



Appeal Decision

Inquiry held on 10 March 2026

Site visit made on 9 and 10 March 2026

by Phillip J G Ware BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th June 2026

Appeal Ref: APP/C2741/W/25/3375090

Land to the south of Sugar Hill Farm, Stockton Lane , York YO31 0LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Taylor Wimpey Ltd against the decision of City of York Council.
 - The application Ref is 24/02302/OUTM.
 - The development proposed is in outline with all matters reserved (save for the point of access details on Stockton Lane) for up to 380 dwellings (including 2 gypsy and traveller pitches), community facilities/childcare provision/retail unit and associated works.
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Decision

1. The appeal is allowed and outline planning permission with all matters reserved (save for the point of access details on Stockton Lane) is granted for up to 380 dwellings (including 2 gypsy and traveller pitches), community facilities/childcare provision/retail unit and associated works on land to the south of Sugar Hill Farm, York, YO31 0LA in accordance with the terms of the application, Ref 24/02302/OUTM, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The above description was amended, largely to include specific reference to gypsy and traveller pitches, with the agreement of both parties following the discussion at the Case Management Conference. These changes were the subject of targeted re-consultation. I am satisfied that no party would be prejudiced by considering this description.
3. An Environmental Statement (ES) was submitted with the application. I have had regard to the ES and other relevant environmental information, and consider that the ES can be regarded as satisfactory in terms of the EIA Regulations.
4. A s106 obligation, dated 26 March 2026, was discussed in final draft form at the Inquiry and was subsequently submitted in signed form. It is between the Council, two owners and the appellants. I return to this matter below.

Main Issues

5. Planning permission was refused by the Council on 9 May 2025 for six reasons. These dealt with the following broad matters:

- Lack of a Masterplan for a wider allocation, including open space/sports provision.
 - The effect on Garden Village principles including sustainable movements, and landscaping.
 - Lack of gypsy and traveller provision.
 - Housing mix and density.
 - Archaeology.
6. The appellant responded to the reasons for refusal by submitting a range of further material, which was reviewed by the Council prior to the authority submitting its Statement of Case. There were extensive discussions between the parties at that stage and subsequently.
 7. Following discussions between the parties the above matters have been essentially agreed between the parties – as summarised in the next section.
 8. The only remaining issue relates to the proposed education contribution. It is agreed that a contribution is necessary to mitigate the effect of the proposal on educational provision related to the increase in the number of pupils. This is required by LP policy SS9(4). The dispute is over the inputs into the calculation.
 9. Overall the Council confirmed at the Inquiry that it no longer sought that the appeal be dismissed, and stated that it complies with the development plan taken as a whole. It therefore attracts the statutory presumption of s38(6) and there are no material considerations which overwhelm that presumption. The Council also confirmed that the proposal attracts the presumption in favour of sustainable development in paragraph 11(c) of the National Planning Policy Framework.

Reasons

Planning history and the discussions between the main parties

10. The development plan includes the City of York Local Plan (LP) 2017-2033 (adopted February 2025),
11. The appeal site is a substantial part of a wider area which is allocated for housing in the LP. Prior to the adoption of the LP there has been no development plan in the area since the mid-1950s, and the emerging LP allocation dates back over 13 years.
12. The wider allocation (ST7) proposes a Garden Village including around 845 dwellings on land to the north and south of Bad Bargain Lane. The appeal site forms around one half of this overall allocation.
13. LP policy SS9 deals with, amongst many other matters, the need for developer contributions, Principle 4 seeks to secure developer contributions for education purposes, including primary and secondary, which meet the needs generated by the development. This policy could be breached if the education contribution was insufficient. Other relevant policies are set out in the Statements of Common Ground, but do not need to be rehearsed here given the position of the parties. Suffice it to say that neither main party alleges a breach of any of the numerous other relevant LP policies.

