additional tree planting to be incorporated into the development which will add to the existing trees and vegetation which already provide a setting to the site. In order to ensure that this landscaping is secured along with providing an adequate time period within which to allow the planting to mature it would be necessary to condition implementation of the proposed landscaping. In addition to this it would also be appropriate to condition tree protection measures are utilised during the construction phase of development to ensure that the trees to be retained are afforded suitable protection.

5.41. Overall, it is considered that the proposals would provide a suitable layout which facilitates development whilst also accommodating the more detailed constraints of the site. The proposals are therefore considered to accord with policies D1 and D2 of the 2018 DLP.

## **RESIDENTIAL AMENITY & PUBLIC PROTECTION**

5.42. The internal layout of the development is such that the proposed dwellings would be arranged in a manner to ensure that future occupants do not experience unacceptable levels of overlooking or overshadowing which would be harmful to amenity.

5.43. With regard to the existing properties and land uses which surround the site, the closest neighbouring residential properties to the proposed development are those situated to the southwest of the site on Middlewood Close, approximately 40m away, and the property known as Woodlands which is situated beyond the northern boundary of the site at a distance of approximately 33m. As a reference, a 21m rear-to-rear separation distance between two storey dwellings is generally considered to be appropriate and is the recommendation set out within the Council's Supplementary Planning Document on Extensions and Alterations to dwellings. Given the separation distances that would be achieved to existing properties it is not considered that the proposals would give rise to issues of overlooking or overshadowing which could be detrimental to the residential amenity of the existing residents. Nor is it considered that the proposals would have a particularly overbearing impact upon existing properties.

- 5.44. The Council's Public Protection Team have reviewed the proposals and have not raised any objections. They have however requested that a series of conditions be attached to any planning permission, and these are set out in greater detail below.
- 5.45. With regard to noise there are existing uses close to the application site, namely the agricultural building (pig unit) to the northeast and horse riding arena to the south; along with the existing school. These existing uses have the potential to give rise to noise disturbance that could impact upon future residents of the proposed development; albeit to varying degrees. The applicant has provided details on the current usage of the pig unit. The unit is used as a temporary isolation unit for the purposes of disease control away from the breeding stock held at the main farm, and is semi-automated and requires minimal daily input. Active operation of the site is therefore minimal. Vehicle movements are limited to a tele-handler for moving bales. Animals are transported in a trailer pulled by a pickup truck and movements to and from the facility are every two months.
- 5.46. The neighbouring horse riding facility is used for domestic purposes only. This use is restricted via a condition attached to the associated planning permission for the premises (Ref: 09/00548/FUL). As such the use of this facility is significantly less intense than a commercial livery type operation. Amongst the objections received to the proposals, concerns have been raised with regard to the potential noise impact the development may bring upon the existing stables and riding area. As with any construction work, there is the potential for a degree of disturbance and disruption to be caused. However, in this case it is considered that any such disruption can be suitably managed. Regarding the potential for disturbance post-construction, the relationship of the two closest dwellings, whilst closer than the existing dwellings on Yew Tree Close and the existing primary school, is not considered to significantly change the existing situation to such an extent that would warrant the refusal of planning permission on such grounds. Public Protection have therefore concluded that in this case there is no requirement for a noise assessment to be undertaken, nor is there a requirement for any conditions pertaining to noise control post construction.
- 5.47. Also, of note with regard to possible noise disturbances post construction, during assessment of the first planning application reference was made to the provisions of Paragraph 187 of the NPPF. Paragraph 187 requires planning policies and decisions to 'ensure that new development can be integrated effectively with existing businesses and community facilities'. Paragraph 187 continues 'Existing businesses and facilities should not have unreasonable

restrictions placed upon as a result of development permitted after they were established.' Paragraph 187 is clear in that its provisions relate only to existing businesses and community facilities. In this instance there no such facilities which would be at risk as a result of this development.

- 5.48. As part of the supporting documentation submitted by the applicant an odour assessment has been provided. This assessment has concluded that the neighbouring land uses of the pig unit and the equine facility will not have a significant impact upon the proposed residential development in respect of odour.
- 5.49. As with any construction works there is the potential for a degree of disruption to be caused during the construction phase. However, given the overall scale of the development, any such disruption would, within the context of the lifetime of the development, be relatively short lived. Nevertheless, it is still necessary to ensure that this construction phase is appropriately managed so as not to cause undue disruption or safety issues to the surrounding area, as is required by policy ENV2 of the emerging 2018 DLP.
- 5.50. The applicant has, as part of the submission, provided a Construction Environmental Management Plan (CEMP). However, colleagues in Public Protection advise that this submission is deficient in certain aspects, namely that the proposed construction hours do not accord with those normally imposed by the local planning authority and that the submitted CEMP does not consider any piling works that may be undertaken. As such Public Protection have advised that, in the event of granting planning permission, it would be necessary to condition that an amended CEMP be submitted to the local planning authority, for approval, prior to the commencement of development.
- 5.51. As part of the development the applicant is proposing the provision of electric vehicle (EV) charge points. All dwellings will either have an in-curtilage EV charge point or will have access to a remote EV charge point (via combined charger/bollard light). However, at this stage no precise details of this infrastructure have been provided. Changes to Building Regulation requirements since the last application mean that it would not be necessary to secure EVCP via condition as it will be a requirement of Building Regulation approval. In any event this would still promote the objectives of CYC's Low Emissions Strategy and also accord with the provisions of Paragraph 112 of the NPPF; both of which aim to promote the uptake of EVs and other low/ultra low emission vehicles.

5.52. The application is supported by a Geo-environmental Investigation report. This report has demonstrated that the site is suitable for the proposed development and that the site does not present significant potential contaminant linkages. Notwithstanding this, there remains a potential for unexpected land contamination issues to be discovered on site during construction. It would therefore be appropriate to include a condition covering unexpected land contamination. This would provide a suitable mechanism by which any unexpected land contamination that is encountered at the site can be recorded and where necessary be remediated. This condition will provide suitable safeguards to the health and well-being of future occupants and ensure suitable environmental protections are secured should there be any land contamination issues.

## **AFFORDABLE HOUSING**

5.53. Policy H10 of the emerging Local Plan sets affordable housing thresholds. These vary depending upon the category 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 in this case is 30%. Given that the proposal is for 21.no units a 30% affordable housing provision would equate to 6.3 units.

5.54. The development will include the provision of 6.no affordable units. These would comprise of 3 no. two bed units, 2 no. three bed units and 1 no. four bed unit. Two of the units (1x 3 bed and 1x 4 bed) would be available via shared ownership with the remainder being rented.

5.55. The 6.no affordable units on the development would equate to an on-site affordable housing provision of 28.57%. To achieve 30% affordable housing provision, the payment of a commuted sum would be necessary. This payment would be secured by means of a Section 106 Agreement and be used toward the provision of affordable housing within the CYC authority area. The exact figure for this commuted sum would be calculated using a standardised calculation methodology.

5.56. Policy H10 (v) states that affordable housing provision should: 'fully integrate, by pepper potting throughout the development with no more than two affordable dwellings placed next to each other. The size and type of homes should be a pro-rata mix of the total homes provided on site, taking into account current assessments of local need where on-site provision is required.

The affordable housing should be visually indistinguishable from the open market dwellings’.

5.57. From a visual perspective the design of the proposed affordable units would be in keeping with those on the wider development. The proposed layout of the units consists of a row of three dwellings (plots 1-3), 1 detached dwelling (plot 7) and a pair of semi-detached dwellings (plots 8 & 9). This layout would result in two instances of 3 affordable units being located next to one another. Whilst this layout would not strictly accord with the provisions of Policy H10 (v), it is considered acceptable in this instance. Securing strict adherence to such a layout requirement would be likely, given the relatively modest scale of the site, to give rise to other impacts elsewhere such as having to remove existing landscaping features or other infrastructure which is required as part of the development. As such the proposed dispersal of affordable housing units is considered to be acceptable.

5.58. 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 make a contribution to the affordable housing stock within the city. It will be necessary to include provision of these units through an associated Section 106 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**

5.59. The application site is located within flood zone 1 (low risk) as defined by the Environment Agency. In 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 2018 DLP 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).

5.60. Amongst the objections received, concerns have been raised about continued and historic issues relating to the existing sewerage infrastructure in the immediate area, with reports that technicians from Yorkshire Water have had to attend to issues in the locality on numerous occasions. The site at present is greenfield (undeveloped) and as such does not benefit from any active drainage infrastructure.

- 5.61. As part of the development a pumping station is proposed. The submitted topographical survey shows that the site is relatively flat with existing ground levels varying from approximately 16.37m AOD to 15.5m AOD. The surface water run-off rate for the site is agreed.
- 5.62. Site investigations have already confirmed that soakaways as a means of surface water disposal are not suitable on this site. This is due the existing subsoil conditions which are predominantly overlaid with dense clay. Foul water waste is proposed to be discharged to the existing sewer located to the west of the site. The submitted Flood Risk and Drainage Assessment acknowledges that a gravity discharge to the public sewer will not be achieved, hence the inclusion of pumping station within the proposals.
- 5.63. It will be possible to achieve an acceptable technical solution with regard to the drainage of the proposed development without giving rise to increasing flood risk within the vicinity of the site. However, to ensure that this is the case it would be necessary to secure such infrastructure by condition. The conditions will require that the site is development 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 foul and surface water drainage, including any balancing works, be submitted to and approved in writing by the local planning authority prior to the commencement of any development on site.
- 5.64. Neither Yorkshire Water nor the Ainsty Internal Drainage Board (IDB) have raised objections to the proposals but have requested that in the event of planning permission being granted conditions are imposed to secure suitable drainage provision. In both cases the requested conditions would achieve the same outcomes as set out above. It should be noted that these conditions would not negate the need for the applicant to secure other relevant approvals and consents from both Yorkshire Water and the IDB.
- 5.65. Subject to the use of the suggested conditions it is considered that the proposals would accord with the provisions of the NPPF and Policy ENV5 of the DLP 2018.

## **ARCHEOLOGY**

- 5.66. At the time of submission the application was accompanied by a desk based assessment and geophysical survey of the site. The site has not been subjected to any development in the past. As such the archaeological potential of the site is considered to be low and, if present, is likely to be relatively



shallow and date to the late prehistoric and/or Romano-British periods. The land has been in agricultural use since the medieval period.

