

2005 Draft York Local Plan (4th set of changes):

CYGP1	Design
CYGP4A	Sustainability
CYGP7	Open Space
CYGP9	Landscaping
CGP15A	Development and Flood Risk
HE10	Archaeology
CYNE1	Trees, woodlands, hedgerows
CYNE6	Species protected by law
NE7	Habitat Protection and Corridors
H2a	Affordable Housing
CYED4	Developer contributions to education facilities
L1c	New Open Space in Development
C6	Developer Contributions Towards Community Facilities

2.2 City of York Local Plan – Publication Draft 2014:

DP1	York Sub Area
DP2	Sustainable Development
DP3	Sustainable Communities
SS1	Delivering Sustainable Growth for York
H1	Housing Allocations
H2	Density of residential Development
H3	Balancing the Housing Market
H4	Housing Mix
H9	Affordable Housing
D7	Archaeology
GI2	Biodiversity and Access to Nature
GI4	Trees and Hedges
GI6	New Open Space Provision
T4	Strategic Highway Network Capacity Improvements
DM1	Infrastructure and Developer Contributions

3.0 CONSULTATIONS

INTERNAL

Housing Strategy and Development

3.1 In accordance with Council Policy the proposal should provide 30% of homes on the site should be affordable with 70% of those being social rented and 30% being discount sale tenure. Standard advice in connection with pepper potting of the

dwelling and provision being pro-rata has been given. The applicant has agreed to this provision which will be secured through a S106 agreement.

Public Protection

3.2 No objections. Noise is not likely to be an issue which prevents development but an appropriate scheme to protect future residents from the existing noise drawn up, agreed and implemented. There is also the potential for additional road traffic noise experienced by residents at the Hull Road end of Windmill Lane due to the traffic accessing the residential units. Conditions recommended.

3.3 Due to the number of dwellings the site would be considered a low risk site and would not require a formal air quality assessment. It is not considered that the site will present new opportunities for exposure as the new dwellings are well set back from Hull Road / Windmill Lane as a consequence of the protected tree line / green buffer. Furthermore, monitoring equipment is located on a lamp post along Tang Hall Lane as well as one eastbound and one westbound along Hull Road. The results taken over the last three years indicate levels well below actionable levels in terms of air quality

3.4 Conditions should be attached regarding electric vehicle recharging points and unsuspected contamination.

Planning and Environmental Management - Forward Planning

3.5 This site was originally submitted for consideration for development through the Local Plan Call for sites in 2012. This site was considered through the site selection process as site 138: York St Johns University Playing Fields. The outcomes of site assessment show that part of the site was removed for being designated open space. The remaining parcel was taken to Technical Officer Group but the outcome was that the site was rejected as a potential development site.

3.6 Site 138 was resubmitted for further consideration through the Preferred Options Consultation with further technical evidence. However, the outcomes of further assessment, published as part of the Further Sites Consultation, highlighted that the existing playing fields remained a showstopper for development at that time based on the evidence submitted.

3.7 Further evidence was submitted for consideration through the Further Sites Consultation (Summer 2014) in relation to the redevelopment of the site for either residential use or for Science Park uses as an extension to the existing science park following cease of use for university sports teams in 2015. A response was also received through the Further Sites Consultation from Sport England which confirmed that the replacement facilities at Haxby Road would meet both the quantitative

requirements and also provide better quality provision including better management arrangements; No objection was raised by Sport England to the re-development of the site.

3.8 Site 138 was included within the Publication draft Local Plan (2014) in policy EC1: Employment Allocations as a general employment allocation (E15: Land at Hull Road) for 16,000sq.m /4ha of Research & Development uses (B1b/B1c) linked to the adjacent University of York Science Park.

3.9 Since the Publication Draft Local Plan (2014) further work has been undertaken to revise the portfolio of sites. The Preferred Sites consultation document (2016) was approved by Members of the Local Plan Working Group (27/06/16) and Executive (30/06/16) and set out the draft portfolio of sites identified to meet need. The starting point for identified sites in this document was those included in the Publication draft Local Plan and further considerations were used to help identify which sites/ amended site boundaries as detailed in the Preferred Sites Document (2016) methodology.

3.10 This site (138) was reconsidered for its suitability against the updated suitability criteria and was included as a preferred housing allocation (H56) with an estimated yield of up to 190 dwellings. Science City Board and the University of York are not interested in delivering the site as an extension to the Science Park and the site is therefore undeliverable for that use. The site was therefore re-assessed for residential use.

3.11 The proposal for this site to be developed for residential development is supported as a potential allocation through the emerging Local Plan process. On this basis, no policy objection is raised for this application.

Planning and Environmental Management - Ecology

3.12 There are no statutory or non-statutory nature conservation sites on or immediately adjacent to the site and it does not fall into a Site of Special Scientific Interest (SSSI) Impact Risk Zone as identified by Natural England. The site itself does not occur within one of York's identified Green Corridors (which are not meant to be exhaustive) however alongside other areas of green space in the immediate area, it is linked to Walmgate Stray (Green Corridor 7) and to the open areas of the University of York's East Campus. The woodland on the eastern edge of the site is recorded as an area of Priority Habitat 'deciduous woodland' identified by Natural England in the national habitat inventories. Priority Habitats are defined in Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

3.13 The trees and buildings on site have been assessed for their potential to support roosting bats.

3.14 Evidence of hedgehogs using the site was recorded during the surveys. Hedgehogs are a species "of principal importance for the purpose of conserving biodiversity" covered under section 41 (England) of the NERC Act (2006). Whilst the development is unlikely to directly impact on this species it could erode the habitat available to them. The site was assessed as having value for woodland edge and urban bird species, with nesting potential for a range of bird families.

3.15 The area is likely to be already moderately lit due to Hull Road and the adjacent Sports Centre, but the shelter belts will provide dark corridors of value to foraging/commuting bats and other nocturnal animals and this should be maintained through the implementation of a sensitive lighting scheme.

3.16 No objections subject to conditions: Biodiversity Method Statement and sensitive lighting scheme.

Planning and Environmental Management - Landscape

3.17 The existing mature woodland trees along Windmill Lane and Hull Road are subject to a tree preservation order reference TPO42. The revised scheme has pulled the development away from the trees resulting in less direct conflict between main garden use and trees; security is improved; the woodland is overlooked by house frontages; and the woodland becomes part of the amenity of the housing development rather than a separate entity. The gardens now no longer sit below the canopy of the trees.

