

COMMITTEE REPORT

Date: 26 September 2024 **Ward:** Heworth
Team: East Area **Parish:** Heworth Planning Panel

Reference: 24/00857/FULM
Application at: Tang Hall Cp School Sixth Avenue York YO31 0UT
For: Demolition of existing school building. Retention of Childrens Centre. Erection of single storey school building (use class F1) with associated parking, access, play space, playing field and landscaping.
By: ISG Construction Ltd, On Behalf Of Dept For Education
Application Type: Major Full Application
Target Date: 3 October 2024
Recommendation: Approve

1.0 PROPOSAL

1.1. Tang Hall Primary School is located on Sixth Avenue and occupies 1.16 hectares. The site currently hosts the Primary School, the Avenue Children's Centre, a playground, a car park (approx. 38 spaces) and a multi-use games area (MUGA). There are currently no grassed areas or playing fields. The site occupies a rectangular plot with the buildings sited in the centre of the site, in a 'H' shape. Residential dwellings surround the site on all sides and allotments lie to the west. Pedestrians and vehicular access to the site is currently via Sixth Avenue or Fourth Avenue. The school was constructed in the 1920's and the Childrens Centre was added in the 2000's. The School is considered a non-designated heritage asset as listed within 'Character Area 56: Tang Hall Estate' character area statement. The site lies within Flood Zone 1.

1.2. Planning permission is sought for the demolition of the existing school buildings which sits centrally within the site in a H plan footprint. The existing wings on the northern and southern boundary generally host classrooms with the school hall in the centre of the site, to the east of the Childrens Centre. The Children's Centre located in the centre of the site would be retained. This is operated independently of the school.

1.3. It is proposed to erect a new single storey school building in the North-West quadrant of the site. The new building will have an L-shaped footprint and will host classrooms, staff rooms, a nursery, library, offices, kitchen, hall, W.C facilities and store rooms. Although single storey, some elements will be 1.5 storey to allow an increased height for the hall, PE and dining. It is to be constructed in brick,

aluminium cladding with a bio-solar green roof. The school floorspace will be reduced from 3,749m² to 1,378m². The eastern half of the site will include new play space (hard and soft), a new playing field, as well as a pupil habitat area. The existing MUGA will be retained.

1.4. Three areas around the site are proposed for cycle parking (which will host 40no. cycles and 30no. scooters). A new 41no. space car park is proposed in the south west quadrant of the site, alongside a new vehicular and pedestrian access from Sixth Avenue. 3no. (7.3%) active EV charging spaces are proposed. 11no. trees are required for removal as a result of the development and 7no. trees are to be removed due to their condition. The scheme involves a significant landscaping scheme (including grassed areas, tree planting and infilling of fencing). Biodiversity Net Gain of 10% is required and is achieved on site.

1.5. The school has secured funding from the Department of Education for the upgrading of the existing school facilities as part of the School Rebuild Programme. The location of the new build will enable the construction to take place whilst ensuring the school is operational and as such would be a phased development. The school will be one form entry. Pupil capacity (210no. places) and staff numbers (22.5 FTE) are not altering as a result of this development. Nursery provision will remain (36no. places). The Applicant has carried out local community consultation and pre-application advice was sought.

1.6. The following planning history is relevant:

- 24/00660/EIASN - Screening opinion in respect of demolition of existing buildings on site and construction of a one storey replacement primary school building with associated landscaping, playspace and parking. EIA not required: 10.05.2023.
- 07/01517/GRG3 – Creation of multi-use games area. Approved.
- 07/01057/GRG3 - Alterations and extension to provide additional educational and community facilities.

2.0 POLICY CONTEXT

2.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).

2.2. The Statutory Development Plan for the City of York comprises the saved policies and key diagram of the otherwise revoked Yorkshire and Humber Plan Regional Spatial Strategy (2008) and any made Neighbourhood Plan. There is no neighbourhood plan in this area.

NATIONAL PLANNING POLICY FRAMEWORK

2.3. The revised National Planning Policy Framework (NPPF) was published and last updated in December 2023. It sets out the government's planning policies for England and how these are expected to be applied.

DRAFT LOCAL PLAN (DLP 2018)

2.4. The Draft Local Plan (2018) was submitted for examination on 25th May 2018. The plan has been subject to examination. Proposed modifications regarding policy H5 Gypsies and Travellers have recently been subject to consultation. The draft policies can be afforded weight in accordance with paragraph 48 of the NPPF.

Key relevant Draft Local Plan (2018) policies are:

HW4 – Childcare Provision

ED6 – Preschool, Primary and Secondary Education

ED8 – Community Access to Sports and Cultural Facilities and Education Sites

D1 – Placemaking

D2 – Landscape and Setting

D7 – Non-Designated Heritage Assets

GI2 – Biodiversity and Access to Nature

GI4 - Trees and Hedgerows

CC2 – Sustainable Design and Construction of New Development

ENV1 – Air Quality

ENV2 – Managing Environmental Quality

ENV3 – Land Contamination

ENV4 – Flood Risk

ENV5 – Sustainable Drainage

WM1 – Sustainable Waste Management

T1 – Sustainable Access

T7 – Minimising and Accommodating Generated Trips

T8 – Demand Management

DM1 – Infrastructure and Developer Contributions

3.0 CONSULTATIONS

INTERNAL

Flood Risk Management Team

3.1. Confirm the ground investigation report provides sufficient evidence that soakaways will not work on this site and a watercourse is remote. With regards to the phasing of the drainage works described within the DF, this has been agreed previously.

3.2. The submitted Design Philosophy (DF) for Civil Engineering – Re: SRP1110-CUR-ZZ-ZZ-T-C-0001 Revision P05 dated 4th September 2024 by Curtin's showing foul water being connected to the public foul water sewer and surface water connection to the public surface water sewer at a restricted rate of 27.0 (twenty seven point zero) litres per second with appropriate attenuation up to and including the 1 in 100-year event with 45% climate change event is acceptable in principle. Recommend two conditions (development in accordance with drainage strategy and measures to protect the public sewerage infrastructure).

Public Right of Way Officer

3.3. No public rights of way within or adjacent to the site so PROW team have no comments.

Public Protection

3.4. Recommend conditions with regards to noise and machinery; Construction Environmental Management Plan (CEMP) and EV charging strategy. No objections to the proposed lighting layout plan.

3.5. Land remediation works will be required, and the submitted report recommends the installation of a clean cover system in soft landscaped areas. The report and the proposal to install a clean cover system, are acceptable. A detailed Remediation Strategy should be submitted in due course.

3.6. With regard to the planning conditions – CL1 is no longer required, but would recommend that conditions CL2, CL3 and CL4 are still attached to any planning approval.

3.7. The development will include a commercial kitchen with odour extraction therefore recommend a condition. In response to this the Agent referred to section 8.164-8.168 of the Planning Statement. The Public Protection Officer reviewed this and noted the detail was sufficient to remove the need for the condition, as the height of the flue is above the roof level so this will be sufficient along with grease filters.

