

# COMMITTEE REPORT

**Date:** 6 December 2023      **Ward:** Wheldrake  
**Team:** East Area      **Parish:** Wheldrake Parish  
Council

**Reference:** 21/02283/FULM  
**Application at:** Land To The East Of Millfield Industrial Estate Main Street  
Wheldrake York  
**For:** Erection of 139no. dwellings with associated landscaping  
and infrastructure  
**By:** Mr Liam Tate  
**Application Type:** Major Full Application  
**Target Date:** 31 January 2024  
**Recommendation:** Approve following Sec of State Decision

## 1.0. PROPOSAL

1.1. Planning permission is sought for 139 dwellings with associated landscaping and infrastructure. The mix of housing would comprise the following:

8 no. one bed houses.  
29 no. two bed houses.  
65 no. three bed houses.  
37 no. four bed houses.

1.2. The site would also contain a soft landscaped area approximately 65m x 65m which would include areas for informal play and recreation along with an equipped play area.

1.3. Since the application was submitted in October 2021 there have been a number of changes to the scheme. These changes have included a reduction in the number of houses from 150 to 139, an increase in one and two bed dwellings and a reduction in 4 bed dwellings (from 48 to 37), the removal of the sustainable drainage basin and pumping station from the park area and a re-orientation of homes along the south elevation so they face the fields with a road/path to the front. Negotiations have also taken place in regard to issues around access to health care and schools, the capacity of the A19/A64 junction, public transport and the relationship with the adjacent industrial estate.

1.4. The application site is 4.7 hectares. The western third of the site comprises a track bounded by scrubland leading to a large industrial unit. The rest of the site is farmland. Access to the industrial building is from Main Street. The agricultural land is accessed from the fields to the south.

1.5. The site is bounded on the west largely by industrial uses. To the north are the rear gardens of homes. To the east is a ditch beyond which is a lane fronted by homes. To the south is a hedge with farmland beyond.

1.6. The application site has been identified as a Housing allocation (SS18) within the published Draft Local Plan 2018 (2018 DLP) with an anticipated yield of 147 dwellings. It should be noted that the planning application site does not cover all of the site of the 2018 DLP housing allocation. This allocation also includes an area of land to the south of the industrial estate. The remaining area outside the application site is approximately 95m x 115m (around 17% of the Local Plan allocation).

1.7. The application site is within Flood Zone 1 (low risk). Wheldrake Conservation Area runs along Main Street with the first 15 metres of the access road being within the Conservation Area. The Conservation area also abuts the south-east corner of the site.

1.8. The proposed development does not comprise 'Schedule 1' development. The proposed development is however of a type listed at 10 (b) in column 1 of Schedule 2 (Urban Development Projects) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, however its scale (below 150 dwellings and less than 5 hectares) is under the stipulated threshold. It is the view of Officers that the proposed site is not within or adjacent to an environmentally sensitive area (as specified in the regulations) and taking into account the characteristics of the proposed development, the location of the development, and characteristics of the potential impact, the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment is not required.

## **Planning History**

1.9. The planning history on the application site relevant to the application dates from 2000. An outline application (ref: 00/01236/OUT) to develop the western area of the site (where the industrial unit and access/scrub is) for housing was refused and subsequently dismissed at appeal. The City Council's refusal reasons related to the protection of employment land and the view that the development would have an unsatisfactory relationship with the adjacent Millfield industrial estate in respect to the living conditions of future residents and the

impact on the future development of the Industrial estate. In dismissing the appeal the Inspector did not consider that the loss of employment land on the application site was unacceptable nor did they object to residential development per se. However, it was considered that the elongated nature of the application site would create an isolated piecemeal development at odds with the character of the village. In addition, they considered that to avoid conflict with the adjacent industrial estate the development would likely need to be separated from the industrial estate by an access road and some open space with houses facing away from the site. It was considered that this would create a development that would appear contrived and alien in a rural village location.

## **2.0. POLICY CONTEXT**

### The Publication Draft York Local Plan (2018)

2.1. Key Relevant Draft Local Plan policies are:

SS1 Delivering Sustainable Growth for York  
SS2 The Role of York's Green Belt  
SS18 Station Yard, Wheldrake  
DP3 Sustainable Communities  
H1 Housing Allocations  
H2 Density of Residential Development  
H3 Balancing the Housing Market  
H4 Promoting Self and Custom House Building  
H5 Gypsies and Travellers  
H10 Affordable Housing  
D4 Conservation Areas  
HW4 Childcare Provision  
HW5 Healthcare Services  
HW7 Healthy Places  
ED6 Preschool, Primary and Secondary Education  
EC2 Loss of Employment Land  
D1 Placemaking  
D2 Landscape and Setting  
D6 Archaeology  
D7 The Significance of Non-Designated Heritage Assets  
D9 City of York Historic Environment Record  
GI1 Green Infrastructure  
GI2 Biodiversity and Access to Nature  
GI3 Green Infrastructure Network  
GI4 Trees and Hedgerows  
GI6 New Open Space Provision  
GB1 Development in the Green Belt  
CC2 Sustainable Design and Construction of New Development  
ENV2 Managing Environmental Quality

ENV3 Land Contamination  
ENV5 Sustainable Drainage  
WM1 Sustainable Waste Management  
T1 Sustainable Access  
DM1 Infrastructure and Developer Contributions

2.2. Please see the Appraisal Section (5.0) for national and local policy context.

### **3.0. CONSULTATIONS**

#### **INTERNAL CONSULTATIONS**

##### **3.1. HIGHWAY NETWORK MANAGEMENT (HNM)**

3.2. Discussion with Highway Network Management have been on-going during the course of the application. In respect to the general principle of development they have confirmed that the final layout is acceptable in respect to parking and highway safety.

3.3. A number of section 106 requests have been made in regard to promoting sustainable travel and complying with requirements to avoid creating unacceptable pressure on the A64/A19 junction. Where these are considered reasonable they are outlined below:

- A contribution of £25,000 budget for a residential travel plan,
- £28,000 towards a sustainable travel initiatives fund
- £70,000 to support peak time bus services.

##### **3.4. DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT)**

3.5. The Landscape architect has been involved in the evolution of the scheme. They consider the revisions to the scheme have enhanced its quality. Consider that improved landscaping and space for tree planting could be provided if the number of units on site were reduced slightly. The outlook from properties close to the industrial estate is poor. The scheme does have a small park at the heart of it with significant proposed associated tree planting. It also respects the hedgerows to the south and east of the site, with scope in these areas to provide additional tree planting. On balance, although a reduction in the number of units would allow for more green space to be created and tree planting, it is not considered that the quality of the revised scheme in regard to the landscape is such to justify refusal of the application.

### **3.6. DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY OFFICER)**

3.7. The application site is located approximately 1.5km to the west of the Lower Derwent Valley Special Area of Conservation (SAC), Special Protection Areas (SPA) and Ramsar site and approximately 6km to the south west of Skipwith Common SAC. City of York Council as the competent authority must make a judgement under the Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora, known as the 'Habitats Directive', as transposed into law in England and Wales through the Conservation of Habitats and Species Regulations 2017 (as amended) as to the 'likely significant effect', if any, of the above project on the Lower Derwent Valley and Skipwith Common prior to the issue of any consent.

3.8. A shadow Habitat Regulations Assessment Report (HRA) has been prepared by Wold Ecology Ltd (May 2022). The HRA provided includes both Stage 1 Screening and Stage 2 Appropriate Assessment (AA), with the AA addressing Likely Significant Effects (LSE) that could not be reasonably ruled out during screening. The AA also determines whether a project or plan would have an adverse impact on the integrity of a European site, either alone or in combination with other projects or plans.

3.9. The screening assessment identified potential recreation disturbance - with reference to bird populations on the Lower Derwent Valley. To mitigate this a number of measures are proposed including providing open space on the application site, connecting the site into adjacent countryside walking routes and providing signage to promote alternative dog walking to the Lower Derwent Valley. The Appropriate Assessment shows that with the proposed mitigation measures no adverse effects on the integrity of the Lower Derwent Valley SAC/SPA/Ramsar site will occur from the project and this is supported by the Councils ecologist.

3.10. The proposal will meet Biodiversity Net Gain requirements. Based on the information no objections subject to conditions relating to measures to promote ecology and biodiversity and also a lighting plan.

### **3.11. DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)**

3.12. The site has been assessed and no further work or conditions are required.

### **3.13. FORWARD PLANNING**

3.14. Notwithstanding the status of the emerging Plan, the identification of the site as a suitable location for a strategic housing development is a material consideration that weighs in support of the proposal.

3.15. The application proposes a higher density to that in Policy H2. Whilst the weight that can be afforded to the Policy remains limited at this stage of the Local Plan examination process, whether the density proposed is appropriate is a matter of judgement. It is recommended that the principles identified in Policy SS18 could helpfully assist that assessment.

3.16. The proposed development of the site does not include any on-site provision for gypsy and traveller pitches, or alternative off-site provision in accordance with the requirements of Policy H5. It is recommended that an obligation to provide funding for 2 pitches is required for the strategic housing site to contribute by a proportionate amount to the identified gypsy and traveller accommodation needs in the City, as outlined in the 2022 Gypsy and Traveller Accommodation Assessment. Paragraph 60 of the Framework states that it is important that the needs of groups with specific housing requirements are addressed.

3.17. It is understood that the doctors surgery in Wheldrake closed a number of years ago. It was a part time surgery and needs significant investment to upgrade the building, if it were to be brought back into use. Patients now go to the surgery in the nearby village of Elvington. It is understood that the closure of the existing surgery was an operational decision of the NHS. It may be appropriate to secure financial contributions to primary healthcare provision, but whether that is linked directly to the re-opening costs of the surgery will depend on the scale of provision arising from the development. It is a matter of judgement that should be considered in the context of the NPPF paragraphs 55-57 and the relevant CIL regulations.

3.18. If all the above issues are addressed adequately, then no policy objection would be raised to the application.

3.19. Position regarding weight to be given to main applicable policies:

3.20. H1 (Housing Allocations) and SS18 (Station Yard, Wheldrake). There are unresolved objections in relation to the principle of the development of the site therefore limited weight should be applied to policies H1 and SS18.

3.21. H2 (Density of residential development) Limited weight given level of unresolved objection.

3.22. H3 (Balancing the Housing Market) It is consistent with the NPPF to use the Local Housing Needs Assessment (LHNA) to inform judgements on appropriate mix of housing and the LHNA is, in itself, material to decision making.

3.23. H4 Promoting Self and Custom House Building The Policy reflects the duty in NPPF para 62 to assess and reflect in policy the need for housing for those wishing to commission or build their own homes. Limited weight given level of unresolved objection.

3.24. H10: Affordable Housing Policy H10 requires on-site provision of 30% affordable units. This is consistent with the NPPF and is supported by the viability evidence prepared as part of the Local Plan. Moderate weight can be given to the 30% requirement.

3.25. HW2: New Community Facilities, HW3: Built Sport Facilities, HW7: Healthy Places, T1: Sustainable Access, DM1: Infrastructure and Developer Contributions - Limited weight given level of unresolved objection.

3.26. HW5: Healthcare services - The Policy is subject to modification, although these changes provide clarity in policy wording rather than altering the nature/application of policy. HW5 can be applied with moderate weight.

3.27. HW7: Healthy Places - The Policy is subject to a number of modifications consistent with the NPPF. No outstanding objections. Policy can be afforded moderate weight.

3.28. D1: Placemaking - Policy is consistent with the Framework. In this context, and given that a very small number of minor objections D1 can be afforded moderate weight.

3.29. DP3 Sustainable Communities - No substantial modifications proposed. No unresolved objections. Policy can be afforded moderate weight.

3.30. D4 Conservation Areas - The Policy is subject to significant modification consistent with the NPPF and primary legislation. In this context, and given that only a small number of minor modifications remain unresolved, D4 can be afforded moderate weight.

3.31. GB1: Development in the Green Belt - Policy is wholly consistent with the Framework. can be afforded moderate weight.

3.32. G1: Green Infrastructure - Policy is consistent with the Framework and given scope of unresolved objections it can be afforded moderate weight.

3.33. GI2: Biodiversity and Access to Nature - Proposed modifications ensure appropriate distinctions are made between different levels in a hierarchy of nature sites - Policy is consistent with the Framework. Can be afforded moderate weight.

3.34. GI6: New Open Space Provision - Policy has partially resolved objections and is subject to significant modifications. Policy can be afforded limited weight.

3.35. CC2: Sustainable Design and Construction of New Development, CC3: Decentralised Energy Networks, ENV1: Air Quality - Objections are partially resolved. Policies are subject to significant modification can be afforded limited weight.

3.36. ENV2: Managing Environmental Quality. The Policy is subject to minor modification and no outstanding objections remain. Policy can be afforded moderate weight.

3.37. ENV5: Sustainable Drainage - Policy can be afforded moderate weight.

3.38. ENV4: Flood Risk: Policy can be afforded only limited weight but SRFA evidence underpinning the policy can be given significant weight.

