

## COMMITTEE REPORT

**Date:** 6 December 2018      **Ward:** Westfield  
**Team:** Major and      **Parish:** No Parish  
Commercial Team

**Reference:** 18/01475/GRG3  
**Application at:** Hob Moor Community Primary School Green Lane Acomb  
York YO24 4PS  
**For:** Creation of new area of playing fields, wetland areas and  
timber walkways, erection of fabric shelter over outdoor class  
space  
**By:** City of York Council  
**Application Type:** General Regulations (Reg3)  
**Target Date:** 10 December 2018  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 Hob Moor Primary School comprises a combined primary school and Children's Centre set within a large site to the west of Hob Moor. Planning permission for construction of a two storey Centre of Excellence for the care of disabled children on the site of Windsor House and land partially within the school site is considered on this agenda (ref: 18/01467/GRG3) . This planning application seeks permission for the layout of a sports pitch with associated works to replace the area of land lost for that development.

1.2 The proposal envisages the layout of a playing pitch on presently unused land to the east of the school together with an area of informal "Forest School" activities including a wetland, timber walkway and a fabric covered outdoor teaching space. The site lies in close proximity to Hob Moor an urban common regulated by Private Act of Parliament incorporating a Local Nature Reserve and a SINC (Site of Interest for Nature Conservation). The site also includes an area of relict ridge and furrow providing evidence of Medieval agricultural practise in the locality.

### 2.0 POLICY CONTEXT

2.1 Publication Draft City of York Local Plan (2018) Policies

G12 Biodiversity  
D7 Non-Designated Heritage Assets

2.2 York Development Control Local Plan (2005) Policies

CYNE5 Non-statutory nature conservation sites

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### **3.0 CONSULTATIONS**

#### INTERNAL

##### Public Protection

3.1 Raise no objection to the proposal subject to any permission being conditioned to require remediation of land contamination at the site.

##### Design, Conservation and Sustainable Development (Ecology)

3.2 Raise no objection to the proposal subject to the imposition of an ecological Construction Environmental Management Plan condition on any permission.

##### Design, Conservation and Sustainable Development (Archaeology)

3.3 Raise no objection to the proposal subject to any permission being conditioned to require the undertaking of a pre-construction programme of evaluation of the surviving area of ridge and furrow.

##### Strategic Flood Risk Management

3.4 Any response will be reported verbally at the meeting.

#### EXTERNAL

##### Sport England

3.4 Initially objected to the proposal on the grounds that the proposed works would not adequately compensate for the playing field to be lost to other development works within the site either in terms of quantity or quality. The objection was subsequently withdrawn following submission of further information outlining the sport curriculum at the School and its associated requirements.

##### Friends of Hob Moor

3.5 Any response will be reported verbally at the meeting.

##### Ainsty (2008) Internal Drainage Board

3.6 Raise no objection to the proposal subject to any planning permission being conditioned to require submission and prior approval of a detailed surface water drainage scheme.

## 4.0 APPRAISAL

### KEY CONSIDERATIONS

#### 4.1 KEY CONSIDERATIONS INCLUDE

- \* Impact upon Local Biodiversity;
- \* Impact upon Features of Archaeological Significance;
- \* Impact upon the Local Surface Water Drainage Network.

### LOCAL PLAN

4.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF, although the weight that can be afforded to them is very limited.

4.3 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

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

The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

### IMPACT UPON LOCAL BIODIVERSITY

4.4 Central Government Planning Policy as outlined in paragraph 175 of the NPPF indicates that when determining planning applications Local Planning Authorities should ensure that where significant harm to biodiversity may not be avoided , adequately mitigated against or compensated for then planning permission should

be refused. Policy G12 of the Publication Draft City of York Local Plan (2018) indicates that new development should ensure the retention of features of biological interest and ensure a net gain to and help improve biodiversity.

4.5 The site comprises an area of grassland lying to the east of the school building complex. It falls into two segments; that to the north has been used as informal play space and is reasonably level and that to the south comprises a well preserved section of ridge and furrow. The southern area is a candidate Site of Interest for Nature Conservation by reason of its grassland habitat. It is proposed to lay out the northern area as playing field to compensate for that area to the west of the school which would be de-commissioned to allow for the development of the adjacent Windsor House site. The southern section would be developed as an open air informal play space with a series of timber board walks and a canvas covered "open air teaching space." The proposal has been supported by a detailed ecological survey. This proposes only very limited intervention in terms of the area of the candidate SINC with protection in particular for the soils associated with the grassland habitat. There would be a degree of additional planting in native species to the eastern boundary with Hob Moor in order to enhance the biodiversity value of the site and to compensate for the more intensive intervention that would take place at the northern edge of the site. Subject to any permission being conditioned to mitigate any harm that would be caused the proposal is felt to be acceptable in biodiversity terms.

#### IMPACT UPON FEATURES OF ARCHAEOLOGICAL SIGNIFICANCE

4.6 Central Government Planning Policy as outlined in paragraph 197 of the NPPF indicates that in the case of Non Designated Heritage Assets such as the ridge and furrow that a balanced judgement will be required having regard to the scale of any harm to or loss and the significance of the heritage asset. Policy D7 of the Publication Draft City of York Local Plan indicates that development which would involve harm to or removal of a Non Designated Heritage Asset would only be permitted where the benefits of the development would clearly outweigh the harm having regard to the scale of harm and the significance of the heritage asset.

