

COMMITTEE REPORT

Date: 2 September 2021 **Ward:** Heworth
Team: East Area **Parish:** Heworth Planning Panel

Reference: 20/01916/OUTM
Application at: Burnholme Community Hub Mossdale Avenue York YO31 0HA
For: Erection of 83no. dwellings (use class C3) with associated parking, landscaping, access and ancillary works. No matters reserved except for the appearance, scale and internal layout of 5no. self-build plots in Terrace 5.
By: City Of York Council
Application Type: Major Outline Application
Target Date: 6 September 2021
Recommendation: Approve subject to referral to Secretary of State

1.0 Introduction

1.1 Members determined to approve this application at Planning Committee 28 April 2021. The application is however brought back to committee as an objection from Sport England was received following the committee meeting. This revised report addresses the issues raised by Sport England. The original committee report and the relevant draft minutes of the meeting held on 28 April 2021 are appended to this report (Appendix A).

1.2 The following variations to conditions have been made to address committee members' issues raised at the committee meeting on 28 April in relation to construction management:

- Condition 3 – Restrictions on delivery times added - During construction, deliveries to and from site shall only take place within the following hours -

Monday to Friday 09:30 to 15:00
Saturday 09:00 to 13:00 only
Not at all on Sundays and bank holidays

- Condition 31 added in order to prevent the entrance into the site from Darnbrook Walk being used for access/egress by construction traffic. At all times the entrance shall be for pedestrian and cyclists access only, with provision for emergency access when required.

1.3 The objections raised by Sport England are in relation to the loss of playing field(s) and potential conflict between uses. They are explained as follows -

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The loss of playing field(s)

1.4 NPPF paragraphs 98 and 99 are applicable which state:

1.5 Paragraph 99 - Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

1.6 Paragraph 98 states assessments of the need for open space, sport and recreation facilities should be robust and up to date. Sport England consider the applicant has not provided any reference to a robust and up to date assessment that provides clear evidence that the playing field is surplus to requirements.

1.7 Sport England advises the land could be demonstrated as surplus to requirements through the Council's Playing Pitch Strategy (PPS) which is currently in production. Otherwise, alternative provision (in quantity and quality) is required.

Noise and risk of ball strike affecting proposed housing

1.8 Sport England acknowledge issues can be addressed by condition. However in respect of ball strike Sport England note that netting/fencing can be up to 25 metres in height and this has caused concern for the planning authority in other cases. Sport England considers that the matter of the design and height of any required ball stop netting/fencing should be resolved prior to granting of permission in order for it to be acceptable to the planning authority.

1.9 Sport England consider that should the council be minded to approve the application it should first be referred to the Secretary of State to determine as to whether they wish to call in the application.

1.10 The application is for 83 homes, 5 of which would be self-build. A density of 48 dwellings per hectare. The self-build houses would be to the immediate south of the sports centre.

1.11 The accommodation mix would be as follows -

1-bed 10

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2-bed	35
3-bed	22
4-bed	11
Self-build	5
Total	83

2.0 Policy context

2.1 Policy relevant to the loss of playing fields is as follows -

National Planning Policy Framework (the NPPF)

Section 8 – promoting healthy and safe communities (see quotes from key paragraphs in section 1).

Section 5 - Delivering a sufficient supply of homes

Section 9 - Promoting sustainable transport

Section 12 - Achieving well designed places

Publication Draft Local Plan

2.3 The Publication Draft City of York Local Plan 2018 (2018 DLP) was submitted for examination on 25 May 2018. Policies can be afforded weight in accordance with paragraph 48 of the NPPF.

GI5 Protection of Open Space and Playing Fields

2.4 Policy GI5 states development proposals will not be permitted which would harm the character of, or lead to the loss of, open space of environmental and/or recreational importance unless the open space uses can be satisfactorily replaced in the area of benefit and in terms of quality, quantity and access with an equal or better standard than that which is proposed to be lost. Policy GI5 can be given moderate weight because it is in conformity with the NPPF.

2.5 Other relevant policies –

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

GI4 Trees and Hedgerows

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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 Consultation Responses

Sport and Active Leisure

3.1 The Council are working currently on the Playing Pitch Strategy (PPS) and it is estimated it may be complete later this year. The Sport England Playing Pitch Strategy Guidance 2013 explains there are 5 stages to strategies -

Stage A: Prepare and tailor the approach

Stage B: Gather information and views on the supply of and demand for provision

Stage C: Assess the supply and demand information and views

Stage D: Develop the strategy

Stage E: Deliver the strategy and keep it robust and up to date

3.2 The Council is currently finalising stage B. The land where housing is proposed is currently identified as playing field in the PPS, given its former use. However it is expected that at stage C the land would be classed as lapsed and disused and would therefore go into the list of sites for disposal at stage C. This will need to be agreed at the Stage C meeting however. In consideration of site designation it is acknowledged the site has an allocation for housing in the Publication Draft Local Plan. Also that the wider site contains a recently extended and enhanced sports centre, and the 3G and grass sports pitches have been improved, from an unused / rarely used space into a thriving sports centre with multiple club and individual opportunities, and was part of enhancing the existing site and creating a new community health and wellbeing hub. The sporting improvements alone saw the local authority invest £2.5m into the site.

3.3 The land to the east of the community hub buildings and the housing site is also identified as playing field in the PPS. The area of land to the east of the housing site (included within the overall application site) is proposed (as part of the application scheme) to support an area of play and fitness equipment for young people and adults, which would provide free to access exercise opportunities making this a real health and wellbeing hub for the City of York.

