



Notice of a public meeting of Planning Committee

To: Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, Barker, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Fitzpatrick, Hollyer, Kilbane, Perrett, Warters and Widdowson

Date: Thursday, 12 March 2020

Time: 4.30 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

Site Visits

Would Members please note that the mini-bus for the site visits for this meeting will depart from Memorial Gardens at **10:00am on Tuesday 10 March 2020**

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes

To approve and sign the minutes of the last meeting of the Planning Committee held on 11 February 2020 (to follow).

3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5:00pm on Wednesday 11 March 2020**. Members of the public can speak

on specific planning applications or on other agenda items or matters within the remit of the Committee.

To register, please contact the Democracy Officer for the meeting on the details at the foot of this agenda.

Filming or Recording Meetings

Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.

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The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

4. Plans List

This item invites Members to determine the following planning applications:

a) Playing Field, Sycamore Terrace, York [19/02347/FUL] (Pages 5 - 22)

Flood alleviation works comprising of the replacement and extension of the existing flood/retaining wall located within the south-west corner of St Olave's School playing field [Clifton Ward]

b) Former Gas Works, Heworth Green, York YO31 7UG [19/00979/OUTM] (Pages 23 - 84)

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), 2 gas governor compounds, site remediation, associated access, car parking, amenity space and landscaping after demolition of existing pipework, structures and telephone mast [Guildhall Ward] [Site Visit]

c) **Ashbank, 1 Shipton Road, Clifton, York YO30 5RE [19/01042/FULM]**
(Pages 85 - 122)

Demolition of Barleyfields and erection of 54 assisted living apartments and communal facilities; demolition of modern extensions to Ashbank and conversion to 4 assisted living apartments; associated parking and landscaping [Rawcliffe And Clifton Without Ward] [Site Visit]

d) **Telecommunications Mast, MBNL, Naburn Lane, Naburn, York [19/02766/FUL]** (Pages 123 - 134)

Installation of telecoms cabinets and replacement mast [Fulford And Heslington Ward] [Site Visit]

5. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer

Angela Bielby

Contact details:

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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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Abbreviations commonly used in Planning Reports

(in alphabetical order)

AOD	above ordnance datum
BREEAM	building research establishment environmental assessment method
BS	British standard
CA	conservation area
CIL	Community Infrastructure Levy (Regulations)
CEMP	construction environmental management plan
CYC	City of York Council
DCLP	Draft Development Control Local Plan 2005
DCSD	Design Conservation and Sustainable Development team
dB	decibels
DEFRA	Department for Environment, Food and Rural Affairs
EA	Environment Agency
EDS	ecological design strategy
EIA	environmental impact assessment
EPU	Environment Protection Unit
FRA	flood risk assessment
FTE	full time equivalent
FULM	major full application
GCN	great crested newts
HGV	heavy goods vehicle
IDB	internal drainage board
IPS	interim planning statement
LBC	listed building consent
LGV	large goods vehicle
LPA	local planning authority
NERC	Natural Environment and Rural Communities Act (2006)
NHBC	National House Building Council

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
OAN	objectively assessed need
OUTM	major outline application
PROW	public right of way
RAM	reasonable avoidance measures
RTV	remedial target value
RSS	Regional Spatial Strategy
SHMA	Strategic Housing Market Assessment
SINC	Site of Interest for Nature Conservation
SHLAA	Strategic Housing Land Availability Assessment
SFRA	Strategic Flood Risk Assessment
SPD	Supplementary Planning Document
TPO	tree preservation order
TRO	Traffic Regulation Order
VDS	village design statement
WSI	written scheme of investigation
VAS	vehicle activated signage
VOA	Valuation Office Agency
WHO	World Health Organisation

PLANNING COMMITTEE

SITE VISITS

Tuesday 10th March 2020

**The mini-bus for Members of the Committee will leave from
Memorial Gardens at 10.00**

TIME	SITE	ITEM
(Approx)		
10.10	Ashbank, Shipton Road, Clifton, YO30 5RE	4c
10:40	Former Gas works, Heworth Green, YO31 7UG	4b
11:30	Naburn Lane, Fulford, YO19 4RG	4d
12.10	Short break (at the Minster – YO1 7JJ)	
12.15	York Minster Neighbourhood Plan presentation - 10 minute presentation - 20 minute precinct walk	

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COMMITTEE REPORT

Date: 12 March 2020 **Ward:** Clifton
Team: West Area **Parish:** Clifton Planning Panel

Reference: 19/02347/FUL
Application at: Playing Field Sycamore Terrace York
For: Flood alleviation works comprising of the replacement and extension of the existing flood/retaining wall located within the south-west corner of St Olave's School playing field.
By: Ms Emma Beever
Application Type: Full Application
Target Date: 12 March 2020
Recommendation: Approve

1.0 PROPOSAL

1.1 This application for planning permission relates to works to improve current flood defences delivered as part of the City wide York Flood Alleviation Scheme (FAS) by the Environment Agency.

1.2 The development that is the subject of this application forms part of the flood alleviation works referred to as Coppins Farm to Scarborough Bridge Left Bank flood cell (B11). This flood cell is located on the left bank of the River Ouse between Water End and York-Scarborough railway line.

1.3 Whilst this cell covers 130ha (approx.) in area, the application red line boundary extends around an end section of wall of an existing flood/retaining wall and part of the embankment, which forms a boundary to the grounds of St Olave's School. This is positioned to the west of properties along Alмеры Terrace.

1.4 The works that are subject to this application include the demolition of the end section of the existing flood/retaining wall and the construction of an extended length of wall on the same alignment. A 6m length of the existing wall shall be demolished and replaced with new wall, at the length of 12.9m. The wall shall also be typically raised by 0.6m, up to 1.5m to provide a defence level of 11.13m AOD. The applicants advise that the wall will be faced with mixed red textured brick on the river facing side and would have black powder coated railings on top to match the existing railings.

1.5 The applicants advise that any other works within this flood cell would fall within the parameters of constituting permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 or will be

progressed through a separate planning application at a later date. It is noted that whilst other works are shown on the plans. They are located outside the red line boundary that relates to this application.

1.6 The applicant requested an Environmental Impact Assessment (EIA) Screening Opinion for the wider works proposed with the Coppins Farm to Scarborough Bridge Left Bank flood Cell. A response dated 2 April 2019 confirmed that the works do not constitute EIA development.

1.7 Part of St Olave's School is located within the Clifton Conservation Area, however the boundary of this does not extend up to the application site. The boundary to the Historic Core Conservation area extends up to the Scarborough Bridge railway line.

1.8 The whole of the area with the red line boundary is located within Flood Zones 2 and 3. In terms of other constraints, the site lies within the general extent of the green belt and is allocated as existing open space in the Publication Draft Local Plan Policies Map.

Planning History

1.9 There is no planning history related to the application site other than works in relation to St Olave's school. Of particular note, adjacent to the flood/retaining wall the Archbishop Holgate Boathouse is undergoing redevelopment to provide 1 no. dwelling, following its demolition (Planning References: 17/02717/FUL and 18/01629/FUL).

2.0 POLICY CONTEXT

2.1 Publication Draft Local Plan 2018

D2	Landscape and Setting
GI2	Biodiversity and Access to Nature
ENV4	Flood Risk
ENV2	Managing Environmental Quality

2.2 Draft 2005 Development Control Local Plan (DCLP)

GP1	Design
GP15a	Development and Flood Risk
NE2	River and Stream Corridors, Ponds and Wetland Habitats
L4	Development adjacent to Rivers

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development (DCSD) (Ecology)

3.1 Verbal comments received; Tansy beetles are present in the area of the flood cell, to the south of the red line boundary along the Riverside Walkway however they are outside of the red line boundary of this application and it is not considered that Tansy Beetles will be detrimentally impacted upon.

Design, Conservation and Sustainable Development (DCSD) (Landscape Architect)

3.2 No response received to date

Design, Conservation and Sustainable Development (DCSD) (Archaeology)

3.3 The site adjacent to Sycamore Terrace is situated within the Central Area of Archaeological Importance and lies in an area which contains Roman archaeological features and deposits including burials.

3.4 A watching brief will be required during groundworks as a precaution to ensure that any archaeological deposits or features that are revealed are recorded. A WSI has already been produced to cover Water End to Scarborough Bridge Flood Alleviation Scheme and includes the area which requires a watching brief under this application. It is suitable to include the report for this work into a larger final report for the whole area.

Lead Local Flood Authority (LLFA)

3.5 No objections in principle but condition is recommended to ensure the development is carried out in accordance with the supporting documents

Public Protection Unit (PPU)

3.6 The applicant is considering noise, dust and lighting impacts of the development and have proposed to submit a Construction Environmental Management Plan (CEMP).

3.7 The applicants indicates that they propose to start work at 0730 however PPU recommends that noisy work starts no earlier than 0800hours and therefore a condition to that effect is recommended.

Environment Agency

3.8 No objection to the proposed development. The Flood Map for planning indicates the site lies within Flood Zone 2 and 3; the medium and high probability

zones. The application for flood alleviation works is considered to be a 'water compatible' land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance: Flood Risk and Coastal Change. The application is supported by a site-specific flood risk assessment (FRA). No objections are raised in respect to this FRA.

Yorkshire Water

3.9 Possible impact upon sewerage infrastructure including pumping stations, sewers and overflows.

Clifton Planning Panel

3.10 No objection

4.0 REPRESENTATIONS

4.1 The application has been advertised by site notice and neighbour notification. No letters of representation have been received.

5.0 APPRAISAL

5.1 Key Issues:

- Green Belt
- Flooding
- Riverside and Landscape Impact
- Ecology
- Construction impacts
- Very Special Circumstance

National Planning Policy Framework (NPPF) 2019

5.2 The revised NPPF (2019) sets out the government's planning policies for England and how these are expected to be applied.

5.3 The planning system should contribute to the achievement of sustainable development (Para. 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives (Para. 8).

5.4 The policy framework set out in the NPPF is a material consideration. The NPPF sets out the presumption in favour of sustainable development.

5.5 Paragraph 11 set out that this means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless:

- i. the application policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.6 However, the presumption does not apply if the proposal conflicts with restrictive policies relating to the Green Belt or policies relating to certain heritage assets as set out in the NPPF.

5.7 Section 12 sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

5.8 Section 13 of the framework relates to protecting Green Belt land. Paragraph 134 of the NPPF sets out five purposes of the Green Belt which are:

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

5.9 Section 14 relates to the challenge of climate change, flooding and coastal change. Paragraph 155 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). It continues to state that where necessary, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Regional Strategy For Yorkshire And Humber (Partial Revocation) Order 2013

5.10 Policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt. The policies state that the detailed inner and rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Publication Draft Local Plan (2018)

5.11 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted 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 the 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. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

Development Control Local Plan (2005)

5.12 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations and can be afforded very little weight in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

ASSESSMENT

Green Belt Policy

5.13 The application site lies within the general extent of the York Green Belt as shown on the Key Diagram of the saved RSS Green Belt policies and therefore Section 13 (Protecting Green Belt Land) of the NPPF is applicable. Paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence.

5.14 Paragraph 144 of the NPPF establishes that substantial weight should be given to any harm to the Green Belt. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

5.15 Paragraph 145 states that the construction of new buildings in the Green Belt should be regarded as inappropriate unless they fall within certain specified exceptions. The proposal is not considered to fall within any of the exceptions.

5.16 Para.146 of the NPPF details further forms of development which are also not inappropriate in the Green Belt providing they preserve openness and do not conflict with the purposes of including land within it. One other form of development, paragraph 146 (b) includes engineering operations. There is no definition provided within the NPPF as to what may constitute as an 'engineering operation'. However, engineering operations are generally defined as construction work that is not a building, and results in some physical alteration to the land itself, but does not interfere with the actual physical characteristics of the land, amounting to a material change of use.

5.17 The works presented in this development, demolition of the end section of the existing flood/retaining wall and the construction of an extended length of wall on the same alignment by the Environment Agency are considered to constitute engineering operations under paragraph 146 (b), and is therefore appropriate development in the Green belt by definition provided that the works preserve its openness and do not conflict with the purposes of including land within it. The applicant's case for very special circumstances are set out and assessed in paragraphs 5.33 to 5.37 below.

Impact on harm to openness and purposes of Green Belt

5.18 The NPPF states that openness is an essential characteristic of Green Belts. The site is screened by the existing properties along Almerly Terrace and the construction of the dwelling, replacing the Boathouse, when viewed from Scarborough Bridge. However the site and existing embankment is readily visible when approaching from the west along the Riverside Walkway. The area is generally flat, however there does appear to be some raising of the land to act as flood defences. The combination of the extension of the flood/retaining wall by 6m and its raising in height if 0.6m, these alterations are considered to further compromise the open aspect along the riverside walkway, resulting in visual impact.