3.18 The trees which line the existing approach to the leisure centre should be retained, with the exception of the Poplars.

Planning and Environmental Management Archaeology

3.19 The site is outside of the Area of Archaeological Importance but it is situated within a wider area which has produced vast archaeological evidence from all periods. Large scale excavations at Heslington East Campus revealed evidence for prehistoric and Romano-British occupation, an Anglian settlement is suggested by finds at Heslington Hill to the south-west of the site. The playing fields site appears to have been relatively undisturbed and used for agricultural purposes throughout the medieval and post-medieval period. In the 1930s the fields became used for recreational purposes. Given the location of the site and the relatively undisturbed nature of parts of it, it is likely that archaeological deposits may exist across the playing fields.

3.20 Conditions should be attached identifying the need for a geophysical investigation to be undertaken followed by targeted evaluation trenching.

School Services - PFI/Schools Contracts

3.21 A financial contribution of £215,935 is required. The calculations are based on current projected numbers and provision, which may be subject to change. The schools identified are Badger Hill Primary School and Archbishop Holgate's CE Secondary School along with eight pre-school places.

Flood Risk Management Team

3.22 Surface water drainage via soakaways is supported. 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 20% allowance for climate change. Condition should be attached.

Highway Network Management

3.23 The level of traffic that could be anticipated to be generated by the development has been based upon trip rates proposed on another development in the city. The vehicular impact using these trip rates equates to 50 vehicular movements during the AM/PM peak network hours. The impact of this level of traffic will have a small detrimental impact on the operation of the signalised junction serving the site, in terms of small increases to existing queues during the peak periods.

3.24 The development will be served from the existing signalised access at the junction of Hull Road/Melrosegate. This existing access already serves the David Lloyd Club and is therefore considered suitable, in terms of geometry/layout to serve further development.

3.25 It is envisaged that the internal layout will be designed, constructed and offered for adoption as public highway under a Highways Act Agreement.

3.26 Research indicates that individuals are more open to behavioural change at key points in life such as moving home. The use of targeted initiatives (such as the provision of bus travel) at these key points can influence behaviour. Whilst it is accepted that not all residents will give up car use they may give up a 2nd or 3rd vehicle or use alternative modes of travel for shorter journeys.

3.27 Officers have requested contributions towards;

- a) provision of 2x real time (BLISS) displays at the adjacent inbound/outbound bus stops (£10k each – total contribution £20k)
- b) the choice to first occupiers of either bus travel (in the form of a carnet of day tickets) or cycle/cycle accessories. Such contribution to be £200 per first occupier.

Such contributions would be secured via a S106 Agreement.

Communities and Neighbourhoods - Public Health

3.28 This site has 3 full size pitches, set out for football but also suitable for rugby. The pitches are owned and managed by York St John University, though on going maintenance has been reduced since the University's pitches on Haxby Road came into operation. A community use agreement is in place which requires the pitches to be available for a minimum of 16 hours of community access per week, at a cost comparable to other pitches across the city.

3.29 The Open Spaces and Green Infrastructure Study (September 2014) assesses open space provision on a ward by ward basis, using nationally recognised typologies – e.g. parks and garden, amenity, children provision, outdoor sports. The whole of the windmill lane site is categorised as outdoor sport and being written in September 2014 the study uses the old ward boundaries for the Hull Road and Heslington Wards. In May 2015 new ward boundaries came into effect for the Hull Road and Heslington area. This placed all the university sports grounds and Campus East into the Hull Road ward. This changed the total sports space from a deficit of -7.52 hectares to a surplus of 9.80 hectares within the Hull Rd ward.

3.30 These calculations include a large swathe of amenity open space through the new University campus, which connects with the wooded area along this development site, to allow connectivity between Hull Road and Heslington ward. The Outdoor sports figures include the large area of sports playing fields at the University of York, which are well used by the university but to safeguard them for student use, have limited community access.

3.31 A development of this size would need to provide on site play facilities for children and ideally for teenagers. There is a local deficiency in provision of play facilities in both Hull Road and Heslington wards. The amenity open space should be provided centrally within the development, and offer appropriate provision for the local residents but also complementary provision to that surrounding the development. The applicant has indicated their willingness to transfer the community use agreement for the Hull Rd pitches to the Haxby Road site. This is welcome news and goes some way to safeguarding formal club access to pitches.

Communities and Neighbourhoods - Public Realm

3.32 Having considered the location of the site and its proximity to the old Heslington ward an analysis of the open space needs by ward and both wards combined has been undertaken.

3.33 The initial shortfall stands in Hull Road Ward but when the surplus of open space in the old Heslington Ward is taken into account the situation changes as the combined effect is a net surplus of open space. No objections to the application are raised.

3.34 However, due to the shortfall of play areas across both wards it should be a requirement of any approval that an equipped play area be provided within the development.

EXTERNAL

Ouse and Derwent Internal Drainage Board

3.35 The proposal will enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off from the site if this is not effectively constrained.

3.36 Soakaway testing has been undertaken and the outcome of the testing appears to indicate that soakaways will work at this site. The application also advises that a Main Sewer could be used to dispose of some of the surface water from the site. The Board is aware of a combined sewer, in the ownership of Yorkshire Water, in Windmill Lane to the east of the development site.

3.37 Where any discharge is to enter an ordinary watercourse or Board maintained watercourse within the Boards drainage district (either directly or indirectly via a third party asset), the Board would want to see the rate of discharge constrained and would not want the total rate to exceed the "greenfield" rate (1.4 l/s/ha) plus an allowance for any "brownfield" areas of the site which are currently impermeable and where there is positive drainage and a proven connection to the watercourse (at the rate of 140 l/s/ha, less 30%). Conditions are suggested.

Sport England

3.38 Sport England acknowledges that this is a finely balanced application, in particular in relation to the distance of the replacement facilities at Haxby Road. The new artificial grass pitches for football will be an improvement as it will increase the carrying capacity for football. The catchment is acceptable for the University Sports teams and we are mindful that the FA states that they and North Riding County FA

have never received any complaints from football clubs about the matter. Football is the only formal sport affected at Hull Road, and the FA conclude that the proposal is acceptable. The community use that takes place at the Hull Road site will be transferred to the Haxby Road site. In light of the above, and in particular the comments of the FA, Sport England is satisfied, on balance, that the proposal meets exception E4 in principle, subject to the community use of Hull Road being transferred to Haxby Road.

