

PROPOSALS

1.4 This application is for 12 dwellings with a new access from the corner of Mount Vale Drive / Towton Avenue following demolition of 24 Mount Vale Drive. The accommodation schedule would be -

3 bed x 2
4 bed x 8
5 bed x 2

1.5 The houses each have two or more car parking spaces and there are three on street visitor parking spaces. Two trees would be removed (one category B, one C) to facilitate the housing. Overall there would be an increase in the number of trees onsite. A pond is to be removed and this is shown as being replaced within the school grounds.

POLICY CONTEXT

1.6 The Mount School is designated as a school with associated playing fields in the 2018 Local Plan. In the Local Plan Evidence Base Study: Open Space and Green Infrastructure Update (September 2017) The Mount School Playing Fields are identified as an Outdoor Sports Facility.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area

2.2 Relevant Local Plan Policies:

2005 Draft Local Plan

GP1	Design
GP7	Open Space
GP9	Landscaping
GP10	Subdivision of Gardens and Infill Development
GP13	Planning Obligations
NE1	Trees, Woodlands and Hedgerows
NE7	Habitat Protection and Creation
NE8	Green Corridors
HE10	Archaeology
H4a	Housing Windfalls
H5a	Residential Density
ED11	Protection of Playing Fields

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- L1b Loss of Local Leisure Facilities
- L1c Provision of New Open Space In Development

2018 Publication Draft Local Plan

- H2 Density of Residential Development
- H3 Balancing the Housing Market
- H10 Affordable Housing
- D1 Placemaking
- D2 Landscape and Setting
- D6 Archaeology
- GI1 Green Infrastructure
- GI2 Biodiversity and Access to Nature
- GI3 Green Infrastructure Network
- GI4 Trees and Hedgerows
- GI5 Protection of Open Space and Playing Fields
- GI6 New Open Space Provision
- ENV5 Sustainable Drainage
- T1 Sustainable Access
- DM1 Infrastructure and Developer Contributions

3.0 CONSULTATIONS

INTERNAL

ARCHAEOLOGY

3.1 A desk-based assessment, geophysical survey and watching brief on geotechnical work test pits have been submitted with this application. The site has low-medium potential to produce Roman archaeology. However burials in this area are often in discrete clusters so it is not possible to rule out their existence on this site. Potential for medieval and post-medieval archaeology is also rated low-medium with the main interest being finds related to the Civil War action in this area.

3.2 Given the small chance of Roman and Civil War archaeology remaining on the site a watching brief should take place during groundworks to monitor and record any features or deposits which may be revealed.

ECOLOGY

3.3 A comprehensive ecology survey has been undertaken of the site. No protected species will be significantly impacted by the proposed development. The grassland habitat that will be lost is of low ecological value. The main woodland/tree area will be retained as part of the proposals, although this will result in the trees being subject to greater pressure for removal once they become part of domestic gardens. An existing

pond will be lost but mitigated for by the creation of a new wildlife pond within the school grounds. A new native species hedgerow along the site/school boundary will provide an enhancement in the long term.

3.4 There are no objections to this development on the grounds of ecology subject to a planning condition to secure the replacement pond (proposed in the school grounds) as ponds are a habitat of principal importance for the conservation of biodiversity in England, under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. They are also a Priority Habitat within the City of York Local Biodiversity Action Plan and provided informatives are used; that the applicant is reminded that, under the Wildlife and Countryside Act 1981 it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built and with regards to measures to accommodate hedgehogs, which are of priority conservation concern and are a Species of Principal Importance under section 41 of the NERC Act (2006).

LANDSCAPE ARCHITECT

3.5 Officers asked for a re-design relating to plots 1, 2 and 4 to avoid either tree removal to facilitate construction or demand from future residents due to lack of outlook and natural light. This has been achieved in the latest plans.

FLOOD RISK MANAGEMENT TEAM

3.6 The Combined Flood Risk & Drainage Statement RO/FRA/Y17040.1 prepared by RWO Associates (Report version 3 dated 22/01/2019) is generally acceptable.

3.7 The report states that in terms of surface water disposal, sub-soil conditions do not support the use of soakaways and a watercourse is remote from the site, therefore, surface water will discharge to public sewer via storage with restricted discharge of 2.1 litres/second. This will include dwellings, associated garages, highways and hard standings. The Councils Flood Risk Management Team would want to oversee the installation of the flow control device and associated attenuation measures.

HIGHWAY NETWORK MANAGEMENT

3.8 With regards the internal layout officers provided advice which has lead to amended plans, which show well defined visitor parking spaces (to discourage indiscreet parking) and for more variety in the road width and alignment to help calm traffic speeds and to develop character.

3.9 The proposed site access and associated works in the highway to facilitate this have been agreed in principle by officers.

