

COMMITTEE REPORT

Date: 30 March 2021 **Ward:** Clifton
Team: West Area **Parish:** Clifton Planning Panel

Reference: 20/01902/FULM
Application at: 1 Duncombe Barracks Burton Stone Lane York YO30 6BU
For: Erection of 34 dwellings (Use class C3), and a commercial unit (Use Class E), with associated parking, landscaping, access and ancillary works following demolition of existing buildings and structures
By: City Of York Council
Application Type: Major Full Application
Target Date: 28 February 2021
Recommendation: Approve

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to the part of the Duncombe Barracks site which is to the north-eastern side of the existing site access. This part of the site is now vacant and overgrown. The site sits behind landscaping which runs parallel to Burton Stone Lane. This landscaped area incorporates prominent street trees, including lime, cherry and whitebean, which are of high amenity value. There are also ash and ivy trees by the boundary with the football ground which are locally prominent and therefore of high amenity value also. There are three buildings towards the edge of the site which would be demolished; a two storey building of domestic appearance by St Lukes Church, and single storey storage buildings by the almshouses and the shared boundary with the football ground.

1.2 The operational remainder of the barracks site (to the south) contains a series of single storey buildings, two of which are setback from the street, behind the aforementioned landscaping strip, and others which are also single storey and which sit against the site boundary.

1.3 Houses on the opposite side of Burton Stone Lane are semi-detached, set behind prominent street trees. Street trees are a defining feature of this section of Burton Stone Lane. The trees are Council maintained and are not subject to tree preservation orders.

1.4 The football ground bounds the site to the eastern side. The ground is however subject to a current application for housing. The scheme for that site envisages a pedestrian and cycle route running through the application site and providing a more direct route between Burton Stone Lane and the bridge over the railway; providing better connectivity to the hospital and towards St John's University campus.

1.5 To the northern side of the site is St Luke's church and single storey almshouses. The almshouses have communal grounds and are arranged around a central landscaped area.

1.6 The site is unallocated in the Publication Draft Local Plan 2018. It is not in an area of flood risk and there are no designated or undesignated heritage assets on-site. The nearest listed building is the Grade II former Shipton Street school now converted into housing.

PROPOSALS

1.7 The application is for residential development with a commercial unit towards the front of the site. The scheme would have 34 houses, either 2 or 3 storey high, designed to achieve Passivhaus standards and be accessible (in relation to Building Regulations Part M). There would be two areas of public open space within the scheme and the layout will enable a pedestrian and cycle connection through the neighbouring Persimmon housing site.

1.8 The Passivhaus standard requires buildings to have very high levels of insulation and typically includes an efficient mechanical ventilation system. Buildings achieve a 75% reduction in space heating requirements compared to the current Building Regulations.

1.9 In terms of being accessible Building Regulations references are as follows –

- M4(2) Category: accessible and adaptable dwellings – 23 of the homes intended to achieve this standard.
- M4(3) Category: wheelchair user dwellings – 11 of the homes intended to achieve this standard.

1.10 The proposals are for a mix of 60% market and 40% affordable housing. The affordable a split of 7 for rent and 7 for affordable home ownership.

1.11 The accommodation mix would be as follows -

	Total
1-bed	12
2-bed	8
3-bed	8
4+ bed	6

Car parking spaces	19
Cycle parking spaces	141

2.0 POLICY CONTEXT

2.1 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.

2.2 The National Planning Policy Framework ('NPPF') is a material consideration in the determination of this planning application. Key policies / sections of the NPPF are as follows –

Section 4	Decision making
Section 5	Delivering a sufficient supply of homes
Section 9	Promoting sustainable transport
Section 11	Making effective use of land
Section 12	Achieving well-designed places

2.3 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. The plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.4 Key relevant 2018 Draft Plan Policies are as follows -

SS1	Delivering Sustainable Growth for York
DP3	Sustainable Communities
H2	Density of Residential Development
H3	Balancing the Housing Market
H10	Affordable Housing
HW7	Healthy Places
D1	Place-making
D2	Landscape and Setting
D6	Archaeology
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

ARCHAEOLOGY

3.1 Officers request a watching brief, to be secured through condition.

3.2 The proposed development site lies outside of the Central Area of Archaeological Importance. However, the modern roads of Bootham and Clifton have Roman origins with Clifton having several known areas of Roman occupation and cemeteries.

3.3 Archaeologically the site has been subjected to limited intrusive investigation (YAT 2019) across the central green area. This confirmed the agricultural use of the area during the medieval and post-medieval periods and did not reveal any significant archaeological features or deposits. An archaeological watching brief should be maintained during groundworks as evaluation was limited and any surviving archaeological deposits are likely to be located within undisturbed isolated pockets.