5.67. The submitted geophysical survey suggested that the majority of anomalies highlighted relate to modern material and geological variations. Based on this information the Council's Archaeologist had recommended that a series of intrusive evaluations be undertaken prior to any development commencing on site.

5.68. In total 5 no trenches were excavated. The aim of this trenching was to determine the presence or absence, nature, date and quality of survival and importance of archaeological deposits to enable an assessment of the potential and significance of the archaeology to be made. Four of the trenches measured 30m x 2m and a fifth trench was dug at the request of the Archaeologist. The location of the trenches was informed by the earlier geophysical survey of the site.

5.69. The archaeological evaluation has concluded an absence of significant archaeological finds and features on the site. Trenches 1 and 5 correspond with an anomaly identified in the geophysical survey. No archaeological material was recovered to aid the understanding of the site. The presence of plough furrows identified on the site suggest the land has been utilised for agricultural purposes since at least the medieval period.

5.70. The Archaeologist had originally requested that the investigation works and evaluation of those results be secured by condition in the event of granting planning permission. However, as the applicant has now undertaken these works and the outcome is satisfactory, the originally requested conditions are no longer necessary.

5.71. The proposed development is therefore considered to accord with Section 16 of the NPPF and policy D6 of the DLP 2018.

## **ECOLOGY**

5.72. 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, c)) states that 'opportunities to improve biodiversity in and around

developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. 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.

- 5.73. Policy RwK 04 of the adopted Neighbourhood Plan states: *'Development proposals that conserve or enhance wildlife, wild flowers, hedgerows and trees will be supported'*.
- 5.74. The proposed development is to be located within the existing confines of the site. Much of the existing perimeter hedging is to be retained and only subjected to minor management and tidying works. Existing trees within and adjacent to the site are to be retained.
- 5.75. The submitted Preliminary Ecological Appraisal utilises a High, Moderate and Low classification criteria; each category then uses an inflection (+/-) to denote whether the feature has been assessed as being at the higher or lower end of that category. The assessment has concluded that the site is generally of Moderate (M-) classification with an area of Low (L+) in the northern field. The site has been predicated to show a Biodiversity Net Gain from M- to M as a result of the development. The assessment has also concluded that no further assessments or surveys are recommended, unless works to the surrounding hedgerows is planned during bird nesting season.
- 5.76. The survey has noted that the application site offers suitable habitat for nesting birds. Bats are also likely to use the site for foraging but are unlikely to find opportunities for roosting. No evidence of other species on site were detected.
- 5.77. The council's Ecologist has not raised any objections to the proposed development, subject to a series of conditions upon the granting of any planning permission. The recommended conditions relate to nesting birds, biodiversity enhancements and the submission of a lighting plan. Cumulatively these conditions will ensure that a precautionary approach during the construction phase ensuring existing species can be safeguarded. They will also secure enhancements which will co-exist with the development post construction.

- 5.78. A condition requiring the submission of a Landscape and Ecological Management Plan (LEMP) has also been recommended. The purpose of this condition would be to ensure wildlife mitigation and enhancement measures are managed and maintained. However in this instance this condition is not considered necessary. It is considered there would be overlaps with the other conditions namely landscaping. Furthermore with regard to the on-going maintenance of any other enhancements secured via the Biodiversity Enhancements condition these would fall to the owners of the dwellings in which they would be installed. The need to reinstate any land used for the purposes of a construction compound is however appropriate so a condition securing this would be recommended. It should also be noted that the requirement to provide a LEMP was not part of the previous application.
- 5.79. Overall, the proposals would accord with the provisions of Section 15 of the NPPF and the proposals would achieve a Biodiversity Net Gain. The proposals would also accord with Policy GI2 of the DLP 2018 and Policy Rwk 04 of the adopted neighbourhood plan. The potential risks to protected species and existing habitats can be suitably managed via a series of mitigation measures which can be secured by planning condition.

## **SUSTAINABLE DESIGN AND CONSTRUCTION**

- 5.80. Policy CC1 and CC2 of the DLP 2018 establish local requirements on sustainable construction. They require that, compared to Building Regulation targets, new 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). It should be noted that forthcoming changes to Building Regulations will impose more stringent reductions. As a result, depending upon the timing of the building works relative to prevailing Building Regulation requirements and any transitional arrangements, Building Regulations may impose measures that exceed the requirements of policies CC1 and CC2.
- 5.81. The provisions of Policy CC1 and CC2 have been noted within the Energy Statement that has been submitted with the application. The submitted Energy Statement also sets out a series of measures that the developer intends to implement as part of the development to ensure that the proposals accord with the provisions of CC1 and CC2. The measures set out within the Energy Statement cover two main areas; the fabric of the buildings to be built and the specification of any mechanical equipment to be utilised in the dwellings. The proposed measures include a focus upon the fabric specification of the dwelling units utilising materials with a low thermal conductivity rating,
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meaning that they do not conduct and therefore lose heat easily. In addition to this the Energy Statement indicates that the dwellings are to be heated using air source heat pumps and utilise energy efficient lighting throughout. Water efficient fixtures and fittings will also be used where they are fitted by the developer.

5.82. Combining these measures, according to the submitted Energy Statement, the development should achieve the carbon reduction requirements specified within policies CC1 and CC2.

5.83. Notwithstanding the above, the exact location and specification of the mechanical measures to be utilised have not been provided. It would be anticipated that the air source heat pumps would be positioned on the ground to the exterior of the building with sufficient space around them to allow for their efficient operation. Visually such units have a similar size and appearance to an air conditioning fan unit. In addition to this the calculations provided within the Energy Statement will likely be formulated on the basis of the fabric of the building and the specification of the mechanical measures to be used achieving either a known and modelled reduction in emissions. Such calculations may be liable to change in the event of the specification of materials or equipment changing.

5.84. Therefore, whilst the submitted information indicates that the requirements of Policy CC1 and CC2 should be capable of being achieved, in order to ensure that this remains the case, but to also provide a degree of flexibility in terms of how that is achieved, it is considered necessary and appropriate to impose conditions which will require each dwelling to achieve a reduction in carbon emissions to a level that is stated within Policies CC1 and CC2.

## **PLANNING OBLIGATIONS**

### **Education**

5.85. Policy DM1 of the draft local plan states that the Council will seek financial contributions from developers to ensure that the necessary infrastructure is in place to support future development in York. In terms of education provision, the Councils supplementary planning guidance note sets out the methodology.

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

- Early Years – none requested, as there is no childcare within Rufforth or within 2 mile radius to expand. It is anticipated that places are available elsewhere chosen for proximity to work.
- Primary - £113,856 toward expansion and facilities at Rufforth Academy.
- Secondary - £78,378 toward Phase 1 expansion at Manor School.

## **Affordable Housing**

5.87. The proposed development would achieve an on-site the affordable housing provision of 28.57% (6 Units). In order to achieve the threshold of 30% affordable housing provision, the payment of a commuted sum would be necessary. The provision of these units and the required commuted sum, and the mechanisms and frameworks by which they are delivered and then transferred to an appointed registered provider, need to be secured within a Section 106 agreement.

## **Open Space**

5.88. All residential development proposals are expected to contribute to the provision of open space for recreation and amenity in line with Policy GI6. Each of the proposed dwellings would benefit from private amenity spaces. However, the proposals, in this case, do not propose any substantive open space within the development other than for general landscaping.

5.89. Due to the size of the site, on-site provision would be likely to prove problematic and in this case a financial contribution for off-site provision would be more appropriate. Based on the number of dwellings and number of bedrooms proposed the required contributions would total £33,940. This would be broken down as £7,097 toward amenity space, £16,832 toward play space and £10,011 toward sports provision. The contributions would support existing facilities and/or clubs in the village. The amenity and play space contributions would be distributed in consultation with the Parish Council.

5.90. With regard to the future ongoing maintenance of the land toward the south western side of the site which would not naturally fall within the ownership of the proposed plots, the applicant has stated that this could be carried out by a management company. This can also be secured through a Section 106 Agreement.

5.91. It is considered that the above mentioned planning obligations would satisfy the tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 204 of the NPPF.

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

5.92. The proposed residential development represents inappropriate development in the Green Belt; as set out in an earlier section of this report. 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. In addition, there is limited harm to the openness of the Green Belt. Paragraph 148 also 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 harms have been set out earlier in this report namely; harm to openness and encroachment into the countryside. The previous reason for refusal also referenced discouraging the use of Brownfield Land; however, this matter has been covered in paragraph 5.13. The following considerations have been put forward to justify the proposal:

### **Draft Allocation**

5.93. Site H38 is allocated for development through Policy H1 in the emerging Local Plan. A number of main modifications are proposed to this policy, some of which have not yet been subject to formal consultation. Given this, the policy as a whole can carry only limited weight in decision making. However, it should be noted that most of the modifications to Policy H1 do not impact directly upon site H38 and the application that is now before the Council; it is only a change to the site's capacity (reduced to 21 to align with the scheme previously submitted) and deletion of indicative phasing that is affected. Furthermore the evidence upon which the allocation relies is material and can be afforded significant weight. The site selection process is well documented through the Strategic Housing Land Availability Assessment (SHLAA) and Local Plan viability work (local plan documents SD049, SD054 and SD018) and is supported by extensive Sustainability Appraisal.

5.94. There are no outstanding objections to the principle of the site's allocation, including the associated Green Belt boundaries (addressed specifically in evidence at Annex 4 of the Green Belt Addendum EX/CYC/59f at pA4:205).

Indeed, the site has long been identified by the Council as a potential residential allocation, having been included in previous draft Local Plans.

## **Neighbourhood Plan**

5.95. The site was identified as a suitable location for housing within the Neighbourhood Plan. However, this was not formally allocated in the 'made' version of the plan, owing to the fact that the Draft Local Plan had yet to be adopted and Green Belt boundaries established. However, there is a clear resolution in the appendices of the Neighbourhood Plan, confirming that the Neighbourhood Plan will be subject of a review following adoption of the draft local plan; and that the allocation of this site for housing had local support. At paragraph 8.13.11 of the adopted Rufforth with Knapton Neighbourhood Plan it is stated:

'The Plan does not allocate sites for housing as it is the role of the emerging City of York Local Plan to modify and define the boundaries of the Green Belt. By implication, as all the potential housing sites considered are within the general extent of the Green Belt as currently defined (Fourth Set of Changes Development Control Local Plan 2005) none can be allocated until, or if, those boundaries are modified in the adopted City of York Local Plan. In particular there is local support for the defined Green Belt boundaries and the two housing allocations in the submitted Local Plan in the neighbourhood area. These are for land at the junction of Main Street and Back Lane in Knapton and at the end of Middlewood Close in Rufforth. It is the intention of the Parish Council that these matters would form the basis of an immediate review of the Neighbourhood Plan should the submitted Local Plan be adopted.'