### 3.39. **LEAD LOCAL FLOOD AUTHORITY**

3.40. No objections subject to conditions to the revised drainage proposals indicating a permitted surface water discharge rate no greater than 4.3 (four point three) litres per second into the Yorkshire Water Surface Sewer.

### 3.41. **PUBLIC PROTECTION**

3.42. No objections subject to conditions.

3.43. The proposed use as residential accommodation will introduce noise sensitive receptors to the area – i.e. residents. The applicant has been required to undertake several noise assessments. This also included one in October 2023 following the recent erection of a new industrial unit on the Stone Connections site. The process of undertaking noise assessments has been complicated by the high existing background noise at the rear of the site coming from a chiller unit located on the rear of the Village Green Preserves site (the applicant has agreed to replace this unit with a low noise unit should the application be approved and occupied). Noise monitoring has been undertaken over a number of periods in the past two years. It has been necessary to temporarily turn the chiller off to measure other noise sources. It is considered that the methodology for assessing

noise levels, including specific sound sources from the industrial site is acceptable. Most monitoring has indicated that noise levels have been low, however, there have been occasions where levels have exceeded acceptable levels. To bring noise levels to acceptable levels within a residential environment the application has proposed to erect a 2.6m high acoustic fence on the rear boundary of the industrial estate. In addition, improved sound proofing will be provided in homes adjacent to the site and mechanical ventilation provided which can be used if necessary. Subject to the proposed noise insulation measures levels within garden areas and habitable rooms within the houses (living rooms and bedrooms) will be in line with BS8233 and WHO guidelines on community noise.

3.44. In respect to odours, it is considered that some odours produced from Village Green Preserves (such as curry) could have an impact on future residents if the wind direction dispersed the odours towards the housing. The applicant has advised that they will invest in a programme of upgrading the odour extraction equipment at the Village Green Preserves site and this will eliminate any odour issues within the area of residential housing. This matter can be dealt with by condition.

3.45. The applicant has provided a dust assessment. The methodology within this assessment that includes a desktop assessment of dust, as well as site visits, is acceptable and the overall dust effects are not considered to be significant.

3.46. In respect to noise from the proposed development, details of the pumping station should be submitted to ensure any noise produced is within acceptable levels. Public Protection are not aware of odour issues with foul water pumping stations as the pumps are all underwater and within a contained system.

3.47. The part of the site where the railway uses where has contamination which has been picked up by the submitted initial assessment. Do not object to the development in regard to such impacts subject to conditions requiring further investigation of the site and a contamination remediation strategy being put in place.

3.48. As there are residential properties close to the application site it is recommended that controls are put in place through a Construction Environmental Management Plan to minimise noise, vibration and dust during construction.

### 3.49. **LIFELONG LEARNING AND LEISURE**

3.50. The City of York Local Plan Evidence Base: Open Space and Green Infrastructure Update September 2017 shows that the ward and connecting wards have a shortfall of outdoor sports provision which would mean a contribution

would be necessary. The sport contribution would total £87,117. The suggested beneficiaries for the outdoor sports elements to be - Wheldrake Sports Club. Lower Derwent Sports and Social Club and or another sports project within a 15-20 minute walking distance or within 30 minutes on public transport of the development.

3.51. The amount of open space and play provision on site should meet the Council's standards (Amenity green space 3,881 sqm and play space 1,890 sqm) otherwise additional space should be provided off-site. The design of the on-site park and play area should be conditioned and the private management arrangements agreed.

### 3.52. **PFI CONTRACTS MANAGER (Education Officer)**

3.53. Based on 131 eligible houses of 2 beds or more, Education requests £1,467, 829 towards education provision relating to the proposed development. The funding would be allocated in the following ways:

- Early years contribution of £281,894 towards non-school based nursery (within 1.5km if feasible, up to 10km if not.).
- Secondary contribution of £856,080 towards Fulford School and/or any new secondary school in the South East York Secondary Planning Area.
- Contribution of £128,039 towards transport to secondary school.
- Contribution of £165,816 towards Special Educational Needs & Disabilities (SEND) provision.
- Contribution of £45,000 towards SEND transport.

3.54. Consultation responses from residents reporting that their primary school is full are understandable, as in recent years there have not been spare places in all year groups for those moving into the catchment. However, the May 2023 census showed there were 21 places available out of the 210 places for the whole school, or 10% overall. The school roll includes some out of catchment children who have taken up what would have been spare places, in line with admissions criteria.

3.55. Owing to this being the only school within the statutory and safe walking distance, and to manage turbulence in year groups from the new development, the Local Authority initially requested a primary contribution to pre-emptively expand Wheldrake with Thorganby Primary Academy. This would have given some comfort that there would probably be sufficient school places in most if not all years, but also risked over-expansion that the school might have to support without any increase in their revenue budget. The developer's consultant strongly disputed the need and cited that ONS projections showed a continuing national decrease in birth rates and the recurring generational cycle. It was further

suggested that the development could be a lifeline for the school in these circumstances.

3.56. The LA also considered it was difficult to project with confidence whether existing housing in Wheldrake would retain its appeal to families with children at similar levels to those previously seen when factoring in economic and other drivers underlying housing choices.

3.57. There was therefore insufficient evidence to support a case that mitigation by the development for primary places was likely to be necessary, and the primary request was withdrawn.

3.58. In the event of a surge in Wheldrake's projected pupil numbers, the government's Basic Need grant funding would be triggered on an annual basis to support expansion, if the school remains as the only school in its primary planning area.

### 3.59. **HOUSING POLICY**

3.60. The applicant proposes 139 homes, 30% of which would be affordable meeting the requirement for a greenfield site.

3.61. There is a very substantial need for additional affordable housing within the City of York, estimated at 592 homes per year in the 2022 Local Housing Needs Assessment LHNA. The homes proposed in this application would make an important contribution towards meeting the local need.

3.62. A mix of 1-4 bed homes is proposed for affordable housing which will help meet the local need. The Housing Policy Team support this application in consideration of the much-needed affordable homes. The types, sizes and expected quality of the homes would offer an important contribution to meeting the aims of Policy H3, including that a range of housing is available to meet the diverse needs of York's residents.

3.63. The applicant meets the affordable housing contribution requirement of 30% for a greenfield site with 42 affordable homes proposed, with a mix of provision of 6 one bed, 19 two bed, 14 three bed and 3 four bed. 80% will be social rent (34) and 20% will be Discount Sale (8), in accordance with the council's policy expectations. The homes would be transferred to a Registered Provider at a price which ensures that no additional public subsidy is required to deliver the affordable homes.

3.64. The affordable properties are all houses with independent access and sized to the Nationally Described Space Standards (NDSS) at a minimum.

Consequently the affordable homes are expected to provide good quality accommodation for some of the City of York's highest need households and to contribute towards meeting Identified local need. The application is supported in respect of affordable housing provision.

## **EXTERNAL CONSULTATIONS**

### **WHELDRAKE PARISH COUNCIL**

3.65. Agree with the need for new housing. This should be dispersed across the city using brownfield sites first. The land lies in the Green Belt and the status of the Local Plan should be agreed before considering any exceptional circumstances. Since the 1980's housing stock in the Parish has doubled. Should look at alternative strategic locations first.

3.66. If the application is approved should consider the high density of development and ensure that:

- Surface water run-off is properly controlled/managed.
- Foul water discharge is properly controlled/managed.
- Need to ensure that there is suitable pedestrian and vehicular access on to Main Street and that a safe pedestrian crossing is provided to the northern side where the only footpath is.
- Need to ensure that Back Lane south is made safe for vehicles and pedestrians including at the junction with Main Street and for people to cross here.
- The housing should be carbon neutral or better.
- Do not support access to land at the south-west to enable future development of Green Belt land for housing.
- The dedicated cycle route from Wheldrake to Heslington should be provided before any homes are constructed.
- The traffic assessment should be revised as it contains errors.
- Need to ensure that existing hedge rows around the application site are protected and arrangements for their maintenance put in place.
- All S106 fundings should be spent in the village.
- All constructed traffic should come to the site via the A19/Crockey Hill and construction work should only take place between 08:00 and 17:00.

### 3.67. **ENVIRONMENT AGENCY**

3.68. No comments received.

### 3.69. YORKSHIRE WATER

3.70. No objection to revised drainage scheme in respect to proposed surface water and foul drainage subject to condition requiring measures to protect the public sewerage infrastructure within the site.

### 3.71. OUSE AND DERWENT INTERNAL DRAINAGE BOARD

3.72. Do not object to the proposed means of surface water disposal subject to conditions regarding the discharge rate. The applicant will need consent of the IDB if water discharges to a board maintained watercourse, even if it is away from the immediate area. Conditions and Informatives are suggested.

### 3.73. HUMBER AND NORTH YORKSHIRE INTEGRATED CARE BOARD (ICB)

3.74. Discussion regarding matters relating to access to GP provision have been on-going during the course of the application. The latest submissions of the ICB have stated the following:

3.75. Escrick Surgery has relatively few patients who live in Wheldrake and the surgery would not be in a position to support registrations from residents from the proposed development without mitigation. It would be expected that patients would therefore seek to register with Elvington Medical Practice. Elvington Medical Practice had a presence in Wheldrake through a branch surgery but this has been closed since 2021.

3.76. The NHS in house space calculation methodology for primary health care providers indicates that based on the projected number of residents from the Wheldrake development there would be sufficient space at Elvington Medical Practice to meet the needs of residents. However, the methodology is from 2013 and is not fully applicable to the Elvington practice as they provide additional roles in the community. This is because the surgery is part of a primary care networks (PCNs) which build on the core work of current primary care services and enable greater provision of proactive, personalised, coordinated and more integrated health and social care for communities'. This minimises the need for residents to go into York for certain services. Additional space is needed at a practice which provides such services.

3.77. To enable Elvington Medical Practice to continue to provide its current role to existing and future residents the building would need to be extended. Based on an estimate of 336 residents living at the new housing development there would be a requirement for 29 sqm of additional space. The York based tender price is £6,011 sqm which would equate to £174,319.

### **3.78. NATIONAL HIGHWAYS**

3.79. National Highways had submitted objections to the application on 22 November 2021, 2 March 2022 and 5 September 2022. These objections related to concerns regarding the impact of traffic from the development on the capacity of the A19/A64 junction. Following the applicant undertaking traffic counts and further work looking at trip distribution methodology, on 28 November 2022 they removed their objection subject to a condition requiring a travel plan to be produced in relation to the development. The travel plan would need to include provision for a high speed fibre broadband connection to the development, a £25,000 budget for a residential travel plan and £28,000 towards a sustainable travel initiatives fund.

### **3.80. POLICE ARCHITECTURAL LIAISON OFFICER**

3.81. The scheme is well considered. Should ensure lighting and overlooking of rear parking courts is adequate and measures are in place to maintain public areas. It is recommended that the applicant seek secured by design accreditation. Concerns were raised regarding the relationship of plots 31 and 32 with open space shown on site plan version Z from February 2023. (Case officer comment – this issue has now been resolved.).

### **3.82. FIRE AND RESCUE PREVENTION OFFICER**

3.83. No objections. Will make detailed comments at Building Regulations stage. It is assumed that provision for water for firefighting will meet the requirements set out in national guidance.

### **3.84. NATURAL ENGLAND**

3.85. No comments received.

## **4.0. REPRESENTATIONS**

4.1. Neighbours were initially consulted in November 2021. They were consulted again along with those who had objected previously in September 2022 when significant revisions were received to the site layout. In March 2023 neighbours and those who had objected to the previous round of consultation were re-consulted following additional changes to the layout and the submission of results of testing for odours, dust and noise. At this stage correspondence from National Highways stating they did not object to the scheme subject to conditions had also been made public.

4.2. On 7 November 2023 the occupiers of industrial units adjacent to the site who had raised issues regarding noise were re-consulted in the light of additional noise assessment information being submitted by the applicant.

#### 4.3. **General Comments**

4.4. Seven responses have been received as 'General Comments'. The comments are summarised below:

4.5. The scheme should be refused if it is not carbon neutral and energy positive.

4.6. The station yard part of the site is unsightly, contaminated brown field land and support the re-development of this part of the site.

4.7. There is already heavy traffic on the A19.

4.8. The school and surgery will be overwhelmed. Some parts of the village have no footpaths and increased traffic would be a hazard.

4.9. Industrial users do not object to the development providing it does not curtail operations. There are a number of potential negative impacts relating to internal and external noise from machinery, odours, vehicles, flood lights and fork lift truck movements.

4.10. There are already recurring problems with drainage.

4.11. The transport assessment refers to buses running till 23.00 on Fridays and Saturdays – this is only on Friday and Saturday and is funded by Wheldrake Parish Council – such funding is not guaranteed. There is no off road cycle route to York.

4.12. Concerned that the industrial uses will impact on the proposed development given the proximity and nature of the industrial uses. Need suitable distance and screening between industry and proposed housing. Issues related to noise, dust, lighting and odours. Fork lift trucks operate outside and there is outdoor storage.