14. The lack of a Masterplan covering the entire allocation has apparently been discussed in some detail between the main parties. In the context of this outline proposal it has been agreed that an indicative Masterplan for the appeal site alone shows sufficient detail covering a range of matters including open space and a local centre. This meets the necessary requirements in relation to the appeal site. In addition the Council is satisfied that the flexible space for non-residential activity provides sufficient scope for community and retail uses.
15. There is no policy basis to require the entire allocation to come forward in one scheme. It is understood that the land south of Bad Bargain Lane is in multiple ownerships, and resolution of this matter could unnecessarily delay the development of the area which is the subject of this appeal. Accordingly it is no longer suggested by the Council that the proposal, occupying only part of the allocation, would prejudice delivery of the wider strategic allocation. I agree with that conclusion.
16. The issues related to Garden Village principles have also been agreed. In particular that there is no need for a design code or further details at this outline stage. Additionally there is agreement related to highway and accessibility measures, including access to nearby facilities on foot or by bicycle and funding has been secured for sustainable transport measures. Based on the evidence I agree with that position.
17. The appellant's position is that gypsy and traveller provision, in line with policy, was always intended. The requirement for the entire allocation is the provision of three pitches. However this was not explicit on the face of the proposal and, for the avoidance of doubt, this was the subject of an agreed amendment. Targeted consultation was then undertaken, and this issue has been resolved to my satisfaction. This would be secured by a condition and an obligation.
18. In the light of revised plans, the Council has stated that it is satisfied that an acceptable density can be achieved on site and that the dwelling mix and provision of older persons specialist housing can be controlled by condition. I agree with that position.
19. In relation to archaeology, trial trenching has been undertaken in accordance with an agreed Scheme of Investigation. This has resolved the Council's concern regarding inadequate information, and I concur with that resolution.
20. There was a dispute between the main parties related to the adequacy of the Shadow HRA. However it has been agreed that the question of the SANG provision can be addressed by an agreed condition. I have no reason to disagree.

The adequacy of the education contribution

21. There is no dispute that it is necessary to mitigate the effect of the proposal on educational provision, related to the increase in the number of pupils. This is required by LP policy SS9(4).
22. The principle of off-site contributions is agreed, as is the formula. The only issue remaining between the main parties revolves around the build cost which would feed into the school construction costs, which in turn generates the necessary education contribution. All other aspects of the methodology are agreed, including an uplift to allow for higher sustainability and design costs. The dispute results in a

difference of £350,071, which illustrates the Council's concern about a real-world shortfall in funding the cost of meeting educational needs.

23. At the heart of this dispute lies the fact that the appellant uses regional construction costs, whereas the Council considers that there is persuasive evidence to use a local cost multiplier.
24. The guidance in DfE 'Securing Developer Guidance for Education' (and related Scorecards and PPG) – accepted by the parties as the start point - advises that a regional location factor (0.91) should be used.¹ The Guidance provides that, in the absence of cogent evidence to the contrary, the regional location factor should be used, but it also anticipates the possibility of moving away from regional figures.
25. The Guidance is that using anything other than the regional factor should be considered if there is a reasonable expectation of higher costs based on a range of factors. Two of these are local policy requirements and site abnormals. There is no local policy in the very recently adopted LP which might suggest an expectation of higher costs, and no suggestion of site abnormals.
26. The only factor which could apply would be recent trends of higher delivery costs in the area. It is this matter which is relied on by the Council in using a local factor (0.96), based on the BICS Tender Price Study for York and a sample size of 20 projects for York (as compared with 642 for the region). It is self-evident that the more local the study area the smaller the sample size will be.
27. The Council's evidence on individual education projects includes a number of types of project – including rebuilds. These cannot be comparable with the current proposal.
28. The Council has criticised the appellant for not providing evidence that actual York costs are the same as the regional costs. But to my mind, this is not a valid criticism of the approach, as the agreed start point is the DfT preference for a regional figure.
29. The Council has stated that their approach has not been challenged before, but there is no reason suggested as to why that may be the case. There could be a number of reasons why this has not happened, and no suggestion that any of these instances is relevant in this case. This suggestion is not of any weight.
30. The Council's evidence in support of a local factor is very limited and does not, in my view, amount to a justification for departing from the national approach related to the mitigation of increased educational demand. The proposal therefore complies with LP policy SS9(4). The s106 obligation incorporates a 'blue pencil clause' to enable me to strike out whichever figure, based on the evidence, should be not used for the contribution. For the avoidance of doubt, based on the above considerations, I prefer Option B, the appellant's position, as set out in the s106 Obligation at 4.18 and Schedule 3.