3.10 Officers have asked for consideration to be given as to how construction traffic will safely access the site and to avoid contractor parking in the highway.

PUBLIC PROTECTION

Noise and Vibration

3.11 A noise and vibration assessment has been submitted with the application and has identified the rail line to the north east as the most significant noise source. An updated assessment has also been provided which addresses vibration from passing trains. Whilst any noise issues can be addressed using standard thermal glazing for most of the proposed dwellings, those nearest to the railway line (identified as plots 4 through to 9) will require a higher specification of glazing to meet the criteria of BS8233 and the WHO guidelines. A condition to approve this specification is recommended.

Contaminated Land

3.12 Phase 1 and 2 reports and investigations have been carried out. The information in the reports show that a low risk is posed to potential human health and controlled water receptors and that no further works are required at the site in terms of contaminated land.

Air Quality

3.13 Given that the application includes off street parking and in view of the Council's adopted Low Emission Strategy, officers request that each off street parking space incorporates a suitably rated electrical socket to allow a minimum of 'Mode 2' charging of an electric vehicle using a standard 13A 3 pin socket and a 3m length cable.

EXTERNAL

NETWORK RAIL

3.14 No objection in principle to the development. Make requests regarding drainage (and not diverting this towards the railway), construction management, tree planting adjacent the boundary, and adequate sound-proofing to dwellings.

MICKLEGATE PLANNING PANEL

3.15 Do not object assuming all drainage issues are fully investigated and the views of local residents are taken into account.

POLICE ARCHITECTURAL LIAISON OFFICER

3.16 Officers recommend that front gardens have boundary treatment to prevent encroachment.

SPORT ENGLAND

3.17 No objection on the basis that there will be a legal agreement to secure alternative sports facilities; the level of contribution is acceptable to Sport England. As such the development would comply with exception E4 of Sport England's Playing Fields Policy.

3.18 The proposal is for dwellings that will be located on part of the school's playing field. Aerial images show that the part of the playing field that will be lost was marked out for hockey in 2005 but has not been marked out with any pitches since 2007. Whilst the site of the proposal is not currently marked out with a pitch, it still forms part of the wider playing field site.

3.19 The loss of the playing field will be mitigated by a financial contribution that will contribute to delivery of a new replacement playing field at 235 Tadcaster Road which will provide a mixture of junior, senior, 7 and 9 a-side pitches. This will also provide a purpose built home for Bishopthorpe White Rose Junior Football Club. Sport England requested that planning conditions were attached to planning application 18/00251/FUL that will ensure that the playing field is fit for purpose, subject to management and maintenance arrangements; and community use is secured. The replacement site is approximately 1.7 miles from the application site and is accessible with footpaths, cycle paths and public transport.

3.20 In addition Sport England note that there is a current application 18/02245/FUL for new facilities at the school - a hall for dance and drama (which will be funded by the partial sale of the playing fields). This application would have an associated community use agreement for the new hall.

YORKSHIRE WATER

3.21 No objection. State that the Flood Risk & Drainage Statement RO/FRA/Y17040.1 prepared by RWO Associates (Report dated 14/11/2018) is acceptable.

PUBLICITY

Objections

3.22 There have been 49 comments made in objection of the scheme and a petition with 119 signatures.

Loss of playing fields / Proposed housing contrary to policy

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- The application site is designated as a playing field in the local plan; it is not a housing site. To develop it would be contrary to policy.
- The Council has allocated housing sites (along with projected development on windfall sites) in the Local Plan to deliver housing to meet need, as identified in the SHLAA 2017. The allocations looked at 800 potential sites in its Sustainability Appraisal (2017) and designated sites accordingly. This site was not identified as a potential housing site and nor can it be considered as a windfall site due to its size (being over 0.2ha in area). As such the site should not be developed for housing.
- The Local Plan states that the underuse of a playing field is not justification for its loss and alternative uses should be initially considered. The site is a school playing field and has previously been well used. As pupil numbers at the school has fallen less use has been made of the field. The school's trustees have reported to the Charity Commission in August 2017 that they have a strategy to increase pupil numbers so that they can improve the school's financial position. If the numbers increase to previous levels, then the field would no longer be deemed to be surplus or redundant.
- A contribution to replacement facilities at the Tadcaster Road site is unreasonable, being a significant distance from the site.
- The large houses proposed will not help meet demand. Some 80% of York's housing needs are up of 1,2 and 3 bedroom properties as described in the Strategic Housing Market Assessment Addendum. This scheme would not contribute to meeting needs for affordable housing.
- The area had been used as part of the playing field until recently. It is also used for environmental studies. It is inappropriate for the school to look to sell off this land due to their financial difficulties.
- Local policies with regards to public/community access to sports facilities should be upheld.
- The Green Infrastructure study emphasises the importance of conserving and enhancing such spaces in the city.