4.13. The drawing does not show the recent extension to Stone Connections adjacent to the site.

#### 4.14. **In Objection**

4.15. 71 responses have been received as 'Objections'. It should be noted that 11 people have submitted responses more than once, this was mainly due to there being more than 1 round of consultation. The objections are summarised by subject grouping below:

#### Conflict with Planning Policy and Guidance

- It is Green Belt land. The only Local Plan to be given weight is the draft 2005 Local Plan. The Inspector at the time considered the land served 3 Green Belt purposes and is an important part of the setting and character of the village. Should wait till the Local Plan is 'decided' before making a decision.
- The appropriate Green Belt topic paper for the area January 2021 annex 4 indicates that the land is Green Belt. The land has always been excluded from the developed area. The 2018 Local Plan does not have weight.
- Given the number and nature of objections to the Local Plan allocation no weight should be given to the Local Plan allocation.
- A previous application for housing on the site was refused and dismissed at appeal.
- The application conflicts with the purposes of the Green Belt including protecting openness and reducing sprawl.
- Should explore lifting minimum density standards at other proposed housing sites so that the Green Belt site remains free from development.
- It is more sensible to build houses at the garden village near Heslington.
- Do not consider there are very special circumstances to justify the development in the Green Belt and is not the same context as the proposal at Boroughbridge Road.
- Developing on the brownfield element of the site would arguably be acceptable. Should develop brownfield sites first.
- Should not lose valuable agricultural land.
- The proposal is out of character with the Village Design Statement.

- Disappointing that the developer didn't consult villagers before submitting the application.

#### 4.16. Design

- It is out of character with the village.
- Will destroy Wheldrake's historic identity.
- The proposal feels dated and poorly designed.
- The scheme will further erode the character of the village that has resulted from development since the 1990's.
- It will detract from the rural character of nearby lanes.
- The number of homes proposed is disproportionate to the existing scale of the village.
- How will the public open space be managed to avoid anti-social behaviour?

#### 4.17. Insufficient Local Facilities

- The village has expanded beyond the available infrastructure to support it. The village used to have two pubs, several shops, a petrol station and a garden centre.
- The local primary school is already at capacity.
- Coupled with the Germany Beck development are concerned that Fulford Secondary School will not have adequate capacity for pupils from the village.
- The proposal will increase the housing stock in Wheldrake by around 18%. Why is it needed when a garden village is proposed between the A64 and Elvington? A development of 4000 homes is proposed for Escrick.
- The doctor's has closed since the site was allocated in the draft Local Plan and residents now need to travel to Elvington or Escrick.
- The dental surgery in Fulford identified for residents is no longer taking any NHS patients.
- The leisure facility is under used with few events.

#### 4.18. Sustainability

- No mention of solar panels, heat pumps etc to address the impacts of development on the climate emergency.
- Do the cop26 decisions apply to the application?
- Due to the likelihood that residents would drive to facilities etc the proposal is not sustainable development.
- There is limited employment in Wheldrake. Most of the businesses in the village are small scale and would not be looking to employ people.
- There is little for teenagers in the village other than a youth club twice weekly in term time.

#### 4.19. Industrial Estate

- The industrial estate has impacts in respect to noise, odour and light pollution that can be felt along way a way.
- It is not the case that the curry odour from the preserves factory is negligible-to- slight.
- Retaining industrial uses is a more sustainable use of the land.
- Concerned if houses are built it will constrain the operation of businesses on the industrial estate.
- The industrial estate should be screened with an acoustic fence, bunding and planting.
- Businesses operate outside the 08:00 – 17:30 Monday to Friday indicated on the noise assessment.
- Simply Wood will be lost. It employs 6 people as well as seasonal employment.

#### 4.20. Flood Risk and Drainage

- The flood risk assessment is based on a different layout.
- Concerns regarding flood risk due to extent of hard surfacing.
- The proposed drainage system will not remove organic contamination and who will maintain it. Pumped sewerage of this scale should be pumped straight to the treatment plant. Foul sewerage pumps when commencing cause odours to impact on whole streets.
- Sewers have been blocked in the vicinity.

#### 4.21. Movement and Parking

- There are a number of private accesses in close proximity to the proposed access and this will impede the situation. Visibility from the site coming on to Main Street is poor.
- The roads are not fit for the current purpose.
- Insufficient parking is provided.
- The proposed mini-roundabout at the entrance to the site will add to congestion and pollution.
- Back Lane south has only two street lights which is inadequate.
- The access on Main Street is already congested with parked cars visiting the café. It is also the location of bus stops where children catch and leave the school bus.
- Feel the Traffic Assessment underestimates the increase in traffic that will result from the proposal and overestimates likely bus use. A car is essential for safe travel from Wheldrake given the limited facilities and poor bus service. No provision to safely cycle to York.
- People will park on the road rather than use garages on the development.
- Increased traffic will increase pollution levels.
- There is no footpath on the south side of Main street. Need to ensure that there is safe access across for pedestrians and that traffic is calmed in the vicinity.
- Why is the emphasis on affordable housing when homes need 1 or 2 cars.

- The impact of vehicles on neighbours has not been considered.
- There are large gaps in the hedgerow in Back Lane South.
- The bus service is very limited including in the evenings and no services on a Sunday.
- The roads to York and Elvington are dangerous because of sharp bends, presence of farm vehicles, restricted visibility and there have been a large number of accidents.
- There are bottlenecks at the entrance to the village and near the shop.
- Back Lane South is a shared route from the site with no footpaths and additional use is of concern in respect to safety for pedestrians.

#### 4.22. Other Issues

- Who would maintain the hedge and dike on Back Lane?
- Existing WIFI is often poor.
- Based on the scheme for 150 houses the people per hectare on the site would be 80.8 compared to the current village figure of 10.6.
- Object to loss of the rural view from the back of our home and/or the impact on outlook, character and privacy (Objections from 14 Main Street, 5 Back Lane South, 11 Back Lane South, 2 Millfield Court )
- It is Grade 2 agricultural land that should not be lost.
- Given the historic use of the site in respect to the railways part of the site is very contaminated.
- The landowner planted a hedge along the southern side of the development to make it appear as if it is not part of the surrounding countryside.
- There are protected habitats around Wheldrake. The loss of fields and increase in pets and recreational use will impact on wildlife including, Golden Plover skylarks, hares and barn owls. Are kestrel and red kite on/above the site.
- There will be noise from the pumping station given its size.

#### 4.23. In Support

- As a former resident of the village I moved out as there were no homes for sale - this would be a great way to get back.
- The building of new homes is necessary, however, need additional infrastructure and if approved should be subject to the developer contributing to new health care facilities.

#### 4.24. Cllr Vassie

- Consider that 150 dwellings is too dense a development for the village. Need to enable travel by means other than the car. Need to address climate change and biodiversity loss.
- If approved the permission should seek funding for bus improvements for 10 years including bus stops where appropriate.
- Should provide a village park and pond.

- Should seek financial contribution for better cycle links from the village including to the City.
- Seek funds to expand the primary school and measures to discourage pupils travelling by car.
- All homes should be to passive house standards and include solar panels.
- All conditions and s106 requirements should be strictly managed.

#### 4.25. Julian Sturdy MP

- The site is Green Belt and do not see very special circumstances to justify its development.
- A site nearby is already allocated at the northern end of Cranbrooks and Valley View.
- A smaller scheme for the application site was rejected.
- The site in the Local Plan will have a greater impact than the refused scheme.
- The village school is over-subscribed.
- There is poor public transport and a lack of local facilities including doctors and dentists.
- A similar application was refused at the site and this should remain as a precedent.

## 5.0. APPRAISAL

5.1. 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the Poppleton Neighbourhood Plan (2017), Rufforth Neighbourhood Plan (2018), Earswick Neighbourhood Plan (2019), Huntington Neighbourhood Plan (2021), the Minster Neighbourhood Plan (2022), and Strensall Neighbourhood Plan (2023) and the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. 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. The RSS defines the outer boundary of the Green Belt as being "about six miles" (10km) from York city centre. The site is approximately 6 km from the city centre.

### 5.2. NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.3. The planning policies of the National Planning Policy Framework as published are a material consideration in the determination of planning

applications. The presumption in favour of sustainable development set out at paragraph 11 of the NPPF does not apply when the application of policies relating to Sites of Special Scientific Interest or land designated as Green Belt indicate that permission should be refused.

## PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT1990

5.4. Section 72 of the 1990 Act imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas when determining planning applications.

## PUBLICATION DRAFT YORK LOCAL PLAN (2018)

5.5. The Draft Local Plan (2018 DLP) was submitted for examination on 25 May 2018. Four phases of hearing sessions concluded in September 2022. Consultation on proposed main modifications to the 2018 DLP closed in March 2023, and responses have been provided to the Local Plan Inspectors for their consideration. The plan has therefore reached an advanced stage of preparation and the Inspectors' report is anticipated autumn 2023. . In advance of plan adoption, weight may be given to policies in the emerging Plan in accordance with NPPF2023 para 48.

## WHELDRAKE VILLAGE DESIGN STATEMENT

5.6. Wheldrake Village Design Statement was approved in 2015. It is approved as planning guidance. The document sets out to illustrate how local character and distinctiveness can be safeguarded and enhanced in new development. It emphasises the importance of buildings, the layout and landscaping respecting local character. On page 11 some of the key characteristics of the village are listed. This includes defined boundaries to the built up area, a distinct impression of pinkish red brick with green and lush foliage and mature shrubs softening hard boundaries. Some of the key village wide issues raised include, retaining mature trees, lack of public open spaces and the absence of circular walks. It is stated that developments should not detract from the open character of the Green Belt or prejudice the setting of Wheldrake Village.

## KEY ISSUES:

### OPENNESS AND PURPOSES OF THE GREEN BELT

5.7. The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential

characteristics of the Green Belt are its openness and permanence. The Green Belt serves 5 purposes:

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

5.8. In line with the decision of the Court in *Wedgewood v City of York Council*[2020], and in advance of the adoption of a Local Plan, decisions on whether to treat land as falling within the Green Belt for development management purposes should take into account the RSS general extent of the Green Belt, the 2005 DCLP, the 2018 Draft Plan, insofar as can be considered against paragraph 48 of the NPPF (2019) and site specific features in deciding whether land should be regarded as Green Belt.

5.9. The 2005 Development Control Local Plan shows the agricultural field as Green Belt with the industrial building and route leading to it (and associated scrub) within the defined boundary of the village (outside the Green Belt) The emerging Local Plan (2018) shows the land as being part of strategic housing site (SS18). As a result the land to which the application relates would not be part of the Green Belt if the DLP 2018 is adopted, instead becoming part of the defined settlement of Wheldrake. There are no other DLP 2018 housing allocations in Wheldrake. There are unresolved objections in relation to the principle of the development of the site therefore limited weight should be applied to policy SS18 (and H1).

5.10. When the site is assessed on its merits it is concluded that it serves to some degree two purposes:

- to check the unrestricted sprawl of large built-up areas.
- to assist in safeguarding the countryside from encroachment.

5.11. As such, the application site should be treated as lying within the general extent of the York Green Belt and the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF.

5.12. 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’.

5.13. Paragraph 149 of the NPPF states: ‘A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.’ The proposed residential development would not meet any of the defined exceptions set out within paragraph 149 of the NPPF. The proposed development is therefore considered to be inappropriate development in the Green Belt.

5.14. The fundamental purpose of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The concept of ‘openness’ in this context means the state of being free from development, the absence of buildings, and relates to the quantum and extent of development and its physical effect on the site.

5.15. The proposal gives rise to harm to the green belt by reason of inappropriateness and as such the application should not be approved except in very special circumstances. The proposal would result in harm to the openness and permanence of the Green Belt. This harm would be spatial as well as visual. It also conflicts with the Green Belt purposes of preventing encroachment into the countryside and sprawl. The NPPF states that 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, is clearly outweighed by other considerations. Whether very special circumstances exist is assessed later.

#### ACCEPTABILITY OF PARTIAL DEVELOPMENT OF THE SS18 ALLOCATION.

5.16 The land to the south west of the application site that is within the same 2018 DLP allocation (but not part of the current application) is within different ownership to the application site. The proposed application layout has been drawn up in a way so that it would not stop a housing scheme on the adjacent land being accessed via the current application site. A road and footpath is shown abutting the boundary of the site at the south west. The applicant has put forward wording for inclusion within a legal agreement that would stop the creation of a continuous ‘ransom strip’ between the two sites. It is not considered based on the above that the application undermines the comprehensive development of the Local Plan SS18 housing allocation.

#### HIGHWAYS AND TRAVEL

5.17 The NPPF encourages development that is sustainably located and accessible. It specifically states at paragraph 105 that “Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This

can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”

5.18. Paragraph 110 requires that all development achieves safe and suitable access for all users. It advises at paragraph 111 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Further, paragraph 112 requires development to, inter alia, give priority first to pedestrians and cycle movements and create places that are safe, secure and attractive thereby minimising the scope for conflicts between pedestrians, cyclists and vehicles. Policy T1 of the 2018 DLP supports the approach of the NPPF in that it seeks safe and appropriate access to the adjacent adopted highway, whilst giving priority to pedestrians and cyclists.

