

COMMITTEE REPORT

Date: 12 March 2020 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 19/00979/OUTM
Application at: Former Gas Works Heworth Green York YO31 7UG
For: Outline application with all matters reserved except for access, layout and scale, for the erection of a maximum of 625 residential apartments (use class C3), 130sqm (GIA) retail or community use floorspace (flexible use incorporating use classes A1-A4/ D1), 2no. gas governor compounds, site remediation, associated access, car parking, amenity space and landscaping after demolition of existing pipework, structures and telephone mast.
By: Heworth Green Developments Ltd and Moda Living Ltd
Application Type: Major Outline Application (13 weeks)
Target Date: 3.4.2020
Recommendation: Approve subject to completion of S106

1.0 PROPOSAL

APPLICATION SITE

1.1 The site was previously occupied by York Gas Works, who manufactured gas from coal. The gasworks site expanded to the east side of the Foss around 1880. It primarily occupied the land between Heworth Green and Layerthorpe - between the application site and the river, which has now mostly been remediated and re-developed. Buildings are evident in the location of those existing on site on the 1910 maps and the gasholder on the 1952 map. Currently on site is a gasholder, the above ground gas pipes and ancillary buildings. Previously the land on the northern side of the site was used as allotments and also sports facilities. There is a radio / telecommunications mast on the site which was installed in the 1980's.

1.2 The gasholder has been decommissioned and the hazardous substance consent(s) that previously applied to the site were revoked in 2017.

1.3 The site was historically connected by rail, along the now Sustrans route which runs alongside the south-east boundary.

1.4 The site is surrounded by domestic buildings, along Heworth Green, Mill Lane, Hawthorne Grove and Layerthorpe. However to the south-western side of the site land uses were historically industrial and consequently larger scaled buildings dominate; along Eboracum Way, James Street, Foss Islands, King's Pool, Hungate and around Navigation Road.

1.5 The site affects the setting of designated Heritage Assets. The Heworth Green/East Parade Conservation Area extends into the front of the site fronting Heworth Green. Listed buildings in the vicinity include a summerhouse at 19 Heworth Court and Heworth Croft on the opposite side of Heworth Green, 26 Heworth Green, 44, 46, 48-50 Heworth Green, all of which are of 19th century date.

1.6 The site can be regarded as previously developed. It is on the Brownfield Land register and is allocated in the 2018 Publication Draft Local Plan for housing; 336 dwellings, site reference H1. The site covers 3.56 hectares (ha)

PROPOSALS

1.7 The application is in outline with the means of access, the layout and the scale detailed.

1.8 After a cut and fill remediation exercise, ground levels will be lowered and set at 11.2m above ordnance datum (AOD). The gas pipes remain necessary and will be relocated underground.

1.9 The phone / radio mast is removed to accommodate this scheme. A replacement on site is envisaged and would be subject to a separate application.

1.10 The primary access will be from Heworth Green; the existing entrance reconfigured to a residential, rather than commercial scale. The existing Layerthorpe access will be for service vehicles only. It will also provide pedestrian and cycle access through the site. A new connection into the Sustrans route is proposed that would allow permeability across the site and beyond.

1.11 In terms of layout blocks A and C are proposed on the Heworth Green side of the site, these will be set behind the existing trees and frontage buildings and be 4 storey, with allowance for accommodation at 5th floor within the roof. On the southern side of the site would be Blocks B1 and B2 and public open space. The maximum height of these blocks would be 7-storey, in the centre of the site. Their height steps down to 4-storey where buildings would be closer to Layerthorpe and Hawthorne Grove. The massing preserves an identified view of the Minster from East Parade.

1.12 A revised submission of the scheme was made 1/11/2019 and re-consultation occurred. This reduced the amount of development proposed and provided an indicative mix with more 2 and 3 bed dwellings. The development would be as follows -

- Zone A - Bounded by Heworth Green and Eboracum Way. Up to 117 apartments, and a maximum of 130sqm flexible retail/ community use at ground floor level. 45 car parking spaces (38%).

- Zone B - Bounded by Eboracum Way and to the north of Layerthorpe. Up to 410 'Build to Rent' apartments and associated amenity space, including gym. 90 car parking spaces (22%)
- Zone C - Bounded by Heworth Green Road and to the west of Mill Lane. Up to 98 apartments. This phase of development also includes the central public open space with connection to the Sustrans route. 60 car parking spaces 61%.
- The neighbourhood green within the site would be some 2,500 sq m in area. This would be publically accessible and provide a children's play area and exercise equipment.

1.13 The scheme has been designed so each phase could be delivered independently.

1.14 The indicative housing mix would be as follows -

	Original	Revised	% of overall mix
1-bed	407	370	59%
2-bed	200	194	31%
3-bed	31	61	10%
Total		625	

ENVIRONMENTAL IMPACT ASSESSMENT

1.15 The proposed development has been screened and it was determined an EIA is not required (application 18/02780/EIASN). This decision was because the site is not in a sensitive area (as defined in the regulations) and the site is within the urban area.

RELEVANT SITE HISTORY

1.16 Planning permission has recently been granted for the enabling works required to facilitate the scheme, approved works include the access roads and demolition of the existing gas infrastructure and facilities for the pipes that will be relocated underground. Also some trees had to be removed from the Sustrans corridor due to safety concerns as they were damaged during site investigations. Relevant applications are listed below –

18/01222/DMNOT
 19/01144/DMNOT
 19/01177/FUL
 19/02168/FULM

1.17 In addition since 2006 there have been multiple applications (4) for residential lead redevelopment of the site. Not these progressed to implementation.

2.0 POLICY CONTEXT

Key Sections of the NPPF

Section 4 – Decision making

Section 5 – Delivering a sufficient supply of homes

Section 11 - Making effective use of land

Section 12 - Achieving well-designed places

Section 16 - Conserving and enhancing the historic Environment

Key relevant policies of the 2018 Publication Draft Local Plan

SS1 Delivering Sustainable Growth for York

H1 Housing Allocations

H2 Density of Residential Development

H3 Balancing the Housing Market

H10 Affordable Housing

HW7 Healthy Places

D1 Placemaking

D2 Landscape and Setting

D4 Conservation Areas

D5 Listed Buildings

D6 Archaeology

GI2 Biodiversity and Access to Nature

GI3 Green Infrastructure Network

GI4 Trees and Hedgerows

GI6 New Open Space Provision

CC1 Renewable and Low Carbon Energy Generation and Storage

CC2 Sustainable Design and Construction of New Development

ENV1 Air Quality

ENV3 Land Contamination

ENV5 Sustainable Drainage

T1 Sustainable Access

3.0 CONSULTATIONS

AFFORDABLE HOUSING

3.1 There is a very substantial need for additional affordable housing within the City of York, estimated at 573 homes per year in the 2016 Strategic Housing Market Assessment. More than half of the City's affordable housing need is for 2+ bedroom properties, which are predominantly required for families including children.

3.2 Bearing in mind housing need as part of the affordable housing for this site an off-site contribution has been agreed. The number of homes delivered using the agreed sum could vary considerably, dependent on the funding, cost and delivery profile of a particular scheme. However it may be estimated that the £2.715m would enable at least 20 high quality social rent homes to be provided elsewhere, and potentially more with further sources of funding leveraged.

3.3 The dwellings in zone B are identified as Build to Rent. Government guidance indicates that for this tenure Affordable Private Rent “requires a minimum rent discount of 20% for affordable private rent homes relative to local market rents”. The discount may need to be greater than 20% in the City of York to maintain an adequate level of affordability (we understand 30% has been the approach in London).

3.4 Officers have agreed that the affordable units in the Build to Rent will be discounted by 30%; this will make them accessible to those in lower paid employment (rent would be roughly 35% of income for this group). The 40 on site Affordable Private Rent apartments proposed would represent a good quality and well integrated form of affordable housing which could meet a need highlighted in the Local Plan evidence base. It is also an appropriate level for a new tenure offer in York.

3.5 There would be mechanisms with the S106 agreement to control eligibility, that occupants have the choice of a minimum 3 year tenancy length and that the apartments and their amenities are indistinguishable from the market units.

ARCHAEOLOGY

3.6 Officers ask for a watching brief on groundworks on parts of the site not previously developed.

3.7 The eastern section of the site may contain the remains of a Roman cemetery. An archaeological evaluation comprising 9 trenches took place in the eastern area in 2003. The evaluation yielded a small group of features of Roman date interpreted as possibly relating to the cemetery, together with two ditches and a post-hole of medieval date interpreted as relating to agriculture. Given the high levels of arsenic, lead, asbestos etc on the site it will not be possible to safely carry out an architectural evaluation or excavation across the majority of the site.

URBAN DESIGN AND CONSERVATION

Layout

3.8 Officers are generally satisfied with the composition of buildings onsite and the proposed network of routes and spaces. However the proximity of blocks A2 and C3 to existing trees and provision for adequate light / outlook for future residents has

been questioned.

Massing / parameter plans

3.9 Officers are in now support of the proposed methodology within the parameter plans which sets limits on the amount of floorspace on each of the upper floors.

3.10 The massing for Zones A and C are agreed. However officers remain unsupportive of the massing proposed in Zone B, specifically the amount of development proposed where the building is 5 and 6 storey. This is considered to still provide some 10 dwellings over what is deemed to be the maximum acceptable.

3.11 The deviation from officer's recommendations is below –

Block B1 (which faces Eboracum Way)

Recommendation	Proposed	Variation	
Level 4 (5 th storey)	72% (of 1,640 sq m)	78%	+ 98 sq m
Level 5 (6 th storey)	60% (of 1,019 sq m)	78%	+ 183 sq m

Block B2

Level 4	72% (of 4,705 sq m)	77%	+ 236 sq m
Level 5	79%	79%	
Level 6	61%	61%	

ECOLOGY

3.12 No objection. A condition to secure features for bats and birds is recommended.

3.13 Approximately one third of the overall site, mostly at the eastern end, is vegetated. Habitats on site comprise bare ground, scattered scrub, short perennial vegetation, scattered and groups of trees and semi-improved neutral grassland. Based on the survey data the site appears to meet some of the criteria for achieving the NERC (2007) s41 Priority Habitat definition for Open Mosaic Habitat of Previously Developed Land. However the ecology report considered that areas of this habitat are small and localised at site level, and therefore their loss not considered significant.

3.14 The buildings on site have been assessed as having a negligible suitability to support roosting bats. A bat activity survey undertaken in August 2018 did not identify any roosts on site and recorded commuting Common Pipistrelle bats in very low numbers. Three Lime trees in the group of trees on the northern boundary have potential features that could be used by bats and it is intended that these trees will

be retained as part of the proposals.

3.15 An earlier ecology survey undertaken in 2015 recorded an area of standing water on site however this was dry during the 2018 survey. It was assessed as being below average suitability for Great Crested Newts and reasoned justification for their likely absence given.

3.16 The site supports a range of common woodland edge and urban bird species that will be impacted by the site remediation and construction. In the longer term replacement tree and shrub planting will offer some limited nesting habitat. (As part of the re-development scheme for the site) replacement tree planting with a range of suitable native species should be secured through a landscape scheme. The ecology report recommends at least 15 bird boxes should be provided on a combination of the new buildings and retained trees.

3.17 Officers recommend a condition that a minimum total of 8 integrated features providing a roosting crevice for bats must be constructed within the fabric of the new buildings along the south-eastern boundary of the site, and 15 boxes for nesting birds on the buildings and suitable trees within the site.

FORWARD PLANNING

3.18 Officers have reported the relevant local plan policies, their weight and consistency with the NPPF, and how they should be applied to the site. The main message from the comments are that whilst residential redevelopment of the site is supported, the housing mix proposed is deemed to be contrary to local policy H3 - Balancing the Housing Market (which should be applied with moderate weight) because the dwellings proposed are all flats and the indicative scheme over-provides 1-bed apartments.

3.19 The Council's understanding of local need and requirements is set out in the Strategic Housing Market Assessment (2016) evidence base, which underpins Policy H3. It is considered that this policy is in conformity with the requirements set out in the NPPF.