DRAINAGE

3.4 The overall run-off rate from the site is as required - 16.6 L/sec. It is noted that a new connection is also proposed into the Yorkshire Water surface water sewer from the site to the south. This proposal will need direct approval from Yorkshire Water.

EDUCATION

3.5 No education contribution for primary and secondary required. Catchment schools are Clifton Green Primary & Vale of York; each have capacity for the foreseeable future.

3.6 Early years - a contribution is sought towards places within the catchment (1.5km radius). 3 places are required for this development. This equates to a contribution of £56,928 (school based, permanent expansion 2020/21 figures).

HIGHWAY NETWORK MANAGEMENT

3.7 Officer recommendations were as follows -

- Access junction with Burton Stone Lane – officers do not support the design and consider the road is too narrow (5m wide) at the junction. 5.5m width is requested to enable two vehicles to access/egress without a risk of collision.
 - Waste collection would preferably take place from Burton Stone Lane. Consider the turning area for the bin lorry (within the site) is too tight and has poor visibility
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(tracking details show the vehicle over-running grass verge areas and clipping car parking areas). It is not desirable at this point where a pedestrian cycle route is proposed, connecting through the Persimmon Bootham Crescent football ground site to the east.

- Doors to storage open into the highway/footway – doors should not open into the highway, footway, paths, etc. This applies specifically to areas which are open to the public.

LANDSCAPE ARCHITECT

3.8 The layout creates a wide attractive frontage to the street. And the removal of the existing building allows the creation of a community garden in front of the west end of St. Luke's Church, which directly engages the site with Burton Stone Lane and the wider community, and gives the church greater status in the street. The arrangement of blocks around an accessible central open space which would be planted with a number of trees, is also a significant environmental benefit of the scheme. The retained Ash trees along the eastern boundary would contribute to the amenity and sense of scale of this central space.

3.9 Two category A Ash trees (T17 and T18), with combined canopies, are to be removed to accommodate the footprint and rear gardens of Block A. Whilst these are sizeable trees, they are set back from the street and are not part of the row of mature trees along the frontage on Burton Stone Lane that are most critical to the public amenity of the street and to which the eye is drawn. Nor are these two trees exceptional or rare.

NORTH YORKSHIRE POLICE

3.10 Support the scheme. The community and stakeholder engagement prior to the submission of this application has been exemplary and is reflected in this planning application. From a crime prevention through environmental design perspective it is very good. The design and layout is to be commended.

PUBLIC PROTECTION

3.11 Advice as follows –

- Ask for a construction management plan
- Contamination – site investigation required to inform remediation scheme
- Noise – houses to be constructed so to achieve adequate internal noise levels / details of any plant / machinery at the commercial unit to be submitted for approval. Following completion of the scheme recommend delivery and waste removal vehicles and opening times of the commercial unit to be subject to restricted times.

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3.12 Transport officers have advised that rather than providing EV charging facilities on site a £40,000 contribution could be used to support facilities at the following public sites -

- Union Terrace HyperHub (by the Hospital) – HyperHub with four 50 kW Rapid and four 150 kW Ultra Rapid chargers
- Union Terrace car park – replace the existing fast charge-points and install additional fast charge-points up to 5% of spaces
- Bootham Row car park - replace the existing fast charge-points and install additional fast charge-points up to 5% of spaces

SPORTS AND ACTIVE LEISURE

3.13 Officers have advised that as there are no facilities proposed on-site, an off site contribution could be used towards the following projects –

Bootham Park –playing fields

Clarence Gardens bowling club

Crombie Avenue – teenagers play and sport facilities

Sports pitches by Burton Green primary school (subject to further investigation and agreement from the school over the use of ancillary facilities)

EXTERNAL

CLIFTON PLANNING PANEL

3.14 No response.

YORK CIVIC TRUST

3.15 The trust supports the scheme and the housing delivery programme in general. Specific to this site comments were as follows -

- The low-car use aspiration for the site is admirable and works well with local transport links and walkable distance to the city centre. However this must work in practice to avoid car parking issues elsewhere.
- Overall, the proposal sets a welcome benchmark of how to aspire to create good, green and sustainable place-making.
- Achieving access into and through the (soon to be former) York City Football Club site would be strongly supported. It would allow connection to proposed public open space on that neighbouring site and, ideally, enhance cycle and pedestrian routes and community cohesion across what will be two, new, large developments.

- Materials - timber shingles or clay tiles are shown as a cladding material on the taller buildings and it was questioned whether these are typical of the local vernacular or will enhance the design.

YORKSHIRE WATER

3.16 No objection to the drainage strategy (revision P10). This includes agreements to the proposed sewer diversion, drainage connections and run-off rates. It is noted that direct Yorkshire Water approval is also required for adoption or diversion under the Water Industry Act.