5.19. National Highways are the highway authority for the country’s strategic road network, which includes the A64. They put a holding objection on the application from September 2021 until 28 November 2022. This is because the peak time use of the A19 interchange with the A64 is over capacity and concerns existed regarding the increase in vehicle numbers that would result from the development. Following the holding objection, the applicant undertook additional research and proposed measures to seek to address these concerns. National Highways have considered the merits of this and have now removed their objection to the scheme. This was based on new traffic counts produced by the applicant’s transport consultant that showed more traffic than was assumed in earlier transport assessments would distribute to the east of Wheldrake, thus reducing modelled peak time vehicle movements impacting on the A19/A64 interchange by around two-thirds. In addition, to further reduce vehicle movements to a level acceptable to National Highways the applicant agreed to the production of a travel plan that would ensure high-speed internet connections for the development along with funding for a travel plan and a sustainable travel incentives fund.

5.20. In respect to the junction of the A19 with Wheldrake Lane, the consultants modelling and research indicates that the development would lead to in the region of an extra 22 vehicles an hour at peak time. At around one vehicle every 3 minutes the impact would be modest. The study also looked at North Lane, which is of particular significance given it is a route past the village primary school. Currently in the peak hour a vehicle passes every 16-18 seconds. If the application were approved this would increase to one every 14-15 seconds. It is, therefore, not considered that the proposal would significantly impact on the ability of people to safely cross the road, thus will not give rise to an unacceptable impact on road safety at this location.

5.21. In respect to traffic safety on routes heading to and from the village, the applicant has retrieved and analysed accident data along the main roads and junctions in and around Wheldrake and from this it is not considered that the associated increase in traffic on these routes is of concern from a safety perspective.

5.22. With regard to the application site and its immediate vicinity, highways officers are satisfied that the proposed housing layout would be safe for users and adequate visitor and resident car parking would be provided along with cycle parking within gardens and/or garages. Pedestrian and cycle access from the site would be possible at the south-east, north-east and adjacent to the proposed access road at the north-west. An emergency vehicle, cycle and pedestrian access is provided at the north-east linking with Back Lane South. This will be bollarded to ensure it is not used by other motorised vehicles. The road access at the north-west from Main Street has suitable visibility given the associated traffic speeds on Main Street.

5.23. Off-site works that can be delivered through section 278 of the Highways Act and included as a condition include the re-surfacing of Back Lane South between the north-east access and Main Street, the provision of an improved pedestrian route between the application site and the industrial estate and a 20m section of paving on Main Street immediately east of the vehicular entrance - this will include dropped kerbs to give convenient access across the road to the path that runs along the northern side of Main Street. There is not sufficient space in Main Street adjacent to the site to provide a pedestrian refuge in the centre. There is also not space to provide a formal bus bay on the south side of Main Street near the site.

5.24. In respect to the promotion of alternative modes of travel to the car it is considered that the site is well related to accessing the facilities in the village. Wheldrake has a reasonable range of facilities for day to day needs including a primary school, shop, pub, café, church and children's nursery. There are also sports facilities. In respect to employment there is a small industrial estate, along with jobs related to local services, including a large care home.

5.25. In respect to employment and larger scale or more specialised facilities and services, Wheldrake is around 8 miles from the centre of York when travelling via Crockey Hill and around 9 miles via Elvington. It is around 6 miles from Grimston Bar Park and Ride Site and 5 miles from the Designer Outlet Park and Ride. There is no off-road cycle route from the village to York. In respect to bus services, two routes run between the village and York. The x36 and the 18. No services run on Sundays. Both routes enter York via Fulford, the x36 runs to Elvington and the 18 in the direction of Thorganby. Combined there are currently a total of 9 daily services travelling from Wheldrake to York Monday to Saturday

and 8 travelling from York to Wheldrake. There is also a school bus that runs to and from Fulford School. Monday to Friday the earliest non-school buses to York leave Wheldrake at 07:55 and 10:09. The last buses from York, Monday to Friday leave at 15:50, 16:15 and 18:00. A bus leaves at 23:00 on a Saturday, it is understood that the Parish Council contributes towards its running.

5.26. It would seem apparent that residents can conveniently access the Designer Outlet and City Centre by bus for day time shopping, leisure and access to daytime services. Leisure activities in York in the evening would be reliant on car travel other than trips back from the City Centre on Saturday night. In respect to work, the relatively infrequent nature of bus travel would restrict access to employment opportunities in York though it would be imagined work places with part-time roles or full-time jobs with a degree of flexibility in working hours could be accessed by bus.

5.27. The supporting text of Policy SS18 states that 'there will be a need to assess public transport, including the likely need to uplift bus services and the potential for achieving this uplift.' The issue of the justification of seeking funding from the developer to improve bus services has been subject to significant consideration. It is necessary that any funding sought is proportionate to the size of the scheme. The proposed development of 139 houses would (proportionally speaking) provide a very modest number of additional customers on the bus services which travel past Wheldrake into the City Centre. It is not considered that the scale of the development would be such to justify seeking funding for, for example, a half hourly service for 5 or 10 years. In addition, it is important that any service would have a good chance of being sustainable in the long term. The applicant has agreed to contribute £70,000 towards improvements in bus travel, in addition to the £28,000 sustainable transport measures funding and £25,000 travel plan budget already agreed. This will be used by City of York Council to optimise bus services serving the development as its build-out progresses.

5.28. Overall, it is considered that the proposals would accord with the provisions of Policy T1 of the 2018 DLP and Section 9 of the NPPF. The proposals would provide appropriate levels of car and cycle parking within the development and promote cycling and walking within it. In addition to this, the surrounding highway network would be capable of accommodating the traffic which would be generated by the proposals. The proposals would not give rise to significant highway safety issues and taking account of the village location access to local services and York by public transport is considered reasonable.

## HOUSING DENSITY

5.29. Policy H2 of the 2018 DLP (Density of residential development) suggests a housing density of 35 units per hectare in rural areas and villages. It also notes that delivering densities that support the efficient use of land requires good design

that responds to its context, an appropriate mix of house types and should be informed by local character. The application site is 4.7 hectares. The developable land (i.e. land containing housing, excluding public open space/amenity land) is around 3.9 hectares. Based on a scheme for 139 units the net density is around 35.6 units a hectare. This accords with the expected density figures contained in the 2018 DLP. It is noted that when calculating the approximate yield from the site allocation (SS18) the expected number of homes on the application site would have been slightly less. However, this figure is not prescriptive in the sense that it is an 'exact' figure and the key consideration is whether the development is acceptable taking account of the policies of the 2018 DLP, the criteria of SS18 and paragraphs 124 and 125 of the NPPF.

## HOUSING MIX

5.30. Policy H3 'Balancing the Housing Market' of the 2018 DLP expect developers to provide housing solutions that contribute to meeting York's housing needs, as identified in the latest Local Housing Needs Assessment (LHNA) and in any other appropriate local evidence. New residential development should therefore maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. Housing should be built as flexible as possible to peoples' changing circumstances over their lifetime.

5.31. As originally submitted it was considered that the development contained too many larger homes in respect to meeting local need and affordability. The current mix of development of 8 one bed houses, 29 two bed houses, 65 three bed houses and 37 four bed houses are considered to provide an appropriate housing mix.

5.32. In respect to accessibility the applicant has stated that all plots will be compliant with part M accessibility as required under the building regulations and will provide level access at primary thresholds. It was raised with the applicant whether bungalows could be provided on the site, however, they did not wish to provide this form of housing. It is noted that Wheldrake already contains a large number of bungalows and given the local context it is not considered that it can be insisted that bungalows are provided on the site to meet local needs.

5.33. Policy H4 of the 2018 DLP requires 5% of homes on strategic sites to be made available to self-builders or custom housebuilders. The applicant has agreed to this requirement to be part of the section 106 agreement.

5.34. Policy H5 requires strategic sites to have regard to meeting the accommodation needs of gypsies and travellers. The applicant has agreed to provide £300,000 towards the off-site provision of such accommodation. This

policy is currently subject to the January 2023 modifications of the 2018 DLP which state that the plots should be provided on strategic housing sites unless this is shown not to be achievable. However, because the application was submitted in 2021 and the site layout was at an advanced stage by January 2023, it is not considered reasonable to seek the provision of the pitches on site.

## AFFORDABLE HOUSING

5.35. Policy H10 of the 2018 DLP sets affordable housing thresholds. 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%.

5.36. 42 affordable homes are proposed, with a mix of provision of 6 one bed, 19 two bed, 14 three bed and 3 four bed. 80% will be social rent (34) and 20% will be discount sale (8), in accordance with the council's policy expectations. The homes would be transferred to a Registered Provider at a price which ensures that no additional public subsidy is required to deliver the affordable homes.

5.37. Policy H10 requires that the affordable housing is indistinguishable from the open market dwellings. It is noted that recently submitted plans indicate that both the affordable housing and the open market housing use the same housing designs. The affordable housing is pepper potted throughout the development, and accords with Policy H10.

5.38. 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.

## VISUAL AMENITY AND CHARACTER

5.39. Chapter 12 of the NPPF gives advice on design, placing great importance on design of the built environment. In particular, paragraph 130 of the NPPF states that planning decisions should ensure that development, inter alia, will add to the overall quality of the area, be visually attractive, sympathetic to local character and history and have a high standard of amenity for existing and future users. This advice is reflected in policies D1 and D2 of the 2018 DLP and, therefore, these policies can be given moderate weight.

5.40. Wheldrake is characterised by a linear shaped historic core based around Main Street and North Lane with post-war development (typically small estates) located to the north and south of these areas. The estates are generally relatively suburban in form and based around a cul-de-sac design. The position of the

application site is set to the south of Main Street and reflects the projection beyond the 'historic core' of other more modern developments in the area. Homes that abut the application site are generally post war. The proposed homes are two-storey with some containing small dormers in the roofspace. Although the scheme is clearly of a modern estate type with standard 'traditional' house types, revisions have been submitted to ensure the scheme has some regard to the character of Main Street. This includes, the predominance of gable roof forms, the use of red brick, and the majority use of tiles (with some minimal use of slates). The applicant is also in agreement with a condition requiring a number of properties to have bespoke porches reflecting those found on Main Street and having 'tumble down' brickwork on the gable of homes in prominent locations. In respect to the streetscene, narrow verges are proposed at the entrance and main route into the site to reflect the established character of the heart of the village. The proposed properties would generally sit behind hedgerows or a small area of landscaping. Where brick walls are required to provide privacy there is generally a small area of landscaping to the front to soften the impact.

5.41. Due to the village location it would be unreasonable to seek low levels of car parking, however, on main routes into and through the site an attempt has been made to make car parking relatively discrete with some car parking spaces to the sides of homes or within rear parking courts.

5.42. At the heart of the development is proposed a small landscaped park. This will be overlooked by surrounding homes.

5.43. Back Lane South runs along the eastern edge of the site. This currently has an attractive informal, semi-rural quality. The location of open space within the development is such that much of the western side of the lane will remain free from significant built development. Landscaping along this boundary will also be reinforced.

5.44. The scheme as originally submitted had gardens backing on to the long hedgerow that forms the southern boundary of the site. The layout was amended so that homes generally front the hedge with a road and verge created and new tree planting. This better reflects the form of homes fronting agricultural land at Back Lane South and helps to ensure that a durable green boundary is maintained at the site's southern edge. It also gives public views of the surrounding countryside from the development helping to reinforce the appreciation of the village's rural setting. Clearly the development will see the loss of the agricultural field, which provides a setting for part of the village, however, its loss is not considered to be unacceptable. In assessing this regard is given to the fact that to the south west of the field is a large industrial type shed that will be removed as part of the application. In addition, the current backdrop of the field when viewed from public areas is not particularly attractive with a

relatively hard boundary to the industrial estate and rear of homes to the north. The proposed development will include new landscaping, including along the east and south of the site.

5.45. Paragraph 131 of the NPPF requires that 'that new streets are tree-lined' (unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate). The proposed scheme indicates tree lined verges on the main route into the site. Most other new street trees indicated on the landscape plan are shown within small front gardens. In assessing the overall acceptance of the level of tree planting regard is given to the tree planting proposed in association with the creation of the park which is a prominent feature in the development and also the new tree planting which will take place along the southern and eastern boundary of the development. On balance it is considered that the level of tree planting within the scheme is acceptable.

5.46. Exact details of the landscaping scheme can be secured via a suitably worded condition and its ongoing maintenance which would be carried out by a management company can be secured under the associated S106 agreement. In addition to this it would also be appropriate to condition that hedge protection measures are utilised during the construction phase of development to ensure that the existing hedgerows are afforded suitable protection.

5.47. In respect to the storage of bins and recycling boxes care has been taken to ensure that occupiers are able to store facilities out of site away from collection days.

5.48. Overall, it is considered that the proposals would provide a suitable layout and includes elements in its design that reflect the historic core of the village. The proposals are therefore considered to accord with policies D1 and D2 of the 2018 DLP, Chapter 12 of the NPPF and the guidance contained in Wheldrake Village Design Statement.

