

industrial / warehouse buildings on the south extent of the site since re-development of the site post the second world war.

1.4 Surrounding the site there are a mix of commercial and residential uses. There is a back alley to the north and beyond, terrace housing along Wenlock Terrace and Ambrose Street. To the south of Ordnance Lane is an office complex. To the south of Hospital Fields Road are residential uses, to the west an office / research and development and further former industrial / warehouse type buildings, accommodating retail and commercial units.

1.5 The site is outside of Flood Zones 2 and 3 and all the buildings on-site are outside of the Conservation Area (as defined in the 2010 Conservation Area Appraisal). The Conservation Area boundary extends only to include the wall that abuts Fulford Road on the east extent of the site.

Proposals

1.6 The scheme proposes retention of the Married Quarters building, with other buildings on site demolished to accommodate residential lead development.

1.7 The scheme is part of the Council's Housing Delivery Programme. The proposals are for 101 dwellings, 2 commercial units (facing Fulford Road), and 2 ground floor units providing community space. The site layout includes a new pedestrian / cycle route through the site and public open space. The car parking strategy is as previous. There would be 41 spaces overall; 10 car parking spaces on the north side of the site, with access via the alleyway behind Ambrose Street and 31 car parking spaces on street – within the scheme and on the west side of Hospital Fields Road. The scheme includes provision of a cargo bike hire facility for residents. These would be electric and free to use.

1.8 The new-build dwellings are to be Passivhaus certified, with an aspiration that 100% of domestic energy demand anticipated as provided through on-site renewables.

1.9 The mix of accommodation has varied since the previous scheme as it is now suited to meet affordable housing need (there are more 1-bed and 2-bed homes and fewer 3-bed and 5-bed homes).

The accommodation mix proposed is below.

28 x 1-bed 29%
59 x 2-bed 37%
4 x 3-bed 16%
10 x 4-bed 12%

2.0 POLICY CONTEXT

2.1 National Planning Policy Framework ('NPPF') key policies / sections are as follows –

- Section 4 Decision making
- Section 5 Delivering a sufficient supply of homes
- Section 9 Promoting sustainable transport
- Section 11 Making effective use of land
- Section 12 Achieving well-designed and beautiful places

2.2 The Publication Draft Local Plan 2018 (DLP 2018) was submitted for examination on 25th May 2018. It has now been subject to examination and modifications have been subject to public consultation. The draft policies can only be afforded weight in accordance with paragraph 48 of the NPPF.

2.3 Key relevant DLP 2018 policies are:

- SS1 Delivering Sustainable Growth for York
- DP3 Sustainable Communities
- H3 Balancing the Housing Market
- H10 Affordable Housing
- HW7 Healthy Places
- D1 Place-making
- D2 Landscape and Setting
- D6 Archaeology
- GI6 New Open Space Provision
- CC2 Sustainable Design and Construction of New Development
- ENV1 Air Quality
- ENV3 Land Contamination
- ENV5 Sustainable Drainage
- T1 Sustainable Access

3.0 CONSULTATIONS

INTERNAL

Education

3.1 Officers response reflects DfE guidance which states Local planning authorities assess development viability and may decide not to fully fund the school places from CIL or pursue Section 106 developer contributions to meet the full

education need if this would compromise the delivery of housing or other essential infrastructure.

3.2 The DfE pupil yield dashboard provides evidence that there tends to be a higher pupil yield from affordable housing compared with market housing and therefore more school places may be required in the area surrounding a fully affordable housing development. Based on the proposed housing mix, need for places would be as follows –

	Places	Catchment
Primary	21	Fishergate
Secondary	16	Fulford
Early years	10	Within 1.5km
SEND (special education needs)	1.68	Within 3km

3.3 Taking into account the type of housing proposed and alternative funding options contributions are sought towards early years and SEND as follows –

Early years	£209,400
SEND	£27,641 plus £1,620 transport = £29,261
Total	£238,661

Flood Risk Management Team

3.4 Provided comments about Yorkshire Water infrastructure and future management of on-site drainage features. A drainage scheme for the site has previously been approved. In this scheme with regards to the future management and maintenance element of the drainage, non-standard highway drainage features such as rain gardens, permeable paving and tree pits are proposed. It is important there is a clear and funded understanding as to whom will be the end adopter/maintainer.

3.5 Certain buildings have increased in footprint, some look to be located closer to the public sewers that cross the site (and are not diverted). Yorkshire Water advice on such is required. Landscaping GA Plan by BBUK shows trees being planted over and adjacent to public sewers; trees should be at least 5m away from the centre line of any sewer.

Highway Network Management

3.6 The highway issues arising from the proposed development are not sufficient to warrant refusing the application on the grounds of either unacceptable impact on

highway safety, or severe residual cumulative impacts on the road network (NPPF Para 115). However, highways cannot support the application in its current form and recommend deferral until issues relating to the following items have been resolved -

- Unmet parking demand being displaced onto surrounding streets and insufficient measures to support low car development.
- Vehicle swept path analysis.