3.20 The site is currently identified on the register of previously developed (brownfield) land in accordance with the Town and Country Planning (Brownfield Land Register) Regulations 2017. This means the site has been identified as being suitable, available and achievable for residential development which adds weight to the site's allocation for housing. Given that in the absence of an adopted plan, the Council cannot currently demonstrate a 5 year supply of land for housing as required by paragraph 73 of the NPPF this brownfield site represents an important source of supply in helping to meet housing need in the city.

3.21 Whilst it is recognised that the site allocation of 366 dwellings in the emerging Plan is based on a standard density archetype, and notwithstanding that maximising

the use of brownfield development is desirable and recognising the sustainable location of the application site, it is difficult to see how 625 dwellings can appropriately be delivered on the site whilst also satisfying the policy requirements of the emerging Plan such as design and the historic environment and open space provision. There is a complex relationship and balance to achieve in relation to high density development, the surrounding context and viability. Considerations in relation to the design of the site, particularly in relation to the impact of the design parameters should be sought from colleagues in the design and conservation team.

3.22 The supporting information submitted by the applicant concludes that a broad mix of housing will be delivered across the site; however officer's view that the scheme is over providing for small studio apartments and 1 bed apartments in relation to the current and future demographic trends identified in the SHMA. Whilst it is acknowledged that the plans has been revised and the number of 3-bed properties has been increased from those originally planned, it would still be preferable to see a more balanced mix across the site with the provision of more 2 and 3 bed accommodation. The proposals are also seeking to provide entirely flatted residential accommodation which will not provide for a mix of property types to meet the diverse mix of need across the city. As such it is not considered that the proposals meet the provisions of Policy H3 or indeed NPPF which seeks to ensure that local housing needs are met through the provision of a range of not only house sizes but house types as well.

3.23 The SHMA seeks to set a housing mix at a strategic level; it is accepted that the range of housing across allocations proposed in the plan will vary by site. In relation to housing mix at this site, it is accepted that as a site within the urban context and location in close proximity to the city centre it is compatible with higher density living. It is also acknowledged that delivering higher density apartment living on this site can be balanced with the provision of a suitable proportion of larger homes on the strategic housing sites identified in the plan, out of the city centre. In this regard it is acknowledged that proposals for the site will be apartment led. This however should still be as part of mix of types of housing across the development.

EDUCATION

3.24 Based on the indicative mix the maximum contributions would be as set out below. It is anticipated school pupil yields would take about 8 - 10 years after first occupation to peak and stabilise, as such, and based on DfE guidance, officers request 10 years to allocate funding.

3.25 The anticipated need is on the basis that there is currently some capacity in local primary schools (the yield based on the indicative mix would be 25 places).

Primary	Tang Hall primary	10 places (extension)
Secondary	Archbishop Holgate	8 places (extension)
Early years within catchment (1.5km)		32 places

LEAD LOCAL FLOOD AUTHORITY

3.26 No objection. With regards sustainable drainage a restricted run off rate of 176.1 litres per second has been agreed. Due to the presence of low to medium levels of contaminated made ground and levels of contaminated ground water within the natural ground soakaways are not suitable at this location. A watercourse is remote from the site.

3.27 Additionally the following conditions are recommended -

- Separate systems for foul and surface water drainage.
- Site specific details of the drainage system, including 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.
- Future maintenance of the drainage system.

LEISURE

3.28 The open space audit advises that we have a shortfall of outdoor sports space in Guildhall Ward where the site is located and Heworth Ward which the development neighbours, meaning a contribution will be sought.

3.29 Officers welcome the proposed on-site gym and trim trail for the benefit of the residents of this development which should be secured through condition.

3.30 After deducting the amount provided on-site, the off-site contribution would be £185,480. A planning obligation is sought to this effect that would be used at the following sites-

- Heworth Tennis Club. The Tennis Club have two courts and a clubhouse on their East Parade home venue, and have recently taken over the management of the two municipal tennis courts at Glen Gardens. A contribution could be used to enhance the playing surface of the existing courts, improving disabled access onto the East Parade site and through an electronic entry system to the Glen Gardens site to open the courts back up for public pay and play and or Improvements to Glen Gardens Bowling Green, or Basketball Court.
- Heworth Cricket Club. A contribution would support enhanced training facilities to include a permanent netting facility and to support ground improvements.
- Heworth Amateur Rugby League Football Club to support grounds improvement and or other facility improvements at the club.

OPEN SPACE

3.31 As the amount of amenity space on site falls below that required based on the 2017 open space audit officers recommend a contribution towards improving accessibility and connectivity throughout Monk Bridge Gardens. Officers are content there would adequate play facilities on site subject to approval of details and delivery.

HIGHWAY NETWORK MANAGEMENT

Adoptions

3.32 It is understood that the network within the site will remain private. Officer's preference would be for main areas to be adopted as this would ensure public access to routes through the site and open space and avoid future possible issues with residents being liable for deficiencies and repairs. If not, as a minimum, a condition should require an access agreement to guarantee free and open access across the site for pedestrians and cyclists, including link to the Sustrans route.

Highway network management

3.33 There is no objection in principle to the proposed means of site access. These would be approved in detail under the Highways Act.

Car parking

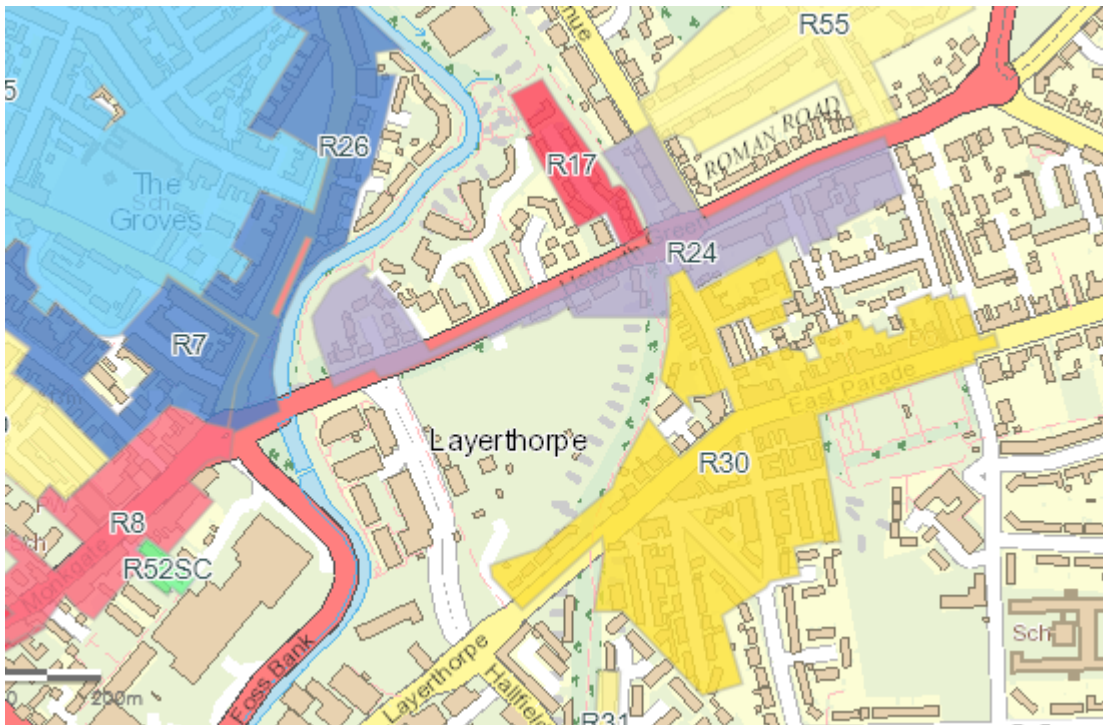
3.34 Officers object to the amount of car parking proposed. They have concerns it is inadequate and will lead to parking associated safety issues and tension in the surrounding streets. Ideally provision would be around 50% but is at 33%. Although the MODA build to rent scheme in Manchester has low parking provision officers would argue that the Manchester scheme is in a more central location, very close to Victoria station and in an area where statistics show lower car ownership levels in the local area compared to Heworth Green.

3.35 Areas where overflow car parking from the site is likely to cause unacceptable parking pressure and result in safety issues include (based on an initial review):

- St John's Walk (which serves as access route to York's largest Gymnastics facility so very well used at peak times for these sessions) and Villa Grove (to a lesser extent as very small and less attractive layout).
- Dodsworth Avenue & Pottery Lane
- East Parade and streets to the south of East Parade (First Avenue, Second Avenue, Bull Lane)
- Fifth Avenue and streets off Fifth Avenue
- Hallfield Road & Little Hallfield Road, Richmond Street
- Redness Street
- Mansfield Street

3.36 Although the introduction of Resident Parking was identified as a possible mitigation, there is likely to be strong resistance from residents in some of these areas as the introduction of ResPark would result in additional costs for them in the long term. Please note that some of these areas are amongst the most deprived in York.

Illustration of Res-park areas local to the site -



Public Transport

3.37 In line with officers request there will be funding to secure a new stop for Service 9 (Monks Cross P&R – Rougier Street) on Heworth Green to serve the development, and for moving the outbound bus stop on Heworth Green to a more suitable location (closer to the development's main entrance and existing pedestrian crossing facility). This will provide the development with a high frequency (approx. every 10 min), high quality, electric bus service serving two main destinations (Monks Cross and city centre/train station).

3.38 Other requested measures to promote sustainable travel -

- Provision of car club car(s) on site - allocated parking space (number of spaces to be agreed with car club provider). Note that the Travel Plan will secure 1 space on site and a further space in future subject to demand.
- Sustainable travel pack - £600/dwelling for the first occupant of each dwelling (which would be used towards public transport/bike incentive, up to £400/dwelling and car club incentive/set up, up to £200/dwelling).

- Improvements to pedestrian facilities on Heworth Green: zebra crossing on Heworth Green (near Malton Avenue) (CYC to implement, cost £40k).
- Officers would like to see improvements at the following junctions for cyclists as these junctions are already very busy at peak times -

Monkgate/ Heworth Green/ Foss Bank roundabout
 Heworth Road/ Malton Rd/ Heworth Green roundabout

3.39 Construction management details to be agreed -

- Proposed construction traffic route
- Signage strategy
- Dilapidation survey (to be undertaken with local highway authority)
- Site access gate to be set back from the highway (Heworth green) to avoid large construction vehicles overhanging on the highway/footway when they wait to enter the site
- All vehicles to stack/park on site, no waiting on Heworth Green

PUBLIC HEALTH

3.40 With regards health and well-being officers comments were as follows -

- Cycle parking - Provision of secure, covered cycle storage and short stay spaces. This is particularly important given the developments proximity to the town centre and the desire to increase the use of sustainable transport methods.
- Outdoor space - The revised schemes provides more information regarding the park and play area and although children of different ages are mentioned specifically there is no mention of the provision of seating for older people and for those who are less mobile and cannot walk far. The inclusion of outdoor seating would make this a full inclusive space.
- Commercial area - It is encouraging that Dementia Forward/Social Vision have expressed an interest in the development. Officers recommend the developer explores further what the requirements for these individuals are – for example space to grow food/community orchards/allotments/dementia friendly planting to support their work.

3.41 The Planning Statement Addendum of the 1 November 2019 is welcome and has clearly taken into account many of the comments made. When developing more detailed plans officers ask that the following points are taken into account:

- All accommodation to have the same quality of access to outside open space – e.g. balconies to have a minimum depth and width of 1.5m. This enables people to sit outside in private outside space and grow plants which increases the sense of wellbeing and supports good mental health.

- Accommodation to comply with at least National Space standards (RIBA - Case for Space). All accommodation should provide adequate space to store positions and carry out everyday tasks (e.g. washing and drying) so as to ensure that the feeling of 'overcrowding' is reduced. A sense of overcrowding increases feelings of stress and anxiety and can lead to poor mental health.