#### IMPACT ON THE CHARACTER AND APPEARANCE OF WHELDRAKE CONSERVATION AREA.

5.49. The NPPF, Chapter 16 – "Conserving and enhancing the historic environment", paragraph 195, states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. Paragraph 197 a) states that when determining planning applications, local planning authorities should take account of sustaining and enhancing the significance of any heritage asset.

5.50. The NPPF, Chapter 16, Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage

asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.51. The NPPF, Chapter 16, Paragraph 201 states that where a proposed development will lead to substantial harm to or the total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

5.52. The NPPF, Chapter 16, Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.53. Draft Policy D4: "Conservation Areas" states that development proposals within or affecting the setting of a Conservation Area will be supported where they; (i) are designed to preserve or enhance the special character and appearance of the Conservation Area and would enhance and better reveal its significance; (ii) respect important views; and (iii) are accompanied by an appropriate evidence based assessment of the Conservation Area's special qualities, proportionate to the size and impact of the development and sufficient to ensure that impacts of the proposals are clearly understood.

5.54. Wheldrake Conservation Area is focussed on Main Street and its continuation as Church Street and the 'back lanes' established as part of the medieval field pattern. The application site will have minimal impact on this area. The northern part of Back Lane South beyond the application site is within the Conservation Area as is the southern tip of the lane. The large mature tree at the south-east corner just outside the site will remain unaffected. A small section of the approach road/junction which sits along Main Street is within the Conservation area. This is currently a very functional entrance to the approach track to the industrial building. The proposed introduction of a small landscaped area and improved boundary treatment will enhance the appearance of the Conservation Area. The proposed development will not conflict with the visual dominance of Wheldrake Church when seen from public rights of way to the south. It is considered that the proposal will preserve the character and appearance of the Conservation Area.

## RESIDENTIAL AMENITY

5.55. The NPPF seeks a good standard of amenity for all existing and future occupants, and that developments 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; are sympathetic to local character and history, including the surrounding built environment and landscape setting. Policy D1 and ENV2 of the 2018 DLP seek to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of for example overlooking, overshadowing or privacy as well as issues relating to impacts from the industrial estate such as noise, odour, dust and light pollution. The assessment of residential amenity below is divided between impacts of the development on existing residents and the living conditions of future occupiers.

### Existing Residents

5.56. The existing road into the site is used as an access to the industrial building on the application site. The proposed development will lead to increased vehicular and pedestrian movement along the route, however, the subsequent relationship will be typical of a developed residential area.

5.57. In respect to assessing the impact on existing neighbours, the key properties are located on Back Lane South, Dykelands Close and Millfield Court. Revisions were sought to lessen the impact on existing properties that abut the site. Homes backing on to properties to the north will typically have a separation of around 25m. This is considered acceptable. Normally a minimum back to back distance of 20-21m is sought, however, it is considered a slightly greater separation should be achieved given the existing open character of the land. Unlike most of the proposed development, the homes proposed here mainly have a hipped roof design which will reduce their mass when viewed from the rear.

5.58. The front of numbers 5 and 11 Back Lane South will each face the proposed side elevations of one new home. There would be a separation distance of around 20m. The front to front separation distance is considered acceptable, particularly given there will be views past the sides of the individual homes. In respect to privacy the property facing number 5 has no first floor windows facing Back Lane South. The property facing number 11 has been revised to remove the main side facing bedroom with the small secondary bedroom window and bathroom conditioned to be obscure glazed.

5.59. It is considered that the separation to Back Lane South is adequate to avoid use of the play area/park impacting unacceptably on living conditions. Noise levels of the pumping station will be conditioned to ensure any associated noise impacts are not unacceptable.

5.60. Given the nature of the proposed development there will be a degree of disruption caused during the construction phase. It would therefore be necessary and appropriate to include conditions which seek to manage and mitigate the

worst of those impacts in the interests of the residential amenity of the area and highway safety. This includes the provision of a Construction Environmental Management Plan (CEMP) to manage and mitigate possible issues of construction noise, dust and vibration. An hours of construction condition is also recommended. The applicant has confirmed they are amenable to a requirement that construction vehicles access and leave the site via the Wheldrake Lane direction.

### New Residents

5.61. Minimum back-to-back distances within the proposed development are typically around 20 - 21m. This is consistent with modern development with most homes having rear gardens around 10m in length. Front to front distances in streets are around 15 – 20m. Some narrowing of streets helps give identity and a sense of enclosure as well as encouraging lower vehicles speeds. The development contains eight one bedroom homes, these generally have very small, enclosed gardens, this is considered acceptable given their size.

5.62. A number of homes overlook the small park to give ‘natural surveillance’ though they are not located so close to create concerns regarding noise and disturbance. A buffer of 20m is indicated between the edge of the equipped play area and the front of homes.

5.63. Twenty six homes at the western side of the site will be adjacent to the industrial estate. There has been considerable monitoring of the estate to assess existing noise levels. Further assessments have been made in regard to odours and dust. The Council’s Public Protection officer has visited the site and has liaised with the applicant’s noise consultants regarding the methods to use to assess the compatibility of the homes with the industrial estate. She considers that the assessment undertaken indicates that the proposed housing can satisfactorily co-exist with the on-going operations at the businesses. There is also scope for some expansion and intensification on the industrial estate without unacceptably impacting on living conditions. This assessment is subject to the erection and retention of a 2.6m acoustic fence on the boundary and the replacement of the noisy chiller at the rear of the Village Green Preserves site. Furthermore, it is proposed to provide improved insulation to the building façade with options to ventilate rear habitable rooms mechanically if windows are shut. It is noted that the acoustic assessment indicates that noise levels associated with the industrial uses are relatively low and would not typically require occupiers to close windows to achieve suitable internal living conditions.

5.64. The assessment indicates that dust produced on the site would not be unacceptable to living conditions. Odours produced from cooking at Village Green Preserves can at times be relatively strong. If the application is approved and

permission implemented, the applicant has agreed to pay for an upgraded filtration system at the industrial unit to address this issue.

5.65. The proposed industrial units will provide an unappealing view from the rear of homes and gardens. However, it is not unknown for residential and industrial buildings to be located within close proximity to each other and in respect to character the relationship is not in itself considered an issue for which to refuse the application. It is the case that occupiers could plant relatively modest height trees or shrubs along garden boundaries which would screen or soften the visual impact of the industrial buildings when viewed from gardens and ground floor rooms.

5.66. It is considered subject to conditions the proposed development would provide acceptable living conditions for new occupants and occupants of existing homes and would therefore comply with advice in Policy D1 and ENV2 of the 2018 DLP, advice in Paragraph 2 of the NPPF regarding achieving well designed places and further advice in planning practice guidance on Noise.

## IMPACT ON THE INDUSTRIAL ESTATE AND LOSS OF EMPLOYMENT

5.67. Criterion 'x' of Policy SS18 (the housing allocation) of the 2018 DLP states that it is necessary to "Undertake a noise assessment to inform the development, this may result in a reduction in the developable area should a buffer to the existing industrial area be required." Furthermore, the supporting text at 3.81 states that "there is also the potential that if residential properties were placed next to the industrial estate then this could restrict any further expansion of the industrial estate or prevent existing businesses located on the industrial estate expanding any further. It is, therefore, essential that a noise assessment is carried out." It is clearly the case that it is the intention of Policy SS18 that the existing operations on the industrial estate should not be curtailed by residential development and also that residential development should not stop the businesses expanding further.

5.68. Paragraph 187 of the NPPF states that planning decisions should "ensure that new development can be integrated effectively with existing businesses... Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

5.69. The assessment that was undertaken to assess the impact that the industrial uses would have on residential amenity would directly inform whether

the proposed housing would be likely to curtail the operations on the industrial estate. The assessment concludes that subject to the suggested conditions, even with some intensification of the industrial estate, the impact of the industrial estate on future residential occupiers would be acceptable.

5.70. Policy EC2 relates to the protection of Employment Uses. The loss of the industrial unit on the application site will have a modest impact on employment. It's loss has been considered strategically in preparing the 2018DLP and in regard to overall employment land needs in the city and local area.

## LOSS OF AGRICULTURAL LAND

5.71. The agricultural land which will be lost is classified as Grade 2 agricultural land (very good). This is defined as Land with minor limitations that affect crop yield, cultivations or harvesting. Chapter 15 of the NPPF states that soils should be protected in a manner commensurate with their statutory status or identified quality in the development plan. Land of such agricultural quality amounts to around half of the undeveloped land to the south of York within the Council area. Taking account of the extent of such land, it is not considered that the loss of the relatively modest area to housing would be unacceptable when balancing the need to make effective use of land.

## OPEN SPACE AND RECREATION

5.72. All residential development proposals are expected to contribute to the provision of open space for recreation and amenity in line with 2018 DLP Policy GI6.

5.73. The amount of public amenity space and play space on the site accords with the Council's standards. The play area and small park will benefit the new residents as well as existing residents in the area. The nearest equipped play area is near the school around 700m away. It is proposed to use a legal agreement to ensure that that the park is maintained by a management company with public access retained. The development will link to existing pedestrian routes including Back Lane South and will create a new walking route opposite the fields to the south. An access to an existing public right of way running south through the farmland abuts the south-east corner of the site and the layout of the scheme links with this.

5.74. The 2017 Local Plan evidence base indicates that Wheldrake ward is underprovided for sports facilities. Based on the number of dwellings and number of bedrooms proposed, the required contribution to improve provision consistent with the demands of the development has been calculated as £87,117. The

contribution would be intended to be used for a sports project within a 20 minute walking distance.

## EDUCATION IMPACTS

5.75. Paragraph 95 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement. Policy ED6 of the 2018 DLP states that given the scale and location of future housing development and projected demographic changes in birth rates, the local plan must ensure there are sufficient modern early years and childcare, primary and secondary education facilities across the city.

5.76. The applicant has agreed to provide funding to meet the needs of the occupiers of the development in regard to non-school based nursery education (£281,894). Secondary education (£856,080), transport towards to secondary school (£128,039), special educational needs & disabilities (SEND) provision (£165,816) and SEND transport (£45,000).

5.77. During the course of the application a number of responses were received regarding concerns that the local primary school (Wheldrake with Thorganby Primary School) would not have the capacity to accommodate additional children. The City Council's Private Finance Initiatives Contracts Officer has fully analysed future projected school rolls as well as the expected number of children who will live at the development and does not consider there is a justification for seeking funding for the expansion of the school.

## HEALTH IMPACTS

5.78. Paragraph 8 of the NPPF refers to promoting healthy and safe communities. Paragraph 93e states that decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services. Policy 7 (Healthy Places) sets out the need to assess the health impacts of a development and how its design impacts on people of different ages.

5.79. In respect to health issues the most significant issue regarding the site is the recent closure of the branch GP surgery in Wheldrake. It is understood that this was an operational decision and there are no current plans to re-open it. The applicant has agreed to contribute £174,319 to the expansion of Elvington Medical Practice to meet the additional demand from residents living at the application site. It is recognised that options for bus travel to and from the surgery are limited and residents would typically need to travel by car. It is not considered that the impact of this would be such to make the housing scheme unacceptable. The medical practice provides a broad range of services and is only 3 miles away. It is

understood that after the Wheldrake surgery closed Elvington Medical Practice publicised the availability of free travel from Wheldrake to Elvington medical practice but there was little or no take up of this offer. This would seem to suggest that villagers are able to access the facility by other means.

5.80. It is considered that the development as a whole would support healthy lifestyles through the proximity to walking routes and open space. The village also has a range of facilities to support healthy living and social interaction. Public Protection are satisfied that subject to conditions, the new housing will provide suitable living conditions in regard to impacts relating to noise, dust and odours. Properties would have levels access and comply with Part M of the Building Regulations.

## BIODIVERSITY AND ECOLOGY

5.81. Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities to have regard, in the exercise of the functions, to the purpose of conserving biodiversity. Paragraph 174 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by, inter alia, minimising impacts on and providing net gains for biodiversity. The 2018 DLP policies reflect this advice in relation to trees, protected species and habitats.

5.82. The NPPF and 2018 DLP both require that development results in net gains for biodiversity. A Biodiversity Net Gain report was submitted on 12 August 2022. The positive scores mean that the development is compliant with current NPPF recommendations and the future requirements of the Environment Act (2021).

5.83. The Ecology Officer has requested a number of conditions including: the timing of works, Construction Environmental Management Plan (Biodiversity) and Landscape and Ecological (or Biodiversity) Management Plan. These conditions are considered to be reasonable requirements.