Other Matters

31. Various matters have been raised by third parties, including the Parish Council. A number of these relate to the absence of a masterplan covering the allocated site and the fact that the proposal only relates to part of the overall area. Additionally

¹ Expressed relative to a national figure of 1.00

there is concern about the amount of non-residential uses and the need for an archaeological investigation. I have dealt with these matters above.

32. Largely unsupported objection has been raised related to highway matters. However, given the lack of objection from the highway authority, this objection has very little weight.
33. It is common ground between the parties and Natural England that the appellant's shadow Habitats Regulations Assessment, supported by the proposed condition will meet the terms of the Habitats Regulations and will ensure that the any adverse effect on the integrity of the Strensall SAC can be avoided, and I adopt it for the purposes of my consideration.

Conditions

34. The conditions set out in this decision have been discussed and agreed by the main parties. Those pre-commencement conditions have been agreed by the parties. I have made only minor typographical changes. They all meet the Framework tests in that they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
35. I have made a minor change to the wording of Condition 2, in the interests of increased precision. I have altered Condition [38] to require the provision of policy-compliant gypsy and traveller pitches, as occupation cannot be required.
36. Conditions are necessary to identify the approved and indicative plans [1 and 2], and to control reserved matters and phasing [3, 4 and 5]. A Phasing Strategy is also needed in the interests of the health of residents, the promotion of active travel, and in the interests of housing provision [5]. Pedestrian and cyclist facilities and priority are also necessary, along with bus stops, a Travel Plan and a car club. All in relation to the promotion of active travel measures and sustainable transport [30, 33, 33 34 and 37]. A range of shops and other facilities are an integral part of the scheme, and a condition is necessary to ensure their provision [39].
37. It is necessary to address the housing mix, including older persons accommodation and custom/self-build housing, in line with policy. This is so as to contribute to the housing needs of the area [6, 7 and 8].
38. In the interests of the provision of sufficient open space and sports pitches in line with policy, conditions are necessary to ensure at least minimum quantum and control the details of the landscape reserved matters [9, 10 and 12]. For a similar reason it is necessary to ensure the provision of Suitable Natural Green Space [11].
39. Some archaeological work has been undertaken but, in the interests of heritage and policy, conditions are necessary to require a programme of archaeological mitigation and community engagement [13 and 14].
40. Tree and hedge retention is a necessary element in terms of the biodiversity of the area, as well as for visual reasons [15]. Similarly conditions are necessary to deliver biodiversity gains [16 - 19].
41. In accordance with policy and to achieve sustainable design and construction a condition is needed dealing with carbon emissions and water consumption [20].

- 42. In the interests of protecting the amenity of existing residents of the area, a condition is necessary requiring a Construction Management Plan to be put in place and adhered to [21].
- 43. Various conditions are necessary to investigate land contamination, deal with and verify any remediation, and address any unexpected contamination [22 - 25].
- 44. As part of the site and access thereto is in Flood Zones 2/3, flood mitigation measures are required [26]. To provide a natural approach to managing water, a condition is necessary [27].
- 45. In the interests of highway safety Construction Traffic Management Plans are necessary covering a range of highway matters during the construction period [28 and 29]. For the same reason details of the site access and highway works, along with safe access to each dwelling need to be submitted and adhered to [31, 32 and 36].