4.0 REPRESENTATIONS

4.1 Two comments in support of the scheme have been received. These praise the aspirations of the development in respect of community involvement, addressing climate change and providing high quality modern development in the right location.

5.0 APPRAISAL

KEY ISSUES

- Principle of the proposed use (also commercial use)
- Housing type and tenure
- Design / amenity
- Highway network management
- Drainage and flood risk
- Public Protection
- Sustainable design and construction
- Archaeology
- Biodiversity
- Education
- Open Space

PRINCIPLE OF THE PROPOSED USE

5.1 This is a development where the presumption in favour of development applies, as set out in paragraph 11 of the NPPF. This means that permission should be granted 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.

5.2 2018 Draft Plan policy H10 establishes local targets for affordable housing. For Brownfield sites this is 20% overall, with 80% for rent, 20% discount sale. The policy

in so far as it relates to major developments (for 10 or more dwellings) can be given moderate weight in decision making.

5.3 The scheme intends to provide 40% affordable housing. The amount for affordable home ownership would exceed local requirements in policy H10. Rounded up the policy requirement and proposals for affordable housing are as follows –

	Local policy compliant	Proposed
Total	7	13
Affordable rent	6	7
Affordable home ownership	1.4	6

5.4 As detailed in section 1 there is a varied mix in house types ranging from 1-bed to 4-bed. The majority of affordable homes will have 1 and 2 bedrooms; the market housing is predominantly 3-bed. This provision broadly accords with local need.

5.5 The proposed commercial unit is towards the front of the site overlooking a public amenity space. There would be flexibility to use this space for commercial purposes; currently referred to as Class E in the Use Classes Order 1987 (as amended). Class E uses are normally considered to be compatible with residential areas.

5.6 This arrangement enables an opportunity to provide a facility, along with the public space, for communal use, within a prominent and public location, of a scale to cater for resident's daily needs. Such a community facility is promoted within NPPF policy and national design guidance regarding healthy communities (NPPF chapter 8), place-making (12) and the provision of mixed-use developments to reduce the need to travel (9).

DESIGN / AMENITY

5.7 NPPF paragraph 127 states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area;
- b) are visually attractive as a result of good architecture, layout and landscaping;
- c) are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space); and
- f) 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.

5.8 The proposed layout comprises of two rows of housing perpendicular to Burton Stone Lane (BSL) and setback to respect the tree lined street. Between the two rows is a single 3-storey block, behind which is a public open space (with play area), central to the site, and a car parking area beyond (at the back of the site). There is a single vehicle entrance, opposite 83 and 85 Burton Stone Lane (BSL). The layout allows a connection into what would be the central open space at the site next door when the football ground is re-developed and for the pedestrian / cycle link from BSL towards the railway bridge.

5.9 The row of houses on the northern side are setback furthest from BSL, this allows for a further public space within the site and better reveals the gable end of St Lukes Church. This public space will be fronted onto by a commercial unit.

5.10 The northern row of houses is referred to as block A. The block is 2-storey, bookended by 3-storey sections. Block B, at the opposite end is similar, but also has a 3-storey section in the centre of the row. Block C, positioned in-between is 3-storey and has balconies on the upper floors orientated to overall the central public open space.

5.11 Blocks A and B have gated alleyways behind. These will accommodate cycle stores, for larger bikes and include communal spaces for residents to use as amenity space.

5.12 The removal of two Ash trees (which are category A graded) are proposed to accommodate terrace A. These are the two tall trees that sit to the side of the existing 2-storey building onsite. Their loss, to accommodate the proposed layout on balance is acceptable on the following grounds -

- The trees are not visually prominent (due to the trees that line Burton Stone Lane). Nor are they exceptional or rare.
- The loss is offset by the creation of two landscaped public open spaces, in particular the public open space and landscaped setting created adjacent Burton Stone Lane and the church.
- Some 60 new trees are proposed for the site in addition to those retained at the boundary with the football ground and those alongside Burton Stone Lane.

5.13 The scheme achieves the aspirations of the NPPF in terms of design; the scheme will be distinctive whilst respecting local character, will deliver extra amenities for the area, makes efficient use of the site and is informed by sustainable design and construction.

5.14 The layout is influenced by the following factors and will consequently respect the setting and provide new amenities for the locality –

- Protection of trees along Burton Stone Lane.
- Revealing the gable end of St Luke's Church; this landmark will overlook public open space which would also be fronted by a commercial unit within the site.
- A larger central public open space, which the housing would be grouped around.
- The provision of a pedestrian and cycle route through this site and the Persimmon site next door (at the football ground) providing a more direct connection to the Hospital area on the eastern side of the railway line.
- A prevailing house type of brick, with pitched roof and the use of brick detailing, such as in identifying main entrances.