5.84. The application site is located approximately 1.5km to the west of the Lower Derwent Valley Special Area of Conservation (SAC), Special Protection Areas (SPA) and Ramsar site and approximately 6km to the south west of Skipwith Common SAC. City of York Council as the competent authority must make a judgement under the Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora, known as the 'Habitats Directive', as transposed into law in England and Wales through the Conservation of Habitats and Species Regulations 2017 (as amended) as to the 'likely significant effect', if any, of the proposed development on the Lower Derwent Valley and Skipwith Common prior to the issue of any consent. The key issue to consider is the impact of increased recreational visits on bird populations at Lower Derwent

Valley. Based on the assessment of the applicant's ecology report, the Council's ecologist is satisfied that subject to the provision of open space in the application site and the site having good links to adjacent recreational footpaths recreational impacts from occupants will not harm the Lower Derwent Valley. There is also a requirement to erect signage at the site promoting local recreational walks that will be away from the protected areas.

5.85. The Local Planning Authority has received a response from a local resident trained as a Conservation Scientist. He has stated that the applicant's ecology assessment had failed to pick up that fields to the south and west of the application site contain red-listed birds. He expressed concerns regarding the impact of pets and increased recreation on their wellbeing. This matter was raised with the Council's ecologist who liaised with the applicant's ecologist. The applicant's ecologist stated that the application site is separate to the adjacent fields and enclosed by a tall hedge. Furthermore, he stated that Natural England's officer for the Lower Derwent Valley had previously been involved in considering the site for development and did not raise concerns regarding this matter. The Council's ecologist considers that in the absence of objections from Natural England it would not be reasonable to object to development based on the objector's submission.

## DRAINAGE AND FLOOD RISK

5.86. The site is in Flood Zone 1 (low flood risk). The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. 2018 DLP Policy ENV5 (Sustainable Drainage) advise discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced.

5.87. The revised drainage scheme indicates foul drainage will be pumped to the public foul sewer in Main Street. Yorkshire Water have no objections to this proposal.

5.88. The indicative plan shows surface water run-off to be attenuated with a large storage tank provided under the park and water discharged at a greenfield rate to the adjacent Public Surface Water Sewer in Back Lane south.

5.89. The Lead Local Flood Authority Engineer has advised that the principle of the revised drainage scheme is considered to be acceptable and that the final details can be controlled by condition.

5.90. Objections have been received regarding drains blocking in the village. In the light of the proposed drainage approach being supported by Yorkshire Water it is considered the drainage proposals are acceptable for planning purposes.

## SUSTAINABILITY

5.91. The modified wording (January 2023) of 2018 DLP Policy CC2 'Sustainable Design and Construction of New Development' states developments should achieve high standards of sustainable design and construction by demonstrating: energy and carbon dioxide savings in accordance with the energy hierarchy; water efficiency; and consideration of good practise adaptation principles for climate resilience. All new residential development of 1 or more should achieve: on-site carbon emissions reduction of a minimum of 31% over and above the requirements of Building Regulations Part L (2013), of which at least 19 % should come from energy efficiency measures; and a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations. Pending anticipated changes to Building Regulations, developments should further aim to achieve up to a 75% reduction in carbon emissions over and above the requirements of Building Regulations Part L (2013) unless it is demonstrated that such reductions would not be feasible or viable. Any higher level of reductions required through Building Regulations or other legislation will supersede the above requirements. The applicant has advised they are willing to accept a condition requiring compliance with the requirements of Policy CC2. Policy CC2 has partially resolved objections and can be afforded limited weight.

## CRIME

5.92. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and do all they reasonably can to prevent crime and disorder". Paragraphs 92 and 130 of the NPPF requires that developments create safe places where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The Police Architectural Liaison Officer has advised they have no concerns and the development follows the Designing out Crime principles. Conditions relating to the lighting of the site, including proposals for parking courts is included.

## REQUESTED S106 CONTRIBUTIONS

5.93. Policy DM1 of the 2018 DLP 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. The following considerations arise from this application:

- Education
- Sport and Recreation
- Healthcare services
- Highways, bus and communications improvements.

- Affordable Housing
- Self and Custom Build Housing
- Gypsy and Traveller plots
- Link to rest of SS18 Housing Allocation
- Management of Open spaces.
- Planning Obligation Monitoring Fee.

## EDUCATION

5.94. Paragraph 95 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement. Policy ED6 of the 2018 DLP states that given the scale and location of future housing development and projected demographic changes in birth rates, the local plan must ensure there are sufficient modern early years and childcare, primary and secondary education facilities across the city. The policy seeks to provide the provision of sufficient modern education facilities to meet an identified need.

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

- Early years contribution of £281,894 towards non-school based nursery education (within 1.5km if feasible, up to 10km if not.).
- Secondary contribution of £856,080 towards Fulford School and/or any new secondary school in the South East York Secondary Planning Area.
- Contribution of £128,039 towards transport to secondary school.
- Contribution of £165,816 towards Special Educational Needs & Disabilities (SEND) provision.
- Contribution of £45,000 towards SEND transport.

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

## SPORT AND RECREATION

5.97. Paragraph 92 of the NPPF states that planning decisions should aim to achieve healthy and inclusive places. This includes the provision of sports facilities and green infrastructure. Paragraph 98 states that opportunities for sport and physical activity is important for the health and well-being of communities. Residential development proposals are expected to contribute to the provision of open space for recreation in line with 2018 DLP Policy GI6. Commuted Sum Payments for Open Space in New Developments – A Guide for Developers Approved by Planning Committee on 26th April 2007 for the purpose of Development Control (UPDATED 1 June 2014) calculates that a sum of £87,117 is required.

5.98. With regard to the future ongoing management and maintenance of the on-site open space, including the equipped play area, this will be carried out by a management company and public access will be secured. This can be controlled through suitable wording in the planning obligation.

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

## HEALTHCARE SERVICES

5.100. Paragraph 92 of the NPPF states that planning decisions should aim to achieve healthy and inclusive places. Paragraph 93e states that decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services. The 2018 DLP Policy HW5 'Healthcare Services' sets out that improved, enlarged or additional primary or secondary healthcare facilities will be required to support residential developments that place additional demands on services beyond their current capacity. Developer contributions will be required to support the increase in provision.

5.101. The Humber and North Yorkshire Integrated Care Board has responded to the application, setting out that the development will have an impact on the existing healthcare provision within the vicinity of the site. The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. Elvington Medical Practice could provide this role if it were extended. Based on an estimate of 336 residents living at the new housing development there would be a requirement for 29 sqm of additional space. The York based tender price is £6,011 sqm which would equate to £174,319.

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

## HIGHWAYS, BUS AND COMMUNICATIONS IMPROVEMENTS

5.103. Paragraph 110 and 111 of the NPPF requires that development should not have an unacceptable impact on the transport network. Further, paragraph 112 requires development to prioritise sustainable travel modes. Policy T1 of the 2018 DLP supports the approach of the NPPF in that it seeks to promote the use of sustainable travel modes and minimises the need to travel.

5.104. National Highways and the City Council's Highways team have requested contributions to avoid the proposal having an unacceptable impact on

the A19/A64 interchange. The measures to address this will also support sustainable travel behaviours.

5.105. The proposed contributions are the provision for Ultrafast fibre broadband connection directly into each property, a £25,000 budget for a residential travel plan, £28,000 towards a sustainable travel initiatives fund and £70,000 to support peak time bus services.

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

## AFFORDABLE HOUSING

5.107. Chapter 5 of the NPPF requires Local Planning Authorities to provide a sufficient supply and mix of homes including where justified affordable housing. Policy H10 of the 2018 DLP sets out the approach to the provision of affordable housing and housing thresholds. The provision of 42 affordable units and the mechanisms and frameworks by which they are delivered and then transferred to an appointed registered provider need to be secured within a S106 agreement.

5.108. The proposed s106 planning obligation is considered to be compliant with NPPF paragraphs 55 to 57.

## SELF AND CUSTOM BUILD HOUSING

5.109. Paragraph 62 of the NPPF states that planning policies should reflect the housing needs of different groups including people wishing to commission or build their own homes. Policy H4 of the 2018 DLP states that on strategic sites developers will be required to supply at least 5% of dwelling plots for sale to self-builders or to small/custom house builders subject to appropriate demand being identified. The s106 will set out how this will be delivered on the site.

5.110. The proposed s106 planning obligation is considered to be compliant with NPPF paragraphs 55 to 57.

## GYPSY AND TRAVELLER PITCHES

5.111. Paragraph 60 of the NPPF states that it is important that the needs of groups with specific housing requirements are addressed. The Local Housing Need Assessment should include the need for travellers (Paragraph 62). In line with Policy H5 of the 2018 DLP a Strategic Housing site of between 100-499 homes is required to provide an off-site contribution of £300,000 towards funding two additional pitches for Gypsy and travellers in the City of York Council area.

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

#### LINK TO REST OF SS18 HOUSING ALLOCATION

5.113. The current planning application relates to only part of the housing allocation, with around 1 hectare of the allocation outside the application site. To ensure that the current application does not compromise the ability to complete the implementation of the housing allocation the applicant has submitted an adopted highway plan showing an access road and associated footpaths abutting the remaining land. The applicant has submitted suggested text for a s106 agreement relating to 'No Ransom Strips' that would state that 'The Owner in order to facilitate the delivery of Housing Allocation SS18 shall construct the highway connections on the application site to the boundary of the remaining allocation land as shown on the planning layout approved pursuant to condition 2 of the Planning Permission to enable a ransom free highway connection from the application to the remaining area of Housing Allocation SS18.'

5.114. The suggested text above is considered acceptable as a basis for agreeing the specific final wording in a s106 agreement. It is considered to be compliant with NPPF chapter 5 relating to the delivery of a sufficient supply of homes through the effective implementation of housing allocations in the 2018 DLP.

#### MANAGEMENT OF OPEN SPACES

5.115. Paragraph 130 of the NPPF states that 'planning decisions should ensure that developments 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'. This includes effective landscaping. The applicant has indicated that roads and footpaths within the site will be adopted by the Council, however, other spaces including many of the verges and the small park and associated equipped play area will not be. A planning obligation will be needed to set out future management arrangements for such spaces to ensure that they are maintained to a good standard in perpetuity. This also has implications on the management of landscaping for the benefit of ecology.

5.116. The proposed s106 planning obligation is considered to be compliant with NPPF chapter 12 relating to achieving well designed places.

#### PLANNING OBLIGATION MONITORING FEE

5.117. Paragraph 55 of the NPPF states that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable

impacts through a planning condition. The monitoring fee is necessary to ensure that the Planning Obligations are fulfilled.

5.118. A sum of £25,993 is required. This figure is based on fees sought for other large scale residential developments towards the costs incurred or to be incurred by the Council in project managing the implementation of section 106 planning obligation funded projects, monitoring, keeping of appropriate data and mechanisms up to date and related staff cost.

5.119. The proposed s106 planning obligation is considered to be compliant with NPPF paragraphs 55 to 57 and the relevant CIL regulations.

### **ASSESSMENT OF VERY SPECIAL CIRCUMSTANCES (VSC)**

5.120. Paragraphs 147-148 of the NPPF advise that permission should be refused for inappropriate development in the Green Belt and should not be approved except in very special circumstances. 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.

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

5.122. The application site is a Strategic housing allocation within the 2018 DLP. Around two-thirds of the site was defined as Green Belt in the 2005 DLP. Wheldrake is within the general extent of Green Belt as outlined in the saved Regional Spatial Strategy Key diagram. It is the role of the Local Plan to define the detailed Green Belt boundaries to ensure that the city can meet its development needs and allow permanence to the green belt boundaries beyond the plan period. The approach to this is set out within Topic Paper 1: Approach to defining Green Belt Addendum 2021. The Green Belt Addendum (2021) document provides a detailed explanation of how and where detailed inner and outer Green Belt boundaries have been defined to inform the emerging Local Plan.

5.123. The detailed methodology, including defined criteria to inform the delineation of the detailed boundaries are set out within Section 5 of the Topic Paper Addendum. This methodology takes consideration of national guidance and, an appraisal of the essential characteristics of openness and permanence in York, including the context of the existing built environment and landscape against the relevant green belt purposes set out in the NPPF. The methodology also sets out the approach to strategic permanence and consistency with the local plan's spatial strategy (in line with NPPF para 85) to identify suitable locations for development to meet development needs which cannot be accommodated in the identified urban areas. It also establishes which sites have been considered as suitable for proposed development in this context.

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

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

5.126. The detailed Green Belt assessment identifies Wheldrake as a compact village in a rural landscape. It states that there are views of the village through the surrounding landscape and the risk of the village expanding would lead to the loss of connection with its historic core. It further states that the area around Wheldrake is open with few urban influences.

5.127. The appraisal, maps the 4 sites on the edge of the village (in addition to the application site) that were submitted as potential housing sites but have not been allocated. In assessing appropriate sites based on an analysis of the Green Belt setting of Wheldrake it was considered that 3 issues were crucial in determining a clear defensible boundary:

- The compactness of standalone urban areas.
- The perception of development from open approaches
- The potential to resist future encroachment and sprawl.

5.128. In respect to providing permanence to the Green Belt boundary the most appropriate allocation was considered to be the current application site. The

assessment recommends the creation of landscaped buffers to create a single defined recognisable urban edge on the southern boundary.