## **Unmet Housing Need**

5.96. At the present time, the Council cannot currently demonstrate an NPPF compliant 5 year housing supply on deliverable sites on land that is outside of the general extent of the Green Belt, i.e. the site allocations in the emerging Local Plan are required.. Whilst this position differs from the one presented through the Local Plan examination (a result of transitional arrangements applying to this calculation), it is the case that until the Local Plan is adopted the Council is unlikely to achieve a 5 year land supply.

5.97. The land supply is expected to fall notably short of the minimum 5 years required by the NPPF and substantial weight should be attached to the delivery of market and affordable homes in this context. These benefits along with the contribution of the scheme to the Government's objective of

significantly boosting the supply of homes (NPPF para 60) must be weighed in the balance and would support the case for very special circumstances on this site.

5.98. 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 in urban areas or villages (outside of the Green Belt) or by other means such as brownfield land. 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. The application site 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.

### **Provision of Affordable Housing**

5.99. The proposals would give rise to a policy compliant level of affordable housing thus contributing to the delivery of affordable housing within the City of York Council area. This is a material consideration to which significant weight can be attached.

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

5.100. 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.

5.101. The application site is a housing allocation within the emerging Local Plan (H38) which was defined as Green Belt in the 2005 DLP. Topic Paper 1: Approach to defining Green Belt Addendum 2021 provides detailed information about the York Green Belt and the emerging Local Plan, including an explanation of how and where detailed inner and outer Green Belt boundaries have been defined to inform the Local Plan. Criteria to inform the delineation of the detailed boundaries are set out within Section 5 of the Topic



Paper and have been identified on the basis of consideration of national guidance, the strategic approach undertaken in the local plan core strategy and an appraisal of the essential characteristics of openness and permanence in York. The detailed boundaries have then been assessed in the context of the existing built environment and landscape, without taking account of the potential need for growth and expansion of the built up area and settlements. Annexes 2, 3 and 4 present the potential boundary to the Green Belt should there be no unmet identified need.

5.102. The addendum sets out a methodology based on a local definition of openness and permanence and evidence which describes the purposes of land within the Green Belt, which is used to define the detailed Green Belt boundary. The key role of the boundary is to establish long term development limits to the built up area and existing settlements, and distinguish land that needs to be kept permanently open to meet the purposes of Green Belt including safeguarding the special character and setting of the historic city.

5.103. The main element of the appraisal of the location of Green Belt boundaries around the village of Rufforth is set out in Annex 4 (Other densely developed Areas in the General Extent of the Green Belt) to the addendum. A total of 4 boundaries are identified around the village. Boundary 1 runs along northern and eastern side of the village and includes the land that forms the subject of this application.

5.104. Allowing the village to grow significantly would result in it becoming 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. Rufforth is typical of York's outlying linear villages, surrounded by mostly flat, open, agricultural land with many large fields. While there has been some ribbon development to the north and south beyond the original village core, development tends to have infilled rather than extended beyond Main Street. Small housing development in farmyards and paddocks, once adjacent to the road, have created a number of cul-de-sacs.

5.105. It is considered that the form and character of Rufforth offers an opportunity, via a modest expansion of the village, for focusing development towards built up areas within the Green Belt in order to contribute to the long term permanence of the York Green Belt.

5.106. Whilst a number of proposed sites in and around the existing village were put forward as part of the Local Plan process, only the application site  
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was included in the Local Plan as a housing allocation. This was determined as the most appropriate location for development in the village as it would follow a combination of historic field boundaries and more recent 20<sup>th</sup> century development boundaries of properties off Wetherby Road, or small groups of properties and cul-de-sacs. The new boundary offers a degree of permanence. The development is located to the north side of the village minimising the perception of development from open approaches.

5.107. The site selection process and Topic Paper 1 Approach to defining York's Green Belt addendum 2021 have informed the housing allocations in the 2018 DLP. It has been determined that this site, due to its performance against Green Belt purposes specific to York, the spatial strategy for sustainable growth and taking into account NPPF policy on setting Green Belt boundaries can be within the Rufforth settlement and excluded from the Green Belt.

5.108. The proposed development would be inappropriate development in the Green Belt and it would lead to limited harm in respect to openness and encroachment into the countryside. The adverse effect upon the Green Belt is significantly less than site ST31 (land at Tadcaster Road, Copmanthorpe) which was considered at Planning Committee A 11 July 2022 and where very special circumstances were determined to exist. Even when substantial weight is attached to the harm to the Green Belt, cumulatively there are considerations which clearly outweigh the potential harm to the Green Belt and any other harm as a result of development so as to amount to the very special circumstances which are required by the NPPF.

- The existing village is a densely developed area which exhibits a low degree of openness, and does not contribute to the openness of the Green Belt; as a result Rufforth is therefore inset within the Green Belt.
- Unmet housing need cannot be accommodated on deliverable sites on land that is outside of the general extent of Green Belt – there has to be some degree of land release from the Green Belt to meet the development needs for housing, employment land and education, which cannot be solely provided in urban areas or villages, outside of the Green Belt or on brownfield land.
- Given the location of the site at the edge of an existing settlement the site is sustainably located.
- 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 represent sustainable development that will conform to the Government's objective of significantly boosting the supply of homes.

5.109. 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 taken 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 prime purpose of the Green Belt of preserving the setting and special character of York

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

5.110. 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:

- 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".

5.111. 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".

5.112. 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 can accommodate development without harm to the Green Belt purposes

specific to York. Given the scale of the development proposed (21 dwellings) 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. Furthermore, to grant planning permission, to a site which is identified as an allocation within the DLP 2018 would be consistent with decisions made on other similar sites (both housing and employment allocations) elsewhere in the city. These include ST31 at Copmanthorpe (18/00680/OUTM), H31 at Dunnington (20/01626/FULM) both housing allocations and ST19 at Northminster Business Park (21/00796/FULM (DPD)) which related to employment land.

5.113. There are outstanding objections to the removal of land from the general extent of the Green Belt and the delineation for Green Belt boundaries. Such objections reduce the weight that can be attributed to the emerging plan. However, even taking this into account and recognising that it is a matter of planning judgement it is considered that there are very special circumstances as set out in paragraph 5.106 and this report as a whole which justify the development at this particular time. Also of note is that the site was put forward as a potential development site as part of the Neighbourhood Plan process. However, this was ultimately removed from the NHP as the identification and modification of Green Belt boundaries, and by extension the allocation of housing sites, are matters for the local planning authority via the Local Plan process rather than through the Neighbourhood Plan. The Neighbourhood Plan process demonstrated that there is local support toward the development of this site initially identified in the NHP for housing.

## **6.0 CONCLUSION**

6.1. The above report outlines that the proposed development, subject to conditions, would be compliant with the NPPF and relevant technical policies within the adopted Neighbourhood Plan and the 2018 Draft Local Plan with regard to the impact on the highway network, 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, the site is allocated for housing development in the 2018 DLP. It has been determined, as part of the formulation of the DLP 2018, that the site, due to its performance against Green Belt purposes specific to York, the spatial strategy

for sustainable growth and taking into account NPPF policy on setting Green Belt boundaries can be within the Rufforth settlement and not in the Green Belt. It is considered that there are very special circumstances as set out in paragraphs 5.93 to 5.107 above that cumulatively clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and the limited adverse impact on the openness of the Green Belt and any other harms as identified above, even when giving substantial weight to the Green Belt harms. Further, there is no case for refusing the scheme on prematurity grounds.

6.3. Based on the merits of this case the following recommendation is made:

6.4. That the application be referred to the Secretary of State in accordance with the provisions of The Town and Country Planning (Consultation) (England) Direction 2021; and that in the event of the Secretary of State confirming that they do not wish to call the application in, planning permission be granted, subject to conditions and the completion of a Section 106 Agreement to secure necessary planning obligations referred to in paragraphs 5.85 to 5.91 above.

**7.0 RECOMMENDATION:** Approval subject to:

Referral of the application to the Secretary of State under the requirements of The Town and Country Planning (Consultation) (England) Direction 2021, and should the application not be called in by the Secretary of State then:

Approve the application subject to the planning obligations and conditions set out below; and

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

1 TIME2 Development start within three years

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

Site Layout Plan: Drawing No. 3921/PD/100 Revision J;

Landscape Plan Titled Hawthorn Fields, Rufforth: Drawing No. 3809/1;

H4 Terrace Plans: Panning Drawing Plots 1,2 and 3: Drawing No. 3921-PD-01 Rev

Application Reference Number: 22/01844/FULM

Item No: 4b

A;  
H4 Terrace Elevations: Planning Drawing Plots 1,2 and 3: Drawing No. 3921-PD-02 Rev A;  
Ashby Semi: Planning Drawing – Plots 4 & 5: Drawing No. 3921-PD-10 Rev A;  
Newton: Planning Drawing (as) Plots 6, 10 Drawing No. 3921-PD-07 Rev B;  
Farnham Type: Planning Drawing (as) Plots 7 Drawing No. 3921-PD-22 Rev A;  
A3 Semi Plans: Planning Drawing Plots 8 and 9 Drawing No. 3921-PD-03 Rev B;  
A3 Semi Elevations: Planning Drawing Plots 8 and 9 Drawing No.3921-PD-04 Rev B;  
Banbury: Planning Drawing (as) Plot 11 Drawing No. 3921-PD-11 Rev A;  
The Chatsworth: Planning Drawing (as) Plot 12: Drawing No. 3912-PD-24;  
Newton: Planning Drawing (op) – Plot 13: Drawing No. 3912-PD-08 Rev A;  
Farnham Type Planning Drawing (as) – Plot 14: Drawing No. 3921-PD-23;  
Ashby and Hawthorn Semi: Planning Drawing (as) Plots 15, 16, 17 and 18 Drawing No. 3921-PD-05 Rev B;  
TLB Barn: Planning Drawing (as) Plot 19 Drawing No. 3921-PD-13 Rev A;  
TCB Barn Floor Plans: Planning Drawing (as) Plot 20 Drawing No. 3921-PD-14 Rev B;  
TCB Barn Elevations and Sections Planning Drawing (as) Plot 20 Drawing No. 3921-PD-15 Rev A;  
TCB Barn Floor Plans: Planning Drawing (op) Plot 21 Drawing No. 3921-PD-16 Rev B;  
TCB Barn Elevations and Sections: Planning Drawing (op) Drawing No. 3921-PD-17 Rev A  
Streetscenes: Drawing No. 3921-PD-20 Rev D;  
Garage: Planning Drawing (as) Plots 6,11,12,13 and 14 Drawing No. 3921-PD-19 Rev B;

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

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

Reason: To protect the amenity of the locality in accordance with Policy ENV2 of the Draft Local Plan 2018

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

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

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

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

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

4 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, 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.

