

COMMITTEE REPORT

Date: 13 September 2022 **Ward:** Rawcliffe And Clifton Without

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

Reference: 22/00685/OUTM
Application at: Clifton Without County Junior School Rawcliffe Drive York YO30 6NS
For: Full details for part demolition of former school buildings and erection of two storey block and single storey extension for new library and associated uses, external works including car park, terrace, play areas and pedestrian and cycle access to adjacent school. Outline proposals for residential development.
By: City Of York Council
Application Type: Major Outline Application
Target Date: 16 September 2022
Recommendation: Approve

1.0 PROPOSAL

1.1 The former Clifton Without CJ School site at Rawcliffe Drive comprises a medium sized brick built structure set within a large site last used as a school in 2011. Planning permission is sought for partial demolition of the building and construction of a replacement 'Clifton Explore' (Library). The scheme retains the original central main hall and entrance block dating from 1932. The remainder of the site to the south adjoining The Fairway seeks Outline Planning Permission for residential development.

1.2 The site is not within a conservation area and is not in either Flood Zones 2 or 3. The application site is identified in the Publication Draft Local Plan as a housing land allocation within Policy H1 (ref H58).

2.0 POLICY CONTEXT

NPPF

2.1 The revised National Planning Policy Framework was published on 21 July 2021 (NPPF) and its planning policies are material to the determination of planning applications. It is against the NPPF (as revised) that this proposal should principally be assessed.

LOCAL PLAN

2.2 The Publication Draft City of York Local Plan 2018 (2018 eLP') was submitted for examination on 25 May 2018. Phase 1 of the Hearings into the Local Plan was held in December 2019, Phase 2 was held in May 2022, Phase was held in July 2022 and Phase 4 is scheduled to take place in September 2022. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 eLP 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).

2.3 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.

2.4 City of York Publication Draft Local Plan (2018) Policies:

- H1 Housing Allocations
- H2 Density of Residential Development
- H3 Balancing the Housing Market
- HW2 New Community Facilities

- CC1 Renewable and Low Carbon Energy Generation and Storage
- D1 Placemaking
- G14 Trees and Hedgerows
- ENV5 Sustainable Drainage
- T1 Sustainable Access

2.5 York Development Control Local Plan (2005) Policies:

- H1 Housing Allocations
- CYGP1 Design
- CYGP15a) Development and Flood Risk
- CYNE1 Trees, Woodland and Hedgerows
- CYH5 Residential Density
- CYC1 Community Facilities

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Raise no objection to the proposal subject to any permission being conditioned to require prior approval of audible plant, facilities for dispersal of cooking odours, charging of electric vehicles, remediation of contaminated land and the submission of a CEMP (Construction Environmental Management Plan).

Design, Conservation and Sustainable Development (Landscape)

3.2 Raise no objection to the library element of the proposal subject to conditions seeking a detailed landscape scheme and a method of works statement to safeguard existing trees along Rawcliffe Drive. Objection is however made to the housing element of the proposal which it is felt would likely require removal of a number of trees of high townscape value, together with the boundary hedge adjacent to the Fairway.

Design, Conservation and Sustainable Development (Ecology)

3.3 Raise no objection to the proposal subject to any permission being conditioned to enhance the biodiversity value of the site.

Highway Network Management

3.4 Raise no objection to the proposal subject to a defined access point to the housing site being established and a Traffic Regulation Order being put in place on Rawcliffe Lane to restrict parking in respect of the library element of the development.

Front Line Flood Risk Management

3.5 Raise no objection to the proposal subject to surface water flows being connected to the public surface water sewer in The Fairway at a maximum flow of 5 litres per second.

EXTERNAL

Clifton Without Parish Council

3.6 Object to the proposal on the grounds of the potential loss of the hedge of townscape importance bounding on to the Fairway and also the formation of a pedestrian /cycle access through the site to the Fairway.

