

- Photovoltaics to the sports hall roof

1.2 The school is proposing to expand the capacity to 1860 pupils based on 1500 from year 7 to 11 and 360 at sixth form. There would be an increase of 25 full time equivalent employment positions. Officers understand that the school is over-subscribed. The number of registered students for the start of the 2020-21 academic year is 1625. This includes 321 in the Sixth Form. The applicant/agent advise that school's future student growth means it no longer has sufficient general teaching classrooms and this application seeks to address this issue. In conjunction with this, some of the existing accommodation is considered to be at the 'end of its life'.

1.3 The site is within Flood zone 1. To the north and south of the site are residential development. To the west is an area of public amenity green space and further west is also residential development. To the east is residential development and the school sports pitches. The site is currently accessed from Fulfordgate from a junction on Heslington Road.

1.4 During the application process the further information was submitted including: revised drainage strategy, revised ecology assessment, scheme of replacement tree planting; further highways information, and minor clarification to plans.

1.5 The proposed development does not comprise 'Schedule 1' or 'Schedule 2' development (The Town and Country Planning (Environmental Impact Assessment) Regulations 2017) where an Environmental Impact Assessment is required. It is the view of Officers that the proposed site is not within or adjacent to an environmentally sensitive area (as specified in the Regulations) and taking into account the characteristics of the proposed development, the location of the development, and characteristics of the potential impact, the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment is not required.

1.6 RELEVANT PLANNING HISTORY

20/00733/FUL - Erection of temporary 2no. storey mobile unit classroom block – Approved

14/02167/GRG3 - Erection of two storey classroom block and single storey sports block including sports hall and changing rooms – Approved

14/00641/GRG3 - Erection of detached building to house electrical substation – Approved

2.0 POLICY CONTEXT

Application Reference Number: 21/00737/FULM

Item No:

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005:

GP1 Design

GP3 Planning Against Crime

GP4a Sustainability

GP4a Air Quality

GP15a Development and Flood Risk

GP23 Temporary Planning Permission

NE1 Trees, Woodlands and hedgerows

HE10 Archaeology

T5 Traffic and pedestrian Safety

T13a Travel Plans and Contributions

T18 Highways

ED1 Primary and Secondary Education

2.2 The Publication Draft York Local Plan (2018)

ED6 Preschool, Primary and Secondary Education

ED8 Community Access to Sports and Cultural Facilities on Education Sites

D1 Placemaking

D6 Archaeology

D11 Extensions and Alterations to Existing Buildings

GI2 Biodiversity and Access to Nature

GI4 Trees and Hedgerows

CC1 Renewable and Low Carbon Energy Generation and Storage

CC2 Sustainable Design and Construction of New Development

ENV1 Air Quality

ENV2 Managing Environmental Quality

ENV3 Land Contamination

ENV5 Sustainable Drainage

T1 Sustainable Access

T7 Minimising and Accommodating Generated Trips

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No objections, cycle and pedestrian access from Germany Beck will be through a gate next to the new access route for buses. Understanding of the school's plans is that there is no access to the school grounds from Germany Beck apart from school buses (they could decide to revert the one way system in the future) and

Application Reference Number: 21/00737/FULM

Item No:

pedestrians and cyclists. Letting staff come in or out through Germany Beck could potentially be useful as they tend to be before and after school peak times anyway and that would reduce the pressure on Fulford Gate.

3.2 Cycle parking - accept the intention to get in line with LTN 1/20 levels, with provision to be increased through travel plan monitoring.

3.3 Not satisfied with the CEMP for the demolition phase, more details are required.

3.4 Request conditions for Construction and Environmental Management Plan, restriction of access to southern access point; signage; signage provided before first use; Travel Plan; access to Germany Beck provided before development comes into use; detail of connection to Germany Beck to be agreed (detailed design and materials); no gate to open in highway (Germany Beck).

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT)

3.5 All category A and B trees should be retained in a sustainable environment within new development. Whilst it might be desirable and possible to retain category C trees, they should not pose a hindrance to an otherwise agreeable development, provided that the loss of tree cover is suitably mitigated. According to the Arboricultural Impact Assessment (AIA), the following trees would be lost in order to implement the development: 15no. category C trees – mostly Lime; and the following category B trees – Ash T618, Lime T619 and Birch T649.

3.6 The construction of the new roadway would result in the loss of 10no. early-mature Lime trees and 2no. mature Norway Maples. The trees are of a size and location that renders them highly visible within views across the open grassland adjacent to School Lane, from where they make a valuable contribution to the landscape setting of the school, the recreation ground, and the Germany Beck development. The loss of all these trees would result in significant harm to the quality of these views, thus by way of their public amenity value the Lime, and Maples within the school grounds are worthy of a tree preservation order.

3.7 The tree survey places the Maples and the majority of the Lime trees under category C2, presumably because of their limited life expectancy due to their proximity to the fence and possible recent earthworks over their rooting zones. Would like a more detailed explanation as to why these trees are not placed under category B1 (Lime T619 on the southern boundary is placed under B2).

3.8 The proposed footpath between the tennis courts and the southern boundary would result in the removal of a further 3no. trees. These trees are of less

Application Reference Number: 21/00737/FULM

Item No:

significance, but as for other trees along this southern boundary they provide an attractive backdrop to the Germany Beck development and a separation between the school and the new residential properties.

3.9 Given the proposed creation of 43 parking spaces along the northern boundary, which also includes new lighting along the rear kerb – there is a threat of potential tree losses and possibly a loss amenity within the rear gardens of the adjacent properties.

3.10 Scope for immediate replacement planting to mitigate the harm to views and the quality/character of the environment is extremely limited.

3.11 Consideration should be given to applying a living roof on the flat component of the proposed new-build block.

3.12 The proposed tree planting around the perimeter of the school grounds would mitigate the loss of trees as a result of the development and ultimately provide greater tree cover in a sustainable situation. However the additional proposed tree planting does not mitigate the loss to the views and public amenity from the open space to the west of the school as a direct loss of the lime trees, and the lack of space to replant in this location. Replacement tree planting should be set further away from the boundary to prevent future conflict with properties within the Germany Beck development and for maintenance and habitat creation. The above detail could be provide under a landscape condition.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGIST)

3.13 A sensitive lighting scheme should be produced and submitted to the local planning authority for approval prior to any new lighting being installed on site. It is recommended that the applicant works with an ecological consultant to ensure an appropriate scheme can be provided, Request details via condition.

3.14 Section 3.35 of the ecology report, the site offers potential for nesting birds within the surrounding trees and hedgerows. In addition, the building may also provide nesting opportunities. Precaution methods will therefore need to be undertaken to ensure active nests are not destroyed during vegetation clearance or building works.

3.15 Recommendations for ecological enhancements have been made within the ecology report (section 5.4 Habitat Enhancement and Creation). These recommendations should be adhered to through conditions. It would be preferable if integrate bird and/or bat boxes could be provided within the fabric of the new buildings, alongside more traditional tree boxes.

