

the new access road through the former Manor School (17/01072/FUL). These permissions have been implemented and therefore remain extant.

Proposals

1.4 This application has been made to update the phasing plan, so phase 1 is infrastructure only (access road and public open space). It also proposes to vary the parameter plans and the details of the spine road / main street. The ground levels are updated to suit the previously amended full planning application. The variations are described below.

Parameter plans

- Building heights – the parameter plan previously approved had predominantly 2-storey buildings. Proposals were for up to 2.5 storey along the main street and around the rectangular areas of green infrastructure. The central area of housing (opposite the community hub) were permitted as up to 3-storey. The amendment proposes up to 3-storey rather than 2.5 storey along the main street and around the green infrastructure. Since submission the plan has been amended and 3-storey is not proposed at the site frontage along Millfield Lane.
- Green Infrastructure – the plan has been varied because it is now proposed to relocate Carr Drain in the southeastern corner of the site. The drainage strategy is showing a larger attenuation area (which will be ponds and swale). The plan shows potential for an area in the central part of the site (opposite the community hub) to be developed, subject to being able to address any noise issues arising from the neighbouring factory. The green corridors are now more linear and there has been adjustment to the areas of the pocket parks and green squares. The amount of green infrastructure overall does increase by 0.1ha.
- Access and movement – plan adjusted to accommodate the amendments listed above.

Main Street

- The changes are to update the detailed highway design, so more aligned with current standards, including for pedestrian and cycle infrastructure. The phasing of the main road, its alignment through the site, and the access points are unchanged.

Environmental Impact

1.5 The outline application was subject to an Environmental Impact Assessment. This application includes an Environmental Statement as an addendum, which has been consulted on accordingly.

2.0 POLICY CONTEXT

2.1 The application is to vary conditions of the extant outline planning permission only. Section 73 of the Town and Country Planning Act 1990 concerns 'Determination of application to develop land without compliance with conditions previously attached'. Although it is colloquially known as 'varying' or 'amending' conditions, permission granted under s73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. The national planning practice guidance explains that there is no statutory limit on the degree of change permissible to conditions under the s73 process, but the change must only relate to conditions and not to the operative part of the permission. The Town and Country Planning Act states that when assessing such an application, the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted.

2.2 The key policies related to the amendments proposed to the parameter plans and the main street are as follows –

National Planning Policy Framework

- 9. Promoting sustainable transport
- 11. Making effective use of land 36
- 12. Achieving well-designed and beautiful places

Draft Local Plan 2018

2.3 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. A further round of hearings are scheduled for 2024. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.4 Key relevant policies of the 2018 Draft Plan are as follows -

- SS1 Delivering Sustainable Growth for York
- SS6 British Sugar/Manor School

D1 Placemaking

D2 Landscape and setting

3.0 CONSULTATIONS

Internal

Ecology

3.1 No objection. The relevant ecological surveys and assessment have been updated in line with current policies and guidance. Ecological mitigation requirements have been updated, based on the findings of both initial and recent survey work.

Flood Risk Management Team

3.2 Officers advise that the scheme indicates a change in drainage strategy for the site. as part of the original outline the attenuation features included underground tanks and associated pipework. The above ground attenuation (ponds and swales which are sustainable drainage features and advocated by policy) had sufficient space around to enable the council to maintain. The updated scheme has larger areas of above ground attenuation. The Council would be unwilling to adopt these areas due to issues around maintenance. The submission evidences that third parties (through the New Appointment and Variation (NAV) process) would be willing to adopt and therefore this recommended as a way forward.

Highway Network Management

3.3 Officers have provided feedback on the plans for main street and subsequently amendments were submitted, regarding pedestrian and cyclist priority at junctions, dimensions of on-street parking spaces to accommodate disabled sized spaces and provision for servicing vehicles and buses.

Public Protection

3.4 Officers have commented in terms of land contamination; there are no objections in respect of the remediation strategy and proposed ground levels.

External

Ainsty Internal Drainage Board

3.5 The board have commented on the proposed diversion of Carr Drain. They will not be responsible for maintenance, but it is a vital watercourse and they re-iterate a requirement that the easement is sufficient and a 9m access trip is provided to each side. This easement was secured as part of the approved scheme and would be again in this submission. As per the boards' recommendation, the specific distance is now annotated on the parameter plan; it would also be an informative on the decision notice.

National Grid

3.6 No objection.

Natural England

3.7 No comment. Refers to its standing advice.

Nether Poppleton Parish Council

3.8 Support the application given local housing need. It was noted that the scheme has been revised and 3-storey buildings are no longer proposed opposite Villa Court.