Kyle and Upper Ouse IDB

3.7 Were consulted with regards to the proposal on 15 August 2022. No response to date.

4.0 REPRESENTATIONS

4.1 The proposal was publicised by site notice on 21 April and then 26 June and by press notice and neighbour notification at the same time. 45 letters of objection and one letter of support have been received. The objections raise the following issues:

- Objection to the loss of any of the hedge fronting on to the Fairway with a minimum of 100 metres retained.
- Concern in respect of the density and pattern of housing proposed
- Objection to the demolition of the 1930s school building
- Concern that the provision of a pedestrian/cycle access on the Fairway will lead to pedestrian/vehicle conflict
- Concern that adequate parking spaces be provided for the library element of the site.
- Concern that the pedestrian access on to the Fairway would provide a magnet for parent cars picking up pupils from the Vale of York Academy
- Insufficient consultation has taken place in respect of the proposal
- Concern that the proposed pedestrian/cycle access on to the Fairway will lead to an increase in anti-social behaviour in the area.

4.2 The letter of support wishes to see any permission conditioned in respect of construction hours.

5.0 APPRAISAL

KEY CONSIDERATIONS

5.1 KEY CONSIDERATIONS INCLUDE

- Principle of the Development
- Design of the Housing Scheme
- Impact upon Local biodiversity
- Impact upon the Safety and Convenience of Highway Users
- Impact upon the Local Pattern of Surface Water Drainage
- Impact upon Anti-Social Behaviour in the Locality.

PRINCIPLE OF THE DEVELOPMENT:-

5.2 Central Government Planning Policy as outlined in paragraph 93 of the NPPF indicates that planning decisions should plan positively for the provision and use of community facilities and other local services to enhance the sustainability of local communities and residential environments. At the same time, Policy HW2 of the Publication Draft Local Plan indicates that the Council will support applications for new community facilities where a deficit has been identified. They should be

adaptable, enable a wide range of community uses and be accessible by sustainable means of transport.

5.3 The proposal seeks to replace the existing Clifton Library some 500 metres to the north east with an 'Explore' community hub bringing together a range of community activities on the model of the existing Acomb 'Explore'. The existing site is not felt to be suitable for re-development because of its physically confined nature and the structural difficulties associated with the building. The application site is capable of partial redevelopment to facilitate the introduction of community uses and has good functional links with the adjacent secondary school Vale of York Academy.

5.4 The existing school comprises a central two storey teaching block with hall dating to 1932 with later wings and a smaller teaching extension circa 2000. It is proposed to retain the central 1932 block which is in a Neo Georgian style and of some townscape merit along with the more recent teaching extension which would be refurbished with the remainder demolished and replaced with a new part single part two storey block including a café. The pattern of scale and massing together with the palette of materials would respect the retained structure. A series of arts, craft and study spaces including specialist IT teaching, would be provided for local groups and nursery and after-school club would occupy part of the building. An office space would be provided for staff of the home tuition service. The building is also felt to be sustainably located. It is felt that the requirements of paragraph 93 of the NPPF and HW2 of the Publication Draft Local Plan would be complied with.

5.5 In terms of the principle of use of part of the site for housing it forms an allocation within Policy H1 of the Publication Draft Local Plan with allocation ref: H58. This allows for a notional quantum of 25 dwellings over an area of 0.7 hectares which would match with the density requirements for the suburban area . Central Government Planning Policy as outlined in paragraph 69 within part 5 of the NPPF highlights the contribution that small and medium sized sites can make to the housing requirements of an area. At the same time paragraph 120 c) and d) of the NPPF indicates that planning decisions should give substantial weight to the use of suitable brownfield land for homes and promote and support the use of under-utilised land and buildings especially if it would meet identified housing needs where supply is constrained. It is felt that the development of the southern section of the site for housing would meet these clear policy imperatives at the same time as making modest but important contribution to the deliverable Five Year Housing Land Supply for the City which is at present deficient.