Application Reference Number: 21/00737/FULM

Item No:

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.16 Fulford School is situated in a landscape which has produced extensive late prehistoric- Romano-British use including occupation. An archaeological watching brief took place during electrical supply installation in 2014 which did not produce any archaeological evidence – unsurprisingly as it was within the ground of the developed school. An evaluation in 1999 prior to construction of a sports hall did produce similar evidence to that noted around Germany Beck – gullies, ditches and flints hinting at pre-Roman land use.

3.17 The area of the proposed new build is partially covered by an existing building. This will have removed any archaeological resource which existed within its footprint as the features that survive in this area exist as cut features within the subsoil. It is difficult to tell what impact the temporary buildings may have had on any archaeological resource – there may be some archaeological features surviving beneath them and in the non-developed areas outside the currently developed footprint. An archaeological watching brief should take place during the construction of the new build and in any other areas where works are required on non-disturbed land. Would also like to encourage an element of engagement with the school community such as a talk by the archaeologists to pupils about the landscape the school sits within.

LEAD LOCAL FLOOD AUTHORITY

3.18 Comments on the revised drainage scheme to be reported at the committee meeting.

PUBLIC PROTECTION

3.19 The proposed alterations to the school may introduce new noise sources to the area e.g. noise from plant room, noise during construction, noise from the new entrance road having an impact on residential receptors, noise from the use of the classrooms for drama. Request conditions for details of machinery, plant etc which are audible outside of the premises.

3.20 As there are residential properties close to the proposed site recommend that controls are put in place to minimise noise, vibration and dust during demolition and construction. Request condition for Construction Environmental Management Plan.

3.21 The proposed site for the extension to the school is located close to residential premises therefore the lighting from the development should be considered in terms

Application Reference Number: 21/00737/FULM

Item No:

of lighting spillage. The applicant has provided a lighting layout plan however this does not provide lighting lux levels at the nearest residential premises. Therefore the following condition is recommended: details of lighting.

3.22 In line with paragraph 110 of the NPPF, developments should be designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. City of York Council's Low Emissions Supplementary Planning Guidance requires a minimum of 5% of all car parking spaces to be provided with electric vehicle charge points (active provision). An additional 5% (minimum) of car parking spaces should have the potential to be easily upgraded with electric vehicle charge points in the future (passive provision). Based on 168 car parking spaces, a minimum of 9 active EV charge points should be installed prior to occupation of the development. An additional 9 parking bays should have the potential to be easily upgraded with electric vehicle charge points in the future. This will require consideration of future power requirements for such points and any necessary cabling and groundwork to be installed from the outset. Spaces should be for the exclusive use of low emission vehicles.

3.23 The applicant has submitted a GRM Phase 1 site appraisal of the development site ref P9623 dated March 2021. This assessment is acceptable and the conclusions include the need for a site investigation. Therefore request condition for the submission of an investigation and risk assessment; submission of remediation scheme; submission of verification report; reporting of unexpected contamination.

3.24 The demolition plan provides good control measures during demolition however there is a need to also provide more details on the construction noise and dust mitigation. Therefore would still recommend the CEMP condition to be added to any approval.

EDUCATIONAL PLANNING OFFICER

3.25 No comments received.

EXTERNAL CONSULTATIONS

FULFORD PARISH COUNCIL

3.26 Object, in 2015 planning permission was granted for a new classroom block, a large sports hall, and additional parking spaces and for the relocation of existing tennis courts to the south of the site (14/02167/GRG3). Significant objections were raised at that time that the relocation of the tennis courts to the south of the site would prevent the provision of an access route to the Germany Beck development

that would be wide enough to accommodate the anticipated bus usage, together with the loss of boundary trees. Concerns not heeded.

3.27 No formal pre-application consultation for local residents was undertaken. Following the submission of the application a limited consultation event took place. Whilst appreciated does not compare to a consultation carried out at a stage when proposals are at a formative stage and can still be changed.

3.28 The additional plans submitted on 04.05.2021 fail to illustrate the new Germany Beck dwellings located closest to the southern boundary of the school. This omission has the potential to mislead the viewer.

3.29 Eastern section of Eastward Avenue will result in a loss of outlook, due to the height and location of the two storey extension. Will also be affected by the intrusion and disturbance of use of parking spaces adjacent to northern boundary. Loss of the buffer that currently exists between the car park and garden boundaries, which was presumably intended to lessen the disturbance to residents. The relocation of these spaces also has the potential to affect the boundary trees due to development within their RPAs.

3.30 The new buildings are concentrated at the eastern periphery of the site where the land adjoins the open playing fields and where they are most visible to local residents, making the proposal very disappointing. There are single storey buildings in more central parts of the site that could be converted to two or three storeys with less impact on adjacent neighbours and the general environment.

3.31 The residents of Fulfordgate will derive some relief from the current situation due to the proposed 'one-way' route for buses but this fails to fully deliver on the assurances made over many years that the new access route from Germany Beck would provide the principal two-way access for the majority of school traffic, including buses, cars and visitors to the sports hall. The residents are unhappy with the minimal benefits now being proposed and are concerned that traffic congestion will continue to worsen along Fulfordgate, Heslington Lane and adjoining streets as a direct result of another expansion of the school.

3.32 The residents of Germany Beck are concerned to discover that there are proposals for school buses to exit the school site through the Germany Beck development. Alleged that prospective purchasers were not made aware of proposals agreed at the time of the outline planning stage. Concerned that parents will drop off children at the pedestrian gates and will need to carry out three point turns in a part of the road without the necessary space and at a point where there will be very heavy usage by pedestrians and cyclists.

3.33 The existing playground area is currently used for parking of buses during arrival and departure times but the application does not clarify why the current arrangements for buses cannot continue. It certainly does not explain the reasons for transforming the new access road into what is effectively a bus parking area thereby precluding usage by other vehicles. The one-way route now proposed is a compromise dictated by the failure to ensure sufficient space for a turning circle and for buses to park within the site rather than along the new access road.

3.34 The Parish Council has suggested that it would be willing to consider the relocation of the four tennis courts onto its adjacent open space land in order to free up additional space but the school has not taken this idea forward.

3.35 The proposed felling of more than twenty trees is unacceptable, there is no provision at all for any replacement tree planting within the scheme. The loss of the mature boundary trees to the west of the tennis courts, which are of significant environmental and amenity value. The trees provide habitat for nesting birds, bats and a multitude of insects at all stages of the life cycle. The trees act to screen views of the sports hall building from the adjacent open space, from the conservation area along School Lane and from Germany Beck dwellings. The committee report for the sports hall application advised that these trees would mitigate the visual impact. If approved, the loss of trees and habitat will require compensation to be provided in order to comply with planning policies. The Parish Council suggests that the school should seek the permission of the adjoining landowner to plant suitably sized replacement trees on the opposite side of the railings to minimize the time required for them to provide a screen for the sports hall.

3.36 Comprehensive bat surveys have been carried out on the buildings to be demolished but there is little or no detail regarding which trees were surveyed or the extent of the survey effort. As such the Extended Phase 1 Habitat Survey' is insufficient.