Planning Obligation

- 46. The planning obligation, as referenced above, has been entered into between the Council, the developer and the landowners. This deals with a range of matters: affordable housing; gypsy and traveller pitches; self/custom build housing; highways and active travel; public open space; off-site sports; BNG monitoring; and healthcare. A comprehensive Community Infrastructure Levy Compliance Note has been submitted and I agree all the matters therein.
- 47. In addition, as referenced above, the s106 deals with education provision. There is agreement that this provision is necessary and that it meets all the tests. The only debate is the extent of the contribution. For these reasons the Obligation meets the policy in paragraph 58 of the Framework and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Planning balance and conclusion

- 48. As set out above, it is agreed that the proposal accords with the development plan taken as a whole. It therefore attracts the statutory presumption of s38(6) and there are no material considerations which conflict with that presumption. It also attracts the presumption in favour of sustainable development in paragraph 11(c) of the National Planning Policy Framework.
- 49. For the reasons given above the appeal should be allowed.

Phillip J G Ware

INSPECTOR

SCHEDULE OF CONDITIONS

1. Approved plans

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

- Red Line boundary 1307.01 (dated 3.12.24)
- Stockton Lane access – 22106 GA 04C
- Bad Bargain Lane access – 22106 GA 06A

2. Approved plans

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

- Parameter plans
- Land uses plan – 1307.11 (dated 08.01.26)
- Movement and access plan - 1307.12 (dated 08.01.26)
- Green infrastructure – 1307.13 (dated 08.01.26)
- Building heights - 1307.14 (dated 08.01.26)
- Development Area Plan - 1307.15 (dated 08.01.26)

And generally consistent with the following Illustrative landscape masterplans:

- P23 1579 EN 0001 S1 Rev.F Illustrative landscape masterplan
- P23 1579 EN 0002 S1 Rev.D Open space plan
- P23 1579 EN 0003 S1 Rev.E Indicative Suitable Natural Greenspace plan

3. Time for development to commence

Detailed drawings illustrating all of the following matters (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works in any phase, and the development shall be carried out in accordance with such details:

Details to be submitted: appearance, landscaping, layout, scale of the proposed development.

4. Application(s) for all reserved matters

Application(s) for all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the final reserved matters.

5. Phasing

No development shall commence until a detailed Phasing Strategy has been submitted to and approved in writing by the Local Planning Authority. The

development shall be implemented in accordance with the approved Phasing Strategy.

The strategy shall include the completion times of:

- Open space and sports pitches.
- Suitable Natural Greenspace.
- Walking and cycling routes connecting to Bad Bargain Lane (as shown indicatively on the access and movement parameter plan).
- Any temporary walking and cycling routes connecting to Bad Bargain Lane.
- Bus stops within the site (including any temporary arrangements). The permanent arrangement shall include two bus stops along the spine road.
- Bus route along the spine road and safeguarded bus route to the south boundary of the site.
- Car club provision (provision of 2 spaces unless the operator confirms in writing that such provision would not be acceptable).
- Custom and self-build plots.
- Retail / commercial / community facilities / village centre.
- Gypsy and traveller pitches and access route.

6. Housing mix

Before or concurrently with the first application for the approval of reserved matters, a strategy for providing an accommodation mix on-site aligned with York's housing needs (as identified in the latest Local Housing Needs Assessment (LHNA) and in any other appropriate local evidence or national policy) shall be submitted to and approved in writing by the Local Planning Authority.

The strategy shall determine the percentage of housing by bedroom size (within a range of up to 5%) to be provided. The strategy shall also specify the minimum proportion of houses which shall meet the higher access standards of Part M Building Regulations.

All applications for approval of reserved matters which include dwellings shall be in accordance with the approved strategy.

7. Older persons accommodation

Before or concurrently with the first application for the approval of reserved matters, a strategy for providing older persons specialist housing on-site shall be submitted to and approved in writing by the Local Planning Authority.

The strategy shall evidence the amount and types of accommodation for older persons and that its proposed location has considered accessibility requirements of the intended residents.

All applications for approval of reserved matters which include dwellings shall be in accordance with the approved strategy.

8. Custom and self-build housing

At least 5% of all dwelling plots shall be for sale to self-builders or to small/custom house builders.