5.19 The site appears to be identified as a 'Green Wedge' in the City of York Local Plan - The Approach to the Green Belt Appraisal (2003) which the Council produced to aid in the identification of those areas surrounding the City that should be kept permanently open. It is also identified as such in figure 3.1 Historic Character and Setting of York in the City of York Local Plan- Publication Draft (February 2018). Green Wedges are broad areas of undeveloped land usually bounded on three sides by urban development part of which may comprise of the historic strays and 'ings' and river floodplains. They are important for the following reasons;

- i) undeveloped open space with a rural feel reaching close to the centre of the city.
- ii) allow an open aspect and views towards important city landmarks including the Minster.
- iii) physical separation between urban form of a different character.

iv) open areas which build upon the presence of the strays and form a more pronounced separation between areas of different urban form, character and history.

5.20 The fundamental purpose of Green Belt policy is keep land permanently open. The concept of 'openness' in this context means the state of being free from development, the absence of buildings, and relates to the quantum and extent of development and its physical effect on the site.

5.21 The extended flood/retaining wall is considered to increase the urban form to the north from the riverside walkway. The development would be adjacent to existing urban development, notably a row of residential properties but the general character of the floodwall is within an open setting, and the extensions and alterations would be prominent in this 'Green Wedge'. This would result in harm to the openness and permanence of the greenbelt and is therefore considered to be inappropriate development in the Green Belt. As the site is identified as a 'Green Wedge', the proposal is considered to harm two of the five purposes of Green Belts outlined in paragraph 134 of the NPPF. Specifically, part C which relates to the purpose of assisting in safeguarding the countryside from encroachment and part D which sets out to preserve the setting and special character of historic towns. The proposal gives rise to harm to the Green Belt by reason of inappropriateness which should not be approved except in very special circumstances. The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Flooding

5.22 The flood/retaining wall is existing flood defences and the proposed works are part of a wider scheme for the flood cell, which extends between Coppins Farm to Scarborough Bridge Left Bank. The wider scheme is designed to reduce flood risk within this part of the city.

5.23 The site of flood/retaining wall is located within Flood Zone 3 which has a 'high risk' of flooding and Flood Zone 2 which has a 'medium risk' of flooding. The application is supported by a Flood Risk Assessment (Revision 3). The NPPF (paragraphs 155-165) relates to 'Planning and Flood Risk' and advises that inappropriate development in an area at risk of flooding should be avoided by directing development away from areas at highest risk of flooding to land with the lowest risk of flooding through the application of a Sequential Test. It is acknowledged that the nature of the development, as flood defence assets, cannot be sequentially located in land at lower risk, as the level of protection would not be achieved.

5.24 Paragraph 159 of the Framework continues to state that if it is not possible for development to be located in zones with a lower risk of flooding, the exception test may have to be applied. Flood control infrastructure is identified as 'water compatible development' in table 2 'Flood risk vulnerability classification' of the Planning Practice Guidance (PPG) (Paragraph: 066 Reference ID: 7-066-20140300 Revision date: 06 03 2014). Based on the classification should in table 3-1 'Flood Risk Vulnerability and Flood Zone Compatibility' the proposed development is appropriate in all flood zones including 2 and 3.

5.25 No objections have been raised from the Environment Agency nor the Lead Local Flood Authority, and the development as flood defence assets, is considered to meet the sequential and exception test as applied by paragraph 158 and 159 of the NPPF.

5.26 Yorkshire Water have raised concerns in respect to the possible impact upon their sewage infrastructure; the site occupies a small area within the flood cell, which indicates wider works as part of the flood alleviation scheme. The area within the red line boundary does not appear to contain Yorkshire Water infrastructure, and therefore an objection in this regard could not be sustained. Impact arising from permitted development works located outside the red line boundary of the application site are a civil matter, and the applicant shall be advised by informative.

Riverside and Landscape Impact

5.27 Draft policy GI2 (vi) seeks to maintain and enhance the rivers, banks, floodplains and setting of the Rivers for biodiversity, cultural and historic landscapes. Whilst the area is characterised by generally flat, low level grassland including school playing fields, the existing raised embankment which provides existing flood defences is a notable characteristic in the landscape adjacent to the former Boathouse site. The extension to the floodwall will be on the northern end section, towards the playing fields and angled away from the riverside frontage. Whilst the landscape character would alter when viewed from the north and south, these alterations would not be so detrimental to the prevailing character of the area. The setting of the river and the floodplain will be maintained in this regard.

Ecology

5.28 The application is supported by a Tandy Beetle Report (Aecom 2018). Tansy beetles have been identified as being present in the flood cell and feed predominately on the tansy plant, although their presence is outside of the red line of the application site and it is not considered that they will be detrimentally impacted upon. Whilst there are trees within the flood cell, none are situated within the red line boundary of the application site. However a Preliminary Bat Roost Assessment Report (AECOM 2018) identified thirteen trees with features of low

suitability for roosting bats, and due to the low risk of bat presence further surveys are not required.

Archaeology

5.28 The site is situated within the Central Area of Archaeological Importance (AAI). Paragraph 193 of the Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (Para.194).

5.29 Paragraph 194 (b) of the NPPF includes footnote 63 which states that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to scheduled monuments should be considered subject to the policies for designated heritage assets. Paragraph 194 b) states that substantial harm to or loss of assets of the highest significance (including scheduled monuments) should be wholly exceptional. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 198 states that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. Paragraph 199 states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

5.30 Development will take place around an end section of wall and embankment with wider flood alleviation works taking place within the Coppins Farm to Scarborough Bridge Left Bank flood cell (B11). A Written Scheme of Investigation (WSI) has been produced to cover Water End to Scarborough Bridge, and covers the area under this application in addition to a heritage desk based assessment providing an assessment of the archaeological impacts within this wider flood cell.

The significance of the heritage assets of archaeological interest in this wider area and possibly within the area where the flood defence works are to take place are of high Roman archaeological features and deposits including burials. However, the Heritage Desk Based Assessment states that where the flood defence works are to occur, there is nothing to indicate that this was anything other than a field in the intervening period between the departure of the Roman legions and the medieval period. There is a lack of evidence of recorded finds related to prehistoric material,

however the presence of such material at depth below riverine alluvium cannot be ruled out.

Whilst the significance of the archaeological interests is high, the Heritage Statement and Desk Based Assessment conclude that the impacts upon archaeological deposits would be low; given the extent of the ground works associated with the upgrading of the existing flood/retaining wall and part of the embankment. There is however the potential for excavations to encounter unexpected archaeological remains. As such, the Council's Archaeologist considers that a watching brief is required, with the findings to be included within the final report for the whole (cell) area.

5.31 The scale of harm to the significance on archaeological features and deposits is considered to result in less than substantial. This particular cell has a history of flooding, which was last subjected to severe flooding in 2015, with this application being part of the Environment Agencies response too. The works proposed to the existing flood defences would strengthen the City's resilience to flooding by reducing the risk of flooding to infrastructure, transport links, utilities and businesses. The public benefits are considered to justify this harm. The loss to significance would be mitigated through a watching brief. The proposals are not considered to conflict with paragraphs 194, 196 and 199 of the NPPF.

Construction impacts

5.32 The Council's Public Protection Unit do not raise any objections to the proposed development, citing that the applicants state that they are proposing to submit a Construction Environmental Management Plan (CEMP). However, the area within the red line boundary covers a small area of the wider cell (B1) where others works would be undertaken. It is therefore considered that the requirement to provide a CEMP for other works extending beyond the red line would be unreasonable. The applicant has demonstrated that they have considered the environmental impacts of the proposed development on the surrounding area and neighbouring uses.

5.33 However, the supporting information indicates that work is likely to start at 07:30. The site abuts the former Archbishop Holgate Boathouse, with a replacement building currently under construction. Beyond this site are properties along Almerly Terrace. The permission relating to the redevelopment of the Boathouse restricted working hours via condition. This restricts construction work starting before 08:00 Monday to Friday. Given the close proximity of neighbouring residential properties, attaching a similarly worded working hour condition would protect the residential amenity of neighbouring properties as be consistent with other permissions.

The Applicant's Case for Very Special Circumstances

5.34 The applicant is the Environment Agency and the work forms part of their Flood Management Plan (FMP) for York in response to severe flooding in 2015 and the city can benefit from improved flood defences.

5.35 The proposed works to existing flood/embankment are part of flood improvement works within the flood cell known as Coppins Farm to Scarborough Bridge Left Bank. The flood cell is one of 19 flood cells and form the basis of the York Flood Alleviation Scheme, derived from the FMP. This cell has a history of flooding and the existing flood defence includes the St Olave's School embankment and Almerly Terrace floodwall and flood gates. The flood risk assessment concludes that 156 properties will benefit from new and upgraded flood defences within this flood cell.

5.36 In summary, the overall aims of the Flood Alleviation Scheme are to;

- reduce the risk of flooding to properties and people
- to strengthen the City's resilience to flooding by reducing the risk of flooding to infrastructure, transport links, utilities and businesses
- to work collaboratively to make an effective contribution to sustainable development and where possible secure economic growth
- to strive to achieve multiple benefits where possible
- to ensure the selection of preferred options follows appropriate guidance

5.37 Outlined in paragraph 7.7.2 of the applicant's Planning Application supporting Statement (October 2019) it is stated that the proposed development will strongly support delivery of policies and aims in the revised NPPF and the emerging Local Plan by providing protection from flood events for a series of properties, heritage assets and transport links to an area within York City Centre. Furthermore, the proposal is supporting the City's response in adapting to climate change.

Assessment of the Applicant's Case for Very Special Circumstances

5.38 The Planning Practice Guidance (Paragraph 050 revision 06.03.2014) states that local authorities and developers should seek opportunities to reduce the overall level of flood risk in the area and beyond. In terms of the above case that is relevant to this particular development, it is clear that the proposed development is a response to an identified need for improved or new flood alleviation measures, and is one part of a wider scheme (York Flood Alleviation Scheme), which comprises of 19 flood cells across the City. These considerations are relevant and significant in weighing against the harm to the green belt and any other harm resulting from the proposal.

6.0 CONCLUSION

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

6.2 National planning policy (para. 145) states that the construction of new building in the Green Belt should be regarded as inappropriate unless it falls within one of the exceptions to this outlined in paragraph 145 b of the NPPF. The proposal has been assessed to represent engineering operations as outlined in paragraph 146 (b) of the NPPF however, the development is inappropriate development because, for the reasons outlined above in this report, it fails to preserve the openness of the Green Belt and conflicts with the purposes of including land within the Green Belt, namely parts C and D of policy 134 of the NPPF (assisting in safeguarding the countryside from encroachment and preserving the setting and special character of historic towns), contrary to paragraph 145b of the NPPF.

6.3 The proposal, providing flood defence assets, cannot be located in land at lower risk of flooding as the level of protection would not be achieved. A sequential and exception test has been applied, and as the development is assessed as 'Water Compatible', this is appropriate development within any of the Flood Zones.

6.4 The application will lead to less than substantial harm to the significance on archaeological features and deposits which are situated within the Central Area of Archaeological Importance. Public benefits are considered to justify this harm. There are limited impacts in respect to landscape setting, ecology and any impacts can be mitigated by condition.

6.5 This area has a history of flooding and the proposed development is in response to an identified need to protect residential and non-residential properties as well as transport routes. Having attached substantial weight to the harm to the Green Belt and great weight to the conservation of designated heritage assets (archaeology), it is therefore considered that the considerations set out in paragraphs 5.33 to 5.36 and 5.37 above would collectively clearly outweigh the harm to the Green Belt and designated heritage assets. No other harm has been identified and it is considered that the very special circumstances necessary to justify the proposed development exist.

COMMITTEE TO VISIT

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

-St. Olave's transition floodwall general arrangement ENV0000381C-CAA-B11-DR-CE-50101 revision 1

-Flood Interventions at the Esplanade, Almere Terrace / Indicative plan showing all works required for flood cell B11 (Coppins Farm to Scarborough Bridge Left Bank) and Consents Approach ENV0000381C-CAA-B11-DR-CE-10002 revision 2

-St. Olave's transition floodwall general arrangement for planning ENV0000381C-Caa-00B11-DR-LA-8013 revision 2

-St Olave's transition floodwall / floodwall raising details (Sheet 2 of 4) ENV0000381C-CAA-00-B11-DR-CE-50503 revision 1

- St. Olave's transition floodwall / floodwall raising details (Sheet 1 of 4) ENV0000381C-CAA-00-B11-DR-CE-50502 revision 1

- Flood Risk Assessment (Flood Cell B11, Coppins Farm to Scarborough Bridge Left Bank) November 2019 Revision 03 ENV0000381C-CAA-00-00-AS-EN-I0500_15-S8-1-I0500-EA3-LOD3-Flood Risk Assessment, B11

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of the locality.

4 Notwithstanding the details shown on approved plan St.Olave's transition floodwall / floodwall raising details (Sheet 2 of 4) (ENV0000381C-CAA-00-B11-DR-

CE-50503 revision 1), all external materials including coping and railings shall in all respects (shape, colour, texture), match those used in construction of the existing flood/retaining wall.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance in the interest of visual amenity in view of its sensitive location.