3.37 The 2014 Travel Plan was last updated in 2015 but no evidence is provided to demonstrate whether any of the anticipated outcomes have been achieved since the previous expansion of the school. The new 2021 Travel Plan fails to establish clear outcomes, timescales and targets as advised in the Guidance.

3.38 The addition of a further 39 parking spaces (perhaps more) is not supported, especially in the locations proposed: (i) Area 1, there would be a total of 65 spaces including 49 additional spaces, which will adversely affect the amenity of neighbours along Eastward Avenue. (ii) Area 2, the 30 proposed spaces will destroy a landscape feature that currently provides some visual relief to the large areas of hardstanding in the area. Such a large amount of additional parking runs directly counter to the aims and objectives of the Travel Plan. Fulford School is in a highly

sustainable location and alternative measures could be explored that would both reduce the parking demand and improve air quality in the vicinity.

3.39 In terms of environmental sustainability, the BREEAM Report shows that the new building could attain a rating of excellence at 73.16%, with excellence being reached at 70%. While this is welcome, a truly flagship building would reach the minimum 85% required for an outstanding rating.

3.40 To minimise any increase of water run-off, the use of permeable paving for all new footpaths and parking areas should be preferred to the proposed tarmac surfaces.

3.41 Request following conditions: Environmental Management Plan; any part of the playing field used for construction traffic or storage shall be restored to its original condition on completion of development; marshal to supervise the entry and exit of buses from both access points; suitable signage shall be erected within the Germany Beck Development and Fulfordgate deterring the drop off and collection of students; and annual travel plan

3.41 The proposals in their current form do not represent sustainable development. The increase in parking provision is unjustified and the school has provided no evidence to show that the anticipated growth of staff and pupils could not be accommodated without the creation of so many additional spaces. The southern access route is too narrow for a double row of buses and the consequent loss of trees, together with the loss of amenity for local residents provide reasons to refuse the application.

POLICE ARCHITECTURAL LIAISON OFFICER

3.42 That safeguarding at the school is not compromised by the proposal to create a second entrance to the site. In relation to designing out crime, a Security Needs Assessment has been carried out and a report submitted as part of the BREEAM process.

YORKSHIRE WATER (comments based on original drainage details)

3.43 Drainage strategy is acceptable. On the Statutory Sewer Map, there is a 300 mm diameter public surface water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. It may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over. In this instance, a stand-off distance of 3 (three) metres is required at each side of the sewer centre-line and it may not be acceptable to raise or lower ground levels over

Application Reference Number: 21/00737/FULM

Item No:

the sewer, nor to restrict access to the manholes on the sewer. A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

3.44 Request following conditions that there shall be separate systems for foul and surface water; and development shall be carried out in accordance with drainage strategy. No building or landscaping features shall be located within 3 metres either side of the public sewer.

OUSE AND DERWENT INTERNAL DRAINAGE BOARD

3.45 Comments on the revised drainage scheme to be reported at the committee meeting.

4.0 REPRESENTATIONS

4.1 YORK CIVIC TRUST

- Object, due to its transport arrangements being unsustainable. The current operation of the school causes significant local traffic disruption (Fulfordgate, Heslington Lane, Main Street). The school's sizeable catchment area adds to this issue, with 53% of the current pupils being bused to school. Given the proposed increase of student numbers by 20%, the traffic issues would be exacerbated. This runs counter to paras.108 b) and 108 c) of the NPPF. The proposed new development in this application will aggravate the local traffic issue.
- The Transport Assessment proposes a new route for access from the south via Porter Avenue ('Option 2a'). This is a much-preferred route, since the roads are purpose-built and the junction with the A19 has much greater capacity; it also reflects the catchment of the school. Civic Trust welcome this alternative route and therefore recommend approval of the application subject to a firm commitment that this access is a required condition.
- If the principle of a one-way traffic flow through the site is to be accepted, request that consideration is given to having the route northbound in the morning and southbound in the afternoon.
- Request that Fulford School only uses bus companies who can provide an electric bus fleet, to mitigate air pollution. Request there is a requirement to fund improved priorities for cyclists at the junction of Fulfordgate and in Heslington Lane; cyclist numbers are currently relatively low, but are likely to be increased through the Council's Local Cycling and Walking Implementation Plan.

- No objection to the design of the new building, and the lift extension. Agree with the CYC Archaeologist's conclusions.

4.2 Thirteen representations of objection (One representation of objection from 32 Residents of the Germany Beck housing development):

- The proposed southern pedestrian / cycling entrance will provide an additional drop off and pick up point within Porter Avenue, School Lane and the other residential roads within Germany Beck and surrounding areas. Resulting in an increase in traffic in these residential streets at the start and end of the school day. Concerned that on Porter Avenue which is a narrow road with few parking areas this will be exacerbated by the southbound exit of a large number of school buses and could lead to congestion and conflict between buses, parents attempting to pick-up children, residents returning / leaving their properties and cyclists leaving or entering the school.
- The travel plan makes no mention of any proposed monitoring of the affected residential areas not makes mention of any proposed mitigation approaches. The travel plan assumes that there will not be any issues associated with parents picking up and dropping off children close to the southern exit. The entrance will promote an increase of vehicle trips to or from the school which seems contrary to the overall aim to increase sustainable travel to and from school. The school has no plan to take ownership of any problem and it will be down to the residents to complain to the local council and resolve. Preferable to have a plan of action in advance to prevent increases in local traffic in addition to the "re-education" of pupils and parents proposed.
- The removal of trees should be supported by firm stated plans to replace the trees including species, locations. These should be equivalent or native species with planned locations in the nearby vicinity and a lifelong maintenance plan.
- The omission of the pedestrian access from the southern access would allow the retention of some 14 trees to the boundary of the school and open recreational space.
- Objector advised previously that if the Germany Beck development went ahead then the school's plans were to close the Fulfordgate vehicle access and put a new vehicle access in from the Germany Beck development. Objector advises that the CYC advice at the 2006 Public Inquiry on Germany Beck put emphasis on removing vehicular trips from Fulfordgate, Heslington Lane, and Main Street – as the bulk of school bus movements originate from south of the city.
- The traffic survey carried out gives a false account as it was carried out during Covid restrictions when traffic was greatly reduced, currently Fulfordgate suffers queuing buses at the start and end of the day. Traffic should enter from

Fulfordgate and exit via Germany Beck, which has roads and traffic light systems better suited for the exit of vehicles.