Yorkshire Water

3.9 Comment as follows in respect of potential impact on existing infrastructure - The proposed street alignment at the entrances to site has the potential to affect Yorkshire Water existing mains located within Low Poppleton Lane and Boroughbridge Road (A59) and Millfield Lane. These mains (if affected) will require diversion at the developers' expense based on the submitted plans. The plans for the Millfield Lane site entrance also show trees in close proximity to Yorkshire Water existing main at this location, this is not acceptable. There is to be no planting of trees or deep-rooted shrubs within 3m of existing apparatus. Officer note – an informative is proposed regarding Yorkshire Water, as per the extant permission.

4.0 REPRESENTATIONS

4.1 Twelve representations received. Comments as follows -

- Cllr Hook - support the development which will provide much needed housing. Consideration should be given however to the potential increased volume of Application Reference Number: 23/02302/FUL Item No: 4c

traffic on Millfield Lane at a time when traffic on the A1237 will be increasing because of the dualling beyond the A19.

- Valeo confectionery (neighbouring factory) – the scheme involves an acoustic barrier around the factory. Query raised whether taller houses (3-storey rather than 2.5 storey) along the main street and looking toward the factory would lead to noise complaints.
- Reduced green infrastructure and increased building heights not acceptable. Buildings too tall near surrounding houses.
- Loss of bund behind Langholme Drive and associated planting objected to.
- Difficult to interpret change in grounds levels.
- Increase in traffic and main street will be used to access the outer ring road. Suggest a bus gate is introduced on the main street. Having the main street as a through route defeats the object of the bus gate on Millfield Lane, despite its alignment being intended to deter it being used as an access to the outer ring road rather than the A59.

5.0 APPRAISAL

Key Issues

5.1 Given that an application under s.73 seeks to amend an approved scheme, the development itself will have been judged to be acceptable in principle at an earlier date. The assessment of the current application therefore is limited to the changes proposed to the approved outline permission, applying current policy and any other material considerations. As set out in the Town and Country Planning Act Section 73 when assessing such an application, the Local Planning Authority may consider only the question of the conditions subject to which planning permission should be granted. It is not within the scope of this application to consider the principle of development, or elements of the scheme it is not proposed to vary. It is outside the scope of this application to consider the impact on the wider highway network or the principle of the access points and alignment of the main street, as such matters are unaffected by the proposed amendments.

5.2 The key issues are therefore as follows –

- Changes to the proposed phasing plan
- Changes to the parameter plans
- Changes to the design of the spine road / main street

- Drainage

Assessment

Changes to the proposed phasing plan

5.3 There is no change proposed to the phasing in terms of the phased delivery of the main street and the education / community uses. In terms of the housing, it is still the intent to develop the southern side of the site first followed by the northern half.

5.4 The amendment sought is for phase 1 to be the first section of the access road and green infrastructure (including the strategic drainage). The first phase of housing would then follow. This is a subtle change to separate the infrastructure delivery from the housing. It is practical from the developers' perspective and would not delay housing delivery as site remediation is required before houses can be built. The phasing has always been illustrative and consequently subject to change. This variation has officer support.

Changes to the parameter plans

Building heights

5.5 The approved scheme was for buildings between 2 and 3 storey. Taller 2.5 and 3 storey being proposed to address the main street, green corridors and squares, to provide a hierarchy within the scheme and develop sense of place. This hierarchy is not altered in this amendment. Where increased heights are proposed they are within parts of the site where there would not be an effect on existing residents and nor would there be a perceived variation in how the site is experienced in its wider setting. Initially an uplift to 3-storey was proposed on a section of Millfield Lane, opposite housing at Villa Court. This has been omitted from the scheme and now the parameter plans revert to the approved arrangement in this area. The NPPF has a section on making effective use of land, the uplift in building heights is consistent with this national policy. The design principles are consistent with the National Design Guide in respect of identity and built form, associated with place-making, and the resulting built form would not be harmful to the prevalent character of the area.

Green Infrastructure

5.6 The amount of green infrastructure overall increases by 0.10ha. The variations are considered primarily against NPPF advice on achieving well-designed and beautiful places and the supplementary national guidance within the National Design Guide. In this respect regard needs to be paid to whether the landscaping would be appropriate and effective (NPPF 135b), considering the National Design Guide; this would include consideration of matters such as siting, accessibility, consideration of safety and security, involving provision of natural surveillance and function. Further to the latter the design guide advocates a hierarchy of public spaces that range from large and strategic to small and local spaces, including parks, squares, greens and pocket parks.

5.7 The changes to the green infrastructure are not objected to applying the aforementioned policy. The accessibility and natural surveillance of the green spaces would not be unduly affected by virtue of the design parameters and the location of green spaces, and the scheme continue to provide a reasonable typology and size of green spaces.