5.15 There are a mix of house types immediately around the site; to the north almshouses, which are single storey and formally arranged around a landscaped courtyard; terraced houses on Shipton Street and semi-detached houses on the opposite side of BSL. The layout respects the positive characteristics of these typologies. The scale and form of the housing is also informed by housing need, making efficient use of the site and achieving Passivhaus levels of energy efficiency.

Residential amenity

5.16 Block A on the northern side of the site is a mix of 2 and 3 storey high buildings (the 3-storey being at each end). The closest two almshouses to the north, which have rear elevations facing the site are just under 4m from the boundary. There is currently a garage block building within the site, which is around 5m from the almshouses and around 3.7m high. There is also tree cover behind the houses by the boundary.

5.17 The proposed houses opposite the almshouses would be around 9m from the boundary and 5m high to eaves level. The proposed arrangement allows for more openness and using Building Research Establishment (BRE) guidelines there would be no loss of sunlight to the almshouses. Given the proposed removal of the garage block, by moving development away from the site boundary, and considering the tree cover at the boundary the impact of the proposed development would have a beneficial effect on neighbours' outlook.

5.18 At the end of the proposed terrace the buildings would step up in height to 3-storey. There is also an outside amenity space proposed at second floor level. At this end the proposed elevations face a side elevation and therefore there will be no loss of light or overlooking into the neighbouring houses. The outside area at the almshouses is communal; there are no sub-dividing boundaries and in the pertinent corner of the site is hard-standing and out-buildings used for storage. As such there would be no undue loss of neighbours' privacy. At other site boundaries, the scheme is compatible with the agreed layout for the Persimmon development,

proposed for Bootham Crescent and the TA centre next door where there are single storey functional buildings and hard-standing.

5.19 With regards future residents amenities although one of the buildings on the TA site has been used as a firing range, it was constructed to provide adequate noise attenuation.

TRANSPORT AND ACCESS

5.20 The NPPF (108 & 110) states that in assessing applications it should be ensured that:

- Opportunities to promote, and facilitate access to sustainable transport included where appropriate.
- Give priority first to pedestrian and cycle movements.
- Minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.
- Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- Safe and suitable access 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.

5.21 The NFFPF (109) 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”.

5.22 Relevant to highway design are the following overarching development principles set out in Draft Local Plan policy DP3: Sustainable Communities –

- create a people friendly environment which promotes opportunities for social and community interaction
- promote integration, connectivity and accessibility to, from and within the site by maximising opportunities for walking, cycling and frequent public transport thereby promoting and facilitating a modal shift from the car to more sustainable and healthier forms of travel
- minimise the environmental impact of vehicle trips to and from the development and mitigate the impact of residual car trips on the highway network where possible, including addressing air quality issues

5.23 As advocated in the NPPF the layout and landscape design prioritises the creation of attractive public realm and to minimise the presence of vehicles. The scheme is designed to appear as an almost car-free environment and require low vehicle speeds. This allows the housing to be primarily orientated to overlook

landscaped areas and have a feel as being within a landscaped setting. The 3 car parking spaces by the main entrance will be to accessible standard. The majority of the car parking – 16 of the spaces – will be in a discreet area at the far side of the site.

5.24 The vehicle access into the site is intentionally tight, but workable. The layout will ensure low and considerate vehicle speeds, and influence habit, in what will be a pedestrian priority space. Burton Stone Lane has a 20 mph speed limit and a raised table is proposed by the entrance as a further traffic calming measure. The design approach is supported because it conforms with sustainable travel objectives to encourage a shift to places where pedestrians have priority over vehicles. This arrangement would not result in an unacceptable impact on highway.

5.25 The layout promotes walking and cycling. A link for pedestrians and cyclists is to be facilitated through the site and the adjoining Persimmon development, this will provide a safe and more convenient route for local residents towards the city centre, hospital and university. There are bus stops adjacent the site on Burton Stone Lane, with two services per hour running towards the city centre. There are further services along Clifton to the south, although these are just over the 400m away.

5.26 Each of the dwellings would have their own covered and secure cycle storage, accommodating at least 2 cycles. Storage areas would be both at the front of the houses and in secure rear garden areas. There would also be lockers in secure areas for larger and cargo sized bikes. There will be two electric cargo bikes provided at the development for resident's use. Rather than provide EV car charging on site it has been agreed this can be facilitated at local car parks, as part of a council project to deliver enhanced facilities. Measures to promote walking and cycling are detailed in the Travel Plan and this would be secured through condition.

5.27 The impacts on the highway network is not expected to be discernible. Modelling suggests there would be around 13-16 extra car trips at peak times. The impact on the network would not be severe, and reasonably mitigated through the sustainable travel measures and aspirations of the scheme overall, which seeks to discourage private car use.

