

COMMITTEE REPORT

Date: 13 August 2020

Ward: Clifton

Team: West Area

Parish: Clifton Planning Panel

Reference: 19/00246/FULM

Application at: York City Football Club Bootham Crescent York YO30 7AQ

For: Erection of 93 dwellings with associated access, infrastructure, landscaping, public open space and parking.

By: Persimmon Homes Limited And York City Football Club

Application Type: Major Full Application

Target Date: 1 August 2020

Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to Bootham Crescent football ground. The football ground opened in 1932. Prior to this the site was used as a cricket ground. Local field patterns and land ownership dictated the shape of the site.

1.2 The site is allocated for housing in the Publication Draft Local Plan 2018 (2018 DLP). The estimated yield for the site is 86 dwellings, delivered in years 1-10 of the plan. There is agreement with the applicants that development will only commence when the new community stadium is ready for use (and there would be a planning condition to this effect).

1.3 The site is within the urban area and is surrounded by the following land uses -

- Predominantly 19th century terraced housing to the north and east and to the south along St Olaves Road.
- More substantial villas along St Peters Grove; within the Clifton Conservation Area.
- Duncombe Barracks to the west (the Council has purchased the northern portion of the site and intends to develop the site for housing).
- Recent predominantly 3-storey housing along Grosvenor Road (application submitted 2001).
- Former Shipton Street school to north, converted in residential (application initially approved 2007, varied 2009); this includes housing which sits close to the north boundary.

PROPOSALS

1.4 The scheme has been revised on two occasions, in December 2019 and March 2020. Both schemes were subject to re-consultation.

1.5 The revised scheme is for 93 dwellings (with 20% affordable housing) and includes a central public open space.

1.6 The scheme has been developed in consultation with Historic England and representatives from the football club (Historic England have been working on a project about the club and the ground titled Sharing Memories, Shaping Place). It consequently incorporates the following elements that will give distinctive character to the development and evidence the site's past use -

- A memorial garden and a retained section of the west stand. The retained section of terrace along with evidence of the location of the centre circle within the landscaping will allow for orientation and evidence of the previous layout of the site.
- The 'proposed flag location' annotated on the site plan relates to the flag present at the football ground (in a similar location). Historically the flag was lowered gradually towards the end of the game.
- The west brick boundary wall, which predates use of the site by the football club will be retained (it will be lowered removing the blockwork).

1.7 The site access would be from Grosvenor Road and a footpath instated where the south stand presently abuts the road. Housing would face onto Grosvenor Road and run alongside the east and north sides of the site. In the centre of the site, housing would be focused on the public open space. The public open space would be evident from the site entrance, and it will incorporate children's play. The layout enables future connectivity, for pedestrians and cyclists, through the site towards Burton Stone Lane.

1.8 Dwellings would be 2-storey along the north and east sides of the site. At the south side, facing Grosvenor Road, housing is 3-storey. The apartments in the centre of the site would be 3.5 storey, the houses 3-storey.

1.9 There is at least 1 car parking space per dwelling, 2 spaces for each of the larger 4-bed dwellings, typically 1 space for others and 15 visitor parking spaces. The visitor spaces are located across the site.

1.10 The housing mix would be as follows –

	Total		Affordable
1-bed	12	13%	4

2-bed	33	36%	8
3-bed	37	40%	6
4-bed	11	12%	0

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 11 Making effective use of land
- Section 12 Achieving well-designed places

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012.

2.4 Key relevant Publication Draft Local Plan 2018 Policies are as follows -

- SS1 Delivering Sustainable Growth for York
- H1 Housing Allocations
- H2 Density of Residential Development
- H3 Balancing the Housing Market
- H10 Affordable Housing
- HW7 Healthy Places
- D1 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

INTERNAL

ARCHAEOLOGY

3.1 In addition to commenting on below ground archaeology, officers have been working with Historic England with regards the social value and heritage of the football ground.

3.2 An archaeological building recording of the football ground will be required. Particular attention should be paid to the original stands which date to the 1930s and any evidence of the use of the tunnel at the back of the Popular Stand as an air raid shelter. The ground as a whole should be captured by photographic record and all original features should be recorded. A forthcoming audit of features within the ground will also help inform this part of the work. A laser scan of football ground from the centre sport is also required as part of the recording condition. This will enable future digital projects to re-create the ground virtually using an app.

3.3 The 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. There is the potential for Roman and later archaeological features/deposits to exist across the site in lesser disturbed areas.

3.4 Given that any below-ground archaeology that may survive on the site is likely to be of local/regional significance and may only exist in isolated pockets evaluation work (trenching) can be conditioned. Evaluation trenching may lead to further excavation. If required this should be undertaken with an element of community engagement/involvement. There may be several modern cremation cask burials across the site particularly in the northern half of the site, these will be investigated during the evaluation phase.

3.5 In terms of the work Historic England have commissioned, this includes work addressing intangible heritage i.e. oral histories, memories, photographs relating to

the use of the site as the home of York City FC throughout the 2018/19 season. As part of this project it was hoped that the memory of the football ground could be presented within the proposed development and the following ideas have been presented to the applicants –

Within the new development there will be the ability to orientate oneself within the demolished football ground (digitally and physically). This will also be an important element for any future digital projects which supporters groups may wish to apply for funding for in the future.

An area of memorial for the people currently commemorated at the ground by plaques, those who have had their ashes scattered or who have had their ashes buried at the ground.

The retention of the boundary wall as a marker of the former cricket and football ground and for potential use as an art space.

Some original elements of the ground (including some rare or even unique survivals) could be retained somehow within the new development. For example, part of the tunnel which runs under the Popular Stand. This may involve a short section of the tunnel (locked off to public)/concrete steps of stand above it being retained, surrounded or alongside a memorial garden area containing burials and cores from the pitch commemorating those who have had ashes scattered at the ground. This could be surrounded/fenced off with a section of the original white picket fence visible at the Pop Stand which formerly ran round the entire pitch.