### 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.

5 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 the commencement of development above slab level 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

6 A biodiversity enhancement plan/drawing shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of development. The plan should include a minimum of six bat boxes, suitable for crevice dwelling species and six boxes for nesting birds. The measures contained in the approved plan shall be implemented in accordance with the approved details prior to first occupation of the relevant building.

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 establishing coherent ecological networks that are more resilient to current and future pressures.

7 Vehicular access shall be from Middlewood Close and details of the design of this access, together with associated sightlines, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: In the interests of highway safety.

8 HWAY10 Vehicular areas surfaced, details reqd

9 HWAY18 Cycle parking details to be agreed

10 HWAY19 Car and cycle parking laid out

11 The development shall not commence until details of the internal road layout

including any areas to be put forward for adoption by the Local Highway Authority 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.

12 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. 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
- hours of operation (including deliveries) which must include a statement indicating that deliveries to and from the site will take place outside of school drop-off/pick up times.
- where materials are to be stored within the site

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.

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

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination and to accord with Policy ENV2 of the Draft Local Plan 2018 and Section 15 of the National Planning Policy Framework

14 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials and details of all boundary treatments and means of enclosure 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.

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

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

16 All demolition, 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

Saturdays 0900 to 1300 hours

Not at all on Sundays and Bank Holidays

Reason: To protect the residential amenity of neighbouring residents in accordance with Policy ENV2 of the Publication Draft Local Plan 2018.

17 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

18 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.

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

Reason: In the interests of satisfactory and sustainable drainage

20 Before the commencement of development, a complete and detailed Arboricultural Method Statement and scheme of arboricultural supervision regarding protection measures for existing trees and hedges within and adjacent to the application site shown to be retained on the approved drawings, shall be submitted to and approved in writing by the Local Planning Authority. Amongst other information, this statement shall include details and locations of protective fencing, ground protection, a schedule of tree works if applicable, site rules and prohibitions, phasing of protection measures, types of construction machinery/vehicles to be used, specialist construction techniques where applicable, locations and means of installing utilities, and location of site compound. The document shall also include methodology and construction details where a boundary treatments is proposed within the root protection area of existing trees. A copy of the document will be available for reference and inspection on site at all times.

Reason: To protect existing trees that are considered to make a significant contribution to the landscape character and amenity of the area and the development.

21 The approved landscaping scheme, as shown on drawing Hawthorn Fields, Rufforth (Drawing No. 3809/1) shall be implemented no later than 6 months of the practical completion of the last dwelling. Any trees or plants which within 5 years of planting 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.

Reason: In the interests of amenity and good design and to afford suitable time for the landscaping scheme to established itself in the development.

22 No later than a period of 3 months after the completion of the development

any land used for the purposes of a construction compound shall be cleared from the site and the land in question reinstated to its pre-development state.

Reason: To safeguard the visual amenity of the development and the wider countryside.

## **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) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

2. In line with paragraph 112 of the National Planning Policy Framework, developments should be designed to 'enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations'.

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

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

From 15th June 2022, Approved Document S applies to new residential and non-residential buildings; buildings undergoing a material change of use to dwellings; residential and non-residential buildings undergoing major renovation; and mixed use buildings that are either new or undergoing major renovation. CYC Building Control should be consulted on all proposals for EV charge point provision (active and passive) to ensure compliance with current Building Regulations.

3. Under the Land Drainage Act 1991 and the Boards' byelaws, the Board's prior written consent (outside of the planning process) is needed for:-

a. any connection into a Board maintained watercourse, or any ordinary watercourse in the Board's district.

b. any discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district. This applies

whether the discharge enters the watercourse either directly or indirectly (i.e. via a third party asset such as a mains sewer).

c. works within or over a Board maintained watercourse, or any ordinary watercourse in the Board's district - for example, land drainage, an outfall structure, bridges, culverting etc.

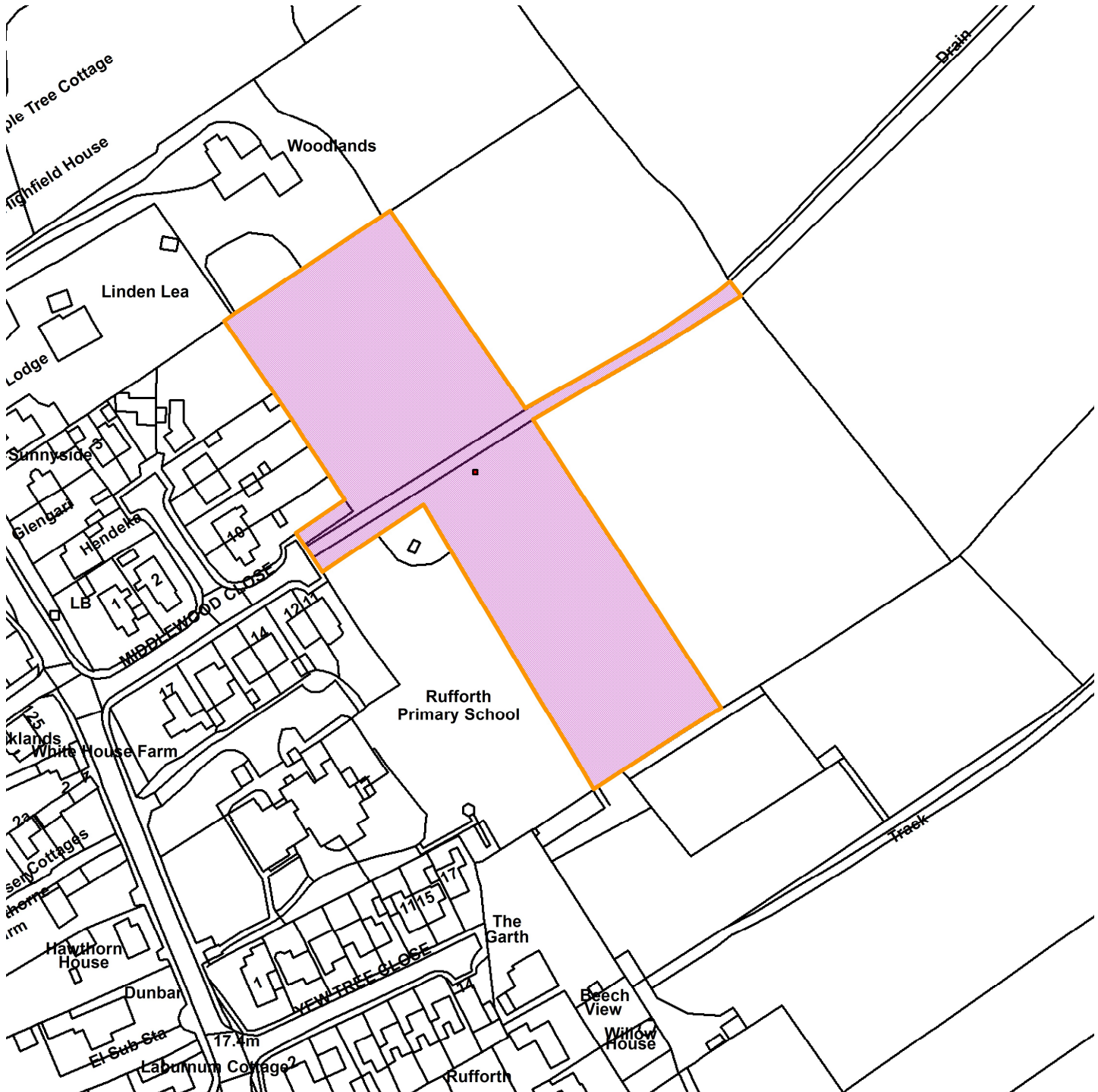
4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under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

**Contact details:**

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

# Land to the East of Middlewood Close, Rufforth

22/01844/FULM



Scale : 1:1773

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<b>Organisation</b>	City of York Council
<b>Department</b>	Directorate of Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	23 November 2022
<b>SLA Number</b>	Not Set

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# Planning Committee A

To be held on 1<sup>st</sup> December 2022 at 4:30pm

# 22/01844/FULM - Land To The East Of Middlewood Close, Rufforth, York

Erection of 21no. Dwellings and associated works (resubmission)