The self and custom build plots shall be provided with services (access to a public highway and connections for electricity, water and waste water) to the extent that they

can be defined as serviced plots, as defined in The Self-build and Custom Housebuilding Regulations 2016.

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

9. Public open space

The development shall provide at least the following quantum of public open space onsite -

Children’s play	0.41ha
Teenagers play	0.18ha
Outdoor sports pitches	0.85ha
Allotments	0.25ha
Parks and gardens	0.16ha

Before the first application for the approval of reserved matters, a strategy evidencing how the quantum of each of open space type will be accommodated on site, broadly following the illustrative landscape masterplan (P23 1579 EN001 Rev.F), shall be submitted to and approved in writing by the Local Planning Authority.

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

10. Sports pitches

Prior to occupation of any dwellings, a scheme for the provision of formal sports pitches shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall set out details of the size, location, type, design and specification of the sports pitches, and associated changing facilities. All natural turf pitches shall be constructed in accordance with Sport England Natural Turf for sport (2025).

The sports pitches spaces shall be provided in accordance with the Phasing Strategy approved pursuant to Condition 4 and shall be completed in accordance with the scheme approved under this condition.

11. Suitable Natural Green Space

Before the approval of any reserved matters a scheme for providing measures to be delivered to mitigate the impacts to Strensall Common SAC shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in full accordance with the approved scheme (and the approved phasing strategy) and retained in perpetuity in accordance with the approved details.

The scheme shall include –

- On-site of suitable natural greenspace of at least 7.6ha and a walking route of at least 3.5km.
- The design principles referenced on Indicative Suitable Natural Greenspace drawing P23 1579 EN 0003 REV E.
- The walking routes shall be within semi natural landscape areas and paths shall be at least 6m away from developed areas (such as estate roads/footpaths and domestic curtilage) as shown on illustrative drawing 1307.18B. Between the path and the edge of the development footprint, tree and shrub/hedge screening shall be provided to create a visual separation, albeit perforated and/or managed to prevent complete enclosure, and increase tree cover so that the habitats in open green space are diverse.
- The location and design of interpretation, way-finding signs, seating and waste bins to be provided (on-site).
- Suitable Natural Greenspace Management Plan to include the following details:
 - Description and evaluation of features to be managed.
 - Ecological trends and constraints on site that might influence management.
 - Aims and objectives of management.
 - Appropriate management options for achieving aims and objectives.
 - Prescriptions for management actions.
 - Preparation of a work schedule (including an annual work plan capable of being rolled forward over in perpetuity in accordance with the approved details).
 - Details of the body or organisation responsible for implementation of the plan.
 - Ongoing monitoring and remedial measures.

12. Landscaping reserved matters

No development shall commence in any phase until landscape reserved matters for that phase have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved landscape reserved matters.

13. Archaeology

A programme of archaeological mitigation (specifically archaeological excavation) is required for each phase of development. The mitigation for each phase shall be fully completed prior to first occupation of a dwelling in the relevant phase of development.

- No ground-disturbing works shall take place until a written scheme of investigation (WSI) for all outlined archaeological works, including Ground Investigation watching briefs, additional evaluation or excavation has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.
- Following the site investigation and post-investigation assessment within the programme set out in the WSI approved under condition (a) the WSI must be updated to make provision for analysis, publication and dissemination of results and archive deposition. The Updated WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.
- A copy of a report (and evidence of publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 12 months of completion.

14. Archaeology

No archaeological excavation shall take place until a Community Engagement programme has been submitted to and approved by the LPA. The Community Engagement programme will be incorporated with the Written Scheme of Investigation (WSI) required under condition 13.

A report on the Community Engagement programme outcomes shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 12 months of completion.