PUBLIC PROTECTION

Air Quality

3.42 Modelling shows no significant impact and no mitigation is required in this respect. Emissions mitigation - Damage costs of £218,516 have been calculated as a consequence of the population associated with the proposed development. The sustainability measures associated with the scheme are reasonable and proportionate to the identified damage.

Electric Vehicle Charging

3.43 Recommend the travel plan includes information about the proposed on-site EV charging facilities and this is also included in the Travel Information Pack distributed to residents. It would also be useful to include information about the wider EV charging facilities offered across York. Any car club vehicle based on-site should be low emission, ideally electric or petrol-hybrid.

3.44 For this type of development, City of York Council's draft Low Emissions Planning Guidance recommends that a minimum of 5% of car parking spaces should be provided with EV charge points (active provision), and an additional 5% of spaces should have the potential to be easily upgraded with EV charge points in the future.

Land contamination

3.45 A remediation strategy has been approved for the site. A condition is necessary for verification appropriate remediation has been implemented.

Construction Management

3.46 Recommend a condition requiring a construction management plan (CEMP).

EXTERNAL

CONSERVATION AREAS ADVISORY PANEL

3.47 The Panel welcomed the use of this site, which had remained vacant for a considerable period of time. However there was concern about the increasing

number of apartments being provided on these large site and a fear that the demography of the city was being changed. It was questioned whether the decision was purely driven by commercial considerations.

CIVIC TRUST (comments based on original submission)

3.48 The Trust would, in principle, prefer to see redevelopment of the city's brownfield sites, such as this, rather than expansion of the Green Belt. However, the Trust objects to this application due to overdevelopment in terms of massing and height, which is totally unacceptable, and how this would have an adverse impact on the Conservation Area and historic views and sightlines of the city's heritage. In addition, the Trust would be greatly concerned by the precedent set by approval of such a large and monumental development in one of the city's inner-suburbs and how this would likely lead to pressure for similar regeneration in other suburbs of the city.

3.49 Overall, The Trust considers the scheme to be at least one storey too tall throughout (and two stories too high where tallest); at least one too many blocks (leading to a cramped feel, even where green space is provided), and should use a design palette that is more sympathetic with the common local vernacular of red brick, pitched roofs and clay tiles or slate - but not a pastiche of it. Due to the massing and density, which would result in gross overdevelopment with an adverse impact on the neighbouring Conservation Area and views and sightlines of the city's heritage, the Trust objects to this application.

ENVIRONMENT AGENCY

3.50 No objection subject to (agreed) conditions to approve a remediation strategy and its implementation, related to the impact on groundwater.

3.51 The previous use of the proposed development site as a Gas Works presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a principal aquifer. The application's Preliminary Geo-environmental Investigation and Groundwater Risk Assessment demonstrate that it will be possible to manage the risks posed to controlled waters by this development.

HISTORIC ENGLAND

3.52 Initially objected to the scheme as a consequence of the impact of the setting of the Minster. This issue has now been addressed and Historic England have removed their objection.

3.53 Historic England welcome the amendments that have been made to the scheme to ensure that important views and the existing visibility of York Minster

looking east along East Parade will be maintained. They also note that if the telecommunications mast, which is currently prominent and detracts from these views, were removed, this will result in a positive impact on these views and new views will be opened up. This will be a public benefit that could be considered to outweigh the minor impact that may still remain on certain points along East Parade from where the new development will be seen in relation to the Minster.

SUSTRANS

3.54 Sustrans note that they have been in dialogue with the applicants and agree in principle with the proposed connection between the application site and the Sustrans route. However Sustrans require that they are consulted over the proposed technical specification of the route and the proposed landscaping and this will include a requirement for replacement trees.

SPORT ENGLAND

3.55 Advise that they would object to the application without the provision of an off-site contribution towards open space. Their comments detail need for facilities in the city for cricket, football and rugby facilities.

POLICE ARCHITECTURAL LIAISON OFFICER

3.56 Note resident churn from the rentable apartments will result in an environment vulnerable to crime and disorder. Officers have asked that semi and private spaces be well-defined and recommend that residents only areas be gated so criminals do not have a legitimate reason to pass through looking for vulnerable targets and are not provided with means to escape. Officers also recommend providing adequate natural surveillance, and consideration of lighting and the location of outside seating. Management arrangements should be in place to deal with communal car parking areas and upkeep of open space.

YORKSHIRE WATER

3.57 No objection. Agree to the proposed strategy for surface water run-off and ask for a condition that there are separate systems for foul and surface water drainage.

4.0 REPRESENTATIONS

4.1 The application was subject to a second round of consultation in December 2019 after submission of revised plans. Some 82 letters in objection have been received overall. 8 in support.

4.2 Objections focused on the amount and type of development proposed for the site (tall buildings and flats), that local infrastructure could not cope and how the development would jar with the local area and not provide the types of homes the

city needs. This scale of development is also at conflict with the locally distinctive character of the city. These concerns were not addressed by the reduced amount of development proposed by the revised scheme. Whilst comments received welcomed the reduction in development proposed it was still deemed excessive.

4.3 Cllr Webb has attended public consultation events informing residents of the scheme and has tabled objections on behalf of local residents.

4.4 Comments made were as follows -

COMMUNITY USE / BENEFIT

4.5 The potential operator/occupant of the commercial space has made representations in favour of the scheme. The proposed community space presents a rare opportunity to design and deliver a fully funded space with the local community. This commitment by the developer showcases good practice in Corporate Social Responsibility and Community Engagement. The community proposal centres around a space for people living with dementia and their carers - a growing issue in the city which is not being addressed. By bringing together partners working in this field, there is a real opportunity to have a huge impact on our ageing population.

OVER-DEVELOPMENT

4.6 Inadequate capacity of local infrastructure; schools, health facilities, utilities and the road network, to accommodate the development.

4.7 The density of the proposed development far exceeds the planning objectives in the 2005 draft local plan (DLP) which identified the site as suitable for 148 dwellings and the 2018 DLP which proposed 336 dwellings. Policy H1 in the 2018 DLP outlines a 100 dwelling per hectare expectation for city centre developments. This proposed application far exceeds this.

IMPACT ON HERITAGE ASSETS

4.8 The application proposes a 7 storey development which is partly within the conservation area "Heworth/Heworth Green/East Parade/Huntington Road Conservation area No. 5. This area is described in the 2005 DLP as having a collective small village scale. The proposed development is not in keeping with this conserved characteristic.

4.9 The height of the buildings in the proposal is out of keeping with the residential properties which surround the site on 3 sides, Heworth Green, Layerthorpe and the Foss island cycle route. The proposed height of the development would also be substantially higher than the neighbouring buildings on Eboracum Way.

4.10 Concern over the impact on the Heworth Green part of the conservation area due to the impact on views of the Minster from East Parade. The Heritage, Townscape and Visual Impact Assessment is challenged as to whether this development would impact on the view. It is suggested specific views have been identified to minimise and not comprehensively assess the impact.

4.11 Not only the scale of the housing, but the proposed modern industrial vernacular and indicative roofscape will be out of character with surrounding residential areas. The visual character of the proposed buildings is not in keeping with the area, the existing neighbouring properties and the urban city location. It is also lacking any great architectural merit in itself, appearing to be only the most cost effective solution to creating as many dwellings on the footprint as possible for the least expenditure with little or no design flair or character.

LACK OF COMMUNITY AND LACK OF ADEQUATE AFFORDABLE HOUSING

4.12 The height of the flats would lead to a lack of community: higher flats will not closely overlook the communal areas and entrances, high numbers of tenants leads to anonymity - both these factors decrease neighbourhood security. It is also unlikely that from the distance of a 7-storey block, families will allow their children to play unsupervised in communal areas (as idealistically portrayed in the applications). This is not a development on a human scale for those who might live within it, or those who might have to live with it.

4.13 Comments in support welcome the model of housing and community proposed.

4.14 Objection to the viability appraisal and proposed lack of affordable housing, this should not be accepted when the applicants over-paid for the site.

LOCAL AMENITY

4.15 The proposed phased construction and the construction of buildings on the scale proposed on the site over several years would prolong disruption by noise, dust, traffic and vibration, to existing neighbours and new residents to a level I believe unacceptable and the mitigations presented inadequate.

4.16 Concern about the loss of trees at the site boundary and the indicative location of the telecommunications mast, which is proposed to be relocated on site. The mast would be closer to Heworth Mews and residents object given the adverse effect this would have on their amenity (the mast is shown indicatively on the plans and will need to be the subject of a separate application). Residents would prefer for the mast to be relocated further from the site boundary, which would allow for more screening.

4.17 Overlooking (including from external balconies and amenity spaces), overshadowing and light pollution over surrounding dwellings.

TRAFFIC GENERATION / SUSTAINABLE TRAVEL

4.18 Significant traffic increase on an already busy road where a junction and a roundabout are frequently congested at peak hours. While residents' parking may be offered, visitors will have no readily accessible parking on the area and will resort to side-streets around the flats.

4.19 There is a concern that the scheme has inadequate car parking; the development will lead to overspill parking on surrounding streets. As an example of the existing problem, roads nearby such as Wood Street off Heworth Green which has no parking restrictions is already hardly passable with cars parked by city workers and visitors to York who then walk into town.

4.20 All car spaces should have electric vehicle charging facilities. It was also recommended that it would be reasonable for such a large development to encourage sustainable travel and provide safer cycle routes along Layerthorpe and Heworth Green.

5.0 APPRAISAL

KEY ISSUES

5.1 Key issues are -

- Principle of the proposed use
- Housing need - mix and type of dwellings proposed
- Affordable Housing
- Design
- Impact on designated heritage assets (listed buildings / minster / conservation area(s) / archaeology)
- Impact on Residential amenity
- Highways
- Drainage
- Public Protection
- Sustainable design and construction
- Ecology
- Education
- Open Space

POLICY CONTEXT

5.2 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.

Emerging Local Plan

5.3 The Publication Draft City of York Local Plan 2018 ('2018 DLP') was submitted to the Secretary of State for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

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

5.4 Relevant draft policies are set out in section 2 of this report.

5.5 The evidence base underpinning the 2018 DLP is capable of being a material consideration in the determination of planning applications. The directly relevant evidence base comprises -

- SHMA (Strategic Housing Market Assessment)
- Heritage Impact Appraisal
- Open Space and Green Infrastructure Update 2017

National Planning Policy Framework

5.6 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", 2019). It is a material consideration in the determination of this application. Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision-taking this means approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

PRINCIPLE OF THE PROPOSED USE AND AMOUNT OF DEVELOPMENT PROPOSED

5.7 The NPPF is, in principle, weighed in favour of the proposed development. The scheme constitutes re-use of a predominantly Brownfield site at the edge of the city centre to provide housing. The site is on the National Brownfield Land Register. NPPF paragraph 119 states Local planning authorities should take a proactive role in helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers, using the full range of powers available to them. Paragraph 118 states planning decisions should "give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land".

5.8 Paragraph 118 sits within section 11 of the NPPF which relates to making effective use of land. This section also has policy on achieving appropriate densities. In this respect it advises as follows in Paragraphs 122 and 123 –

"Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places".

"Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate" (our emphasis).

5.9 The 2018 DLP sets density standards. Policy H2 (which officers consider to carry moderate weight) establishes target densities of 100 units per hectare in the city centre and 50 in the urban area, although subject to the caveats that these can be adjusted to relate to local context and character and that higher densities can be

supported within 400m of high frequency public transport corridors. The site is within the urban area and on public transport corridors.

5.10 The allocation for the site (in policy H1) has an estimated yield of 336 dwellings. The site area is 3.54 ha and the design code is on the basis the scheme accommodates 605 dwellings. This is a density of 171 dwellings per ha.

5.11 Due to the proximity of the site to the city centre, infrastructure and transport links on this basis the location is one where the NPPF would support a higher density; making optimal use of the site.

Whether the amount of development proposed is acceptable for the site, considering local character, the need to promote regeneration and the importance of good design is assessed in the following sections.

