

## COMMITTEE REPORT

**Date:** 16 August 2018      **Ward:** Westfield  
**Team:** Major and      **Parish:** No Parish  
Commercial Team

**Reference:** 17/02429/OUTM  
**Application at:** Former Lowfield School Dijon Avenue York  
**For:** Outline application for 165 dwellings, care home (approx 80 bed), health and public service building and associated green space, access and infrastructure  
**By:** City Of York Council  
**Application Type:** Major Outline Application (13 weeks)  
**Target Date:** 20 August 2018  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The former Lowfield School comprises a large open grassed site of 4.54 hectares formerly occupied by a Secondary School lying to the south west of the Acomb District Centre. The former school playing field has been used by Woodthorpe Wanderers a Junior Football team who have subsequently relocated to a site in Dringhouses and merged with another local team leaving the playing field unused. Outline planning permission with all matters reserved apart from means of access is sought for the erection of 96 two and three storey dwelling houses, 26 bungalows and a three storey apartment block containing 18 apartments together with an 80 bed care home, a police station/health centre and an additional 6 self build and 19 community build dwellings. As part of the submission, it has been confirmed that 20% of the total number of two and three storey dwelling houses, bungalows and apartments together with the community build housing would be affordable. A parallel application for full planning permission in respect of the open market residential element of the proposal ref:- 17/02428/FULM is also for consideration on this agenda.

1.2 The proposal is not considered to require an environmental impact assessment.

### 2.0 POLICY CONTEXT

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

H1 Housing Allocations

H2 Housing Densities

H4 Self Build and Community Building

D1 Place making

HW1 Retention of Community Facilities

DM 1 Infrastructure and Developer Contributions

2.2 City of York Draft Development Control Local Plan (2005) Policies:

CGP15A

Development and Flood Risk

CYED4

Developer contributions towards Educational facilities

CYGP1

Design

CYH1

Housing Allocations

CYH2A Affordable Housing

### **3.0 CONSULTATIONS**

INTERNAL

Public Protection

3.1 Raise no objection to the proposal.

Highway Network Management

3.2 Raise no objections to the proposal.

Strategic Flood Risk Management

3.3 Raise no objection to the proposal

Design, Conservation and Sustainable Development(Archaeology)

3.4 Raise no objection to the proposal

Design, Conservation and Sustainable Development (Ecology)

3.5 Raise no objection to the proposal

## Design, Conservation and Sustainable Development(Landscape)

3.6 Raise no objection in principle to the proposal but raises some concerns in respect of the loss of mature trees of townscape importance and the nature and extent of compensatory planting.

## Public Realm(Strategy and Contracts)

3.7 Raise no objection to the proposal in respect of the provision of open space.

## Housing Services

3.8 Were consulted with regard to the proposal on 20th October 2017. Views will be reported orally at the meeting.

## Planning and Environmental Management

3.9 Were consulted with regard to the proposal on 20th October 2017. Views will be reported orally at the meeting.

## Education Services

3.10 Raise no objection to the proposal subject to payment of a commuted sum in lieu of the provision of primary and secondary school places.

## Waste Services

3.11 Were consulted with regard to the proposal on 20th October 2017. Views will be reported orally at the meeting

## EXTERNAL:-

### Yorkshire Water Services Limited

3.12 Raise no objections to the proposal.

### North Yorkshire Police Designing Out Crime Officer

3.13 Raise no objection in principle to the proposal subject to the site layout being designed to maximise the security of each property with any permission conditioned accordingly.

## Northern Power Grid

3.14 Were consulted with regard to the proposal on 20th October 2017. Views will be reported orally at the meeting.

Environment Agency

3.15 Were consulted with regard to the proposal on 20th October 2017. Views will be reported orally at the meeting.

Ainsty (2008) Internal Drainage Board

3.16 Raise no objection in principle to the proposal subject to any permission being conditioned to require the submission and approval of a detailed surface water drainage scheme.

Sport England

3.17 Raise no objection to the proposal subject to any permission being conditioned to require the provision and layout of suitable alternative playing field provision which can be made available before the authorised dwellings are first occupied.

Publicity and Neighbour Notification.