4.7 The site comprises an area of unimproved grassland which partially includes an area of relict ridge and furrow of good quality which represents a survivor of a once more elaborate area surrounding the outskirts of the City and dating back to the Medieval period. It is proposed to retain the ridge and furrow in situ and to design the construction works in the southern area to respect the significance of the wider site. It is felt that subject to a detailed programme of recording and an archaeological evaluation before work is undertaken then the work is felt to be acceptable and the significance of the Non-Designated Heritage Asset would not be unacceptably harmed.

#### IMPACT UPON THE LOCAL SURFACE WATER DRAINAGE NETWORK:-

4.8 The application site lies within Flood Zone 1 and so is at the lowest identified risk of flooding from riparian sources. However the surrounding area is crossed by a series of small water courses and the significance of the Local Nature Reserve and SINC lying within Hob Moor to the south and east is largely dependent upon the maintenance of a constant water table. The value of the grassland habitat within the site itself is similarly dependent upon the level of the water table and the provision of the appropriate degree of physical drainage represents the most significant physical intervention into the site. It is therefore recommended that any permission be conditioned to require the submission and prior approval of a detailed means of surface water drainage.

## **5.0 CONCLUSION**

5.1 Hob Moor Primary School comprises a combined primary school and Children's Centre set within a large site to the south of Acomb District Centre. Planning permission ref:-18/01467/GRG3 is sought elsewhere on the current agenda for construction of a two storey Centre of Excellence for the care of disabled children on land partially within the school site. Planning permission is sought for the layout of a sports pitch with associated works to replace the area of land for that development. The proposal envisages the layout of a pitch on presently unused land to the east of the school together with an area of informal "Forest School" activities including a wetland, timber walkway and a fabric covered outdoor teaching space. The site lies in close proximity to Hob Moor an urban common regulated by Private Act of Parliament incorporating a Local Nature Reserve and a SINC (Site of Interest for Nature Conservation). The site further incorporates an area of relict ridge and furrow providing evidence of Medieval agricultural practise in the locality. It is felt that subject to any permission being appropriately conditioned in terms of archaeology and biodiversity impact then any harms can be appropriately mitigated. The proposal is therefore felt to be appropriate in planning terms and approval is recommended.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Drawing Refs:- IT(18)088\_(9-)L101\_PL1\_; IT(18)088\_(9-)L102\_PL1\_

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

3 No development shall take place (including ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) tailored to the specific needs of the project, has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of methods)
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) Responsible persons and lines of communication.
- f) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid irreparable damage to a locally designated nature conservation site.

4 A landscape and ecological management plan (LEMP) for the SINC area shall be submitted to, and be approved in writing by, the local planning authority prior to first use. The approved plan will be implemented in accordance with the approved details.

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

5 Prior to first use of the development hereby approved 3 hard wood bird nest boxes must be installed nearby within the school grounds to replace loss of nesting habitat in the short-term.

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

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

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

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

7 Prior to the commencement of development beyond site clearance and marking out works full details of the board walk construction including material, location, finish and foundation design shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved prior to the site being first brought into use.

Reason:- To safeguard the biodiversity value of the site and to secure compliance with paragraph 175 of the NPPF.

8 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief on all ground works and a contour and photographic record of the ridge and furrow is required on this site.

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

A) No development 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.

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

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

Reason: The site is considered to be an area of archaeological interest. Therefore, the development may affect important archaeological deposits which must be recorded.

9 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

## Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

On assessment of the borehole logs attached to the above Report we can agree that soakaways are not suitable as a method of surface water disposal in this location, and therefore;

In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak surface water run-off from Greenfield developments must be attenuated to that of the existing rate (based on a Agricultural run off rate of 1.40 l/sec/ha). 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. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required

Agricultural runoff rate of 1.4 l/s/ha is currently quoted to developers. However, it is recognised that this empirical figure may not be appropriate for all soil types and modelling carried out as part of the flood risk assessment specific to a particular development site may establish a different existing runoff from the site on which a design can be based and agreed. We can confirm that the Agricultural runoff has been calculated using HR Wallingford IH124 Methodology and information relating to the soil type as being edited to Soil type 4 has been submitted therefore the total permitted combined treated foul water and surface water discharge rate shall be no greater than 30.64 l/sec.

Suitability (to include its capacity to accept additional surface water flows and offsite route) of the combined treated foul water surface water outfall shall be proven.

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

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



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

10 The playing field shall be retained for outdoor sport use unless otherwise approved in writing by the local planning authority following the submission of a planning application.

Reason: To protect the playing field from loss and/or damage, to maintain the quality of and secure the safe use of sports pitches

11 Prior to the bringing into use of the playing fields a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the playing fields.

Reason: To ensure that new facility is capable of being managed and maintained to deliver a playing field which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (National Planning Policy Framework (NPPF) para 97)

12 Before the new area of playing field is brought into use a community use scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall apply to the new area of playing field and any auxiliary facilities and shall include details of pricing policy, hours of use, access by non-educational establishment users/non-members, management responsibilities, a mechanism for review and a programme for implementation. The approved scheme shall be implemented upon the start of use of the development and shall be complied with for the duration of the use of the development.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport

## **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 (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:

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Sought clarification as to the suitability of the proposed playing field area to replace that lost to development elsewhere in the site.

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