3.4 To provide for the housing proposed, officers have asked for an off-site Sport Provision Payment of £45,795. This would be used towards procuring the provision of / or improvements to sport or active leisure facilities at Burnholme Sports Centre,

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Osbalwick Sports Club or Hull Road Park and / or another project within the ward or connecting wards, the need for which directly arises from the Development. Following a conversation with England Hockey the City of York Hockey are a potential beneficiary for these funds.

Other consultation responses, as previously reported to planning committee

Affordable housing officers

3.5 It is proposed to provide 38.5% of the total housing as affordable, in excess of the policy obligation for a greenfield site of 30%. This is strongly supported by the Housing Strategy Team. The affordable housing is of excellent quality. All homes will be to low-carbon “Passivhaus” standard, and at sizes that exceed the good practice Nationally Designed Space Standards guidance. Taking these factors into account, it is accepted that Shared Ownership is being proposed as an intermediate tenure in place of Discount Sale. There is also an adjustment to strict pro-rata provision to target the affordable housing types at the highest need for these tenures.

Education

3.6 Officers have asked for a full contribution towards education, as follows –

Primary	Hempland / other schools in area PPA8	19 places
Secondary	Archbishop Holgate	11 places
Pre-school	Within 1.5km radius	10 places

Flood Risk Management

3.7 The surface water run off rate is agreed. Ask for agreement of site specific details of the storage facilities for surface water – the swales and below ground storage.

Highway Network Management

3.8 Concerns were raised with regards to the following issues –

- Mossdale Avenue (principle site access) is not yet adopted or constructed to adoptable standards.
- It is illegal for doors to open outward over the highway. Bin store doors, when opened, would block the footpath.

- Waste collection is impractical. There is limited space for operatives to manoeuvre bins from some of the stores and to the waste collection vehicle (due to proximity to car parking spaces). There are multiple collection points (around 20) which will affect the efficiency of waste collection services.
- Limited parking facilities for delivery vehicles and visitors. Car parking provision is at 87% overall.
- No disabled parking spaces are identified on plan. Where parallel to the road recommended these are 6.5m in length (6m being the recommended minimum length for a standard space). Due to the tight geometry of the road there is limited provision to accommodate such.

3.9 Vehicular trip generation - based on TRICs data is broadly in line with expected levels for this type of site and location. Approx. 40 additional two-way movements to and from the site during peak times as a result of the development are estimated. This level of trip generation is not estimated to have a significant impact on the surrounding highway network.

3.10 Car parking - Taking account of the location of the development, the size of the proposed dwellings, and the lack of suitable public transport options, the Highway Authority is concerned that the development will result in overspill parking within the site (to unsuitable locations) and onto local roads, where there are already significant issues with verge and footway parking. A contribution is therefore required to enable the highway authority to manage this risk

3.11 Requested measures to promote sustainable travel –

- Bus shelter and stop upgrade on Bad Bargain Lane for outbound stop is required as this is where people using service 11 have to wait to go towards the city centre (loop)
- Car club vehicle parking space on site to be provided
- Investigation and improvement of access adjacent to Tang Hall Library (Fifth Avenue) connecting to off road cycle route towards city centre (Sustrans 658)
- Sustainable travel incentives for residents: £400/unit for bus or cycle vouchers and £200/unit for car club incentives.

3.12 Construction management a method statement - can be conditioned to include: Construction traffic routes / Contractor parking / Arrangements for deliveries and loading / Dilapidation survey.

Public Protection

Land contamination

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3.13 Further investigation is required to determine whether remediation is required. The site investigation issued provides details of the remediation works required for the site however it does not provide a full set of ground gas monitoring results.

Electric vehicles

3.13 City of York Council's draft Low Emissions Planning Guidance recommends 5% active and 5% passive provision. This equates to 8 spaces overall. 6 points are proposed within the scheme. Further passive provision requested. Officers should also agree the management, maintenance, servicing and access/payment arrangements for Electric Vehicle Recharging Points for a minimum period of 10 years.

Noise

3.14 Dwellings would be close to the community hub and commercial / recreation uses, so dwellings need to be constructed to achieve adequate internal noise levels. Construction management

3.15 Condition required, to cover construction working hours, noise, vibration, dust, lighting.

EXTERNAL

Foss Drainage Board

3.16 The applicant is proposing to connect into the new surface water mains sewer which is part of the Burnholme Community Hub and Explore Library. This eventually discharges into the part of Old Foss Beck / Tang Hall Beck which is maintained by the Environment Agency (not the Board). Accordingly, the Board has no comments to make on the proposal.

Yorkshire Water

3.17 As the proposal site is currently undeveloped, no positive surface water is known to have previously discharged to the public sewer network. Surface water discharge to the existing public sewer network is only permitted when it has been evidenced more sustainable methods are unsuitable. Although assumptions (and historic borehole logs) suggest the sub-soil conditions will not support the use of soakaways, Yorkshire Water could require evidence to prove that this is the case, before a discharge to the public sewer network is granted.

3.18 Ask for separate foul and surface water discharge

Police Architectural Liaison Officer

3.19 Consider that the community and stakeholder engagement by the applicants prior to the submission of this planning application has been exemplary and is reflected in this planning application. From a crime prevention through environmental design perspective, the scheme is very good. The design and layout is commended.

4.0 Representations

4.1 There have been 16 public representations. Re-consultation was undertaken following receipt of revised plans in December 2020, which, of note, changed house types within the terrace adjacent 27 Burnholme Grove.