DESIGN OF THE HOUSING SCHEME

5.6 In terms of the design of the development paragraph 130 b) and c) indicates that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping whilst at the same time being sympathetic to local character and history including the surrounding built environment and landscape setting. In terms of detail Policy D1 of the Publication Draft Local Plan seeks that development proposals should enhance, complement and respect the historic arrangement of street blocks , plots and buildings together with the character and appearance of landscape , planting and boundary treatment.

5.7 The section of the site proposed for housing development lies at the south and south-west and comprises the former hard play area of the school. It is bounded by a mature hedge adjoining the Fairway which is of some considerable importance in terms of defining the character of the wider street scene. At the same time to the rear of the hedge is a grouping of mature trees which also contribute to the wider visual amenity of the street scene. Concern over the loss of either has been expressed by objectors, with a clear wish to retain a 100 metre section at least of the hedge. No detail has been offered in terms of the housing scheme with all matters including access reserved. It is indicated that a lease arrangement would be sought to develop the site for affordable housing and any development of the site would make a contribution towards the requirement for a five-year housing land supply which the authority is presently significantly deficient in.

5.8 In terms of securing the future of the hedge and mature trees as well as the wider visual amenity of the street scene two issues are of particular significance, the pattern of development whether as apartments or conventional dwellings and also the point of access, whether individual points of access are taken from The Fairway and so puncturing the hedge or whether a single point of access is taken from the junction of the Fairway and Rawcliffe Drive or through the parking area to the library development. The applicant has indicated themselves potentially amenable to either option. It is therefore recommended that any permission be conditioned to secure a vehicular access route with associated service runs away from the line of the hedge.

5.9 In terms of the layout of the development, the site available taking account of the grouping of trees is relatively narrow. This largely precludes a solution involving conventional dwellings with a section at the south eastern edge of the site left landlocked behind the hedge. It may however be possible to develop an

apartment solution accessed from a parking court which would allow for retention of the hedge together with the majority of the grouping of trees. The surrounding properties are generally a mix of two storey detached and semi-detached properties however, the school site is physically distinct with higher elements within the adjacent secondary school site giving a degree of scope for a three-storey apartment led solution.

IMPACT UPON LOCAL BIODIVERSITY

5.10 Paragraph 174 d) of the NPPF indicates that planning decisions should minimise impacts upon and provide net gains for biodiversity. At the same time Policy G14 of the Publication Draft Local Plan indicates that development will be supported where it recognises the value of existing tree and hedge cover, its biodiversity value, the contribution that they make to the quality of a development and its assimilation into the landscape context.

5.11 Detailed concern has been expressed by objectors in relation to the potential loss of the existing mature hedge fronting on to the Fairway and also the associated grouping of trees. A detailed tree survey has been submitted with a number identified as being category A or B and therefore of high amenity value. Whilst a small section of hedgerow would be removed to allow for the formation of the proposed new cycle/pedestrian access to Vale of York Academy and support for residential development would be conditional upon retention of the trees in the survey categorised as Class A or B, detailed consideration of options will take place in the context of the Reserved Matters submission in respect of the housing area. The proposal envisages additional hedge planting to the south of the proposed library which would create an additional wildlife corridor. These mitigations have been put forward in the context of the Preliminary Ecological Survey together with a detailed lighting scheme. Further habitat enhancements involving bat and bird boxes and additional native planting and should form a significant element of the design of the housing element of the proposal particularly if an apartment led solution is chosen. In order to ensure that the proposed biodiversity enhancements are delivered as well as safeguarding biodiversity during the construction process it is recommended that detailed conditions including requirements for a lighting scheme be appended to any permission.

IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

5.12 Central Government Planning Policy as outlined in paragraph 111 of the NPPF indicates that development should only be prevented or refused on

highway grounds if there would be unacceptable impact upon highway safety or if the residual cumulative impacts upon the road network would be severe. At the same time Policy T1 of the Publication Draft Local Plan indicates that proposals will be supported where it can be demonstrated that there is safe and appropriate access to the adjacent adopted highway, there are safe and appropriate links to local services and facilities, safe and secure layouts are provided for vehicles and pedestrians and sufficient secure and covered cycle storage is provided.

5.13 The proposal comprises two elements, a detailed design for a replacement Clifton Library accessed from Rawcliffe Lane and an Outline proposal for housing adjacent to the Fairway. An additional pedestrian/cycle access is also proposed running to the south of the site on to the Fairway. Based upon user surveys and operator requirements a total of 26 vehicle parking spaces are proposed for the library element of the proposal. It is anticipated that much of the demand for the facility as with the existing library would be generated in the immediate locality and would walk or cycle. It is felt that the 32 cycle parking spaces proposed would be acceptable in terms of the use. Concerns have been expressed by objectors in terms of the potential for increased on-street parking on both Rawcliffe Drive and The Fairway associated with the proposed use. In order to address the issue the imposition of Traffic Regulation Orders (TROs) to control on-street parking is recommended which can be secured by means of a Grampian style condition attached to any planning permission. Detailed conditions would also be required in terms of the configuration of the cycle access from The Fairway and the vehicular access from Rawcliffe Drive. A Method of Works Statement to co-ordinate construction activity across the site will also be required as a function of the site's location relative to the secondary school and adjoining housing.

5.14 A potential access point into the housing site has been identified in the area of the access of the former Junior School which previously served approximately five vehicles. Alternatively, as suggested by Highway Network Management, potential access could be provided from a spur linking on to the car park serving the library. These options are felt to be acceptable on highway safety grounds. It is recommended that any permission be conditioned to secure access away from the boundary hedge adjoining The Fairway. The new school access is beneficial in terms of promoting sustainable travel and will help to relieve pressure around the existing access on Rawcliffe Drive at peak times.

IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE

5.15 Central Government Planning Policy as outlined in paragraph 167 of the NPPF indicates that when determining planning applications local planning

authorities should not increase flood risk elsewhere. At the same time Policy ENV5 of the Publication Draft Local Plan indicates that for all development on brownfield sites surface water flow should be restricted to 70% of the existing run off rate unless it can be demonstrated that it would not be reasonable to achieve this reduction in run off. Sufficient attenuation should be provided to ensure that run-off does not exceed the agreed rate. The Council's Sustainable Drainage Systems Guide for Developers advises that the discharge of surface water should follow the hierarchy set out below. The methods are to be prioritised in order; infiltration, watercourse, and combined/surface water sewer. Discharge to an existing public sewer network must only be specified as a last resort with sufficient evidence that other methods are not appropriate.

5.16 Surface water from the existing site is understood to drain into two locations, a foul sewer in Rawcliffe Lane and a heavily obstructed connection into an unidentified outfall in The Fairway. Both connections are clearly inappropriate in terms of accommodating the surface water run off from the new development. Following of from detailed negotiation a new connection to the public surface water sewer in The Fairway has been agreed subject to a flow rate of 5 litres per second. This may be secured by condition appended to any permission. Approval from Yorkshire Water is pending in respect of the connection into the existing drainage network.

IMPACT UPON ANTI-SOCIAL BEHAVIOUR IN THE LOCALITY

5.17 Concern has been expressed by objectors in respect of the potential increased anti-social behaviour arising from the construction of an additional pedestrian/cycle access from Vale of York Academy to The Fairway. The proposed access would be closed outside of school opening and closing times and would be closely controlled by supervisory staff when in use. The proposal would also be subject to a Traffic Regulation Order (TRO) to restrict waiting and parking by parents in the vicinity of the new access. It is not therefore felt that the proposal would lead to a material increase in anti-social behaviour in the locality.