CONSERVATION ARCHITECT

3.6 Officers recommendations were as follows –

- The Council has acquired the site to the west to develop for housing. A link to this site and onto Burton Stone Lane will be an essential part of this application, to connect the anticipated open spaces on each side of the boundary so that they have a positive relationship as well as creating a legible and well-designed pedestrian / cycle route between the two developments.
- Further detailing of landscaping will be required, to explain how different areas will be used/typologies of open space, where there will be defendable space to apartments (which could be achieved by boundary treatment or planting). The space around the flag pole has the potential to create a high quality entrance into the development, but this isn't currently realised.
- Vehicle parking should be integrated so visually screened by landscaping. Parking courts should remain small and frontage parking not dominant. All parking should have natural surveillance.

- Building design - the elevations need detailing which better reflects the character of York. Suggestions include removal of “stuck on” porch canopies, introduction of door cases (typical of York), and reducing window height at upper floors.
- It was recommended the apartments be orientated so their principle outlook was south towards the open place and this has been accommodated in the latest scheme.

LANDSCAPE ARCHITECT

3.7 Further detail of the landscaping will be required to understand the structure and principles. The proposed areas present an opportunity for a significant, multifunctional, shared space defined with trees, hedging and other planting, providing structures for play, and potentially other outdoor community uses such as growing produce and outdoor eating.

ECOLOGY

3.8 No objections provided conditions are used to protect bats and provide compensatory habitat.

3.9 A low level of bat activity was recorded along the western boundary (which is lined by trees). During the 2018 emergence survey a bat was observed leaving a crevice within the east stand. A licence from Natural England will be required before demolition works. To mitigate for the loss of bat roost facilities, mitigation is recommended - bat bricks and bat boxes that would be located to the western side of the site, on housing and in the trees by the boundary.

3.10 The east stand currently supports an individual or very small number of transitional roosting Common Pipistrelle bats which are common and widespread throughout the UK and classed as a species of 'least' conservation concern. The requirement for a European Protected Species Licence will prevent any direct harm. The provision of six bat bricks and six bat boxes will maintain the long-term roosting opportunities on site.

EDUCATION

3.11 Officers have asked for the ability to review whether a pre-school contribution would be required prior to commencement. Projections confirm there is currently, and would be, sufficient capacity at primary, secondary and early years if the scheme is built out by 2024/25 and there is no reduction in existing schools and providers. The early years and childcare market is very fluid therefore officers would like to review this again once a build date is confirmed to determine capacity of providers at that point in time. Should the position have changed and current

providers not be able to accommodate the additional places, the maximum request would be for a contribution for 11 early years places to support expansion at existing provision. This would equate to a contribution of £100,309.

HIGHWAY NETWORK MANAGEMENT

3.12 The Transport Assessment, using an acceptable modelling approach (TRICS database), anticipates under 30 extra cars trips as a consequence of the development during peak hours. Based on previous national guidance on Transport Assessments such an impact would not require an assessment on the wider network. Current national guidance is less specific and sets out the number of factors which require consideration, these include (relevant to this application) cumulative impact and availability of public transport. The intention is to reduce the number of car trips (by 10%) through a travel plan promoting sustainable travel. Due to the site allocation for residential development, the low level of associated anticipated traffic, and considering its size and location and measures to promote sustainable travel, an assessment of impact on the wider network is not justified.

3.13 With regards the proposed main street, it is considered due to the amount of car parking served from the area which will have a shared surface, this is potentially an acceptable approach (the York highway design guide recommends such spaces are appropriate when they serve up to 50 dwellings). However as set out in the design guide, the shared areas must be designed so they are distinctively different from other estate road, recommended is different surfacing and a distinctive gateway at the entrance to mark the transition.

3.14 Guidance has been provided on dimensions for parking areas. The preference is for car parking spaces to be longer than 4.8 m where perpendicular to the road to prevent cars overhanging roads and footpaths. Visitor parking is recommended at a rate of 1 space per 4 dwellings.

3.15 Layout recommendations -

- Avoid excessive runs of dropped kerb on site frontages so streets are not car dominated. This was specifically raised in relation to the site frontage and in-front of the apartments.
- Pedestrian / cycle routes should be 3 m wide.
- It was asked for bin storage areas (for collection) to be provided and cycle stores to be reasonably close to apartments.

HOUSING

3.16 Officers have negotiated and are agreed on the proposed affordable housing scheme, considering the tenure, location of dwellings and house types. It is noted that the provision needs to be rounded up to 20% (it is 19.4%) and this can be

secured through an off-site contribution. It is asked that the contribution be based on the value of the 4-bed dwellings because provision should be pro-rata (although adjusted accordingly where required to meet overall need).

LEISURE

3.17 Officers have provided details of where of site contributions could be used and these are as follows –

- Bootham Allotments
- 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)
- Clifton Park and Homestead Park

PUBLIC PROTECTION

Construction

3.18 Request a Construction Management Plan for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases due to surrounding houses.

Noise

3.19 A condition is requested that the housing be provided with the noise specification as recommended in the submitted noise assessment.

Contaminated Land

3.20 Recommend a site investigation and remediation. The site investigation issued identified that the soil and made ground including the earth embankment at the north of the site is potentially contaminated. The roofs of the buildings currently on site are likely to include at least in part, cement bound asbestos sheeting. The risk is assessed as being moderate / low for the future residential users.

Electric Vehicle Charging

3.21 When parking spaces are adjacent to dwellings/in-curtilage officers provision for electric vehicle charging. Elsewhere request a minimum of 5% active and 5% passive provision. Passive provision will require consideration of future power requirements for such points, allowance for any necessary cabling and for groundwork to be installed from the outset. The locations and specifications of charge points would be subject to approval/

EXTERNAL

CLIFTON WARD PLANNING PANEL

3.22 Make the following comment on design –

- Suggest respecting the existing building line along Grosvenor Terrace (which would enable car parking at the front).
- Ask that brickwork respects the locality.
- Advocate inclusion of secure by design principles
- Suggest that the open space should be well enclosed and central rather than adjacent the side boundary of the barracks due to noise from the firing range, that could be unsettling.