5 The railings hereby permitted shall be black powder coated and maintained in this form for the lifetime of the development.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance in the interest of visual amenity in view of its sensitive location.

6 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief is required on this site. Each stage shall be completed and approved by the Local Planning Authority before it can be approved/discharged.

A) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the previously approved Written Scheme of Investigation (dated May 2019 by AECOM) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

B) A copy of a report (or publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction in accordance with Section 16 of the NPPF.

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) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

2. i) The site compound being used for the construction of the wider Flood Cell B11 flood defence works and the works being considered under this application are in EA Flood Zone 3a & 3b (functional floodplain) where best practise guidance requires the developer/contractor carrying works in these flood zones to ensure there is no loss of flood storage by way of removing all surplus excavated material from site.

ii) The public sewer records show a public combined sewer crossing/adjacent to the site. Where heavy lifting equipment may be deployed, the protection of this sewer should be considered and adequate protection measures should be put in place to prevent damage to the sewer. 3. INFORMATIVE:

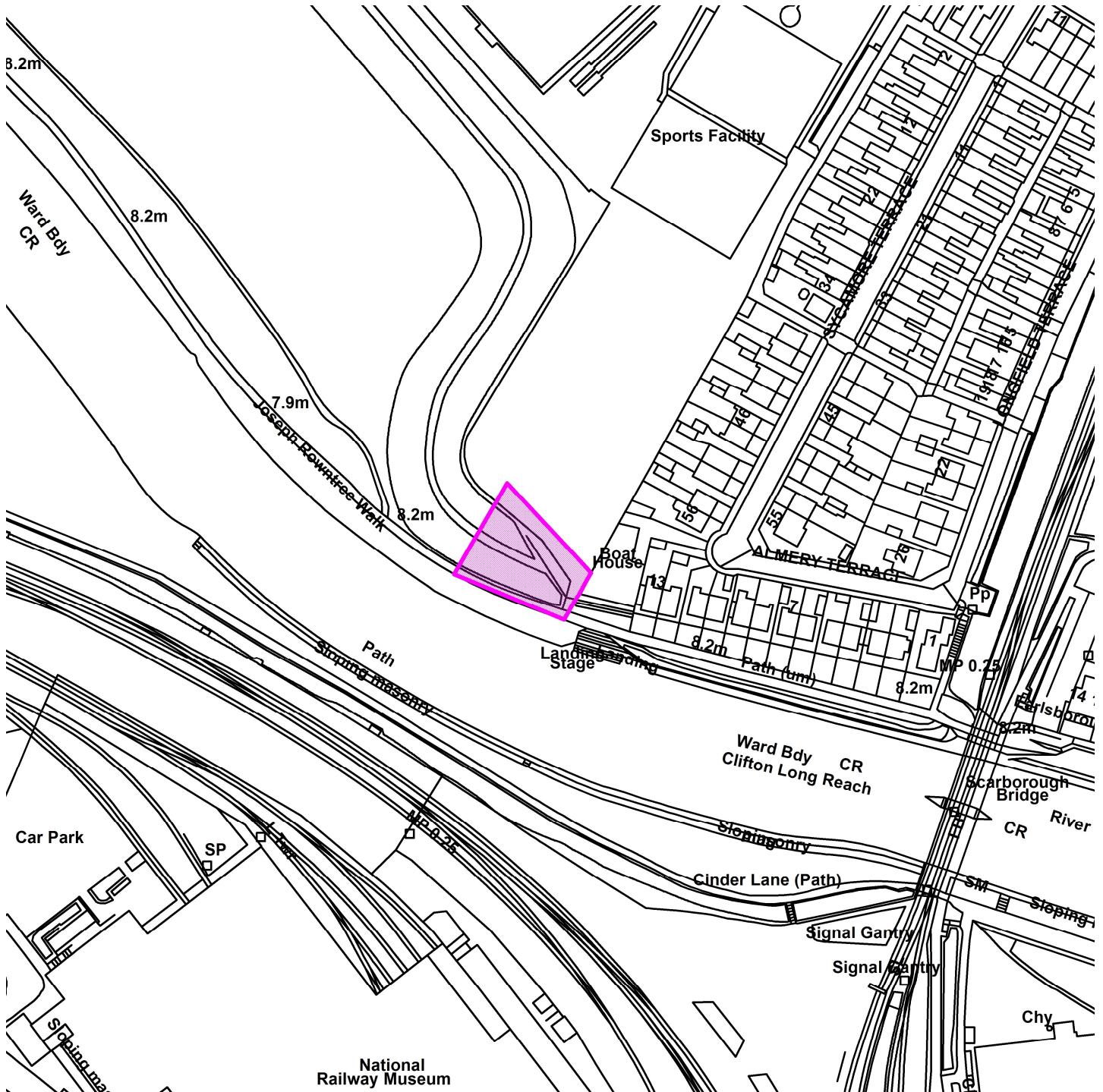
You are advised that this proposal may have an effect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

Contact details:

Case Officer: Lindsay Jenkins
Tel No: 01904 554575

19/02347/FUL

Playing Field, Sycamore Terrace



Scale : 1:1923

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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	03 March 2020
SLA Number	

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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

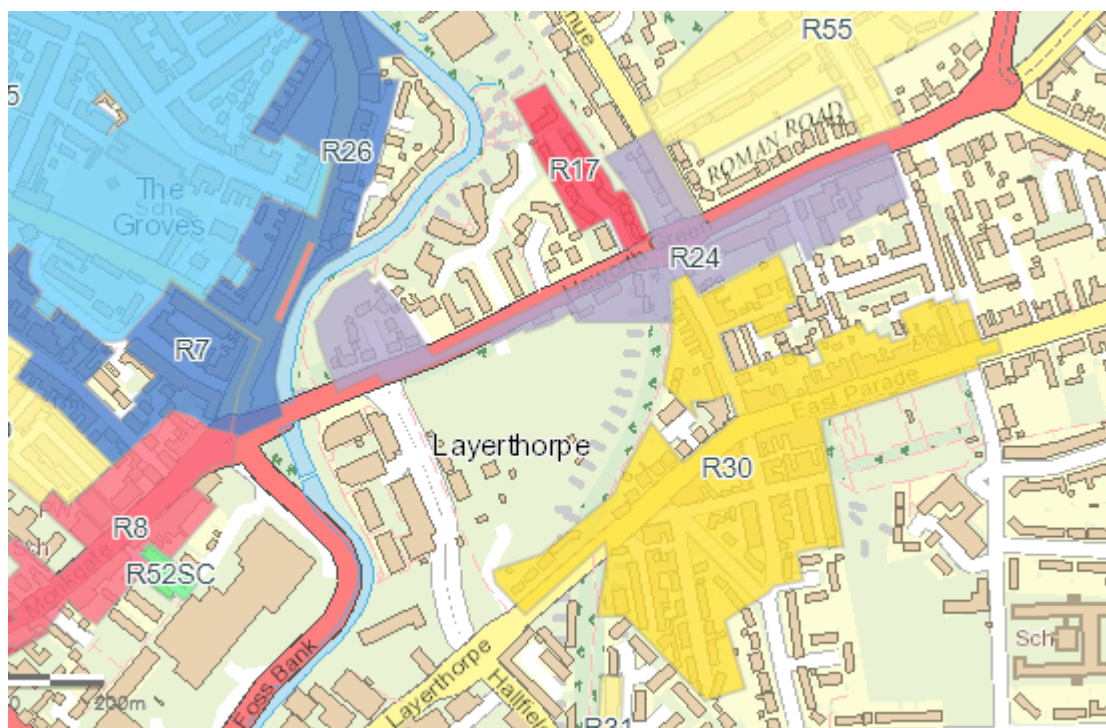
3.34 Officers object to the amount of car parking proposed. They have concerns it is inadequate and will lead to parking associated safety issues and tension in the surrounding streets. Ideally provision would be around 50% but is at 33%. Although the MODA build to rent scheme in Manchester has low parking 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

REMIEDIATION

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

Application Reference Number: 19/00979/OUTM

Item No: 4b

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

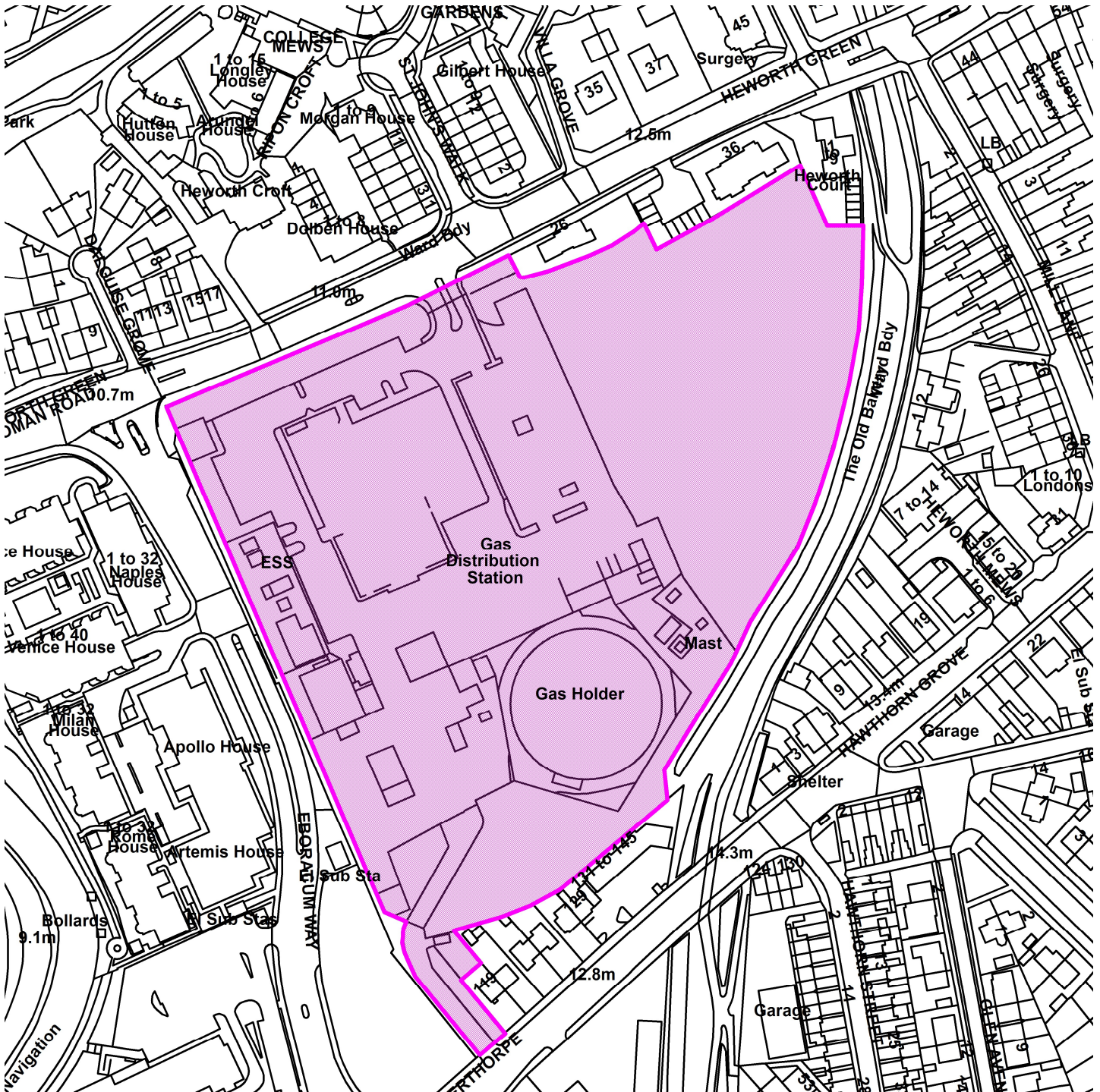
Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

Contact details:

Author: Jonathan Kenyon Development Management Officer
Tel No: 01904 551323

19/00979/OUTM

Former Gas Works, Heworth Green



Scale : 1:1923

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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	03 March 2020
SLA Number	

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COMMITTEE REPORT

Date: 12 March 2020 **Ward:** Rawcliffe And Clifton
Without

Team: West Area **Parish:** Clifton Without Parish
Council

Reference: 19/01042/FULM

Application at: Ashbank 1 Shipton Road Clifton York YO30 5RE

For: Demolition of Barleyfields and erection of 54 no. assisted living apartments and communal facilities; demolition of modern extensions to Ashbank and conversion to 4 no. assisted living apartments; associated parking and landscaping.

By: P18-0207

Application Type: Major Full Application

Target Date: 18 February 2020

Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The proposal is for the demolition of the existing sheltered housing at Barleyfields (27 flats) and the 1960's extensions to the villa, Ashbank.

1.2 It is then intended to convert Ashbank to four flats for extra care housing and construct a building to the rear of the villa consisting of 54 flats of extra care housing.

1.3 The new building is three storeys in height to the front of the site rising to four storeys with a flat roof at the rear. The building line of the existing Barleyfields building is retained as is separation between Ashbank and the new building to the rear. The ridge height of the pitched roof to the front of the new building is slightly lower than Ashbank while the flat roofed element is approximately 0.5m taller than the ridge of the pitched roof of the new building.