David Lloyd Leisure

3.39 Objects on the following grounds:

- Already a deficiency in the provision of open space within the Urban East Ward
- Does not accord with Paragraph 74 of the NPPF
- Pitches may be surplus to requirement but benefit the local community
- Would not provide replacement facilities within easy access
- Allocated as open land in the 2005 Local Plan
- Brown field sites should be considered first

City of York Hockey Club

3.40 Objects on the following grounds:

- Conflicts with national planning guidance
- Insufficient evidence has been submitted to justify the release of the site
- Haxby Road site was not developed to replace the Hull Road site
- Difficulty in hiring pitches at Haxby Road

Publicity and Neighbour Notification

3.41 Forty nine responses received raising the following objections:

- Loss of wildlife
- Loss of a much utilised open area
- Loss of space for children in a urban area
- Replacement provisions are not local enough
- Already a shortage of playing fields within the area
- Loss of wildlife habitat
- Roads are already congested
- Will be student accommodation
- Potential to open up Windmill Lane as a through route

- May cause conflict with cyclists and additional vehicles
- Alterations to the road junction could result in conflicts
- Additional noise pollution from additional vehicular movements
- Additional vehicle emissions
- Loss of natural drainage
- Ambulance response station would be lost
- Would put added pressure on local health and education facilities
- Housing at Strensall and Fulford Barracks should be considered
- The tree belt should be retained
- The narrow site entrance would be unsuitable for construction traffic
- Internal access points within the site are not safe
- Unacceptable increase in traffic along Hull Road
- St Johns University should maintain the land to allow it to be used as sports facilities/recreation
- Sports facilities at Haxby Road are not a reasonable trade for families with children who want to play on the site
- Noise and light pollution will scare wildlife away
- The character of the neighbourhood will be lost
- The site is located within the green belt
- Insufficient evidence that the fields are not 'unused'
- Replacement playing fields are 17 walk away
- Preferred sites document is unsound
- Should be allocated as Local Green Space
- Assessment of Need is unreliable

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of Development for Housing
- Trees and the Parkland Setting
- Demolition of existing buildings
- Recreation and Open Space
- Highways Issues
- Flood Risk and Drainage
- Neighbour Amenity
- Education Provision
- Bio-Diversity
- Archaeology
- Affordable Housing
- Green Belt

POLICY CONTEXT

4.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

4.3 Although there is no formally adopted local plan the City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of s.38(6) 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. The most relevant Draft (2005) policies are listed and summarised at paragraph 2.2 of this report.

4.4 Paragraph 216 of the NPPF states that decision-takers may also give weight to relevant policies in emerging plans 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 this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

4.5 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was halted pending further analysis of housing projections. An eight week consultation on a further Preferred Sites document has concluded. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies carry very little weight in the Council's consideration of this application (in accordance with paragraph 216 of the NPPF). The most relevant of the emerging policies are listed at paragraph 2.2 above.

4.6 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key

relevant policy issues and it is against this policy Framework that the proposal should principally be addressed.

4.7 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted.

THE APPLICATION SITE

4.8 The application site comprises of a 4.73ha parcel of land which includes sports pitches, tree belts protected by TPOs, two buildings and the central access road which serves David Lloyd Leisure Centre. The site lies between Hull Road, Windmill Lane, David Lloyd and Woodlands Rehabilitation Centre with access being taken from the existing junction onto Hull Road. A central access road, owned by the university, serving the leisure centre bisects the site leaving two separate areas which currently form the sports pitches. To the south western corner of the site lies a landscaped area which serves as an easement over an existing washout and provides informal pedestrian access to the University Science Park.

4.9 Mature trees bound the site to the north, east and west which allow public access via unmade paths. Two pedestrian links to the site are present through the tree belt. The land is mainly flat and lies within Flood Zone 1.

4.10 An existing s106 agreement is in place which allows for a minimum of 16 hours per week, including week day evenings (18:00 to 20:00) and weekends (09:00 to 12:00), of community use of the sports pitches. The pitches should be maintained by the University.

PRINCIPLE OF DEVELOPMENT FOR HOUSING

4.11 Paragraph 14 of the NPPF says that Local Planning Authorities should positively seek to meet the development needs of their area. Paragraph 47 says that to boost housing supply local authorities should use their evidence base to ensure that the Local Plan meets the full, objectively assessed needs for market and affordable housing, including identifying sites which are critical to the delivery of the housing strategy over the plan period. Plans should be deliverable as set out in paragraph 173. Although the emerging Local Plan policies can only be afforded very limited weight in accordance with paragraph 216 of the NPPF, the evidence base that underpins the emerging policies is a material consideration in the determination of this planning application.

4.12 The emerging Local Plan is progressing and consultation on the Preferred Sites ended on 12th September 2016. The Preferred Sites Consultation puts forward the Council's latest evidence base with respect of a Strategic Housing Market

Assessment (SHMA) and Employment Land Review (ELR), a proposed portfolio of sites to meet the housing and employment needs of the city over the plan period along with an updated Local Development Scheme (LDS) setting out the timetable for the Local Plan.

4.13 The SHMA produced by consultants GL Hearn establishes the objectively assessed need (OAN) for York as 841 dwellings per annum. This work takes into account the Government's recent release of the 2014 based Sub-National Population Projections (SNPP) released by the Office for National Statistics (ONS) on 25th May 2016. This need will require land to be allocated for a minimum of 8,277 dwellings over the plan period (2012 to 2032) once completions, unimplemented permissions and a small site windfall allowance have been taken into account.

4.14 To satisfy the OAN the emerging City of York Local Plan Preferred Sites Consultation document includes sufficient land to provide about 10,100 dwellings in total, which would effectively provide an approximate 2.2-year oversupply by year 15 of the plan period.

4.15 The Council does not currently have an NPPF compliant five-year supply of deliverable housing sites. However, considerable work on sites has been undertaken as part of the emerging Local Plan process, which has assessed over 800 sites submitted through the Call for Sites in 2012 and subsequent consultations using the Council's site selection methodology. This methodology is based on the Plan's spatial strategy which seeks to protect the city's unique heritage, environmental assets, avoid areas of high flood risk and locate development in areas that are accessible by sustainable modes of transport and have access to key services.