4.2 Comments made are as follows –

Impact on the locality

- Servicing strategy - questioned whether the site can be serviced and whether the access is suitable.
- Surrounding roads are already unsafe and in poor condition (in particular Bad Bargain Lane). They don't have capacity for more housing. Facilities for pedestrians in the locality need improvement. Signalled pedestrian crossings, on Bad Bargain Lane, particularly adjacent to the Burnholme development, and additionally at the junction with Tang Hall Lane are essential to safe movement of cyclists and pedestrians journeying to and from the city centre.
- The site is not as close to local facilities, and bus services are not as frequent, as suggested within the application.
- The amount of development is excessive for the site and the local area does not have the services, amenities and road network to accommodate such.
- Schools at / overcapacity already therefore could not accommodate further development.
- Welcome introduction of landscaped walking routes; ideally these would perambulate the entire site.
- Lack of meaningful public engagement and consultation. Concerns not addressed.

Ecology

- Loss of hedgerows along the west boundary unacceptable. (Note plans have since been amended, moving houses away from the hedge. The scheme includes retention of the hedge in this area).
- Impact on ecology though development of the field

Impact on neighbour's amenity

- Penyghent Avenue – neighbours have objected to the proximity of houses to the boundary and their proposed height (which is 3-storey in places). The development would lead to a loss of light / be over-bearing / loss of outlook / loss of privacy.
- Residents at Burnholme Grove advised the revised plans were an improvement in respect of impact on amenity as the houses (terrace 3) were reduced to single storey. They had objected to the initial scheme for 2-storey houses adjacent the boundary.
- Construction – disturbance

5.0 Appraisal

Key Issues

- Loss of Playing field
- Principle of the proposed development
- Housing type and tenure
- Design
- Neighbours amenity
- Highway Network Management
- Open Space
- Ecology
- Drainage
- Education
- Public Protection

Loss of playing field

5.1 In consideration of the Sport England objections officer's advice is as follows -

5.2 NPPF paragraph 98 states access to high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 99 relates to existing open space, sports and recreational buildings and land, including playing fields. It sets out exceptions to when such land can be re-developed, which are as follows –

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

5.3 The playing pitch where the housing is proposed has not been used following closure of the school in 2014. Consent to dispose of the playing field land under Section 77 of the School Standards and Framework Act (S77) was obtained from the Secretary of State. The Council has deemed the land surplus to requirements, as open space / playing field and invested in alternative provision. The land is allocated for housing in the Publication Draft Local Plan and the Council has re-invested in other facilities around the community hub following closure of the school. The understanding from Sport and Leisure is that the site will, in due course, be omitted from the Playing Pitch Strategy (which is currently under preparation). However it is acknowledged that there is no complete Council Playing Pitch Strategy at this time which demonstrates such, as required by Sport England.

5.4 Following closure of the school, a masterplan for re-use of the site was devised by the Council which included the new community hub, library and enhanced sports facilities. The receipts generated from the site-wide masterplan cross-funded major improvements to the existing playing fields to the east, as well as the adjoining sports centre and changing rooms. These improvements included a new drainage system to the playing fields, which has made them significantly more usable.

5.5 The second area of playing field lies to the immediate east of the proposed housing. Exception criteria c from NPPF paragraph 99 applies to this land. The land is identified as associated with education and forming playing fields on the Publication Draft Local Plan proposals map. On this land there is a footpath leading south and connecting into the Derwenthorpe housing. The land by the footpath is

fenced off from the marked out sports pitches further east within the field (to prevent dog fouling on the pitches).

5.6 The land between the field boundary hedge and fenced enclosure to the sports pitches is included within the application site because the Council's intention is to improve its amenity value; its function will remain as public open space for recreation. It will include informal play space for children, outdoor fitness and exercise equipment for all and tree planting. The trees will add biodiversity value but also (along with seating) provide a natural refuge area for spectators and others. The use of this land will remain consistent with the open space and recreation policy within the NPPF, as set out in paragraphs 98 and 99.

Noise and ball strike

5.7 Condition 14 requires the proposed dwellings to achieve adequate noise levels. Further it is noted the houses will be to Passivhaus standards, which requires very high levels of insulation.

5.8 In terms of ball strikes, under current arrangements a combination of the pitch orientation, the distance between pitches and the proposed houses and the presence of enclosures to the existing facilities and intervening mature hedge are considered adequate. It is not considered necessary to add substantial netting in case the pitch were used for cricket in future.

Other key issues (as reported to committee previously)

Principle of the proposed development

5.9 In principle, the presumption in favour of sustainable development, as set out in NPPF paragraph 11, applies in determining the application. This means permission should be granted unless policies within the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken

Housing type and tenure

5.10 The scheme proposes 83 dwellings and in accordance with the aspirations of the Council's Housing Delivery programme around 40% of these would be affordable (at least 16 Social Rent and 16 for Shared Ownership is anticipated). The local planning policy target for affordable at this site, which will be secured through the planning process, is 30% based on policy H10: Affordable Housing. This would equate to 25 homes - 20 for social rent and 5 for discount sale.

5.11 The housing is predominantly 2 and 3 bedroom sized (57 of the 83 proposed, with the 5 self-build homes to be defined at detailed design stage). The accommodation mix is appropriate, considering local need. In this respect Draft Local Plan 2018 policy H3 states that the Council will seek to balance the housing market across the plan period and work towards a mix of housing identified in the Strategic Housing Market Assessment (SHMA). 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 Strategic Housing Market Needs Assessment 2016 addendum estimates that housing need between 2012-32 for market housing is predominantly 2 and 3 bedroom houses. For affordable housing most need is for 1 and 2 bedroom houses.