5.129. Wheldrake village has an urbanised built up nature and therefore offers an opportunity for focusing development towards an urban area within the Green Belt and which meets the requirements of the spatial strategy. The application site was identified for development as part of a development strategy which looks to preserve the character and setting of the historic City - acknowledging unmet housing need, the plan allocates the site for development.

5.130. The application site is located within the general extent of the York Green Belt and serves at least two of the Green Belt purposes set out in the NPPF. In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green Belt when one of the most important attributes of Green Belts are their openness, and that the proposal would undermine the Green Belt purposes. *Substantial weight* is attached to the harm that the proposal would cause to the Green Belt. There are outstanding objections to the removal of land from the general extent of the Green Belt and the delineation of the detailed Green Belt boundaries.

5.131. The Council has concluded that changes to the general extent of the York Green Belt are required to meet the development needs for housing, employment land and education, which cannot be solely provided for in urban areas or villages (outside of the Green Belt) or by other means. It is recognised that an undersupply of homes or employment land would exacerbate housing affordability issues, increase unsustainable commuting patterns and adversely impact on building a strong, competitive economy. Site SS18 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. There are unresolved objections in relation to the principle of the development of the site therefore *limited weight* should be applied to policies H1 and SS18. 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.

5.132. In their statement of November 2021, the applicant accepts that the site is in the Green Belt but states that the site performs weakly against the purposes Green Belt serves. In respect to VSC the applicant has put forward the four considerations they consider should be given significant weight:

- The site does not serve all the 5 Green Belt purposes.

- The Council's evidence base does not identify the site as being in the Green Belt.
- The proposed development accords with the emerging site allocation for housing.
- The provision of 139 dwellings is of significant benefit in light of the housing crisis in York and the acute shortage of affordable homes.
- They also state that the development will bring economic benefits. They do not give weight to this.

5.133. In respect to the very special circumstance relating to the proposal it is considered that significant weight should be given to the delivery of housing and significant weight should be given to the delivery of affordable housing. The City is unable to demonstrate a 5 year housing land supply.

5.134. The site will create a small park with an equipped play area in a part of the village which is deficient in such provision. The area will be open to all villagers. This gain to the village is given *limited weight*.

#### WHETHER PREMATURITY IS GROUNDS TO REFUSE THE APPLICATION

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

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

5.137. 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”.

5.138. It is considered that to grant planning permission for this scheme would not undermine the plan-making process because the Council's assessment of the Green Belt to inform the emerging plan (as detailed within Topic Paper 1: Approach to defining the Green Belt Addendum 2021) concluded that the site could be excluded from the Green Belt to enable development needs to be met in line with the spatial strategy. Given the scale of the development proposed (139 dwellings); that the site is required to meet development needs and will be excluded from the Green Belt; and as the emerging Local Plan has been through examination and promotes this as a housing site, to be delivered within the short to medium term (1-10 years) of the plan, there are no clear grounds (as is required by the NPPF) to refuse this particular application on the basis that it would prejudice the plan-making process.

## PUBLIC SECTOR EQUALITIES DUTY

5.139. 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:

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

5.140. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

5.141. 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.

5.142. Officers have given due regard to the equality implications of the proposals in making its recommendation. There is no indication or evidence

(including from consultation on this application) that any equality matters are raised that would outweigh the material planning considerations.

## **6.0. CONCLUSION**

6.1. It is considered that the proposed development would provide new housing of a scale and form appropriate to the established layout of the village. The village is made up of a historic linear centre with modern estates developed to the north and south. The proposed development is consistent with this. The layout and housing style, though of an 'estate type' character includes elements that reflect the historic core of Wheldrake including the use of appropriate materials and the provision of landscaping and verges to the fronts of many homes. The vehicular approach to the site from Main Street will be enhanced. It is not considered it would detract from the general character of the village, nor will it detract from the appearance or character of the Conservation Area.

6.2. In respect to highway matters, suitable car and cycle parking is provided on site and good pedestrian and cycling links are provided from and through the site. National Highways are satisfied that the proposal will not put unacceptable pressure on the A19/A64 interchange subject to the proposed planning obligation measures to help reduce car movements. Bus travel to York is available and of a frequency to allow day time trips to York for leisure as well as offering some ability to seek employment outside the village.

6.3. The site is well related to travel to a range of day-to-day local facilities on foot or by cycle. The patronage of residents who would live in the proposed homes will contribute to the future vitality of the village facilities.

6.4. It is considered that the development has a suitable relationship to existing neighbours in regard to separation distances and measures are proposed which will allow the businesses to the west and adjacent homes to co-exist satisfactorily. Living conditions on the site as a whole will be acceptable.

6.5. The proposal, subject to the conditions, will not harm sites of ecological importance. The proposed planting is also such that it will provide gains in biodiversity on site.

6.6. Planning contributions have been agreed for needed improvements to local education and health provision. In respect to leisure and recreation a small park with an equipped play area is provided on site and contributions will be made to improving sports provision in the vicinity.

6.7. The proposal will provide much needed housing within the City of York and will also provide affordable housing. It will also provide a significant contribution

towards gypsy and traveller pitches to be provided within the City Council boundaries off the application site.

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

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

6.10. There are unresolved objections in relation to the principle of the development of the site therefore limited weight should be applied to policies H1 and SS18. However, the evidence upon which the allocation relies is material and can be afforded significant weight.

6.11. The City Council is unable to demonstrate a 5 year housing land supply. In the context it is considered that significant weight should be given to the provision of new housing. Furthermore, given the shortage in affordable homes in the York area significant weight is given to the ability to deliver 42 affordable homes on the site.

6.12. A small well landscaped park is proposed in the development, the scale and location of the park is such that it will provide recreational opportunities not just for future occupants of the development but also other residents in the village. This is given limited weight.

6.13. It is considered that the site allocation in the 2018 DLP, the comprehensive associated evidence on which the allocation of the site relies, the provision of 139 new homes (including 42 affordable homes) and the provision of a small park are considered to amount cumulatively to 'very special circumstances' that clearly outweigh the definitional harm to the green belt and the harm to the openness and permanence of the green belt arising from the proposed development as well as the very modest impact regarding the loss of Grade 2 agricultural land and an employment unit.

6.14. Approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021 and the application not being called in by the Secretary of State for determination. The application is required to be referred to the Secretary of State as the development is considered to be inappropriate development in the Green Belt, and the proposed floorspace would be in excess of the 1000 sqm threshold set out in the Direction.

**7.0. RECOMMENDATION:** That delegated authority to be given to the Head of Development Services to:

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

7.2. The completion of a Section 106 Agreement to secure the following planning obligations:

- Early years contribution of £281,894 towards non-school based nursery education (within 1.5km if feasible, up to 10km if not.).
- Secondary contribution of £856,080 towards Fulford School and/or any new secondary school in the South East York Secondary Planning Area.
- Contribution of £128,039 towards transport to secondary school.
- Contribution of £165,816 towards Special Educational Needs & Disabilities (SEND) provision.
- Contribution of £45,000 towards SEND transport.
- A contribution of £87,117 for off-site improvements in sport and recreation
- A contribution of £174,319 to expand Elvington Medical Practice
- The provision for Ultrafast fibre broadband connection directly into each property,
- A contribution of £25,000 budget for a residential travel plan, £28,000 towards a sustainable travel initiatives fund and £70,000 to support peak time bus services.
- The provision of 42 affordable units on site and the mechanisms and frameworks by which they are delivered and then transferred to an appointed registered provider
- The provision of at least 5% of dwelling plots for sale to self-builders or to small/custom house builders subject to appropriate demand being identified
- An off-site contribution of £300,000 towards funding two additional pitches for Gypsy and travellers in the City of York Council area.
- The construction of vehicular highway connections on the application site up to and abutting the boundary of the remaining allocation land including timing of works (to prevent a ransom strip).
- Management agreement for open spaces.

- Planning obligation monitoring fee of £25,993 to ensure that the Planning Obligations are fulfilled.

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

7.4. The Head of Planning and Development Services be given delegated authority to determine the final detail of the planning 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:-

- 1123.01A Red Line Plan - 1.1250@A3 - 25.10.22
- 1123.02A Location Plan - 1.1250@A3 - 25.10.22
- 1123.05AN Proposed Site Layout - 1.500@AN - 16.11.23
- 1123.07K Proposed Materials Plan - 1.500@A1 - 25.10.23
- 1123.60K Proposed Site Layout - Parking Provision -1.500@A1 - 25.10.23
- 1123.61C Proposed Site Layout - Adoptable Highways -1.500@A1 - 25.10.23
- 1123.20D Alder (Semi-Detached) - 17.05.23
- 1123.21D Archford (Semi-Detached) - 17.05.23
- 1123.22C Avondale - 14.11.23
- 1123.23D Chelworth - 17.05.23
- 1123.25A Avondale - Plot 109 - 14.11.23
- 1123.26E Hertford - 17.05.23 with the exception of plot 50 drawing 1123.26E received 21 11 23.
- 1123.27E Holden - 17.05.23
- 1123.28D Kennet (Semi-Detached) - 17.05.23
- 1123.29C Kennet (Terrace x3) Plans - 21.02.23
- 1123.30C Kennet (Terrace x3) Elevations- 21.02.23
- 1123.31D Kennet-Hereford (Semi-Detached) Plans -17.05.23
- 1123.32D Kennet-Hereford (Semi-Detached) Elevations - 17.05.23
- 1123.33D Kirkdale - 17.05.23
- 1123.34E Farnham - 17.05.23
- 1123.36D Primrose (Semi-Detached) - 18.05.23
- 1123.37D Tulip-Orchard (Semi-Detached) - 18.05.23
- 1123.38C Tulip-Orchard-Alder (Terrace x3) Plans - 17.05.23
- 1123.39C Tulip-Orchard-Alder (Terrace x3) Elevations- 17.05.23
- 1123.43E Ingleby rev E - 16 11. 23
- 1123.44C Warden (Semi-Detached) - 18.05.23
- 1123.45A Garages 26.07.22

- 1123.46B Garages 21.02.23
- 1123.46B Garages 21.02.23
- 1123.48A Bracebridge - 21.02.23
- 1123.49 Alder (Semi-Detached - Alt. Roof) - 21.02.23
- 1123.50 Archford (Semi-Detached - Alt. Roof) - 21.02.23
- 1123.51 Chelworth (Alt. Roof) - 21.02.23
- 1123.53 Primrose (Semi-Detached) - 21.02.23
- 1123.54A Tulip-Orchard-Alder-Primrose (Terrace x4) Plans - 18.05.23
- 1123.55A Tulip-Orchard-Alder-Primrose (Terrace x4) Elevations - 18.05.23
- 1123.56A Warden (Semi-Detached - Alt. Roof) - 18.05.23
- 1123.57 Holden (Alt. Roof) - 01.03.23
- 1123.58 Garages 01.03.23
- 1123.59A Cornell - 18.05.23

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

3 Prior to the commencement of development, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details of the order and timescales (relative to the occupation of homes) in which works will be provided including highway works on and off site including roads and footpaths, the landscaping, signage for promoting walking routes, public open space, the park, play area, boundaries around the application site and the acoustic screening. The development shall only be implemented in accordance with the approved Phasing Plan.

Reason: To ensure the satisfactory phasing of the development and to ensure that infrastructure is delivered in a coordinated and planned way.

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials (including hard surfacing) to be used for the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction works. 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 high quality appearance and have regard to the character of Wheldrake.

5 Notwithstanding the details shown on the approved drawings details of the

means of enclosure (including access gates), between and around gardens and around and within proximity of the boundaries of the application site 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 in accordance with the phasing plan pursuant to condition 3.

Reason: In the interests of the visual amenities of the area, the amenities of neighbouring properties and to ensure that public areas, including entrances to the site are sensitive to the character of the surrounding area.

6 Notwithstanding the approved elevation drawings of the proposed house types on the approved application, the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development of any homes above foundation level:

Tumbling-in brickwork used on a minimum of 5 gable elevations on plots to be agreed.

Use of bespoke canopies used above front doors on a minimum of 20 properties to be agreed (minimum of two different designs).

The development shall be carried out in accordance with the approved materials.

Reason: To create local distinctiveness and have regard to the character of the historic core of Wheldrake.

7 Notwithstanding the approved details no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, stock size, density (spacing), and position of trees, shrubs, hedgerows (and infilled hedgerows), bulbs and other plants; seeding mix, sowing rate and mowing regimes where applicable. It will also include details of tree pits and ground preparation. The development shall be carried out in accordance with the approved details in accordance with the phasing plan pursuant to condition 3. Any trees, hedges or shrubs located in public areas which die, are removed or become seriously damaged or diseased within the lifetime of the development, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, including hedgerow improvements and tree planting to the southern and eastern boundaries of the site as the landscape scheme is integral to the amenity and open space provision of the development.

8 Prior to the commencement of development, a complete and detailed

Arboricultural Method Statement 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/hedge works if applicable, site rules and prohibitions, phasing of works, means of installing utilities and fencing, and location of site compound. The development shall be carried out in accordance with approved Arboricultural Method Statement. A copy of the document shall be available for reference and inspection on site at all times.