6.0 CONCLUSION

6.1 The former Clifton Without CJ School site Rawcliffe Drive comprises a medium sized brick-built structure set within a large site last used as a school in 2011. Outline planning permission is sought for partial demolition of the building and construction of a replacement Clifton 'Explore' (Library) with all detailed matters within this application and the remainder of the site to the south adjoining The Fairway for residential development. It is felt that the replacement library

subject to appropriate conditions restricting on-street parking and surface water drainage together with biodiversity enhancements would be acceptable in planning terms and approval is recommended. In terms of the proposed residential development at the southern edge of the site, the land includes a mature boundary hedge adjoining the Fairway with a grouping of trees of significant townscape importance to the rear. Residential development of this land in principle accords with policy. All matters are reserved. As such, consideration of details of access, appearance, layout and scale will be subject to reserved matters applications. A condition is proposed requiring retention of category A and B trees as part of this scheme.

7.0 RECOMMENDATION: Delegated Authority to officers to approve subject to agreement of surface water drainage details.

1 OUT1 Approval of Reserved Matters

Application 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 for the date of approval of the last of the reserved matters to be approved.

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) (England) Order 2015.

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: access, appearance, landscaping, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

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.

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

Drawing Refs: 200043L1 ; 200043P101C ; 200043P102D ; 200043P103G ;

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200043P104A ; 200043P105B ; 200043P106A ; 3770/1

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

4 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 on the library building hereby authorised shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development beyond foundation level. 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.

5 Prior to the commencement of each phase of development (i.e. the library scheme and the housing scheme), including the importing of materials and any excavations, a method statement regarding protection measures for existing trees and hedgerows 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.

The method statement(s) 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.

6 Within three months of commencement of each phase 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; and seed mixes, sowing

rates and mowing regimes where applicable. 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 development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

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

7 In respect of the housing element of the development all trees identified in the Rosetta Landscape Design Tree Survey Dated March 2022 as being Category A or Category B shall be retained as part and parcel of the finished layout.

Reason: To safeguard trees of high amenity value and to secure compliance with paragraph 174 d) of the NPPF.

8 A Biodiversity enhancement scheme for each phase of development shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of works. The plan shall include, but not be limited to, the recommendations set out in the Preliminary Ecological Appraisal (February 2022) and Bat Survey (May 2022) provided by Wold Ecology Ltd.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 d) of the NPPF (2021) to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

9 Prior to the installation of any new external lighting a lighting design plan(s) shall be submitted to and approved in writing by the local planning authority.

The plan(s) shall:

- Demonstrate that required external lighting has been selected in-line with current guidance - Bat Conservation Trust (2018) Bats and artificial lighting in the UK.

<https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229&focal=none>

- Demonstrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications), clearly demonstrated where light spill will occur.

Reason: To protect the habitats of European Protected Species where there might be changes on site in accordance with Section 15 of the National Planning Policy Framework.

10 No vegetation removal, construction or demolition works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation and structures for active birds' nests immediately before the works and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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

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

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

12 A strategy for the provision of EV charging facilities on the library site, as shown on the approved plans shall be agreed in writing with the Local Planning Authority prior to first use of the library site. The strategy shall include full specifications for the charge points and details of the management, servicing and access arrangements for each EV charge points for a period of 10 years. The strategy shall be implemented in accordance with the approved details.

Reason: To ensure provision of EV charging facilities in line with the NPPF and CYC's Low Emission Strategy / Low Emission Planning Guidance

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

commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the locality

14 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 safeguard the amenities of the area.

15 A detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The statement shall include at least the following information:

- measures to prevent the egress of mud and other detritus onto the adjacent public highway;
- a dilapidation survey jointly undertaken with the local highway authority;
- the routing for construction traffic that will be promoted;
- a scheme for signing the promoted construction traffic routing;
- where contractors will park; and
- where materials will be stored within the site.