5.28 A remit of the Housing Delivery programme, evident in this scheme, is to encourage sustainable travel, and its associated benefits around health and well-being. The aspiration is to create an attractive environment with amenities for residents, not compromised by the presence and activity of motor vehicles. Limited provision is provided for private car parking; viable and practical alternatives are facilitated. This aspiration is consistent with local (specifically policy DP3, see 5.22) and national planning policy and sustainability principles. The housing proposed will provide choice in the market, compared to the adjoining site, for example, where there are typically two car parking spaces per dwelling.

DRAINAGE AND FLOOD RISK

5.29 Relevant NPPF advice on flood risk is not to increase flood risk elsewhere. With regards drainage developments should incorporate sustainable systems, unless there is clear evidence that such would be inappropriate. 2018 Draft Plan policy ENV 5 requires surface water run off at brownfield sites to be restricted to 70% of the existing rate. Sustainable drainage, following the hierarchy in the NPPG, should be facilitated unless this is not feasible.

5.30 The site is in Flood Zone 1 where there is a low probability of flooding and where residential development is suitable.

5.31 The drainage strategy has followed the required sustainable drainage approach. It is evident surface water cannot either directly run into a watercourse or soak away. Connection into the existing drainage network is therefore proposed. The surface water discharge from the site accords with the local approach of 70% of the existing rate (16.6 litres/second), calculated taking into consideration existing buildings and hard-standing on site. The run off rate, and the general approach, is agreed and has approval in principle from Yorkshire Water.

PUBLIC PROTECTION

5.32 NPPF policy on land contamination and noise is set out in section 15 of the NPPF. In accordance with the NPPF, conditions would secure investigation and any required remediation of the site. There will be a condition to deal with construction management, due to the scale of the development and as demolition is involved.

SUSTAINABLE DESIGN AND CONSTRUCTION

5.33 National Planning Guidance allows local authorities to require energy performance in housing equivalent to the now abolished Code for Sustainable Homes Level 4 (which is approximately 20% above current Building Regulations). It also allows for a reasonable proportion of energy to be from renewable or low/zero carbon technology. Local requirements are set out in 2018 Draft Plan policies CC1 and CC2. These require a 28% enhancement over Building Regulations overall, secured through energy efficiency and low/zero carbon / renewables.

5.34 This development aims to achieve Passivhaus certification, which will significantly exceed local policy requirements. Through the use of efficient fabric, therefore reducing heating requirements overall, and the use of PV panels, air-sourced heat pumps and MVHR (mechanical ventilation and heat recovery) technology Building Regulations requirements will be exceeded by at least 85% (the end terraces being the least efficient).

ARCHAEOLOGY

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5.35 Policy D7 of the 2018 Draft Plan requires an understanding of archaeology affected, to avoid substantial harm (preserve 95% of deposits) or where there would be harm, undertake adequate mitigation.

5.36 A watching brief shall be required on groundworks because although the site lies outside of the Central Area of Archaeological Importance, it is close to Roman Roads, and with Clifton having several known areas of Roman occupation and cemeteries. Archaeologically the site has been subjected to limited intrusive investigation (YAT report 2019) across the central open area and any surviving archaeological deposits are likely to be located within undisturbed isolated pockets.

BIODIVERSITY

5.37 NPPF paragraph 170 states decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

5.38 In terms of bats, there have been multiple surveys at the site as buildings are proposed for demolition and trees would be affected, with some removed to accommodate the development. A low level of bat activity was consistently observed at the site. No evidence of bats was observed during the climb-and-inspect surveys of trees, which have consequently been assessed as having 'negligible' bat roost potential. No bats were observed emerging from the buildings on-site.

5.39 In mitigation for the tree loss proposed it is recommended bat boxes be attached to new buildings and/or retained trees and that a sensitive lighting regime should be designed which include 'dark corridors' along the site's eastern and northern margins.

EDUCATION

5.40 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 supplementary planning guidance explains how the need for extra education spaces are determined and the relevant planning obligations.

5.41 Primary and Secondary schools in the catchment of this site have capacity. Places are required for early years facilities to accommodate anticipated need from the development. Based on the Education SPG (2019 version, but using figures

from 2020/21) three places are required. The contribution required is £18,976 per place; £56,928 overall.

OPEN SPACE

5.42 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’.

5.43 2018 Draft Plan policy GI6 (new open space provision) of the DLP 2018 states ‘all residential development proposals should contribute to the provision of open space for recreation and amenity’.

5.44 Amenity and play space is proposed within the site. The area in the centre of the site is landscaped and contains informal play facilities. There is a public garden and seating area towards the front of the site, opposite the gable of St Luke’s Church. Behind the two terraces is also communal space, within the ginnels, that will be private to the residents within the relevant row. These areas will be available for residents use and could be used, for example to provide allotments, play, seating and landscaping.