- There has already been significant expansion to this school, and has resulted in significant vehicular traffic to the school. Has resulted damage to housing structures in Fulfordgate as well as traffic hold ups and safety issues with pupils.
- Issue with staff and student parking in residential areas. This has blocked access to and from residents own parking spaces at their residences.
- Request a Public Inquiry into why the school has been allowed to expand as it is at present without providing sufficient vehicular parking on site. Should also include the lack of consultation with residents.
- Suggestions that the area surrounding the school be made 'Residents Only' parking. There has also been suggestions to use the field gifted to Residents for recreational purposes, should also be opposed the field belongs to residents and is administered by the Parish Council.
- Fails to meet CYC Car parking standards on developments. The proposal creates additional parking on site, but this is only 155 total and not the required 179 car spaces suitable for the increased staff/student numbers. Resulting in parking issues in the surrounding streets
- Fails to comply with para 110 of the NPPF - create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles.
- The application sets out that cycling will be encouraged, concerns of the safety implications together with the pedestrians, buses, on street staff/student parking, and drop-offs. current application fails to separate pedestrians, cyclists and vehicles.
- Contradiction with the Health and Social Care Act 2012. Local authorities now have a statutory responsibility to use their powers and resources across all sectors to improve the health of their population. Local authorities are measured against 68 Public Health Outcome Measures including on air quality, noise, and the need to reduce stress on roads (to encourage cycling, pedestrians).
- Information fails to mention the use of the school at weekends and in the evenings - this brings further disruption.
- The school discourages access to the school by parents dropping and picking up children, parents are requested to collect their children from Heslington Lane and beyond. Contributing to crowding, traffic jams and pollution in the wider area.
- Heslington lane and Main Street are currently subject to traffic congestion during school access hours.
- Omissions in the Travel Plan.
- Request further expansion plans are ruled out.

Application Reference Number: 21/00737/FULM

Item No:

- Lack of consultation from the school.
- No clear reasons why the existing turning circle in the school cannot be kept and used in the future so buses and cars can enter and exit from Germany Beck.
- Full access to the school should not be moved to the proposed south access, this only moves the problem from one area of Fulford to another, and the issues experienced by the Fulfordgate residents would be experienced by the Germany Beck residents. The solution should be fair to everyone. Porter Avenue is not wide enough to support two way bus traffic, particularly when on street parking is taken into account.
- A foot/cycle path is directly located at the end of Porter Avenue towards the school boundary, therefore a large increase in bus traffic would be a health and safety hazard to the cyclists and pedestrians.
- A number of trees are already marked for removal at the top of Porter Avenue to accommodate the bus route. The removal of more greenery/space to provide a bus turning point is at the detriment to the amenity of the area. Request that they plant mature trees in the same location, or give funds to the parish council to arrange the replanting of the trees.
- There needs to be restrictions in place to ensure parents cannot use Porter Avenue as a drop off point. e.g. parking restrictions between school drop off and pick up times and a sign at the Germany Beck/A19 junction which states there is not access to the school from Germany Beck.
- The school's site limitations, including for access, are partly a measure of past failure to fully anticipate future expansion and secure enough land for this, but exacerbated by the Germany Beck development, and Council's consideration of the 2014 application and school expansions (constructed 2016).
- Feasibility Study on the school access, commissioned 2018. Considered that none of the Feasibility Study Options were considered acceptable and all future bus entry and exit should be switched to the south. Do not consider that the report was robust.
- The inclusion of a large number of parking spaces around the school's entrance area results in harm to the visual amenity and character of the school.
- New location for school should be considered. If the current proposal for expansion were to go ahead it would only be a short-term solution, and would not sustain future growth in catchment areas.
- Existing parking restrictions in Fulfordgate ignored, driveways are blocked during school drop-off and pick up times.
- Request implementation of parking restrictions (that are enforced) in the surrounding streets.
- Transport plan is not robust, has inaccuracies.

- The increased height of the new Hawking building would affect residents at the end of Eastward Ave, Heslington Croft and Heath Croft. Resulting in loss of outlook and would be overbearing.
- The construction of a road and vehicle parking spaces adjacent to the rear boundary of Eastward Avenue would resulting noise disturbance and air and light pollution. Would impact on biodiversity.
- Providing more vehicle parking spaces would encourage more car journeys. Should explore permits, car club membership, sanctions, park & ride etc
- Concerns that the double height works offices used during construction will result in loss of amenity to the properties on Eastward Ave.
- Would not halve the number of buses, only the bus movements, twice a day instead of four.
- The submitted information show the exit only for buses, request this is secured by condition and request that “the entrance secured outside of the bus exit window”. Concerned that if this application is approved without a restrictive condition the access point could be used for school traffic, deliveries and 2-way access. Generally in support of the exit only proposal for buses, if controlled correctly by use and daily time limit.
- No assessment has been made of the addition environmental and local air quality impacts this may have. As shown on the drawings and photos within the application the access road in Germany Beck narrows to a single lane, there is no turning head on the highway and any manoeuvring and turning will impact on private driveways.
- The application shows no highways signage proposal despite this being a significant change to local traffic. Request a “No School Access” sign at the A19 junction directed south on the A19. The aim of this is to direct any school traffic to the correct entrance and avoid dangerous turning and manoeuvring on the estate should any delivery/ visitor or bus try to access the school from the south.
- Identified the need for a robust construction management plan, consideration is given to the access during construction and ensure no school construction traffic uses Germany Beck.
- The existing and proposed site plans where broken into sections and do not accurately show the extent of housing adjacent to the proposed bus exit. A cul-de-sac with 6 homes is missing from the submitted drawings, this is within metres of the proposed exit and is misleading.
- Requested conditions: lighting is low level; demolition and construction take place during normal weekday working hours; lighting is only active when building in use; works offices located so do not overlook residential properties; appropriate replacement tree planting; medium height trees to be planted to screen/soften the new buildings; signage.

4.3 One representation of comments

Application Reference Number: 21/00737/FULM

Item No:

- There is insufficient information provided in an accessible manner on the drainage issues. From the reports there are serious concerns about drainage, CYC should be explicit about whether it has carried out a risk assessment for areas near the site through which drainage runs, rather than just for the site itself. If there is insufficient information on this issue would object.

5.0 APPRAISAL

5.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The site is not considered to be within the general extent of the Green Belt.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

DEVELOPMENT CONTROL LOCAL PLAN (2005)

5.3 The Development Control Local Plan Incorporating the Fourth Set of Changes was approved for development management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications. Where policies relevant to the application are consistent with those in the NPPF (as revised in February 2019), the weight that can be afforded to them is very limited.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

Application Reference Number: 21/00737/FULM

Item No:

5.4 The revised National Planning Policy Framework was published February 2019 (NPPF) and its planning policies are a material consideration in the determination of planning applications. The NPPF sets out the presumption in favour of sustainable development in paragraph 11.