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

16 LC1 Land contamination - Site investigation

17 LC2 Land contamination - remediation scheme

18 LC3 Land contamination - remedial works

19 LC4 Land contamination - unexpected contamination

20 Prior to the development commencing beyond foundation level details of the cycle parking areas in respect of the library, 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.

21 In respect of each phase the buildings shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

22 In respect of each phase of the development, prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

23 The development shall not come into use until the existing vehicular crossing from the site into Rawcliffe Drive not shown as being retained on the approved plans have been removed by reinstating the footway to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

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

Conversion of the Zebra Crossing at Junction of The Fairway and Rawcliffe Lane to a parallel crossing with detailed design including a full road safety audit to be agreed.

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

25 Prior to the development of the library commencing beyond foundation level details of the new vehicle site entrance onto Rawcliffe Drive, as identified on the approved site plan, shall be approved in writing by the Local Planning Authority. The development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

26 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

Provision of parking restrictions including a TRO in the direct surrounds of the pedestrian/cycle access hereby authorised from Vale of York Academy to The Fairway to deter overflow parking and to keep the school access clear.

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

27 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

Provision of parking restrictions including a TRO with associated works in respect of the new access from the site to Rawcliffe Drive to deter overflow parking and keep the school access clear.

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

28 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Details shall include -

- Surface water discharge via storage with a restricted discharge of 5 litres per second.
- Storage volume calculations, using computer modelling, which 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.
- Evidence of existing positive drainage to public sewer, the points of connection and proposed outfall.

Reason: In the interests of preventing increased flood risk, as required under NPPF

section 15, policy ENV5 of the 2018 eLP and the City of York Council Sustainable Drainage Systems Guidance for Developers.

29 Prior to commencement of the construction of the library development, details of the proposed building design to reduce carbon emissions, shall be submitted to the local planning authority and approved in writing. The development shall be carried out in accordance with the approved details.

The details shall evidence either a reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations 2013 or compliance with any approved Part L document dated 2021 or thereafter.

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.

30 The library development hereby permitted shall achieve a BREEAM rating of at least excellent.

A Post Construction Assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate submitted to the Local Planning Authority within 12 months of first use (unless otherwise agreed). Should the development fail to achieve a 'Excellent' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'Excellent' rating. The remedial measures shall then be undertaken within a timescale to be 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 policies CC1 and CC2 of the Publication Draft Local Plan 2018.

8.0 INFORMATIVES:

Notes to Applicant

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

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

- i) Sought a detailed justification for the level of vehicle parking to be provided
- ii) Sought clarification of a means of vehicular access which would secure the retention of the boundary hedge and grouping of trees adjoining the Fairway
- iii) Sought clarification of a surface water outfall and discharge rate for the site.

2. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused, by activities relating directly to the approved development (e.g. delivery of building materials via HGV's). The Council is particularly concerned at the increasing impacts and damage occurring to grass verges. This is detrimental to residential amenity, can present safety issues and places an unreasonable financial burden on the Council, if repairs are subsequently deemed necessary. Therefore, applicants/developers are strongly advised to work proactively with their appointed contractors and delivery companies to ensure that their vehicles avoid both parking and manoeuvring on areas of the public highway (grass verges) which are susceptible to damage. The council wishes to remind applicants that legislation (Highways Act 1980) is available to the authority to recover any costs (incurred in making good damage) from persons who can be shown to have damaged the highway, including verges. If the development is likely to require the temporary storage of building materials on the highway, then it is necessary to apply for a licence to do so. In the first instance please email highway.regulation@york.gov.uk, with details of the site location, planning application reference, anticipated materials, timelines and volume. Please refer to the Council website for further details, associated fees and the application form.

3. HIGHWAY WORKS:-

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

4. HEDGEHOGS

To ensure hedgehogs can make use of the soft landscaping within the proposed development 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) 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. NESTING BIRDS

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

Contact details:

Case Officer: Erik Matthews

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