5.45 In area the amount of amenity space does not equate to the amount required when applying local recommendations in the Open space and Green Infrastructure update 2017. As such there is a requirement for an off site contribution, which would need to be made within the catchment area (within 480m which applies for children’s play).

5.46 There are no proposed sports facilities proposed on site. There is therefore the need for a contribution towards facilities off-site. An off-site sports contribution can be prioritised towards improvements to the facility at Crombie Avenue and the re-provision of sports pitches on the land around Burton Green School. There is also the potential to use funds at Bootham Park.

6.0 CONCLUSION

6.1 The scheme overall would be compliant with the overarching sustainability principles and the policies with the NPPF. The site is vacant and in a sustainable location in terms of access to services. The housing proposed is broadly consistent

with local need. The scheme is compliant with sustainable design principles in terms of promoting walking and cycling, providing different types of outside amenity space and community uses and in building to Passivhaus standard, which significantly exceeds local and national targets in terms of environmental performance.

6.2 In terms of decision-making, paragraph 11d ii of the NPPF applies; the presumption in favour of sustainable development and that proposal 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. In this respect, technical issues can be addressed, by design, and through condition, considering in particular, residential amenity, archaeology, land contamination, drainage and promoting sustainable travel.

6.3 Because the council are landowner and developer, negatively worded conditions limiting the development that can take place, until a planning obligation or other agreement has been entered into, to secure affordable housing, education and open space provision and electric charging facilities, are appropriate in this case. Each requirement is reasonable and necessary and compliant with the 6 tests for using planning conditions, as set out in the NPPF.

6.4 Approval is recommended subject to conditions / the undertaking of a legal agreement to secure the following;

- Affordable housing – 8 homes (6 affordable rent)
- Education provision – 3 early years/pre-school places
- Open Space – off-site public open space and sports –
Open Space - £13,806
Sports - £16,188
- Electric vehicle charging facilities - £40,000

7.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 Approved Plans

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

- (00) 010 P04 Site plan
- (00) 011 P01 Roof plan
- (00) 020 P01 Demolition plan

Ground floor plans

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(00) 100 P01 Block A
(00) 110 P01 Block B
(00) 120 P01 Block C

Plans and elevations for flats

Flat A

(00) 130 P01
(00)131 P01

Flat B

(00) 132 P01
(00) 133 P01

Flat C

(00) 134 P01
(00) 135 P01

Flat D

(00) 136 P01
(00) 137 P01

Plans and elevations for houses

House type A

(00) 140 P01
(00) 141 P01
(00) 142 P01
(00) 143 P01

House type B

(00) 144 P01
(00) 145 P01
(00) 146 P01
(00) 147 P01

House type C

(00) 148 P01
(00) 149 P01
(00) 150 P01
(00) 151 P01

Site elevations

(00) 200 P01

(00) 201 P01
(00) 202 P01
(00) 203 P01

Block elevations

(00) 210 P01
(00) 211 P01
(00) 212 P01

Sections

(00) 300 P01
(00) 301 P01

Typical details

SK 001 P01
SK 002 P01
SK 003 P01
SK 004 P01
SK 005 P01 (note communal bike stores) (drawings 005 and 006 to be updated to show taller cycle stores in rear yards)
SK 006 P01 (bike ashp)
SK 007 P01 (communal bin stores)

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

3 Construction Management

Prior to commencement of development a Construction Management Plan shall be approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period.

The plan shall include: -

- a) Vehicle parking arrangements for site operatives and visitors.
- b) Means of access control, and measures to prevent construction/delivery vehicles parking/blocking the highway.
- c) Details of measures to keep the highway clean - to include wheel washing facilities for the cleaning of vehicles leaving the site, to include location and type.
- d) Dust - A site-specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and including a package of mitigation measures commensurate with the risk identified in the assessment.
- e) 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.

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- f) Noise - Details on types of machinery to be used, noise mitigation, any monitoring and compliance with relevant standards. Hours of working.
- g) Vibration - Details on any activities that may result in excessive vibration, e.g. piling, and details of monitoring and mitigation to be implemented.
- h) Lighting - Details on artificial lighting and measures to minimise impact, such as restrictions in hours of operation, and the location and angling of lighting.
- i) Complaints procedure - The procedure should detail how a contact number will be advertised to the public, investigation procedure when a complaint is received, any monitoring to be carried out, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken shall be kept and details forwarded to the Local 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.

4 Tree protection

Trees shown as retained on the approved plans shall be protected in accordance with BS: 5837: Trees in relation to construction.