3.18 The proposal was advertised by site notice, press advertisement and neighbour notification on 13th November 2017. 17 letters of objection and 13 letters of support were submitted in respect of the proposal. The following is a summary of the letters of objection which raise the following planning issues:-

- \* the time duration of development
- \* location of construction site access;
- \* increased traffic flows;
- \* over-development of the site;
- \* loss of wildlife habitat;
- \* loss of open space;
- \* loss of playing field;
- \* loss of residential amenity;
- \* pressure on local infrastructure

3.19 The following is a summary of the letters of support:-

- \* support for the provision of bungalows suitable for occupation by the over-55s age group as an integral element of the scheme;
- \* support for the relationship of the proposed care home to the central landscaped square;
- \* support for the inclusion of plots suitable for self-build;
- \* support for the proposed community build scheme with associated sustainability benefits.

3.20 The Save Lowfields Playing Field Action Group have submitted a detailed letter of objection based upon the following grounds:-

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- \*severe deficit in open space in the direct locality;
- \* proposal premature in terms of its Local Plan status;
- \* lack of public support for the proposal;
- \* the proposed housing density would lead to an over-development of the site;
- \* the proposed care home and community buildings are unlikely to be delivered;
- \* the proposals would harm local biodiversity;
- \* the development would lead to excessive disruption during the period of construction;
- \* the proposal would lead to increases in traffic generation and displacement parking to the detriment of the safety and convenience of highway users.

3.21 The York Older People's Assembly support the proposal notably the provision of bungalows suitable for occupation by older age groups together with a Care Home as an integral element of the scheme.

## **4.0 APPRAISAL**

### **KEY CONSIDERATIONS:-**

#### **4.1 KEY CONSIDERATIONS INCLUDE:-**

- \* Principle of Development;
- \* Dwelling mix and density;
- \* Provision of allocated area for community build/self build units;
- \* Loss of playing field space;
- \* Proposed Care Home;
- \* Impact upon residential amenity;
- \* Impact upon the surrounding townscape;
- \* Impact upon local infrastructure;
- \* Impact upon the safety and convenience of highway users.

### **PLANNING POLICY CONTEXT:-**

#### **STATUS OF THE PUBLICATION DRAFT CITY OF YORK LOCAL PLAN (2018);**

4.2 The Publication Draft 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.

#### STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN (2005);

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for development control purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

The revised National Planning Policy Framework (NPPF) was published on 24 July 2018 and its planning policies are material to the determination of planning applications. It is against the NPPF that this proposal should principally be assessed.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted.

4.4 PRINCIPLE OF THE DEVELOPMENT:- Paragraph 49 of the NPPF indicates that arguments that a proposed development is premature should not of themselves be grounds for refusing planning permission unless the development is of such a scale either individually or cumulatively that to approve would undermine the plan making process or the emerging plan itself is at a very advanced stage but not at that time adopted. Policy HW 1 of the 2018 Draft Plan is of relevance in this context. It indicates a presumption against the loss of existing community facilities such as schools unless it can be demonstrated that the facilities no longer provide a community function or are not capable of being converted to provide a community function.

#### 4.5 RESIDENTIAL DEVELOPMENT:-

Central Government Planning Policy in respect of residential development as outlined in paragraph 8b) of the National Planning Policy Framework indicates that Local Planning Authorities should seek to ensure that new developments provide a sufficient number and range of homes to ensure that the needs of present and future generations are met. Policy H1 of the 2018 Draft Plan is also of relevance in this respect which identifies the site as a draft allocation delivering 162 units (including the additional self and community build units).

4.6 LOSS OF PLAYING FIELD SPACE:- Paragraph 97 of the NPPF indicates that existing open space, including sports facilities should not be built on unless the facilities would be re-provided with equal or better provision elsewhere.

4.7 RESIDENTIAL AMENITY:- Paragraph 127 f) of the NPPF indicates that Local Planning Authorities should ensure that new development secures a high standard of amenity for all new and existing users of development.

4.8 PROVISION OF SELF BUILD/COMMUNITY BUILD PLOTS:- Policy H4 of the 2018 Draft Plan sets out a policy presumption in favour of the provision of a minimum of 5% of strategic and allocated sites for community and self build developments. At the same time under Section 1 of the Self-build and Custom Housebuilding Act 2015 (as amended) local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. There are also duties under sections 2 and 2A of the Act to have regard to this register when carrying out its planning functions and to give enough suitable planning permissions to meet the identified demand.