5.5 Para 94 of the NPPF sets out that it is important that a sufficient choice of school places are available to meet the needs of existing and new communities. That local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. LPAs should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications. Policy ED1 'Primary and Secondary Education' of the DCLP (2005) and the Policy ED6 of the 2018 Draft Local Plan are considered to be in line with this policy. Policy ED1 of the DCLP (2005) sets out that the planning applications for new/extended primary and secondary education facilities will be granted permission provided that: a) it would meet a recognised need; and b) the proposed development is of a scale and design appropriate to the character and appearance of the locality; and c) an area of open space and playing fields, sufficient to meet the needs of pupils is incorporated in the development; and d) where a development is capable of a joint or dual use for community benefit, this has been incorporated into the design. Policy ED6 'Preschool, Primary and Secondary Education' of the 2018 Draft Local Plan is similar in that it sets out that the delivery of secondary school education to meet an identified need and address deficiencies in existing facilities will be facilitated. New or enhanced education facilities will be permitted if they: are in locations that are accessible by sustainable means of transport from the communities they are intending to serve and not have a significant adverse impact on the amenities of neighbouring property; have sufficient and appropriate playing field provision or take opportunities to deliver additional playing fields for existing schools identified as having a deficiency, as part of new developments immediately adjacent to or near the schools; and provide community access, through good design and modifications, to their facilities in areas where there are deficiencies of community leisure and sports facilities.

HIGHWAYS

5.6 The NPPF encourages development that is sustainably located and accessible. Paragraph 108 requires that all development achieves safe and suitable access for all users. Further, paragraph 110 requires development to, inter alia, give priority first to pedestrians and cycle movements and create places that are safe, secure and attractive thereby minimising the scope for conflicts between pedestrians, cyclists and vehicles. Policy T1 of the 2018 Draft Local Plan supports the approach of the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway, giving priority to pedestrians and cyclists.

Application Reference Number: 21/00737/FULM

Item No:

5.7 Existing vehicle access to Fulford School is from Fulfordgate, via a junction with Heslington Lane. Heslington Lane and in the immediate vicinity of the school is a 20mph zone with speed cushions along its length. Once entering the school gates the internal site layout there is a large looped turning area with vehicle parking. Drop off / pick up is located within the school grounds outside the main entrance to the building. There is an indication that the school bus out/in in each peak period is seen as a major impact upon the Fulfordgate / Heslington Lane junction. On exiting, buses queue along Fulfordgate until a gap in traffic allows them to turn onto Heslington Lane.

5.8 The application site can be considered as having high accessibility by public transport, walking, and cycling in accordance with planning policy guidance. School starts at 8.55am and finishes at 3.20pm with enrichment and after school activities lasting until 4.00-4.15pm. As a result of extended travel distances and a rural catchment area, the school relies on transport infrastructure to enable delivery of some 53% of the student cohort. Currently at least 14 buses are currently used to transport students. The submitted travel survey indicates that the students usual mode of transport is on an average 5.55% car use and 94.45% walk/cycle/bus.

5.9 The proposal includes an access road along the western part of the site to a southern access point with the Germany Beck housing development. The proposed additional southern access and internal access lane will allow buses to enter the school site from Fulfordgate and exit the site via Porter Avenue (6.5 metres in width) within the Germany Beck housing development and to join the A19 at the signalised junction with Thornton Road. The intention is that the outbound queue of buses is towards the signalised junction away from the main residential areas and removing the left turn out over sailing of both lanes on Heslington Lane. The supporting information sets out that servicing of the school would remain as now and are not affected by the development proposals. The supporting information sets out that cars would not be permitted to access the school site from the proposed south access.

5.10 The increase in capacity of the school would result in 3 extra buses being used. The intention is that the buses will arrive via Fulfordgate. This would be over a 10 minute period reflecting the arrival from the wider area, they would stack on the proposed access road alongside the tennis courts and be released when empty to exit via Porter Avenue. In the afternoon, students would be directed to their buses via the south side of the tennis courts, a footpath is provided along the bus access road (west side of tennis courts). Buses would not be required to arrive in a specified order. For safety reasons it has been confirmed that no bus can leave until all buses are full. The in/out will be managed/supervised by the school as they are now.

5.11 The school currently has 116 onsite vehicle parking spaces (102 are marked) and 180 covered cycle spaces. Overspill parking occurs locally. A further 36 vehicle parking spaces will be provided (total of 155 spaces) within the school site, the newer spaces predominately being sited to north of the school site adjacent to the shared boundary with residential properties, and alterations to the turnaround area to allow 30 spaces replace the 4 existing. The Highways Officer has advised they have no objections to the parking space numbers, the increase is considered to be broadly in line with the increase in staff and pupil numbers, subject to adequate mitigation measures being in place to reduce car use and address on street parking issues around the school – these mitigation measures are set out in the submitted Travel Plan which can be sought via condition.

5.12 Para 109 of the NPPF which set out that “*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*”. The transport assessment and additional information set out that the proposal and increase in student and staff numbers would result in an increase of 7 two way trips at peak hours or 21 two way trips at peak hours if the same route is used. Whilst there would be an increase trips as a result of the increase in student and staff numbers the limited increase in two way trips proposal is not considered to have a significant impact on the surrounding road network.

5.13 The proposed development would increase cycle parking provision on site from 184 spaces currently to 200 spaces. The school intends to align with the provision of cycle parking as set out in Government Cycle Infrastructure Design LTN 1/20. Additional cycle parking shall be installed through the extension of existing facilities as future demand increases. The demand and location of additional cycle bays will be monitored and determined through the annual travel plan surveys and travel plan.

5.14 A condition on the Germany Beck outline housing planning appeal required a reserved matters application to include “*the provision of vehicular access to Fulford School from the south*” (condition 3c). This planning permission did not grant sole access to the school from the southern access point, this would be outside the scope of the planning permission. Reserved Matters applications for Germany Beck have shown a road to the shared boundary with the school (Porter Avenue). Officers have noted that Porter Avenue within the Germany Beck development has been constructed up to the southern boundary of the school.

5.15 It is considered necessary to condition the submission of a travel plan, signage, and access to the southern access point.

DESIGN AND VISUAL AMENITY

5.16 Chapter 12 of the NPPF gives advice on design, placing great importance to the design of the built environment. At paragraph 130, it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The policy in Chapter 12 is reflected in DCLP policy GP1 (Design) and 2018 Draft Local Plan policy D1 (Placemaking) and, therefore, these policies are considered to accord with the NPPF. The policies require new development to respect or enhance its local environment and be of an appropriate density, layout, scale, mass and design compatible with neighbouring buildings and using appropriate materials.

5.17 The two storey teaching extension will require the demolition of the existing single storey element of the Hawking Building and removal of modular buildings. The proposed building will be connected to the existing Hawking building via a two-storey glazed link providing access at both ground and first floor level. The proposed extension varies in height: at the northern elevation between 6.6 metres and 11.6 metres; and at the southern elevation the height varies between 8.9 metres and 11.6 metres. The height of the existing Hawking building varies between 3.7 metres and 9.9 metres. The proposed external materials are bricks and rainscreen cladding on the upper storey. The proposed extension will result in an increase in mass and bulk over what is currently on this part of the site. However it is not considered that the extension would be unduly prominent when viewed in context of the existing school complex. The variations in height and roof styles together with the proposed materials help to enliven the development and would be a positive visual improvement in comparison to the existing development on this site. The proposed development would not impinge on the sport pitches over and above the existing development.