Prior to commencement of development (including demolition, excavations, and building operations) an Arboricultural Method Statement detailing protection measures for the existing trees, shown as retained on the approved drawings, shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details of means of installing utilities and be informed by the recommendations set out in the Quants Arboricultural Impact Assessment dated August 2020.

The development shall be carried out in accordance with the approved details. A copy of the statement shall be available for inspection on site at all times.

Reason: Details are required prior to commencement, considering NPPF paragraph 55, to ensure protection of existing trees that make a significant contribution to the amenity of the area and to biodiversity and are fundamental to whether the scheme would be acceptable when assessed against policies within the NPPF.

5 LC1 Land contamination - Site investigation

6 LC2 Land contamination - remediation scheme

7 LC3 Land contamination - remedial works

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8 LC4 Land contamination - unexpected contam

9 Archaeology

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

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 (and evidence of publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results 2 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: In accordance with Section 16 of NPPF. 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.

10 Drainage

Surface water run-off from the site shall be no more than 16.6 litres per second. Site specific details of the final drainage strategy (including on site surface water attenuation that is to the satisfaction of the Local Planning Authority and details of future maintenance) shall be approved in writing by the Local Planning Authority prior commencement of the development hereby permitted (this allows demolition works and other site preparation to commence in advance of approval of details). The development shall be carried out in accordance with the approved drainage strategy.

Reason: In order to avoid increased flood risk elsewhere in accordance with Publication Draft Local Plan policy ENV4 and NPPF paragraph 163.

11 Affordable Housing

No development shall commence unless and until a scheme for affordable housing provision has been submitted to and approved in writing by the Local Planning

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Authority. The affordable housing shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

The scheme shall include the provision of at least eight affordable homes on site and shall include:

- The type / tenure and location of the affordable housing.
- The timing of the construction of the affordable housing.
- The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing.
- The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Reason: In order to meet identified need for affordable housing in accordance with policy H10 of the Publication Draft Local Plan.

12 Education

No development shall commence unless and until a scheme to ensure the provision of adequate additional early years / pre-school places (funding for three places) within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city. The provision is required in accordance with NPPF paragraph 94, Policy DM1 of the Publication Draft Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated June 2019 update.

INFORMATIVE:

The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £56,928 (3 places, school based, permanent expansion);. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" (dated June 2019 with costs updated 2021).

13 Open Space and Sports Provision

No development shall commence unless and until details of provision for off-site public open space and sports facilities or alternative arrangements have been

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submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy GI6 of the Publication Draft Local Plan which requires that all new housing sites make adequate provision for the open space needs of future occupiers.

INFORMATIVE:

The requirements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution as follows -

Open Space -	£13,806
Sports -	£16,188

14 Electric Vehicles

No development shall commence unless and until a scheme to facilitate charging facilities for electric vehicles within the local area has been submitted to and approved by the local planning authority.

Reason: To encourage the use of electric vehicles and reduce emissions, in accordance with paragraphs 110 and 170 the NPPF and policy ENV1 of the Publication Draft Local Plan.

INFORMATIVE:

The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £40,000; to be used to provide facilities at Union Terrace and Bootham Row.

15 Materials

The external materials to be used shall be as annotated on the approved drawings. Prior to construction of the building envelope of the dwellings hereby approved details of the following items 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 -

- a) Manufacturer's details and colour finish of render.
- b) Sample panels of the brickwork to be used (which shall be erected on the site and

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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.

c) Manufacturer's details and colour finish of vertical hung clay tiles.

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

16 Large scale details

Large scale typical details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the building envelope of the dwellings hereby approved.

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

a) Windows and their surrounds

b) Eaves

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

17 Habitat creation for bats

Prior to first occupation of the development hereby permitted a strategy to encourage bat activity on site shall be submitted to and approved by the Local Planning Authority, and implemented in accordance with the approved details. The strategy shall include the provision of bat boxes on trees and buildings and details of lighting to the north and east sides of the site, which shall be designed to encourage commuting.

Reason: To minimise the impacts on and to provide net gains for biodiversity, in accordance with NPPF paragraph 170 and to ensure the favourable conservation status of a European Protected Species can be maintained through retaining bat roosting features on site.

18 Landscaping / public realm

The development shall not be occupied until there has been submitted to, and approved in writing by the Local Planning Authority, a detailed hard and soft landscaping scheme (following the principles shown on submitted urbed landscape drawings) which shall illustrate the number, species, height and position of trees and shrubs, details of play equipment, street furniture and surfacing.

The hard-landscaping (including street furniture, cycle and bin storage) shall be installed in accordance with the approved plans and details prior to first occupation

of the development hereby permitted, unless an alternative phasing scheme has been approved in writing by the Local Planning Authority, which shall subsequently be implemented in accordance with the approved details.