5.8 The parameter plans have varied because it is now proposed to relocate Carr Drain in the southeastern corner of the site. Consequently, the green infrastructure within the drainage easement is at the periphery of the site, rather than there being a development parcel (of housing) at the boundary (and neighbouring adjoining industrial uses). The green infrastructure previously had access roads passing over it, this is no longer the case. This variation is not regarded to have a material effect on the proposed layout, access to open space, or any surrounding occupants.

5.9 The plans show potential for an area in the central part of the site (opposite the community hub) to be developed, subject to any noise issues arising from the neighbouring factory. The area was previously shown as open space. Across the site, the amount of Green Infrastructure will be increased and in place-making terms it is regarded appropriate for an active frontage (which can contribute to traffic calming) along this section of the main street opposite the community hub area, which will also accommodate educational buildings.

5.10 The green corridors are now more linear, with a regular width of 7m, and there has been adjustment to the areas of the pocket parks and green squares. The more linear alignment of the corridors means the large green spaces which they lead to will be more prominent in terminating views beyond the corridors. The design parameters document explains the intention is for cycle and pedestrian routes and /

or low traffic routes (tertiary streets) fronting on the spaces. Again, given the amount of green infrastructure overall does increase by 0.1ha, the variation to the green corridors is acceptable.

Changes to the design of the spine road / main street

5.11 The principles of the main street design and its alignment are unchanged. The variations are to ensure servicing vehicles can navigate the main street (at a maximum speed of 20 mph) and the pedestrian and cycle infrastructure has been upgraded to meet current advice in LTN 1/20. The shared pedestrian and cycle paths are slightly wider (now 3.5m) and take priority at junctions. The changes have been developed in conjunction with the Council's highways officers. The changes are supported as they follow NPPF advice to promote sustainable travel and give priority first to pedestrian and cycle movements as required under paragraphs 114 and 116.

Drainage

5.12 The drainage strategy is showing a larger attenuation area (which will be ponds and swale). The drainage strategy has been revised to include a larger allowance for climate change (current local policy is 30% and it was previously 20%) and the now proposed solution avoids the need for a pumping station within the scheme. The variation has a subtle effect, increasing the amount of green infrastructure on the north-eastern side of the site. In respect of the Flood Risk Management comments over future maintenance of the swales and ponds, the planning obligation, where it relates to future maintenance of public open space allows for a third party to have such responsibilities.

Ground levels

5.13 The application for housing (in outline) was supplemented by a separate full planning permission to re-profile the site and form a development platform. The current variation in ground levels, including the screening bunds, are a by-product of the former industrial use. This application proposes no variation in ground levels to those which already have full planning permission. The existing and proposed sections illustrate the minimum and maximum ground levels in each phase and how these relate to surrounding land uses. The proposals to include 3-storey housing are in locations which are over 50m from the site boundary and raise no amenity issues.

5.14 There is no material change to the scheme in terms of residential amenity and how the scheme would interface with surrounding housing. The associated design parameters and principles document, that will inform reserved matters applications, require that landscaping and tree planting be installed adjacent the boundary with Langholme Drive. In this respect the following text from the previous Committee report remains applicable “The proposed approach is for back-to-back gardens by Langholme Drive which follows good design guidance considering security and to provide active frontages with good surveillance over public realm. The scheme respects the existing context in that at the southern end of Langholme Drive, where there are not changes in ground levels, the existing trees will be retained. Officers have required that where the bund is, longer than average gardens and tree planting will be provided in this location”.

Public Sector Equality Duty

5.15 Section 149 of the Equality Act 2010 contains the Public Sector Equality Duty (PSED) which requires public authorities, when exercising their functions, to have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.16 The PSED does not specify a particular substantive outcome, but ensures that the decision made has been taken with "due regard" to its equality implications.

5.17 The Local Planning Authority has paid due regard to the Equality Act in arriving at its recommendation.

6.0 CONCLUSION

6.1 This application is made only to vary the existing outline planning consent to update the phasing plan, so phase 1 is infrastructure only (access road and public open space) and to vary the parameter plans and the details of the spine road / main street. No material changes to the planning obligations are proposed or necessary. Conditions are only updated to reference the revised drawings and documents and where details have been approved since the previous permission in

respect of protection for the Bee Bank nature conservation area (SINC) during construction.

6.2 The ecological appraisals regarding the site are up to date. There is no material change to the environmental effects associated with the scheme, which can be suitably addressed through planning conditions and there are no objection to the scheme amendments, which are justified and aligned with NPPF policies.