4.16 NPPF paragraph 49 says:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

4.17 Paragraph 49 applies to the determination of this application because the Council does not have a 5 year supply of deliverable housing sites.

4.18 Where the Council cannot demonstrate a five year housing land supply, paragraph 14 of the NNPF states that applications should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits when assessed against policies in the Framework, taken as a whole, or specific policies in

the Framework indicate that development should be restricted. This is known as the presumption in favour of sustainable development.

4.19 The application site has access to services and facilities along Hull Road and scored positively in the assessment mentioned in relation to objectives regarding health, education, transport and equality and accessibility. It was also considered that it would need to be demonstrated that the sports pitches could be satisfactorily replaced in a local area of benefit and would be equal in terms of quality, quantity and access.

4.20 The original allocation proposed 190 dwellings on the site. However, natural restraints in the form of the existing boundary tree belts significantly affect the level of appropriate development that can be accommodated, reducing it to circa 70 under the proposed scheme.

4.21 All schemes still have to be judged against the impact on the character of the area, the impact upon adjacent residents and any other material considerations. In this case the loss of the public open space and sports pitches which will be addressed further in the report.

TREES AND PARKLAND SETTING

4.22 The National Planning Policy Framework states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland unless the need for, and benefits of the development in that location clearly outweigh the loss (paragraph 118).

4.23 One of the key attributes of the sites setting is the mature bands of protected trees that bound the site with Hull Road and Windmill Lane. The site is located within Character Area 61 (University of York Campus) and is considered to be a key heritage asset and landscape feature that contributes to local distinctiveness.

4.24 As originally submitted the indicative plan identified a number of dwellings being located directly adjacent to the canopies or having back gardens projecting under the canopies. Concerns were raised that issues would arise where residents would request that the trees be removed due to lack of sun to gardens and property, heavy seasonal fall, trees blowing in the wind and perceived safety concerns. As such the indicative plan has been amended to show a reduction in the number of dwellings from 77 to 70 and a redesigned layout. This now indicates the vehicular access to each of the two areas being located adjacent to the tree canopies with the dwellings being served off short cul-de-sacs. This results in all gardens and dwellings being approximately 20m away from the canopies of the protected trees and being separated by the access road. This places the canopy spread and root protection

areas outside of individual private ownership, thereby protecting the trees from misplaced pruning, and garden structures, and paving etc. This arrangement also allows the public to enjoy the woodland either from the pavement, along a soft verge, or through the wood itself.

4.25 Access would be retained to these tree belts and it is proposed to secure this through the s106 agreement which would require a management plan for their future maintenance.

DEMOLITION OF EXISTING BUILDINGS

4.26 The Pavilion, built in the 1930s is a brick two storey central structure with a clock and two wings, all shuttered against vandalism and set within a small garden. Immediately to the west are very modern brick single storey ancillary buildings currently used as store rooms by the grounds maintenance department of York St John University. A well kept hedge surrounds the building with a short flight of concrete steps down to the level of pitch 1.

4.27 The scheme seeks permission for the demolition of these existing building in order to facilitate the development. The site is not within a conservation area and the buildings are not listed. The site lies within the Character Area 61: University of York within the City of York Historic Characterisation Project. The building is not identified as a building of merit within the document. It is considered that the building is traditional in character and represents the history of the site and be capable of conversion. However, the applicant seeks permission to demolish the building and whilst this may be regrettable there is no policy which would necessitate retention. A condition would be imposed to undertake a historic record of the building prior to demolition.

RECREATION AND OPEN SPACE

4.28 Paragraph 73 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required. Planning Practice Guidance states that open space should be taken into account in planning for new development and considering proposals that may affect existing open space.

4.29 The requirement for open space in new development has been a long standing policy objective for the City of York, included in the Draft Local Plan Incorporating the 4th Set of Changes (Development Control Local Plan) 2005 (policy L1c) and the City of York Local Plan - Publication Draft 2014 (policy GI6).

4.30 The open space standards for new development are found in the evidence base study which sits behind the emerging Local Plan (Local Plan Evidence Base: Open Space and Green Infrastructure (Final Report September 2014)). The three types of public open space provision required by the draft local plan are outdoor sports facilities, amenity open space and children's play space. When calculating these types, and taking into account the ward boundary changes in 2015 there is sufficient outdoor sports and amenity space within the Hull Road Ward to meet the needs of ward residents and the residents of the proposed development. However, there is a shortfall in play provision.

4.31 Revised plans have been submitted since the April committee in order to provide additional on site provision for the existing population and the proposed residents of the development. The original plan indicated a children's play space being provided on site measuring 0.16ha. The revised plan now indicates an area measuring 0.43ha. This would provide the required equipped children's play space along with a large area of open grass land. The open space area has moved from a central position within the site to the southern boundary of the site. It is considered that as there is a direct link from this area to Windmill Lane via the existing footpath through the tree belt it would be more accessible for the residents of Windmill Lane. The size of the open space would allow for a level informal amenity space to be provided. When using recommendations from the emerging Local Plan Evidence Base the number of houses proposed would generate a children's play space area of 0.086ha. As such the proposal clearly meets this requirement. This can be secured through a s106 agreement.

4.32 In addition large areas of open space are to be retained within the development. The woodlands would not be developed and access would be retained along the informal paths. The woodland running parallel to Windmill Lane provides 0.77ha of informal open space with further open space being provided to the south western part of the site which equates to an additional 0.77ha. Again, when calculating the provision of amenity space required on site it equates to 0.174ha and as such the proposal is clearly in excess of this figure.

4.33 The site area as a whole measures 4.73ha. The area to be retained as open space measures 2.59ha. This equates to 54.7% of the site being retained as open space.

4.34 The Open Spaces and Green Infrastructure Study (September 2014) assesses open space provision on a ward by ward basis, using nationally recognised

typologies – e.g. parks and garden, amenity, children provision, outdoor sports. The whole of the windmill lane site is categorised as outdoor sport and being written in September 2014 the study uses the old ward boundaries for the Hull Road and Heslington Wards.