ENVIRONMENT AGENCY

3.23 No objection. Have advised on standing advice with regards land contamination, waste and flood risk.

HISTORIC ENGLAND

3.24 The revised plan is a considerable improvement of the first planning layout and reflects the discussions held on site with the various interested parties as to the significance of the place in heritage terms and the wishes of the fans and local residents.

Retained section of Popular Stand terrace and tunnel

3.25 The retained terrace and tunnel will provide a lasting legacy of the stadium and create a focal point for memory and orientation. The location of the retained terrace and tunnel matches the desired position on the halfway line at the midpoint of the Popular Stand and in front of the POS. The precise length of the section will be determined by conservation, engineering and health and safety considerations but is not expected to exceed 6m.

3.26 The preferred location for the memorial garden is around the base of this structure to provide discreet location for remembrance. The side walls of the terrace could be used to support memorial plaques etc, while caskets and ashes could be buried at the base of the walls.

Some existing metal fencing and gates in the Popular Stand could be appropriated to secure the perimeter at the top of the terrace and ends of the tunnel. Similarly, the wooden picket fence in front of the Popular Stand should be reclaimed to border the memorial garden.

‘Centre’ circle

3.27 The idea of recreating the centre circle in the middle of the POS is applauded, it would be in alignment with the retained section of terrace and provide a further place for orientation.

Flagpole

3.28 The flagpole was originally located between the south-east corner of the pitch and the stadium entrance. It is suggested that the new flagpole is erected as close as possible to this original location, and that it flies a replica of the club flag as a permanent and symbolic reminder of fans' allegiance to Bootham Crescent. Its proposed location does not exactly match the original position, but it is as near as possible in the proposed layout. Ideally, like the centre circle, it should be slightly further south and east, closer to the new entrance.

Orientation and plan form

3.29 The concept of providing a central built form, with town houses and apartments framing a central POS with gaps between, imaginatively gives the feel of a 'stadium nestled between terraced housing'. As recommended by Historic England the layout of housing in the central area has been aligned to the west boundary wall.

Boundary wall

3.30 The brick boundary wall will be retained but where concrete blockwork has been added to the summit this should be removed. Where necessary, consolidation of the boundary wall should be undertaken using reclaimed bricks from elsewhere on the site. Consideration should be given to retaining the walls of the gents urinal built against the west boundary wall south of the Popular Stand and reusing the structure for storage of maintenance equipment and/or to screen new infrastructure. Any further structures bonded to the boundary wall, and which are not being retained, should have their wall scars consolidated or refaced as buttresses. The face of the west boundary wall, either side of the retained terrace could accommodate old signage from the ground and/or appropriate artwork.

SECURE BY DESIGN OFFICER (NORTH YORKSHIRE POLICE)

3.31 Officers' comment on the original scheme (now superseded) was as detailed below.

- Management and maintenance of public open space required.
- Children's play area – recommend these are a reasonable distance from housing to prevent issues around noise and anti-social behaviour. 20m from habitable rooms recommended.

- Clearly defined public and private space and public space that has good natural surveillance recommended.
- Access control into private rear gardens required.
- Parking provision – advise against remote parking due to security issues and potential for indiscriminate parking that can lead to tension. Any courtyard parking should be intimate in scale (5 spaces maximum recommended) – such parking arrangements can have adverse effect on communities and place-making as people tend not to use their front doors. On the revised scheme officers considered this issue been addressed as the shared parking areas had been made smaller, spaces were closer to homes they would serve and natural surveillance of the areas had been introduced as the flats above garages had been added.
- Provision of secure cycle storage for each dwelling is necessary to promote sustainable travel.

SPORT ENGLAND

3.32 Do not object to the loss of the sports ground as it is being re-provided as part of the community stadium scheme (along with leisure facilities further artificial pitches). Sport England require a mechanism to require the community stadium is ready for use before re-development of Bootham Crescent commences.

YORK CIVIC TRUST

3.33 York Civic Trust is sympathetic to a residential reuse of the site, providing much-needed accommodation in line with York's housing requirements. However the trust objected to the original scheme on the following grounds:

- An unimaginative aesthetic and lack of connectivity with the wider area.
- An absence of any meaningful acknowledgement of (football) heritage in the scheme.
- The claimed noise attenuation benefits (due to the barracks) are not convincing.
- Increased traffic in the area.

YORKSHIRE WATER

3.34 As sub-soil conditions do not support the use of soakaways accept that surface water may discharge to the public surface water sewer in Grosvenor Road at 30 litres/second as suggested in the Flood Risk Assessment. Ask for separate systems for foul and surface water run-off.

4.0 REPRESENTATIONS

4.1 Comments from Local Councillors Myres and Wells are below. Cllrs were consulted on the revised plans on 25.3.2020.

- Support use of the site for housing
- The houses proposed look standard and do not reflect or enhance local distinctiveness.
- Affordable housing targets are inadequate and an exceedance of a policy compliant 20% should be provided. Housing should be available to those on average salaries and local residents.
- Open space- The plans should include a play area of sufficient size for the local community. The play area must include wheelchair accessible equipment. It should not be segregated; there should be access from the north and the west of the site.
- Ask for the development to respect the sporting heritage and for the developers to work with Historic England in this respect.
- There is a lack of sporting amenity in the area, it may be fitting to work with the Management Committee of the Burton Lane Club to establish whether improved facilities for local people, such as darts, snooker, dominoes and other leisure facilities can be provided through developer contributions. Currently, there is a weekly gathering for older people in the football ground at Bootham Crescent; we need to consider how older persons activities can continue to be provided in the area, and again, the Club may be a good location for this.
- Traffic – concern existing congestion on Burton Stone Lane, in particular junctions with Bootham and Crichton Avenue will be exacerbated. It is asked whether off site works can improve these junctions.
- There should be enhanced car club and car share in this area, where there are parking issues – which are made worse due to the proximity of the hospital and city centre.
- Drainage – lack of capacity in existing infrastructure