5.18 The proposed lift extension to the Bronte Building and the classroom extension to H8 of the Hawking Building would be relatively minor and would be barely perceptible from outside of the boundary of the school. The extensions are acceptable in appearance and are considered to have a neutral impact on the visual amenity and character of the school. The proposed photovoltaic panels on the sports hall roof would be adjacent to existing PV panels. The additional panels are not considered to result in harm to visual or residential amenity.

5.19 During construction temporary accommodation will be required for the drama classes. The building would be sited where there is currently a single modular building in a poor state of repair. The temporary buildings are utilitarian in appearance. As this would be on the edge of the school building complex they would have more prominence. The units are required for the length of time it takes for the two storey teaching extension to come into use. By virtue of the significant

distance to residential properties the siting is unlikely to result in harm to residential amenity. It is considered that the minor visual harm is outweighed by the temporary nature and educational need. A condition requiring their removal once the teaching extension is in use is considered necessary.

5.20 The NPPF states that the planning system should contribute and enhance the natural and local environment by protecting valued landscapes. Policies D2 'Landscape and Setting' and GI4 'Trees and Hedgerows' (2018 Draft Local Plan) seeks to protect trees that are of landscape, amenity or nature conservation value by, inter alia, refusing development proposals that would result in their loss. Paragraph 178 of the NPPF requires development sites to be suitable for proposed uses taking into account of ground conditions and any risks arising from land instability and contamination to prevent unacceptable risks from natural hazards or former activities such as mining and to ensure that proposals for mitigation including land remediation are taken into account.

5.21 The proposed access road, access point and southern footpath are not considered to impinge on sports field provision. The proposed access point would be marked by a palisade gates of a similar height and appearance to the existing palisade fence. The proposed access lane to the west of the site, access point to the south would result in the loss of a number of trees which are considered to have a positive impact on the visual amenity of the school and the surrounding area. The trees are highly visible within views across the open grassland to the east of School Lane, and they are considered to make a valuable contribution to the wider landscape context and setting of the school, the playing fields, and the Germany Beck development. The trees are planted very close to the boundary palisade fence and in some instances have started incorporating the fence. There is a land level difference between where the trees planted and the proposed level of the access road as such further alterations to the land levels for the access road would reduce the long term viability of the trees. Due to the lack of space between the edge of the new access road and the perimeter fence there is no scope for replacement planting along this boundary to immediately mitigate the losses. The loss of the trees is regrettable however, some of these trees would likely have to be removed even if the access road and access point were not constructed. The advantages of the development as a whole including the additional access to the school and the educational need of the extensions is considered to outweigh the loss of these trees. It is considered that a condition requiring replacement planting within the school site is necessary.

5.22 The proposed parking bays to the northern boundary would encroach into the root protection area (RPA) of a number of trees, some of which are in the neighbouring gardens. The parking spaces would be constructed of porous materials. The submitted Arboricultural Impact Assessment (AIA) sets out that these

trees can be retained and would be protected during construction. Therefore is considered necessary to condition that these works are carried out in accordance with the AIA.

RESIDENTIAL AMENITY

5.23 Paragraph 108 of the NPPF states that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life, this is echoed in Policy GP1 of the Development Control Local Plan (2005). The aim of the NPPF is also maintained by the following 2018 Draft Local Plan policies. Policy ENV1 'Air Quality' Policy sets out that development will only be permitted if the impact on air quality is acceptable and mechanisms are in place to mitigate adverse impacts and prevent further exposure to poor air quality. ENV2 'Managing Environmental Quality' of the 2018 Draft Local Plan require that there should be no undue adverse impact from noise disturbance, vibrations, odour, fumes/emissions, dust and light pollution. Policy D1 'Placemaking' sets out that design should not dominate other buildings and space. Policy D11 'Extensions and Alterations to Existing Buildings' sets out that design should protect the amenity of current and neighbouring occupiers, and protects and incorporates trees that are desirable for retention.

5.24 The distance between the main rear elevation of the closest residential property on Eastward Avenue (No 38) and the northern façade of the proposed 2 storey extension building would be about 31 metres. The existing Hawking building is 32m between existing facades. There are no first floor windows in the north elevation of the extension, as such it is not considered there would be a loss of privacy. The development would be to the south of the dwellings on Eastward Avenue however by virtue of the distance between the proposal and the neighbouring dwellings and the height of the proposed building it is not considered that there would be an undue loss of sunlight or daylight from the proposed development. By virtue of the variation in height in the north elevation it is not considered to result in an overbearing structure. The properties to the east of the proposed extension are a minimum of 43 metres away from the proposed extension. By virtue of the distance it is not considered there would be a loss of privacy or light to these occupants/dwellings.

5.25 The proposed lift extension and H8 extension by virtue of being within school building complex are not considered to impact on the residential amenity of the nearby dwellings.

5.26 As set out in the highways section, the increase in student numbers and the associated impact on the road network are not considered to result in harm to the residential amenity of the occupants of the nearby dwellings.

5.27 Given the proximity of the proposed parking spaces, two storey extension, and access road, to residential properties and the adjacent open space it is considered necessary to condition a low key lighting scheme that respects the open character of the area and prevents undue illumination to the neighbouring residential properties.

5.28 Concern has been raised regarding disturbance during demolition and construction, however it is considered that this can be controlled by a Construction and Environmental Management Plan sought via condition.

SUSTAINABILITY

5.29 Policy CC1 'Renewable and Low Carbon Energy Generation and Storage' requires that all new buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. The LZC Technology Assessment submitted with the application sets out that the 2 storey extension would result in a carbon reduction of 54.7% through the use of solar photovoltaics and air source heat pump. The photovoltaic panels would be located on the roof of the sports hall.

5.30 Policy CC2 'Sustainable Design and Construction of New Development' states that developments which demonstrate high standards of sustainable design and construction will be encouraged. Development proposals will be required to demonstrate energy and carbon dioxide savings in accordance with the energy hierarchy and water efficiency. The policy requires that all new non-residential buildings with a total internal floor area of 100m² or greater should achieve BREEAM 'Excellent' (or equivalent). The 2018 Draft Local Plan policy CC1 and CC2 are considered to have moderate weight given the evidence base that supports it, the stage of preparation and objections, and consistency of these policies in the emerging plan to the NPPF. The submitted BREEAM report demonstrates sets out that the proposed extension would achieve BREEAM 'Excellent' with a score 73.16% (minimum score level for BREEAM 'Excellent' rating is 70%).

ECOLOGY

5.31 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities to have regard, in the exercise of the functions, to the purpose of conserving biodiversity. Paragraph 170 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by, among other things, minimising impacts on and providing net gains for biodiversity. Draft 2018 Local Plan policies reflect this advice in relation to trees, protected species and habitats.

5.32 The NPPF advises that if significant harm to biodiversity from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. An ecological assessment has been submitted to support this application. The Ecology Officer is satisfied with the submitted ecology information and that there are no protected species in the buildings to be demolished/altered or the trees to be removed. It is considered that the recommendations of the report can be sought via condition.

DRAINAGE

5.33 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan Policy GP15a (Development and Flood Risk) and 2018 Draft Local Plan Policy ENV5 Sustainable Drainage) advise discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced. The site is within Flood Zone 1.