Traffic

- Safety concerns due to extra traffic and associated congestion on the existing neighbouring streets. The local streets are narrow and frequently blocked by parked cars.

- The access road already serves some 100 houses and has no extra capacity. There will be more traffic than anticipated in the applicant's reports, which are based on each household only owning 1 car. The houses proposed are of a size which would suggested occupants owning at least 2 cars. The access, past the Bothy (commercial premises), is too narrow therefore unsafe to accommodate extra traffic.
- The street already has inadequate parking. Some houses rely on parking on the road and there are also commercial premises nearby (Victorian office buildings Yorkshire Wild Life and Institute of Physical Engineering within 50 metres of Mount Vale Drive both of whom have limited parking space. Often 4 vehicles from YWL are parked on Mount Vale Drive) and the street is used for parking by non-residents.
- Inadequate road space for delivery and construction vehicles.
- Proposed site access – Existing residents (The Poplars) would have to reverse onto the proposed access.
- At the proposed access there is very little detail with regards to the alterations required. It would leave a very odd shaped grass verge at the top of Mount Vale Drive. What happens to the BT pole, Rowan tree, dropped kerb and ramped approach? The drawing seems to suggest that the ramp length would be reduced by one metre which would give a new gradient of 1:4.5 which is too steep
- Increased traffic also has led to objections about increased noise disturbance and air pollution.

Flood Risk and drainage

- Increased flood risk to houses at the bottom of Mount Vale Drive, Mount Vale and Tadcaster Road. Mount Vale Drive frequently floods. This development would only exacerbate this and potentially lead to houses flooding.
- The adequacy of the Surface Water Sewer may be able to be proved on paper but it is blocked down stream of where the connection from the site is to be made.
- Yorkshire Water's Sewer Map shows the Foul Water Sewer starts at 220mm diameter reducing down to 150mm and then to 100mm when it connects to the sewer in Tadcaster Road. This is bad practice and would not be permitted on a new installation. It is questioned whether it is possible to prove by calculation that an 150mm pipe running at 75% (recommended capacity) is large enough to take the existing 80 dwellings plus 12 new dwellings.
- Loss of floodwater storage on site will increase flood risk elsewhere.

Amenity

- The house shown as Plot 1 affects the privacy of those living in 2 Towton Avenue, as well the house next to 2 Towton Avenue being demolished to create a road.
- The propose houses are out of keeping with the environment, being higher than nearby houses.
- The height of part of Plots 2 & 3 will be approximately 1.8m above the ridge level of the existing dwellings along Towton Avenue and as such will be over bearing.
- Proposed houses out of character - the form and material of the houses proposed are out of character with local housing which have rough cast render cladding and hipped roofs.
- Harm to the character and appearance of the street as a consequence of the insertion of an access road and loss of the pavement, grass verge and a salt bin used by residents.
- Harm to setting of Poplars – current outlook would be replaced by development. There would be extra traffic noise as a consequence of the anticipated vehicle trips between 7am and 7pm.
- It is queried whether noise and vibration from trains has been adequately addressed. Neighbours with triple glazing advise the noise is still intrusive.

Ecology

- Adverse impact the wildlife the site currently supports, this includes hedgehogs, toads, owls, newts and bats.

Representations in support

There have also been 22 representations in support of the scheme; these make the following points -

- Need for housing. The site is suitable being underused and in the urban area; providing houses in such locations avoids development of the green belt.
- Adjoining occupants may have enjoyed views over this sports field for many years but they have no right to expect this in perpetuity and the planning system is not there to allow them to stop development they would prefer did not take place.

- The Mount School have more than adequate remaining external sports space. They have every right to seek to capitalise on unused land. Neighbours and objectors have no right to dictate to The Mount School that this sports field should be made available to other people if the Mount School don't need it.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues are -

- Principle of development (loss of the playing field / whether site suitable for housing / housing size and type)
- Highways
- Drainage and flood risk
- Ecology
- Design and layout of the site
- Residential amenity
- Archaeology
- Planning Obligations

ASSESSMENT

Principle of the proposed development

Loss of playing field

4.2 The proposals would develop part of the school playing fields. In this respect the NPPF (paragraph 97) states that "existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

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

4.3 The application would accord with this paragraph of the NPPF (part b) by way of a legal agreement to secure alternative facilities. The proposed approach is a pro-rata contribution towards the proposed sports facilities at Tadcaster Road (on the opposite side of Sim Balk Lane to the college). The scheme was approved under application 18/00251/FUL. Whilst the site is some 1.7 miles away Sport England has endorsed the approach and state that the Tadcaster Road site is reasonably accessible (from sustainable modes of travel). It is also noted that the school's intention is to use the

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finance from the land sale towards new and enhanced facilities at the school site, which will continue to be available for wider use.