Publicity and Neighbour Notification

4.2 There has been multiple rounds of public consultation. The most recent consultation was in April 2020, when significant changes were as follows - house types were changed at the site frontage, the apartments were increased to 3.5 storey and plots 49 and 50 were moved further from the site boundary. There have been 9 contributors. Comments as a consequence of consultation made the following points -

Principle of the proposed development

- Objection to the loss of the football ground which is a community asset and a preference for the site to remain as open space.
- Housing proposed is unimaginative and does not respect local character.
- Housing facing Grosvenor Road, due to its terraced design and 3 storey scale would be unrelenting and un-welcoming. Having these houses set further back or rotated so they face east-west was recommended.
- The area cannot cope that the extra traffic that would result from the scheme (Bootham and Burton Stone Lane cited). This would also have an adverse effect on air quality.
- Impact on demand for car parking on surrounding streets due to lack of car parking provision.
- The scheme should have better / more evident sustainability credentials – use of renewable energy and tree planting for example.
- Inability of existing drainage infrastructure to accommodate more development.

Impact on neighbours' amenity

- Concerns the houses would be over-bearing and cause overlooking over houses on St Olaves Road to the south and Bootham Green to the north, specifically due to the house type and location of houses on plots 15-17 and 49 and how they will overlook neighbouring housing and gardens.
- Comments were made about noise from traffic due to the internal layout and proximity of the road to the site boundary and Bootham Green to the north. These has been addressed in the revised plans as houses back onto the site boundary on the northern and eastern sides.

Concern about damage to neighbouring properties during demolition.

5.0 APPRAISAL

KEY ISSUES

5.1 The key issues are as follows –

- Principle of the proposed use
- Dwelling mix
- Design
- Residential amenity
- Highway network management and safety
- Drainage / Flood Risk
- Public Protection

- Sustainable design and construction
- Archaeology
- Biodiversity
- Education
- Open Space
- Community uses / open space

ASSESSMENT

PRINCIPLE OF THE PROPOSED USE.

5.2 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 Framework taken as a whole.

5.3 The site is in the urban area and is due to become vacant; at such a time its re-use for housing will be consistent with the policies in the NPPF with regarding to housing delivery and making efficient use of previously developed land in sustainable locations. In particular NPPF paragraph 118 states planning decisions should "give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs".

5.4 The site is allocated for housing in the Publication Draft Local Plan 2018 (2018 DLP). The proposal is reasonably consistent with the allocation; the proposed amount of development is 93 dwellings (71 dwellings per ha) compared to the anticipated yield 86 of dwellings.

DWELLING MIX

5.5 The density of development is broadly compliant with 2018 DLP policy H2. H2 establishes target densities of 100 units per hectare in the city centre and 50 in the urban area. The policy advises target densities can be adjusted to relate to local context and character and that higher densities can be supported within 400m of high frequency public transport corridors (this site is under 400 m from Bootham which is a frequent route). Paragraphs 122 and 123 of the NPPF promotes building at a high density, making optimum use of sites, especially those in sustainable locations, whilst providing well-designed, attractive and healthy places.

5.6 Policy H3 of the 2018 DLP states proposals for residential development will be required to balance the housing market by including a mix of types of housing, which reflects the diverse mix of need across the city. This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people. The Local Plan policies are city-wide and it is expected that housing density, type and mix will differ from site to site. Policies H2 and H3 can be given moderate weight only in accordance with NPPF policy as set out in paragraph 2.3 above.

5.7 The scheme proposes 71 dwellings per hectare, predominantly housing and predominantly 2 (36%) and 3 bed (40%) sized dwellings. The density and mix is appropriate considering recommended densities, the sustainable location, respecting local density and urban grain and local housing need.

Affordable Housing

5.8 2018 DLP 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.

5.9 The affordable housing provision would be 20% overall, the mix is as set out below. The 18 affordable dwellings are pepper-potted through the site, and will be “tenure blind” as preferred by policy H10. Whilst the mix is not strictly pro-rata, this is at officers’ request as it provides a mix that better reflects need (as set out in the SHMA 2016 addendum. The on-site provision is 19.4%. To round up the 0.6 of a dwelling shortfall a contribution will be sought towards off site provision.

Proposed affordable housing compared against local need as detailed in the SHMA addendum

Dwelling size	1-bed	2-bed	3-bed	4-bed
Need as per SHMA	35-40%	30-35%	20-25%	5-10%
Proposed	22%	44%	33%	0%

DESIGN

5.10 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.

Site layout

5.11 In arriving at the proposed layout the applicants have engaged with Historic England and the scheme incorporates the following key elements in line with their recommendations (these have been considered by the applicants in terms of future maintenance, and health and safety) –

- A retained section of the west stand, adjacent the half-way line, and the passageway behind. Historically fans would use the tunnel swap ends (behind the goals) at half time.
- Memorial space
- The flag-pole (historically the flag was lowered towards the end of the game) retained within the public open space, close to its original location.
- The brick boundary wall on the western side of the site (blockwork removed).

5.12 The scheme is also sympathetic with the emerging proposals for redevelopment of the barracks site to the west. In this respect, it will allow for a pedestrian and cycle route, 3 m wide through the central public open space within both sites. This will provide good permeability not only for this site, in terms of access to amenities but for the wider community.