#### PRINCIPLE OF DEVELOPMENT:-

4.9 There is a strong imperative in favour of housing delivery in the NPPF. It states that a Council must always be able to demonstrate a five-year supply of housing land. It provides that where there are no relevant development plan policies or a five-year housing land supply is absent the determining authority should therefore make decisions in accordance with paragraph 11 of the NPPF. Paragraph 11 requires that authorities should grant permission for development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole, or where specific policies in the Framework indicate development should be restricted.

The Lowfield School site comprises the location of a former 11-16 Secondary School which ceased to be used in 2010 and has subsequently been demolished. The associated playing field has until recently been utilised by Woodthorpe Wanderers Junior Football Team for matches and training, although that has now ceased with the relocation of the team to Dringhouses. The site has since 2014 been identified as a potential development site for a mix of uses with a predominance of residential. It forms a draft allocation within the 2018 Draft Plan as a housing site and as such contributes to the Council's 5 year housing land supply of deliverable sites. Central Government Planning Policy as outlined in the National Planning Policy Framework within paragraph 8 identifies the provision of access to a range of housing opportunities as an important element of the presumption in favour of sustainable development underwriting the document. As such the development is considered to be acceptable in principle in land use terms.

4.10 Objectors have questioned the principle of development and have raised concerns that the proposal may be treated as being premature in terms of the process of consultation and preparation of the 2018 Draft Plan. The NPPF is however clear that developments may only be treated as premature in respect of development proposals which are individually so substantial, or whose cumulative effect would be so significant, that to grant permission would prejudice the outcome of the plan making process by predetermining decisions about the scale, location or phasing of new development which ought properly to be taken in the development plan context. The current proposal envisages a modest but significant residential development within the context of a draft allocation within the 2018 Draft Plan and identified as making a contribution to the identified 5 year housing land supply. As such it is not considered to be of such a scale as to be prejudicial to the local plan process. Policy H1 of the 2018 Draft Plan furthermore indicates that planning permission would be supported for the early release of allocated sites where the release of other sites would not be prejudiced and the infrastructure requirements of the site may easily be met. Both criteria are satisfied by the current proposal.

4.11 Policy HW1 of the 2018 Draft Plan identifies that community facilities such as schools should continue in use or be converted into an alternative community use unless it can be demonstrated that they no longer provide a community use or are capable of fulfilling a community use. The former school buildings have been cleared to foundation level following on from a major fire and as such the site no longer fulfils a community use and the principle of the development is therefore acceptable.

#### DWELLING MIX AND DENSITY:-

4.12 Policy H2 of the 2018 Draft Plan sets out density targets for each type of site within the City with a target density of 40 dwellings per hectare for the sub-urban area and a housing mix which meets the requirements and needs of the local area. At the same time Policy H3 of the 2018 Draft Plan seeks the provision of a balance of types of housing which reflects the characteristics of the development site and the needs of prospective occupiers whilst maintaining consistency with the up-to-date SHMA (Strategic Housing Market Assessment). The proposed development seeks permission for a range of two and three storey dwelling houses together with a single block of 18 apartments and a development of bungalows along the eastern boundary geared towards elderly occupation. Properties would be predominantly two and three bedroom with vehicle parking integral to each site. Modest front and rear gardens would be provided and the density and layout would be characteristic of the local area. Furthermore the proposed development would contribute to meeting a short fall in the provision of more modest residential accommodation identified in the SHMA and as such the requirements of draft policies H2 and H3 would be met.

## PROVISION OF SELF BUILD AND COMMUNITY BUILD PLOTS:-

4.13 The proposal envisages the provision of 6 plots suitable for open market self-build development to be subject to a submitted Design Code together with the provision of a further 19 plots with ancillary community facilities and car parking as a community housing project to be managed by Yorspace. Both areas lie at the south eastern edge of the site with permission sought in principle with all matters reserved. The site boundary with adjacent residential properties is well landscaped and the proposal has been accompanied by a building heights parameters plan which restricts building heights to a maximum of 10.5 metres with no building to take place along the site boundary itself. It is felt that appropriate amenity separation distances may be achieved in respect of the self-build plots and can also be achieved in respect of the relationship of the community build development and adjoining residential properties. Detailed design would form part of any subsequent Reserved Matters application. Each self-build dwelling would require a separate application for reserved matters, each to be made by a separate self-build developer. The community housing project is designed to be managed collectively in line with the principles of sustainable development. The proposed self-build and community build plots would accord with Policy H4 of the 2018 Draft Plan and legislation places a duty to grant planning permission in respect of enough serviced plots of land to meet the demand for self-build and custom house building. The up-to-date self build housing register for the City indicates a demand for 216 units which represents a significant need which the proposal would in part address. As such the proposed self-build and community build plots are acceptable in planning terms.