City Archaeologist

3.8. The site has not been subject to any archaeological investigation. It is an area of low-moderate archaeological potential given the location and the large-scale development which was undertaken in the early-mid 20th century. A level 2 building record has been submitted which will be entered onto the Historic Environment Record. On balance, given the relatively low archaeological potential, archaeological conditions are not required.

Carbon Reduction Officer

3.9. The Applicant has provided an Energy and Sustainability Statement the principles that will make Tang Hall School Net Zero Carbon in Operation. The Applicant follows the Energy Hierarchy, using a 'Lean, Clean and Green approach'. The Applicant has considered a range of low carbon technologies, including heat pumps, a bio solar roof. The Applicant has surpassed the requirements of Policy CC2, and will be Net Zero Carbon in Operation.

3.10. Department for Education's Standards are considered an acceptable alternative to BREEAM Excellent. The Applicant must demonstrate sustainable design in all BREEAM areas: Management, Health and Wellbeing, Energy, Transport, Water, Materials, Waste, Land Use and Ecology, Pollution and Innovation. The Applicant should illustrate that the proposed development performs well in all categories, beyond commitments to Net Zero Carbon in Operation and Biodiversity Net Gain.

Ecologist

3.11. No objections subject to biodiversity net gain condition and ecological enhancements.

Landscape Architect

3.12. Concerns regarding the proximity to existing trees on Sixth Avenue. The Officer recommends:

- No dig construction for T25
- Suitable protection for T26
- Move the building 2m away from Sixth Ave (due to the need for crown reduction, harm to tree rooting zones and the overall appearance in relation to the development)
- The current drainage strategy runs through the RPA of 2no. lime trees (this has since been updated).
- Detailed arboricultural method statement required.

Conservation Officer

3.13. Considers that a more evolutionary approach to the redevelopment of the site would be more effective in delivering sustainable development by sustaining the contribution the existing school building makes to the distinct identity of the area, residents, current and former pupils whilst providing up to date facilities. The Conservation Officer concludes it has not been demonstrated that similar benefits could not be achieved through retention and refurbishment and that retrofitting historic building would save carbon and natural resources. Whilst policy D7 permits loss of non-designated assets where the benefits would outweigh the harm,

questions whether the harm of total loss of the asset is desirable or necessary to achieve those benefits.

Highways Development Control

3.14. Cannot support the application on the following grounds;

- Proposed cycle parking is below minimum requirement
- Proposed car parking is excess of the maximum requirement
- Car parking bays should be increased to 5mx2.6m.
- One of the EV charging points should be provided at a disabled bay
- Proposed gate to the main car park is too narrow – needs to be wider than the 6m wide access.
- Applicant should consider a quicker method of entry/exit in addition to the intercom/automated gate.
- Refuse vehicles utilising the car park for collection is acceptable, subject to vehicle swept path analysis.
- The travel plan appears to be pupil-centric, doesn't have any baseline staff travel information on which to base its staff/pupil mode share targets and doesn't have any funding allocated to the action plan, thus enfeebling it to an unfunded 'wish list'
- Need to condition a construction management plan
- Reversing HGVs onto Sixth Avenue not generally supported but acceptable in this instance because Sixth Avenue is lightly trafficked but more than one banksman will be required
- Appears Fourth Avenue will be used for vehicles but this is narrow so the applicant should clarify measures to ensure no vehicle/pedestrian conflict.

EXTERNAL

North Yorkshire Police

3.15. Proposal accords with the core principles and design objectives in relation to creating safe and accessible environments.

Foss Internal Drainage Board

3.16. No comment.

Yorkshire Water

3.17. The submitted Design Philosophy for Civil Engineering' SRP1110-CUR-ZZ-ZZ-T-C-0001 (rev P03) prepared by Curtins, dated 30/04/24 is acceptable. No objection. Recommend conditions for drainage in accordance with the strategy.

Sport England

3.18. No objection and recommend a condition to ensure the playing field is fit for purpose and a condition secured for a community use scheme. Consideration should be given to ball strike. Note that England Athletics states the running loop/daily mile is not to be re-provided. Note that the Football Foundation states the pitches may not be big enough for some age groups.

Active Travel England

3.19. Recommends approval of the application subject to the agreement and implementation of planning conditions covering cycle parking and a full travel plan.

York Civic Trust

3.20. The existing building is a landmark building that sits comfortably within its setting and aesthetically complements the surrounding area. It would be more acceptable on environmental and heritage grounds to retrofit (some degree of). However the Trust supports in principle improvements in the educational provision for pupils, including, if necessary, through the demolition of the existing school and replacement. But only if the quality clearly outweighs any heritage loss.

3.21. The school still holds high communal value and architectural details of aesthetic merit. Would welcome the re-use of some historic materials and features.

3.22. New build is cramped in one corner of the site. Landscaping and sports provision welcome. Car park is excessive. Sits too close to the north and western boundaries forcing privacy issues. Entrance area underwhelming and unwelcoming. Query location of the multi-functional spaces. Insufficient cloak rooms. New school building resembles a warehouse of industrial unit. Cladding, aluminium walls and flat roofs are alien in Tang Hall Estate. The school would be visually jarring and out of place. Concerns regarding the design of the flat roof.

Natural England

3.23. No comments.

4.0 REPRESENTATIONS

Neighbour Notification and Publicity

- 4.1. 2 letters of objection received and summarised on the following grounds:
- Existing building well designed.
 - Concerns regarding costs.
 - Alternatives such as refurbishment should be considered.
 - Concerns with the design of the new building.

- 4.2. 1 general comment received on the following grounds;
- Support the build of a new school but concerns regarding the construction route and would prefer traffic to use Melrosegate.
- 4.3. 2 letters of support received on the following grounds. It should be noted that the letters of support have come from staff of the Pathfinder Multi Academy Trust.
- Building suffers leaks and draughts and is in disrepair.
 - Lack of parking on site
 - Repairs and maintenance are costly
 - Size of current school not easy to navigate and too big
 - Playing field and greenery will be a benefit.
 - Modern building will be low maintenance and will keep the staff and children comfortable and safe.
 - Net carbon zero a benefit.

5.0 APPRAISAL

Key Issues

5.1. The key issues are as follows:

- Principle of the redevelopment
- Design and impact on the character and appearance of the area, including heritage impact.
- Residential amenity and public protection
- Highways, access and parking
- Ecology and Biodiversity Net Gain
- Trees and landscaping
- Drainage and flood risk
- Accessibility and inclusion
- Sustainable design and construction
- Planning obligations
- Public Sector Equalities Duty
- Planning balance

Principle of the redevelopment

Policy

5.2. Paragraph 99 of the NPPF (2023) states 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 give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.

Significant weight is given to the need to alter schools to meet the requirements of existing communities.

5.3. Policy ED6 (Pre-school, Primary and Secondary Education) of the Draft Local Plan (2018) supports the redevelopment of existing schools where deficiencies are experienced, including inadequate premises (as is identified in the case of the existing Tang Hall Primary building and explored further in this report). As there are no unresolved objections to draft policy ED6, this policy can be afforded moderate weight.