A phasing scheme for installation of the soft landscaping scheme, as shown on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted, and subsequently implemented 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.

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

19 Highways works

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 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.

- a) Bus stop relocation on the eastern side of Burton Stone Lane.
- b) Main (vehicular) entrance onto Burton Stone Lane. This shall include details of - the access immediately within the site which shall evidence adequate space for vehicles to pass at the junction (5.0m to 5.5m wide for a distance of approx. 10m recommended) and passing space for vehicles along the access road, without compromising pedestrian safety and movement - all as illustrated on Civic drawing "proposed adoptable highways and site access arrangements" contained within the travel plan - accessible parking bays at least 2m wide.
- c) clarification of areas to be adopted highway and construction details and materials.

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

20 Connection into Persimmon site

Prior to first occupation of the development hereby permitted details of an access through the east boundary wall (location and design) and an associated footpath (at least 3 m wide) within the application site, connecting into the site to the east, shall

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be submitted to and approved by the Local Planning Authority.

The access, as detailed above, shall be carried out in accordance with the approved details, prior to first occupation, unless alternative arrangements have been approved by the Local Planning Authority.

Reason: To provide improved public connectivity for pedestrians, and cyclists; to promote sustainable travel in accordance with NPPF paragraphs 102, 108, and 110.

21 Travel Plan

An updated Travel Plan, following on from the principles and objectives established within the Civic Travel Plan V1.0, shall be submitted to the Local Planning Authority for approval prior to first occupation.

The travel plan shall provide full details regarding the following sustainable travel incentives -

- Ongoing management of the communal cycle parking, use of cargo bikes and car parking.
- Travel Plan co-ordinator to be specified.
- Provision and implementation of sustainable travel incentives for first occupants: £400/unit for bus or cycle vouchers and £200/unit for car club incentives.

The required annual monitoring reports shall be issued to the Local Planning Authority.

Reason: In order to promote sustainable travel, in accordance with section 9 of the NPPF and Publication Draft Local Plan policy T7.

22 Car club

Prior to first occupation of the development hereby permitted details of a car club scheme shall be submitted to and approved in writing by the Local Planning Authority. The car club scheme shall comprise -

- Provision of car club membership for all eligible residents of the development
- Promotion of the scheme

Reason: In order to reduce private car use in the interests of sustainable travel and given the low provision of car parking on site.

23 Cycle and bin storage

The cycle and bin storage, shall be provided prior to first occupation of the relevant buildings, and be as shown on the approved plans. The facilities shall be

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unobstructed and retained for such use at all times.

Notwithstanding the approved plans prior to the commencement of construction of block C, detailed drawings clarifying the cycle storage facilities and their functionality shall be submitted to and approved in writing. The scheme shall be implemented in accordance with the approved details.

The details shall clarify that a) the outside stores are accessed from within the curtilage (opposed to the path beyond) and that b) there is adequate space for cycles in the internal allocated areas without impeding access.

Reason: To promote sustainable transport and in the interests of good design in accordance with section 9 of the NPPF.

24 House type c block a

Prior to first occupation the enclosure to the second floor roof terrace at the rear of house type C in block A shall be installed in accordance with the approved plans - as shown on drawings 288 A (00) 148 P01 and 149 P01 - and retained as such at all times.

Reason: In the interests of residential amenity, to avoid undue overlooking of neighbouring land.

25 Restricted permitted development rights - block A

There shall be no enlargements/extensions to the houses on block A (as identified on the approved site plan) that would extend beyond the rear of the original dwellinghouse and would exceed 3 metres in height without the prior written planning permission of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents, of the almshouses to the north of the site. The Local Planning Authority considers that it should exercise control over any future extensions which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

26 Commercial unit

The commercial unit hereby permitted shall only be open to customers between the hours of 07:00 and 22:00 each day of the week.

All deliveries and collections to the commercial unit shall only occur during the following times -

Monday to Friday 08:00 to 18:00 hours

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Saturday 09:00 to 13:00 hours
Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of occupants of the nearby properties from noise.

27 Noise insulation to dwellings

The building envelope of all dwellings shall be constructed so as to achieve internal noise levels in habitable rooms as follows -

Daytime (07:00-23:00 hrs)
- No greater than 35 dB LAeq (16 hour)

Night (23:00-07:00 hours)
- 30 dB LAeq (8 hour)
- LAFMax level should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A).

These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the NPPF paragraphs 127 and 180.

28 Sustainable construction

The dwellings hereby permitted shall achieve a reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations.

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: provided pre-application advice, requested revised details to address

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identified issues with the scheme and through the use of planning conditions.

2. Yorkshire Water

If the developer requires new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), they should contact the Developer Services Team (telephone 0345 120 84 82, email:technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

Contact details:

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