## LOSS OF PLAYING FIELD SPACE:-

4.14 Paragraph 97 of the NPPF indicates a policy presumption against the loss of existing playing field facilities unless they are re-provided on an equal or more generous basis elsewhere. At the same time Policy HW1 of the 2018 Draft Plan seeks the retention of community facilities including sports fields unless it is clear that they are surplus and no longer serve a community need or it can be demonstrated that the facility can be better provided elsewhere in a manner which better reflects local community needs.

4.15 Since the closure and demolition of Lowfield School the former playing fields have been regularly used to provide training and playing facilities for Woodthorpe Wanderers a local Junior Football Club. Consequentially significant concern has been put forward by objectors to the loss of the playing field facility and Sport England who are a statutory consultee in respect of loss of sports facilities initially objected to the proposal. Furthermore the York Open Space Study which forms part of the evidence base for the Publication Draft Local Plan identifies a deficit of playing pitches within the western section of the City. Woodthorpe Wanderers have however relocated independently to Dringhouses and subsequently merged with Dringhouses FC. At the same time planning permission has recently been granted by the Committee for development of 10 pitches for training and play purposes

subject to resolution of off site parking provision on land at Tadcaster Road(ref:- 18/00251/FUL) for Bishopthorpe White Rose Junior Football Club. This would effectively re-provide for the pitches lost at the Lowfield site as well as making a substantial contribution towards reducing the deficit in playing pitch space in the western sector of the City. This has been acknowledged by Sport England who now support the proposal subject to any permission being appropriately conditioned in terms of phasing with the Tadcaster Road pitches. It is therefore felt that the requirements of paragraph 97 of the NPPF and Policy HW1 of the 2018 Draft Plan have properly been met.

#### PROPOSED CARE HOME:-

4.16 The proposed care home which would be centrally located within the development would be designed to accommodate approximately 80 residents. It would be focussed upon providing services for dementia care and is justified on the basis of a demonstrable need for appropriate accommodation within western York. That need was identified within the 2016 Strategic Housing Market Assessment(SHMA) which forms part of the evidence base to the Publication Draft Local Plan. This identified an un-met on-going need for 37 bed spaces within the local area for those over 75 years of age in need of care. The proposal would make a significant contribution towards addressing that need .An operator has not been identified for the proposal and detailed designs have not been derived at the present time (appearance, landscaping, layout and scale of the proposed development being reserved matters). Subject to the close physical relationship with the bungalow development to the north east being satisfactorily resolved in height terms with eventual development it is felt that adequate amenity space exists for occupiers of the development and the adequate separation distances can be achieved with neighbouring properties. It is proposed that a care home operator be identified soon after any grant of outline permission with a reserved matters application to follow.

#### IMPACT UPON RESIDENTIAL AMENITY :-

4.17 Paragraph 127f) of the NPPF indicates that new development should seek to provide a good standard of amenity for all new and existing users of the development and Policy D1 (place making) of the 2018 Draft Plan as amended by minor modifications since submission seeks that new development should seek to safeguard the residential amenity of neighbouring properties. The proposed development has been specifically designed to secure the standard amenity separation distances characteristic of the wider area. The majority of properties bounding the edge of the site are to be two storey with a significantly greater separation distance allowed at the northern edge of the site where a small cluster of three storey properties are proposed. Properties have previously been constructed in very close proximity to the former school boundary in two locations at the north east on Green Lane and the south west on Gale Lane and residents have strongly objected to the proposed development. In the case of the property at the south western boundary of the site it would overlook the blank south western gable of the

property within the site together with the adjacent parking area. In the case of the area at the north eastern boundary the boundary itself is heavily landscaped with the closest distance between properties within the development and those outside some 14.2 metres. In that section of the development the proposal envisages the erection of bungalows and the single storey pattern of development together with the landscaping at the site boundary would minimise any risk of overlooking. Subject to the plots at both locations having permitted development rights withdrawn the proposal is felt to be acceptable in terms of residential amenity impact. The physical relationship of the proposed care home to the bungalow development to the north east is close and any permission should be conditioned to ensure that the care home is no more than a single storey in height. Subject to such a condition being put in place impact upon residential amenity is felt to be acceptable.