5.4. Policy ED6 states; that new or enhanced education facilities will be permitted if they if they are in locations that are accessible by sustainable means of transport from the communities they are intending to serve and not have a significant adverse impact on the amenities of neighbouring property; have sufficient and appropriate playing field provision or take opportunities to deliver additional playing field for existing schools identified as having a deficiency, as part of new developments; provide community access, through good design and modifications to their facilities in areas where there are deficiencies of community leisure and sports facilities.

5.5. Policy ED8 of the Draft Local Plan (2018) expects the community will be able to use the new/extended educational facilities. It is important that the Local Planning Authority maximises any opportunities to obtain community access to as many facilities as possible, both sporting and cultural. Policy HW4 of the Draft Local Plan (2018) relates to securing child-care provision.

Assessment

5.6. The existing site is an established, designated educational site, in a highly accessible location close to public transport links and public footpaths. Car parking (including EV charging points) and cycle parking are to be provided on site. Pedestrian access points from both the east and west are retained and enhanced. Pedestrian routes are considered safe and accessible. Overall and taking into account the existing use of the site, the principle of enhancing the existing educational facility can be supported in line with policy ED6 of the Draft Local Plan (2018).

5.7. At present the school has no soft outdoor PE space. The external MUGA on site was delivered in the past 20 years however there is no grassed play space for pupils. This proposal seeks to retain the MUGA, whilst providing 2403m² in soft outdoor PE space and 1,020m² in soft informal social space. This is an overall uplift in green space on the site of 3,423m². This is a significant benefit for an urban primary school, where proximity to open space and green play space can be difficult. The sports and recreation facilities will therefore be enhanced as a result of this proposal.

5.8. The Football Foundation (via Sport England) note the new playing field could be used for football. The York Playing Pitch Strategy (2023) demonstrates capacity shortfalls for mini soccer in the East York sub area. Access to the new playing pitch provision would be a positive asset to allow local clubs to continue the growth of their pathway, however it is noted that the area is too small for certain age groups. Sport England support the use of the pitches and fields for community use. Use of the sports facilities can be secured via condition for a community use agreement. It is considered the community access proposed would ensure the school remains rooted in the community. The design allows for and optimises the potential use of the site by other parties.

5.9. The Avenue's Childrens Centre is located within the centre of the site and will remain open throughout. It is not considered that the proposal would prejudice the access to this facility and the building will still be accessible to the public and its visitors.

5.10. The floorspace of the school is to be reduced in size from 3749m² to 1378m², which is a reduction in floorspace of approximately 63%. In response, the Agent notes all new school development proposals are designed in accordance with the Department for Education's School Specific Brief and Schedule of Accommodation (based on 2024 data). For a school with 210 pupils and 26 staff, 1317m² floorspace is required as a minimum, therefore exceeding the minimum area requirements for a school of this size. Additionally the Agent notes the school was built as two schools originally (boys and girls) and at present two wings of the building are not regularly used.

5.11. Officers consider the reduction in floorspace acceptable as the proposal provides adequate internal areas and now provides external play space, including soft landscaping. It is not considered the proposal would prejudice the deliverability of school places available in line with paragraph 99 of the NPPF (2023). Child-care provision (e.g nursery, out of school clubs) is secured in line with policy HW4 of the Draft Local Plan (2018) which seeks to ensure the provision is retained.

Design and impact on the character and appearance of the area, including heritage impact

Policy

5.12. Paragraph 209 of the NPPF (2023) provides that the effect of an application on the significance of a non-designated heritage asset should be taken into account when determining the application, and states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

5.13. Policy D7 of the Draft Local Plan (2018) relates to non-designated heritage assets. This policy states development proposals affecting a non-designated heritage asset or its setting will be supported where they conserve those elements which contribute to its significance. Development which would remove, harm or undermine the significance of such assets, or their contribution to the character of a place, will only be permitted where the benefits of the development outweigh the harm having regard to the scale of the harm and significance of the heritage asset. Prior to demolition of heritage assets, appropriate building recording relevant to the asset's significance and the scope of works will be undertaken.

5.14. Policy D1 of the Draft Local Plan (2018) supports development where they improve poor existing urban environments. Design considerations include the urban structure, grain, density, massing, spacing, scale and appearance. Policy WM1 relates to waste management and seeks to ensure sufficient and adequate waste storage arrangements.

5.15. Policy D2 of the Draft Local Plan (2018) supports developments which protect or enhance landscape quality and the public's experience of it. Proposals should include sustainable, practical and high quality soft and hard landscape proposals that make a positive contribution to the street, spaces and landscape.

Assessment

History and Significance

5.16. The original school dates from 1927-1928, built to serve the Tang Hall Estate in the inter-war period. The estate included council housing, a primary school, allotments, park and social club that helped reinforce the identity of the new community. Tang Hall Primary School is identified in the City of York Council Character Area Statement 56 (Tang Hall Estate, 2013) as a non-designated heritage asset on the basis of its architectural and historical significance locally, and its important part of the physical and communal identity. The Conservation Officer notes it would not merit statutory designation. The Heritage Statement argues the building is of low heritage significance, however Officers conclude it is of moderate significance.

5.17. Tang Hall Estate is distinct from surrounding earlier developments and 1930s private housing. Although it is architecturally similar to other social housing estates in the city (e.g Clifton), the fact that this is the first area to be developed as part of the post First World War 'homes for heroes' initiative gives Tang Hall a special significance. Tang Hall is believed to be the second oldest such estate in the country. Its social value lies in the strong identity of the Tang Hall community. As well as the greenery, the presence of educational, religious and commercial amenities serving a suburban area such as this are important in re-affirming a sense of place and identity.

5.18. Any new development should be sympathetic in terms of style, material, proportions and density and should complement and enhance existing character. Tang Hall School adopts a neo-Georgian style. The H-Plan form is possibly primarily based on progressive ideas about health and well-being of children, the school providing an environment that was light, well-ventilated and spacious. The external circulation and exterior doors to each classroom may have been a response to epidemics. The school was the centrepiece of the new housing estate, however the building does not have the architectural quality of earlier school buildings for the Corporation (e.g Listed Buildings by Walter Brierley schools).

Structure of the building

5.19. A structural report accompanies the Planning Application. The structural report assessed each of the five main blocks of the H-plan school on an individual basis, in addition to the associated and later structures on the site. In the case of the five blocks in each case it found that:

- There are no structural implications that would require the target block(s) to be demolished or replaced.
- No significant structural defects were observed that required immediate attention, the current condition of the structure is not compromising the building serviceability as an operating school.
- No defects to the structure were observed that would indicate a serviceable design life of less than 25 years.
- The school buildings are structurally independent, allowing adjacent constructions to be modified/demolished without significant impact. Each block is independent, and each could be modified or removed in its entirety without affecting the stability of the remaining blocks.
- Various areas of deterioration and defects are identified which could be addressed by localised repairs and replacement of materials, e.g. areas of repointing, roofing and drainage defects mainly associated with the covered corridors.
- The buildings are built with a cavity wall construction.