4.4 In the Publication Draft Local Plan 2018 the site is identified as playing fields associated with the school. In the Local Plan Evidence Base Study: Open Space and Green Infrastructure Update (September 2017) The Mount School Playing Fields are identified as an Outdoor Sports Facility.

4.5 Local Plan policy GI5 advises the loss of open space of environmental and/or recreational importance may only be permitted when "the open space uses can be satisfactorily replaced in the area of benefit and in terms of quality, quantity and access with an equal or better standard than that which is proposed to be lost. Where replacement open space is to be provided in an alternative location (within the area of benefit) the replacement site/facility must be fully available for use before the area of open space to be lost can be redeveloped".

4.6 The policy goes on to states development proposals will be supported which (deemed relevant to this application) –

- improves the quality of existing pitches and ensure that any new pitches are designed and implemented to a high standard and fully reflect an understanding of the issues affecting community sport; and
- meets the deficit of pitches in geographically appropriate and accessible way. This could be rectified through re-designation of any current surplus facilities in the area of benefit.

4.7 In consideration against policy GI5 -

- Only a small area of playing field would be lost, which has not been used as part of a playing field in recent years (since 2007 according to Sport England). Given the proposed contribution towards off site provision (for facilities of improved quality which are accessible from the site) and the school's intention to improve their own facilities, there would be satisfactory re-provision of sports facilities/playing fields.
- The re-provision towards which a commuted sum is proposed is a project being implemented by a 3rd party (the Council) and on land not in the applicant's ownership. The Council expect to start work on the project this year. However a requirement that this facility be complete before development at the application site could commence would be unreasonable, with compliance being beyond the applicant's control.
- Because of the size of the space to be developed and as this is on private land, the recreational importance of the site is low.

4.9 The policy in the emerging plan differs somewhat to the 2005 Draft Local Plan policy regarding playing fields, ED11 from the 2005 plan required exceptional circumstances to be proven, and for alternative provision of similar quality to accept the loss of playing fields. Both Local Plan policies carry limited weight compared to the NPPF approach as explained in 4.2. However the exceptional circumstances put forward in this case could be the small area of playing fields overall which would be lost, that these have been not used as playing fields for over 10 years (according to Sport England) and that the school are selling the land to finance new and improved sports, recreation and community facilities.

Whether the site is suitable for housing

4.10 The Government's objective, as set out in paragraph 59 of the NPPF, is to significantly boost the supply of homes. Paragraph 68 states small and medium sized sites can make an important contribution towards meeting housing requirements. In decision making local planning authorities should support the development of such sites - giving "great weight to the benefits of using suitable sites within existing settlements for homes".

4.11 However to determine whether the proposals are acceptable and compliant with the NPPF the application must be assessed against all policies of the framework to ascertain whether the scheme is "sustainable" or whether any adverse impacts of granting permission so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Size and type of development

4.12 Section 5 of the NPPF requires that the local authority identifies local housing need; the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The Local Plan has policies H2 and H3 which relates to the density of residential development and delivering housing to meet identified need.

- Policy H2 recommends a density of 50 dwellings per ha in the urban area as a guide, with the caveat that there is a need to consider local character.
- Policy H3 states that "the Council will seek to balance the housing market across the plan period and work towards a mix of housing identified in the Strategic Housing Market Assessment (SHMA). Proposals for residential development will be required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city. This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people".

4.13 This scheme is low density (approx 25 dwellings per hectare) and a mix of large houses are proposed (10 of the 12 houses have 4 or more bedrooms).

4.14 The low density in part arises because of the prominent trees on site, only two of which would be removed to accommodate the development. The layout has been arranged to maintain (and re-enforce) tree cover and landscaping behind Towton Avenue and alongside the railway line. The plot sizes are generally not unduly large; the majority are comparable with plot sizes of houses on Towton Avenue. The houses achieve the high number of bedrooms by fully utilising space above the garages and within the roof-space. As such, whilst in dwelling numbers the development is low density, the scheme arguably makes efficient use of the site.

4.15 According to the Strategic Housing Market Assessment (2016) between 2012 and 2032 only 3.3% of dwellings need to be 4+ bedrooms in size. Completions and permissions since 2013 have exceeded need.

4.16 The applicants have been asked to reconsider the scheme and provide smaller houses as part of the overall mix, but have declined. They contend that there are many other schemes that have/will provide a specific housing type, rather than explicitly provide a mix in line with need and that such schemes have not been resisted. The need identified in the SHMA is city wide, it is changing over time and need not be rigidly applied to every site.