15. Tree and hedgerow retention

Prior to commencement of any phase of the development an Arboricultural Method Statement and a Tree and Hedgerow Protection Plan for that phase shall be submitted to the Local Planning Authority. Any submitted Arboricultural Method Statement and a Tree and Hedgerow Protection Plan shall include evidence of compatibility with underground and overhead utilities, street lighting and a drainage strategy and shall be in accordance with BS 5837: Trees in relation to design, demolition and construction - recommendations shall be submitted to and approved in writing by the local planning authority. A copy of the document shall be available for reference and inspection on site at all times. The development shall be implemented in accordance with the approved details.

16. Habitat Management and Monitoring Plan

Prior to commencement of the development hereby permitted a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the

Local Planning Authority (LPA). The HMMP shall be compiled by a suitably qualified ecologist and should detail how wildlife enhancements and habitats are to be created, enhanced, managed and maintained. The content of the HMMP shall cover all proposed onsite and offsite landscape and habitats and include the following:

- Ecological trends and constraints on site that might influence management.
- The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan.
- Appropriate management options for achieving aims and objectives.
- The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development.
- The roles and responsibilities of the people or organisation(s) delivering the HMMP.
- The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.
- Schedule for reporting findings to the LPA.

The HMMP 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 HMMP 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 results of the monitoring must be submitted to the Local Planning Authority for written approval in years 1, 2, 3, 5, 10, 15, 20 and 30; biodiversity reconciliation calculations should be provided at each stage. The HMMP must be fully implemented as approved in accordance with the agreed timescales.

17. Construction Environmental Management Plan

- Prior to commencement of the development hereby permitted (including ground and enabling 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, but not be limited to the following:
 - Risk assessment of potentially damaging construction activities.
 - Identification of 'biodiversity protection zones'.
 - 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).
 - Detailed method of translocation applied to the lowland meadow habitat, which is to be translocated to the east of the Site (north of the Old Foss Beck).
 - The location and timing of sensitive works to avoid harm to biodiversity features and receptors, such as nesting.
 - The times during construction when specialist ecologists need to be present on site to oversee works.

- Responsible persons and lines of communication.
- The roles and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

18. Biodiversity enhancement

Before the approval of any reserved matters, a biodiversity enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved strategy.

The content of the plan shall include, but not be limited to, the erection/installation bat and bird boxes and provision of gaps in fence lines to facilitate movement of hedgehogs across the site.

19. Ecological Appraisal

Application(s) for reserved matters for any phase of the development shall include an up to date (no more than 2 years old) Preliminary Ecological Appraisal and any further necessary habitat or species surveys as recommended by the appraisal.

20. Sustainable design and construction

The Target Emission Rate (TER) for each dwelling shall be calculated using version 10 of the Standard Assessment Procedure (SAP) and submitted to the Local Planning Authority prior to construction to demonstrate an overall reduction in carbon emissions of at least 75% above Part L of the Building Regulations 2013 will be achieved. If a reduction of 75% or more cannot be achieved, a statement shall be submitted to demonstrate that such a reduction would not be feasible or viable and shall be approved in writing by the Local Planning Authority prior to construction. The development shall be carried out in accordance with the approved details.

The new build dwellings shall achieve a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

21. Construction management

No development shall take place on any phase until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Management plan shall be adhered to throughout the construction period. The plan shall include details of:

- Dust - A site-specific risk assessment of dust impacts in line with the guidance provided by the Institute of Air Quality Management and a package of mitigation measures commensurate with the risk identified in the assessment. 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.

- Air Quality - The air quality impacts associated with construction vehicles and nonroad mobile machinery and the proposed mitigation measures, commensurate with the identified risk.
- Noise - Details on maximum permitted noise levels; noise mitigation measures; and noise monitoring and compliance with relevant standards.
- Vibration - Details of any activities that may result in vibration, including piling. Details shall include maximum vibration levels and any required mitigation and monitoring.
- Complaints procedure - to detail how a contact number will be advertised to the public, investigation procedure when a complaint is received, any monitoring to be carried out, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken shall be kept and details forwarded to the Local Planning Authority every month throughout the period of construction.

22. Land contamination

Prior to commencement of development, 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.

23. Remediation Strategy

Where remediation works are shown to be necessary, development 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.