#### IMPACT UPON THE SURROUNDING TOWNSCAPE:-

4.18 Policy D1 of the 2018 Draft Plan sets out a clear requirement that development proposals should reflect best practise in urban design and place making use appropriate materials and reflect the grain of local townscape character. The proposal has been designed to be predominantly low rise with the use of a palette of materials that reflects that present within the locality with the use of a mix of buff and red brick with render and timber cladding and an interlocking plain tile as a roofing material. The site is not readily visible in long or short distance views from outside of the site and its layout reflects the practise adopted in the surrounding development. Two broad house types are identified with the principal elevation laid out parallel with the street and an alternative with a steeply pitched gable roof with additional accommodation taken up into the roof slope. The site contains extensive mature landscaping with a number of trees of townscape importance. These would be retained wherever practicable notably at the north eastern edge of the development and a central landscaped square would be provided as a focal point for wider development. The green space would also fulfil the requirement of the site for the provision of informal open space and children's play space. Access to the development would be taken from two locations, to the north from the existing school access and Dijon Avenue and from the south west from Tudor Road with the central green space acting as a boundary. It is felt that the proposal is broadly acceptable in townscape terms and accords with Policy D1 of the 2018 Draft Plan..

#### IMPACT UPON LOCAL INFRASTRUCTURE:-

4.19 Concern has been expressed by both consultees and objectors in respect of the impact of the proposal upon local infrastructure. A trunk surface water sewer which crosses the northern site access would require to be partially relocated although the mechanism for that has been agreed with the statutory undertaker. Yorkshire Water Services Limited. At the same time a requirement is generated by the proposal for educational improvement works at both Hob Moor Primary School and York High School totalling £963,152 which may be secured by a scheme for securing provision of educational places. The site falls within the scope of Policy

H10 of the 2018 Draft Plan with a requirement for the provision of affordable housing at the rate of 20% of the general housing provision as an urban brown field site. A detailed affordable housing schedule has been submitted as part of the proposal and that has been agreed to by the applicant. The education and affordable housing requirements would be secured by condition because the Council as landowner cannot enter into enforceable Section 106 planning obligations with itself.

**IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS:-**

4.20 Concern has been raised by objectors in terms of the impact of increased traffic volumes arising from the development upon the safety and convenience of highway users in the surrounding road network. However, the traffic flows arising from the development have been modelled in detail and subject to the development of two vehicular points of access to the site together with works to the existing bus stop on Tudor Road then the development is considered to be acceptable.

## **5.0 CONCLUSION**

5.1 The former Lowfield School comprises a large open grassed site of 4.54 hectares formerly occupied by a Secondary School lying to the south west of the Acomb District Centre. The former school playing field has been used by Woodthorpe Wanderers a Junior Football team who have subsequently relocated to a site in Dringhouses and merged with another local team leaving the playing field unused. Outline planning permission with access only considered is sought for the erection of 96 two and three storey dwelling houses, 26 bungalows and a three storey apartment block containing 18 apartments together with an 80 bed care home, a police station/health centre and an additional 6 self build and 19 community build dwellings.

The benefits from the scheme would be the provision of a range of housing reflecting the local pattern of demand and need including for affordable properties together with the provision of an 80 bed care home specialising in dementia care for which there is a demonstrable need in western York.

In applying the relevant planning balance, it is not considered that there are any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole. As a result, the proposal represents sustainable development and approval is recommended.

## **6.0 RECOMMENDATION: Approve**

1 Application for approval of all reserved matters (appearance, landscaping, layout and scale of the proposed development to be carried out) 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 for the date of approval of the last of the reserved matters to be approved.

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

2 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.