4.17 On balance offers accept there are grounds to not reject the application due to the size of the houses proposed. In addition to the case above, the following are applicable to this application -

- The number of bedrooms is typically achieved by accommodating 2 bedrooms at roof level, which makes efficient use of each plot. There would be limited scope to extend these houses further in future.
- The scheme does provide a variety of house sizes and types.
- The likelihood is that a scheme with smaller dwellings would lead to more dwellings being proposed, which would inevitably be more cramped and with less car parking and storage space (bearing in mind the desire to protect existing trees).
- The site is a windfall site, thereby contributing to demand overall. The lack of 3-bed or less dwellings on a site of this scale would not have a significant impact on housing supply.

Affordable Housing

4.18 Affordable Housing requirements are detailed in policy H10 in the Emerging Local Plan. The target here is 20% provided by way of a contribution towards affordable housing off site (of £33,208.40 per dwelling). Although demolition is proposed Vacant Building Credit is not being applied here as the purpose of VBC is to incentive re-development of Brownfield land and this is not the case here.

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Highway Network Management

4.19 The NPPF states that in assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

4.20 The NPPF goes on to state 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.

Sustainable travel

4.21 With regards sustainable travel the site plan has been amended since submission so the development is more pedestrian friendly; achieved through introducing more footpaths, the use of surfacing materials and by narrowing the width of the street. The houses all have garages which are a reasonable space and can accommodate cycles. Bus stops on Tadcaster Road are within reasonable walking distance. Electric vehicle charging facilities will be secured through condition.

Site access

4.22 It is proposed to re-align the road on the corner by the site access to achieve adequate (Manual for Streets compliant) forward visibility at the junction. This involves removal of an area of verge on the opposite side of the road. The applicant would be responsible for agreement with utilities providers affected. The verge is to the far side of the adjacent house and there would not be an undue impact on amenity.

4.23 Swept paths have been provided showing the realigned street can accommodate service vehicles. Whilst the road could be blocked by parked cars, there is no change in this respect. There is more than adequate car parking within the application site and consequently this scheme should not directly lead to increased on street car parking locally.

4.24 Footpaths will be extended to provide reasonable pedestrian access into the site, for existing and future occupants.

Wider network

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4.25 The submitted Transport Assessment estimates around 10 car trips during peak periods. It explains that in the past 4 years there have been 2 accidents at the junction with Tadcaster Road (no accidents on Mount Vale / Towton Avenue). The amount of development proposed (12 houses) will not lead to an increased number of trips at peak times to the extent there would be a material impact on the operation of the highway network.

Drainage and flood risk

4.26 The thrust of national policy in the NPPF with regards flood risk is to steer development away from areas at risk of flooding, to ensure development is safe from flood risk and to avoid increased flood risk elsewhere. Local requirements, as detailed in the York Strategic Flood Risk Assessment, with regards drainage are to require a 30% reduction on existing run off rates where practical, to protect against climate change and prevent increased flood risk.

4.27 The site is not in either flood zones 2 or 3 and is therefore acceptable in principle for residential development in terms of policies regarding flood risk.

4.28 A condition will secure an appropriate drainage strategy. The drainage proposals, as detailed in the Flood Risk and Drainage Statement (version 3) propose a policy compliant rate of surface water run off, calculated based on the amount of the site that was previously developed/hard-standing and that which was previously playing field. The agreed run off rate would be 2.1 litres per second (lower than the 5 l/sec that would be allowed by Yorkshire Water).

4.29 Regarding foul drainage it is Yorkshire Water's responsibility to ensure that there is capacity in the foul water system to accommodate the additional flow. Foul water domestic flows are on average very small discharges when compared with surface water run-off. To put this into context, 100 houses generate approximately 1.7 litres / second in domestic foul flow. For this proposal of 12 houses, the approximate increase in foul flow would be 0.2 l / sec. Yorkshire Water advise they are confident that this small increase can be accommodated within the existing foul water network.

Ecology

4.30 Section 15 of the NPPF relates to the natural environment. It states planning decisions should minimise the impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 175 explains the approach to development proposals. Relevant to this scheme is criteria d) which states opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

4.31 This site is the southern part of the Mount School's playing field and has been managed as amenity grassland for a long period. A comprehensive ecology survey has been undertaken of the site. No protected species will be significantly impacted by the proposed development. The scheme is policy compliant with regards to NPPF section 15 on the following grounds -

- There is an existing pond on site which was found to be heavily shaded but supporting a small population of smooth newts and common frog. As this would be lost to allow development it is proposed to create a new wildlife pond just to the north, within the school grounds, which in the medium term would result in no net loss of biodiversity.
- The grassland habitat that will be lost is of low ecological value. The main woodland/tree area will be retained as part of the proposals. Whilst two trees would be removed there would be new tree planting to the boundaries with Towton Avenue, the railway line and the school grounds.
- A new native species hedgerow along the site/school boundary will provide an enhancement in the long term.

Design and layout of the site

4.32 Officers are content with the layout and the landscaping proposals in principle. The scheme would be NPPF compliant in terms of achieving well designed places; it would achieve a strong sense of place, will function well and add to the overall quality of the area and will be visually attractive.