September 2014 open space provision by typology and ward

Typology	Hull Road Ward		Heslington Ward		Combined wards	
	hectares	facilities	hectares	facilities	hectares	facilities
Parks and gardens	3.56		0.49		4.05	
Natural	-21.16		4.49		-16.67	
Amenity	-13.71		53.82		40.11	
Children		-1		-1		-2
Teenagers		-2		-1		-3
Outdoor sports	-7.52		17.82		10.3	
Allotments	-3.1		0.81		-2.29	
Totals	-41.93		77.43		35.5	-5

4.35 However, in May 2015 (after the above report was published) new ward boundaries came into effect for the Hull Road and Heslington area. This placed all the university sports grounds and Campus East into the Hull Road ward. This changed the total sports space from a deficit of -7.52 hectares to a surplus of 9.80 hectares within the Hull Rd ward.

4.36 It is understood that the nearest outdoor sports provision, based at the University Campus, is slightly outside the recommended walking distance of 15 minutes and is around 17 minutes away. However, since there is a surplus of amenity and sports open space within the ward the applicant would not be required to make provision for these types of open space and as such a financial contribution can not be sought.

4.37 Objections have been received on the basis that the loss of the playing fields would result in a loss of land for neighbouring residents to utilise for social purposes. Whilst this is appreciated, the site is within private ownership with formal access only required for the 16 hours a week under the s106 agreement. There are no legal rights of access outside of these hours. However, the applicant has increased the amount of open space to be made available and relocated it in order to make it more accessible for existing residents.

4.38 The application proposed the loss of three sports pitches on site. Paragraph 74 of the National Planning Policy Framework allows existing open space to be built on where:

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

4.39 The site is owned by York St John University and has historically been used as the University's sports pitches. However, the site is now surplus to the University's requirements, since the new facilities have been provided at Haxby Road, and all the University games are played there. The University states that they now no longer have the budget to maintain the pitches and has sought to redevelop the site through the emerging Local Plan Call in for Site process which, as already outlined, resulted in the site being allocated for housing as site H56.

4.40 The University states that all the groups that previously utilised the site have now either relocated or disbanded. The Council do not have any formal information to dispute this and as far as officers are aware no details of offers to purchase the site are available.

4.41 As part of the previous development of the site to provide the David Lloyd Leisure Centre (2001) a s106 agreement was signed stating that the playing fields should be made available for a minimum of 16 hours per week. The agreement sets out that the pitches should be managed by a Playing Fields Liaison Group, which would consist of one person nominated by the council and one by the Trustees, and maintained by the University. The Council have no records available indicating that this liaison group was established and as such there are no records available as to how the council marketed the site for use by community groups. It is acknowledged that historically teams have approached local leagues, the council or the University for information on pitch availability. Any teams looking to relocate or find a league have made their own inquiries on availability rather than the University actively finding teams.

4.42 As part of the current proposal, the applicant has agreed to provide the same level of access, as agreed under the original s106 agreement, to the new sports facilities at Haxby Road. This could be secured through a s106 agreement.

4.43 The NPPF states that existing open space can be developed where an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements. The applicant has confirmed that the sports pitches are now redundant in terms of the University use and are surplus to their requirements. The pitches are located within private land and as such general public access on a daily basis can not be considered.

4.44 The NPPF states that existing open space can be built on where the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. The transfer of the provisions of the current s106 agreement to the facilities on Haxby Road would clearly replace the existing playing fields with a better provision in terms of quantity and quality. The issue stands as to whether the provision of the replacement pitches is in a suitable location. Whilst the pitches are located some distance from the site it is considered that they are still accessible to potential teams that wish to utilise sports facilities. It would be unlikely that team members of local clubs would be likely to all live within walking distance to pitches, especially when combined with away matches. Ample parking facilities are available at the Haxby Road site and the site is accessible by public transport links. Whilst concerns have been raised that the site is within 17 minutes walk away as opposed to the recommended 15 minutes walk it would be difficult to argue that the site is not accessible.

4.45 Furthermore, additional comments have been received from Sport England. They acknowledge that it is a finely balanced application, in particular in relation to the distance of the replacement facilities at Haxby Road. However, they consider that the new artificial grass pitches for football would be an improvement as it would increase the carrying capacity for football. The catchment is acceptable for the University Sports teams and Sport England are mindful that the FA states that they and North Riding County FA have never received any complaints from football clubs about the proposed replacement pitches. Football is the only formal sport affected at Hull Road, and the FA concludes that the proposal is acceptable on the basis that the community use that takes place at the Hull Road site will be transferred to the Haxby Road site.

HIGHWAY ISSUES

4.46 The proposed development would be served via the existing signalled junction at Hull Road and Windmill Lane. No additional access to the site is proposed from Windmill Lane. The access through the site, which serves David Lloyd, is considered to be adequate to serve the development. The internal layout should be designed in accordance with Manual for Streets principles as a shared space. The layout should seek to restrain vehicle speeds to 20mph or below whilst also using design features to manage on-street parking. It should be offered for public highway under a Highways Act Agreement.

4.47 The supporting information (in accord with nationally approved Department for Transport specifications) has assessed the current traffic situation without the development, including validation of timings, overall flows and queue lengths. The 'with' development scenario (modelled at 2021) shows that the difference in queue lengths will be in single figures, with a maximum additional queue of 5 vehicles, on the Hull Road approach from the east direction in the morning peak hour (0745-0845). Other arms of the junction including the site access will see changes less than this. The development of 70 units will generate less than 40 additional vehicle movements (that's in and out) in both peak hour periods (and much less in between). The average 'green' time on each cycle of the traffic lights is 19 seconds on the access/Tang Hall Lane arm and as such with over 30 cycles per hour this equates to only a very small number of vehicles added to the current demand and hence the reason for the predicted marginal growth in expected queues and overall delay.

4.48 The site is well served by public transport links and lies immediately adjacent to good cycle networks. It is considered that the site is sustainable in transport terms. The applicant has agreed to fund two BLISS real time bus displays to nearby in bound and out bound bus stop and provide funding for sustainable transport methods for first occupiers either through bus travel or cycle/cycle accessories. Officers will update members at Committee to confirm that this would be within the maximum pooling restriction requirements under CIL Regulations.