HOUSING NEED

5.12 The indicative mix of housing (illustrated in the design code) is as follows -

1-bed	370	59%
2-bed	194	31%
3-bed	61	10%
Total	625	

5.13 The design was adjusted in the revised plans and design code to allow more variation in house types. In zones A & C there will be more larger and varied apartments - dual aspect and duplex apartments, some of which at ground level will have private gardens.

5.14 NPPF paragraph 63 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). The national design guidance states that “well-designed neighbourhoods provide a variety and choice of home to suit all needs and ages” and that good design promotes social inclusion by: contributing to creating balanced and mixed neighbourhoods that are suitable and accessible for all; maximising the potential for social integration in the layout, form and appearance of types of development.

5.15 DLP 2018 policy H3 states "proposals will be required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city. This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with

features attractive to older people. The policy is considered to carry moderate weight.

5.16 The test therefore with regards the type and size of housing proposed is whether this scheme, considered in its wider context, would provide an adequate mix to facilitate a balanced and sustainable community.

5.17 In favour of the mix proposed, blocks B1 and B2 will be build-to-rent which provides a meaningful different choice of tenure and housing in the city and a suitable number of units at discounted/affordable rates. It will include provision of smaller dwellings for those accessing the housing market for the first time and homes with features attractive to older people. Zones A and C whilst providing 'apartments' will have units with private ground floor amenity spaces; gardens and there will be duplex / dual aspect units. The design code will deliver a mix of unit types. The site will also be part of the neighbourhood and not a private community; this will largely be facilitated by the permeability through the site and its new public open space.

5.18 The emphasis within NPPF policy is to "to ensure that developments make optimal use of the potential of each site". The development will roughly have a mix of 60/40 1-bed / 2 & 3 bed houses and the design code allows for a variety in the types of apartments that would be delivered over the site. Officers consider the housing mix proposed is reasonable for this urban site.

5.19 We are also mindful of viability and the desirability of bringing forward a vacant former industrial site for re-development in the context of a lack of adequate housing land supply. The amount of development proposed enables comprehensive regeneration of the site, this includes removal of the gasholder and its infrastructure, which causes noise disturbance and is unsightly the extent of Eboracum Way. These uses are replaced with a land use far more compatible with its neighbours, within a landscaped setting and the provision of new publically accessible open space.

AFFORDABLE HOUSING

5.20 Local Plan policy H10 on affordable housing sets a target of 20% provision on urban sites where more than 15 dwellings are proposed. The policy states on sites of 15 homes and above on-site provision will be expected, unless offsite provision or a financial contribution of equivalent value can be robustly justified.

5.21 The policy also allows for the application of Vacant Building Credit (VBC). VBC is described in national guidance as an incentive for brownfield development on sites containing vacant buildings. "Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant

vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought”.

5.22 The application of VBC at this site reduces the target level of affordable housing down to 17%.

5.23 The applicants provided a viability assessment for the site setting out a position that 20% affordable housing cannot be provided. This has been reviewed independently by the District Valuer, who has confirmed that full policy compliance is not viably deliverable. As part of the review the developer’s costs have been externally reviewed and not challenged and the independent reviewer is content with the benchmark land value and profit derived from the scheme.

5.24 The viability assessments have been carried out using the standard inputs detailed in national guidance –

- Build costs
- Abnormal costs
- Site specific infrastructure / policy requirements (e.g. green infrastructure / sustainable design and construction)
- Finance costs
- Professional fees
- Benchmark land value

5.25 The approx. key inputs into the appraisal and outcomes were as follows –

- Benchmark land value (takes into account the current use value of the site and its current condition) and for the purpose of the viability review was £ 1.25m
- Costs associated with enabling works (remediation / gas infrastructure / highways and access works) £5.1m
- Professional fees £7m
- Exceeding Building Regulations to comply with local sustainable construction policy £2.3m
- Section S106 costs (omitting affordable housing) £ 1.4m
- Gross development value £154m
- Developer profit 13% GDV

5.26 National policy states “the role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan”. This is an allocated site in the 2018 DLP, but there is no acknowledgement in the plan that a relaxation of standard planning obligations are necessary to enable a viable scheme.

5.27 National planning guidance explains the role of viability assessments; a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return. For land value, the benchmark land value is used, this is based upon the existing use value, allowance for a premium to the landowner (to incentive the sale and takes into account the implications of abnormal costs; site-specific infrastructure costs; and professional site fees). The guidance states that “where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan”.

5.28 In terms of profit 15% to 20% GDV is deemed to be suitable return which can be reduced in consideration of risk and delivery of affordable housing. The viability review allows for a developer profit at the lower end of this threshold.

5.29 National guidance allows for a viability review mechanism. It states review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities’ ability to seek compliance with relevant policies over the lifetime of the project”.

5.30 Build to Rent – some 400 of the dwellings will be this tenure. National planning advice for this housing type is that affordable housing should be in the form of Build to Rent. The proportion of affordable units should be 20% and affordable rent at least 20% less than market rent. The guidance allows for a trade-off between the proportion of units and the discount if agreement between the Local Planning Authority and the developer. It requires that the affordable units be provided at an agreed rate, in perpetuity, and controls over eligibility will be detailed in S106 agreements; the dwellings would not be administered by a housing association/registered provider.

5.31 Officer’s view is that a 30% discount is required in terms of affordability on the Build to Rent. This would equate to rents of £640 per month for a 1-bed, £830 for a 2-bed. A proportionate 10% (rather than 17%) affordable housing (i.e. 40 dwellings) can viably be secured in the Build to Rent.

5.32 As the scheme is 100% flats the preference for any remaining affordable housing is in the form of an off-site contribution; to be used towards the housing delivery programme i.e. family housing built to Passivhaus standards.

5.33 To maximise the amount of affordable housing that could be derived from the scheme officer’s preference has been to relax the requirements on sustainable construction. Because, looking at the viability inputs, highly sustainable buildings, which exceed national standards, could still be delivered and a further £1.4m could go towards affordable housing.

5.34 In addition to affordable units in the Build to Rent block there would be an off-site contribution of approx. £2,715,000. In using money for off-site provision it can be combined with capital receipts from Council house sales (which needs to be re-invested in affordable housing) and could deliver a further 20 dwellings off site. These would generate income for the Council, which in turn could be re-invested in the Council's housing delivery programme.

5.35 This approach gives an overall provision of 60 dwellings = 10%.

5.36 The target of 17% on site would be 103 dwellings although we have sought a proportionate reduction because the Build to Rent discount would have a rent reduction of 30% instead of the standard 20%.

5.37 The viability review has been carried out on the assumption that this scheme progresses promptly and is finished within 5 years. As the application is in outline and given its scale and complexity officers recommend the use of viability review to re-consider the value of the scheme if the development stalls and does not progress as intended; this would pick up any rise in house prices over time. The principle of such is agreed and the details would be within the S106 agreement.

DESIGN

5.38 The assessment of design takes into account the local context, the impact on heritage assets and the form and function of the scheme. The following sections of the DLP 2018 and NPPF are relevant in this respect -

5.39 Paragraph 1.52 regarding the historic environment states the following characteristics have been identified as being of strategic importance to the significance of York and are key considerations for the enhancement and growth of the city:

- the city's strong urban form, townscape, layout of streets and squares, building plots, alleyways, arterial routes, and parks and gardens;
- the city's compactness;
- the city's landmark monuments, in particular the City Walls and Bars, the Minster, churches, guildhalls, Clifford's Tower, the main railway station and other structures associated with the city's railway, chocolate manufacturing heritage;
- the city's architectural character, this rich diversity of age and construction, displays variety and order and is accompanied by a wealth of detail in window and door openings; bay rhythms; chimneys and roofscape; brick; stone; timber; ranges; gables; ironwork; passageways; and rear yards and gardens.

5.40 NPPF policy on developing previously developed land allows for an approach which either maintains an area's prevailing character and setting (including

residential gardens), or of promoting regeneration and change. It places importance on securing well-designed, attractive and healthy places.

5.41 Policy D1: Place-making of the 2018 DLP advises schemes will be supported when they enhance York's special qualities and better reveal the significances of the historic environment. In this respect further advice is given on urban structure, density and massing, streets and spaces, building heights and views and character.

5.42 The application seeks approval for the access, layout and scale of buildings. The design and landscaping would be future reserved matters; the design code has been prepared to inform future reserved matters applications. The layout and scale of buildings are detailed on the parameter plans showing floor plans, levels, elevations and building heights.

Layout / Urban structure / Streets and spaces

5.43 The supporting Design Code (which would be an approved document) includes an illustrative master-plan and outlines the functions and design intents for the streets and spaces within the site and connectivity into the surrounding area. The master-plan follows good practice and would deliver the following benefits -

- Existing public footpaths, into the site from Layerthorpe and along Eboracum Way, are retained and will be made more appealing. They will be in a more attractive setting and will benefit from natural surveillance. New pedestrian and cycle routes will be created; a connection into the Sustrans route, which will pass through public open space and connect directly into Heworth Green and Eboracum Way.
- The proposed access into the site from the Sustrans route, arriving within the open space within the site and connecting to Heworth Green and Eboracum Way is positive; this new connectivity will help integrate the scheme with the wider area. The layout also promotes sustainable travel by encouraging walking and cycling; making it an attractive and efficient means of travel.
- Provision of a new public open space; "neighbourhood green" some 2,500 sq m in area surrounded and overlooked by active frontages which will include fitness facilities and a children's play area.
- Respect and enhance the existing edge conditions and consequently the setting - the buildings would be set back behind the mature trees along Heworth Green and the palisade fencing removed; there would be active frontages and a more attractive public realm along the link road/Eboracum Way. The tree cover alongside the Sustrans route is preserved and new trees are proposed to re-inforce this landscape feature.

- A scheme with distinctive character, with buildings arranged to provide views towards The Minster from the neighbourhood green. Public realm and streets will not be car dominated. Provision for well-defined semi-private spaces associated with each development zone which will not impede the movement strategy.

5.44 Although blocks A2 and C3 are close to existing trees at the boundary (between 5 m to 10 m) ensuring adequate outlook for future residents would have to be dealt with a reserved matters stage when the layouts of the blocks will be provided. There will be scope to provide adequate outlook, for example through dual aspect apartments, angling of windows and variety of building line, the latter is allowed for within the parameter plans which limits floor plates on the upper floors.

Density and massing

5.45 The outline application would allow for blocks of buildings which would, in floorplate and height (ranging from 4-7 storey although at lowered ground levels), be of significant scale. However this is a transitional part of the inner city; a previously industrial area, where officers consider that buildings of this scale, subject to the controls within the parameter plans and design code, and to their architectural quality (the latter will be assessed at reserved matters stage) can be accommodated. The Design Code and the Parameter Plans include rules for each block which explains how massing would be articulated and how buildings would need to recede in their scale at 5th floor and above, either using mandatory setbacks and/or percentage reductions in floor area.

5.46 There will be a variation in building heights; taller sections (6 and 7 storey) will be at the centre of the site, buildings will be lower (predominantly 5 storey) along Eboracum Way and predominantly 4 storey (with some accommodation within roof space at 5th floor) where facing Heworth Green, Mill Lane and Layerthorpe. This scale will be mitigated as ground levels will be some 2 m lower compared to Mill Lane and Hawthorne Grove.

5.47 The Sustrans route (which is lined by mature trees) passes the eastern extent of the site; this formerly accommodated a railway line which served the gasworks. Further east the urban grain is typified by domestic sized housing. However the site is historically associated with land uses to the western side of the route, where the setting is more industrial and commercial and accommodates larger buildings; those recently built along Eboracum Way, the commercial buildings at Foss Bank and Foss Islands Road. This scale of development is evident at more recent housing development in the area, at Hallfield Road, James Street, at Hungate and further South, around Navigation Road and extending to Walmgate.

5.48 Buildings of the scale proposed can be assimilated into this setting because in views from the surrounding area – Heworth Green, Mill Lane Hawthorne Grove and Layerthorpe, buildings will lower in height, down to 4 or 5 storey where closest the boundary, they will sit on lower ground and will be set considerably far back from

these surrounding streets and behind mature trees; consequently they would not appear unduly dominant, despite their scale. Along Eboracum Way the buildings will be of comparable massing to those opposite. Additionally there are rules within the parameter plans to reduce the visual impact and help integrate the buildings - when buildings exceed 4-storey in height they recede in scale and in places have mandatory setbacks from the main building line and are required to have articulated roof forms.