4.33 The layout is a site specific response, to allow retention of trees at the site boundary and so the houses on the western side of the plot act as a barrier and reduce railway noise in gardens.

4.34 The road design has been amended during negotiations to provide a more attractive setting with a less engineered feel. Beyond the initial entrance the public realm will read as a shared space and surfaces will be in block paving. Footpaths will be provided connecting into the existing network, providing access into the site for the proposed houses and the two existing houses at The Poplars.

4.35 The trees which are of amenity value are retained. Further trees will be added to those retained alongside Towton Avenue and the railway line and a hedgerow, along with trees, will screen the proposed houses from the school playing field.

4.34 The proposed houses would be 2.5 storey, of a light buff brick with slate roofs. This vernacular would reference some of the houses in the nearby conservation area, along Tadcaster Road and St Georges Place. This approach does not conflict with national guidance in Building for Life 12, which recommends schemes have "locally inspired or otherwise distinctive character". Whilst these houses will be of a different

vernacular to the houses on Towton Avenue and Mount Vale Drive this is not inappropriate given the secluded nature of the site.

Residential amenity

4.35 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

4.36 Minor modifications to the Publication Draft Local Plan were made 25 May 2018. One of the changes was the inclusion of the following text to policy D1: Place-making - Ensure design considers residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

4.37 The proposed layout retains the trees behind the houses along Towton Avenue. The proposed houses are positioned at angles, so they do not directly face the existing houses and there would be openness between houses. Houses are generally to the north of existing development.

4.38 The closest proposed house to the existing houses would be plot 1. This would be some 18m from 2 The Poplars (at its closest point); these houses would not directly face each other. A single storey garage would be on the south side of the plot, closest to 2 Towton Avenue. The side elevation of the house would be some 17m from the rear of 2 Towton Avenue. The layout and tree retention will retain adequate levels of amenity for existing residents.

4.39 There would be a reasonable separation between the proposed access and neighbouring houses. There is already an existing access to houses in this general location and the new access has space for soft landscaping to each side (a mix of lawns and shrub planting). The access would not look unduly out of place in its setting.

4.40 The proposed houses have reasonable sized gardens and adequate outlook. Plots 2, 3, 10 and 11 are closest to each other being some 17.5m between front elevations. A condition can be imposed to ensure each house has adequate noise attenuation, given the proximity of the railway line; the approach will be informed by the noise assessment undertaken which understands the noise environment and has identified the specific attenuation that would be required for each dwelling.

Archaeology

4.41 The site is within the City Centre Area of Archaeological Importance. It has been subject to investigation (desk based and test pits on site) undertaken by York Archaeological Trust. Council officers are content that should development progress,

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a condition which would require a watching brief on groundworks would be appropriate.

Planning Obligations

4.42 Policy DM1: Infrastructure and Developer Contributions states that the Council will seek contributions from developers to ensure that the necessary infrastructure is in place to support future development in York. Contributions will be sought to fund strategic infrastructure that helps to deliver the Vision, Spatial Strategy and Objectives of the Local Plan, as well as specific infrastructure that is necessary to deliver an individual site. Relevant to this development, 'essential infrastructure' could potentially include affordable housing, education, and green infrastructure, including open space and built sports facilities. However currently any pooled contributions need to be regulation compliant i.e. there can only be up to 5 contributions pooled towards any single project.

Affordable Housing

4.43 Through section 106 agreement a policy (H10: Affordable Housing) compliant 20% affordable housing would be secured in the form of a contribution towards off site provision (£33,208.40 per dwelling).

Education

4.44 The proposed development would create need for both primary and secondary provision (anticipated yield of 3 and 2 respectively). However due to pooling restrictions a contribution towards primary school provision in the catchment would be contrary to the regulations. Millthorpe is the secondary school in the catchment area and there are projects to reconfigure and enhance facilities. Specifically there were applications made last year for a teaching block and sports pitch. However officers in Education do not require a contribution due to the regulations and as the Council already has funding for the sports pitch.

Green Infrastructure

4.45 Publication Draft Local Plan Policy GI6 relates to new open space in conjunction with development proposals. It states that all residential development proposals should contribute to the provision of open space for recreation and amenity. It goes on to explain circumstances where off site provision would be appropriate and refers to the supplementary planning guidance on open space dated 2014.

4.46 Based on the "Commutated Sum Payments for Open Space in New Developments" supplementary planning guidance, contributions are required for a development of the type and amount proposed. In the 2017 open space audit for

Micklegate the application site is designated as outdoor sports provision. The ward has a deficit of such space.