7.0 RECOMMENDATION: That delegated authority be given to the Head of Development Services to APPROVE the application subject to the completion of a Section 106 Agreement; to make that existing legal agreement applicable to this application, and for the Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement and the planning conditions.

The s73 permission will repeat the same conditions as attached to the original outline permission, the conditions are only varied to incorporate the revised plans and condition 12 to include the agreed bee bank SINC protection measures.

Conditions of approval

1 Reserved matters

Approval of the details of the access, layout, scale, design and external appearance of each phase of the development (as identified on the approved illustrative phasing plan) hereby permitted and the landscaping (excluding strategic green infrastructure – see condition 2) within the phase ('the reserved matters') shall be obtained in writing from the local planning authority before that development is commenced within that phase. The development shall be carried out in accordance with the approved details.

REASON: To comply with Article 5 of the Town and Country Planning (Development Management Procedure Order 2010).

2 Green infrastructure

Prior to, or at the same time as, the submission of the first reserved matters application, a Masterplan for the approved green infrastructure, identifying the distribution of green infrastructure typologies across the site, in accordance with the illustrative typologies as identified on the approved green infrastructure parameter plan 9108-LDA-XX-XX-DR-L-1151 revision 06, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Masterplan.

REASON: To ensure that there is adequate infrastructure to cater for the development, interests of the amenity of future occupants, good design and so that the impact on biodiversity (in particular the bee bank SINC) and the amenity of the surrounding area is as assessed within the application in accordance with paragraphs 58 and section 8 of the National Planning Policy Framework.

3 Drainage

Prior to, or at the same time as, the submission of the first reserved matters application, details of foul and surface water drainage, from the phase boundaries to the site outfall, 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.

Details must include:

- a) A plan detailing the phasing of the installation of the drainage scheme.
- b) Proposals for the inclusion of SuDS features in accordance with the SuDS Manual Version 5 including errata 2016 or any subsequent published evidence on the matter.
- c) Plans to demonstrate that there will be no surface run-off from the site in a 1:100 year storm (+ 30% allowance for climate change) and that run-off from the site will not have an adverse effect on existing properties.
- d) Cover and invert levels to Ordnance Datum of the drainage proposals for the new development.
- e) Computer modelling of the surface water attenuation to accommodate the 1:30 year storm and proposals to accommodate the flood volumes above the 1:30 year storm up to the 1:100 year + 20% climate change storm.
- f) The flow control chamber limiting the surface water to the 43.2 l/s/ha.
- g) The drainage discharge point.
- h) The assumptions and design limitations to be applied to the drainage design of each development plot.

REASON: To ensure proper drainage of the site and so that there is no increase in flood risk elsewhere, in accordance with paragraph 103 of the Framework.10

4 Biodiversity

A Biodiversity Management Plan (BMP) for each phase shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved BMP.

REASON: To take account of and enhance the biodiversity and wildlife interest of the area, and comply with Section 11 of the Framework.

5 RM applications

Application(s) for approval of the reserved matters for any development within the first phase to be bought forward ('the initial phase') of the development hereby permitted shall be made to the local planning authority before the expiration of 7 years from the date of permission ref 15/00524/OUTM (28th September 2025).

REASON: To allow for remediation of the site and associated monitoring and to comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

6 Commencement of development

The initial phase of the development hereby permitted shall be begun either before the expiration of 8 years from the date of permission 15/00524/OUTM (28th September 2026), or before the expiration of 1 year from the date of approval of the last of the reserved matters to be approved in respect of the development within that phase, whichever is the later.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions and allowing for the remediation of the site under planning permission reference (14/02798/FULM).

7 Deadline for submission of RM

Application(s) for approval of the reserved matters in respect of the development within each phase other than the initial phase of the development hereby permitted shall be made to the local planning authority before the expiration of 15 years from the date of permission 15/00524/OUTM (28 September 2033).

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

8 Commencement of development

Each phase of the development hereby permitted shall be begun before the expiration of 1 year from the date of approval of the last of the reserved matters to be approved in respect of the development within that phase.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

Plans and particulars submitted for any development pursuant to Condition 1 above shall include the following details:

- a) The layout, specification and construction programme for any internal access roads including details of horizontal and vertical alignment, footpaths, parking, turning and loading/unloading areas (including visibility splays), cycleways and parking areas, cycle storage facilities and access facilities for the disabled, individual accesses.
- b) The positions, design, materials and type of boundary treatment (including all fences, walls and other means of enclosure) to be provided.
- c) Details for all hard landscaped areas, footpaths and similar areas, including details of finished ground levels, all surfacing materials.
- d) Contours for all landscaping areas together with planting plans and schedules of plants, noting species, sizes and numbers/densities, details of all trees, bushes and hedges which are to be retained (as informed by an arboricultural survey) and a written specification for the landscape works including a programme for implementation, cultivation and other operations associated with plant and grass establishment).
- e) Details of compliance with the principles set out in the Parameters and Design Principles Document design parameters plan as approved pursuant to Condition 10.
- f) Lighting to roads, footpaths and other public areas.