1.4 Parking is to the front and rear of the building (34 parking spaces and 3 disabled spaces). Cycle and scooter parking for residents is provided within the new building with further external cycle hoops for visitors. The access currently passes down the centre of the site between Ashbank and Barleyfields and gives access to the private dwelling, 3 Shipton Road, to the rear. The access will be moved to the western boundary of the site and access retained to the existing dwelling. A claimed right of

way leads around from Water End to Shipton Road around the South and West boundaries of Ashbank. This right of way will be retained and diverted along the new access.

1.5 The site is within the Clifton Conservation Area and a Green Infrastructure corridor. Part of the rear sunken garden of Ashbank is within Flood Zone 2.

Planning history

1.6 Permission (12/02491/FULM) was previously granted for four 2½ storey dwellings to the rear of Ashbank with conversion of the villa to 5 apartments. This permission has not been implemented.

2.0 POLICY CONTEXT

2.1 Emerging Local Plan relevant policies

DP2 Sustainable Development

DP3 Sustainable Communities

SS1 Delivering Sustainable Growth for York

EC2 Loss of Employment Land

H2 Density of Residential Development

HW7 Healthy Places

D1 Placemaking

D2 Landscape and Setting

D4 Conservation Areas

D6 Archaeology

D11 Extensions and Alterations to Existing Buildings

GI2 Biodiversity and Access to Nature

GI3 Green Infrastructure Network

GI4 Trees and Hedgerows

CC1 Renewable and Low Carbon Energy Generation and Storage

CC2 Sustainable Design and Construction of New Development

ENV2 Managing Environmental Quality

ENV5 Sustainable Drainage

T1 Sustainable Access

DM1 Infrastructure and Developer Contributions

2.2 Development Control Local Plan 2005 relevant policies

H4A Housing Windfalls

HE2 Development in historic locations

HE3 Conservation Areas

GP1 Design

HE10 Archaeology

HE11 Trees and landscape

NE6 Species protected by law

L1c Open space

3.0 CONSULTATIONS

Internal responses

Housing Policy

3.1 The proposal for 58 apartments at Ashbank and Barleyfields, Shipton Road, offers 12 units of on-site affordable housing in compliance with the relevant Local Plan policies and local evidence base. It is therefore supported in this respect by the Housing Strategy and Policy Team and would make an important contribution to meeting the identified local need for this form of specialist affordable housing.

Public Realm

3.2 There is no open space on site therefore a contribution for off-site provision of £10,419 (amenity open space) and £15,336 (sports provision) would be required and should be secured via S106.

Public Protection

3.3 The proposal is for residential accommodation within an area where there are existing residential premises, therefore there are no existing noise sources that could impact on future residents. To control potential noise disturbance from plant within the site a condition is recommended.

3.4 As there are residential properties close to the site, a condition is recommended for a CEMP to control issues related to noise vibration and dust during demolition and construction. A condition is also suggested to control odour from the kitchen.

3.5 A condition for an EVCP is also recommended.

3.6 The site was undeveloped until Ash Bank House was built in the late 1880s. No significant sources of contamination have been identified at the site and the Environmental Report concludes that the potential environmental risk is low. A

condition is recommended in the event that unexpected land contamination is found on site.

Design, Conservation and Sustainable Development (Ecology)

3.7 The vegetation on site provides suitable bird nesting habitat. The pond on site was considered unsuitable for Great Crested Newts.

3.8 Three bat roosts were identified within Ashbank. A European Protected Species Licence will be required to undertake repairs to the building which are likely to result in the loss of the bat roosts from the increased structural integrity of the modernised development. New development should therefore integrate a variety of bird and/or bat boxes.

3.9 The species protection provisions of the habitats Directive contain three 'derogation tests' which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species (EPS). The LPA should also consider these three tests when deciding whether to grant planning permission for a development which could harm an EPS.

3.10 The "derogation tests" which must be applied for an activity which would harm a European Protected Species (EPS) are contained within the species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017 (as amended) are as follows:

- 1) that the action is for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;
- 2) that there is no satisfactory alternative; and
- 3) that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

3.11 With regards to the third test, the conservation status of species will be taken as 'favourable' when:

- a) population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- b) the natural range of the species is neither being reduced for the foreseeable future, and
- c) there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

3.12 With regards to test 3, the Ashbank building currently supports a small number of roosting Common Pipistrelle and Soprano Pipistrelle bats in three day roosts. Both of these are considered common and widespread throughout the UK and classed as a species of 'least' conservation concern. The requirement for a European Protected Species Licence will prevent any direct harm and the requirement to provide four integrated bat boxes in the new buildings will maintain roosting opportunities on site. Therefore the third test for maintenance of favourable conservation status is met.

3.13 Conditions are recommended.

Design, Conservation and Sustainable Development (Landscape)

3.14 The proposed building sits uncomfortably tightly within the site boundary leaving extremely little room for a spacious garden setting that could otherwise include large mature trees, as is characteristic of the neighbourhood. The proposal, not only removes sizeable, attractive trees which reflect the character of the Conservation Area, it also fails to create a garden setting that is in keeping with the characteristic large villas in substantial gardens in this part of Clifton.

3.15 On amenity grounds, the two Limes at the front and the Pine and Horse chestnut to the rear, are worthy of a tree preservation order (TPO). The two Limes are clearly visible due to their street side location. The Pine and Chestnut are partially visible from the public right of way to the rear. Three of these trees are lost to development.

3.16 With a few exceptions, the majority of trees within the site are categorised as 'C' and are not particularly good specimens in themselves. That does not completely negate the value that the general tree cover makes to the amenity of the conservation area and the value of the green infrastructure corridor.

3.17 More open space needs to be retained in order to accommodate more trees in perpetuity, and some open space, so that the value of the green corridor is not significantly reduced.

3.18 In response to revised plans submitted to try to address some of these concerns, further comments were provided:

3.19 The proposed tree planting (choice of species, form, location and suggested detailing) is commendable. The development would result in improved public views from Shipton Road but the overall loss to the tree canopy and green space has a negative impact on the green infrastructure.

Flood Risk Management

3.20 No objections; conditions recommended.

Highways Network Management

3.21 Revisions were requested to resolve issues relating to the design of access points, cycle storage, servicing and pedestrian access. Acceptable revised were received and therefore no objections subject to conditions as recommended.

Head of Older Persons Accommodation

3.22 The application is supported. There is a shortfall of extra care accommodation in the city and a demand from residents for this type of accommodation where the opportunity to remain in an independent property with care and support services is available. The mix of tenure option will provide real housing options for home owners and social rented tenants.

External responses

Clifton Parish Council

3.23 No comments; site is outside ward boundary.

Historic England

3.24 No comments; advice of internal experts should be sought.

Yorkshire Water

3.25 Conditions recommended.

4.0 REPRESENTATIONS

Neighbour notification and publicity

4.1 Twelve letter of representation have been received from neighbouring residents; all object to the proposals. The issues raised are:

- Concern about impact of development on mature planting in existing development to the West;

- Insufficient rental properties to be provided compared with existing situation;
- Concern about Barleyfields residents being forced out of their homes;
- The excessive height of the development;
- Intensification of use on the site;
- Change to a business/ commercial use in a residential area;
- Reduction in light and privacy to existing properties at Ouse Lea;
- Noise and disturbance from new service road adjacent to Ouse Lea;
- New kitchen delivery access opposite existing properties will result in noise disturbance;
- Increased traffic;
- Properties on Ouse Lea will overlook the development
- Work on the wall between the site and Ouse Lea will result in damage to trees
- Loss of trees in Conservation Area
- Safety concerns regarding positioning of new access adjacent to footpath in to Ouse Lea
- Overlooking of site to the East
- Loss of public footpath through site
- Loss of view
- Concern about access being retained to property to rear (3 Shipton Road)
- Overdevelopment of the site
- Impact of lighting on Ouse Lea
- Loss of privacy to residents at Ouse Lea
- Noise impact from residents
- Out of keeping with character of Conservation Area
- The site is adjacent to Flood Zone 2/3 and development on it will increase flooding to neighbouring sites
- Insufficient parking provision
- Sustainability issues related to demolition of Barleyfields

5.0 APPRAISAL

5.1 Main Issues

- principle of development;
- loss of employment land;
- impact on the character of the conservation area;
- design;
- impact on amenity and living conditions of adjacent occupiers;
- highways and parking;

- drainage;
- trees;
- ecological issues;
- sustainability;
- affordable housing;
- open space provision;
- the Planning Balance.

LEGISLATIVE AND POLICY CONTEXT

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise.

5.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of a conservation area.

National Planning Policy Framework

5.4 The revised National Planning Policy Framework (NPPF) 2019 was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material planning consideration in the determination of this application.

5.5 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives.

5.6 Paragraph 11 states planning decisions should apply a presumption in favour of sustainable development and that for decision taking this means where there are no relevant development plan policies, granting permission unless

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

Publication Draft Local Plan 2018

5.7 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted 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 the 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. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

It is considered that given the stage of preparation of the emerging plan, nature of objections and consistency with the NPPF that the policies listed in para. 2.1 above should be given moderate weight.

5.8 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. The directly relevant evidence base is:

- City of York Housing Needs Update (2019)
- Strategic Housing Land Availability Assessment and Appendices (2018)
- Strategic Housing Land Availability Assessment and Annexes (2017)
- City of York Strategic Housing Market Assessment Update (2017)
- City of York Council Strategic Housing Market Assessment (2016)
- City of York Council Strategic Housing Market Assessment Addendum (2016)

2005 Development Control Local Plan

5.9 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF albeit with very limited weight.

PRINCIPLE OF DEVELOPMENT

5.10 Paragraph 118 of the NPPF states that substantial weight should be placed on the value of using brownfield sites within settlements for homes. The majority of the

site represents previously developed brownfield land and is not allocated for any particular use in either the emerging Local Plan or DCLP 2005. Policy SS1 of the emerging Local Plan also encourages the re-use of previously developed land where it is viable and deliverable. Neighbouring uses are predominantly residential, therefore the provision of housing in this location is considered appropriate and compatible with neighbouring uses in land use terms.

5.11 The principle of development at this site therefore rests principally on the acceptability or otherwise of the loss of the land for employment uses, and the impact on the Clifton Conservation Area. These are explored in greater detail below.

LOSS OF EMPLOYMENT LAND

5.12 Ashbank has most recently been in office (B1a) use although it has been vacant for approximately 6 years. Planning permission (12/02491/FULM) has previously been granted for the conversion of the villa to residential use indicating that the principle of the loss of the employment use has already been accepted.

5.13 For completeness, it is appropriate to assess the proposal against policy EC2 of the emerging Local Plan. This requires that building which were last used for employment uses are shown to be not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and that the proposal would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period. The fact that the property has remained empty for over 6 years would suggest that it is not attractive as office accommodation to prospective users; the appearance and form of the building would suggest that it is unlikely to be in a condition to appeal to prospective purchasers; finally, the B1a use is out of keeping with the predominantly residential character of the area. Given that the loss of the site to office use has already been agreed it is considered unlikely that it would be required to meet future employment needs.

IMPACT ON THE CHARACTER OF THE CONSERVATION AREA

5.14 Paragraph 190 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset (such as a 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.

5.15 Paragraph 190 states that 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.

5.16 Paragraph 193 of the NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset (ie a 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 (Paragraph.194).

5.17 Paragraph 196 states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.18 The Clifton Conservation Area appraisal indicates that the character of the area is defined by large villas with gardens and trees and generous spaces between buildings. Clifton was, until the mid-late nineteenth century, a separate rural community and dependent of dairy farming. The area around the Green retains its essential rural character. Later on large Georgian, Victorian and Edwardian villas were developed in new suburban residential streets.

5.19 Ashbank is a Victorian two storey villa which has been extended in the 1960's with significant and unsympathetic additions to the West and smaller extensions to the East. The villa is two storeys in height with rooms in the roof. Materials are buff brickwork with a slate pitched roof and prominent front facing gable features. There are darker coloured string courses at ground and first floor and prominent chimneys visible in the centre of the roof. To the rear the remains of the original sunken garden are still visible with a modern car park in the rear half of the site. The villa itself is considered to be a positive building within the Conservation Area as it fits

with the identified character; the extensions are however considered to be detractors.

5.20 Barleyfields is assessed as having a neutral impact on the Conservation Area as a result of its set back from the road and relatively modest scale resulting from the use of a flat roof form. It is also noted that the building follows the historic building line. The building houses a 1960's purpose-built block of sheltered housing. It is constructed from buff bricks with a flat roof. The building is 3 storeys in height with a prominent additional block which forms the lift shaft to the front of the building. There is parking to the front of the building which follows the building line of the original, now demolished, villa.

5.21 The proposed new building provides a modern interpretation of a traditional building when viewed from the public highway. The use of brickwork, pitched roofs and appropriate detailing will help to reflect the character of the surrounding area. The use of recessed sections and glazing help to break up the bulk of the building.