4.47 Regulation compliant off site contributions, calculated based on the aforementioned policy, would be obtained through 106 agreement and used as follows -

- Amenity open space - to improve access at Little Hob Moor / Hob Moor allotments
- Play contribution - to provide additional equipment and seating at Scarcroft Green play area
- Sport - to improve facilities at York RI / Ovington / Little Knavesmire

5.0 CONCLUSION

5.1 The scheme is for the redevelopment of land that is predominantly school playing fields. There are alternative adequate facilities that would be provided (secured through a planning obligation) that means the loss of playing fields is not grounds to oppose the application considering NPPF paragraph 97 which relates to existing open space, sports and recreational buildings and land, including playing fields.

5.2 In assessment of the proposed development, it would not lead to undue harm to biodiversity, adequate tree cover (which is important for the setting) will be retained and the scheme would not have an undue effect on neighbour's amenity. The access is adequate and the effect on the highway network would not be significant (which is the test in the NPPF, as explained in paragraph 109); it would therefore be acceptable.

5.3 In respect of these, and other material considerations the proposed planning obligation and the use of planning conditions can be imposed to broadly enable compliance with the NPPF; there are not any adverse impacts of the development that would significantly and demonstrably outweigh the benefits of providing housing (NPPF paragraph 68 states in decision making give great weight to the benefits of using suitable sites within existing settlements for homes), when assessed against the policies in the NPPF taken as a whole.

5.4 The recommendation is to approve subject to the completion of a planning obligation/section 106 agreement to secure the following requirements -

- Sports to compensate for loss of playing field
- Off site sports/amenity to meet the need of future residents (required prior to occupation)
- Affordable housing

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to S106 agreement to secure the following obligations (authority delegated to the Assistant Director to agree the precise details of the obligations) -

- Sports to compensate for loss of playing field (required prior to commencement) - Financial contribution towards the Tadcaster Road site of £47,539.80 (index linked)
- Off site sports/amenity to meet the need of future residents (required prior to occupation)
 - Amenity open space - to improve access at Little Hob Moor / Hob Moor allotments.
 - Play contribution - to provide additional equipment and seating at Scarcroft Green play area.
 - Sport - to improve facilities at York RI / Ovington / Little KnavesmireTotal = £36,448 (index linked)
- Affordable housing (required prior to occupation)
Off site contribution (in accordance with policy H10) of £33,208.40 per dwelling = £398,500.80 (index linked)

Conditions:

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

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

Drawings reference 1087 -

Location Plan – 01B

Site layout – 06L

Boundary treatments – 08J

Materials – 9J

Landscaping – Rosetta drawing 2895/1 revision E

Streetscapes -10C

House types and garages - 18A, 19B, 20D, 21D, 22E, 23, 25A, 27

Preliminary access road arrangement

LTP 3245 T2 01 01 Revision C

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

3 Dilapidation Survey / Construction Management

Prior to commencement of development a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Prior to commencement details of arrangements to prevent vehicles associated with construction (including contractor/staff parking) parking/obstructing the highway shall also be submitted to and approved in writing by the Local Planning Authority and the development carried out in accordance with the approved details thereafter.

Reason: The condition is required prior to commencement, considering NPPF paragraph 55 in the interests of the safety and good management of the public highway the details of which must be recorded prior to the access to the site by any construction vehicle.

4 Tree protection

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

Before the commencement of development (including demolition, excavations, and building operations) an Arboricultural Method Statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority.

The statement shall include details means of installing utilities.

A copy of the statement shall be available for inspection on site at all times.

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

5 Archaeology - watching brief

Prior to any groundworks a written scheme of investigation (WSI) shall be submitted to and approved by the local planning authority in writing. The WSI shall conform to standards set by the Chartered Institute for Archaeologists.

For land that is included within the WSI, no demolition/development shall take place

other than in accordance with the agreed WSI.

A post investigation assessment shall be completed in accordance with the programme set out in the approved WSI, published, approved in writing by the Local Planning Authority and deposited with City of York Historic Environment Record prior to occupation of the development hereby approved.

Reason: In accordance with section 12 of the NPPF as the site is of archaeological interest and lies in an area that has produced Roman features and deposits and the development may affect archaeological deposits which must be recorded prior to destruction.

6 Demolition and construction noise

All demolition, construction works that would exceed existing background noise levels at the nearest noise sensitive receptors, and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason: In the interests of residential amenity.

7 Drainage

Prior to construction of the dwellings and associated access road hereby approved site specific details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, shall be submitted to and approved in writing by the Local Planning Authority.

The information shall include:

- The means by which the surface water discharge rate shall be restricted to a maximum rate of 2.1 litres per second.
- The means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved.
- Details of future management and maintenance of the proposed drainage systems.

The Local Planning Authority shall be given at least 2 weeks notice of the date and time of the planned installation of the flow control device and associated attenuation measures, to allow observation of such works.