Current issues with the building

5.20. The school is one of 513 schools that has been approved for funding by the Department for Education. The school has been put in the third tier of priority for delivery due to the poor condition of the existing premises.

5.21. The Planning Statement notes a number of inadequacies with the current building which results in poor learning conditions. These are:

- Draughts
- Outdated heating system

- Inadequate daylight as a result of the enclosure of corridors
- Inefficient layout
- Classrooms too large
- Security challenges due to the scale of the building.
- Accessibility concerns due to corridor widths and steps.
- Lack of soft/grassed play space.
- Natural ventilation resulting in coldness.

Refurbishment option

5.22. The Planning Statement states a refurbishment option was considered against the proposed redevelopment and re-build. The refurbishment option involved the retention of the central hall and the north and south wings to the west. The advantage of this proposal was some of the building would be retained. The Statement states this was not considered to address the problems as set out above. Other problems put forward by the Agent associated with refurbishment are:

- Would still lead to a poor internal layout
- Market challenges finding a contractor for refurbishment
- Disruption for the school
- Fail to meet the Department for Education Specification standards (Output Specification 2021).
- Fail to meet standards with regards to natural light, heating, cooling and draughts.
- No formal PE grassed areas could be provided even with partial demolition.
- Net Zero Carbon in Operation (a requirement of the DFE School Rebuilding Programme) could not be achieved.
- Updated Building Regulations difficult to achieve.
- Temporary accommodation would be required for the school.
- The school would still be too large.
- Accessibility and step free issues would likely remain.
- SuDS would be difficult to incorporate.
- Quality and specification of products would have a below quality standard compared to new build.
- Parking will remain disjointed in two locations.

5.23. Following a site visit, Officers agree that there are some problems with the function of the existing school including; the disjointed layout, heating/cooling problems, the scale of the building and lack of grassed areas. It is acknowledged that a refurbishment option would not achieve all of the aims of creating a better learning environment.

Re-build option

5.24. The proposal seeks the demolition and re-build of the school. The advantages put forward by the Agent for the demolition and re-build of the site are as follows:

- All rooms would meet the 2024 Primary School Room Area Standards and would meet the 2024 One Form Entry Standards (Officer note: these standards are outside of planning)
- Green playing field and outside play space is introduced.
- Room locations meet best practice standards.
- Reduced corridor space and travel time around the building for staff and pupils.
- All classrooms would meet the DFE Output Specification with regards to heating, daylight, layout, draughts and cooling (Officer note: these standards are outside of planning).
- Upgrades to mechanical and electrical equipment
- Operational costs minimised (due to reduced floorspace)
- Parking consolidated to one location and increase in blue badge parking and EV parking
- Step free access throughout the site
- Net Zero Carbon in Operation delivered.
- Green roofs and BNG achieved.
- 75% of the site would be secure
- The layout would allow for community use.
- Drainage improved and SuDS incorporated.
- Temporary accommodation would not be required during construction.
- Childrens Centre can remain open throughout construction.
- New building allows street presence to Sixth Avenue.
- Ability to fully deliver the curriculum.

5.25. Officers acknowledge the re-build option would deliver significant environmental, social and economic benefits - the three key strands of sustainable development set out in the NPPF. Socially, it would provide an improved and accessible educational environment for pupils including up to date and best practice classrooms and outdoor space (including a playing field). Environmentally BNG would be achieved, SuDs would be incorporated, natural landscaping and greenery proposed and the building would be net zero carbon in operation. Economically, the proposal would be more energy efficient, less money would be spent on repairs/maintenance/operation and the proposal would allow community use of the site (generating income). Significant weight is given to these benefits. Whilst it is acknowledged the proposal would see the loss of the non-designated heritage asset (historical and architectural significance lost), it is considered the benefits outweigh the harm arising from the loss of a building of moderate significance.

Proposed new building

5.26. At present the school is of 'H' shape form and has a sprawling footprint. The majority of external areas are hard landscaped. The replacement building would be single storey with a flat roof (to facilitate PV panels and a green roof). The building is contemporary in appearance and would sit comfortably adjacent to the existing Childrens Centre, forming a 'U' shape in built form. Materials would be brick, aluminium cladding (gold coloured to the front and grey to the rear) and a green roof. Samples of the wall materials are requested to be viewed and approved before use to ensure their colours and style and suitable. Whilst the Conservation Officer raises concerns regarding the utilitarian nature, the building is functional in design and given the nature of the proposal is considered an appropriate building in this setting.

Residential amenity and public protection

Policy

5.27. Paragraph 135(f) of the NPPF seeks to create safe, inclusive and accessible developments with a high standard of amenity for existing and future users. Policy ENV2 of the Draft Local Plan (2018) states development will not be permitted where future occupiers and existing communities would be subject to significant adverse impacts such as noise, vibration, odour etc without effective mitigation measures.

5.28. Paragraph 189 of the NPPF (2023) states planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This is supported by policy ENV3 of the Draft Local Plan (2018).

5.29. Policy ENV1 of the Draft Local Plan (2018) states development will only be permitted if the impact on air quality is acceptable, including the provision of mechanisms which appropriately mitigate adverse impacts and further exposure to poor air quality. Major planning applications are required to submit a detailed air quality assessment.

Assessment

5.30. The new school would be located in the north-western corner of the site and would predominately be single storey with a central hall slightly taller than the classrooms and offices. It would be located approximately 11m from the boundary with 25 Sixth Avenue (a residential dwelling) and 15m from the side elevation of 25 Sixth Avenue. The northern elevation of the building would be located 6m at its closest point from the boundary with neighbours on Third Avenue and over 30m from their rear elevations. These are considered acceptable distances for a single storey building from neighbouring residential dwellings to prevent overlooking, overshadowing and from being overbearing. Additionally the northern wing of the existing school building is currently located in a similar position.

5.31. The demolition and construction of the new building will result in some short-term noise disturbance, however a construction management plan has been conditioned which would ensure suitable working hours and working practices. The development will be phased to allow the continued operation on site of the school and Childrens Centre (including parking). The first building to be demolished is the north west quadrant and the school will be relocated into other wings. Once this first wing is demolished, the new school building will be built. The remaining wings will be demolished once the new school is operational. Landscaping will then be completed.

5.32. The application is accompanied by an air quality survey which concludes that the air quality objectives are unlikely to be exceeded at the site and no additional mitigation is considered necessary. However the report does recommend mitigation measures for the demolition and construction phase for example dust management, ensuring no idling vehicles and avoiding the burning of waste. This would be covered within the construction management plan.

5.33. The application is accompanied by a Phase 1 Desk Top Study and WSP Phase 2 Assessment. Remediation works will therefore be required, and the report recommends the installation of a clean cover system in soft landscaped areas. The report and the proposal to install a clean cover system are acceptable. A detailed Remediation Strategy should be submitted in due course and conditions relating to land contamination have been added.