5.22 At present, the extensions and general appearance of Ashbank and the dated character of Barleyfields have a negative appearance on the character of the Conservation Area. The CA Appraisal identifies the importance of villas within substantial gardens to the character of the area, however currently the poor quality extensions to Ashbank completely obscure any impression of the garden to the rear of the property. The removal of the extensions to the villa and demolition of Barleyfields allow for the redevelopment of the site with a more sympathetic scheme. The proposal will allow Ashbank to appear in a more open setting as was originally intended, it also brings the villa back in to an appropriate viable use from its current run-down state.

5.23 The development to the rear of the villa fills much of the site while sitting behind the villa and on an appropriate building line. A garden is retained to the rear of the villa and sufficient separation between the buildings to allow the villa to be visually prominent. While provision of a larger area of garden would be preferable it is recognised that the benefits from the removal of the extensions to Ashbank and demolition of Barleyfields are significant. Currently, there is no view of the rear garden (half of which is already used as car parking) of Ashbank from Shipton Road whilst the adjoining site is almost entirely covered by Barleyfields. The proposal removes the extensions to Ashbank and Barleyfields to return an impression of a villa set within a large garden.

5.24 In relation to the impact on the streetscene and from public vantages points, it is considered that the proposals would enhance the character and appearance of the Conservation Area. The removal of the extensions to Ashbank, its bringing back into an appropriate use, demolition of Barleyfields and the design and siting of the new building are all considered to contribute to positive improvements to the Conservation Area in accordance with policy D4 of the emerging Local Plan and para.192 of the NPPF.

5.25 It is however acknowledged that the scale of development on the site might be considered to result in harm to the Conservation Area (the designated heritage asset) however this harm is considered to be at the lower end of less than substantial. In accordance with para. 196 of the NPPF this low level of harm is outweighed by the public benefits previously highlighted above in the improvements to the character and appearance of the Conservation Area. In addition, the bringing back in to a viable residential use of a building originally built as a dwelling adds to the benefits of the scheme and would outweigh the very low level of identified harm to the designated heritage asset.

DESIGN

5.26 NPPF para.124 states that 'Good design is a key aspect of sustainable development, creates better place in which to live and work'. The applicant undertook pre-application discussions with the Local Planning Authority (as encouraged in paras. 39-41 of the NPPF) during which the scheme was developed in response to concerns raised by officers in relation to the design and scale of the proposal and its impact on the Conservation Area. Issues related to the design have been resolved to the satisfaction of the Council's Conservation Architect excepting some unresolved concerns about the scale and massing of the four storey element to the rear of the site.

5.27 The site is in a prominent location on the approach in to York. The proposed design, while contemporary in character, reflects the residential character of the locality and proposed use and picks up on design details characteristic of the area. As such it is considered that, in design terms, the proposal is a significant improvement on the existing buildings.

5.28 In terms of the footprint of the building, it is clearly more substantial than other properties in the locality while also acknowledging that there have been larger buildings constructed more recently. Properties at Ouse Lea are built in terraced

blocks across the site while the villas along Shipton Road are substantial for dwelling houses. The existing Barleyfields building covers much of its site and presents a very large front elevation to the highway such that, when combined with the extensions on Ashbank, the entire frontage of the sites appears enclosed. The proposal will improve the appearance of the sites from the highway by separating the new building and villa and keeping the bulk of development away from public views from the highway.

5.29 The new building will sit close to the boundaries of the site, particularly on the East side of the site. While issues of amenity in relation to this are addressed below, the proximity of windows to the boundary will effectively sterilise the neighbouring site for future development as they borrow their outlook from the neighbouring site. In this respect it is considered that the proposals raise design issues related to the quantum of development on site and fail to comply with policy D1 of the emerging Local Plan and para.127 of the NPPF.

IMPACT ON AMENITY AND LIVING CONDITIONS OF ADJACENT OCCUPIERS

5.30 Para.127 of the NPPF requires that planning decisions seek to create places with a high standard of amenity for existing and future users. This is echoed in policy D1 of the emerging Local Plan which requires that development considers 'residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing'.

5.31 The proposal is for a 3/4 storey building within a site in a predominantly residential area. An analysis has been provided within the Design and Access Statement of the potential for overshadowing from the proposed development. It is noted that there is some increased overshadowing to the rear of Ashbank Villa during the winter months during the latter part of the day. Otherwise increases in overshadowing to neighbouring properties to the East and West are minimal as a result of the distances involved, the pitch of the roof and the eaves height. It is noted that later in the day during the summer months there will be an increase in overshadowing to the garden of the property to the East. There are significant mature trees within this garden adjacent to the site and these will result in existing overshadowing of the garden. In addition, any overshadowing, will as a result of the siting of the new building, be away from the neighbouring property and its immediately adjacent garden area.

5.32 In terms of overlooking, there is a minimum of 18m between Ashbank Villa and the new building. Given that both properties are subdivided in to flats with living accommodation at all floors there is some potential for overlooking between the properties. However the buildings are slightly angled towards each other so there is no direct view from one to another and windows are slightly offset from each other.

5.33 In relation to overlooking to neighbouring properties, the new building is a minimum of 28m from the property to the East which is considered sufficient to ensure there is no direct overlooking in to the existing property. The tree cover within the neighbouring property will provide further screening. The Eastern elevation of the new building is in close proximity to the boundary with the garden of the neighbouring property. This distance is between 2m and 5m for the 3 storey element and 2m and 7m for the 4 storey element. Balconies protrude beyond the main elevation towards the boundary. Distances here are clearly substandard and flats within the new building will utilise the adjoining garden site for their outlook. This garden is significant in scale but does not appear to be intensively used by its host property so that there is not considered to be a loss of amenity to existing residents.

5.34 To the South, the site abuts a detached period property in a large plot. This property faces East across a large garden. At its closest point the new building will be 22m from this property and 3 storeys in height, rising to 4 storeys 24m from the existing dwelling. In terms of its distance from the garden of the existing property, the new building will be a minimum of 4m. Windows in the new building are positioned such that there will be no direct overlooking to the main part of the neighbouring property's garden with some impact on the rear corner of the garden. This should be compared with the previously approved scheme which approved a terrace of town houses along the southern boundary of the site alongside the garden of this property. The distance between the rear of these properties and the boundary varied between 10m and 12m with a 2½ storey house proposed. It is not considered that the proposal would be more harmful to existing residential amenity than this previously approved scheme.

5.35 To the western boundary the new building is 8m from the boundary and 3 storeys in height. The existing Barleyfields development abuts this boundary (3 storey height to the front of the site and 2 storey to the rear). The new development would be 20m from the side of the nearest property at Ouse Lea. Given the distances involved it is not considered that the proposal would impact on the privacy of residents at Ouse Lea either in their properties or gardens.

5.36 Amenity for future residents of the site is considered acceptable. Flats have an acceptable outlook albeit those to the East of the site take their outlook from the neighbouring property. There is a centrally positioned external courtyard for residents' use and the site is within close proximity to Homesteads Park.

LOSS OF EXISTING BARLEYFIELDS HOUSING AND NEED FOR OLDER PERSONS ACCOMMODATION

5.37 Barleyfields is a sheltered housing development providing 7no. one-bed, 1no. two-bed and 19no. studio flats for rent for people over the age of 55. The building was constructed in the 1970's and is considered no longer fit for purpose with a significant investment required to bring the building up to modern standards. Existing residents have been assured that Barleyfields will not close until all customers receive a suitable offer of accommodation elsewhere and will received support from Anchor Hanover to do so. They will be offered first refusal on units in the new development and will receive a home loss payment to assist with the move.

5.38 Para.61 of the NPPF requires that planning policies include housing for different groups within the community including older people. This requirement is carried through into policy H9 of the emerging Local Plan which supports development which contributes to meeting an identified need; are well-designed to meet the particular requirements of residents with social, physical, mental and/or health care needs; and are in an accessible location by public transport or within walking distance to a range of community facilities and public open spaces'.

5.39 Para.122 of the NPPF states that planning decisions 'should support development that makes efficient use of land taking into account the identified need for different types of housing....and the available of land suitable for accommodating it; the availability of infrastructure and services....and the scope to promote sustainable travel modes that limit future car use; and the importance of securing well-designed, attractive and healthy places'. Para.118 confirms this in stating that 'substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs'.

5.40 The Older Persons Accommodation Manager has noted that York has a current demand for a minimum of 832 units of extra care/ supported living accommodation. The city currently has 286 unit of extra care with a further 176 units benefitting from planning permission or under construction. Population projections for the city

indicate that by 2030 there will be a demand for a minimum of 1082 units. The type of accommodation proposed offers residents the opportunity to remain in their own independent property but with care and support service available as needed.

HIGHWAYS AND PARKING

5.41 The proposal is for 34 parking spaces plus 3 disabled parking spaces. There will also be 20 cycle spaces, with a mix of 6 visitor spaces and 14 internal spaces, and 9 scooter parking spaces. Cycle parking levels are considered acceptable given that the internal spaces are provided to a high standard. Parking provision is acceptable for the intended use and in this sustainable location.

5.42 Footways have been designed to be wide enough for wheelchair and scooter users and provide access around the property. It is also noted that there is a right of way through the site linking to Water End; this is retained and would give access for residents and others through to riverside walks into the city.

5.43 Access is also retained to the private property to the rear albeit slightly realigned to the East of the site. Given the proposed level of vehicle movements it is not considered that the proposal will have any significant impact on the highway network.

5.44 Bin stores are provided to the rear of Ashbank and are sufficiently close to the public highway to allow collection by a Council waste service.

DRAINAGE AND FLOOD RISK

5.45 The site is partly within Flood Zone 2 (the area of garden currently occupied by the sunken garden). A sequential test has been undertaken by the Applicant and it is noted that residential development is identified within the NPPF as a form of development which can be appropriate within FZ2. A Flood Risk Assessment has been submitted with the application and has assessed that the risk of future flooding is minimal. The sequential test has not identified any other suitable sites in FZ1 and it is also recognised that the applicant already owns part of the site. There is no requirement to complete the exception test given that the site is in FZ2 and the use falls within the 'More vulnerable' category. Given the low risk of flooding to future residents and the minimal likelihood of increased flooding to existing residents it is considered that the proposal meets the requirements of the NPPF and policy ENV4 of the emerging Local Plan in terms of flood risk.

5.46 Details of drainage can be covered by planning conditions.

TREES

5.47 The proposal removes the large mature trees and sunken garden to the rear of Ashbank and the lime adjacent to the front of the villa. This tree has been assessed as category C as a result of its structure – the applicant’s tree experts consider that it is unlikely that this tree would survive demolition works given the proximity to the building. A pine tree and chestnut to the rear are also removed – these have limited public visibility from the footpath to the rear of the site. They are not visible from Shipton Road. The removal of the lime tree will have the most significant impact on visual amenity – revised plans have been submitted to increase the number of replacement trees along the frontage and within the courtyard to the maximum number that the space can support.

5.48 The applicant recognises that the replacement tree planting scheme does not provide the same level of green infrastructure canopy as the existing situation but notes that the space is restricted and the trees have been chosen to avoid future conflict with residential amenity.

5.49 The Council’s landscape architect has acknowledged that views along Shipton Road will improve with the removal of the extensions to Ashbank and the replacement of Barleyfields with a high quality modern design. They also accept that the proposed tree planting, in terms of the choice of species, form, location and detailing, is commendable but the loss of existing tree cover and greenspace has a negative impact which would have to be assessed within the overall planning balance.

5.50 Policy D2 of the emerging Local Plan relates to landscape and setting. It supports development which conserves and enhances landscape quality and character, and the public’s experience of it; recognises the significance of landscape features such as mature trees and retains them in a respectful context where they can be suitable managed and sustained; create a comfortable association between the built and natural environment and attain an appropriate relationship of scale between building and adjacent...garden’.

5.51 Clearly the proposal removes trees which contribute to the natural environment and, in some cases, visual amenity in the locality. However, the proximity of the lime

tree to the extensions to be removed appears to call into question its long term retention; the removal of these unattractive extensions has been assessed as being a positive element of the scheme and the tree removal must be assessed in this context. Similarly trees to be removed at the rear have little impact on visual amenity being fully enclosed from views from Shipton Road and are only glimpsed from the rarely used claimed footpath to the south of the site. There is a clear impact from the development on mature trees within the Conservation Area which must be assessed within the overall planning balance.

5.52 The site sits on the edge of a Green Infrastructure Corridor. While the trees on site do contribute to the overall tree cover in the immediate area it is not considered that the loss significantly undermines its overall integrity.

ECOLOGICAL ISSUES

5.53 Bat surveys recorded bats roosting in 3 different parts of Ashbank. The applicant has confirmed that they would look to minimise works to the existing roof covering as much as possible to avoid disturbance to bats but that a full inspection of all existing roof covering has not yet been possible. A European Protected Species Licence would be required to undertake the repairs to Ashbank which are likely to result in the loss of the bat roosts.