DRAINAGE

4.49 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, make it safe without increasing flood risk elsewhere (paragraph 100). The Environment Agency Flood Map for Planning demonstrates that the site is located in Flood Zone 1. The EA describes this Flood Zone 1 land as areas where flooding from rivers and the sea is very unlikely. There is less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year.

4.50 The site is considered to be about 7m above the highest flood levels of the nearest significant water course and therefore at very low risk of flooding. The site is not at risk of flooding from rivers or the sea.

4.51 Details submitted by the applicant demonstrate that existing surface water from the site discharges to the existing public sewer. Yorkshire Water has indicated that the local public sewer network does not have any capacity to accept additional surface water from the proposed site. As such it is proposed that surface water would discharge to soakaways. Permeability testing was undertaken and it has been

established that the ground on site is suitable for the disposal of surface water with appropriately designed and detailed soakaway systems.

4.52 Yorkshire Water confirmed that the development should take place with separate systems of foul and surface water drainage. Foul water domestic waste should discharge to the 225mm diameter public combined sewer in Windmill Lane to the east and the 225mm combined sewer to the west. Details can be secured by condition.

NEIGHBOUR AMENITY

4.53 Layout is a reserved matter, so the submitted masterplan is illustrative only and may change significantly. The presence of the substantial mature tree planting to the site boundaries results in a potentially limited impact upon neighbours' amenity. The vehicular access to the site only serves the existing leisure centre and as such additional vehicular movements would not result in additional noise disturbance to existing residential properties along Windmill Lane, with the exception of those located directly at the junction. David Lloyd Leisure has objected to the proposal in relation to policy implications only. It is considered that the development of the site for residential use would not have any direct impact upon the operation of the leisure centre. There is nothing about the size, character or location of the site that would prevent, in principle, the proposed number and type of dwellings causing a significant impact on local residents or the adjacent leisure centre.

EDUCATION PROVISION

4.54 The development would generate the need for three additional places at Badger Hill Primary School, eight spaces at Archbishop Holgate's CE Secondary School and eight pre-school places which would be spent in sites within 1.5km of the development as opposed to city wide. This equates to a financial contribution of £215,935 which the applicant has agreed and which would be secured through a s106 agreement.

BIO-DIVERSITY

4.55 The NPPF states that when determining planning applications local planning authorities should aim to conserve and enhance biodiversity. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss.

4.56 The main areas within the development in terms of bio diversity are the large tree belts lying along Hull Road and Windmill Lane which are subject to a tree

preservation order (TPO42). The woodland on the eastern edge of the site is recorded as an area of Priority Habitat 'deciduous woodland' identified by Natural England in the national habitat inventories. These areas have been excluded from the development area. The grassland, hedgerows and sports pitches are of low conservation significance.

4.57 There are no statutory or non-statutory nature conservation sites on or immediately adjacent to the site and it does not fall into a Site of Special Scientific Interest (SSSI) Impact Risk Zone as identified by Natural England. The site was assessed for their potential to support roosting bats with the sports pavilion having medium potential, although none were recorded emerging from the building, and the trees having no potential due to their age.

4.58 Evidence of hedgehogs using the site was recorded during the surveys. A range of biodiversity enhancements have been proposed to the retained habitats and incorporated amongst the housing including bird boxes, bat boxes, hedgehog shelters, habitat piles and a tawny owl box. The existing woodland belt will be managed, new tree planting undertaken and wildflower grassland creation. A five year conservation management plan has been produced for the site and submitted with the application which outlines these enhancements. Implementing these enhancements will help to maintain the areas value as part of the local green infrastructure.

ARCHAEOLOGY

4.59 The National Planning Policy Framework (NPPF) requires (at paragraph 128) that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Paragraph 129 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

4.60 The applicant submitted a desk-based assessment for consideration. This concluded that there is a high probability of medieval and later cultivation traces being present within the development area. While some of this may be preserved below ground in areas where the land surface has been raised for the playing fields, it is equally possible that some or all archaeology has been truncated or entirely removed as part of the same levelling activity. Conditions are proposed to secure a

geophysical investigation over the playing field areas at the north and eastern parts of the site which should be followed by targeted evaluation trenching.

AFFORDABLE HOUSING

4.61 The National Planning Policy Framework states that local planning authorities should set policies for meeting identified need for affordable housing on site. To that end the Council seeks to ensure that new housing development of 15 dwellings or more in the urban area will include affordable housing. The application is in outline only and does not include details of the housing mix and layout. However the applicant has agreed to provide 30% affordable housing. If outline planning permission were granted the mix and layout of the affordable units would be for agreement between the applicant and the council at a later date. Provision of affordable housing would be secured by a s.106 agreement.

GREEN BELT

4.62 Concerns have been expressed that the site lies within the green belt and as such is inappropriate development. The York Green Belt has been established for many years but has never been formally adopted. Whilst the Regional Strategy for Yorkshire and Humber has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates those policies and the general extent of the Green Belt around York. It identifies the outer boundary about 6 miles from the city centre. This site is not located within the general extent of the draft Greenbelt as depicted on the 2005 Proposals map accompanying the Local Plan 4th Set of Changes approved for Development Control purposes. The 2005 Draft Local Plan does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however 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.

4.63 Furthermore, the site is not located in an area identified as being of primary importance for the historic character and setting of the city as set out in the Green Belt Appraisal (2003) and updates to this document (2011, 2013). This evidence base underpins the primary purpose of York's Greenbelt for safeguarding the historic character and setting of the city. The site is not connected to the open countryside and is surrounded to all sides by established development including Windmill Lane, Hull Road, David Lloyd and Woodlands and is considered to form part of the York urban area. As such the site has not been assessed against green belt criteria.

LOCAL GREEN SPACE

4.64 Paragraphs 76 to 78 of the NPPF introduced a new Local Green Space designation (LGS) to protect local green areas of particular importance to local communities. This will enable communities, in certain circumstances, to identify and protect areas that are of value to them through local and neighbourhood plans. National policy also states that designation **will not** be appropriate for most green areas or open space. The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.

4.65 A petition containing approximately 1300 signatures has been submitted requesting that the land be designated as a Local Green Space. However, the planning authority still has a duty to determine any planning application which has been made on the site. In support, the NPPG states, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.