Existing Entrance  
from Middlewood  
Close



Existing Field track  
and boundary to  
School field

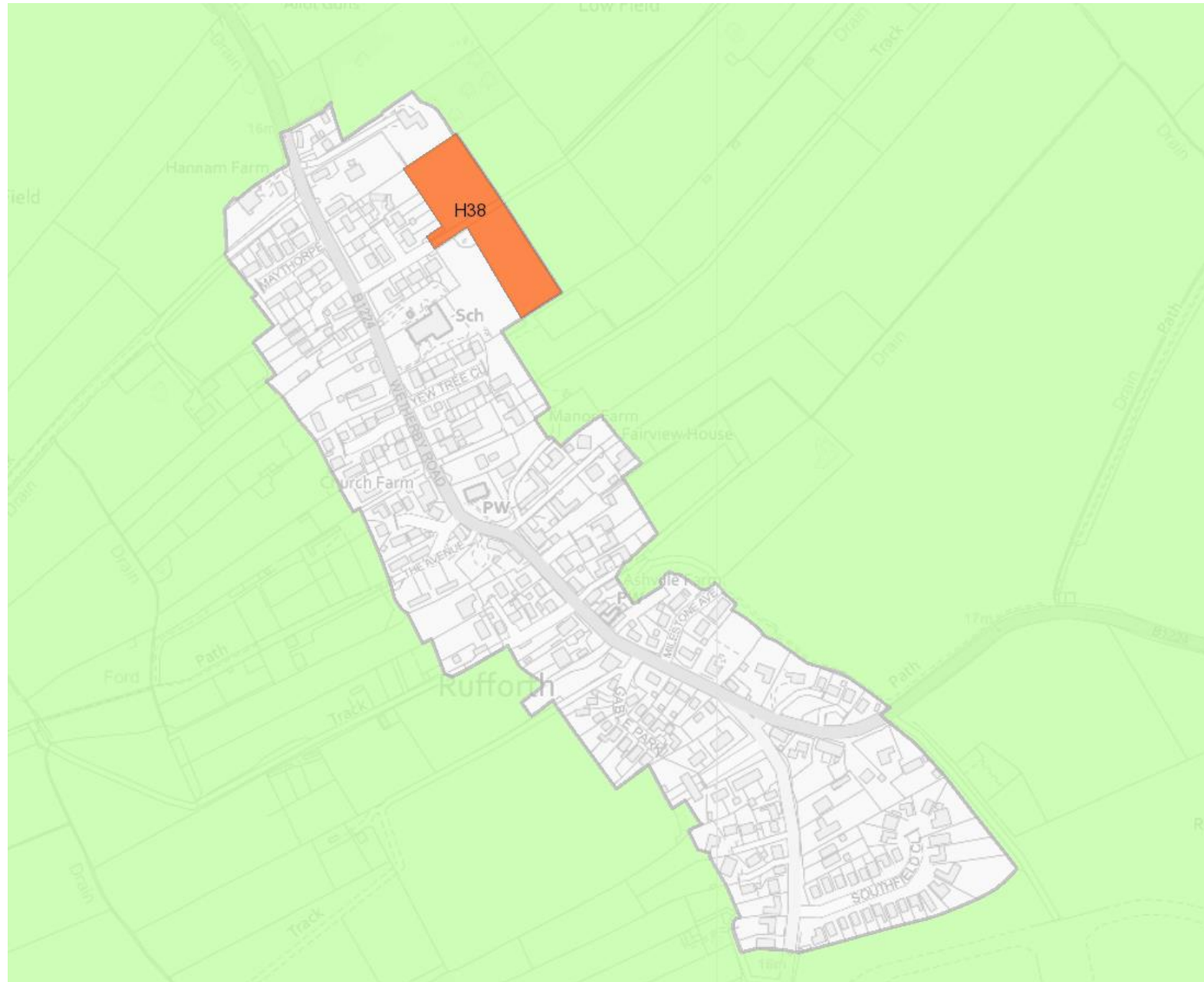


Middlewood Close  
back toward  
Wetherby Road



Page 129

Extract Proposals Map  
from DLP 2018 – showing  
H38 allocation and GB  
Boundaries around  
Rufforth



# Site Location Plan



REV	DATE	AMENDMENT	<p>downes illingsworth partnership ltd chartered architects</p> <p>info@diiparchitects.co.uk +44 (0) 1845 524758 56 Market Place Thirsk, YO7 1LW www.diiparchitects.co.uk</p> 	<p>CLIENT</p>  <p>MULGRAVE PROPERTIES</p>	<p>PROJECT: Proposed Development at Hawthorn Fields, Rufforth.</p> <p>DRAWING TITLE: Location Plan</p>	SCALE: 1:1250 @ A3	DATE: October 2021
						<p>DRAWN: JLW</p>	<p>CHECKED: JW</p>




















ALL DIMENSIONS TO BE CHECKED ON SITE. DISCREPANCIES, AMBIGUITIES AND/OR OMISSIONS BETWEEN THIS DRAWING AND INFORMATION GIVEN ELSEWHERE MUST BE REPORTED TO THIS OFFICE AND CLARIFICATION SOUGHT BEFORE PROCEEDING.

# Proposed Site Layout Plan

## ACCOMMODATION

Affordable		Area sq ft	
H4	2 bed house	3 no	781
A3	3 bed house	2 no	928
Farnham	4 bed house	1no	1141
Private			
Hawthorn	2 bed house	2 no	965
Newton	3 bed house	3 no	1006
Ashby	3 bed house	4 no	878
Banbury	3 bed house	1 no	1168
Farnham	4 bed house	1no	1141
TL Barn	4 bed house	1 no	2038
TC Barn	4 bed house	2 no	2560
Chatsworth	4 bed house	1 no	1466
<b>TOTAL</b>		<b>21 no</b>	<b>24,193 sq ft</b>

## KEY

-  PRIVATE DRIVE
-  BLOCK PAVING
-  EXISTING TREE RETAINED & ROOF PROTECTION
-  INDICATIVE TREES AND HEDGE / SHRUBS (refer to landscape layout for full details)
-  EXISTING TREE REMOVED
-  0.45M HIGH KNEE RAIL
-  1.8M HIGH SCREEN FENCE (With gaps for hedges)
-  1.2M HIGH ESTATE RAILINGS
-  1.8M HIGH SCREEN WALL & PIER
-  EXISTING TRACK RETAINED
-  AFFORDABLE HOUSING - RENT
-  AFFORDABLE HOUSING - SHARED
-  REMOTE ELECTRIC CAR CHARGING POINT - COMBINED CHARGER + BOLLARD LIGHT
-  ELECTRIC CAR CHARGING POINT
-  BIN COLLECTION POINT
-  EXTERNAL WALL LIGHT TO FRONT & REAR
-  PERSONNEL DOORS (Hspec HS LED)
-  CYCLE STORE (2m x 1.4m)
-  DENOTES FINISHED FLOOR LEVEL



City of York Council Planning Committee Meeting - 1st December 2022

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER PROJECT DRAWINGS. NOT TO BE SCALED. CDM 2015 REGULATIONS APPLY - REFER TO HSE WEBSITE: <http://www.hse.gov.uk/cdm/> TO UNDERSTAND YOUR LEGAL OBLIGATIONS. YOUR SUBS UNDER CONSTRUCTION FROM AN APPROVED CONTRACTOR IS THE BEST PRACTICE APPROACH FOR MAINTAINING AND PROTECTING THE PROPERTY. ACCORDING TO THE PROGRAMME OF WORK FOR A CONTRACTOR TO BE APPROVED FOR WORKING ON THE SITE. THE CONTRACTOR MUST BE A HEALTH AND SAFETY PLAN PROTECTING MEMBERS OF THE PUBLIC. THE CONTRACTOR MUST BE A HEALTH AND SAFETY PLAN PROTECTING MEMBERS OF THE PUBLIC. THE CONTRACTOR MUST BE A HEALTH AND SAFETY PLAN PROTECTING MEMBERS OF THE PUBLIC.

REV	DATE	DESCRIPTION
A	18/01/22	STREET & HOUSE LIGHT POSITIONS ADDED
B	27/01/22	IMPROVED AMBUSH PLANT DETACHED 4 BED
C	28/01/22	FINISHED FLOOR LEVELS ADDED
D	15/03/22	REDISIGNED TO ACCOMMODATE PUMP STATION
E	27/04/22	PHS ADDED
F	05/05/22	FURTHER HIGHWAY AMENDMENTS
G	04/07/22	FURTHER HIGHWAY AMENDMENTS, INC. CYCLE STORE SIGN & ACCESS, IMPROVED ROAD TYPES, CLARIFIED V&B BAYS PARALLEL, 2 BED PARKING REDUCED, PL. 3 HOUSE-DRIVER MONITOR, BIN COLLECTION POINTS ADDED
H	22/07/22	FOOTPATH INTO SITE EXTENDED
J	28/07/22	SHAVED SURFACE BLOCK PAVED V&B SPACE ADDED

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 35 Market Place  
 York, YO1 1JW  
 www.dgarchitects.co.uk

CLIENT  
  
**MULGRAVE**  
 PROPERTIES

PROJECT  
**Hawthorn Fields**  
**Rufforth**

DRAWING TITLE  
**Site Layout Plan**  
**Planning Layout**

SCALE 1:500 @A1	DRAWN BY J.W.	DATE November 2021
DWG NO 382/SPD100	REVISION J	

ALL DIMENSIONS TO BE CHECKED ON SITE. DISCREPANCIES, AMBIGUITIES AND/OR CONFLICTS BETWEEN THE DRAWING AND INFORMATION GIVEN HEREIN MUST BE REPORTED TO THE OFFICE AND CLARIFICATION SOUGHT BEFORE PROCEEDING.



# Streetscene Plan



**CONSTRUCTION (DESIGN & MANAGMENT) REGULATIONS 2015**

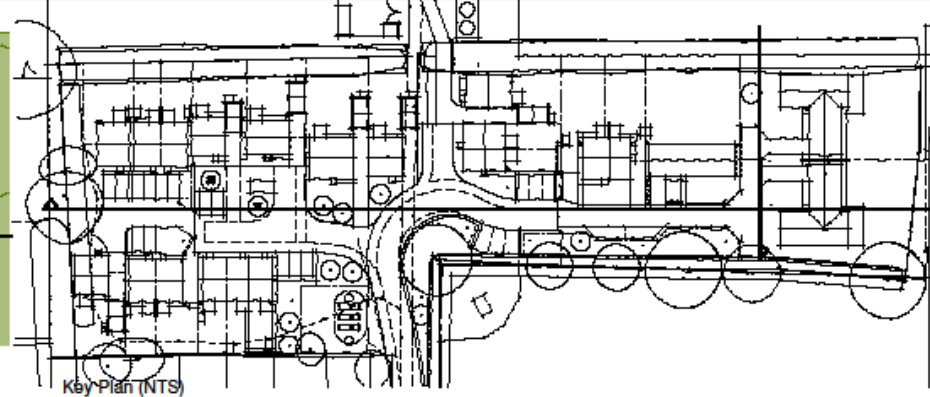
IN ORDER TO UNDERSTAND YOUR LEGAL OBLIGATIONS AS A CLIENT UNDER THE CONSTRUCTION (DESIGN & MANAGMENT) REGULATIONS 2015 (CDM 2015) PLEASE REFER TO THE HEALTH & SAFETY EXECUTION GUIDANCE AT <http://www.hse.gov.uk/aiacorebuild/clients.htm> OR CONTACT THIS OFFICE FOR FURTHER INFORMATION. YOUR CLIENTS LEGAL OBLIGATIONS INCLUDE (NOT EXHAUSTIVE) APPOINTING THE RIGHT PEOPLE AT THE RIGHT TIME, ENSURING ARRANGEMENTS FOR MANAGING & COORDINATING THE PROJECT, ALLOWING SUFFICIENT TIME, PROVIDING INFORMATION TO A COMMUNICATION WITH YOUR DESIGNER, A CONTRACTOR, ENSURING ADEQUATE WELFARE FACILITIES ON SITE, ENSURING CONSTRUCTION PLANS ARE IN PLACE, ISSUING THE HEALTH & SAFETY PLAN, PROTECTING MEMBERS OF THE PUBLIC, HOLDING YOUR EMPLOYEES, ENSURING WORKPLACES ARE DESIGNED CORRECTLY & NOTIFYING THE USE OF THE PROJECT IF APPLICABLE.