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

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

Drawing Refs:- 7503- BDP-LWG-L-PL-LA-002\_D; 7503- BDP-LWG-L-PL-LA-003\_C ; 7503- BDP-LWG-L-PL-LA-004\_C;7503- BDP-LWG-L-PL-LA-006\_B;7503- BDP-LWG-L-PL-LA-008\_D; 7503- BDP-LWG-L-PL-LA-009\_C ; 7503-BDP-LWG-A-PL-MP-001\_E; 7503-BDP-LWG-A-PL-MP-002\_B ; 7503-BDP-LWG-A-PL-MP-004\_C ; 7503-BDP-LWG-A-PL-MP-005\_D ; 7503-BDP-LWG-A-PL-MP-006\_B ; 7503-BDP-LWG-A-PL-MP-007\_A; 7503-BDP-LWG-A-PL-MP-101\_C ; 7503-BDP-LWG-A-PL-MP-102\_C; 7503-BDP-LWG-A-PL-SP-001\_A

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

4 VISQ7 Sample panel ext materials to be approved

5 VISQ8 Samples of exterior materials to be approved

6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate and mowing regimes. The scheme shall also include details of ground preparation and a five year maintenance

program. The approved landscape scheme shall be implemented within a period of six months of completion of the development. Any trees or plants which within a period of five years from the substantial completion of the soft landscape works, 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.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, and means of establishment, since the landscape scheme is integral to the amenity of the development.

7 Before the commencement of development, 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. Amongst others, this statement shall include details and locations of protective fencing, site rules and prohibitions, ground protection, 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. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material and boundary treatments is proposed within the root protection area of existing trees. The development shall be carried out in accordance with the approved Arboricultural Method Statement and a copy of the document will be available for inspection on site at all times.

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

8 A qualified arboriculturalist shall carry out regular inspections during the development, especially during site preparation. Adherence to the approved method statement and any incidents shall be monitored and recorded. These records shall be made available for inspection by the Local Authority if requested. Before works start on site, the name and address of the appointed arboriculturalist shall be supplied to the local authority.

Reason: To ensure every effort and reasonable duty of care has been exercised by the developer during the development in the interests of protecting the existing trees subject to a tree preservation order.

- 9 HWAY1 Details roads, footpaths, open spaces req.
- 10 HWAY7 Const of Roads & Footways prior to occupation
- 11 HWAY18 Cycle parking details to be agreed
- 12 HWAY19 Car and cycle parking laid out
- 13 HWAY40 Dilapidation survey

14 The development shall not be begun until details of the junction between the internal access road and the highway as illustrated on drawing 064545-CUR-00-00-DR-TP-05/002-V01) have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety

15 Prior to first occupation of any part of the development the bus stop works as indicatively shown on drawing titled "Tudor Road Bus Stop Works" dated 08/01/2018 shall have been carried out in accordance with details submitted to and approved in writing by the Local Planning Authority or arrangements entered into which ensure the same.

Reason: In the interests of the safe and free passage of highway users and to promote sustainable modes of transport

16 A detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The statement shall include at least the following information;

- measures to prevent the egress of mud and other detritus onto the adjacent public highway
- a dilapidation survey jointly undertaken with the local highway authority
- the routing for construction traffic that will be promoted
- a scheme for signing the promoted construction traffic routing
- where contractors will park
- where materials will be stored within the site

All works shall be carried out in accordance with the approved method of works

statement.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

17 No part of the development hereby approved shall be occupied until a Full Travel Plan has been submitted to and approved in writing by the LPA. The Travel Plan should be developed and implemented in line with local and national guidelines and the submitted Interim Travel Plan dated September 2017 (ref YORK04/ITP). The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan as approved.

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

Reason: To ensure that traffic flows from the sites can be safely accommodated and to promote the usage of sustainable means of transport

18 LC1 Land contamination - Site investigation

19 LC2 Land contamination - remediation scheme

20 LC3 Land contamination - remedial works

21 LC4 Land contamination - unexpected contamination

22 There shall be adequate facilities for the treatment and extraction of cooking odours at the care home hereby authorised. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Note: It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with Annex C of the DEFRA guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozon treatment, or odour neutraliser, and include details on the predicted air flow rates in m<sup>3</sup>/s throughout the extraction system.

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

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

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

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

24 Prior to the commencement of the development above foundation level full details of all hard landscaping works including design of street furniture, bollards and play equipment 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 development being first occupied and shall be maintained as such thereafter.