5.0 CONCLUSION

5.1 The application site could appropriately provide up to 70 dwellings in a highly sustainable and accessible location. The scheme would not lead to unacceptable levels of traffic generation, affordable house would be provided in line with Council policy, as would financial contributions towards education and sports provision, which would be secured through a s106 agreement. Amenity space and an equipped children's play area would be provided on site and access would be retained to the belts of mature trees which bound the site.

5.2 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The scheme would result in some harm due to the loss of the sports pitches within this location. It is concluded that this is outweighed by the application's benefits of providing housing in a sustainable location within defined settlement limits and with good access to public and sustainable transport links and

services. This is in line with the NPPF which seeks to boost, significantly, the supply of housing and to deliver a wide choice of high quality homes.

5.3 Approval is recommended subject to referral to the Secretary of State and completion of planning obligation to secure the following:

Trees :- Access and management plan for future maintenance of the tree belt that bounds the site with Hull Road and Windmill Lane

Open space: –

- a) Community use agreement for the University's facilities at the applicant's Haxby Road site
- b) On- site children's play area

Highways: –

- a) Provision of 2x real time (BLISS) displays at the adjacent inbound/outbound bus stops (£10k each – total contribution £20k) and
- b) The choice to first occupiers of either bus travel (in the form of a carnet of day tickets) or cycle/cycle accessories. Such contribution to be £200 per first occupier.

Affordable Housing: – on site provision of 30%

Education: - Financial contribution of £215,935 towards:

- a) three additional places at Badger Hill Primary School
- b) eight spaces at Archbishop Holgate's CE Secondary School
- c) eight pre-school places.

6.0 RECOMMENDATION:

That the application be APPROVED subject to:-

- i) Its referral to the Secretary of State and subsequent confirmation that the Local Planning Authority can determine the application,

AND

- ii) Satisfactory completion of a S106 legal agreement to secure:

Trees; Access and management plan for future maintenance of the tree belt that bounds the site with Hull Road and Windmill Lane

Open space;

- a) Community use agreement for the University's facilities at the applicant's Haxby Road site
- b) On- site children's play area

Highways;

- a) Provision of 2x real time (BLISS) displays at the adjacent inbound/outbound bus stops (£10k each – total contribution £20k) and
- b) The choice to first occupiers of either bus travel (in the form of a carnet of day tickets) or cycle/cycle accessories. Such contribution to be £200 per first occupier.

Affordable Housing ; on site provision of 30%

Education; Financial contribution of £215,935 towards:

- a) three additional places at Badger Hill Primary School
- b) eight spaces at Archbishop Holgate's CE Secondary School
- c) eight pre-school places.

AND

iii) The following conditions:

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

Details to be submitted: appearance, landscaping, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used (hereinafter referred to as "reserved matters").

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

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

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

3 The development hereby permitted shall be carried out in accordance with the following plans, insofar as it relates to vehicular access:

Y81:1037:07 Rev B received 5th April 2017

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

4 The number of dwellings at the site shall not exceed 70 units.

Reason: The impact of the development including the size of contributions sought through legal agreement has been assessed on the basis of up to 70 dwellings. A higher number of dwellings at the site would require further consideration of the acceptability of the scheme by the Local Planning Authority

5 VISQ8 Samples of exterior materials to be app

6 VISQ4 Boundary details to be supplied

7 HWAY1 Details roads, footpaths, open spaces req.

8 HWAY7 Const of Roads & Footways prior to occup

9 HWAY18 Cycle parking details to be agreed

10 HWAY19 Car and cycle parking laid out

11 HWAY40 Dilapidation survey

12 No development shall take place until a detailed acoustic report on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority.

The report shall include a scheme of noise insulation measures for all residential accommodation. The noise insulation measures shall be designed to achieve noise insulation to a standard that nuisance will not be caused to the occupiers of residential accommodation by noise from the following:-

- the noise impact of the A1079 Hull Road traffic;
- the operation of the existing leisure centre including plant and machinery, car-park noise and recreational noise;

- the noise impact from the Science Park, public protection is aware of refrigeration units and air conditioning units which are associated with the buildings on the Science Park, some of which run into the evening, these may have low frequency characteristics which means the noise will travel some distance from the noise source;
- the noise impact from the University buildings particularly the CHP boiler plant on the Science Park area, public protection is aware that there has been a low frequency noise source associated with these building which may impact on future residents of the site

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 8233: 2014 Sound Insulation and Noise Insulation for Buildings - Code of Practice.

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and to ensure that the internal LAFMax level during the night (23:00-07:00 hours) does not exceed 50dB(A) on any occasion or 45dB(A) on more than 10 occasions in any night time period. These noise levels shall be observed with all windows open in the habitable rooms or with windows shut and other means of ventilation provided.

Reason: In order to safeguard the amenities of future occupiers. The details are needed prior to the start of work as the acoustic report may require changes to the design details.

13 No development shall take place until a detailed acoustic report on the impact on the existing noise climate at the entrance to the development site has been submitted to and been approved in writing by the Local Planning Authority.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of Calculation of Road Traffic Noise 1988.

Reason: In order to safeguard the amenities of existing occupiers adjacent to the new access road. The details are needed prior to the start of work as the acoustic report may require changes to the design details.

14 Electric vehicle recharge points will be required at all properties that include off-street parking as follows (one recharge point per property).

- For all garage spaces - Prior to first occupation of the dwelling the applicant shall install a three pin 13 amp electrical socket in the garage which is in a suitable location to enable the charging of an electric vehicle using a 3m length cable.

Note: Any socket provided must comply with BS1363 or an equivalent standard, Building Regulations and be suitable for charging electric vehicles.

- For all driveways - Prior to first occupation of the dwelling, the applicant shall install a three pin 13 amp external electrical socket which is suitable for outdoor use. The socket shall be located in a suitable position to enable the charging of an electric vehicle on the driveway using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles.

15 No development shall take place until a Construction Environmental Management Plan (CEMP), to outline measures to minimise emissions to air and restrict them to within the site boundary during the construction phases has been submitted to and approved in writing by the local planning authority. 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. The plan should also provide detail on the management and control processes including the hours of construction. 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 development shall be carried out in accordance with the CEMP as approved by the local planning authority.

Reason: to safeguard the amenities of the existing residential occupiers and those as they move onto the site.

16 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 shall be submitted to and approved in writing by the Local Planning Authority prior to works starting on site. The report of the findings must include:

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

This 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.