24. Verification of remediation

Prior to first occupation or use of each building, 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.

25. Unexpected Contamination

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.

26. Flood risk

The development hereby permitted shall be carried out in accordance with the flood mitigation measures as set out in section 3.4 of the Flood Risk Assessment Issue 5 dated 2nd May 2025, and specifically:

- Finished floor levels in Flood Zone 2 shall be at least 12.10 AOD.
- Floodplain compensation shall be provided to offset the lost volume of Flood Zone 2 being developed in the north-west corner of the site. This should be provided on a level-for-level, volume-for-volume basis. Prior to any construction in Flood Zone 2 a details scheme of floodplain compensation shall be submitted to and approved in writing by the local planning authority and the development shall be implemented in accordance with the approved details.
- Residents shall be advised to sign up to the flood warning service.

27. Drainage

No development shall commence until a site-wide strategy for foul and surface water drainage, implementing the principles of National standards for sustainable drainage systems 2025, has been submitted to and approved in writing by the Local Planning Authority. The site-wide strategy shall include a maximum run off rate of 10.3 litres/second. All drainage works shall be carried out in accordance with the approved details.

28. Construction management

Prior to commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Construction shall be undertaken in accordance with the approved Construction Traffic Management Plan.

The Construction Traffic Management Plan shall include arrangements for the following:

- Measures to prevent the egress of mud and other detritus onto the adjacent public highway.
- A dilapidation survey jointly undertaken with the local highway authority.
- The routing for construction traffic that will be promoted.
- Complaints strategy.
- Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue associated with highway safety.

29. Construction management (A64)

Prior to commencement of development, a Construction Traffic Management Plan in respect of heavy construction vehicles using the SRN (A64) shall be submitted to and approved in writing by the Local Planning Authority. Construction shall be

undertaken in accordance with the approved Construction Traffic Management Plan.

30. Pedestrian and cyclist priority

Each reserved matters application which includes details of layout shall include a design statement which explains how the scheme has been designed to:

- Promote walking, cycling and public transport use, and give priority first to pedestrian and cycle movements (particularly those with impaired mobility).
- Apply the principles within LTN 1/20, the Active Travel England: planning application assessment toolkit and national Inclusive Mobility guidance.
- Design measures to achieve a maximum speed limit of 20mph (to enhance safety for pedestrians, wheelchair users and cyclists).
- Entrance treatment, to include traffic calming measures, and pedestrian priority crossing of the spine road at the northern extent of the development area (as shown on the development area parameter plan).

31. Site access works

Prior to construction of the access works hereby approved (as shown on drawings 22106 GA 04 Rev C and 22106 GA 06 Rev A), a review of the design against LTN 1/20 guidance and a Road Safety Audit shall be undertaken for the works. Reports for Stages 1 and 2 must be submitted to and approved in writing by the Local Planning Authority (LPA) prior to works commencing on site. Following stages 1 and 2 any revisions to the approved plans, to accommodate recommended changes and the provision of LTN 1/20 compliant walking and cycling lanes, shall be submitted to the LPA for approval and the works shall thereafter be carried out in accordance with the approved details.

The Stage 3 Road Safety Audit report must be submitted to and approved in writing by the LPA prior to first occupation.

32. Highways works

Prior to first occupation of the development hereby permitted a scheme of the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) shall have been submitted to and approved in writing by the Local Planning Authority and carried out either in accordance with the approved plans, or arrangements entered into which ensure the same. The scheme shall include:

- Stockton Lane Access works as indicatively shown on drawing 22106/GA/04/C. The works shall include bus shelters, real time bus timetable display and street lighting.
- Bad Bargain Lane pedestrian/cycle/emergency access as shown on Bad Bargain Lane access drawing 22106 GA 06A.
- Bad Bargain Lane west improvement works (as shown in yellow on Optima drawing - Extent of proposed improvement works to Bad Bargain Lane - figure 20). Works shall include lighting, drainage, resurfacing, provision of a

footway which shall be generally 2m wide where practicable and subject to land constraints (narrowing, to no less than 1.5m, where necessary to avoid tree removal for example), passing places, the imposition of 20mph speed limit (including associated traffic calming measures) and parking restrictions.