Reason: So that the Local Planning Authority may be satisfied with these details for
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the proper and sustainable drainage of the site, in accordance with the NPPF, in particular paragraph 163.

8 Drainage

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

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: In the interest of satisfactory and sustainable drainage, in accordance with the NPPF in particular paragraph 163.

INFORMATIVES:

The applicant is advised that the Internal Drainage Board's prior consent is required for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

Note that the surface water design shows a single drainage system for roof, associated garage, highway and hard standing water which satisfies our requirements but may not be satisfactory from a Highways adoption (Section 38 Agreement) point of view.

9 Ecology

Prior to the infilling of the existing pond on site an ecological strategy addressing the creation of a new wildlife pond within the school grounds shall be submitted to and approved in writing by the local planning authority.

The strategy shall include the following;

- a) Purpose and conservation objectives for the proposed works.
- b) Detailed design(s) and/or working method(s) to achieve stated objectives.
- c) Extent and location/area of proposed works on appropriate scale maps and plans.
- d) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- e) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- f) Details of initial aftercare and long-term maintenance.

The strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure not net loss in biodiversity in line with Paragraph 175 of the NPPF.

10 Noise

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 LAFMax level during the night (23:00-07:00 hours). Unless otherwise approved in writing by the Local Planning Authority noise levels shall not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms. These noise levels shall be observed with adequate ventilation provided.

Reason: To protect the amenity of future residents from externally generated noise (in particular the railway) in accordance with paragraphs 127 and 180 of the National Planning Policy Framework.

INFORMATIVE: Noise levels are established in the Noise and Vibration Impact Assessment reference AC105563-1R2 dated 23.11.2018.

11 Materials

External materials (including surfacing materials and boundary treatment) shall be in accordance with the approved plans unless alternatives are submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with NPPF paragraphs 127 and 130.

12 Site access and layout of estate (prior to first occupation)

No dwelling to which this planning permission relates shall be occupied unless or until the 'estate road' and 'shared surface' (as shown on the approved plans) and the proposed works in Towton Avenue and Mount Vale Drive to facilitate the site access, including carriageway basecourse and kerb foundation have been constructed in accordance with the approved plans.

Road and footway wearing courses and street lighting shall be provided within three months of the date of commencement on the construction of the penultimate dwelling of the development.

Reason: To ensure appropriate access and egress to the properties, in the interests

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of highway safety and the convenience of prospective residents.

INFORMATIVE: It is noted that approval under the Highways Act will also be required for these works.

13 Landscaping

The approved landscaping scheme (Rosetta drawing 2895/1 revision E) shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area.

Informative - Hedgehogs

The applicant is advised to consider using permeable fencing or leaving occasional gaps suitable to allow passage of hedgehogs -

(<https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>).

Any potential hibernation sites including log piles should be removed outside the hibernation period (which is between November and March inclusive) in order to avoid killing or injuring hedgehog.

Hedgehogs are of priority conservation concern and are a Species of Principal Importance under section 41 of the NERC Act (2006). An important factor in their recent population decline is that fencing and walls are becoming more secure, reducing their movements and the amount of land available to them. Small gaps of approximately 13x13cm can be left at the base of fencing to allow hedgehogs to pass through. Habitat enhancement for hedgehogs can easily be incorporated into developments, for example through provision of purpose-built hedgehog shelters or log piles.

14 Electric vehicle charging facilities

Prior to first occupation of each dwelling, an off street parking space which shall incorporate a suitably rated electrical socket to allow a minimum of 'Mode 2' charging of an electric vehicle using a standard 13A 3 pin socket and a 3m length cable shall be installed.

Reason: To provide facilities for charging electric vehicles in line with paragraphs 108 and 110 of the NPPF and the council's Low Emission Strategy.

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INFORMATIVE: Optionally, a suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to the standard 13A 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows faster charging of electric vehicles. Further advice can be provided by City of York Council's Public Protection team on request. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

15 Permitted Development rights on plots 1,2,3,4

There shall be no enlargements to houses on plots 1, 2, 3 and 4 that would extend beyond either the side or rear of the original dwelling, no additional buildings and no addition of hard-standing (that would otherwise be permitted under Parts A, E, and F of Schedule 2 of the Town and Country Planning General Permitted Development Order) without planning permission being granted for any such development.

Reason: To avoid the loss of trees which are of significant amenity value, in the interests of the amenities of the area and adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

7.0 INFORMATIVES: Notes to Applicant

1. NESTING BIRDS

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.

2. HIGHWAY WORKS

You are advised that prior to starting on site consent will be required from the Highway

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Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

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

3. UTILITIES

You are advised that this proposal may have an affect 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.

4. LEGAL AGREEMENT

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

5. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

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

6. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00
Saturday 09.00 to 13.00
Not at all on Sundays and Bank Holidays.

(b)The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular

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Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) 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 manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

Contact details:

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