REASON: To accord with the principles of Section 7 of the Framework.

10 Approved plans and documents

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

- Parameters and Design Principles Addendum February 2024
- Outline Planning Application Boundary Plan L-1150
- Parameter Plan – Access and Movement L-1153 revision 05
- Parameter Plan – Green Infrastructure L-1151 revision 07
- Parameter Plan – Development Zones and Land Uses L-1154 revision 06
- Parameter Plan – Urban Framework and Building Heights L-1155 revision 07
- Illustrative Phasing Plan L-1165 revision 1.9
- Main Street Alignment drawings 0001 P07, 0002 P07, 0003 P07
- Main Street Cross Sections 0004 P05
- Main Street Alignment Forward Visibility Splays 0011 P07, 0012 P07, 0013 P07
- Main street soft landscaping 9108 – 001A, 002A, 003A

- Landscaping for bund around Tangerine - Bund soft landscaping design 9108 004 A
- Construction Environment Management Plan V1.2 (7.9.17)
- Arboricultural Method Statement - July 2023
- Tree Survey - July 2023
- Tree Constraints Plan - TCP01
- Tree Protection Plan - TPP01
- Proposed ground levels - BRS-AUK-XX-XX-DR-CE-100 P02
- Cross sections - DR-CE-0102 P0, DR-CE-0103 P0, DR-CE-0104 P0

11 Main street design

The following details relating to the Main Street shall be submitted to and approved in writing by the local planning authority prior to each phase of construction of the Main Street (as identified in Condition 17):

- a) the layout and specification for the road including details of surfacing materials, junctions (including visibility splays), crossing points, bus stops, street furniture, and lighting;
- b) details of the interim construction and specification of the Main Street surfacing to be incorporated during construction of the development hereby approved; and
- c) details of compliance (where applicable) with the principles set out in the Parameters and Design Principles Document as approved pursuant to Condition 10.

The development of the Main Street shall be carried out in accordance with the approved details.

REASON: To accord with the principles of Section 7 of the Framework.

12 Sinc protection

Development shall be carried out in accordance with the ARCADIS Biodiversity Management Plan 10024487-AUK-XX-XX-RP-YY-0001-01-BMP dated 28.1.2020 (approved under AOD/20/00028).

REASON: To allow for the protection of a designated SINC and to take account of and enhance the biodiversity and wildlife interest of the area, and comply with Section 11 of the Framework.

13 Archaeology

Ground works within the former Manor School site and the British Sugar car parking area (at the south east end of the site as annotated on Figure 7 in the Desktop Assessment by OSA, dated May 2007) shall adhere to the OSA Written Scheme of Investigation dated January 2020 (approved under AOD/20/00028).

REASON: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

14 Remediation

Prior to construction of dwellings / buildings hereby approved, the works outlined in the Remediation and Reclamation Strategy (dated February 2015) and the Remediation and Reclamation Strategy Addendum (April 2020), or such other Reclamation and Remediation Strategy as may be approved in writing by the Council), shall be completed and a Verification Report demonstrating their effectiveness shall be approved in writing by the local planning authority.

The report shall include:

- a) confirmation that the remedial target values have been met and that the site is suitable for residential use;
- b) the results of gas and groundwater monitoring carried out before, during and after the works (post-remediation monitoring should continue for 12 months or until the remedial target values have been achieved, whichever is longer);
- c) confirmation that the ground gas concentrations and flow and the risk based Gas Screening Values are at a level no greater than Amber 2 of the NHBC traffic light system, and; assessment in accordance with the NHBC methodology (NHBC (March 2007): Guidance on Evaluation of Development Proposals on Sites Where Methane and Carbon Dioxide are Present: Report Edition no. 4 or in accordance with any guidance published to supersede that guidance.

REASON: The works and approval of the Validation Report must take place prior to construction to ensure that risks from land contamination (including landfill gas) to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, in accordance with section 15 of the Framework.

15 Gas protection measures

Prior to commencement of construction of buildings in each phase, a detailed specification of the proposed gas protection measures in the relevant phase shall be submitted to and approved by the local planning authority in writing.

Prior to the occupation of each building in the phase, the building shall be the subject of its own verification report indicating compliance with the approved

specification of gas protection measures which shall be submitted to and approved in writing by the local planning authority.