5.13 The layout follows good practice in terms of urban design by providing better connectivity for pedestrians and cyclists, and how it respects the urban grain; along the south, east and north sides of the sites housing will respect the surrounding pattern of development - layout, building lines, scale of buildings and local separation distances. The public open space (POS) will be central - a well-overlooked focal point. The POS will be visually apparent from the site entrance and as the site will not be a cul-de-sac for pedestrians, this will function as a facility for the community.

Public realm / landscaping

5.14 The specific landscape design of the POS will be secured through condition. It will allude to the heritage and history of the site, the components of which have been determined in consultation with Historic England. The public will be able to orientate themselves with the former layout due to the retention of part of the west stand and the incorporation of the former centre circle, annotated within the public open space. In addition to retained physical features on site there will be a laser scan of the ground carried out which will be publically accessible and allow orientation (an understanding of how the ground appeared in the past). The football club will be involved with the management of the memorial area and consequently retain a degree of ownership over this space.

Car parking

5.15 The majority of parking spaces will be in communal areas. Normally such large parking areas as those proposed here would be avoided (in favour of in-curtilage parking for houses) but they are acceptable in this case as they will be reasonably discreet; screened from public view by the proposed housing and boundary treatment and landscaping. Visually parked cars will not dominate the public realm. Each dwelling has at least 1 allocated space and there are 15 visitor parking spaces.

Housing design

5.16 The details and materials of the housing will be secured through condition. The intention is to respect the locality in terms of brickwork and the houses facing Grosvenor Road will have slate tiled roofs, as this is prevalent and distinctive in the area. The apartments in the centre of the site have been amended in response to officer comments. They primarily overlook the open space and are dual aspect, as recommended in National Design guidance, to provide good living conditions.

RESIDENTIAL AMENITY

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

5.18 In terms of health & well-being all of the dwellings have their own private amenity space or have good accessibility to the POS. The dwellings will be spacious and have good outlook, all being dual aspect.

5.19 A condition will require secure by design principles are followed, this will cover issues such as access to communal spaces and stores and means of providing defensible space to the ground floor apartments. Public realm will have good natural surveillance. Parking areas, which have limited natural surveillance, are to be designed so they appear semi-private and are discreet from the public realm.

Relationship with surrounding houses

5.20 The proposed houses would not be over-bearing or over-dominant over surrounding houses. On the northern and eastern sides of the site there would be 2-storey housing at the periphery. In terms of separation distances rear elevation to rear elevation would vary between 18 m and 21 m. This is acceptable, compared against Newborough Street and Scarborough Terrace to the east of the site where rear-to-rear separation distances are around 16 m. The only exception to this is on plot 49 where the separation between housing would be just under 18 m. This is because the neighbouring housing at Bootham Green is so close to the site boundary (under 5 m at its closest point) and consequently can only expect to have limited outlook. Plot 49 would have a generous deep garden, over 12 m in length. The relationship would be acceptable under the circumstances. A condition can prevent upper floor rear extensions to plot 49 to maintain amenity.

5.21 The proposed layout would introduce openness on the western side of the site. Houses in the centre of the site will not unduly over-look or compromise redevelopment of the barracks site to the west.

5.22 Houses on the south side of the site would continue the general scale and alignment of existing housing along Grosvenor Road. The houses would be some 16 m from gardens on the opposite side of the street, specifically 66 St Olaves Road, who have objected to the proposed arrangement. Since the objection, the house types facing the garden have been changed and Juliet balconies removed from the front elevation. The possibility for some views into a garden on the opposite side of the road, from bedroom windows is considered reasonable in this urban context.

HIGHWAY NETWORK MANAGEMENT

5.23 The NPPF 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 to the site be achieved for all users.
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 111 requires an assessment of impacts on the network, when development will generate significant amounts of movement.

5.24 The NFFPF also states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.25 With regards place-making and highway design, the National Design Guide gives the following advice and this will be realised within this scheme – “Successful development depends upon a movement network that makes connections to destinations, places and communities, both within the site and beyond its boundaries”.

Impact on the network

5.26 As stated in the NPPF in terms of impact on the highway network refusal can only be sustained if the impact would be “severe”. This site has been allocated for housing in the local plan. The overall plan has been developed to accommodate growth over the plan period; its transport policies are consistent with the strategic themes of the City of York Council Local Transport Plan (2011-2031) that are (relevant to this scheme) to:

- provide quality alternatives (to the car)
- provide strategic links
- implement behavioural change
- tackle transport emissions

5.27 The Transport Assessment, using an acceptable modelling approach (TRICS database), anticipates under 30 extra cars trips as a consequence of the development during peak hours. Based on previous national guidance on Transport Assessments such an impact would not require an assessment on the wider

network. Current national guidance is less specific and sets out the number of factors which require consideration, these include (relevant to this application) cumulative impact and availability of public transport. The intention is to reduce the number of car trips (by 10%) through a travel plan promoting sustainable travel. Due to the site allocation for residential development, the low level of associated anticipated traffic, and considering its size and location and measures to promote sustainable travel, an assessment of impact on the wider network is not justified.

5.28 There is at least one car parking space per dwelling on site. All but two of the houses with three or more bedrooms have two car parking spaces and there are 15 visitor parking spaces. This is generous provision for an inner city site such as this. Officers have not opposed this approach as - the only local parking standards are in the 2005 draft local plan, and as the NPPF states maximum standards should only be imposed if “there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport”. Cycle storage is shown on plan for houses without their own outside amenity space i.e. the apartments. There are two covered and secure spaces for each apartment. It is unlikely the development will lead to overspill parking causing safety issues on surrounding streets. There is a car club space on the street opposite (Newborough Street) and future occupants will be encouraged/incentivised to use this scheme. There are no grounds to resist the application in terms of impact on the highway network, in particular as this is an allocated housing site in a sustainable location.

5.29 The main street is designed to accommodate servicing and emergency access. Bin stores / collection points are illustrated on plan for the apartments and houses towards the centre of the site.