Section A - A



Section B - B



Key Plan (NTS)



REV	DATE	AMENDMENT
D	26/03/22	PLOT 12 UPDATED & PLOT 13 AMENDED
C	17/03/22	AMENDED TO SUIT LAYOUT
B	27/01/22	PL 16 AMENDED
A	23/11/21	PLOT 10 CORRECTED

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[info@iparchitects.co.uk](mailto:info@iparchitects.co.uk)  
 +44 (0)1845 524758  
 56 Market Place  
 City of York Council Planning Committee Meeting  
[www.iparchitects.co.uk](http://www.iparchitects.co.uk)

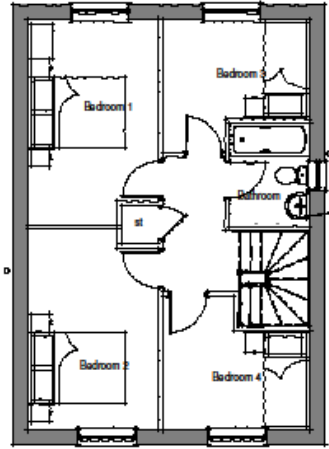
CLIENT:  **MULGRAVE PROPERTIES**

PROJECT: Proposed Development at Hawthorn Fields, Rufforth  
 DRAWING TITLE: Streetscene  
 DATE: 1st December 2022

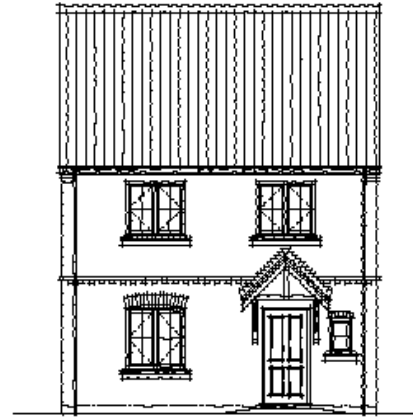
SCALE	DATE	DRAWN	CHECKED	DWG NO.	REV.
1:250 @ A3	October 2021	JLW	JW	3921/PD/20	D

ALL DIMENSIONS ARE UNLESS OTHERWISE SPECIFIED AND DIMENSIONS BETWEEN THIS DRAWING AND THE PREVIOUS DRAWING WILL BE REPORTED TO THE OFFICE AND CLARE DATENSOUGHT BEFORE PROCEEDING

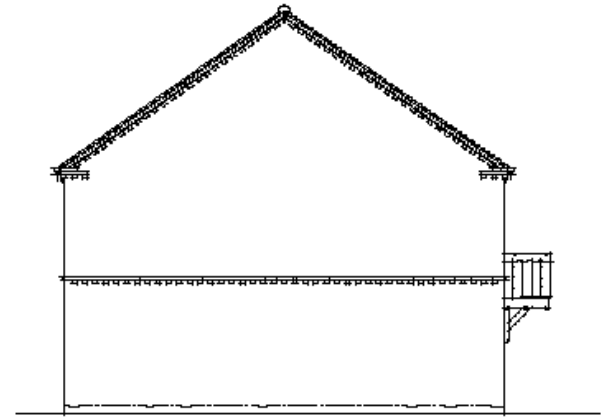
# Proposed Plans – Farnham Housetype



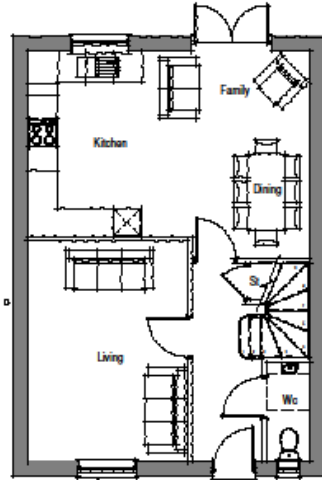
First Floor Plan



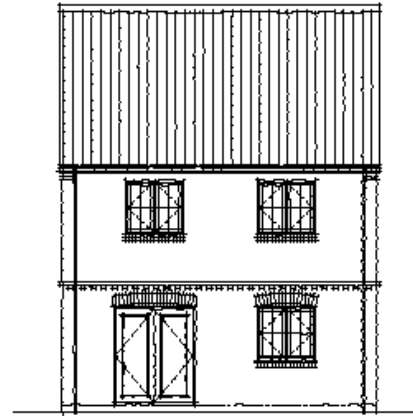
Front Elevation



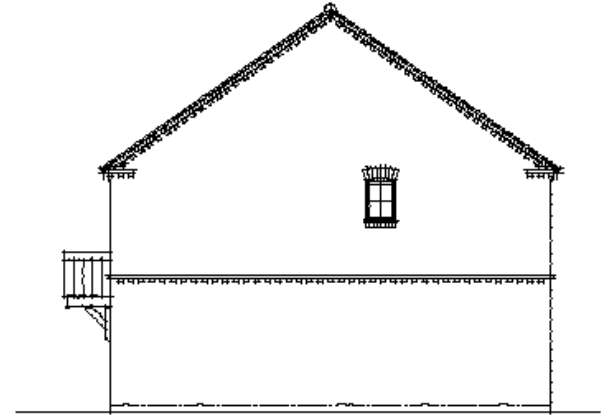
Side Elevation



Ground Floor Plan



Rear Elevation



Side Elevation



ADAPTED FROM MULGRAVE PROPERTIES HOUSE TYPE - CDM 2015 REGULATIONS APPLY

REV	DATE	AMENDMENT
A	14/03/22	ISSUED FOR PERMIT APPLICATION

downes illingsworth partnership **architects**  
 info@diplarchitects.co.uk  
 +44 (0)1845 524758  
 56 Market Place  
 Thirsk, YO7 1JW  
 www.diplarchitects.co.uk



CLIENT:  
**MULGRAVE**  
 PROPERTIES

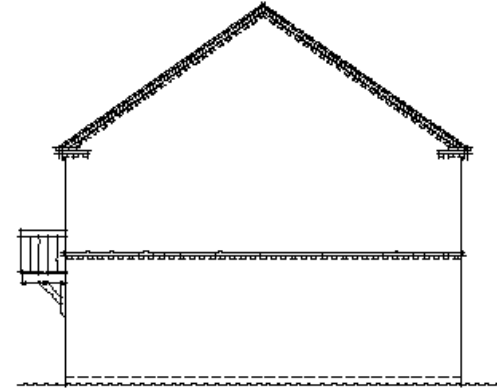
PROJECT:  
 Proposed Development at Hawthorn Fields, Rufforth  
 DRAWING TITLE:  
 FARNHAM Type Planning Drawing (as) - Plots 7

SCALE	DATE		
1 : 100 @ A3	January 2022		
DRAWN	CHECKED	DWG NO.	REV.
JW	-	3921-PD-22	A

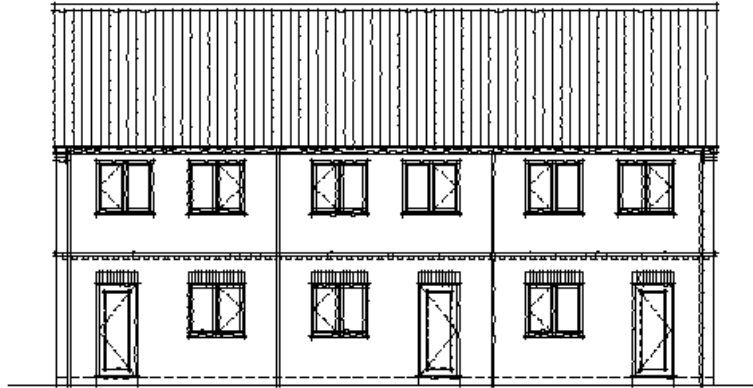
# Proposed Elevations – H4 Terrace



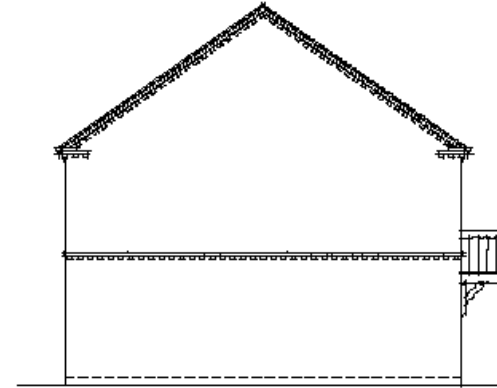
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

**CONSTRUCTION (DESIGN & MANAGEMENT) REGULATIONS 2015**

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YOUR DUTIES UNDER CDM 2015 INCLUDE (BUT ARE NOT LIMITED TO):

- IDENTIFYING AND APPOINTING THE RIGHT PEOPLE AT THE RIGHT TIME, MAKING ARRANGEMENTS FOR MANAGING & ORGANISING THE PROJECT, ALLOWING ADEQUATE TIME, PROVIDING INFORMATION TO & COMMUNICATING WITH YOUR DESIGNERS & CONTRACTORS, ENSURING ADEQUATE RESOURCES ARE IN PLACE, ENSURING A CONSTRUCTION PHASE PLAN IS IN PLACE, KEEPING THE HEALTH & SAFETY PLAN UP TO DATE, KEEPING THE HEALTH & SAFETY PLAN UP TO DATE, ENSURING WORK IS DONE CORRECTLY & NOTIFYING THE USE OF THE PROJECT IF APPLICABLE.