REASON: The agreement of a detailed specification and indication of subsequent compliance must take place prior to construction to ensure that risks from landfill gas to the future users of the land and buildings are minimised in accordance with paragraphs 109, 120 and 121 of the Framework.

16 Utilities

Prior to construction of the Main Street and its associated landscaping (as shown on the approved plans), details of utilities to be installed within the Main Street shall be submitted to and approved in writing by the local planning authority. Where these utilities result in material amendments to the approved hard and soft landscaping as shown on the aforementioned approved plans, amended plans showing the revisions required to the hard and soft landscaping including a timetable for their implementation shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details and timetable.

REASON: In the interests of visual amenity, to ensure that utilities do not have a detrimental effect on the implementation or long term retention of trees as detailed in the approved drawings listed.

17 Main street

Main Street Phase 1 (as shown on the approved Illustrative Phasing Plan or any such illustrative phasing plan subsequently approved) shall be completed prior to the occupation of the first dwelling, Main Street Phase 2 (as shown on the approved Illustrative Phasing Plan or any such illustrative phasing plan subsequently approved) shall be completed prior to the occupation of the 300th dwelling.

REASON: In the interests of promoting sustainable travel and to allow the site to function, in accordance with sections 4: Promoting Sustainable Transport and 7: Requiring Good Design of the Framework.

18 Landscaping

The approved landscaping scheme shown on drawing 9108 004 – bund soft landscape design revision A shall be implemented before the end of the first planting season following approval of the Verification Report as required under condition 14 by the local planning authority. All planting within this area shall be installed in accordance with the planting schedule as shown on soft landscaping design drawing 9108 003 revision A.

REASON: In the interests of good design, visual amenity and residential amenity, in accordance with place-making design guidance within Building for Life 12 and design guidance within the National Planning Policy Framework and National Planning Policy Guidance regarding the retention and promotion of distinctive character. Also to mitigate against biodiversity lost due to removal of soft landscaping to allow the remediation.

19 Bat mitigation

The felling of trees identified in the Environmental Statement (Chapter 11 Figure 11.1 Phase 1 Habitat Plan (Target notes 5 and 6) and Figure 11.2 Bat Roost Potential Tree Plan) as having moderate to high potential to support roosting bats shall take place in accordance with the strategy in Arcadis report 10024487-AUK-XX-XX-RP-YY-3-P2-Bat Roost Assessment 15_00524_OUTM dated 28/8/2019 (approved under AOD/19/00337).

Reason: To take account of and to enhance the habitat for a protected species and comply with Section 11 of the Framework.

20 Demolition of the former Manor School buildings

Demolition of the former Manor School buildings shall take place in accordance with all ecological measures and details contained in the Bat Survey Report by MAB Ecology Ltd and dated August 2017.

REASON: To take account of and to enhance the habitat for a protected species and comply with Section 11 of the Framework.

21 Land contamination

Prior to soil material being imported onto site, a Soil Verification Report shall be submitted to and approved in writing by the local planning authority to identify that it is suitable for the use intended. Only soil material approved by the Soil Verification Report shall be imported onto the site and used for the approved intended use within the development hereby permitted.

REASON: To ensure that imported soil does not pose a risk to future users of the land and the wider environment in accordance with paragraphs 109, 120 and 121 of the Framework.

22 Unexpected contamination

In the event that contamination not previously identified in the approved Reclamation and Remediation Strategy of February 2015 and RRS Addendum 2020 or such other Reclamation and Remediation Strategy as may be approved in writing

by the Council is found at any time when carrying out the works identified in the approved Reclamation and Remediation Strategy, it shall be reported in writing on the day it is identified to the local planning authority and works shall be stopped until an investigation and risk assessment, and as may be necessary remediation works, have taken place. In this event, the details of an investigation and risk assessment shall be submitted to the local planning authority within 7 days for its written approval to include details of a timetable for the investigation and risk assessment. The investigation and risk assessment shall be carried out in accordance with the approved details and timetable. If further remediation work is identified as required, a further remediation scheme and verification report and timetable for the remediation scheme and verification report shall be submitted to and approved in writing by the local planning authority and the works undertaken in accordance with the approved further remediation scheme, verification report arrangements and timetable.

REASON: To ensure that risks from land contamination (including landfill gas) to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, in accordance with paragraphs 109, 120 and 121 of the Framework.

23 Replacement planting

If within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted in replacement, is removed, uprooted or destroyed or dies, a replacement of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

REASON: To ensure that there is adequate green infrastructure for the development, interests of the amenity of future occupants, good design and so that the impact on biodiversity (in particular the bee bank SINC) and the amenity of the surrounding area is as assessed within the application in accordance with paragraphs 58 and section 8 of the Framework.