17 Prior to development commencing, 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 submitted to and approved in writing by 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.

18 Prior to first occupation or use, the approved remediation scheme referred to in condition 15 must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by 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.

19 In the event that previously unidentified 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 shall be prepared and approved in writing by 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 prior to development recommencing on site.

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.

20 The first reserved matters application shall include a detailed landscape scheme showing both soft and hard landscape proposals that shall include the following information: the species, stock size, density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate and mowing regimes where applicable; types and heights of boundary treatment such as fencing, railing, hedging; paving materials; street furniture; layout of equipped areas of play. The trees alongside the existing access road shall be retained or replaced with a suitable species in the same or similar location and incorporated in to the proposed landscape scheme. The boundaries of ownership and responsibilities for landscape maintenance following completion, sales and/or hand over should be clear from the landscape scheme. The scheme will also include details of ground preparation. This scheme shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within a period of ten years from the substantial completion of the planting, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with

others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme. Any works to existing trees that are protected by a tree preservation order (TPO) or are in a conservation area, are subject to local authority approval and notification respectively within and beyond this ten year period.

Reason: The landscape proposals are integral to the function, character and amenity of a development; and as such are an essential component when giving the detailed development proposals due consideration, since the landscape scheme is integral to the amenity of the development.

21 The first reserved matters application shall include an Arboricultural Method Statement (AMS) regarding protection measures for the adjacent woodland and other existing trees shown to be retained on the approved drawings. This statement shall include details and locations of protective fencing, site rules and prohibitions, phasing of works, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials, locations and means of installing utilities, location of site compound, and marketing suite. A copy of the document will be available for inspection on site by the Local Planning Authority at all times. The development shall be carried out in accordance with the approved AMS.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development.

22 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works for the site has been submitted to and approved in writing by the Local Planning Authority.[The scheme shall include details of future management and maintenance to ensure it remains effective for the lifetime of the development]. The approved scheme shall be implemented before the development is brought into use [and shall be managed and maintained in accordance with the approved details for the lifetime of the development].

The following criteria should be considered:

Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.

- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

23 Prior to occupation a sensitive lighting scheme shall be submitted to and approved in writing by the local planning authority. The strategy shall;

- Identify those areas/features on site that are particularly sensitive for wildlife.
- Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that there will not be a negative impact on wildlife.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy prior to first occupation and these shall be maintained thereafter in accordance with the strategy.

Reason: To contribute to and enhance the natural and local environment by encouraging good design to limit the impact of light pollution from artificial light on nature conservation in line with the NPPF.

24 No development shall take place (including any demolition, ground works, site clearance) until a method statement for the demolition of the sports pavilion (in relation to bats), creation of new wildlife features (including bird boxes, bat boxes, hedgehog shelters, habitat piles and a tawny owl box), woodland management and wildflower planting/establishment has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- i. purpose and objectives for the proposed works;
- ii. Updated bat surveys if work commences after July 2017;
- iii. detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- iv. extent and location of proposed works shown on appropriate scale maps and plans;
- v. timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- vi. persons responsible for implementing the works;
- vii. initial aftercare and long-term maintenance (where relevant);
- viii. disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To contribute to and enhance the natural and local environment by encouraging good design to limit the impact of the development on nature conservation in line with the NPPF.

25 A programme of post-determination archaeological geophysical survey and evaluation trenching is required on this site as this was unable to be carried out at pre-determination stage.

The archaeological scheme comprises 3-5 stages of work. Each stage shall be completed and approved by the Local Planning Authority (LPA) before it can be discharged.

- i. No archaeological geophysical survey or evaluation shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by the Chartered Institute for Archaeologists.
- ii. 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 (i) 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.

- iii. A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.
- iv. Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. It should be understood that there shall be presumption in favour of preservation in-situ wherever feasible.

v. No development shall take place until:

- details in (iv) have been approved in writing by the local planning authority and implemented on site
- provision has been made for analysis, dissemination of results and archive deposition has been secured
- a copy of a report on the archaeological works detailed in Part (iv) should be deposited with City of York Historic Environment Record within 6 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 12 of NPPF.

Reason: The site lies within an Area of Archaeological Interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

26 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification approved in writing by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Interest and the development may affect important archaeological deposits which must be recorded during the construction programme.

27 A programme of archaeological building recording, specifically a written description and photographic recording of the standing building to Historic England Level of Recording 2 is required for this application.

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

- i. No demolition/development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by the Chartered Institute for Archaeologists.
- ii. The programme of recording 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.
- iii. A copy of a report and archive images shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 12 of NPPF.

Reason: The building on this site is of archaeological interest and must be recorded prior to demolition.

7.0 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 (paragraphs 186 and 187) and having taken account of all relevant national guidance and local

policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

- Request revised plans and further information
- Section 106 Legal agreement
- Use of conditions

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

3. 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.

4. It is recommended that the services of a landscape architect are employed to produce a landscape scheme and to oversee the external works on site, in order to ensure that the ground preparation and planting are carried out to a satisfactory standard and are in strict accordance with the approved drawings. The developer is also advised to inform the local authority of when the planting is complete, so that i) the local authority can monitor the planting within the five/ten-year period and hence continue to ensure that the requirements of this condition are met and ii) there is no discrepancy as to when the requirements of the planning condition cease.

5. Development Informative

The developer's attention should also be drawn to the following which should be attached to any planning approval as an informative.

- i. All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:
- ii. Monday to Friday 08.00 to 18.00
- iii. Saturday 09.00 to 13.00
- iv. Not at all on Sundays and Bank Holidays.

- v. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".
- vi. Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions.
- vii. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturer's instructions.
- viii. There shall be no bonfires on the site
- ix. The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, Fax 01274 303 047) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

6 Construction Environmental Management Plan (in relation to condition 14):-

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 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. All monitoring results should be recorded and include what was found and mitigation

measures employed (if any).

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. Details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. All monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

For lighting details should be provided on whether or not artificial lighting will be provided on site during the development of the site and also include hours of operation. Mitigation measures to ensure that there is no loss of amenity to neighbours due to light pollution should also be detailed.

In addition the CEMP shall set out details of the 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.

Contact details:

Author: Heather Fairy Development Management Officer

Tel No: 01904 552217