5.54 The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017 (as amended), contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species (EPS). Notwithstanding the licensing regime, the LPA must also address its mind to these three tests when deciding whether to grant planning permission for a development which could harm an EPS.

5.55 The "derogation tests" which must be applied for an activity which would harm a European Protected Species (EPS) are contained within the species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017 (as amended) are as follows:

- 1) that the action is for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;
- 2) that there is no satisfactory alternative; and

3) that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

5.56 In relation to the first test, it is considered the bringing back in to viable and appropriate use of Ashbank, the benefits to the character and appearance of the Conservation Area from the removal of Barleyfields and the extensions to Ashbank and the provision of extra care housing provide the overriding public interest required to meet this test.

5.57 Ashbank is a positive building within the Conservation Area but is in a significant state of disrepair. It would appear, from the available information, that any works to bring Ashbank up to modern standards would require works to the roof which would impact on the bat roosts so to this extent there would appear, in relation to the second test, to be no satisfactory alternative if the building is to be reused.

5.58 Finally, with regards to the third test, the conservation status of species will be taken as 'favourable' when:

- a) population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- b) the natural range of the species is neither being reduced for the foreseeable future, and
- c) there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

5.59 The Council's Ecology officer has confirmed that the Ashbank building currently supports a small number of roosting Common Pipistrelle and Soprano Pipistrelle bats in three day roosts. Both of these are considered common and widespread throughout the UK and classed as a species of 'least' conservation concern. The requirement for a European Protected Species Licence will prevent any direct harm and the requirement to provide four integrated bat boxes in the new buildings will maintain roosting opportunities on site. Therefore the third test for maintenance of favourable conservation status is met providing appropriate conditions for avoidance and mitigation measures to prevent direct harm to bats and retain roosting features on site are imposed.

5.60 In accordance with the above, it is considered that the derogation tests could be passed by the development and it is likely that Natural England would grant the European Protected Species (EPS) License.

SUSTAINABILITY

5.61 The applicant has submitted a BREEAM pre-assessment of the proposals with the application. This confirms that the applicant is intending to achieve a target BREEAM rating of 'Very Good' aspiring to 'Excellent'. It is intended to incorporate heat recovery air source heat pumps, and an array of PV panels on the flat roof and south facing pitched roof. Water resource management measures will be incorporated in the development. Following discussions with the applicant it is agreed that conditions requiring the buildings to be compliant with DLP policies CC1 and CC2 which require exceedance of Building Regulations with regards to energy efficiency and carbon emissions (through the use of low/zero carbon technology or building efficiency) and BREEAM excellent will be recommended. Building Regulations require that the Dwelling Emission Rate (DER) does not exceed the Target Emission Rate (TER). Local policy requires a 28% reduction.

5.62 The site is in a highly sustainable location on a main road into the city. There are good public transport links through to the city. Local services in Clifton are approximately 300m from the site and Homestead Park is very close providing opportunities for outdoor recreation.

AFFORDABLE HOUSING

5.63 In accordance with policy H10 of the emerging Local Plan a 20% requirement is made for affordable housing. This will be provided as 12 affordable apartments in the scheme by the applicant, a Registered Provider, and secured through a section 106 agreement.

5.64 The affordable housing on the scheme would be provided as 10 social rented and 2 shared ownership apartments, pepper potted throughout the development to offer an integrated, mixed tenure scheme:

- 5x 1-bed social rented
- 5x 2-bed social rented
- 2x 2-bed shared ownership

5.65 The existing Barleyfields site contains 27 older people's affordable homes which will be demolished as a result of the proposal resulting in a net loss of 15 affordable homes. However there is no relevant national or local planning requirement that would prevent the demolition of the existing building. It is also

recognised that the proposed accommodation would be considerably larger, of greater quality and better suited to meet contemporary expectations and requirements of the intended residents.

OPEN SPACE PROVISION

5.66 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’.

5.67 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 the following circumstances’.

5.68 The site is within the Rawcliffe and Clifton Without Ward but close to the boundary with the Clifton Ward. Clifton Without has a surplus of all types of open space based on the Open Space and Green Infrastructure Update (September 2017) however there is a deficit in all types in the Clifton Ward. The 2017 update details existing supply only. There are some allocated sites for open space in the 2018 DLP but no current city wide strategy to provide adequate space (or improve existing sites), either for the existing or envisaged local population.

5.69 Typically it is not possible to accommodate open space provision on urban sites as there is not the space. Alternatively an off-site contribution can be requested. This must meet the CIL Regulations – be necessary to make the development acceptable, 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/incentive development of brownfield land.

5.70 An open space contribution of £10,419 for amenity and open space and £15,336 for sports provision is required by the developer in line with Council policy. Schemes have been identified at Homestead Park and York Tennis Club. The contribution would be secured via a S106 agreement.

THE PLANNING BALANCE

5.71 Para.118 of the NPPF states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. The proposal represents a re-use of the Barleyfields site, which currently provides outdated sheltered accommodation, with a modern extra care facility. As such the proposal for extra care accommodation should be given substantial weight.

5.72 Other factors weighing in favour of the scheme are the improvements to the character and appearance of the Clifton Conservation Area from the removal of the existing modern extensions to Ashbank and the poor quality modern building at Barleyfields. The scale of the proposed building is considered to result in harm to the Conservation Area but this has, in accordance with para. 196 of the NPPF, been assessed as at the lower level of less than substantial harm. The removal of the extensions and Barleyfields building and their replacement with a well-designed new building, more sensitively located than the existing structures, provides the public benefits, along with the provision of housing, which outweigh the identified harm. In relation to policy D4 it is particularly noted that the proposed development better reveals the significance of the Conservation Area as well as enhancing its special character and appearance by allowing Ashbank to be viewed once more as a period villa within a garden area as identified within the Conservation Area Appraisal.

5.73 Further benefits of the scheme are the provision of 12 units of affordable housing in line with policy H10 of the emerging Local Plan.

5.74 Finally, it is recognised that there is an undersupply within the city of 370 units of extra care housing when using National benchmarks. Population projections indicate that this shortfall will increase to 620 units by 2030 unless further extra care accommodation is provided. The scheme provides a net increase of 30 units of

modern purpose-built accommodation of a form which Council research has shown to be desirable to residents.

5.75 As a result of the scale of development on the site, it is recognised that there are dis-benefits to the scheme. The proposed building has a significant footprint. This results from the operational requirements of the proposed use – the extra care facility is based around communal facilities which are available to all residents and which need to be contained within a single building. Without sufficient numbers of residents the communal facilities would not be viable and the development would not be able to provide the intended benefits to residents.

5.76 The scale of development on site has led to a number of concerns which have been highlighted in the report above in paragraph 5.25. Also, the loss of trees in the Conservation Area is a concern but it is acknowledged that most of the trees to be removed are not publically visible as they are within the enclosed garden area of Ashbank. The loss of the lime tree to the front of the villa would result in harm to the Conservation Area but its proximity to extensions identified for demolition mean that its retention could not be guaranteed. This tree is one of a number within the streetscene which all contribute to the character of the area. The tree loss, as a result of the lack of visibility of the garden trees and quantity of other trees along Shipton Road, would result in less than substantial harm to the appearance of the Conservation Area. The public benefits provided by the provision of housing and visual benefits to the Conservation Area from removal of the extensions to Ashbank are considered to outweigh the harm to the Conservation Area from the amount of development on site and consequent tree loss. To address the tree loss the scheme includes significant tree replacement, where possible, on site.

5.77 Other issues arising from the scale of the building include overlooking to the neighbouring garden to the East of the site. This neighbouring garden is significant in size and the overlooking would be across the bottom part of the plot. The neighbouring property and the garden closest to it would not be affected and would be screened by trees within the garden. That being said, the proposal presents 4 storeys of development in close proximity to a neighbouring boundary and is reliant on the neighbouring site to provide outlook for new residents.

5.78 Finally, there is restricted on-site amenity space for future residents as a result of the scale of development on site. However, the proposed garden area would be well landscaped and could provide a pleasant enclosed seating area for residents. Flats have good levels of amenity and most are provided with balconies to allow

enjoyment of the outdoors. The site is in close proximity to Homestead Park and the development will provide a financial contribution towards improvements at the park.

6.0 CONCLUSION

6.1 Officers recognise that this is a balanced judgement. The benefits of the scheme are that it provides new residential accommodation on predominantly brownfield land and, in accordance with para. 118 of the NPPF, this should be given substantial weight. Other advantages of the scheme are the bringing back in to use of the villa; the removal of its modern and unattractive extensions; and the demolition of the Barleyfields building. The provision of modern purpose-built extra-care accommodation, where there is an identified shortfall, should also be given significant weight.

6.2 Weighed against these benefits are concerns about the level of tree loss within the Conservation Area, while recognising that the proposed landscaping scheme provides a high level of replacement planting; the scale of the building in relation to other buildings in the locality; overlooking to the neighbouring site; and levels of external amenity space.

6.3 The presumption in favour of sustainable development contained within para.11 of the NPPF requires that, where there are no relevant development plan policies, or the policies are out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The policies referred to include those related to designated heritage assets which would include the Clifton Conservation Area. This means that the application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

6.4 The proposal has been considered against the relevant NPPF policies particularly those in Section 16: Heritage Assets. When taking a balanced view, and assigning substantial weight to the provision of extra care housing on brownfield land, it is considered that the substantial benefits of the scheme would not be significantly and demonstrably outweighed by the less than substantial harm to the Conservation Area, tree loss, and concerns about amenity.

COMMITTEE TO VISIT

Application Reference Number: 19/01042/FULM

Item No: 4c

7.0 RECOMMENDATION: Approve subject to;

- (i) Section 106 Agreement to secure the following obligations –
- £10,419 for amenity open space and £15,336 for sports provision;
 - Affordable housing (20% on site); and

(ii) the following conditions

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Location Plan (Drg ref: 2001-S4 Rev P4);
Proposed Ground Floor Plan (Drg ref: 8201-S3 Rev P2);
Proposed First Floor Plan (Drg ref: 2202-S4 Rev P9);
Proposed Second Floor Plan (Drg ref: 2203-S4 Rev P9);
Proposed Third Floor Plan (Drg ref: 2204-S4 Rev P8);
Proposed Roof Plan (Drg ref: 2205-S4 Rev P7);
Site Plan - Demolition Plan (Drg ref: 2003-S4 Rev P4);
Site Plan - As Proposed (Drg ref: 2005-S4 Rev P10);
Site Sections - As Proposed (Drg ref: 2006-S4 Rev P2);
Ashbank - Proposed Demolition Work Plan (Basement, Ground, First) (Drg ref: 2103-S4 Rev P5);
Ashbank - Proposed Demolition Work Plan (Second & Roof) (Drg ref: 2104-S4 Rev P5);
Ashbank - Proposed Basement, Ground, First Floor Plans (Drg ref: 2108-S4 Rev P5);
Ashbank - Proposed Second Floor & Roof Plans (Drg ref: 2109-S4 Rev P5);
Ashbank - Demolition Elevations (North & East) (Drg ref: 2110-S4 Rev P5);
Ashbank - Demolition Elevations (South & West) (Drg ref: 2111-S4 Rev P5);
Ashbank - Proposed Sections (Drg ref: 2112-S4 Rev P4);
Ashbank - Proposed North & East Elevations (Drg ref: 2113-S4 Rev P4);
Ashbank - Proposed South & West Elevations (Drg ref: 2114-S4 Rev P4);
Proposed North and East Elevations (Drg ref: 2206-S4 Rev P8);
Proposed South and West Elevations (Drg ref: 2207-S4 Rev P8);
Proposed Sections (Sheet 1 of 2) (Drg ref: 2208-S4 Rev P4);
Proposed Sections (Sheet 2 of 2) (Drg ref: 2209-S4 Rev P2).
Proposed Landscape Masterplan Ref: ANCH 378/13-001 Rev P04
External Lighting Layout Ref: 019.061.E.01 Rev: P1

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

3 No groundworks shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to for the duration of the construction of the development. The CEMP shall set out the overall strategies for:

- i. Location, scale and appearance of contractor's compounds, materials storage and other storage arrangements for cranes and plant, equipment and related temporary infrastructure;
- ii. Wheel washing facilities;
- iii. Measures to control the emission of dust and dirt during construction;
- iv. Hours of operation - the details shall include the hours of construction and the hours for the loading/unloading of materials;
- v. Construction noise and vibration strategy;
- vi. Earthworks and soil management strategy including excavations and foundations;
- vii. Sustainable site waste management plan, including waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works;
- vii. The designation, layout and design of access and egress including any temporary access points for demolition and construction traffic including internal site circulation and directional signage
- ix. A construction travel plan;
- x. Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
- xi. Management of surface water run-off including details of any temporary localised flooding management system and a scheme to treat and remove suspended solids from surface water run-off during construction;
- xii. The storage of fuel and chemicals; and
- xiii. The control of lighting

xiv. A dilapidation survey jointly undertaken with the local highway authority

xv. A scheme for signing the promoted construction traffic routing

xvi. Method statement for the treatment of the Public Right of Way during the construction period.