5.34. An acoustic planning note and survey states the noise produced by the development will result in negligible change to the noise climate at the surrounding noise sensitive receptors and external noise intrusion will meet the relevant noise requirements. The report demonstrates that indoor ambient noise limits can be achieved within all noise sensitive spaces using the proposed ventilation strategy and with standard double glazing. Acoustic performance requirements have been set for separating walls and floors within the development. The development may introduce new noise sources to the area, e.g from plant and machinery and as such a condition is recommended with regards to noise levels from this equipment.

5.35. Subject to conditions, it is considered that the proposed works would not have a significant detrimental impact on neighbouring amenity or future occupiers of the site, in line with policies ENV1, ENV2 and ENV3 of the Draft Local Plan (2018).

Highways, access and parking

Policy

5.36. Paragraph 115 of the NPPF (2023) states development should only be prevented or refused on highway grounds if there would be an unacceptable impact

on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 116 requires development to give priority first to pedestrians and cycle movements and create places that are safe, secure and attractive thereby minimising the scope for conflicts between pedestrians, cyclists and vehicles.

5.37. Policy T1 of the Draft Local Plan (2018) supports the approach in the NPPF in ensuring safe and appropriate access to the adjacent highway and giving priority to pedestrians and cyclists. Layouts must be safe and secure for motorised vehicles (including public transport vehicles), cyclists, pedestrians that minimise conflict. Sufficient convenient, secure and covered cycle storage must be provided. For all development, public transport services should be within reasonable safe walking and cycling travel distance of all parts of the development. Proposals should comply with the Council's latest parking standards guidance (policy T8 of the Draft Local Plan (2018)).

5.38. Policy T7 of the Draft Local Plan (2018) states development proposals that can be reasonably expected to have a significant impact on the transport network must be supported by a Transport Statement (TS) or by a Transport Assessment (TA) and Travel Plan (TP), as appropriate, depending on the scope and scale of the development.

Assessment

5.39. The site is located within the urban area with residential streets and public footpaths surrounding the site. The proposed development seeks 2no. separate pedestrian access points (one for the school and one for the Childrens Centre) on the western boundary. Vehicular access currently exists to the site from Sixth Avenue, however the vehicular access point is to be moved further south on Sixth Avenue (in between the 2no. Lime Trees). The new vehicular access point will lead into the new car park, which is to serve both the school and Childrens Centre. A pedestrian access point is retained from Fourth Avenue to the south east of the site, as this is well-used. The development will not result in the overall capacity of the school increasing and as such an intensification in use of the site would not be expected.

Cycle parking

5.40. The Applicant proposes three locations for long term cycle parking. The nursery is to host a small scooter parking area for 10no. scooters near the northern elevation of the building. The main car park will host a cycle parking area for 20no. cycles and 20no. scooters adjacent to the southern elevation of the new building. This area will be shared between staff and pupils. A cycle store is also to be provided on the eastern boundary and will host 20no. cycles just for pupils. This gives a total of 40no. long term cycle parking spaces and 30no. long term scooter spaces, which is considered acceptable for long term provision taking into account

the differing cycle parking requests by consultees and national guidance. These requests were as follows; Active Travel England (40no. spaces for pupils and 18no. spaces for staff), CYC Highways (38no. long term spaces) and LTN1/20 (24no. spaces for pupils and 2no. spaces for staff). It is considered reasonable to request further details of these stores via condition (to ensure they are secure and covered and of adequate size).

5.41. With regards to short term cycle parking spaces, none are currently shown on the landscape plan or site plan, however the applicant is willing to provide 3no. Sheffield Stands which will host 6no. short term spaces in the main car park. These are likely to be located adjacent to the southern elevation of the new building. This is considered acceptable for short term visitors to both the school and Childrens Centre. This element has been conditioned (location and design).

Car parking

5.42. A car park is proposed in the southwestern quadrant of the site and will host 41no. spaces (38no. standard spaces and 3no. blue badge spaces). The planning statement states the site currently hosts 38no. spaces with only 1no. blue badge space. The proposal therefore seeks an increase of 3no. spaces and will consolidate parking in one area, rather than having two separate car parks. The spaces are 4.8m x 2.4m, which is a standard car park space. The car park will remain shared between the school and the Childrens Centre. A layby is also proposed to allow safe deliveries. The revised parking arrangement consolidates parking in one area and is considered reasonable for a school and an independent Childrens Centre.

5.43. Paragraph 116(e) of the NPPF requires developments to be designed to 'enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. Additionally, the City of York Council draft Low Emission Planning Guidance requires a minimum of 5% of all parking spaces to be provided with EV charge points. A part of the proposals 3no. designated EV charging spaces are shown which would achieve the 5% requirement. No details of the type of EV charge units to be installed at the site have been provided. Public Protection have recommended a condition which would require the submission of a strategy for EV charging facilities. However, any such installation would be subject to compliance with the relevant Building Regulations. It is not considered necessary to condition this level of detail in this instance. It is considered appropriate to condition that the EV charge points as shown the proposed plans are provided within 6 months of the practical completion of development. This will still secure compliance with paragraph 116 of the NPPF (2023) and the Council's Low Emissions strategy.

Travel Plan

5.44. A detailed Transport Statement accompanies the application. A Framework Travel Plan has been provided. The Interim Travel Plan targets a 14% reduction in car trips, 2% increase in cycle trips and 3% increase in scooter trips. The Highways Officer requests the Travel Plan includes costed targets, details for revising the Travel Plan if targets aren't met and ensuring staff are included. A full travel plan is therefore conditioned and is reasonable to request for a replacement school building.

Highway conditions

5.45. It is reasonable to request details of the vehicular access from Sixth Avenue by condition. Vehicle areas need to be surfaced before use and this is conditioned. Turning areas must remain clear and free for their intended use at all times and this is secured by condition. Gates should be set back from the highway and should not open onto the highway. Off-site highway works recommended by the Highways Officer includes temporary realignment, reconstruction and reinstatement of the school access and a temporary traffic regulation order with regards to parking on Sixth Avenue. A consolidated method of works statement is reasonable to request given the phasing and operation of the site.

Ecology and Biodiversity Net Gain

Policy

5.46. Policy GI2 of the Draft Local Plan (2018) relates to biodiversity and access to nature. This states development should achieve net gain in biodiversity (BNG) in accordance with The Environment Act 2021 and national policy and contribute to the recovery of priority species and habitats and new habitat creation.

5.47. In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. This means a development will result in more or better-quality natural habitat than there was before development. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

Assessment

5.48. The application is accompanied by a Biodiversity Net Gain report and the Statutory Biodiversity Metric. An extended phase one habitat survey plan was carried out. The site is described as hosting scattered trees, modified grassland, shrub and urban sealed surfacing/building.

5.49. The following habitat creation and enhancement is proposed as part of the development; amenity grassland, flower rich perennial planting, ground cover planting, green roof, native hedge and urban trees. This results in an on-site habitat net gain of 53.85% and an on-site hedgerow net gain of 21%. The trading rules are satisfied and the biodiversity gain hierarchy is followed (as on-site provision is considered first). A Biodiversity Gain Plan (BGP) is recommended by condition, alongside a Habitat Management and Monitoring Plan (HMMP). To ensure the on-site works take place in accordance with the approved BGP and HMMP, monitoring is required and this will be via condition or a S106. This will be confirmed to members at committee. This is considered reasonable and necessary to ensure that biodiversity net gain is achieved and monitored for the 30 year period as required by the Act.