5.12 The NPPF promotes effective use of land and discourages developing at unduly low densities (paragraphs 124 and 125). The proposed density is 48 dwellings per hectare (DPH) and the scheme involves a reasonable amount of public open space and amenity space. The density is reasonable, sitting between the guideline densities in Local Plan policy H2 50 DPH in the urban area, 40 DPH for suburban areas.

Design

5.13 NPPF paragraph 130 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.

5.14 The scheme achieves the aspirations of the NPPF in terms of design; it will be distinctive, informed by its place-making and Passivhaus principles. The layout provides good connectivity north - south, with improved pedestrian and cycle access between houses and amenities. It has been designed so public open spaces and amenity are integral to the scheme and the layout adopts Secure by Design principles, in particular with good surveillance of the public realm and the secure residents amenity spaces provided between terraces. The public realm follows the

principles established within the National Design Guide; it is designed to encourage activity and recreation, and for people to walk and cycle rather than depend upon cars. All apartments have their own front doors and benefit from multiple outlook.

Sustainable design and construction

5.15 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 Publication Draft Local Plan policies CC1 and CC2. These require a 28% enhancement over Building Regulations overall, secured through energy efficiency and low/zero carbon / renewables.

5.16 This development aims to achieve Passivhaus certification, which will significantly exceed local policy requirements. The buildings are proposed to incorporate efficient building fabric, therefore reducing heating requirements overall, and the use of the following low/zero carbon technology - PV panels, air-sourced heat pumps and MVHR (mechanical ventilation and heat recovery).

Neighbours amenity

5.17 NPPF paragraph 130 advises planning should ensure a high standard of amenity for existing residents. The site is presently open, predominantly undeveloped. As such residential development, as allocated in the Publication Draft Local Plan, will affect outlook from surrounding homes and their gardens. However due to the proposed layout and building scale/design a reasonable level of amenity, for a suburban setting such as this will be maintained.

Impact on 27 Burnholme Grove

5.18 Terrace 3 proposed would be to the south of no.27. The house at no.27 is positioned close to the south boundary (around 4.5 m away). It has a substantial sized garden to its western side. Terrace 3 has been re-designed since the application was first made, so it would not be over-dominant over the neighbour and nor would there be an undue loss of outlook. There are 2 fewer houses proposed now within the terrace; it has been shortened so there would be views from the upper floor of no.27 beyond. The buildings are reduced in massing also, to single storey. There would be no overlooking issues and, in applying Building Research Establishment (BRE) guidelines, no adverse effect on daylighting.

Impact on Penyghent Avenue

5.19 The terraces on the western side of the site are spaced away from the side boundary, with the hedgerow at the boundary shown as retained. Terrace 6 was moved further from the boundary (now 1.7m away) and outside of the root protection area of the hedge in the revised plans issued in January. Side elevations of houses would look towards the rear of houses on Penyghent Avenue. The terraces are either single or two storey, stepping up to three storey further away from the boundary. The side elevations of the two taller terraces are over 21m from neighbouring buildings, which is adequate separation to maintain reasonable amenity. The orientation of the terraces (perpendicular to existing houses) also helps maintain an open aspect from neighbouring houses. Terrace 12 is closer to the adjoining house; around 19m. Terrace 12 would be single storey; the development would therefore not be over-dominant and would not lead to overlooking.

Impact on Darnbrook Walk

5.20 Terrace 12 is to the north of Darnbrook Walk. The terrace is single storey. As such and due to the orientation (i.e. to the north) it raises no amenity issues.

Highway Network Management

5.21 The NPPF states that in assessing applications it should be ensured:

- 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. Paragraph 111 requires an assessment of impacts on the network, when development will generate significant amounts of movement.

5.22 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.

5.23 Relevant sustainable communities principles within local policy D3 for new development are as follows –

- 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.

5.24 The comments of the Council's highways network management team are acknowledged and have been considered in full.

Safe and promotion of sustainable travel

5.25 The scheme promotes sustainable travel in that the streets and spaces within the site are designed to function as highway (enabling servicing via a vehicular loop around the housing), but have a landscaped character that prioritises pedestrian movement, creating an environment with low traffic speeds and restricted car access where practical. Spaces around the buildings will therefore have the feel of public realm and promote recreation.

5.26 Whilst there is a single vehicle access from Mossdale Avenue to the north, to encourage pedestrian and cyclist trips, there is wider connectivity with direct links to Darnbrook Walk to the south and into the public path to the eastern side of the site, connecting Derwenthorpe and the community hub and Applefields School. The site is within walking distance from multiple bus routes linking the site to nearby local centres and the city centre.

5.27 For electric vehicles there will be 4 exclusive car parking spaces on-site. There is further provision already at the community hub, which would be available for residents to use. To meet current local expectations for at least 5% active / 5% passive provision, (to be secured through condition) the intent is future provision (4 spaces) can be accommodated at the community hub car park; thus enabling wider community use. External sockets are proposed at houses so electric bikes could be charged.

5.28 The arrangements for car parking are that residents will have to apply for permits to be allowed to use a space. There would be 74 spaces on site and 83 dwellings (89% provision). Blue badge holders would have priority (there are 11 M4 (wheelchair accessible) homes proposed) and a space for a car club vehicle.