Reason: To protect existing trees and hedges which are considered to make a significant contribution to the amenity of this area and/or development.

9 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed as described in the Biodiversity Gain Assessment provided by BSG Ecology (August 2022).
- b) Programme of works to install mitigation measures required through the Habitat Regulations Assessment provided Wold Ecology Ltd (May 2022).
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

Reason: To ensure wildlife mitigation, compensation and enhancements measure are managed and maintained appropriately.

10 No development shall take place (including ground works and vegetation

removal) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The 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 protect the designated Site of Importance for Nature Conservation in line with Policy GI2 in the Publication Draft Local Plan (2018).

11 No removal of hedgerows, trees or scrub shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared 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.

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

12 Prior to the commencement of development 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.

Show how and where external lighting will be installed, so that it can be clearly demonstrated that areas to be lit will not disturb light-sensitive wildlife, such as bats.

Indicate lighting of streets and public spaces.

Indicate proposed lighting of parking courts.

The development shall be carried out in accordance with the approved details in accordance with the phasing plan pursuant to condition 3. Thereafter the lighting shall be retained in accordance with the approved lighting plan.

Reason: To maintain the favourable conservation status of bats and ensure the site remains attractive to other light sensitive species whilst providing suitable security and safety for people.

13 A 2.6m high acoustic fence shall be erected on the western boundary of the application site with the industrial estate. The precise location and extent of the fence along with its design and acoustic insulation qualities shall be approved in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details and in accordance with the phasing plan pursuant to condition 3. Thereafter the fence shall be retained in full and maintained so that it retains its approved acoustic insulation qualities.

Reason: To protect the amenity of nearby properties

14 Prior to the commencement of development above ground floor level of any dwelling on plots 1 to 27 and 39 to 41 of the approved site plan, details of the proposed glazing of doors and windows and of internal mechanical ventilation shall be submitted to and approved in writing by the Local Planning Authority. The glazing and mechanical ventilation shall be installed in accordance with the approved details prior to occupation and thereafter retained in full working order to retain the achieved levels of acoustic insulation for habitable rooms.

Reason: To protect the amenity of nearby properties

15 Details of the means to ensure that the emergency link between the application site and Back Lane South cannot be used by non-emergency cars or

vans 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 and in accordance with the phasing plan pursuant to condition 3 and shall be managed and maintained in full accordance with the approved details.

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

16 Notwithstanding the approved drawings, prior to the commencement of the development, details of the design of the public vehicular access between the application site and Main Street, together with associated sightlines 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 and in accordance with the phasing plan pursuant to condition 3.

Reason: In the interests of highway safety.

17 Details of the following highway works shall be undertaken in agreement with the Local Planning Authority:

The construction of a footway (width to be agreed) between the main entrance to the application site and the footpath at the eastern edge of Wheldrake Industrial estate.

The construction of informal pedestrian crossing points with tactile paving across the main entrance to the site adjacent with Main Street.

The construction of a footpath no greater than 20m long to the east of the main road entrance to the site with an informal crossing point with tactile paving on each side of Main Street.

The widening (3.7m), strengthening and surfacing of Back Lane South between Main Street and the proposed emergency access to the north-east corner of the application site.

the development shall be carried out in accordance with the approved details and in accordance with the phasing plan pursuant to condition 3.

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

18 Notwithstanding the submitted details, a designated car club car parking space, shall be provided on the application site in a location and of a design to be agreed with the Local Planning Authority. The development shall be carried out in accordance with the approved details and in accordance with the phasing plan pursuant to condition 3. The space shall thereafter be retained for car club parking.

Reason: To ensure that traffic flows from the site can be safely accommodated and to promote the use of sustainable means of transport

19 Prior to the occupation of any of the approved dwellings details of the location and design of a protective barrier(s) to be erected along the southern edge of the site to protect proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. The barrier shall be erected as approved prior to the planting of any trees within the landscaped area and thereafter shall be retained as approved.

Reason: To protect the landscaped area and trees from encroachment by vehicles

20 Prior to commencement of development details/specification of the hard landscaping scheme including ground surface finishes for driveways/parking, paths etc 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 and in accordance with the phasing plan pursuant to condition 3.

Reason: So that the Local Planning Authority may be satisfied with these details. In the interests of the character, appearance, and special interests of the area and the heritage assets.

21 Prior to the development commencing above foundation level details of secure and covered cycle parking provision for each home, shall be submitted to and approved in writing by the Local Planning Authority. Each home shall not be occupied until the cycle parking provision been provided in accordance with the approved details and shall thereafter be retained.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads.

22 No dwelling on the site shall be occupied until the turning areas associated with the servicing and occupation of that dwelling have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

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.

23 Prior to the development commencing full detailed drawings showing the design and materials for roads, footways, cycleways and other highway areas (and which shall comply with the requirements set out in the NYCC Residential Design Guide and Specification - second edition) shall be submitted to and

approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and in accordance with the phasing plan pursuant to condition 3.

Informative: Submitted information should include: include the design of tree pits/root barriers for trees shown in private areas but near the adopted highway and street lighting as well as tactile paving and crossing points, etc

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

24 No part of the development shall be occupied until an updated Full Travel Plan including updated targets has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of the Travel Plan as so approved.

Once 50% occupation is reached a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of annual travel surveys carried out over a period of 4 years (+ 2 years if targets not reached) from the first survey shall then be submitted annually to the authority's travel plan officer for approval in writing.

Reason: To promote sustainable transport and reduce pressure on the highway in accordance with section 9 of the NPPF.

Informative: Please contact [development.adoption@york.gov.uk](mailto:development.adoption@york.gov.uk) to arrange joint dilapidation survey. Please contact [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk) to discuss Temporary Traffic Regulation Orders.

25 A detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The 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;
- management of traffic to the site to avoid or minimise impacts on Wheldrake village;
- the safe routing of pedestrians around the site;
- the extent and programming of any road /footway closures;
- a scheme for signing the promoted construction traffic routing;

- an outline programme/ schedule for deliveries to site
- hours of work/access;
- where contractors will park; and
- where materials will be stored within the site.

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

26 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.

27 Notwithstanding the submitted details, development shall not take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved in writing by the Local Planning Authority. The information shall include site specific details of:

- i) means by which the surface water discharge rate shall not exceed 4.3 (four point three) litres per second (l/sec),
- ii) the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved,
- iii) a topographical survey showing the existing and proposed foul and surface water drainage invert and cover levels, 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, and
- iv) the future management and maintenance of the proposed drainage scheme.

The development shall be carried out in accordance with the approved details and in accordance with the phasing plan pursuant to condition 3.

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

28 The site shall be developed with separate systems of drainage for foul and

surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

29 No construction works in the relevant areas of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that accesses to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

For Information:

The application drawings indicate an abandonment of the 150mm diameter public foul sewer to the west of the site, which will be subject to Yorkshire Water's formal procedure (in accordance with Section 116, Water Industry Act 1991).

Reason: In the interest of public health and maintaining the public sewer network.

30 Prior to the occupation of any dwelling on the site the existing chiller unit located at Village Green Preserves (or any subsequent occupier of that site) shall be removed. If it is replaced, the noise output of the replacement chiller unit and its location shall be approved in writing with the Local Planning Authority and the unit shall be installed and operational at that site in accordance with the details that have been submitted to and approved in writing by the Local Planning Authority

Reason: To protect the amenity of nearby properties

31 Prior to the occupation of any dwelling on the site, equipment to suitable address filtration and odour levels at Village Green Preserves (or any subsequent occupier of that site) shall be in place and operational at that site in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of nearby properties.

32 Details of any noise associated with the proposed pumping station which is audible at the nearest home or private garden, shall be submitted to the local planning authority for approval. These details shall include average sound levels

(LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

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

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

33 Prior to development (excluding demolition), a site investigation and risk assessment must be undertaken to assess the nature, scale and extent of any land contamination and the potential risks to human health, groundwater, surface water and other receptors. A written report of the findings must be produced and is subject to approval in writing by the Local Planning Authority. It is strongly recommended that the report is 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.

34 Where remediation works are shown to be necessary, development (excluding demolition) shall not commence until a detailed remediation strategy has been submitted to and approved by the Local Planning Authority. The remediation strategy must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the proposed remediation works are appropriate and will remove unacceptable risks to identified receptors.

35 Prior to first occupation or use, remediation works shall be carried out in accordance with the approved remediation strategy. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be submitted to and approved by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the agreed remediation works are fully implemented and

to demonstrate that the site is suitable for its proposed use with respect to land contamination. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

36 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.

37 Notwithstanding the approved drawings, prior to the commencement of development above foundation level, full details of the design and provision of all public green open spaces (and associated hard surfacing, landscaping and furniture), including the design of the main area of recreational open space and the associated equipped play area 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 and in accordance with the phasing plan pursuant to condition 3.

Reason: To ensure suitable recreational provision is provided for future users.

38 Prior to the construction of homes above foundation level details of signage to be erected at the site (location and design) to promote the use of local walking/dog walking routes that minimise impacts on ecologically important areas shall be submitted to and approved in writing with the Local planning Authority. The signage shall be erected in accordance with the approved details and in accordance with the phasing plan pursuant to condition 3. It shall thereafter be retained as approved in a functional and presentable condition.

Reason: To promote walking routes that do not impact on birdlife associated with Lower Derwent Valley.

39 The dwellings shall achieve a reduction in carbon emissions of at least 31% compared to the target emission rate as required under Part L of the Building Regulations 2013 and a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

Should the dwellings not achieve a reduction in carbon emissions of 75%, compared to the target emission rate as required under Part L of the Building Regulations 2013, prior to construction a statement to demonstrate that such reductions would not be feasible or viable shall be submitted to and approved in writing by the Local Planning Authority.

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

40 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Class B (additions etc to a roof of a dwelling house) of that Order shall not be constructed at the completed homes built on plots 49,50, 60, 65, 68,76, 105, 110, 117 and 126 of the approved site plan, furthermore, no additional openings shall be created above ground floor level in the rear elevations of these homes additional to those shown on the approved drawings.

Reason: As the development is designed with some homes that have blank or minimally glazed rear elevations adjacent to neighbouring gardens the Local Planning Authority considers that it should exercise control over any future dormer openings or rear windows which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015.

41 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, AA,B, C and E of Schedule 2 Part 1 of that Order (including the insertion of windows or doors) shall not be erected, inserted or constructed at the completed homes built on plots 1 to 27 and 39 to 41 of the approved site plan.

Reason: To ensure that homes close to the industrial estate retain adequate acoustic insulation to avoid conflict with the operation of businesses the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015.

42 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2 Part 1 (or any Order revoking and re-enacting that Order with or without modification) all obscure glazing shown within the approved dwellings shall at all times be retained as

approved.

Reason: In the interests of amenity, to ensure no unacceptable overlooking of existing houses and gardens surrounding the building. As such the Local Planning Authority considers that it should exercise control over any future windows which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

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

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

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

With respect to dust mitigation, measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further

information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

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

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

Reason: To protect the amenity of the locality

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

Monday to Friday	0800 to 1800 hours
Saturday	0900 to 1300 hours

Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of the locality

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH**

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

- Requested revised plans
- Requested additional information
- Use of conditions
- Use of planning obligations

## 2. Highways Informatives

### o Consent for highway works

You are advised that prior to starting on site, consent will be required from the Highways Authority for the works being proposed under the Highways Act 1980 (or legislation/regulations listed below). For further information, please contact the section(s) named:

- Adoption of highway (Section 38) - [development.adoption@york.gov.uk](mailto:development.adoption@york.gov.uk)
- Agreements as to execution of works (Section 278) - [development.adoption@york.gov.uk](mailto:development.adoption@york.gov.uk)
- Temporary and permanent traffic orders - [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk)

### o Utilities within shared surfaces

You are reminded that where utilities are to be located needs careful consideration within the shared street, and if they are to be located in the 'carriageway' they should be positioned to minimise disruption should they need maintenance, repair or replacement.

### o 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 HGVs). 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.

### o Dilapidation survey

Application Reference Number: 21/02283/FULM

Item No: 3a

You are advised to contact [development.adoption@york.gov.uk](mailto:development.adoption@york.gov.uk) to arrange joint dilapidation survey.

### 3. Informative regarding Electric Vehicle (EV) charge points

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.

4. 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.
- d. any construction, fencing or planting within 9 metres of the top of the embankment of a Board maintained watercourse

Please note that the Board does not, generally, own any watercourses and the requirement for you to obtain the Board's consent is in addition to you obtaining consent from any land owner or other authority to carry out the relevant works.

Full details of the Consent process can be found on our website:-

<http://www.yorkconsort.gov.uk>

### 5. Sewer Adoption

If the developer is looking to have new sewers include in a sewer adoption agreement with Yorkshire Water they should contact their Developer Services Team at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.

## 6. 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.

## 7. LEGAL AGREEMENT

Your attention is drawn to the existence of legal obligations under Section 106 of the Town and Country Planning Act 1990 relating to this development.

### **Contact details:**

**Case Officer:** Neil Massey  
**Tel No:** 01904 551352