24 Drainage (for each development parcel)

Details of the foul and surface water drainage for each phase subsequent to Phase 1 (drainage for Phase 1 is set out in condition 3) shall be submitted to and approved in writing by the local planning authority, along with a timetable for its implementation, prior to the commencement of work on that phase. The drainage works for each phase shall be carried out in accordance with the approved details and implementation timetable.

Details for the each phase shall include:

- a) proposals for the inclusion of SuDS features in accordance with the SuDS Manual Version 5 including errata 2016 or any subsequent published evidence on the matter;
- b) cover and invert levels to Ordnance Datum of the drainage proposals for the new development;
- c) computer modelling of the surface water attenuation to accommodate the 1:30 year storm and details of the proposals to accommodate the flood volumes above the 1:30 year storm up to the 1:100 year + 20% climate change storm;
- d) the flow control chamber limiting the surface water to the 15 l/s/ha; and
- e) the drainage discharge point.

REASON: To ensure proper drainage of the site and so that there is no increase in flood risk elsewhere, in accordance with paragraph 103 of the Framework.

25 SUDS

Prior to the commencement of development the details of the swale and retention ponds shown on the approved green infrastructure parameter plan shall be submitted to and approved in writing by the local planning authority along with a timetable for their implementation. The development shall be carried out in accordance with the approved details and timetable.

REASON: In the interests of visual amenity and safety, in accordance with section 12 of the Framework.

26 Oil interceptor

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from any car parking areas which accommodate over 50 parking spaces, shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment.

27 Pedestrian and cycle infrastructure

The pedestrian and cycle route (from Main Street to Plantation Drive, as shown on the approved access and movement parameter plan and from the site access to Plantation Drive) shall be completed and made available for use no later than the completion of house building within Phase 3 (as identified on the illustrative Phasing Plan) or within 3 years of the commencement of Phase 2 (whichever is the earlier).

REASON: In the interests of promoting sustainable travel and to allow the site to function, in accordance with Sections 4: Promoting Sustainable Transport and 7: Requiring Good Design of the Framework.

28 Noise levels

The residential accommodation shall be constructed so as to achieve noise levels of:

- 30 dB LAeq (8 hour) and 45dB LAmax inside bedrooms at night (23:00 - 07:00 hrs);
- 35 dB LAeq (16hour) in all other habitable rooms during the day (07:00 - 23:00 hrs); and
- 50dB LAeq (16 hour) in rear gardens (07:00 to 23:00).

The internal noise levels shall be achieved with all windows shut and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before the occupation of each dwelling.

REASON: To protect the amenity of residents, in accordance with paragraph 123 of the Framework.

29 Noise – plant and machinery at community hub

The combined rating level of any building service noise associated with plant or equipment installed at the community hub facilities shall not exceed 30dB(A), when measured at the boundary of the closest existing and proposed residential properties. Reserved matters details for any of the uses (pre-schools, primary school and community hall) hereby approved within the community hub area identified on the approved Development Zones and Land Uses Parameter Plan shall include a scheme for the prevention of noise pollution arising from the relevant approved use. The scheme shall ensure that residential accommodation would achieve noise levels of;

- 30 dB LAeq (8 hour) and 45dB LAmax inside bedrooms at night (23:00 - 07:00 hrs);
- 35 dB LAeq (16 hour) in all other habitable rooms during the day (07:00 - 23:00 hrs); and
- 50dB LAeq (16 hour) in rear gardens (07:00 to 23:00)

The internal noise levels shall be achieved with all windows shut and other means of acoustic ventilation provided.

The approved building /use shall be implemented in accordance with the approved scheme(s) and details, and prevention of noise pollution measures shall thereafter be retained for the purpose intended.

REASON: In the interests of residential amenity, in accordance with paragraph 17 of the Framework.

30 Lighting (outdoor sports pitches)

A Lighting Impact Assessment for any floodlighting associated with outdoor sports provision shall be approved in writing by the local planning authority prior to installation and the development shall be carried out in accordance with the approved details. The assessment shall include:

- a) description of the proposed lighting: number of lighting columns, their height, and proposed lighting units;
- b) drawings showing the luminance levels (to be on separate drawings);
- c) horizontal luminance levels (E_h), showing all buildings within 100 metres;
- d) vertical luminance levels (average at a distance of 1.5m from ground level), showing all buildings within 100 metres;
- e) specification of the Environmental Zone of the application site, as defined in The Institution of Lighting Engineers' Guidance Notes for the Reduction of Light Pollution; and
- f) hours of operation.

REASON: In the interests of local and residential amenity, in accordance with paragraph 125 of the NPPF.