ZONES A & C

5.49 The existing apartment blocks on the corner of Heworth Green and Eboracum Way (by the river) are typically 3 storey, but with a 4th storey where the glazing extends beyond the buildings brick facade. Otherwise development is usually 2 storey, sometimes 3 storey and set back from the street. Older buildings (within the Heworth Conservation Area) can be the more imposing, being larger due to higher floor to ceiling heights and being within terraces or substantial sized villas.

5.50 In the revised plans Zone A buildings have been reduced in height (originally up to 6-storey was proposed). Buildings would be predominantly 4-storey. The scheme allows some accommodation at 5th floor level but this will have to be setback from the main building line by 4 m and only be around 50% of the floor area of the lower floors.

5.51 The scale of buildings in this area would be acceptable, it would be comparable to developments on the opposite side of Eboracum Way to the west and to the east the scale of 3-storey terraced housing within the Heworth Conservation Area. The buildings prominence on Heworth Green will be limited because they would be set back from the street, behind mature trees.

5.52 The parameter plans have been varied so there will be 3 distinguishably separate blocks in Zone C (consequently breaking up the building scale). The top floor of these buildings will exceed the ridge heights of adjacent buildings on Heworth Green and those on Mill Lane. However similar to zone A any accommodation at 5th floor level would be contained within the roofscape and can only take up around 50% of the typical floor area. Ground levels in this section of the site will be lowered to the extent that the ground floor will almost entirely be set lower than ground levels on Heworth Green and Mill Lane. The ground levels and vegetation along the Sustrans route will reduce the prominence of buildings in Zone C from Mill Lane. From Heworth Green Zone C will be of comparable scale compared to Zone A however C will be set further back from the street and set behind both tree cover and existing buildings.

ZONE B

5.53 The buildings in this area will step down in height towards Layerthorpe / Hawthorne Grove. They are limited to 5 storey to allow retained views of the

Minster from East Parade and then would step down to 4 storey where closest Layerthorpe. 4-storey sections (which would be the end / side elevations of the proposed building) are at least 21 m from neighbouring buildings on Layerthorpe and 5-storey sections (which does step up to 6-storey at the corner) would be over 40 m from the curtilages of housing on Hawthorne Grove and there are intervening trees along the Sustrans route.

5.54 The parapet levels of the building where it would be 4 and 5-storey would be just lower than the respective eaves and ridge levels of the apartments on the corner of Layerthorpe and Hallfield Road (Merchant's Court) i.e. the proposed buildings would be of comparable scale. The section drawings (section FF) illustrate that extent floors 5, 6 and 7 would exceed the height of surrounding tree cover. The 6 and 7 storey elements are only permitted towards the centre of the site, where their prominence will be mitigated by surrounding buildings

HERITAGE ASSETS

Policy

5.55 In assessment of the impact on heritage assets there is need to assess the impact on the setting of listed buildings on Heworth Green, the character and appearance of the Heworth Green Conservation Area and the Central Historic Core Conservation Area and the setting of the Minster.

5.56 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall pay special regard to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses. The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of designated conservation areas.

5.57 The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset (such as a listed building or conservation area) that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of a proposed development on the significance of a designated heritage asset (i.e. a listed building or conservation area) great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

Significance

5.58 The conservation area description explains the Heworth Conservation Area setting. Relative to this site is the reference to the varied nature of Heworth Green – the collective small village scale, identity and character typical of piecemeal development of Heworth Road, East Parade, Heworth and Heworth Green. Heworth Green also has the most architecturally significant and the largest of the suburban houses and villas in the conservation area. The section of Heworth Green that would be affected by this development contains development of varying age and vernacular; buildings which are typically of their time.

5.59 The Conservation Area boundary extends to the north of the site to accommodate the historic curtilage of Heworth Croft, a villa built in 1842 and Grade II listed; the land around the listed building now contains recent housing (Ripon Croft) which is a mix of 3 and 4 storey. On the south side of Heworth Green the conservation area encroaches into the site, accommodating the trees at the edge of the site and it includes 26 (Grade II Listed), 36 and Heworth Court. Apart from the listed building it is likely this southern section of Heworth Green was included within the wider conservation area as a means of safeguarding the appearance of the street from future development.

5.60 Whilst the trees along the boundary of the site are a positive feature, the boundary fence and views into the former industrial, now derelict site, have a detrimental impact on the conservation area setting.

5.61 Grade II listed 26 Heworth Green is a house dating from 1835. The legibility of its original long and narrow plot has been compromised over time and it now incorporates car parking for the nursery, the garage block between 26 and 36. The western end appears to have been incorporated into the gasworks site.

5.62 Policy SS1: Delivering Sustainable Growth for York sets out the spatial principles that will guide such growth. The background text states that the character and form of York provide an overarching narrative for the factors which shape the choices we make in how we accommodate the growth. Their main attributes of that character and form are:

- a compact urban form surrounded by relatively small settlements;
- a flat terrain providing views particularly of historic landmark features such as the Minster or Terry's Clock Tower;

- open land which brings the countryside into the city through inings, strays and associated land;
- key arterial routes that influence urban form.

5.63 Paragraph 1.52 regarding the historic environment (see 5.39 above) expands on this and there is further commentary within the Central Historic Core Conservation Area Conservation Area Appraisal with regards to preserving the prominence of the Minster on the city skyline.

Assessment

Heworth Green Conservation Area

5.64 The Heworth Green frontage is within the conservation area. Building Zones A and C would sit outside the conservation area but will affect its setting. The proposed development is deemed to be appropriate and maintain the appearance of the conservation area as tree cover would be retained and building heights would respect the scale and height of buildings to each side; the residential to the west (by the river) and the terrace of predominantly 3 storey houses further east along Heworth Green. Whilst Zone B will contain taller buildings these will be set behind the aforementioned zones and a significant distance from the conservation area so to not detrimentally affect the setting.

Grade II listed 26 Heworth Green

5.65 Zone C would be setback at least 20 m from Grade II listed 26 Heworth Green. It would be an acceptable backdrop of respectable scale, appearing 1 storey plus roof higher than the 2-storey listed building. This increase in building scale can be accommodated given the separation.

Setting of the Minster

5.66 The height of buildings within Zone B have been informed by the view of the Minster from East Parade. They would step down to 5 then 4 storey on the Layerthorpe side. Analysis shows that whilst along East Parade and Hawthorne Grove the buildings would be apparent in certain sections above the existing streetscape (in particular views by Glen Gardens), they will not impede views of the Minster or challenge its dominance on the skyline. Also the scheme involves removal of the telecommunications mast; this is currently dominant in the view of the Minster and is a detractor.

ARCHAEOLOGY

5.67 The site is not in a designated area of archaeological importance but is close to designated areas – the City Centre, Heworth and Glen Road.

5.68 Policy D7 of the Emerging Local Plan requires an understanding of archaeology affected, to avoid substantial harm (preserve 95% of deposits) or where there would be harm, undertake adequate mitigation.

5.69 The eastern side of the site (which has not previously been developed) has been subject to archaeological investigation and the findings issued as part of this application. The site was likely used for agriculture during the Roman period. The majority of the archaeology on the site represented Roman agricultural activity, dating to the 2nd and 3rd centuries AD. Despite the site's close locality to a potential Roman cemetery, there was no evidence of cremations or inhumation burials during the investigation. Much of the pottery was domestic in character.

5.70 The previously developed part of the site will be subject to a watching brief, the methodology of which is approved. Due to the former use of the site and its levels of contamination there will not be excavation or evaluation.

IMPACT ON AMENITY

5.71 The NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.72 The location and height of buildings will be controlled by the parameter plans. The plans set the lower ground level of 11.2 AOD and require smaller floorplates on the upper floors. For example in Zone C, close to Mill Lane at 5th floor level the building volume will reduce as the accommodation is only permitted to occupy 54% of the maximum allowed building footprint. Setbacks in the building line are also required in some areas to allow adequate openness between buildings.

5.73 The design code acknowledges that whilst external amenity spaces are expected; including balconies and roof terraces these will need to take into account neighbours amenity and avoid overlooking / perceived overlooking.

Zones A and C and their relationship with Eboracum Way, Heworth Green and Mill Lane

5.74 Zone A will be set behind the tree cover along Heworth Green. Along Eboracum Way There will be some 30m between the proposed block and Naples House opposite.

5.75 Zone C is at the northern end of the site. In the revised plan the building(s) maximum height would be 4 storey with a 5th floor at roof level. Ground levels on site are being lowered in this area; where the building is proposed the ground level will be lowered at least 2 m.

5.76 Only the top (5th) floor of zone C would be set above the ridge levels of the houses along Mill Lane. As noted earlier the building will be required to diminish in scale at this level and it can only occupy 54% of the main footprint (60% for the block furthest from Mill Lane). This block would be at least 30 m from neighbouring gardens along Mill Lane and there are intervening mature trees alongside the Sustrans route.

5.77 The development would sit behind Nos 26 and 36 Heworth Green. These are 2-storey buildings which are within 3 or 4 m from the site boundary. Block C1 would sit 21 m – 30 m from the boundary with 26. Blocks C2 and C3 would be around 30 m from the site boundary. No.26 is a nursery and No.36 are flats.

5.78 Manual for Streets is national design guidance and gives advice on street geometry and based on this guidance and given the existing context the proposed building heights would be suitable along Eboracum Way. These blocks will not look out of scale, given their setback, the tree cover and the scale of existing buildings, along Eboracum Way and further out along Heworth Green where there are 3 storey terraces which will be of similar scale given their more generous floor to ceiling heights. Due to the separation distances, orientation of the proposed buildings and retention of tree cover the proposed buildings would not be overbearing over 26 and 36 Heworth Green and houses on Mill Lane and nor would there be any undue overlooking.

Zone B and the impact on Hawthorne Grove and Layerthorpe

5.79 Block B2 would be some 40m from the curtilage of the nearest dwelling on Hawthorne Grove. Again there are intervening mature trees at the site boundary along the Sustrans route. The tallest section of the relevant wing of the building would be 5 storey, rising to 6-storey at the corner; these upper floors would exceed the height of the trees at the boundary and housing on Hawthorne Grove. Current outlook from neighbouring houses is towards the gasholder and telecoms mast. To facilitate the scheme these structures would be removed and there would be tree planting at the boundary. The telecoms mast will be relocated on site. This will be subject to another planning application. Whilst officers are yet to see the design we do expect a more slender and discreet design will be achievable as the existing structure was originally a radio mast. The significant separation distance involved and intervening trees means the proposed buildings would not be over-dominant.

5.80 Where blocks B1 and B2 are closest to Layerthorpe they lower in height to 4-storey. The ground levels will be between 1 m to 2 m lower compared to Layerthorpe and Hawthorne Grove respectively. Elevations show how the ground floor level of the proposed buildings would sit below street level of Layerthorpe. As illustrated on section F- F the parapet/top of the blocks would only be around 1.5 m higher than trees in this area and the ridge level of the houses on Layerthorpe.

OPEN SPACE

5.81 The NPPF advises that planning decision should aim to create healthy and inclusive places. Paragraph 96 states ‘access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate’.

5.82 Policy GI6 (new open space provision) of the Publication Draft Local Plan states ‘all residential development proposals should contribute to the provision of open space for recreation and amenity’... ‘The precise type of on-site provision required will depend on the size and location of the proposal and the existing open space provision in the area. Where there are deficiencies in certain types of open space provision in the area surrounding a proposed development, the Council will seek variations in the component elements to be provided by the developer in order to help to overcome them’. The policy goes on to state that the Council will encourage on-site provision where possible but off-site provision will be considered acceptable in certain circumstances.

Assessment

5.83 The site is within the Guildhall Ward and the Heworth Ward is adjacent. Both have a shortfall in all types of open space based on the Open Space and Green Infrastructure Update (September 2017).