Reason: To safeguard the visual amenity of the wider street scene and to secure compliance with Policy D1 of the Publication Draft City of York Local Plan (2018)

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

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

are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

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

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

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

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses [public.protection@york.gov.uk](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

Reason: To protect the amenity of the locality

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents

27 No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include the point (s) of connection into the existing public sewer and the means by which the discharge rate shall be restricted to a maximum rate of 30 litres per second. Furthermore, 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.

Reason - To ensure that no surface water discharges take place until proper provision has been made for its disposal.

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

Reason: In the interest of satisfactory and sustainable drainage.

29 No building or other obstruction including landscape features shall be located over or within 5 metres either side of the centre lines of each the public sewers i.e. protected strip widths of 10 metres per sewer, that cross the site. If the required stand-off distances are to be achieved via diversion or closure of the sewers, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

30 An electrical socket shall be provided at each dwelling prior to its first occupation to enable charging of an electric vehicle using a 3m length cable whilst parked (within garage or on driveway) and the electric socket shall thereafter be permanently retained.

Note: Any socket provided must comply with Building Regulations and be suitable

for charging electric vehicles. In particular, consideration should be given to cable and circuitry ratings to enable safe charging of modern electric vehicles. Where located on a driveway 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. The electrical circuit shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation (2015).

Reason: To facilitate the uptake of low emission vehicles in line with City of York Council's adopted Air Quality Action Plan (AQAP3) and Low Emission Strategy (LES)

31 All contractors involved in arboricultural works to, or the felling of the trees listed in Table 6 on Page 17 of the Extended Phase 1 Habitat Survey by BDP dated August 2017 and identified on plans contained within the Arboricultural Impact Assessment by BDP dated October 2017 to be made aware of the potential presence of bats and the need to follow standard good working practices in relation to bats;

- o Wherever possible, work should be carried out between late August and early October or between March and April.
- o Immediately prior to works the trees should be inspected by a suitably qualified ecologist.
- o Where bat roost potential exists work should be conducted in a sensitive manner, using a 'soft felling' technique where the tree is carefully dismantled in sections and each section slowly lowered to the ground to leave the habitat intact, left for 48 hours and then carefully examined for the presence of bats before removal.
- o In the unlikely event that bats are discovered when branches are removed or trees felled (particularly in winter), work must stop immediately and Natural England or the Bat Conservation Trust contacted. Advice will be given on how to proceed, including collecting up any bats with gloved hands and putting them into a bat box, if appropriate.

Reason: To take account of habitat for a protected species

32 Prior to the commencement of development details of what measures are to be provided within the design of the new building to accommodate bats shall be submitted and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with these approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes etc.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and comply with Section 11 of the NPPF.

33 Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Giant Hogweed (*Heracleum mantegazzianum*) on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: To ensure that an adequate means of eradicating or containing the spread of an invasive non-native plant is considered and thereafter implemented to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features.

34 No dwelling within the red line area highlighted on the attached plan (7503-BDP-LWG-A-PL-SP-001\_A) shall be occupied until three replacement football pitches of the same size as those on land subject to this planning application, have been created. The three pitches shall be on land 'To The South East Of 235 Tadcaster Road', subject planning permission Ref. No. 18/00251/FUL. The completed works shall include all levelling, drainage, ground preparation and grass seeding works

Reason: To ensure that appropriate replacement playing pitch facilities are provided for those lost in association with the development and to secure compliance with paragraphs 73 and 74 of the NPPF.

35 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C, E and F ; of Schedule 2 Part 1 of that Order shall not be erected or constructed in respect of Plots 8, 9, 10, 11, 12, 13 and 47 as shown on plan ref: 7503-BDP-LWG-A-MP-002-B without the express grant of planning permission .

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations 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.

36 Notwithstanding the provisions of Height Parameters Plan Ref:- 7503-BDP-LWG-A-PL-MP-102-B, the Care Home hereby approved shall have a maximum height of 8 meters from ground level on that elevation facing residential development to the east and north east.

Reason: To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy D1 of the Publication Draft City of York Local

Plan(2018)

37 No development shall commence until the details of a scheme to secure improvements to Hob Moor Primary School to re-commission class room spaces to allow for the anticipated pupil yield and improvements to York High School to provide to re-commission classroom spaces to low for anticipated pupil yield in accordance with the Council's SPG Developer Contributions to Educational Facilities 2007 and the timetable and mechanism to secure its implementation have been provided to and agreed in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and complied with in full.