- Dropped kerbs and tactiles at the junction of Bad Bargain Lane and Bramley Garth and reduction of junction radii.
- Bad Bargain Lane east resurfacing works (as shown in purple on Optima drawing - Extent of proposed improvement works to Bad Bargain Lane - figure 20).

33. Bus stops

The scheme shall include at least two bus stops within the Site. The location of the stops shall be submitted to and approved in writing by the local planning authority prior to or concurrent with submission of the first reserved matters application. The works shall be carried out in accordance with the approved details.

34. Cycle parking

Prior to the occupation of any dwelling, the location and design of the covered and secure cycle parking (providing for at least one space per bedroom) shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall accord with guidance within Local Transport Note 1/20 Cycle Infrastructure Design. The cycle parking shall be implemented in accordance with the approved details prior to the first occupation of the relevant dwelling.

35. Car Club

Prior to occupation of 150 of the dwellings hereby permitted, a scheme to accommodate at least one dedicated car parking space for a car club shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the location of dedicated car share space(s) and the trigger(s) for installation. The development shall be carried out in accordance with the approved details. The car club space(s) shall be retained at all times for the parking of car club vehicles.

36. Internal road construction

No dwelling to which this planning permission relates shall be occupied unless or until the carriageway basecourse and kerb foundation to the new estate road and footpath to which that relevant dwelling fronts, is adjacent to or gains access from, has been constructed. Road and footway wearing courses and street lighting shall be provided within three months of the date of commencement on the construction of the penultimate dwelling of the relevant phase of development.

37. Travel Plan

Before the first occupation of the development hereby permitted a Travel Plan shall be submitted to the Local Planning Authority and approved in writing. The plan shall include details of the Travel Plan co-ordinator and specifically detail measures to promote active travel. The plan shall be implemented in accordance with the

approved details. Results of annual travel surveys, a review of the surveys and any subsequent actions to meet the objectives of the plan shall be submitted annually to the Local Planning Authority.

38. Gypsy and traveller pitches

The two gypsy and traveller pitches shall be made available for occupation by Gypsies and Travellers (as defined in the Planning Policy for Traveller Sites 2024) at all times.

39. Retail provision

The c.200sq.m. retail space (use class F2) shall be provided in accordance with the approved phasing plan and shall be retained in an F2: Local Community Use (use class) at all times.

APPEARANCES**FOR THE APPELLANT:**

Paul G Tucker KC He called:	Instructed by Mark Johnson
Mark Johnson BSc(Hons) MRTPI MRICS	Director, Johnson Mowat
Philip Owen BEng(Hons) MSc CEng MCIHT MCILT	Director, Optima Highways
Amy Gilham BA(Hons) MSc	Senior Director, Turley
Andrew Baker BSc(Hons)	Director, Baker Associates
Josh Kitson BA(Hons)	Director, Walker Morris LLP

FOR THE LOCAL PLANNING AUTHORITY:

Scott Lyness KC He called:	Instructed by the Solicitor to the Council
Becky Eades BSc MRTPI	Head of Planning and Development Services
Jonathan Keyon BA(Hons) MA	Principal Planning Officer
Claire Roberts BA(Hons)	School Place Planning and Capital Projects Manager

INTERESTED PARTIES:

Andrew Garbutt	Heworth Without Parish Council
Walter Wright	Local resident
Mark Alan	Local resident
Peter Platts	Local resident

DOCUMENTS

Document 1	Opening statement for the appellant
Document 2	Opening statement for the Council
Document 3	Statement by Mr Garbutt
Document 4	Closing statement for the Council
Document 5	Closing statement for the appellant
Document 6	S106 planning obligation
Document 7	CIL Compliance Statement

Core documents may be inspected at:

<https://planningaccess.york.gov.uk/online-applications/>

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