5.84 The Open Space and Green Infrastructure Update 2017 (referred to in the local policy) requires 40.5 sq m of amenity space for a 1 bed dwelling and 17.8 sq m towards sports. This is not typically possible to provide for on urban sites (there is not the space). As such the off an off-site contribution can be requested. This must however meet the CIL Regulations – be necessary to make the development acceptable in planning terms, reasonable in scale and kind and directly related to the development. National guidance on the use of planning obligations is also to be mindful of viability and the need to prioritise/incentivise development of brownfield land.

Amenity space

5.85 The scheme involves additional landscaping around the edge of the site through semi-mature tree planting; the proposals anticipates more than 100 trees being planted and other soft landscaping. This landscaping will benefit the local area and biodiversity.

5.86 The neighbourhood green will be some 2,500 sq m and will operate as publicly accessible open space. The wider connectivity afforded by the scheme means the development will integrate with its surrounds and this space can function as amenity space for the wider community.

5.87 The amount of on-site open space still falls short of the spatial requirements under local policy. As such an S106 contribution is sought towards Monk Bridge Gardens, which is immediately north of the site. The contribution would provide better accessibility to the amenity space and consequently improved connectivity throughout this corridor of green infrastructure.

Children's play

5.88 The intention is that within the neighbourhood green there will be play facilities for under 5's. This will be secured through condition (design, management, public access). Glen Gardens is also in the catchment area. There would be adequate children's play to cater for the development.

Sport

5.89 A gym is proposed within Zone B which will be some 230 sq m in area. A trim trail (which would have some 6 pieces of equipment) is proposed within the public open space. Local guidance on open space requires some 17.8 sq m per bedroom of sports provision. The amount proposed on site would fall significantly short of this requirement. A contribution towards off site provision is agreed, calculated as £185,480. It would be used to enhance either of the following facilities –

- Heworth Tennis club – improved surfacing and improved access
- Heworth Cricket Club – improvement to training facilities and ground improvements
- Heworth Amateur Rugby League Football Club to support grounds improvement and or other facility improvements at the club.

HIGHWAYS

5.90 The NPPF states that in assessing applications it should be ensured that:

- Opportunities to promote sustainable transport included where appropriate.
- Safe and suitable access to the site can be achieved for all users.
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

5.91 The NFFPF also states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or

the residual cumulative impacts on the road network would be severe. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations”.

Sustainable travel / health and well-being

5.92 The scheme envisages low car usage and there will be no through routes for vehicles (apart from servicing vehicles). The layout encourages the use of streets as public spaces, rather than spaces for traffic and this follows good design principles. There will be good connectivity for pedestrians and cycles; there will be multiple routes through the site and into the wider network, including onto Eboracum Way and the Sustrans route.

5.93 The scheme will deliver improved bus stops – with real time displays. The outbound bus stop on Heworth Green (currently at Monk Bridge) will be relocated closer to the site entrance; it will be closer to existing and proposed housing. A planning condition, and the travel plan will facilitate facilities for electric vehicles on site.

5.94 Beyond the application site the scheme will enable better facilities for pedestrians and cyclists along Heworth Green. £100k will be secured through S106; this will provide a pedestrian crossing by Malton Road (cost estimate 40k) with the rest used to improve cyclist safety at the two roundabouts – with Monkgate / Foss Bank and by Stockton Lane / Heworth Road.

5.95 The Travel Plan will be an important mechanism to proactively promote sustainable travel. It will be secured through condition and will require annual monitoring to ensure that targets are met. Subject to demand extra facilities are provided, such as a second car club place. If targets within the plan are not met extra incentives to residents will be required to promote sustainable travel, such as discounts on bus travel and car club.

Car parking

5.96 NPPF advice on determining car parking standards is that these should take into account accessibility, house types, public transport, car ownership trends and the need to ensure adequate facilities for electric and other ultra-low emission vehicles.

5.97 A draft travel plan which targets an estimated modal split of approx. 31% of trips by private car has been submitted. Through S106 a bond of 50k is being secured to seek to address indiscriminate parking should this arise as a direct consequence of the development. However it is noted that much of the surrounding area is controlled through res-park (as per image in section 3).

5.98 The site does provide good connectivity; it is within walking distance of the city centre and amenities; through s106 better bus stops will be provided and the site is adjacent main public transport routes on Layerthorpe and Heworth Green. Car club will be encouraged and there will be at least one space for car club vehicles on site. Other modes of sustainable travel will also be incentivised through the Travel Plan.

5.99 Car parking provision will be 49% in zones A and C where larger dwellings are proposed. The parking is lowest (22% provision) in Zone B which will predominantly (65%) be 1-bed.

5.100 This is a scheme, in a location, where in applying NPPF guidance a lower level of car parking would be supported. Consequently, in order to promote sustainable travel, officers do not raise objection with the amount of car parking proposed.

5.101 The on-going mechanism to ensure sustainable travel will be the travel plan. The plan makes provision for further incentives to promote sustainable travel (offering residents bus passes, car club membership and money towards cycle equipment) if the intended targets are not met.

5.102 Electric vehicle charging facilities will be provided in accordance with Public Protection's current standards (10%). It will be asked that as part of the ongoing travel plan for the site extra spaces and facilities for electric vehicles can be accommodated on site subject to demand.

Impact on the network / access / servicing

5.103 Both of the local roundabouts at Heworth Green are operating at close to capacity at peak times already. As a consequence of the development these will not exceed capacity. There are no proposals to increase capacity for vehicles instead measures to facilitate sustainable travel; through the scheme and S106 contributions which are sought to improve conditions for cyclists. The assessed impact on the highway is not grounds to refuse the application; it is not severe. The

mitigation sought is consistent with national planning policy to promote sustainable modes of travel.

DRAINAGE

5.104 The site is in an area where there is a low probability of flood risk. Relevant NPPF advice on flood risk is not to increase flood risk elsewhere. Local Policy ENV 5 requires surface water run off at brownfield sites to be restricted to 70% of the existing rate. Sustainable drainage should be facilitated unless this is not feasible.

5.105 A surface water run-off for the site, which provides a 30% reduction from the existing run off rate, has been agreed, based on existing permeable areas on site and assessment of impermeable areas and whether they are currently connected into the drainage network. In terms of SUDS the preferred method is attenuation; soakaways are not suitable on this site (due to ground conditions) and there is no watercourse that can be directly connected onto.

PUBLIC PROTECTION

Remediation

5.106 A remediation strategy has been approved and this will ensure the site does not pose risk to future occupants. Conditions have been agreed with the Environment Agency with regards to avoiding water pollution as a consequence of groundworks and infilling of the gasholder.

Noise

5.107 A noise assessment has been undertaken which reports that based on current conditions standard double glazing will provide adequate noise attenuation to the extent that British Standards would be achieved. However in some cases noise levels would be achieved with windows closed and consequently alternative means of ventilation would be required (although windows will be openable). As the application is in outline and as noise conditions may vary following the enabling works and introduction of new buildings a condition is proposed that allows a noise insulation scheme for each building to be approved at reserved matters stage.

SUSTAINABLE DESIGN AND CONSTRUCTION

5.108 DLP 2018 policy CC2 requires exceedance of building regulations with regards to water and energy efficiency and carbon emissions (through the use of low/zero carbon technology or building efficiency). Any commercial unit over 100 sq m will be required to achieve BREEAM Excellent.

5.109 The viability assessment assumed compliance with policy regarding reduced carbon emissions through the use of various measures; enhanced building fabric,

MVHR (a system which replaces stale air with fresh air and provides heat), and CHP (combined heat and power) and / or PV panels.

5.110 The cost of the sustainable construction measures was consequently substantial; £2.3m over the site. This equates to an extra build cost of some £3,800 per dwelling.

5.111 Officers recommendation is to relax requirements in terms of sustainable construction in this case to allow more money to be used towards affordable housing given housing need. This would allow a better mix of affordable housing type both on and off site.

5.112 The preferred option means the building fabric will need to be Building Regulation compliant. In addition the buildings will be served by MVHR (mechanical ventilation and heat recovery) a typical feature of Passivhaus standard buildings. This system will provide efficient heating (thus reducing energy bills) and clean air. This compromise will deliver energy efficient buildings and allow a further approx. £1.4m to be put towards affordable housing.

5.113 BREEAM Excellent will still be secured for the commercial unit in accordance with policy.

ECOLOGY

5.114 The site has been subject to an impact assessment which considered the impact on protected species.

5.115 Bats – no bat roosts were found on site. Low numbers of common Pipistrelle bats were observed commuting. The Lime trees by the Sustrans route contain suitable bat roost features, as do buildings which are to be demolished to accommodate the proposed development. A condition can secure mitigation, likely the installation of bat boxes.

5.116 Great Crested Newts – there was a pond on site (on the eastern side of the site) which was established in 2012 as a consequence of archaeological investigations. It only contains water during sustained wet periods. The applicants assessment concludes it is unlikely newts are present due to the age and scale of the pond (the pond is not present all year round), the urban surroundings and the as no newts have been recorded within 1.5km of the site. Officers are content with this conclusion.

EDUCATION

5.117 NPPF paragraph 94 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, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications”. Local draft supplementary planning guidance explains how the need for extra education spaces are determined and the relevant planning obligations.

5.118 The need arising from the development (based on local guidance and the indicative mix) would be as follows –

Yield		Contribution	
Primary	25 places	Tang Hall primary	10 places (extension)
Secondary	8 places	Archbishop Holgate	8 places (extension)
Early Years	32 places	within catchment (1.5km)	32 places

5.119 The anticipated need is on the basis that there is currently some capacity in local primary schools (the yield based on the indicative mix would be 25 places).

5.120 The local primary school (Tang Hall) is forecast to have capacity in future as such a contribution of up to 10 places will be sought. For secondary and Early Years potentially a full contribution would be sought, to extend Archbishop Holgate and for early years within the catchment (1.5km). Contribution would be sought through the S106 agreement.

6.0 CONCLUSION

6.1 The site is previously developed, vacant and in a sustainable location. It is allocated for housing in the 2018 DLP and on the Brownfield Land Register. Whilst the number of dwellings proposed is high and tall buildings are proposed, the site is in a location where national policy promotes high density. Officer consider the scale of buildings on site will be controlled to the extent that they would not appear out of character and provide a reasonable transition between the industrial and commercial areas of Foss Islands / Layerthorpe and the residential areas further east. This is assisted by the separation offered by the Sustrans route and tree cover around the eastern side of the site.

6.2 The amount of development proposed makes the scheme viable (the site is vacant; since 2006 there have been 4 approved residential schemes never implemented) and can deliver a policy compliant amount of affordable housing in the Build to Rent blocks (with adjusted rents below the guideline 20% minimum) and a contribution towards off site affordable housing.

6.3 Whilst local affordable housing targets will not be fully met in terms of numbers, for Zones A and C the off- site contribution could deliver more variety; some 20 family houses off site (opposed to 36 flats on site which would be policy compliant).

6.4 The scheme will make adequate contributions in terms of accommodating demand for education facilities and its provision of open space. It will provide good connectivity and public realm to integrate the development into the locality; the Sustrans connection, the pedestrian and cycle routes that will be provided through the site and a significant new public green space, some 2,500 sq m in area.

6.5 For the reasons set out above in this report, subject to approval of reserved matters there will be no adverse effect on heritage assets (and this includes the impact on views of the Minster) or neighbouring residents' amenity.

6.6 By virtue of its location and proposals for the public realm, limited car parking and the promotion of sustainable modes of transport, both on site and through improvements along Heworth Green sustainable travel is encouraged, as required by the NPPF. There is no evidence there will be a "severe" impact on the highway network and therefore there is no conflict with the NPPF in this respect. The scheme can also be sustainable in terms of its use of low carbon technology; the buildings will be energy efficient and provide facilities for cyclists.