The promotion of sustainable travel

5.30 The application accords with the NPPF requirement to give priority to pedestrians and cyclists and National Design Guide advice on place-making, on the following grounds -

- Footpath instated past the site along Grosvenor Road, therefore improving existing conditions.
- A connection toward Burton Stone Lane for pedestrians and cyclists only facilitated. This will improve the network for future residents and the wider community in terms of providing a more direct route to amenities, work and public transport.
- Most of the estate road within the site will be designed as a shared space, following the hierarchy for users established in the NPPF. The detailed design

will be subject to input from highways officers being mindful of road safety and will incorporate soft landscaping where practical.

- A travel plan that intends to reduce the anticipated number of private vehicle trips by 10%.

DRAINAGE

5.31 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. Local 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.

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

5.33 Sustainable drainage principles for surface water have been applied, connection into surface water sewers is the preferred option as ground conditions do not allow for soakaways and it is not possible to connect directly into a watercourse.

5.34 In accordance with local guidance the surface water run-off will be 70% of the existing rate. A rate of 30 litres per second has been agreed by Yorkshire Water. A condition will secure site-specific details. It is noted an (underground) water pumping facility may be required associated with the drainage – this is annotated on plan to the north of the bin/cycle store for the apartments.

PUBLIC PROTECTION

5.35 NPPF policy on land contamination and noise is set out in section 15 of the NPPF. The site investigation recommends further investigation and potential remediation to ensure the site is suitable for future users.

Noise

5.36 A noise assessment has considered the current environment and has made recommendations to ensure the proposed houses meet World Health Organisation standards. This will be secured through condition in addition there will be a further condition to ensure any plant/machinery on site (if required) does not cause disturbance, as it is understood a water treatment facility is necessary for the housing.

Construction management

5.37 A Construction Management Plan for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases will be required due to surrounding houses. This will be secured through condition. It will require adherence to best practice/best practical means, control times of construction, ensure the highway network is kept clean during works and ensure there is a community liaison officer / contact details should surrounding residents have concerns.

Air quality / EV charging

5.38 In line with City of York Council's Low Emission Strategy and paragraph 110 of the NPPF facilities for charging plug-in and other ultra low emission vehicles will be required. A condition is proposed that requires houses with in-curtilage parking have charging facilities. In other areas there will be 5% provision with a further 5% 'passive' provision to enable extra points in future. This is in accordance with current guidance from Public Protection.

Contaminated Land

5.39 A site investigation and remediation is recommended and can be secured through condition. The site investigation issued identified that the soil and made ground including the earth embankment at the north of the site is potentially contaminated.

SUSTAINABLE DESIGN AND CONSTRUCTION

5.40 A planning condition will require the buildings to be compliant with 2018 DLP policies CC 1 and 2 which requires exceedance of building regulations with regards to water and energy efficiency and carbon emissions (through the use of low/zero carbon technology and building fabric efficiency).

ARCHAEOLOGY

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

5.42 In terms of above ground archaeology paragraph 199 of the NPPF asks for the recording of assets to be lost, to advance the understanding of the asset. The football ground will be subject to a recording prior to demolition works. For below ground archaeology investigation is also required, as explained in 3.4. The scheme of investigation for these works is agreed.

BIODIVERSITY

5.43 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. In respect of biodiversity surveys have detected bat activity at the site. Planning conditions will secure replacement habitat on site (to replace football stands) and confirmation from Natural England that prior to relevant demolition (the timber clad section of the east stand) either a license has been granted for the works or confirmation that such is not required.

EDUCATION

5.44 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.

5.45 Currently primary and secondary schools in the locality can accommodate this development. There will be need for pre-school spaces. A financial contribution to secure pre-school facilities will be secured through s106 agreement.

OPEN SPACE

5.46 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'.

5.47 Policy GI6 (new open space provision) of the 2018 DLP states 'all residential development proposals should contribute to the provision of open space for recreation and amenity'... 'The precise type of on-site provision required will depend on the size and location of the proposal and the existing open space provision in the area. Where there are deficiencies in certain types of open space provision in the area surrounding a proposed development, the Council will seek variations in the component elements to be provided by the developer in order to help to overcome them'. The policy goes on to state that the Council will encourage on-site provision

where possible but off-site provision will be considered acceptable in certain circumstances.

5.48 Within this scheme is a significant amount of public open space (2,700sqm) central within the site. This will include children's play and amenity space, in addition to memorial space associated with the football club. Based upon demand generated from the anticipated number of future residents the amount of amenity space still falls short of the requirements within the 2017 open space and green infrastructure audit of 40.5 sq m per person/bedroom (9,437sqm overall). As such there will also be an off-site contribution which could be used at the play area at Crombie Avenue, Bootham allotments, Clifton and Homestead Park.

5.49 The intention is sports facilities are provided off-site. Officers have liaised with local councillors to identify local projects and the 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. The contributions towards off site children's play and sports facilities will be secured by a s106 agreement.

6.0 CONCLUSION

6.1 A presumption in favour of development applies at this site. The policy for decision making in the NPPF applies which states 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 Framework taken as a whole.

6.2 The amount and type of development proposed for the site is acceptable and broadly compliant with the 2018 DLP allocation. Planning conditions and a s106 agreement can be used to secure reasonable compliance with national and local policies with regard to housing need, promoting sustainable transport, design and the impact on the environment.

6.3 The recommendation is that delegated authority be given to the Assistant Director of Planning and Public Protection to APPROVE the application subject to conditions and completion of a s106 agreement to secure the following obligations –

Affordable housing

20% - on-site as illustrated on the approved site plan and a contribution for off-site to round up the 0.6% shortfall.