ADAPTED FROM MULGRAVE PROPERTIES HOUSE TYPE - CDM 2015 REGULATIONS APPLY



REV	DATE	BY	DESCRIPTION
A			PILOT SPECIFIC

downes illingworth partnership as  
chartered architects

info@downesillingsworth.co.uk  
+44 (0)1945 824758  
55 Market Place  
Brisby, YO7 1JW  
www.diporchitects.co.uk



CUSTOMER:

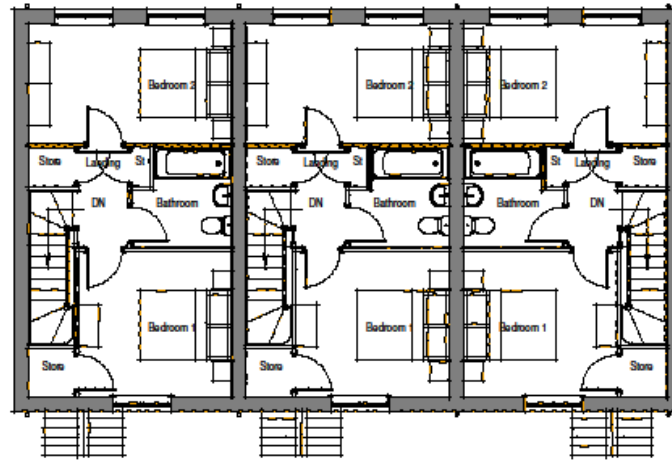
MULGRAVE  
PROPERTIES

PROJECT:  
Proposed Development at Hawthorn Fields, Rufforth

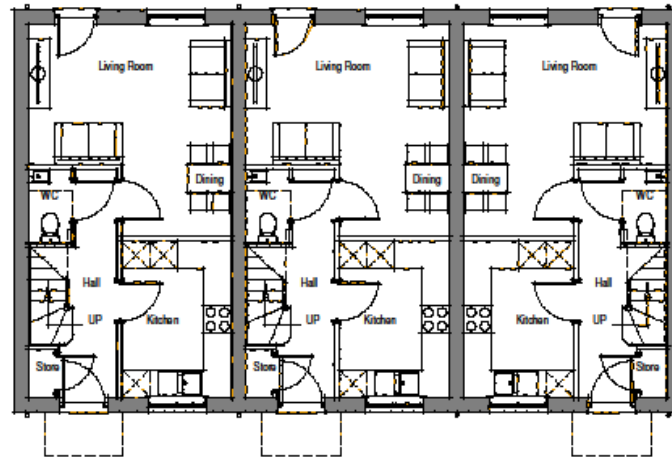
DRAWING TITLE:  
H4 Terrace Elevations: PLANNING DRAWING - Plots 1, 2 & 3

SCALE	DATE
1:100 @ A3	October 2021
DRAWN: PW	CHECKED: -
DWG NO. 3921-PD-02	REV. A

# Proposed Plans – H4 Terrace



First Floor Plan



Ground Floor Plan

ADAPTED FROM MULGRAVE PROPERTIES HOUSE TYPE - CDM 2015 REGULATIONS APPLY



REV	DATE	AMENDMENT
A	14/02/22	PLOT SPECIFIC

downes illingsworth partnership *an* chartered architects  
 info@diptech.co.uk  
 +44 (0)1845 524758  
 55 Market Place  
 Thirsk, YO7 1JW  
 www.diptech.co.uk

CUSTOMER:  
  
**MULGRAVE**  
 PROPERTIES

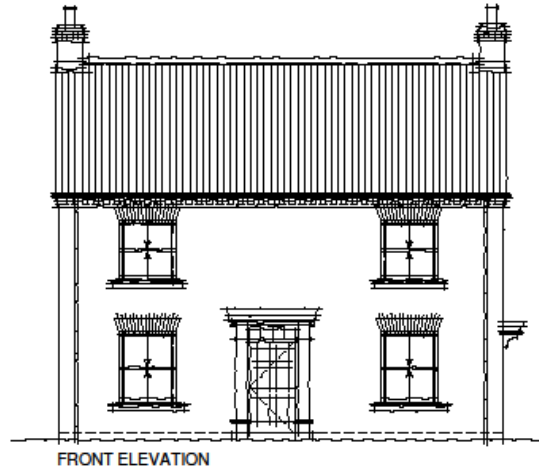
PROJECT:  
 Proposed Development at Hawthorn Fields, Rufforth

DRAWING TITLE:  
 H4 Terrace Plans: PLANNING DRAWING - Plots 1, 2 & 3

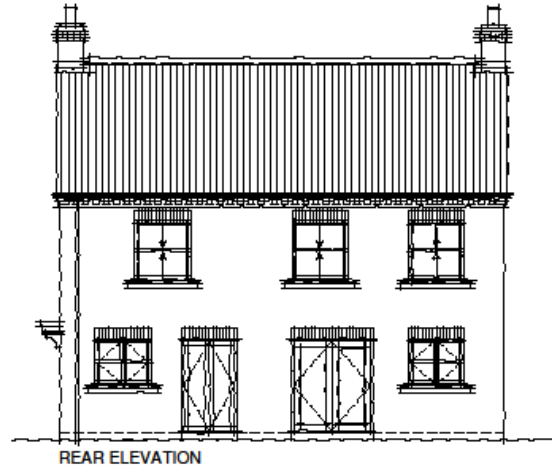
SCALE:		DATE:	
1 : 100 @ A3		October 2021	
DRAWN:	CHECKED:	DWG NO.:	REV.:
PW	-	3921-PD-01	A

ALL DIMENSIONS TO BE CHECKED ON SITE. DISCREPANCIES, AMBIGUITIES AND CONFLICTS BETWEEN THIS DRAWING AND INFORMATION ON THE SITE WHERE NECESSARY MUST BE REPORTED TO THE OFFICE AND CLARIFICATION SOUGHT BEFORE PROCEEDING

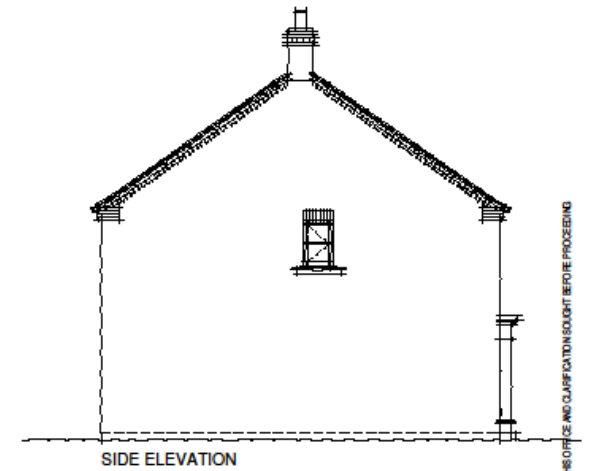
# Proposed Plans - Ashby and Hawthorn Semi Housetype



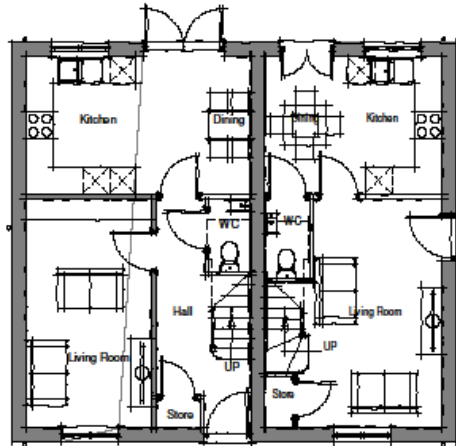
FRONT ELEVATION



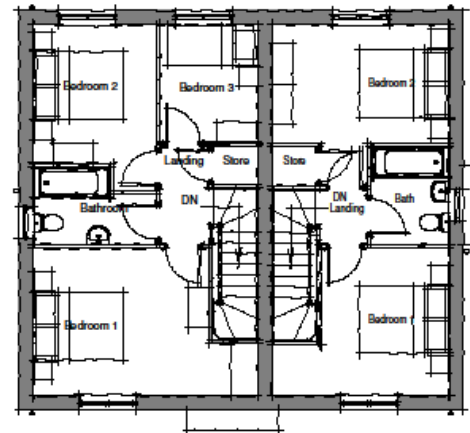
REAR ELEVATION



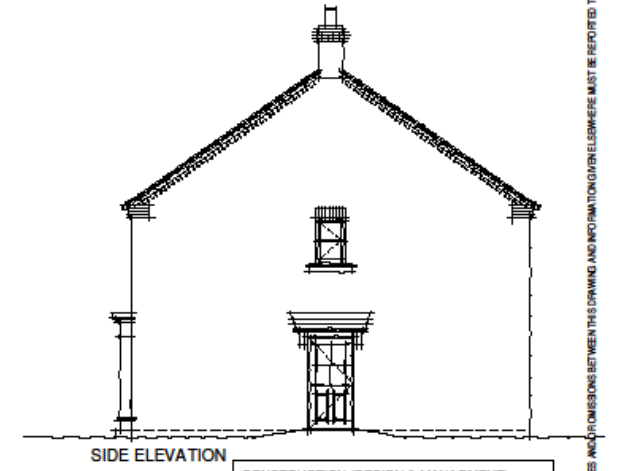
SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SIDE ELEVATION

**CONSTRUCTION (DESIGN & MANAGEMENT) REGULATIONS 2015**

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ADAPTED FROM MULGRAVE PROPERTIES HOUSE TYPE - CDM 2015 REGULATIONS APPLY



REV	DATE	AMENDMENT
B	22/07/22	PLANT 17-18.16/17 ADDED
A	14/03/22	PLANT SPECIFIC

**downes illingsworth partnership** architects  
 info@diparchitects.co.uk  
 +44 (0)1845 524758  
 55 Market Place  
 York, YO1 1JW  
 www.diparchitects.co.uk

CLIENT:  
  
**MULGRAVE**  
 PROPERTIES

PROJECT:  
 Proposed Development at Hawthorn Fields, Rufforth

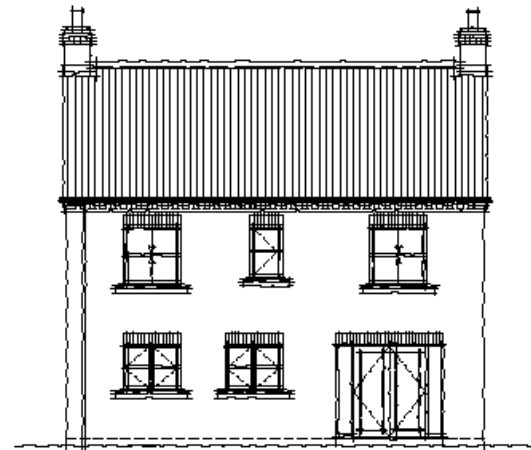
DRAWING TITLE:  
 Ashby & Hawthorn Semi: PLANNING DRAWING (as) - Plots 15/16 & 17/18