6.7 The local concerns about the amount of development proposed for the site have to be considered against the following NPPF requirements and giving due weight to the aforementioned wider public benefits derived from comprehensive re-use and regeneration of the site -

- To give "substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.
- To support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land".
- The requirement to "boost significantly housing supply" (in particular given the lack of a deliverable 5 year supply in the city (Council position is that supply is just below 3 years without Local Plan allocations within the general extent of the Green Belt).

6.8 Approval is recommended subject to completion of a S106 agreement and the recommended conditions. On this basis the scheme will reasonably comply with the economic, social and environmental objectives of the NPPF. There are no protected habitats, designated heritage assets or flood risk grounds that provide a clear reason for refusing the development and there would be no adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development.

7.0 RECOMMENDATION:

7.1 Approval is recommended subject to completion of a S106 agreement to include the items below and the recommended conditions.

- Affordable housing provision on site
(40 dwellings - 30-1-bed and 10-bed with rents reduced by 30%) on site in Build to Rent
- Affordable housing off-site contribution (£2,715,000 split between zones A & C)
- Viability review mechanism
- Education contributions
 - Primary £182,370
 - Secondary £199,896
 - Early years £291,808
- Off-site sports facilities for clubs based in Heworth (tennis, cricket, rugby) £185k
- Off-site amenity space at Monk Bridge Gardens £83k
- Off-site highways works
 - 60K new/upgraded bus stops on Heworth Green & Layerthorpe
 - 100k highway works at Heworth Green Zebra to provide better facilities for pedestrians and cyclists
 - 50k bond to implement kerbside restrictions if necessary to prevent indiscriminate parking on surrounding streets.
- Sustainable travel £200 per dwelling toward bus pass, cycle equipment or car club
- S106 monitoring £63,800

Conditions:

1 Time for approval of reserved matters

Application(s) for approval of 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 and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country
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Planning Act 1990 as amended.

2 Submission of reserved matters applications

Prior to the commencement of building works, other than enabling works of any phase, sub-phase or building, reserved matters applications with fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Appearance
- Landscaping

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

INFORMATIVE: "Enabling works" is defined as (1) site investigations (including archaeological investigations), sampling or surveys; (2) site decontamination and remediation; (3) ground improvement; (4) plot demarcation and pegging out; (5) construction of haul roads and associated accesses for construction and site preparation traffic; (6) installation of approved schemes of drainage; flood attenuation and structural landscaping; (7) the demolition of any existing buildings or structures; (8) the clearance or re-grading of the Site; (9) works connected with infilling; (10) the provision of any security fencing; (11) works for the provision of drainage or mains services to prepare the Site for development; (12) any other preparatory works as may be agreed in writing with the Council; (13) the carrying out and completion of works detailed in planning application 19/02168/FULM; (15) installation of below ground gas pipework and infrastructure; (16) installation of a replacement telephone mast/s and associated equipment in accordance with details approved by any subsequent planning permission within the site and (14) carrying out of works associated with any approved schemes of environmental mitigation or mitigation relating to any of the above.

3 Timeframe for commencement of development

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

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 and to boost housing delivery in accordance with NPPF paragraph 59.

4 Approved plans

18065_IN-003_P02 Demolition Plan

18065-IN-004_P02 Existing Layout- Development Zones

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Illustrative layout – development zones; Drawing IS106 P03
Illustrative site plan IS105 P05

18065-PP-101_P06	Parameter Layout - Setting Out and Constraints
18065-PP-110_P06	Parameter Layout - Level 00
18065-PP-111_P06	Parameter Layout - Level 01-03
18065-PP-114_P06	Parameter Layout - Level 04
18065-PP-115_P07	Parameter Layout - Level 05
18065-PP-116_P06	Parameter Layout - Level 06
18065-PP-117_P04	Parameter Layout – Roof level

Earthwork plateau levels and external works details - 18075-110-T2 prepared by Dudleys dated Sept19

Enabling works drainage layout – 18075-114-T3 prepared by Dudleys dated Sept 19

Drainage details – 18075-115- T2; and 18075-116-T2 prepared by Dudleys dated Sept 19

General arrangement neighbourhood street - RFM-XX-00-DR-L-0001 P04 prepared by Reform

General arrangement Layerthorpe service access - RFM-XX-00-DR-L-0002 P03 prepared by Reform

General arrangement eastern boundary planting - RFM-XX-00-DR-L-0003 P01 prepared by Reform

Approved as interim measures during construction phase - Drawings 18075-121-T1; 18075-121-T2; prepared by Dudleys dated Sept19

Design Code

5 The development hereby permitted shall be carried out in accordance with the submitted Design Code revision P04 issued 29.11.2019, or any subsequent addendum to the Design Code approved in writing by the Local Planning Authority.

Each reserved matters application for a building or phase of the development, shall be accompanied by a compliance statement explaining how the scheme accords with the approved Design Guide and Parameter Plans.

Reason: This is an outline planning permission which will be developed in multiple phases. Compliance with the approved parameters and design guide is required to deliver a coherent approved vision, in accordance with design guidance as detailed in National Planning Guidance.

INFORMATIVE: it is noted that the submission will be expected to include –

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- Details of the sustainable design and environmental performance of the relevant building and consequent implications for its external appearance.
- Strategy for private and semi-private amenity space.
- Secure by design principles

Construction Management

6 Prior to commencement of each phase of development, including the enabling works, a Construction Environmental Management Plan for the relevant phase shall be approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the relevant construction period. The plan shall include: -

- Arrangements for parking of vehicles for site operatives and visitors.
- Means of access control, and measures to prevent construction/delivery vehicles parking/blocking the highway.
- Details of wheel washing facilities for the cleaning of wheels of vehicles leaving the site, including location and type.
- A scheme for recycling/disposing of waste resulting from demolition and construction works.
- Dust - 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 (a Dust Management Plan). Mitigation measures may include, but would not be restricted to, appropriate measures to ensure dust generated by the development does not travel beyond the site boundary, 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 non-road mobile machinery (NRMM) and the proposed mitigation measures, commensurate with the identified risk.
- Noise - Details on hours of construction, deliveries, types of machinery to be used, noise mitigation and details of any monitoring and compliance with relevant standards.
- Vibration - Details 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 mitigation.

- Lighting - Details on artificial lighting and measures which will be used to minimise impact, such as restrictions in hours of operation, the location and angling of lighting.
- Complaints procedure - The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: To ensure before development commences that construction methods will safeguard the amenities of neighbouring properties in accordance with Policy ENV2 of the City of York Publication Draft Local Plan.

7 HWAY40 Dilapidation Survey

8 NOISE7 Restricted hours of construction

REMEDIATION

Remediation strategy (gasholder)

9 Prior to the commencement of any works affecting the gasholder a remediation strategy to deal with the risks associated with contamination of the gasholder in respect of the development hereby permitted, shall be submitted to, and approved in writing by, the local planning authority.

This strategy will include the following components:

- a) A preliminary risk assessment which has identified:
 - potential contaminants associated with former uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
- b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

- c) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: The previous use of the proposed development site as a gas works presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the development site is located upon a principal aquifer.

Foundation design and impact on groundwater

10 No foundation design associated with development approved by this planning permission shall commence until a written remediation scheme to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This scheme will include the following components:

- a) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including groundwater those off-site.
- c) The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning

authority. The scheme shall be implemented as approved.

Prior to first occupation of the development hereby permitted a verification report demonstrating the completion of any remediation works and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the foundation design has no adverse effect in terms of water pollution and to prevent deterioration of a water quality element to a lower status class in SUNO Sherwood Sandstone groundwater body.

Verification of remediation

11 Prior to first occupation or use of the relevant phase or building, the approved remediation scheme (Dunelm report D9304C/01) shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

Unexpected contamination

12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

Tree Protection

13 Prior to the commencement of each phase of development, including the importing of materials and any excavations, a method statement regarding

protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved method statement. For the avoidance of doubt this condition excludes works necessary for routine tree maintenance, pruning and crowning works.

This method statement shall include details and locations of protective fencing, and construction details where any change in surface material or installation of services is proposed within the canopy spread and likely rooting zone of a tree. No trenches, pipe runs for services or drains shall be sited within the root protection area of the tree(s) on the site which are to be retained without the prior approval in writing of the Local Planning Authority.

Reason: This condition is required pre-commencement to safeguard existing trees on the site which make a positive contribution to visual amenity and the landscaped setting of the area and biodiversity, in accordance with sections 12 and 15 of the NPPF.

Bat mitigation

14 Prior to demolition works or tree removal a strategy for the installation of features to compensate for the loss of buildings, and trees, that contain suitable bat roost features shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include the timing of works. The development shall be carried out in accordance with the approved strategy.

Reason: To contribute to and enhance the natural environment and to minimise impacts on and providing net gains for biodiversity in accordance with paragraph 170 of the NPPF.

INFORMATIVE: A minimum of 8 integrated features providing a roosting crevice for bats must be constructed within the fabric of the new buildings along the south-eastern boundary of the site, and 15 boxes for nesting birds on the buildings and suitable trees within the site.

Nesting birds

15 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures (not including removal of rail tracks) that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a 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 shall be submitted to the local planning authority.

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

Archaeology – watching brief

16 An archaeological watching brief shall be completed in accordance with the approved Written Scheme of Investigation for a Written Scheme of Investigation for an Archaeological Strip, Map and Record and Watching Brief, dated September 2019, prepared by York Archaeological Trust.

Following completion of the watching brief a copy of the report and any post investigation assessment shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 2 months of completion or such period as may be agreed in writing with the Local Planning Authority. Should the results of the watching brief merit a level of publication this will also be secured prior to the approval of the condition.

Reason: In accordance with Section 16 of NPPF as the site is considered to be an area of archaeological interest. Therefore, the development may affect important archaeological deposits which must be recorded prior to destruction.

CONTROLS ON AMOUNT OF DEVELOPMENT & HOUSING MIX

17 The scheme hereby permitted shall adhere to the following stipulations; to ensure that it is consistent with the details contained within the outline application -

The buildings hereby permitted shall not exceed the building footprints, scale and AOD heights as annotated on the approved parameter plans and shall adhere to the rules as detailed on the approved parameter plans.

The maximum number of dwellings shall not exceed 625.

Housing mix – within each zone as shown on the illustrative layout – development zones; Drawing IS106 P03 the scheme shall provide at least the following amount of 2 and 3 bedroom sized dwellings (unless an alternative mix, which has a non-material impact on the amount of development hereby approved, is approved at reserved matters stage by the Local Planning Authority) –

Zone A – at least 9% of dwellings to be 3-bed; at least 23% dwellings to be 2-bed.
Zone B – at least 5% of dwellings to be 3-bed; at least 31% of dwellings to be 2-bed.
Zone C – at least 32% of dwellings to be 3-bed; at least 42% of dwellings to be 2-bed.

Within zones A and B there shall be at least 130 sq m floor space (overall) which shall be available for commercial or community use and at least 230 sq m which shall be available for either health, leisure or community use.

Car parking – at least the following number of car parking spaces shall be provided within each zone of development. In addition there shall be at least 10 spaces for visitor parking across the site (unless evidence is presented to the Local Planning Authority, and agreed, that the stipulated car parking provision is unnecessary) –

Zone A - 45 car parking spaces

Zone B - 90 car parking spaces

Zone C - 60 car parking spaces

Reason: To ensure a reasonable mix of housing and ancillary facilities, as detailed in the application and to ensure a mixed community with reasonable social, recreational and cultural facilities, in accordance with sections 5 and 8 of the NPPF.

PHASING

Heworth green access

18 Details of the Heworth Green access (Arrival Street as shown on the illustrative layout – development zones; Drawing IS106 P02) shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details prior to first occupation. The details shall evidence that the access is of sufficient construction to enable servicing vehicles.

Reason: In the interests of good design, in accordance with section 12 of the NPPF, in particular paragraph 127.

Layerthorpe Access

19 Prior to completion of the Layerthorpe service access (as illustrated on drawing RFM-XX-00-DR-L-0002), a detailed scheme for this area, which shall include lighting, pedestrian priority along Layerthorpe (crossing the site access) and details of interaction with the public right of way immediately aside the access (to include surfacing materials and levels of both areas) shall be submitted to and approved in writing by the Local Planning Authority.