5.34 At the time of writing the report a revised drainage strategy had just been submitted. The Lead Local Flood Authority, the Internal Drainage Board, and Yorkshire Water have been advised of the revisions and officers are awaiting their comments, these will be reported at the committee meeting. However it is considered that a suitable scheme can be achieved, and this can be secured via condition if the submitted details are not acceptable.

6.0 CONCLUSION

6.1 The scheme overall would be compliant with the overarching sustainability principles and the policies of the NPPF and 2018 Draft Local Plan policies. In terms of decision-making, paragraph 11d ii of the NPPF is engaged; the presumption in favour of sustainable development applies and the proposal should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. On balance it is considered that the loss of trees and the minor harm to visual amenity and character are outweighed by the benefits of the improved educational facilities and additional access. The proposed development is not considered to have a significant impact on the surrounding road network.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Application Reference Number: 21/00737/FULM

Item No:

Drawing Number BA10629AIA Revision B 'Impact Assessment' received 24 March 2021;

Drawing Number 0100 revision P02 'External Works-Site Wide Car Parking & Circulation' received 12 April 2021;

Drawing Number FSBH-10A-V0-00-DR-A-0002-PL2 'Site Location Plan' received 12 April 2021;

Drawing Number FSBH-10A-V0-00-DR-A-0004-PL7 'Site Plan - Proposed' received 23 June 2021;

Drawing Number FSBH-10A-V0-00-DR-A-0009-PL3 'Site Plan - Proposed 1' received 22 June 2021;

Drawing Number FSBH-10A-V0-00-DR-A-0010-PL3 'Site Plan - Proposed 2' received 22 June 2021;

Drawing Number FSBH-10A-V0-00-DR-A-0018-PL1 'Site Plan - Demolition' received 24 March 2021;

Drawing Number FSBH-10A-V0-00-DR-A-0019-PL1 'Existing and Proposed Elevations' received 24 March 2021;

Drawing Number FSBH-10A-V0-00-DR-A-0020-PL4 'Boundary Fence to Southern Access Route' received 23 June 2021;

Drawing Number FSBH-10A-V0-00-DR-A-0100-P4 'Bronte Ground Floor Demo and Proposed' received 06 May 2021;

Drawing Number FSBH-10A-V0-01-DR-A-0101-P4 'Bronte First Floor Demo and Proposed' received 06 May 2021;

Drawing Number FSBH-10A-V0-02-DR-A-0102-P4 'Bronte Second Floor Demo and Proposed' received 06 May 2021;

Drawing Number FSBH-10A-V0-00-DR-A-0702-PL1 'New Building Ground Floor' received 24 March 2021;

Drawing Number FSBH-10A-V0-01-DR-A-0703-PL1 'New Building First Floor' received 24 March 2021;

Drawing Number FSBH-10A-V2-ZZ-DR-A-2400-PL2 'Roof Plan' received 16 June 2021;

Drawing Number FSBH-10A-V2-00-DR-A-2540-PL1 'Existing & Proposed Elevations' received 24 March 2021;

Drawing Number FSBH-10A-V2-ZZ-DR-A-2541-PL2 'Proposed Elevations' received 16 June 2021;

Drawing Number FSBH-10A-V2-ZZ-DR-A-2542-PL1 'Bronte Existing and Proposed Elevations' received 06 May 2021;

Drawing Number FSBH-10A-V9-00-DR-A-9001-PL4 'Proposed External Works Plan' received 23 June 2021;

Drawing Number FSBH-10A-V0-00-DR-A-9002-PL1 'Proposed Contractor Access and Compound' received 23 June 2021;

Drawing Number J235 Bus route fig 2 'Bus route changes' received 24 March 2021;

Application Reference Number: 21/00737/FULM

Item No:

Drawing Number J1243 car parking fig 1 'Car Parking Changes' received 24 March 2021;

Drawing Number J1243 bus route fig 3 Revision A 'Bus route changes' received 23 June 2021

Drawing Number WRB-Q 20000233 Revision A ' Fulford School Drama' received 22 June 2021;

Drawing Number WRB-Q 20000233 ELVREV A Revision A ' Fulford School Drama' received 22 June 2021;

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used for the two storey (Art and English) teaching block shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction of the extension. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 The materials to be used externally for the extension to Class H8 (Hawking Building), and the lift extension to the Bronte Building shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

5 The two storey teaching extension hereby approved shall not come into use until the access road, southern access point and additional vehicle parking spaces have been constructed in accordance with the approved drawings.

Reason: The proposed extension also for an increase in student and staff numbers therefore to ensure adequate provision is made for the associated movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users

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

Application Reference Number: 21/00737/FULM

Item No:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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.

7 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) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must 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.

8 Prior to first occupation or use, the approved remediation scheme must 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.

Application Reference Number: 21/00737/FULM

Item No:

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.

9 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief is required on this site.

The archaeological scheme comprises 3 stages of work. Each stage shall be completed and agreed by the Local Planning Authority before it can be approved.

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

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

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

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

Reason: The site lies within an area of archaeological interest and the development may affect important archaeological deposits which must be recorded prior to destruction.

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

Reason: To ensure that breeding birds are protected from harm during construction.

Application Reference Number: 21/00737/FULM

Item No:

All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

Informative: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

11 A biodiversity enhancement plan/drawing shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of construction works. The content of the plan shall include the recommendations set-out in the Extended Phase 1 Habitat Survey and Daytime Bat Survey (received 24.03.2021). The development shall adhere to these approved details and be implemented prior to the first occupation of the extensions.

The plan/drawing must include:

- i Detailed plan/drawings showing product specifications of the enhancement features.
- ii Proposed locations of features/boxes.

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

12 Prior to the installation of any new external lighting, a 'lighting design plan' shall be submitted to and approved in writing by the local planning authority.

Details of the height, type, position, angle and spread of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed and operational prior to the development hereby permitted being brought into use. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area.

The plan shall:

Application Reference Number: 21/00737/FULM

Item No:

- i Specified lighting should be made in-line with current guidance - Bat Conservation Trust (2018) Bats and artificial lighting in the UK.
<https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229&focal=none>
- ii Show how and where external lighting will be installed, so that it can be clearly demonstrated that areas to be lit will not disturb light-sensitive wildlife, such as bats.

Reason: To maintain the favourable conservation status of bats. To protect residential amenity. To protect visual amenity and character of the area

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

Informative: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

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

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

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to

Application Reference Number: 21/00737/FULM

Item No:

lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

With respect to dust mitigation, measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. 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 protect the amenity of the locality

Application Reference Number: 21/00737/FULM

Item No:

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

Monday to Friday 0800 to 1800 hours
Saturday 0900 to 1300 hours
Not at all on Sundays and Bank and Public Holidays

Reason: To protect residential amenity

16 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

17 Before the occupation of the development a minimum of 9 Electric Vehicle Recharging Point(s) shall be provided in a position and to a specification submitted to and approved in writing by the Local Planning Authority. The details shall also include the identification of a minimum of 9 additional parking bays for the future installation of additional Electric Vehicle Charging Points. Such additional bays shall be provided with all necessary ducting, cabling and groundwork to facilitate the addition of Electric Vehicle Charge Points in the future. The locations of these additional bays shall also be submitted to and agreed in writing by the Local Planning Authority. Charging points shall be located in a prominent position on the site and shall be for the exclusive use of zero emission vehicles.