5.50. The application is accompanied by a Preliminary Ecological Appraisal which concluded the site is largely urban or sub-urban in nature and has limited ecological value and as such limited constraints. Overall the site provides very limited opportunities for protected species, though the potential for bats and reptiles cannot be entirely ruled out and nesting birds may occur. A bat survey also accompanies the application which concludes no bat roosts were identified within these buildings. No further survey or mitigation measures are required in respect of demolition of the building within 12 months of the survey.

Trees and Landscaping

Policy

5.51. Policy GI4 of the Draft Local Plan (2018) states development will be supported where it:

- i. recognises the value of the existing tree cover and hedgerows, their biodiversity value, the contribution they can make to the quality of a development, and its assimilation into the landscape context;
- ii. provides protection for overall tree cover as well as for existing trees worthy of retention in the immediate and longer term and with conditions that would sustain the trees in good health in maturity;
- iii. retains trees and hedgerows that make a positive contribution to the character or setting of a conservation area or listed building, the setting of proposed development, are a significant element of a designed landscape, or value to the general public amenity, in terms of visual benefits, shading and screening.

iv. does not create conflict between existing trees to be retained and new buildings, their uses and occupants, whether the trees or buildings be within or adjacent to the site; and

v. supplements the city's tree stock with new tree planting where an integrated landscape scheme is required.

Assessment

5.52. The application is accompanied by an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Survey and Constraints report. Overall eleven category C1 and category C3 trees and a mixed group (C2) are required to be removed for the construction of the proposed development (mainly on the southern boundary near the car park). Seven category U trees are due to be removed due to their condition. Tree T29 (Goat Willow) is due to be transplanted as this is a commemorative tree.

5.53. New soft landscaping includes fruit trees, native avenue tree planting, wildflower meadow, wildflower plug planting under existing trees, hedging, ground cover planting, shrubbery, flower rich perennial planting and sensory planting. The loss of the tree cover and numbers would be mitigated with new tree planting in other locations across the site, therefore there are no objections to their removal.

5.54. Four mature street trees (2no. Oaks (T27 and T28) and 2no. Limes (T25 and T26)) lie to the west of the application site on Sixth Avenue. These are large, impressive, attractive trees that are a distinctive landscape feature within the street and they also mark the school entrance.

5.55. An Oak Tree (T27) would be most impacted by the proposed development as crown reduction may be required and excavations and hard standing would be within the rooting zone. The Landscape Architect recommends moving the building at least a further 2m away from Sixth Avenue. The Agent has considered this, however moving the building eastward would require the demolition of the central section of the school which would mean the school would not be able to operate whilst construction takes place. This has therefore been discounted. Officers consider securing an Arboricultural Method Statement (AMS) by condition would cover best working practises around this tree.

5.56. The distance and spacing between the new school build and the other Oak Tree (T28) would be similar between that the adjacent apartments. Mitigation would be required in terms of suitable construction techniques and the AMS, which is also required to cover the well-being of the adjacent Lime Trees (T25 and T26).

5.57. The majority of drainage runs (according to the latest drainage strategy) are outside of the root protection areas, apart from a slight infringement into T26 as the

foul water run leaves the site, however the Agent notes this is the only route between T25 and T26 to connect the new drainage system to the street sewer network and it needs to be shared with both foul water and surface water. This is therefore agreed.

5.58. The proposed tree planting would make a positive contribution to the amenity of the development and mitigate the loss of other small trees around the perimeter of the site. A landscaping condition has been added to secure further detailed plans in this respect.

Drainage and flood risk

Policy

5.59. In chapter 15 of the NPPF it states inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, making it safe without increasing flood risk elsewhere. Policy ENV4 of the Draft Local Plan (2018) reflects this.

5.60. Policy ENV5 of the Draft Local Plan (2018) relates to sustainable drainage and SuDS shall be utilised where possible for all new development. Surface water disposal should follow the drainage hierarchy (re-use, soakaway, watercourse, surface water sewer or drain or as a last resort combined sewer).

Assessment

5.61. The application is accompanied by a drainage strategy. The report states that foul water will discharge to public foul water sewer. Sub-soil conditions do not support the use of soakaways. A watercourse is remote from the site.

5.62. Surface water will discharge to public surface water sewer via storage with restricted discharge of 27 litres/second. The drainage scheme proposed is considered acceptable, however Yorkshire Water note that the existing drainage survey information shows possible pre-existing cross contamination, and as such care should be used when/ if utilising existing sewerage connections.

Accessibility and Inclusion

Policy

5.63. The social strand of sustainable development seeks to ensure development provides accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being (paragraph 8b of the NPPF). Paragraph 135 of the NPPF (2023) seeks to create places that are safe,

inclusive and accessible. The National Design Guide aims to create open space opportunities for formal and informal play, exercise and rest that are accessible to all and with no segregation (paragraph 94).

Assessment

5.64. The Agent states all rooms, toilets and external spaces are fully accessible to cater for the needs of pupils and staff. The proposal includes step free access and 3no. blue badge parking bays. Community access to the site will allow for a wider network of local groups to utilise the facilities. Overall it is considered accessibility and inclusion has been incorporated into the design.

Sustainable design and construction

Policy

5.65. Draft Policy CC2 (as amended in 2023) states all new non-residential buildings with a total internal floor area of 1000m² or greater should achieve BREEAM 'Excellent' (or equivalent). Additionally development should achieve a 28% reduction in carbon emissions over and above the requirements of Building Regulations (2013) unless it is demonstrated that such reductions would not be feasible or viable.

Assessment

5.66. The Department for Education (DfE) state it is standard procedure to assess best value when looking at existing school provision. Refurbishment was considered and discounted as set out earlier in this report. Refurbishment would not achieve the high sustainability targets set by the DfE, in terms of carbon reduction, landscape ecology and urban greening.

5.67. The design specification and sustainability measures to be employed in the development are informed by the requirements of the Department for Education. These include; enhancements to urban greening (of min 0.35), delivery of net zero carbon in operation development, construction of a bio-solar green roof, delivery of SuDs enhancements, inclusion of EV charging points and delivery of biodiversity net gain.

5.68. The application is accompanied by a Sustainability Statement. The development will take a fabric first approach and include higher levels of insulation and air tightness greater than the minimum requirements of building regulations. Natural and hybrid ventilation will be utilised to minimise heating and cooling demand. LED lights will be used. There will be heat recovery on ventilation systems and automatic controls to reduce energy demand. Air source heat pumps will be utilised and there will be an extensive PV array on the bio-solar roof. Given the

proposal is a new build this provides a greater number of opportunities to design in energy efficiency measures from the ground up.