Education

£100,309 for 11 early years places within 1.5km of the site

Open Space – sport

Application Reference Number: 19/00246/FULM

Item No: 4c

Off-site contribution of £49,629 to be used to enhance sports and play facilities at either Crombie Avenue, Burton Green, Clarence Gardens, or Bootham Park

Open space – amenity

£25,066 to be used at Bootham allotments, Crombie Avenue play area, Clifton Park or Homestead Park.

Highways

£5k for Traffic Regulation Orders to facilitate changes to Grosvenor Road.

Sustainable travel

£200 per dwelling for bus pass / cycle for first occupiers.

7.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years

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

Proposed site layout drawing 100 revision S

House types

Apartments - Aycliffe 3.5 storey - drawing AY-3.5-WD10

House types package dated 20.12.2019 - Aidan, Clayton Corner, Howard, Linton, Morden, Sutton

House types dated 29.1.2019 - FOG, Hanbury, Greyfairs, Wolvesey

Details of waste and cycle storage drawings 113C and BBWD10

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

3 Re-provision of community sports facility

The development hereby permitted shall not be commenced until the York Community Stadium has been completed, safety certified and made available for use.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Development Plan

Policy HW3 - Built Sports Facilities.

4 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) Arrangements for parking of vehicles for site operatives and visitors.
- b) Means of access control, and measures to prevent construction/delivery vehicles parking/blocking the highway.
- c) Details of wheel washing facilities for the cleaning of wheels of vehicles leaving the site, including 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.
- f) Noise - Details on types of machinery to be used, noise mitigation and details of any monitoring and compliance with relevant standards.
- 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, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

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

5 TREE PROTECTION

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

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

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

6 NOISE7 Restricted hours of construction

7 Written Scheme of Investigation

a) The development shall be carried out in accordance with the Map Archaeological Practice Written Scheme of Investigation (WSI) Archaeological Evaluation by Trial Trenching report.

b) The 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 (including publication if required) 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 on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as

may be agreed in writing with the Local Planning Authority.

d) Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. There shall be presumption in favour of preservation in-situ wherever feasible.

e) No groundworks shall take place until details in part d (above) have been approved and implemented on site and provision has been made for securing the analysis, dissemination of results and archive deposition.

Reason: In accordance with section 16 of the NPPF as the site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

8 Building Recording

The development shall be carried out in accordance with the MAP archaeological practice WSI historic building recording.

No demolition shall take place until the photographic recording as proposed in the WSI has been carried out in accordance with this report. A copy of a report shall be deposited with City of York Historic Environment Record and digital archive images with ADS to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: In accordance with Section 16 of NPPF and Policy D7 of the Publication Draft York Local Plan as the buildings on this site are of historic and social interest and must be recorded prior to demolition.

9 Land contamination - Site investigation

Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons. A written report of the findings shall be produced, submitted to and approval in writing by the Local Planning Authority prior to commencement of development. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:

- human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

10 LC2 Land contamination - remediation scheme

Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

11 LC3 Land contamination - remedial works

Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

property and ecological systems.

12 LC4 Land contamination - unexpected contamination

13 Separate systems for surface & foul drainage

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

14 Site specific drainage details

Prior to development, except for the installation of any protective fencing for retained landscaping, site clearance works, remediation works and archaeological investigation works, details of the proposed means of foul and surface water drainage, including details of any balancing works and off-site works, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The information shall include site-specific details of -

- a) The means by which the surface water discharge rate shall be restricted to a maximum rate of 30 litres per second.
- b) The means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved.
- c) Full modelling calculations for the above.
- d) Future management and maintenance of the proposed drainage scheme.

The drainage details shall be shown in conjunction with the landscaping details for the site and a report provided which explains how the drainage would not compromise the landscaping details.

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

15 Licence from Natural England required

Demolition works to the east stand (specifically removal of the roof and the timber clad eastern section) shall not commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation

of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

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

Reason: To minimise the impacts on and to provide net gains for biodiversity, in accordance with NPPF paragraph 170, to prevent harm to a European Protected Species.

16 Bat habitat

Habitat features for bats and birds shall be provided on site in accordance with the Ecological Enhancement Plan, contained within the Quants Environmental Bat Mitigation Strategy dated 6th April 2020. The features shall be installed on the relevant houses prior to completion of construction of the relevant dwelling.

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.

17 Site-wide landscaping

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.

Notwithstanding the approved plans the scheme shall illustrate the following -

- a) The number, species, height and position of trees and shrubs.
- b) Details of all boundary treatment / means of enclosure. To include defensible space to apartments where applicable (through open boundary treatment or landscaping).
- c) Hard surfacing to roads, shared spaces, parking areas and footpaths.
- d) The detailed design of the main street, to include traffic calming measures within and around the shared surface area (such as use of surfacing materials, tree planting/landscaping and subtle variation to the alignment of the area so it appears less engineered).
- e) Details of soft landscaping incorporated within the parking courtyard behind plots 1-7.

- f) Details of means of screening the parking courtyard behind plots 12-19 (so it is not visually prominent from the public realm and is defined as a semi-private space in the interest of secure by design as car parking is poorly overlooked).
- g) Furniture to the streets and public open space (including seating areas).
- h) Means of assimilating bin and bike stores into their setting (including planting and furniture where applicable).
- i) Children's play area and trim trail within the public open space - to include setting out, surfacing and equipment.
- j) Details of the memorial area and section of retained terrace (west stand).
- k) Details of the means of enclosure and the associated planting/screening to the water supply area / pumping station (south of plot 64).

The scheme shall be accompanied by a phasing plan detailing times at which landscaping and public open space shall be completed in accordance with the approved details. The development shall be carried out 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: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area.

18 Public Open Space Management

Prior to first occupation of the development hereby permitted, management and maintenance plans for the public realm / open space / memorial areas (including the section of retained terrace) / play areas and landscaping shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in adherence with the approved plan(s).

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

19 Access to Public Open Space

The permissive routes, public open space and play areas hereby approved shall be kept open, free from any obstruction, in a safe condition for use by members of the public free of charge at least 364 days of the year (unless any temporary closure is reasonably required for essential maintenance).