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5.29 For cycles there are a mix of storage spaces proposed, including in-curtilage and larger communal stores. All homes have access to at least 2 covered and secure cycle storage spaces.

5.30 Bin stores – the doors to the stores would open out over the footpath. At three points, with doors open, the clear footpath width would be between 1.3m to 1.6m. Recommended footpath width is 2m. The doors would be self-closing. At the times when residents were putting out waste, or at the time of collection, the footpath would be required for this activity. Given the frequency (and duration) there would be conflict, there would be limited disruption and inconvenience. It is important to note the streets are to be designed as shared spaces, with pedestrian priority, and to be used for recreation, as promoted in the National Design Guide. The functionality of the footpath would not be compromised because it provides access to the bin stores and there would not be an unacceptable impact on highway safety. As such this issue does not provide a reason to refuse the application. The Highways Act 1980 prohibits the construction of any doors or gates on a premises opening outward onto a street and therefore, if necessary, these areas would not become adopted highway.

Impact on the network

5.31 The site is allocated for housing in the Publication Draft Local Plan, and located in the urban area. The measures within the Travel Plan are intended to address concerns that the development could lead to car parking off site causing local tension, given the 74 car spaces and 83 dwellings proposed. The scheme promotes sustainable means of travel, by limiting car parking spaces, promoting car share, cycling and walking, the latter two by facilitating and connecting to off-road pedestrian and cycle routes and providing facilities for cargo and electric bikes. It is served by public transport. Sustainable living is a key principle of the housing delivery programme. The houses will be marketed to this effect, and through the Travel Plan, residents will continuously be informed of these aspirations and encouraged to benefit from sustainable travel. Car parking will be allocated to residents annually. The scheme is compliant with NPPF policy on promoting sustainable development and the principles that underpin the overall local plan, as set out in policy DP2.

5.32 Trip rates have been estimated using industry standard techniques. A maximum number of vehicle trips, as a consequence of the development, would be 40 (per hour) at peak times. This is not a level of impact that would have a severe impact on the network; no off-site mitigation is required in this respect.

Open Space

5.33 The NPPF advises that planning decision should aim to create healthy and inclusive places. Paragraph 98 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'.

5.34 Local 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'.

5.35 There is no sport provision on-site as such. The site is adjacent playing fields, the community hub, sports halls and multi-use games area. In accordance with policy and supplementary guidance the off-site contribution towards sports would be £45,795.

5.36 The scheme will have a high quality landscaped setting. In addition to the provision of a central public open space, the scheme includes the following character areas -

- Communal snickets between terraces will be gated and able to provide areas where children can play. These areas can also facilitate allotments subject to future demand.
- Streets between terraces 3, 6, 9, 12 will be car free landscaped areas.
- Natural play trail to be provided on the eastern side of the site where the public footpath runs south to St Aelred's Mews

5.37 Considering local standards there is adequate provision, in area and type of amenity space and children's play provided for within the development.

Ecology

5.38 NPPF paragraph 174 states decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

5.39 There are a group of self-sown trees in the southwest corner of the site; typically birch and willow trees and a section of hedgerow along the northern boundary of the former playing fields. These areas of vegetation would be cleared to facilitate development. The hedgerow around the former playing fields on the eastern and western sides of the site and at the boundary with Burnholme Grove would be retained. To compensate for the loss of trees and hedgerows, there will be replacement planting of both, in particular at the south boundary of the site and

alongside the pedestrian / cycle route to the east of the proposed housing and St Aelred's School. The proposal includes planting of 210 new trees, including 87 fruit trees. Some 80m of hedgerow would be lost but here will also be planting of 285m in replacement. Given the above it is considered that any ecology impact will be mitigated against.

Drainage

5.40 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.

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

5.42 The drainage approach for the site is policy compliant and follows the approved strategy for the wider site. There is no watercourse to directly connect into and site investigations confirm soakaway is not a suitable option therefore connection into the existing drainage, at a rate that is 70% of the existing, is the preferred approach. The run-off rate has been approved. The drainage connection will be into the drainage under the access road to the north. Surface water and foul drainage would be separate. The drainage scheme features swales where spatially possible, in open spaces and at the south end of the site, to provide water storage and provide ecological value. The site-specific details and future maintenance responsibilities will be dealt with through condition.

Education

5.43 NPPF paragraph 95 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.

5.44 As local schools do not currently have capacity contributions towards further school places at all levels within the catchment area have been requested.

Public Protection

5.45 NPPF paragraph 183 states planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. The site will be subject to thorough site investigation (including gas monitoring) to inform any required site remediation, secured through condition, along with implementation and validation of such.

5.46 NPPF paragraph 185 states planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes consideration specifically of noise and light pollution.

5.47 In paragraph 187 it advises decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

5.48 The site has been identified by the Council for mixed use development, including residential. The community hub includes a sports centre and outdoor sport pitch (MUGA) in addition to the community hub. These uses will co-exist with the surrounding area, which is residential and the care home under development to the immediate north. A condition will require a noise assessment to demonstrate that noise levels in the proposed houses will be acceptable, in accordance with best practice (British Standards and World Health Organization).

5.49 NPPF paragraph 186 states decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

5.50 In accordance with NPPF policy regarding air quality, the proposed development promotes sustainable travel, it will provide for electric vehicle car use and promote car share / walking and cycling. These aspirations will be secured through implementation of the scheme itself (delivering facilities and new and enhanced green infrastructure, in the form of connectivity and routes for pedestrians and cyclists only) and through implementation of the travel plan over a 5 year period.