Prior to first occupation of the extensions, an 'Electric Vehicle Recharging Point Management Plan' shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall detail the management, maintenance, servicing and access/charging arrangements for each Electric Vehicle Recharging Point for a minimum period of 10 years.

The development shall be carried out in full accordance with these approved details

Application Reference Number: 21/00737/FULM

Item No:

and be implemented prior to the first occupation of the extensions.

Informative:

- o the recharging points shall not be located within any tree protection zones.
- o Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket (minimum) to allow 'Mode 3' charging of an electric vehicle. The exact specification is subject to agreement in writing with the council.
- o Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this.
- o All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

18 Protection of existing trees shown to be retained on the approved plans shall be carried out in accordance with the recommendations within the arboricultural impact assessment plan (received 24 March 2021). A qualified arboriculturalist shall carry out regular inspections during the development, especially during site preparation and excavations. Before works start on site, the name and address of the appointed arboricultural consultant shall be submitted to the local planning authority.

Reason: To protect existing trees which are shown to be retained on the approved plans.

19 Within three months of commencement of development a detailed landscape scheme, including a scheme for the replacement of the trees shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants. It will also include details of ground preparation and tree planting details. The proposed tree planting shall be compatible with existing and proposed utilities. This scheme shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority approves alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability, and disposition of species and associated landscape details across the

Application Reference Number: 21/00737/FULM

Item No:

site as part of the landscape mitigation due to loss of trees.

20 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority the construction details and methodology for the following:

- preparation and implementation of the site compound and its removal,
- the reinstatement of the grassland to an equal or better standard across the areas allocated for the site compound.

Amongst other details, the methodology shall include types of machinery to be used, permitting weather and ground conditions, depth to which soil will be stripped, height of top soil bund, method of de-compacting the ground, reinstatement of soil and grass sward of a quality at least equivalent to the quality of the playing field before the construction compound was erected, and maintenance until the end of the first successful growing season (October). The grassland shall be reinstated within the first full planting season following removal of the construction compound.

Reason: To ensure the site is restored to a condition fit for purpose.

21 The 2 no. modular buildings (to be used for drama education while the two storey extension is being constructed) shall be removed within 3 months of the first use of the two storey extension.

Reason: The temporary nature of the buildings are such that it is considered inappropriate on a permanent basis.

22 The two storey teaching extension shall not be occupied until a revised travel plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of approved Travel Plan.

Within 12 months of occupation of the extension building a first year travel survey shall have been submitted and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan coordinator for approval.

Reason: To ensure the development complies with advice contained in local and national transportation and planning policy, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking and cycle parking on site for these users. To promote the usage of sustainable means of transport and

Application Reference Number: 21/00737/FULM

Item No:

reducing the reliance on the private car.

23 The two storey teaching extension hereby approved shall not come into use until the access road and southern access point with Porter Avenue has been constructed and is in use.

Reason: The information submitted with the application was based on Porter Avenue access point being in place.

24 Prior to the first use of the access road and southern access point a highway signage schedule shall be submitted to and approved in writing by the Local Planning Authority. The approved signs shall be installed prior to the first use of access road and southern access point with Porter Avenue.

Reason: In the interests of road safety.

25 The development shall not be begun until details of the junction between the internal access road and the Porter Avenue have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved details.

Reason: In the interests of road safety.

26 No vehicle or pedestrian gate shall be fitted so as to open outwards over the adjacent public highway at the southern access point with Porter Avenue.

Reason: To prevent obstruction to other highway users.

27 The southern access point with Porter Avenue hereby approved shall be restricted to use of school buses, cyclists, and pedestrians only.

Reason: The information submitted with the application was based on restricted access to the Porter Avenue access point, if additional vehicle traffic were to use this access further information would be required to consider the traffic implications.

28 The two storey teaching extension shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained for the life of the development solely for such purposes.

Reason: In the interests of highway safety.

29 The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be approved by the local planning authority.

Reasons: In the interest of satisfactory and sustainable drainage

30 Prior to the commencement of development details of the proposed means of surface water drainage, including details of any balancing works and off site works, shall be submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: Further information is required so the Local Planning Authority may be satisfied with these details for the proper drainage of the site. The information is sought prior to commencement to ensure that drainage details are approved in advance of the carrying out of any groundworks on the site, which may compromise the implementation of an acceptable drainage solution for the development.

INFORMATIVE

Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils City of York Councils Sustainable Drainage Systems Guidance for Developers (August 2018), peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

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

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be

Application Reference Number: 21/00737/FULM

Item No:

used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development. If discharge to public sewer is required, and all alternatives have been discounted, the receiving public sewer may not have adequate capacity and it is recommend discussing discharge rate with Yorkshire Water Services Ltd at an early stage.

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

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

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

The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

31 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

32 No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public sewer i.e. a protected strip width of 6 (six) metres, that crosses the site. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure

Application Reference Number: 21/00737/FULM

Item No:

of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason: In the interest of public health and maintaining the public sewer network

33 The development hereby permitted shall achieve a BREEAM rating of at least Excellent. A Post Construction Assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate submitted to the Local Planning Authority within 12 months of first use (unless otherwise agreed). Should the development fail to achieve a 'Excellent' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority within 3 months of the submission of the above mentioned certificate demonstrating what remedial measures shall be undertaken to achieve a 'Excellent' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018

34 The development 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 2013. Prior to commencement of construction, 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 support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018

8.0 INFORMATIVES:

Notes to Applicant

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

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

Application Reference Number: 21/00737/FULM

Item No:

outcome:

- Request additional information
- Request revised plans
- Use of conditions

2. INTERNAL DRAINAGE BOARD INFORMATIVE

Under the Land Drainage Act 1991 and the Boards' byelaws, the Board's prior written consent (outside of the planning process) is needed for:-

- a. any connection into a Board maintained watercourse, or any ordinary watercourse in the Board's district.
- b. any discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district. This applies whether the discharge enters the watercourse either directly or indirectly (i.e. via a third party asset such as a mains sewer).
- c. works within or over a Board maintained watercourse, or any ordinary watercourse in the Board's district - for example, land drainage, an outfall structure, bridges, culverting etc.

Please note that the Board does not, generally, own any watercourses and the requirement for you to obtain the Board's consent is in addition to you obtaining consent from any land owner or other authority to carry out the relevant works.

Full details of the Consent process can be found on the following website:-
<http://www.yorkconsort.gov.uk>

3. INFORMATIVE:

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

Contact details:

Case Officer: Victoria Bell
Tel No: 01904 551347