The scheme implemented in accordance with the approved details prior to first occupation of Block B1.

Reason: In the interests of good design, in accordance with section 12 of the NPPF, in particular paragraph 127.

Public realm / amenity space

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20 Details of the public realm, publically accessible space and all other amenity space / landscaping within each zone, as shown on the illustrative layout – development zones; Drawing IS106 P02, shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details within 6 months of the completion of that phase, unless occupied by a site construction compound for a subsequent phase in which case the affected area shall be provided and open to the public within 6 months of the completion of that subsequent phase and removal of any construction compound.

Should Zone C not be completed within 1 year of first occupation of block B2, alternative arrangements for the installation of the neighbourhood green (either in its entirety or in phased stages) shall be submitted to and approved in writing by the Local Planning Authority. The amenity space shall consequently be provided in accordance with the approved details.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

The public realm and publicly accessible open space shall be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of good design; in accordance with NPPF paragraph 127.

Sustrans connection

21 The pedestrian route, between Heworth Green and the Sustrans corridor shall be provided and made available for public use prior to first occupation of Block B2.

Reason: To promote sustainable travel and health in accordance with NPPF paragraphs 98, 102 and 127.

Eboracum Way

22 Prior to first occupation of Blocks A1 and B1 as shown on the Drawing Illustrative layout – development zones; Drawing IS106 P03 details of the interface between the site and Eboracum Way, which shall include landscaping works and details of connections of footpaths and cycle routes into the wider network shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to first occupation of both blocks A1 and B1.

Reason: In the interests of good design and to encourage sustainable modes of travel, in accordance with sections 9 and 12 of the NPPF and to ensure the scheme accords with section 3.2.2 of the approved Design Code.

DETAILS REQUIRED FOR EACH PHASE / BUILDING

Cycle storage

23 Prior to commencement of construction of each phase of development a scheme for cycle parking provision for the relevant building(s) shall be approved by the Local Planning Authority. The approved scheme shall be implemented before the relevant building(s) are brought into use.

The strategy shall demonstrate adequate facilities for residents, visitor and staff (if applicable) for the relevant phase; that the facilities are fit for purpose and the residents / staff facilities are both covered and sufficiently secure.

Reason: In the interests of visual and residential amenity and to promote sustainable travel in accordance with paragraphs 108 and 127 of the NPPF.

INFORMATIVE: To developers attention is drawn to the Council's Cycle Parking Guide (2016) and it is noted that Sheffield type stands should be the predominant means of securing cycles.

Waste storage

24 Prior to commencement of construction each phase of development a scheme detailing the method of storage and disposal of general waste and recycling materials for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided including, where appropriate, lockable containers.

The approved scheme shall be implemented before the relevant building(s) are brought into use and no waste or litter shall be stored or disposed of other than in accordance with the approved scheme.

Reason: To safeguard the character and visual amenities of the site and wider area, in accordance with Policy D1 of the City of York Publication Draft Local Plan and Paragraph 127 of the NPPF.

Details and materials

25 Prior to construction of the building envelope of each building the following items, of the relevant building, 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 -

- Manufacturer's details and colour finish of all external materials
- A sample panel of the brickwork to be used (which shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used). This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.
- Typical section drawings

Reason: In the interests of visual amenity, in accordance with paragraph 127 of the NPPF.

Landscaping (hard and soft)

26 Prior to the implementation of the related works for each phase a detailed scheme for hard and soft landscaping including open space and children's play facilities (if applicable) 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. The details of landscaping shall include, but not be limited to, the following:

- The location and crown spread of all existing trees and hedges to be retained (in a solid line) or removed (in a dashed line) in accordance with the information in the submitted Arboricultural Report prepared by Barnes Associates, including neighbouring trees adjacent to the site boundary.
- Demonstrate that the proposed earthworks including existing and proposed site contours, and spot heights and utility routes (such as surface/foul water drainage, street lights, underground water attenuation, electricity, water, telecommunications) will not have an adverse effect on retained and proposed trees.
- Species, stock size, density (spacing), and position of trees, shrubs, hedging, bulbs and other plants; and seed mix, sowing rate, and mowing regimes.
- Details and specifications of ground preparation, tree pits/trenches, soil cells, means of support, protection and watering.
- Layout of equipped areas of play and details and specifications of all outdoor play equipment and safety surfacing (if applicable).
- Details of all proposed hard landscape works, including the public realm / highways works retaining walls, steps, ramps, paving materials, and other hard surfacing and landscape features.
- Locations and detailed design of street furniture.
- Locations and details of all proposed boundary treatments such as fencing, railing, hedging, walls, gates, or other means of enclosure.

The approved hard landscaping details shall be implemented prior to first occupation

of the relevant phase. Soft landscaping shall be implemented within a period of six months of the completion of the relevant phase or to the nearest planting season.

Any trees or plants which within a period of 5 years from the substantial completion of the planting and development phase, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

Reason: In the interests of visual amenity, and to promote sustainable travel, health and well-being, in accordance with NPPF paragraphs 96, 98 and 127.

Children's Play and Trim Trail

27 The neighbourhood green as shown on Drawing Illustrative layout – development zones; Drawing IS106 P03 shall include a children's play area and trim trail. Details of these facilities shall be approved in writing by the Local Planning Authority prior to commencement of the relevant works and the facilities shall be provided in accordance with the approved details and available for public use for the lifetime of the development.

Reason: To ensure that there is adequate open and amenity space and to promote health and well-being, in accordance with section 8 of the NPPF.

Sustrans route

28 Prior to commencement of the relevant works a scheme detailing works along the Sustrans route (to the east of the site) shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed, the scheme shall detail the following –

- Any tree works (which shall include new planting).
- Details of a pedestrian and cycle ramp linking the development site and Sustrans route including materials and details of the landing zone (access points) within the development site and Sustrans route.
- Details of any new lighting (which shall include details of existing and proposed levels of lightspill).
- An audit of the condition of the surfacing along the Sustrans route, local to the site, and proposals for repairs where necessary.

The development shall be carried out in accordance with the approved details and the conditions related to phasing.

Reason: To promote sustainable travel, health and well-being, and in the interests of good design in accordance with NPPF paragraphs 96, 98, 108, 110 and 127

Management of landscaping & public access

29 Prior to first occupation of the relevant phase a management and maintenance plan for the associated public realm and landscaping shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in adherence with the approved plan.

Reason: In the interests of good design and the character and appearance of the area, in accordance with paragraphs 91, 92, 96 and 127.

Public access

30 No occupation of any phase of the development shall commence until a scheme detailing of how the permissive routes and public open space relevant to that phase will be kept open, free from any obstruction, in a safe condition for use by members of the public 364 days of the year and clearly marked to indicate that there is no indication to dedicate as part of the adopted highway, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved for the lifetime of the development hereby approved.

Reason: To ensure the provision of an unrestricted and safe route for the use of members of the public, to promote health and well-being and sustainable travel in accordance with sections 8 and 9 of the NPPF.

Travel plans

31 The development shall be carried out in adherence with the submitted Residential Travel Plan (version 2.3 dated December 2019).

Each reserved matters application for any building or shall include a site specific Travel Plan, which shall be approved in writing by the Local Planning Authority prior to first occupation of the relevant phase. The development shall be carried out in accordance with the approved details. The plans shall include measures to encourage use of electric vehicles and provide additional charging facilities and spaces for such vehicles subject to demand.

Following first occupation of each phase or building the yearly travel surveys and full details of the proposed enhanced measures (as detailed on pages 19 and 20 of the travel plan) and means of implementation, should the agreed targets of the travel plan fail to be met, shall then be submitted annually to the authority's travel plan officer for approval for a period of 5 years following full occupation of the relevant phase or building.

The following measures shall be repeated annually if the travel plan targets are not met -

- Doorstep Personalised travel planning
- Residents offered vouchers to supplement cycle and equipment purchase
- Residents offered funding for free/discounted public transport tickets
- Residents offered free car club membership & drive time for residents

The annual reviews shall also explore and deliver (subject to demand) space for a second car club car on site.

The measures shall be implemented in accordance with the approved details.

Reason: In order to achieve the agreed targets for achieving sustainable travel, in accordance with paragraphs 109, 110, 111 of the NPPF

DRAINAGE

32 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.

33 Prior to development, except enabling works, of any phase or building details of the proposed means of foul and surface water drainage, including details of any balancing works and off-site works, shall be submitted to and approved in writing by the Local Planning Authority. The information shall include site specific details of:

- the means by which the surface water discharge rate shall be restricted to a maximum rate of 176.1 (one hundred and seventy-six point one) litres per second (this rate is applicable for each development phase/ zone).
- 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.
- Full modelling calculations for the above.
- Future management and maintenance of the proposed drainage scheme.

The drainage details shall be shown in conjunction with the landscaping details for the relevant phase or building and a report shall be provided which explains how the drainage would not compromise the relevant landscaping scheme.

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

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

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

Car parking areas

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

Reason: To prevent pollution of the water environment.

Electric vehicle charging

36 The scheme shall provide a minimum of 10 parking bays with facilities for charging electric vehicles and a minimum of 10 additional parking bays identified for the future installation of additional Electric Vehicle Charging Points. The additional bays shall be provided with all necessary cabling and groundwork to facilitate the addition of Electric Vehicle Charge Points in the future.

The overall provision shall be provided as follows - a minimum of 10no. parking bays for phase 2 (Zone B), 4no. for phase 1 (Zone A) and 6no. for phase 3 (Zone C)

Within 3 months of the first occupation of each phase of the development, an Electric Vehicle Recharging Point Management Plan shall be submitted to the Council for approval in writing. The Electric Vehicle Recharging Point Management Plan will detail the management, maintenance, servicing and access arrangements for each Electric Vehicle Recharging Point for a period of 10 years. The Electric Vehicle Recharging Point Management Plan shall be implemented as approved for the lifetime of the development hereby approved.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and sections 9 and 15 of the NPPF.

Informatives:

- Electric Vehicle Charging Points should allow 'Mode 3' charging of an electric vehicle.
- Parking bays should incorporate suitable signage / bay markings.
- The 'Electric Vehicle Recharging Point Management Plan' should include details of how the charge points can be used by residents and how the bays will be managed to ensure they are only used by EVs.
- All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation

RESIDENTIAL AMENITY

Noise within dwellings

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

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

If internal noise levels are achieved with all windows shut then other means of acoustic ventilation shall be provided. The detailed scheme for each phase shall be approved in writing by the local planning authority and fully implemented before first occupation of the relevant dwellings.

Reason: To protect the amenity of residents, in accordance with NPPF paragraphs 127 and 180.

Noise from gas governors

38 The means of enclosure / housing to the gas governors shall provide noise attenuation of at least 34dB(A), unless an alternative noise mitigation scheme is submitted to and approved in writing by the Local Planning Authority and the scheme implemented in accordance with the approved details prior to first use of the gas governor equipment.

Reason: To ensure adequate levels of amenity for surrounding occupants, in particular to ensure adequate noise levels in residential gardens, living and bedrooms.

SUSTAINABLE DESIGN AND CONSTRUCTION

39 The scheme shall incorporate Mechanical Ventilation and Heat Recovery (MVHR) within each building. Reserved matters applications for the design of each of the buildings shall include a statement explaining how the relevant building(s) incorporate such. The development shall be carried out in accordance with the approved details.

Prior to first occupation of each building details of the measures undertaken to secure compliance with this condition 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.

BREEAM

40 All new non-residential buildings with a total internal floor area of 100m² or greater shall achieve BREEAM 'Excellent' (or equivalent).

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

7.0 INFORMATIVES:

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: pre-application advice and sought revised plans to make the scheme acceptable in terms of design, negotiation on s106 and use of planning conditions to ensure a viable and deliverable scheme.

2. INFORMATIVE:

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

Works in the highway - Section 171 - Vehicle Crossing - Section 184
(01904) 551550 - streetworks@york.gov.uk

3. LEGAL AGREEMENT

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

Contact details:

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