Conclusion

6.1 The scheme does not conflict with NPPF or Publication Draft Local Plan policy in terms of open space and recreation, including playing fields. In considering the development against the criteria in NPPF paragraph 99, the proposals are NPPF compliant. The part of the site to be developed for housing has been deemed surplus to requirements by the council; the site has been allocated for residential development in the Publication Draft Local Plan and there has been investment in new and improved facilities at the Community Hub and the playing fields to the east.

6.2 The second parcel of land to the east (in the neighbouring field) will not be built on. It will be enhanced so it can accommodate wider public recreational use. The proposals continue to allow this parcel of land to be classed as public open space and to be used for recreation. The proposals do not conflict with NPPF policy for open space and recreation, specifically as set out in paragraphs 98 and 99, nor is there conflict with Publication Draft Local Plan policy GI5 which regards the protection of open space and playing fields.

6.3 There have been no other changes in respect of other material considerations regarding the application since the April Planning Committee that affect the recommendation of approval of the application subject to the recommended conditions.

6.4 Conditions will deal with technical matters and secure the following developer contributions (which each pass the test of being necessary, directly related to the development and fairly and reasonably related in scale and kind) –

- Affordable housing – minimum 30% / 25 dwellings
- Education – funding for 19 primary spaces / 11 secondary / 10 early years
- Sports provision off-site - £45,795
- Sustainable travel measures
- Off site highway works – measures to safeguard against risks arising from overspill parking and improvements to the Bad Bargain Lane bus stop

6.5 Approval is recommended; the presumption in favour of sustainable development, as set out in the NPPF applies in determining this application, this means that the development should be approved unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole”.

6.6 The scheme in particular accords with the social objective of the NPPF – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and

future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. The use of conditions will ensure the scheme is compliant with the economic, environmental and social objectives of the NPPF and its policies.

Recommendation: Delegate authority to the Head of Development Services to refer the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 and, subject to him not directing refusal of the application, to approve the application subject to the following conditions:

1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (England) Order 2015.

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

Location Plan 288 B (00) 000 P4

Tree Assessment Plan (Quants) drawing 1255 rev 4

Landscaping plans

Urbed drawings

1116_URBED-Z0-ZZ-DR-L P1 - Hardscaping, Landscape and tree planting plans
Associated plant schedule dated 24/9/20

Proposed site plan 288B (00) 001 P4

Proposed roof plan 288B (00) 002 P4

Terraces site plans

288 (00) 100, 101, 102, 103, 104, 105,106, q07, 108, 109, 110, all revision P3

288 (00) 111 revision P4

Terraces elevations

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288 (00) 200 - 206 - revision P3
288 (00) 207 - revision P4
288 (00) 208 - 211 - revision P3
288 (00) 208 - 212 - revision P4

Site wide plans and sections

288 (00) 220 P3, 300 P3

Typical details

ASHP stores - 288B (80) 002 P1
Cycle storage - (80) - 001 P2, 010 P1, 005 P2, 006 P2, 011 P1, 012 P1 - typical details for internal storage 33 - 402 - 404
Bin storage - 288 (80) 007 and 008
Sniket entrances - 288B (80) 003 and 004
Gardens - 288B (80) 009

House types (all 288B drawings) - all revision P2

A - 00 001, 00 002
B - 00 001, 00 002
C1 - 00 001, 00 002
C2 - 00 001, 00 002
D - 00 001, 00 002
E - 00 001, 00 002
F - 00 001, 00 002
G - 00 001, 00 002
H - 00 001, 00 002
I - 00 001, 00 002

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 submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period.

The plan shall include: -

- Vehicle parking arrangements for site operatives and visitors.
- Means of access control, and measures to prevent construction/delivery vehicles parking/blocking the highway.

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- Details of measures to keep the highway clean - wheel washing facilities for the cleaning of wheels of vehicles leaving the site, including location and type.
- 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.
- Air Quality - The air quality impacts associated with construction vehicles and non-road mobile machinery (NRMM) and the proposed mitigation measures, commensurate with the identified risk.
- Noise - Details on types of machinery to be used, noise mitigation, any monitoring and compliance with relevant standards. Hours of working.
- Vibration - Details on any activities that may result in excessive vibration, e.g. piling, and details of monitoring and mitigation to be implemented.
- Lighting - Details on artificial lighting and measures to minimise impact, such as restrictions in hours of operation, and the location and angling of lighting.
- 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
- Dilapidation survey - Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Delivery times - During construction, deliveries to and from site shall only take place within the following hours -

Monday to Friday 09:30 to 15:00

Saturday 09:00 to 13:00 only

Not at all on Sundays and bank holidays

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. The specified delivery times are in the interests of highway safety, in particular with regards to trips associated with local schools.

4 Tree / hedgerow Protection

Trees and hedgerows shall be protected during all construction works, as shown on the Quants Tree Assessment Plan drawing 1255 revision 4, with measures in accordance with BS: 5837: Trees in relation to construction.

Prior to commencement of development an Arboricultural Method Statement detailing protection measures for the existing trees and hedgerows, shown as being retained, shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details of means of installing utilities.

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: In the interests of good design and biodiversity, in accordance with NPPF sections 12 and 15.