Reason: To comply with Paragraph 34 of the NPPF(2018) and Policy DM1 of the Publication Draft City of York Local Plan (2018)

38 The development shall not begin until a detailed scheme for the provision of affordable housing as part of the development including both open market and community housing elements has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided and retained in accordance with the approved scheme and shall meet the definition of affordable housing in the Glossary in Annex 2 of the National Planning Policy Framework July 2018 or any future guidance that may replace it. The scheme shall include:

- (i) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 20% of housing units (excluding the self build dwellings) to be provided;
- (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (iii) the arrangements for the transfer of the affordable housing to a Council approved registered housing provider or the management of the affordable housing (if no registered housing provider is involved);
- (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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

Reason: To comply with Paragraph 62 of the NPPF (2018) and Policy H10 of the Publication Draft City of York Local Plan (2018).

39 The development of the 6 self-build dwellings hereby approved for the self build development area shown on approved plan 7503-BDP-LWG-A-PL-MP-101-C shall not be carried out unless as 'Self-build and custom-build' development as defined in the Glossary in Annex 2 of the National Planning Policy Framework July 2018 or any subsequent replacement document and by:

- a) individuals;

b) associations of individuals; or,  
c) persons working with or for individuals or associations of individuals;  
on the plot(s) to be occupied as homes by those individuals and thereafter the development shall not be occupied by anyone else other than by those same individuals as a principal residence for a continuous period of not less than three years starting from the date of first occupation.

Reserved Matters application shall be submitted in respect of each individual self-build dwelling hereby approved and it shall be accompanied by detailed written evidence that the proposal complies with the definition of 'Self-build and custom-build' development in the Glossary in Annex 2 of the National Planning Policy Framework July 2018 or any subsequent replacement document.

Reason: To ensure that the development is carried out and occupied as a ' Self-build and custom-build' development for which permission was granted.

40 Prior to the submission of any reserved matters application for a self-build dwelling a detailed Design Code in respect of all of the proposed self build housing shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall set out details such as height, scale and materials to be used within the construction of the proposed properties. Thereafter all applications for approval of reserved matters for the self-build dwellings shall be in accordance with the approved Design Code.

Reason: To ensure a consistent quality of development and to secure compliance with Paragraph 127f) of the NPPF (2018) and Policy D1 of the Publication Draft City of York Local Plan (2018)

41 The community build development as identified on approved plan ref: 7503-BDP-LWG-A-PL-MP-001\_E shall not begin until a detailed scheme for the provision, occupation, long-term management and retention of the community dwellings hereby approved and the mechanism for its implementation has been submitted to and approved in writing by the Local Planning Authority. The community dwellings shall thereafter be provided, occupied, managed and retained in accordance with the approved scheme.

Reason: The design and layout of the development is not suitable in terms of the amenity space provided for prospective residents to form general open market housing(Use Class C3).

42 The development hereby authorised shall comprise in respect of its residential element as identified on approved plan ref: 7503-BDP-LWG-A-PL-MP-002\_B no more than 96 two and three storey residential dwellings; 26 bungalows and a single 3 storey block containing 18 apartments.

Reason: To establish an acceptable pattern of density reflecting local circumstances

and to secure the residential amenity of neighbouring properties to comply with paragraph 127 f) of the NPPF

43 The care home hereby authorised and identified on approved plan ref:- 7503-BDP-LWG-A-PL-MP-001\_E shall comprise no more than 80 bed spaces.

Reason: To ensure an adequate supply of care bed spaces in the locality and to secure compliance with Policy HW1 of the Publication Draft City of York Local Plan.

45 The Community housing development hereby authorised and identified on approved plan ref:- 7503-BDP-LWG-001\_E shall comprise no more than 19 units in total.

Reason: To safeguard the residential amenity of neighbouring properties and to secure compliance with Paragraph 127 f) of the NPPF.

## **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) 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 the re-provision of the playing pitches to be lost by the development within the local area.

#### **2. 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.

#### **3. HIGHWAY WORKS:**

You are advised that prior to starting on site consent will be required from the Highway 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 Sections 38/278 - (01904) 551550 -  
streetworks@york.gov.uk

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#### 4. BREEDING 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.

#### 5. HEDGEHOGS:

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

#### **Contact details:**

**Author:** Erik Matthews Development Management Officer

**Tel No:** 01904 551416