Note: The CEMP shall be entirely compatible with the Arboricultural Method Statement.

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

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

Monday to Friday 0800 to 1800 hours

Saturday 0900 to 1300 hours

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents.

5 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of any extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval prior to installation. Once approved it shall be installed and fully operational before the proposed use of cooking facilities commences and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

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

6 Prior to occupation of any part of the development, each off street parking space shall incorporate a suitably rated electrical socket to allow 'Mode 2' charging of an electric vehicle using a standard 13A 3 pin socket and a 3m length cable. These facilities shall thereafter be retained.

Reason: To provide facilities for charging electric vehicles in line with the NPPF and CYC's Low Emission Strategy.

7 LC4 Land contamination - unexpected contam

8 A programme of post-determination archaeological mitigation, specifically an

archaeological watching brief, and, if required, excavation is required on this site. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be approved.

A) No grubbing up of foundations/development shall take place until a written scheme of investigation (WSI) for a watching brief has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no grubbing up/development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (or publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within [2 months] of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 16 of NPPF.

Reason: 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.

9 The following works to the building 'Ashbank' that may impact the exterior including covering the building with scaffolding, infilling gaps around window frames, replacing roof coverings and flashings that could result harm to roosting bats shall not in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

b) registration of the site on a bat roost Low Impact Class Licence; or

c) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To prevent harm to a European Protected Species.

10 The demolition of the Building 2 (eastern extension to Ashbank) shall be undertaken in line with standard good working practice in relation to bats. This will involve a precautionary soft strip as part of its demolition, with the soffit gap on the west side removed by hand under the direction of a licenced bat worker, and appropriate mitigation and roost compensation provided if a bat is found e.g. safe relocation of any bat that does not fly off to an on-site bat box.

Reason: To prevent harm to a European Protected Species.

11 Prior to first occupation or use of the development hereby approved four integrated features providing a roosting crevice for bats must be constructed within the fabric of the new buildings, and two boxes for nesting birds and shall be retained.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 175 d) of the NPPF (2019) to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains or biodiversity.

12 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.

13 Prior to the commencement of construction works 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 and the development shall be carried out in accordance with the approved details.

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

14 Prior to first occupation details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval in writing. 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.

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

of the area.

15 Within three months of commencement of development a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants. It will also include details of ground preparation; tree planting details; paving, and street furniture. This scheme shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within a period of ten years from the substantial completion of the planting and 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.

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 and the immediate area.

16 Before the commencement of development, including demolition, a complete and detailed Arboricultural 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. This statement shall include but shall not be limited to details and locations of protective fencing, ground protection, a schedule of tree works if applicable, site rules and prohibitions, phasing of works, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials and means of moving materials around the site, locations and means of installing utilities, location of site compound and marketing suite. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material and boundary treatments is proposed within the root protection area of existing trees. A copy of the document will be available for reference and inspection on site at all times.

The development shall be carried out in accordance with the approved Arboricultural Method Statement.

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

17 The dwellings hereby permitted shall not be occupied other than by persons who have attained the age of 55 years or the spouse or partner of such persons including a widow or widower.

Reason: As the benefits from the provision of such housing is considered to outweigh other identified harm; and to protect the amenity of neighbouring residents.

18 The dwellings hereby approved shall achieve the following measures:

- At least a 19% reduction in Dwelling Emission Rate compared to the target fabric energy efficiency rates as required under Part L1A of the Building Regulations 2013).
- A water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).
- A reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations.

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

Reason: In the interests of sustainable design and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

19 HWAY13 Access to be improved

20 HWAY23 Vehicular sight lines protected

21 HWAY25 Pedestrian visibility splays protected

22 Prior to construction of above ground works details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. 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.

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

23 HWAY19 Car and cycle parking laid out

24 No dwelling shall be occupied until a full Travel Plan, that accords with the Bellamy Roberts Travel Plan ref ITR/MT/5282/TS.3, has been submitted to the local planning authority for approval in writing. The development shall be occupied in accordance with the aims, measures and outcomes of the approved Travel Plan.

Reason: To ensure the delivery of sustainable transport objectives including reductions in car usage and increased use of public transport, walking and cycling.

25 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Verge and eaves details

Rainwater goods

Window details including depth of reveal, materials and method of opening, reveals, and a profile of any glazing bars.

External door details including depth of reveal, materials and profile

Reason: So that the Local Planning Authority may be satisfied with these details.

26 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

8.0 INFORMATIVES:

Notes to Applicant

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

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

Requested amended details re. highways layout
Agreed open space contribution

2. All contractors involved in the felling of the oak tree (ref. 1125) on site to be made aware of the potential presence of bats and the need to follow standard good working practices in relation to bats;

1. Wherever possible, work should be carried out between late August and early October or between March and April.

2. Work should be conducted in a sensitive manner, using a 'soft felling' technique where the tree is carefully dismantled in sections and each section slowly lowered to the ground to leave the habitat intact, left for 48 hours and then carefully examined for the presence of bats before removal.

3. In the unlikely event that bats are discovered when branches are removed or trees felled (particularly in winter), work must stop immediately and Natural England or the Bat Conservation Trust contacted. Advice will be given on how to proceed, including collecting up any bats with gloved hands and putting them into a bat box, if appropriate.

3. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

4. The applicant is advised to consider using permeable fencing or leaving occasional gaps suitable to allow passage of hedgehogs. Any potential hibernation sites including log piles should be removed outside the hibernation period (which is between November and March inclusive) in order to avoid killing or injuring hedgehog.

Hedgehogs are of priority conservation concern and are a Species of Principal Importance under section 41 of the NERC Act (2006). An important factor in their recent population decline is that fencing and walls are becoming more secure, reducing their movements and the amount of land available to them. Small gaps of approximately 13x13cm can be left at the base of fencing to allow hedgehogs to pass through. Habitat enhancement for hedgehogs can easily be incorporated into developments, for example through provision of purpose-built hedgehog shelters or log piles.

<https://www.britishhedgehogs.org.uk/wp-content/uploads/2019/05/developers-1.pdf>

5. Drainage Design Considerations

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

Site specific infiltration testing has been carried out and It has been proven SuDs methods are unsuitable and a watercourse is not nearby therefore In accordance with City of York Councils City of York Councils Sustainable Drainage Systems Guidance for Developers (August 2018) and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst case volume required.

Note - we recommend the above CCTV survey be carried before the existing buildings are demolished.

If existing connected impermeable areas not proven then Greenfield sites are to limit the discharge rate to the pre developed run off rate. The pre development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size).

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development.

In some instances design flows from minor developments may be so small that the restriction of flows may be difficult to achieve. However, through careful selection of source control or SuDS techniques it should be possible to manage or restrict flows from the site, please discuss any design issues with the City of York Council Flood Risk Management Team.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Details of the future management and maintenance of the proposed drainage scheme shall be provided.

6. Note: It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems for further advice on how to comply with condition 5. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with Annex C of the DEFRA guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozon treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

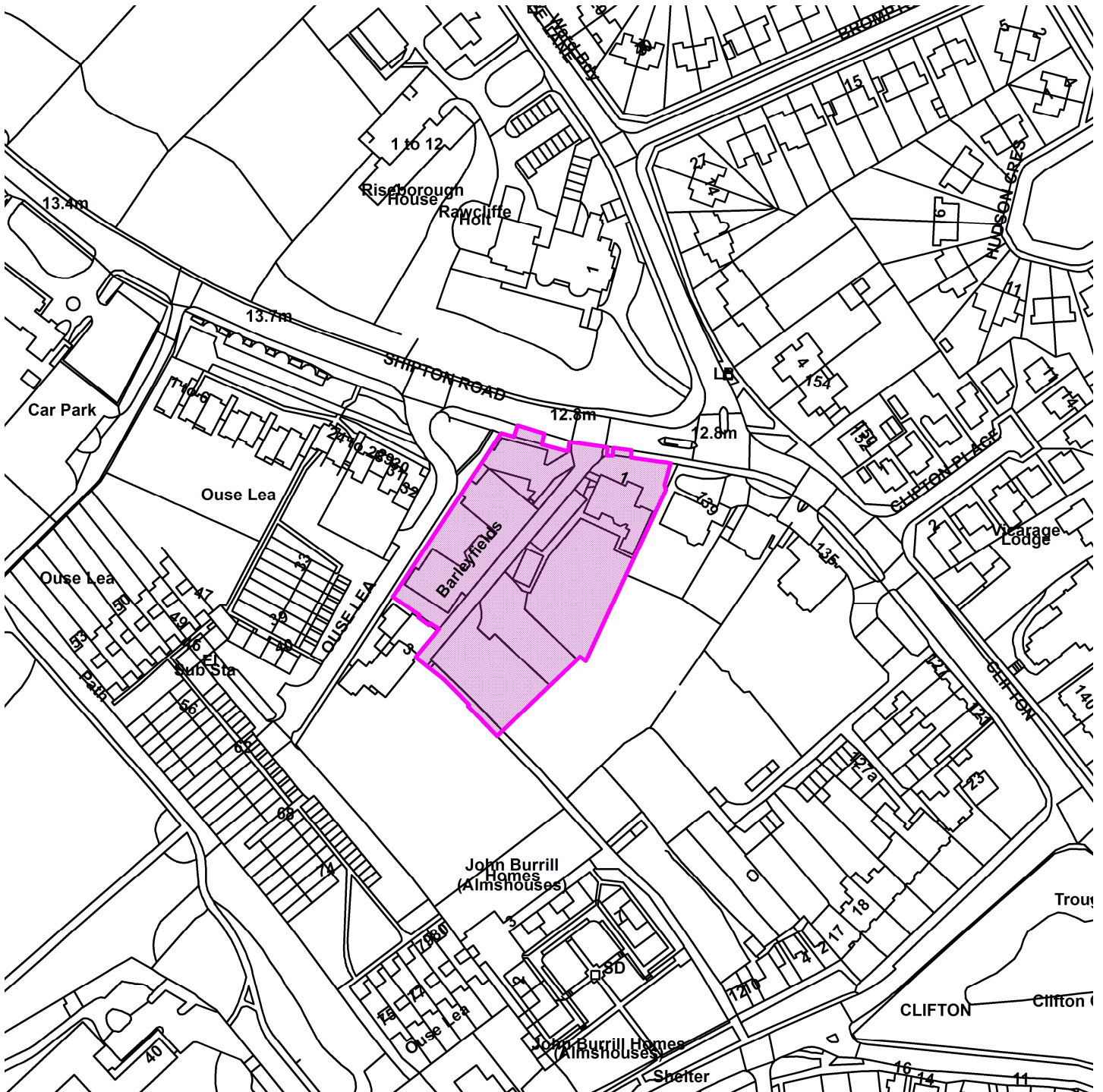
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19/01042/FULM

Ashbank, 1 Shipton Road



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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	03 March 2020
SLA Number	

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COMMITTEE REPORT

Date: 12 March 2020 **Ward:** Fulford And Heslington

Team: East Area **Parish:** Fulford Parish Council

Reference: 19/02766/FUL

Application at: Telecommunications Mast MBNL Naburn Lane Naburn York

For: Installation of telecoms cabinets and replacement mast

By: MBNL (EE Ltd And Hutchinson 3G UK Ltd)

Application Type: Full Application

Target Date: 16 March 2020

Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks permission for the replacement of an existing 11.7m high monopole telecommunications mast with a 20m high tower and associated cabinets. The tower is proposed to support equipment to facilitate the roll out of 5G coverage.

2.0 POLICY CONTEXT

NPPF

City of York Local Plan – Publication Draft February 2018

C1 Communications Infrastructure

GP1 Development in the Green Belt

City of York Draft Local Plan Incorporating the 4th set of changes – Development Control Local Plan. Approved April 2005

GP20 Telecommunications Development

GB1 Development within the Green Belt

3.0 CONSULTATIONS

3.1 Fulford Parish Council – Object to the height of the mast which will be highly visible in the landscape, especially since it is located on a bridge

3.2 Highway Network Management - No objections to the application however there will be implications on the highway in relation to construction. Informatives recommended

4.0 REPRESENTATIONS

No responses received

5.0 APPRAISAL

KEY ISSUES:-

Green Belt

Visual Impact

Very Special Circumstances

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

5.2 The revised National Planning Policy Framework (NPPF) was published in February 2019. It sets out the government's planning policies and is material to the determination of planning applications. The NPPF is a material consideration in the determination of planning applications.

5.3 Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.4 Paragraph 127 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- are sympathetic to local character and history, including the surrounding built environment and landscape setting
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users

5.5 Paragraph 112 states that decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). Paragraph 113 states that where new sites are required (such as for new 5G networks) equipment should be sympathetically designed and camouflaged where appropriate. Paragraph 115 states that applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

- a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
- b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or
- c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

5.6 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted 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. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.7 The relevant policies of the 2018 Draft Plan are C1 'communications Infrastructure' and GB1 'Green Belt'. This states that proposals for high quality communications infrastructure that supports the development of York's world-class ultrafast connectivity - both fixed and wireless, and high speed connectivity for the City's transport network will be approved wherever possible, unless adverse impacts on the special character of York significantly outweigh the benefits. Policy GB1 of the 2018 Draft Plan states that permission will only be granted for development in the Green Belt where: i. the scale, location and design of development would not detract from the openness of the Green Belt; ii. it would not conflict with the purposes of including land within the Green Belt; and iii. it would not prejudice or harm those elements which contribute to the special character and setting of York.