- 5 LC1 Land contamination - Site investigation
- 6 LC2 Land contamination - remediation scheme
- 7 LC3 Land contamination - remedial works
- 8 Drainage

Prior to commencement of development, details of the proposed means of foul and surface water drainage, as shown on Civic drawing 1169-03-CIV-XX-ZZ-DR-D-1001 P07, including details of any balancing works and off site works, shall be submitted to and approved by the Local Planning Authority. The information shall include site-specific details of:

- Site specific details of the flow control manhole and the means by which the surface water discharge rate shall be restricted to a maximum rate of 3.5 litres per second.
- Site specific details of the attenuation tank 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.
- Site specific details of the 300mm and 500mm swales
- The full storage volume calculations for the surface water attenuation above.
- Details of future maintenance and responsibilities for implementation.
- A topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

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

Reason: In order to avoid increased flood risk elsewhere in accordance with Publication Draft Local Plan policy ENV4 and NPPF section 14. This condition requires approval of details prior to commencement as it relates to infrastructure that would be installed during one of the initial phases of the development.

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9 Self Build

Prior to the commencement of building works of terrace 5 (self-build housing) reserved matters applications with fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Appearance
- Landscaping
- Layout
- Scale

The terrace shall also be provided with services (access to a public highway and connections for electricity, water and waste water) to the extent that it can be defined as a serviced plot of land, as defined in the The Self-build and Custom Housebuilding Regulations 2016.

All applications for approval of reserved matters for the self-build dwellings shall be in accordance with the approved 'draft design code v4' submitted with the outline application. Development shall be carried out in accordance with the approved details.

The development of the 5no. self-build dwellings hereby approved shall not be carried out unless as 'self-build or custom-build' development as defined in the Glossary in Annex 2 of the National Planning Policy Framework (February 2019) or any subsequent replacement document.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006 and in the interests of local housing need.

10 Affordable Housing

No development shall commence unless and until a scheme for affordable housing provision as part of the development has been submitted to and approved in writing by the Local Planning 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 affordable housing shall meet the definition of affordable housing in the Glossary in Annex 2 of the National Planning Policy Framework (February 2019) or any subsequent replacement document.

The scheme shall include the provision of at least 21 affordable homes on site and shall include:

- The number, type / tenure and location of the affordable housing.
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing.
- The arrangements for the transfer of the affordable housing to a Council approved registered housing provider or the management of the affordable housing (if no registered housing provider is involved);
- 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 criteria shall be enforced.

The affordable housing shall be permanently retained thereafter in accordance with the approved scheme.

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

11 Education

No development shall commence unless and until a scheme to ensure the provision of adequate additional pre-school, primary and secondary school 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 95, 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 as shown in the table below. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated June 2019.

Primary - Hempland / other schools in area PPA8 - 18 places - £341,568
Secondary - Archbishop Holgate - 11 places - £287,386

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Pre-school - Within 1.5km radius - 10 places - £170,784

12 Amenity Space - Sport

No development shall commence unless and until details of provision for off-site sports facilities or alternative arrangements have been 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 sport. The obligation should provide for a financial contribution calculated at £45,795.

13 Off site car parking

No development shall commence unless and until a scheme to safeguard against the risk of highway safety issues arising from overspill parking provision has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and occupied in accordance with the approved scheme.

Reason: In the interests of promoting sustainable travel and highway safety, and due to the low provision of car parking on site.

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 highway management. The obligation should provide for a financial contribution calculated at £15,000. This procedure shall be undertaken in consultation with local ward members.

14 Noise

Prior to the construction of the dwellings hereby permitted a detailed scheme of noise insulation measures for protecting the approved dwellings from externally

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generated noise shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with NPPF paragraph 185.

INFORMATIVE: The building envelope of all residential accommodation should achieve internal noise levels in habitable rooms, as follows -

- Day-time (07:00-23:00 hrs - no greater than 35 dB LAeq (16 hour)
- Night (23:00-07:00 hours) - 30 dB LAeq (8 hour) and 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).

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

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 -

Manufacturer's details and colour finish of render.

Sample panels 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.

Reason: In the interests of visual amenity and local distinctiveness, in accordance with paragraph 130 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.

- Entrance canopies
- Windows and their surrounds
- Eaves

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Reason: In the interests of visual amenity and local distinctiveness, in accordance with paragraph 130 of the NPPF.

17 Ecology

Any tree or hedgerow removal on-site shall be undertaken in accordance with the recommendations in section 4.2 of the Quants Bat Surveys and Hedgerow Regulations Survey dated October 2020.

The dwellings hereby permitted shall incorporate habitat facilities, in accordance with the Ecology Strategy in 4.6 of the Landscape Statement dated 24/9/2020.

The proposed hedgerow on the south boundary of the site shall be installed within the next planting season, at the latest, following removal of hedgerow H3 (as identified in the Quants Arboricultural Impact Assessment).

Reason: To minimise the impacts on and to provide net gains for biodiversity, in accordance with NPPF paragraph 174 and to ensure the favourable conservation status of a European Protected Species can be maintained through retaining bat roosting features on site.

18 Main access

Prior to first occupation of the development hereby permitted the means of vehicular, cyclist and pedestrian access into the site from Bad Bargain Lane shall be submitted to the Local Planning Authority for approval in writing and the scheme carried out in and completed in accordance with the approved details. This access shall thereafter be retained for access purposes only for the lifetime of the development.

Reason: To ensure that the primary access into the site is provided for and is acceptable in highway terms.

19 Adoptable highway

The development shall not be occupied until there has been submitted to, and approved in writing by the Local Planning Authority, a detailed scheme which identifies areas to be adopted highway and standard construction details for the relevant areas (section drawings to include base course and surfacing materials). The scheme shall be constructed in accordance with the approved details.