SCALE:		DATE:	
1 : 100 @ A3		October 2021	
DRAWN:	CHECKED:	DWG NO.:	REV.:
JW	-	3921-PD-05	B

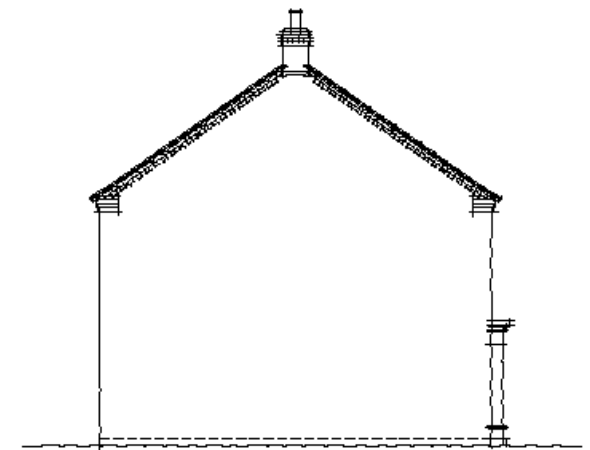
# Proposed Plans – Chatsworth House type



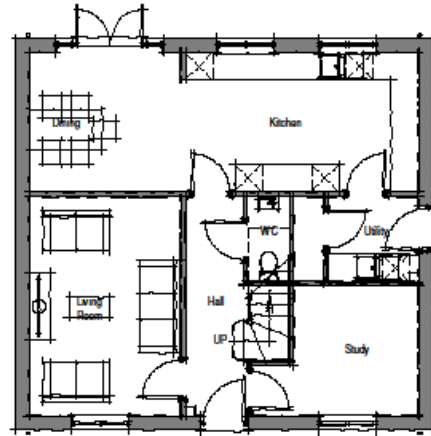
FRONT ELEVATION



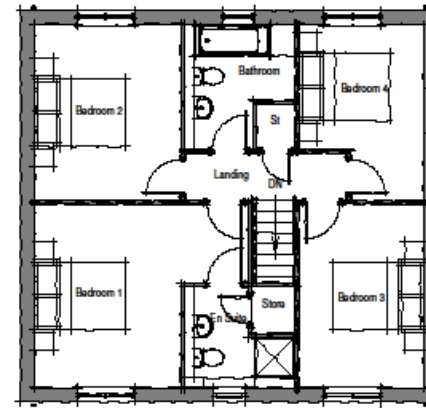
REAR ELEVATION



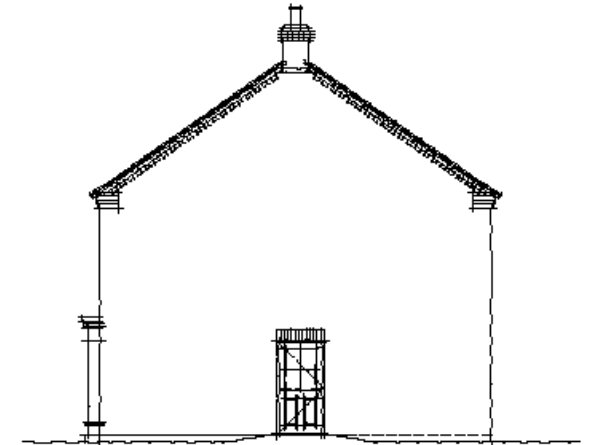
SIDE ELEVATION



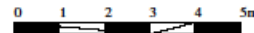
GROUND FLOOR PLAN



FIRST FLOOR PLAN



SIDE ELEVATION



ADAPTED FROM MULGRAVE PROPERTIES HOUSE TYPE - CDM 2015 REGULATIONS APPLY

**CONSTRUCTION (DESIGN & MANAGEMENT) REGULATIONS 2015**

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choffevill architects  
info@iparchitects.co.uk  
+44 (0)1945 524758  
54 Market Place  
Thirsk, YO7 1LW  
www.diparchitects.co.uk



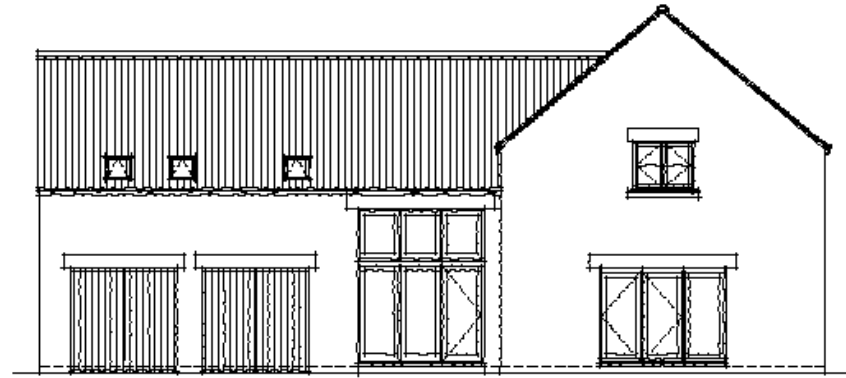
CLIENT:  
**MULGRAVE**  
PROPERTY

PROJECT:  
Proposed Development at Hawthorn Fields, Rufforth

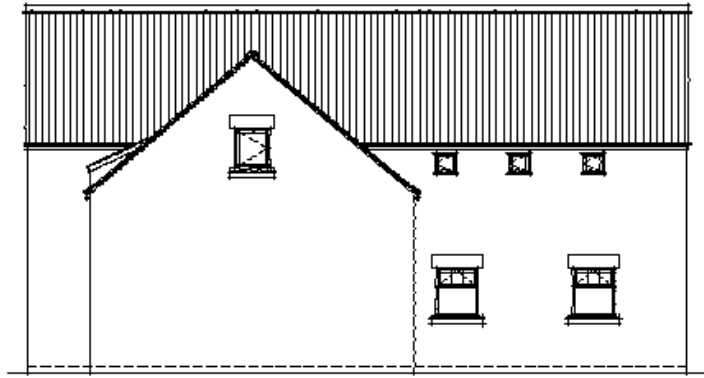
DRAWING TITLE:  
The Chatsworth: PLANNING DRAWING (as) - Plot 12

SCALE:	DATE:
1 : 100 @ A3	July 2022
DRAWN:	CHECKED:
MT	JW
DWG NO.:	REV.:
3921-PD-24	-

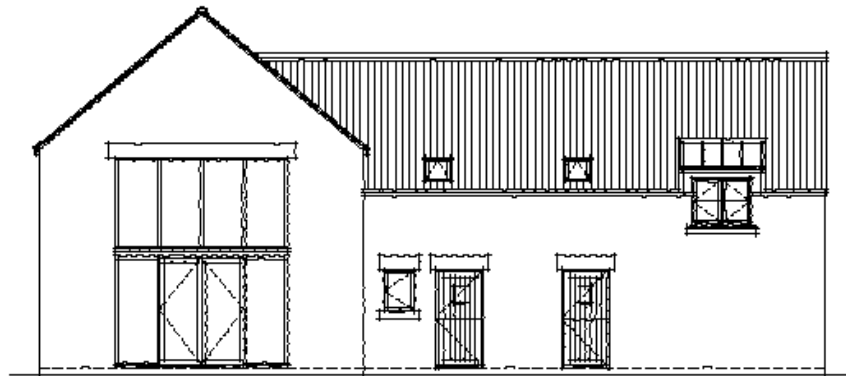
# Proposed Elevations TCB Barn (op)



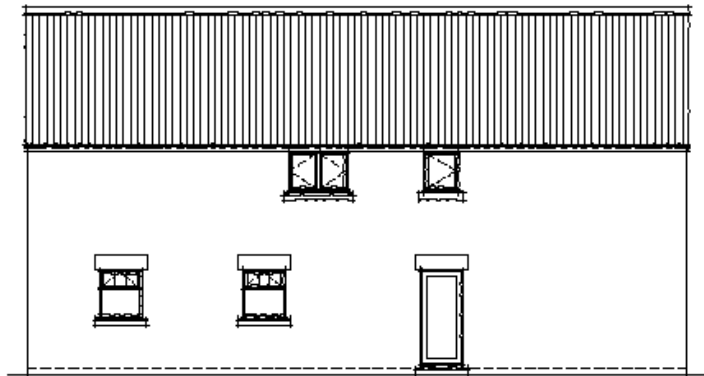
FRONT



SIDE



REAR

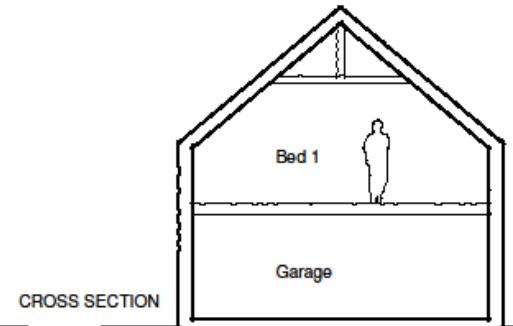
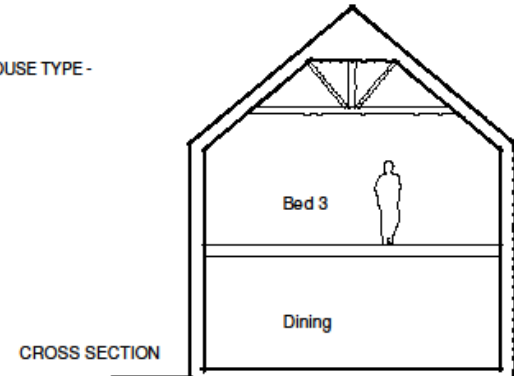


SIDE

ADAPTED FROM MULGRAVE PROPERTIES HOUSE TYPE -  
CDM 2015 REGULATIONS APPLY

**CONSTRUCTION (DESIGN & MANAGEMENT) REGULATIONS 2015**

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REV	DATE	AMENDMENT
A	14/03/22	PLAT SPECIFIC

downes tilgworth partnership is chartered architects

info@tparchitects.co.uk  
+44 (0)1945 524755  
54 Market Place  
Bisk, YO7 1UW  
[www.dtparchitects.co.uk](http://www.dtparchitects.co.uk)

CURT: 

**MULGRAVE PROPERTIES**

PROJECT: Proposed Development at Hawthorn Fields, Rufforth

DRAWING TITLE: TCB Barn Elevations and Sections: PLANNING DRAWING (op)

SCALE: 1:100 @ A3	DATE: October 2021
DRAWN: JLW	CHECKED: JW
DWG NO. 3921-PD-17	REV. A

# Proposed Landscaping (Extract)