5.69. In this instance, rather than seeking to achieve BREEAM 'Excellent', the sustainability standards prescribed by the DfE as part of their funding for the project are being worked to. The standard known as Output Specification 21 requires new school development to be net zero carbon in operation and promotes other sustainability measures to be embedded into the design. Cumulatively the carbon emissions associated with the proposed school are 106% lower than a notional school designed with current regulations, which is considered to exceed the requirements of policy CC2. The Department for Education requirement to achieve Output Specification 21 (which requires new schools to be net zero carbon in operation) would be, in this case, considered to be a suitable alternative to the Policy CC2 requirement of BREEAM excellent. This approach is similar to that taken for the redevelopment of Hempland School (23/01514/FULM).

5.70. Overall the proposed development would utilise measures which would achieve a reduction in carbon emissions over and above the target emissions rate in excess of the levels set out in draft policy CC2.

Public Sector Equalities Duty

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

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

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

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

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

5.74. Officers have given due regard to the equality implications of the proposals in making this recommendation. There is no indication or evidence (including from consultation on this application) that any equality matters are raised that would outweigh the material planning considerations.

Planning Balance

5.75. Harm has been identified through the demolition of the non-designated heritage asset. The building has moderate architectural and historical significance. In accordance with paragraph 209 of the NPPF, the effect of an application on the significance of a non-designated heritage asset should be taken into account when determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regards to the scale or any harm or loss and the significance of the heritage asset.

5.76. The proposed development is therefore weighed in the planning balance. Officers conclude that although refurbishment of the building would see the building retained, it would not achieve the same number or quality of benefits as a re-build option. A new build would have significant social benefits including best standard classrooms, an improved layout and green playing fields. The improved outdoor space is a significant benefit given the urban location of the school. Refurbishment would not be able to meet these standards or improve the layout to such a degree.

5.77. Environmentally the new build would be net zero carbon in operation, achieve BNG in excess of the required 10% and allow for energy efficient measures such as a green roof. Officers acknowledge that refurbishment would retain existing materials, however designing a building from the ground up allows for better environmental performance. Economically, a smaller building would be more efficient to run, lead to less operational challenges and would use modern building materials, practises and equipment. An improved layout of the site increases opportunities for community use, which is a key policy aim for new/improved schools.

5.78. Overall and taking into account the planning balance and recognising that it is a matter of planning judgement, it is considered the benefits of the proposed development outweigh the harm identified through the loss of the non-designated heritage asset and the proposal is therefore in compliance with paragraph 209 of the NPPF (2023).

Planning Obligations

5.79. Policy DM1 of the Draft Local Plan (2018) states; New development will be supported by appropriate physical, social and economic infrastructure provision. Paragraph 57 of the NPPF states planning obligations must only be sought where they meet all of the following tests:

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

5.80. The development will deliver biodiversity net gain on-site and the maintenance and monitoring of any biodiversity is required to be secured by a condition or S106, which will be reported to members at Committee.

6.0 CONCLUSION

6.1 It is considered the social, economic and environmental benefits arising from the provision of a modern, net zero carbon in operation and up to date school would outweigh the harm identified through the loss of the non-designated heritage asset. The principle of development is therefore considered acceptable.

6.2 The proposal includes the provision of a playing field and improved outdoor spaces which is a significant benefit of the scheme. The proposal includes the loss of a number of trees, however replacement planting and landscaping is proposed to mitigate the harm. Conditions can adequately address construction management, highways, parking, ecology, drainage and public protection matters.

6.3 BNG would be achieved and this would be secured via condition (biodiversity gain plan and habitat management and monitoring plan) and a S106/or condition (to secure the monitoring requirements).

6.4 Taking all matters into consideration, approval is therefore recommended subject to conditions (and potential S106, which will be reported as an update at planning committee). The proposals accord with the provisions of the NPPF (2023) and policies contained within the City of York Draft Local Plan (2018, as amended 2023).

7.0 RECOMMENDATION: Approve

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in strict accordance with the following drawings;

Location Plan; drawing number SRP1110-WBA-ZZ-ZZ-D-A-9000, revision P01, dated 17/05/2024.

Demolition Site Plan; drawing number SRP1110-WBA-01-00-D-A-1106, revision P02, dated 25/04/2024.

Proposed Site Plan; drawing number SRP1110-WBA-AA-00-D-A-1110, revision P03, dated 17/05/2024.

Proposed Ground Floor Plan; drawing number SRP1110-WBA-01-00-D-A-1111; revision P06, dated 03/08/2024.

Proposed Elevations; drawing number SRP1110-WBA-01-ZZ-D-A-1113, revision P06, dated 13/06/2024.

Proposed Street Scene Elevations; drawing number SRP1110-WBA-01-ZZ-D-A-1114, revision P04, dated 13/06/2024

Proposed Sections - Sheet 1; drawing number SRP1110-WBA-01-ZZ-D-A-1115, revision P03, dated 13/06/2024.

Proposed Sections - Sheet 2; drawing number SRP1110-WBA-01-ZZ-D-A-1116, revision P03, dated 13/06/2024.

Proposed Roof Access and Roof Plan; drawing number SRP1110-WBA-01-RF-D-A-1112, revision P04, dated 13/06/2024.

Site Landscape Plan; drawing number SRP1110-PLI-EX-XX-DR-L-1501, revision P09, dated 22/07/2024.

Existing and Proposed Childrens Centre Elevations; SRP1110-WBA-01-XX-D-A-1107, revision P01, dated 10/09/2024.

Reason: For the avoidance of doubt and in the interests of proper planning.

3 Prior to the commencement of development, a Biodiversity Gain Plan (BGP) shall be submitted to and approved in writing by the Local Planning Authority. The BGP shall be in accordance with the 'Assessment of Biodiversity New Gain report, dated 08.04.2024 and prepared by Amenity Tree Environmental Planning Consultants'. Development shall then be carried out in strict accordance with the approved Biodiversity Gain Plan.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), paragraph 185 of the NPPF (2023) and policy GI2 of the Draft Local Plan (2018).

4 Prior to the commencement of development, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall be prepared in accordance with the approved BGP and include;

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the timescales for implementation of the HMMP
- (e) the timescales for completion of the habitat creation and enhancement works
- (f) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (g) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

Development shall then be carried out in strict accordance with the approved Habitat Management and Monitoring Plan.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), paragraph 185 of the NPPF (2023) and policy GI2 of the Draft Local Plan (2018).

5 No construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be always retained.

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

6 Prior to the installation of the new vehicular access point from Sixth Avenue, details of the design of the vehicular access from Sixth Avenue, together with associated sightlines, shall be submitted to and approved in writing by the Local

Planning Authority. Development shall then be carried out in strict accordance with the approved details.

Reason: In the interests of highway safety.

7 Prior to the commencement of development, a detailed method of works statement (MoWS) / Construction Traffic Management Plan (CTMP), based upon and consolidating the: Design and Access Statement (DAS); Site Logistics & Traffic Management Plan and the Logistics and Construction Plan, identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority.