Reason: In the interests of good design.

20 New connections

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The pedestrian and cycle connections into the existing route on the east side of the site; to the east of terraces 5, 8, 11 and St Aelred's School, shall be provided in accordance with the approved plans prior to first occupation of the relevant (aforementioned) terraces. The access shall be level or with the shallowest gradient that can reasonably be achieved.

The pedestrian and cycle connections into Darnbrook Walk shall be provided prior to first occupation of the development (unless an alternative phasing arrangement has been approved by the Local Planning Authority). These works shall include a (level or ramped) connection into the footpath along Darnbrook Walk. Details of the scheme shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing. The development shall be carried out in accordance with the approved details.

Reason: In the interests of good design, and to promote sustainable travel, in accordance with NPPF paragraphs 130, 110 and 112.

21 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 soft landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs (following the principles shown on the submitted urbed landscape drawings and landscape strategy).

The hard landscaping shall follow the principles as shown on the approved drawings - Urbed drawings 1116_URBED-Z0-ZZ-DR-L P1 (Hardscaping, Landscape) and the associated landscape strategy. All hard landscaping areas, including highway, shall be installed prior to first occupation.

Alternatively a phasing plan, detailing times at which the landscaping and public open space shall be completed, shall be submitted to the local planning authority for approval.

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

Any trees or hedgerows which, during the lifetime of development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless 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.

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22 Children's play facilities

Prior to first occupation of the dwellings hereby permitted details of children's play equipment, located within public open space and semi-private spaces between terraces (to include location and details of facilities) shall be submitted to and approved in writing by the Local Planning Authority. The details shall explain the timing of installation of each area (relevant to housing). The works shall be carried out in accordance with the approved details prior to first occupation of the development hereby permitted.

Reason: To ensure that there is adequate open and amenity space and to promote health and well-being, in accordance with section 8 of the NPPF.

23 Cycle / bin storage

Prior to first occupation of the dwellings hereby permitted the associated cycle and bin storage shall be provided in accordance with the approved plans and thereafter retained for such use.

The cycle storage shall be provided in accordance with the strategy as shown on drawing 288 (80) 010 P1

The bin store doors (and any other door that open outwards onto and over public footpaths) shall be self-closing.

Reason: In the interests of good design, visual and residential amenity, and to promote sustainable travel in accordance with paragraphs 110 and 130 of the NPPF.

24 External lighting

External lighting within the site shall not exceed the maximum values of light recommended for E3 environmental zones, as set out in the Institute of Lighting Engineers Guidance notes for the reduction of obtrusive light Guidance Note 01/20.

Reason: To avoid undue light pollution, in accordance with NPPF paragraph 185.

25 Electric Vehicles

Prior to first occupation of the development hereby permitted, a scheme for providing electric vehicle charging facilities, for cycles and cars, shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be installed in accordance with the approved details and thereafter retained for the lifetime of the development.

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The scheme shall include the location and type/specification of installations, timeframe for installation, and a management and maintenance strategy regarding the car parking spaces.

There shall be at least four dedicated spaces provided on-site and passive provision for at least four further spaces provided, either on-site or within the car parking area at the community hub to the north.

Reason: To encourage the use of electric vehicles and reduce emissions, in accordance with paragraphs 112 and 174 the NPPF and policy ENV1 of the Publication Draft Local Plan.

26 Car club

Prior to first occupation of the development hereby permitted details of a car club scheme, in accordance with a contract to be entered into by the developer and an approved car club provider, shall be submitted to and approved in writing by the Local Planning Authority. The car club scheme shall comprise -

- The allocation of 1 car club parking space - location to be specified
- Provision of car club membership (to the value of at least £200 per dwelling) for all eligible residents of the development
- Promotion of the scheme
- The phasing at which the scheme will be introduced

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

27 Bad Bargain Lane bus stop

The development hereby permitted shall not come into use until the following off 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 and completed in accordance with the approved plans, or arrangements entered into which ensure the same.

Bus shelter and stop upgrade on Bad Bargain Lane for outbound stop (as this is where people using service 11 have to wait to go towards the city centre (loop))

Reason: In order to promote sustainable travel and given the low provision of car parking on site.

28 Travel Plan

An updated Travel Plan, following the principles and objectives established within the Civic Travel Plan V1.1 dated September 2020, shall be submitted to and approved in writing by the Local Planning Authority for approval prior to first occupation. The approved travel plan shall be implemented upon the commencement of the use hereby approved.

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.

29 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.

30 Removal of permitted development rights

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2 Part 1 (or any Order revoking and re-enacting that Order with or without modification) there shall be no enlargements to any of the dwellings hereby permitted, apart from the self-build plots on terrace 5, that would extend beyond the rear of the original dwellinghouse without the prior written planning permission of the Local Planning Authority.

There shall be no new windows inserted in the west side elevation of terraces 3, 6, 9, 12.

Reason: In the interests of amenity, to ensure adequate outside amenity space for future residents and to prevent an adverse effect on surrounding residents. As such

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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).

31 Darnbrook Walk

The entrance into the site from Darnbrook Walk shall not be used for access/egress by construction vehicles. At all times the entrance shall be for pedestrian and cyclists access only, with provision for emergency access when required.

Reason: In the interests of highway safety.

8.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: sought amended plans to address amenity issues and through the use of planning conditions.

Contact details:

Case Officer: Jonathan Kenyon

Tel No: 01904 551323