5.8 There are unresolved objections to Policy GB1 and C1 that will be considered through the examination in public of the Local Plan and therefore these policies should only be afforded limited weight in the decision making process for the purposes of this application.

5.9 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

5.10 The relevant Policy is GP20 'Telecommunications Development' which states that Planning permission will be granted for telecommunications developments, including tall masts, provided:

- a) it can be demonstrated that all efforts have been made to explore the possibilities of erecting the equipment on existing buildings or masts; and

- b) the visual intrusion and proliferation of such equipment has been minimized and the proposal does not result in a significantly adverse effect on the character of the area; and
- c) there would be no adverse effect on the historic character of the City or its skyline; and
- d) that applicants have provided sufficient evidence that the proposed apparatus will meet the latest Government approved guidelines for public telecommunications equipment.

GREEN BELT

5.11 The application site is located within the general extent of the York green belt. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. Paragraph 144 goes on to state that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

5.12 Paragraph 145 states that the construction of new buildings in the green belt is inappropriate save for certain specified exceptions. Paragraph 146 goes on to state that certain other forms of development are not inappropriate in the green belt provided they preserve its openness and do not conflict with the purpose of including land within it. These include engineering operations.

5.13 Policy GB1 'Development in the Green Belt' is relevant from both the 2018 Draft 2018 and the Draft Plan 2005, although limited weight can be attached to the 2018 policy and very limited weight can be attached to the 2005 policy. These state that within the Green Belt, planning permission for development will only be granted where:

- i. the scale, location and design of development would not detract from the openness of the Green Belt;
- ii. it would not conflict with the purposes of including land within the Green Belt; and
- iii. it would not prejudice or harm those elements which contribute to the special character and setting of York

AND it is for one of the acceptable purposes. It also states that all other forms of development within the Green Belt are considered inappropriate. Very special

circumstances will be required to justify instances where this presumption against development should not apply.

5.14 The erection of telecommunication equipment is not one of the acceptable forms of development listed in paragraph 145 of the NPPF, but this paragraph refers to new buildings and this is not a building. It would be classed as an engineering operation under paragraph 146. However, the NPPF is clear that engineering operations which do not preserve the openness of the green belt and conflict with the purpose of including land within it are considered to be inappropriate.

5.15 The erection of the mast and supporting cabinets would not preserve the openness of the green belt due to the resulting height of the mast and the combined size of the proposed cabinets. As such the proposed development would be inappropriate development within the green belt. However, the lower section of the mast and the cabinets would be located within the existing tree belt, which sides onto Naburn Lane. The mast has been designed with a narrow upper section and does not result in a large metal head frame being proposed, in order to reduce its prominence. The cabinets are clustered around the base of the mast and have been kept to the minimum possible. Due to this the harm to openness would be limited.

5.16 Paragraph 134 of the NPPF goes onto state that the Green Belt serves five purposes. These are:

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

5.17 The primary purpose of the York Green Belt is to safeguard the special character and setting of the historic city as referred to in Policy YH9C of the RSS and Policy SS2 of the 2018 Draft Plan, although only limited weight can be attached to the latter. It is considered that the proposal would constitute a form of encroachment into the open countryside and thus would conflict with one of the purposes of the Green Belt as set out in the NPPF. As such, the proposal would constitute inappropriate development in Green Belt. It is necessary, therefore, to consider whether there are any very special circumstances that would outweigh the harm to the Green Belt.

VISUAL IMPACT

5.18 The application site currently houses an 11.7m monopole and base stations with a narrow headframe housing three antenna. The mast is located within an existing tree belt, to the rear of the footpath, along a section of Naburn Lane where it passes over the A64 and as such is in a slightly elevated position. The existing mast is hidden from view by existing mature trees and landscaping.

5.19 The proposal seeks permission to increase the height of the mast to 20m. Twelve antennas in total would be attached to the mast comprising of the following:

- 3No. AAU (5G Antenna) at 19.60m
- 3No. AAU (5G Antenna) at 18.30m
- 3No. Apertures (2G, 3G & 4G Antennas) at 16.60m
- 3No. Apertures (2G, 3G & 4G Antennas) at 14.70m
- 1No. 600mm diameter dish at 12.86m

5.20 The increase in height is significant. However, the scheme retains the narrow linear form of development and does not propose a wide metal headframe in order to support the additional equipment. Whilst the mast is wider than the existing structure it is considered that it would not draw undue attention because of the increased width. Furthermore, the lower section of the mast would be located within an existing tree belt and as such would be hidden from views from the A64.

5.21 The upper section of the mast would be clearly visible above the tree belt and due to its elevated position along the bridge would increase its height above ground level further. The applicant has stated that the increased height is required in order for the 5G antennae to pass the ICNIRP regulations and as such cannot be reduced. Whilst the mast is elevated it is considered that it would not be overly intrusive. The mast would only be visible to traffic on the A64 travelling west and as the mast is approximately 100m from the underpass it would not be in direct line of sight.

5.22 The scheme also proposes the removal of three existing cabinets and the erection of three new cabinets, in addition to the cabinet to the base of the proposed mast. These vary in height from approximately 1.1m to 1.6m and of a standard design. The cabinets would be seen against the back drop of existing dense landscaping and would be set back from the highway. As such the equipment would not be overly prominent within the street scene.

5.23 The NPPF is clear that decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). The application is supported by information detailing why the existing mast cannot be upgraded, only replaced, and stating that the site represents the only feasible option which allows the requirement to be met without the deployment of an additional base station within the locality. The NPPF states that "(local authorities) should aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified". It has been stated at appeal by Inspectors that the public benefit in maintaining and enhancing local telecommunication coverage and capacity could outweigh the limited harm arising to the character and appearance of areas.

5.24 The application is further supported by Policy C1 'Communications Infrastructure' which states that proposals for high quality communications infrastructure that supports the development of York's world-class ultrafast connectivity - both fixed and wireless, and high speed connectivity for the City's transport network will be approved wherever possible, unless adverse impacts on the special character of York significantly outweigh the benefits.

VERY SPECIAL CIRCUMSTANCES

5.25 The applicant has outlined very special circumstances in order to support the location of the proposed mast and cabinets. It is acknowledged that no alternative sites were investigated prior to the submission, however there are no existing buildings or structures within the area of a sufficient height to accommodate the equipment. Were the existing mast not upgraded a new mast would need to be erected within the vicinity. Two existing masts are already present along this short stretch of Naburn Lane and any additional mast would add to the existing clutter. No other alternative sites outside of the green belt are available to provide the level of coverage required. The sharing of masts is a key strategic policy of the NPPF. The upgrade would retain the sharing of the site between EE, H3G and the Emergency Service Network.

HEALTH CONSIDERATIONS

5.26 The applicant has certified that the proposed equipment and installation is designed to be in full compliance with the requirements of the ICNIRP Public Exposure Guidelines on radio frequency. Therefore, in accordance with national planning advice contained within NPPF and in the absence of any special indication otherwise, it is not necessary to consider further the health aspects of the proposed development. No objection can be made on health grounds.

6.0 CONCLUSION

6.1 The proposal would be inappropriate development in the green belt. It is harmful to the openness of the green belt and represents encroachment. Substantial weight must be given to this harm to the green belt in the planning balance. The proposal would also be harmful to the character and appearance of the area.

6.2 In the planning balance it is acknowledged that the scheme proposes an upgrade to help new 5G technology and that using existing sites is preferable to erecting new masts. As such it is considered that the harm caused by the mast and equipment has a relatively low impact on openness of the green belt and encroachment, the local context and the harm to the character and appearance of the area, are clearly outweighed by the cumulative benefits of the scheme identified in paragraph 5.25 above and therefore very special circumstances are considered to exist which clearly outweigh the harm the green belt and any other harms.

The application therefore accords with the NPPF, particularly Chapter 10, Policies GB1 and C1 of the Draft Plan 2018 and Policies GB1 and GP20 of the Deposit Draft Local Plan 2005.

COMMITTEE TO VISIT

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Drawing numbers 980729_YOR008_YO0194_M004 Issue D dated 04/12/2019

Maximum Configuration Elevation

Application Reference Number: 19/02766/FUL

Item No: 4d

Maximum Configuration Site Plan

Site Location Drawings

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

**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 attached appropriate conditions in order to achieve a positive outcome.

2. You are advised that the mast and required foundation should comply with DMRB Volume 2.

Should AIP be required from the Highway Authority, please contact Andrew.Willison@york.gov.uk

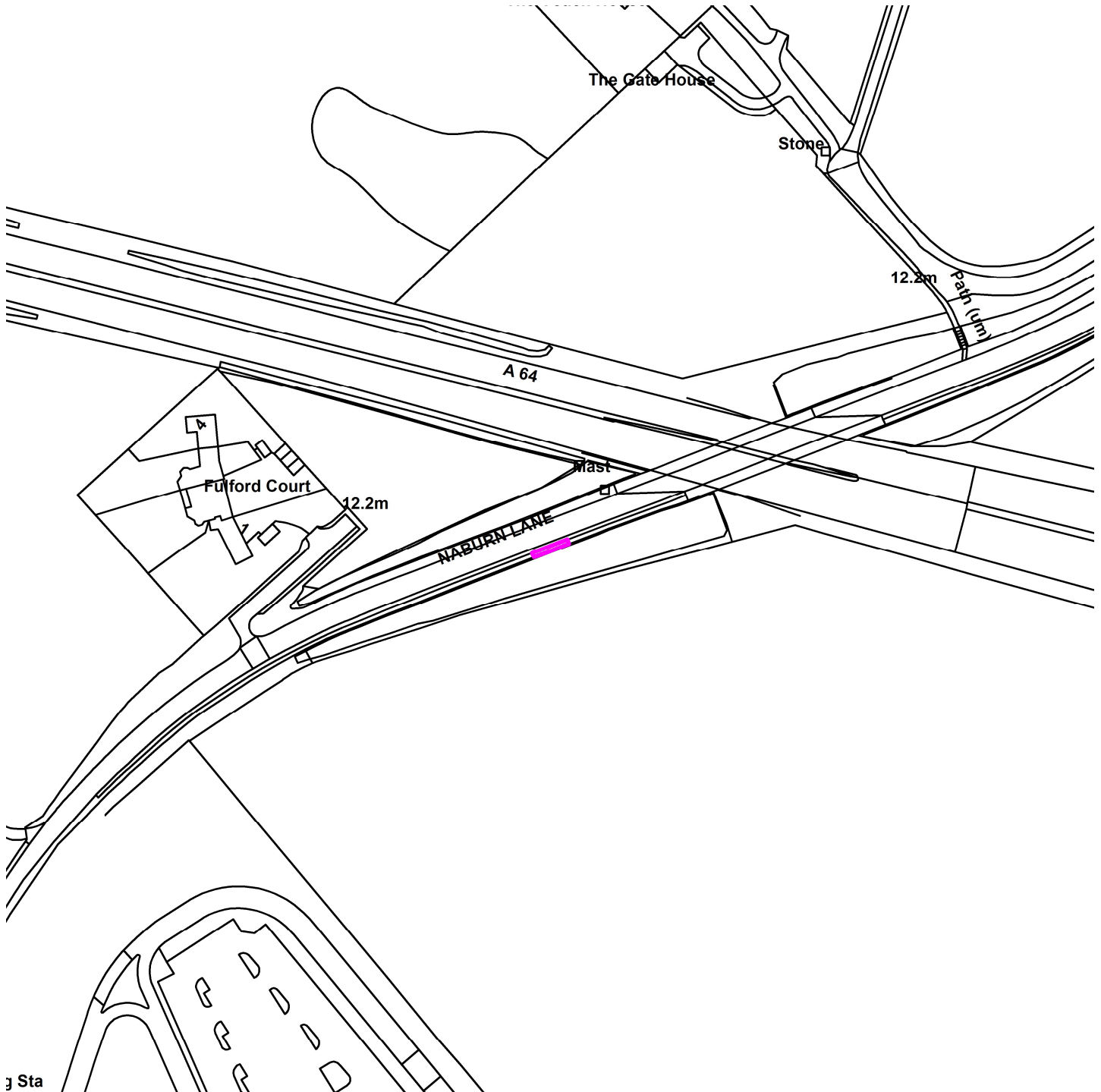
3. You are advised to contact our Streetworks team at the earliest opportunity to agree and arrange required permissions. Contact: streetworks@york.gov.uk

Contact details:

Case Officer: Heather Fairy
Tel No: 01904 552217

19/02766/FUL

Telecommunications Mast MBNL, Naburn Lane



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