The statement shall include at least the following information:

- hours of operation (including hours where arrivals/departures to/from the site are excluded), noting that access to the site is off a street having restricted width without any parking restrictions (except 'School Keep Clear' markings at the School's main entrance) and the presence of the site being a primary school near to the site
- measures to prevent the egress of mud and other detritus onto the public highway;
- a dilapidation survey jointly undertaken with the local highway authority;
- the routing for construction traffic that will be promoted;
- a scheme for signing the promoted construction traffic routing;
- where contractors will park;
- where materials will be stored within the site and
- the need for Temporary Traffic Regulation Orders and other traffic management measures necessary to facilitate the ingress and egress of larger construction vehicles serving the site
- additional measures (e.g. banksmen control) to ensure the safety of all road users, users of the existing school, site personnel and visitors to the site.

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

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

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

9 Prior to the commencement of development (including demolition, excavations, and building operations et al), a complete and detailed Arboricultural Method Statement and scheme of arboricultural supervision regarding protection measures for existing trees shown to be retained on the approved drawings, shall be submitted to and approved in writing by the Local Planning Authority. Amongst other information, this statement shall include a schedule of tree works if applicable; details and locations of protective fencing; phasing of protection measures; ground protection; site rules and prohibitions; site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); specialist construction techniques where applicable; location of site compound, parking arrangements for site vehicles, locations for stored materials, and means of moving materials around the site; and locations and means of installing utilities. The document shall also include methodology and construction details where a change in surface material and boundary treatments is proposed within the root protection area of existing trees.

The content of the approved document shall be strictly adhered to throughout development operations. A copy of the document shall be available for reference and inspection on site at all times.

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

10 Within twelve months of occupation of the new school, or such other period as may be agreed in writing the Local Planning Authority, a completion report, evidencing the completed habitat creation and enhancement works, shall be submitted to, and approved in writing by the Local Planning Authority.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), paragraph 185 of the NPPF (2023) and policy GI2 of the Draft Local Plan (2018).

11 The provision of dedicated Electric Vehicle (EV) charging facilities as shown on drawing Proposed Site Landscape Plan (Drawing No. SRP1110-PLI-EX-XX-DR-L-1501 rev P09) shall be implemented no later than 6 months of the practical completion of the new car park approved via this permission.

Reason: To ensure the provision of EV charging facilities in line with the Councils Low Emissions Strategy and Paragraph 116 of the NPPF (2023).

12 The development shall be carried out in strict accordance with the details shown on the submitted plan and details - Design Philosophy for Civil Engineering' SRP1110-CUR-ZZ-ZZ-T-C-0001 Revision P05 dated 4th September 2024, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage.

13 Prior to the occupation of the new school building, details of the location, design and means of enclosure of the long term cycle stores shall be submitted to and approved in writing by the Local Planning Authority. Provision shall be made for 40no. cycles and 30no. scooters.

The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles and shall be retained for the lifetime of the development.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

14 Prior to the occupation of the new school building, details of the location and design of the short term cycle parking shall be submitted to and approved in writing by the Local Planning Authority. Provision shall be made for 6no. short term cycle spaces.

The building shall not be occupied until the cycle parking areas have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles and shall be retained for the lifetime of the development.

Note: These should be located in close proximity to the school building and Childrens Centre.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

15 The new playing field shall be constructed and laid out in accordance with standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, May 2011), before it is first brought into use.

Reason: To ensure the quality of pitches is satisfactory and they are available for

use and to accord with Policy ED8 and Policy GI5 of the City of York Draft Local Plan (2018).

16 All areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

17 The areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles) shall be constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes. Additionally the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

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

18 The new vehicular access gate from Sixth Avenue and the gate on Fourth Avenue shall at no time open towards the public highway.

Reason: To prevent obstruction to other highway users.

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

- o Temporary realignment / reconstruction / reinstatement of the access into the school and

- o Temporary Traffic Regulation Orders to suspend parking on Sixth Avenue

have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or Arrangements entered into which ensure the same.

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

20 No part of the development shall be occupied until a Travel Plan (based on the submitted 'Interim Travel Plan, dated 03 May 2024) has been submitted and approved in writing by the LPA. The Travel Plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be

occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly annual travel surveys carried out over period of 4 years from the first survey shall then be submitted annually to the authority's travel plan officer for approval.

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

21 Prior the installation of any machinery, plant or equipment in or on the premises (which is audible outside the premises), details of all machinery, plant and equipment shall be submitted to the local planning authority for its written approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

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

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

22 Where remediation works are shown to be necessary, development (excluding demolition) shall not commence until a detailed remediation strategy has been submitted to and approved by the Local Planning Authority.

The remediation strategy must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

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

23 Prior to first occupation or use of the completed development (including landscaping), remediation works should be carried out in accordance with the approved remediation strategy. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be

submitted to and approved by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the agreed remediation works are fully implemented and to demonstrate that the site is suitable for its proposed use with respect to land contamination. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

24 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.

25 Prior to first use of the new school building hereby permitted, the nest boxes for swifts and bat boxes shall be installed in suitable locations on site and as detailed in section 3.5 of the Landscape and Environmental Management Plan. Once installed, the nest boxes and bat boxes shall be retained for the lifetime of the development.

Reason: To take account of and enhance the biodiversity wildlife interest of the area and to be in accordance with Paragraphs 180 of the NPPF (2023) to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

26 Within six months of commencement of development a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the approved Site Landscape Plan, and shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; and seed mixes, sowing rates and mowing regimes where

applicable. It will also include details of ground preparation; tree planting details, including means of support, watering, and protection; surface materials; and external furniture. The approved scheme shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which for the lifetime of 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 the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species and other landscape details across the site, since the landscape scheme is integral to the amenity of the development.

27 Notwithstanding the details submitted as part of the application and prior to the first occupation of the new school building, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include the following; details of indoor and outdoor use of the site, pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development and shall be retained for the lifetime of the development.

Note: It is expected both indoor and outdoor provision is to be provided to the community for both cultural and sports facilities.

Reason: To secure well managed and safe community access to the educational and sports facility, to ensure sufficient benefit to the development of sport and culture and to accord with Policy ED8 of the City of York Draft Local Plan (2018).

28 Prior to the commencement of the external construction of the walls of the development hereby permitted, a sample panel of the type of brick to be used showing the proposed coursing and pointing and aluminium cladding shall be erected on the site for the written approval of the Local Planning Authority. Development shall be carried out in strict accordance with the approved details and the sample panel shall be retained on site during the period of construction of all external walls.

Reason: In the interests of visual amenity.

29 Development shall be carried out in strict accordance with the recommendations and proposed measures as set out within the Sustainability Statement (part 7, 8, 9, 10 and 11) prepared by Ridge (reference SRP1110-RDG-AA-ZZ-T-M-3016).

Reason: In the interests of achieving a sustainable development and net zero carbon in operation in accordance with the environmental aims of the NPPF and policy CC2 of the Draft Local Plan (2018).

8.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

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

- Sought additional information regarding refurbishment option, drainage and trees.
- Secured EOT.

2. CEMP informative;

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

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

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

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

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

Contact details:

Case Officer: Natalie Ramadhin

Tel No: 01904 555848