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

20 Materials

Prior to construction of the building envelope of the dwellings hereby approved 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 all external materials.
- b) A sample panel of the brickwork to be used (which shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used). This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

The houses facing Grosvenor Road (plots 1-19 and 34-7) shall have slate roofs, unless otherwise approved due to the use of roof panels for renewable energy.

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

21 West boundary wall

Prior to first occupation of the development hereby permitted a strategy for making good the west boundary wall, including removal of blockwork, shall be submitted to and approved in writing by the Local Planning Authority, and the works carried out in accordance with the approved details.

Reason: In the interests of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation as required under NPPF paragraph 192.

22 Cycle and bin storage

Prior to first occupation of the apartment buildings the associated cycle and bin storage shall be provided in accordance with the approved plans and thereafter

retained.

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

23 Connection into site to the west

Prior to first occupation of the development hereby permitted details of an access through the west boundary wall (location and design) and an associated 3 m wide footpath within the application site, connecting into the site to the west, shall 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 occupation of the 50th dwelling, unless alternative arrangements have been approved by the Local Planning Authority.

Reason: To provide a public connection to Burton Stone Lane for pedestrians, and cyclists, at a time when this can be facilitated through the site to west. To promote sustainable travel in accordance with NPPF paragraphs 102, 108, and 110.

24 Sustainable design and construction

The dwellings hereby approved shall achieve the following measures -

a) At least a 28% reduction in Dwelling Emission Rate compared to the Target Emission Rate (calculated using Standard Assessment Procedure (SAP) methodology as per Part L1A of the Building Regulations 2013).

b) A water consumption rate of no more than 110 litres per person per day (calculated as per Part G of the Building Regulations).

Prior to first occupation of each dwelling details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

25 EV charging facilities

Each dwelling with in-curtilage car parking shall incorporate a suitably rated electrical socket (to allow 'mode 3' charging) to allow charging of an electric vehicle.

Prior to first occupation a strategy for the provision of electric vehicle charging facilities to other car parking areas, at a rate of at least 5% active and 5% passive provision shall be submitted to and approved in writing. The development shall be carried out in accordance with the approved details.

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

NOTES

-The details required shall include an 'Electric Vehicle Recharging Point Management Plan' explaining the management, maintenance, servicing and access arrangements for each Electric Vehicle Recharging Point for a period of 10 years. It shall include details of the passive provision, details of how the charge points can be used by residents and how the bays will be managed to ensure they are only used by EVs.

-All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation.

26 Travel Plan

A Travel Plan shall be developed for the site, in general accordance with the measures detailed in the updated travel plan dated April 2020 (reference Ref: 18-371-002.05).

As part of the Travel Plan the following details shall be submitted to and approved in writing by the Local Planning Authority -

- a) Preparation of a Travel Survey proforma (which shall be agreed by the City of York Council Travel Planning Officer) within 1 month of full occupation.
- b) A Travel Survey, undertaken when the site reaches 90% occupation.
- c) A Monitoring Report produced within 1 month of surveys being returned to the Travel Plan Coordinator.
- d) Agreement of Travel Plan measures and targets (which shall include measures to promote car club and explore as to whether it is viable to accommodate a car club facility/space on site) and contingency measures should targets not be met, within 1 month of surveys being returned to the Travel Plan Co-ordinator in conjunction with CYC.
- e) An annual Travel Plan review shall take place at the end of the 3rd and 5th years following the completion of initial surveys. Details of such shall be provided to the Local Planning Authority on request.

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

NOTE: The targets for sustainable travel as detailed in the submitted plan are as follows - To reduce the number of single occupancy vehicle trips by 10%. This equates to a 2.9 percentage point reduction from 29.0% to 26.1% with a corresponding increase in sustainable modes of travel of 2.9 percentage points. The aim is to achieve this target within 5 years of full occupation.

Reason: To promote sustainable travel in accordance with section 9 of the NPPF, in particular paragraphs 108, 110 and 111.

27 Noise

The windows on the dwellings hereby permitted, shall provide a noise reduction rate (R) of a least 25 dB (rated at ≥ 25 dB R_{w+Ctr}) and standard trickle vents (rated at ≥ 33 dB $D_{n,e,w}$ (vent open)) (as recommended in section 5 of the Noise Impact Assessment by ENS).

Reason: To ensure internal noise levels are adequate and in the interests of residential amenity.

28 Plant and machinery

Prior to installation of any plant or machinery, a noise assessment (in accordance with BS4142:2014) shall be submitted to and approved in writing by the Local Planning Authority which shall evidence that externally mounted plant and equipment shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve the following noise levels -

- 30 dB LAeq (8 hour) and 45dB LAmax, no more than 10 times per night, inside bedrooms at night (23:00 - 07:00 hrs)
- 35 dB LAeq (16hour) in all other habitable rooms during the day (07:00 - 23:00 hrs)
- 50dB(A) Leq 16 hour (07:00 to 23:00) in gardens and when measured at the west boundary of the application site.

If internal noise levels are achieved with all windows shut then other means of ventilation shall be provided.

The equipment shall be installed in accordance with the approved details and reasonably maintained at all times.

Reason: In the interest of existing and future residents amenity in accordance with

NPPF paragraphs 127 and 180.

29 Removal of PD rights

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no enlargements/extensions to the houses on plots 42, 43, 44, 45, 49, 62, 63, 64 that would extend beyond either the side or rear of the original dwelling house 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 due to the proximity of the referenced dwellings to the site boundary 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 class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

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: gave pre-application advice, sought revised plans to address identified issues and through the use of planning conditions and a legal agreement.

2. WORKS IN THE HIGHWAY

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:

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

3. LEGAL AGREEMENT

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

Contact details:

Case Officer: Jonathan Kenyon

Tel No: 01904 551323