31 Maximum number of dwellings

The development hereby approved shall not exceed 1,100 dwellings.

REASON: To ensure that there is adequate infrastructure to cater for the development and so that the impact on amenity of the surrounding area and on the highway network is as assessed within the application.

32 Building heights

Building heights shall not exceed those shown on the approved Parameter Plan.

REASON: In the interests of visual and residential amenity and biodiversity.

33 Main street top surfacing

Prior to the commencement of the penultimate phase of development a timetable for the implementation of the final wearing course for the Main Street shall be submitted to and approved in writing by the local planning authority. The final wearing course for the Main Street shall be implemented in accordance with the approved timetable.

REASON: In the interests of allowing the site to function, in accordance with Section 4: Promoting Sustainable Development of the Framework.

8.0 INFORMATIVES:

1. Road Safety Audit (RSA): As part of the highways details a Stage 2 RSA will be expected for each phase of the detailed design of the Main Street. The timing of the Stage 3 RSA and the timeframe for that work will also be expected to form part of the highways reserved matters submissions. It is acknowledged that the approved plans may need to be adjusted following the RSA and adoption process.

2. Transport / Access: The means of securing restricted forward visibility along the Main Street, as shown on the approved DTA Main Street alignment drawings, will need to be detailed in each relevant reserved matters application so as to form part of the reserved matters being considered.

3. Carr Drain Easement: Attention is drawn to the Carr Drain Easement. The developer is advised that no building or other obstruction (including trees) should be located within the 19.5 metre wide culvert easement (9m to each side of the Carr Drain) at the south end of the site, as shown on the approved Green Infrastructure Parameter Plan 04036 Rev N. This excludes the construction of up to 3 no. access roads which are permitted to cross the culvert.

4. Internal Drainage Board: The consent of the Ainsty (2008) Internal Drainage Board will be required within the above-referenced easement. This applies to any crossing such as a road or service or development in this easement including, but not exclusively, fences or planting. This is required under the Land Drainage Act 1991 and also the Board's Byelaws. Further details can be found on the Board's website www.yorkconsort.gov.uk

5. Yorkshire Water: There are public sewers crossing the sites, with various easement requirements, as established by Yorkshire Water. The developer(s) should note these requirements and legislation within the Water Industry Act if there is intent to divert any sewers.

If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), they should contact the Developer Services Team (telephone 0345 120 84 82) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition (or as may be updated) as supplemented by Yorkshire Water's requirements.

6. Sport England: The details for the on-site sports provision, as shown on the Landscape Structure Plan 04040B1 (unless an alternative is approved), will be

expected to be constructed and drained in accordance with recommendations in Sport England guidance note - Natural Turf for Sport.

7. Environmental Permit: The northern half of the site was previously used as a landfill site associated with the sugar beet factory. The landfill site is subject to an Environmental Permit (issued and regulated by the Environment Agency) which has not yet been surrendered. The Environment Agency will only surrender the permit once it is satisfied that the site has been cleaned up to an appropriate standard. It is recommended that construction is not commenced until the permit has been surrendered.

8. Rail Halt: The developer(s) are reminded that it is a Council aspiration for a rail halt to be developed at the north end of the site. The development should not prejudice this future provision. If this scheme were to be realised, land at the north end of the site (currently shown as Green Infrastructure) would likely be required for access to the rail halt.

9. National Grid: The developer's attention is drawn to the presence of National Grid assets (over-ground and underground) as specified in the consultation response dated 7 Jan 2015. National Grid should be consulted prior to any development / construction on site in this respect, to understand requirements including any required separation distances.

10. Network Rail: Network Rail advise that at least six weeks prior to works commencing on site the NR Asset Protection Project Manager (OPE) should be contacted, contact details as below. The OPE will require to see any method statements/ drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Email: assetprotectionlne@networkrail.co.uk

The following measures should be adhered to during construction -

Drainage - All surface and foul water should be collected and diverted away from Network Rail property.

Excavations/Earthworks - All excavations/ earthworks carried out in the vicinity of Network Rail property/structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement and provided to Network Rail. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken.

Armco Safety Barriers- An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing.

Fail Safe Use of Crane and Plant- All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, will be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Security of Mutual Boundary- Security of the railway boundary shall be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant should contact Network Rail's Asset Protection Project Manager.

Boundary Treatment - At all times there will be a secure boundary fence to the Network Rail land.

Demolition - Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Landscaping - Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it.

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 revised plans to address issues in respect of visual impact, health and well-being and green infrastructure and through the use of planning conditions and informatives.

Contact details:

Application Reference Number: 23/02302/FUL

Item No: 4c

Case Officer: Jonathan Kenyon
Tel No: 01904 551323