Car parking provision

- Applying CYC parking guidelines (which are informative only as from the DLP 2005 and have not been brought forward into the DLP 2018) results in the following maximum car parking requirement (spaces)

Residents = 111

Visitor @ 1 per 4 dwellings = 25

Commercial = 3

Community = 8

TOTAL = 147

- The intended low car-use appears to be substantially governed through limiting on-site car parking (to less than 27% of the overall parking demand). It is, therefore, likely to result in a substantial unmet parking demand that will be displaced onto streets in the neighbouring area (within 400m of the site) which already have either high parking demand or parking restrictions already in place.
- The existing off-street parking on Hospital Fields Road cannot be relied upon to provide the 13 spaces suggested. At most, 30% will be available at any time. The applicant should submit a suitable parking survey to confirm the availability of on-street parking. Furthermore, the Council, as the local highway authority may consider introducing further parking restrictions on Hospital Fields Road (e.g. evening only residents parking zone) and exclude this development from it.

Measures to promote sustainable travel

- Sustainable transport measures are insufficient to support low car development and maximise the use of sustainable (and active) forms of transport.
- The Travel Plan is of insufficient duration, unfunded, inadequate in terms of the measures required to support low car development.
- The proposed cycle parking (329) is 160% of the minimum requirement, so is substantially over-provided.

Servicing

- How will service vehicles be prevented from using the back alley to the north of the site (behind Wenlock Terrace)?
- Use of existing industrial estate / vehicle swept path analysis. Further vehicle swept path analyses should be submitted to show an articulated lorry (16.5m heavy goods vehicle) passing the SW corner of the site.

Officer note – these elements of the scheme are unchanged compared to the approved scheme.

Mitigation

Consider the development to have insufficient measures to incentivise low-car use and increased walking, cycling and public transport use.

The following obligations are requested –

- £12,000 towards the cost of introducing parking controls in areas which are not currently controlled in the vicinity of the development if it is found that the proposal results in additional parking demand in these areas to the detriment of highway safety.
- £115,300 towards:
 - Funding the issue of the first parking permits to residents in areas where parking controls (resident parking zones) are introduced.
 - Parking enforcement by civil enforcement officers.
 - Responding to Parking 'Hot-Line' calls annually for 5 years from first occupancy.
- £8,500 towards introducing the 'micro' residents parking in the streets between blocks 2 and 3 and between blocks 4 and 5, to include
 - traffic regulation orders, local referenda (if required) and signing/lining
 - enforcement by civil enforcement officers
 - responding to 'hot-line' calls
- £400 per dwelling (£40,400 overall) towards a Sustainable Transport Package, £10,100 of which shall be towards the provision of a Car Club Car(s) and its (their) usage for two years – This is dependent on whether a costed Action Plan is (to be) contained in the Travel Plan
- £10,000 towards City of York Council Travel Plan Monitoring (@ 4days/per year for a duration up to 5 years after final occupation)

Waste collection strategy:

- Introduces the potential for conflict between the refuse vehicle and pedestrian/cyclists, on routes which were previously to be free of motorised vehicles.

Waste Services

3.7 The revised arrangements are not satisfactory as operatives would need to remove bollards or operate gates for the collection vehicle to access streets which are otherwise car-free.

EXTERNAL

Yorkshire Water

3.8 Any tree planting within 3m of public sewers will need to be contained in tree pits. Buildings are also proposed over public sewers which cross through the site. YW advise ground levels may need to be varied or sewers diverted (officer note – this is accounted for in the scheme and the applicant have corresponded with Yorkshire Water to this effect).

4.0 REPRESENTATIONS

4.1 Six representations have been made. One in objection to the scheme. Comments as follows –

- Car parking – lack of parking within the scheme will increase demand for on street parking locally.
- Services – doctors locally already have a waiting list for appointments. Delays would worsen if there is an increase in population.
- Nesting birds – should be considered during construction (officer note – there is a condition to this effect).
- Tree removal – will trees behind Wenlock Terrace be retained?
- Construction management – how will demolition and surface material removal take place? (officer note - a construction management plan will be in place and would cover noise and dust).
- York Civic Trust – support the proposals and the principles within the housing delivery programme. Only query was in respect of ongoing maintenance of the inner pitching roofs and potential for water ingress.

5.0 APPRAISAL

5.1 Key Issues

- Principle of the proposed development
- Accommodation mix
- Design and impact on the Fulford Road Conservation Area
- Sustainable design and construction
- Impact on surrounding residents
- Highway Network Management
- Open Space
- Ecology
- Drainage
- Education
- Public Protection

Principle of the proposed development

5.2 The site previously accommodated a bus depot, a tool sales/hire company and former temporary housing operated by the Council. The bus company relocated to another council owned site by the Rawcliffe Bar Park and Ride (planning permission approved under application 22/00400/FUL). Although the site now has a permission in place for housing (a material consideration) it has no allocation in the emerging local plan. In applying DLP 2018 policies, the site is regarded as former employment land and policy EC2: Loss of employment land is applicable.

5.3 The presumption in favour of sustainable development in paragraph 11d of the NPPF applies to this application. This means permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

5.4 The Local Planning Authority cannot currently demonstrate an NPPF compliant housing land supply (see NPPF paragraphs 77-81 & 226). It has been required to prepare an action plan to improve delivery. The Council's action plan relies substantially on the Housing Delivery Programme. As such, and given the importance of housing delivery in the NPPF, the scheme is supported in principle; the benefits of the scheme in terms of housing provision alone would carry substantial weight in any planning balance case applicable to the scheme. In this context -

- NPPF paragraph 60 sets out the Government's objective of "significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific

housing requirements are addressed and that land with permission is developed without unnecessary delay”.

- Paragraph 127 states “Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to: use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework”.

5.5 In respect of employment land NPPF paragraph 86 establishes local plan requirements to set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth and to set criteria, or identify strategic sites to meet anticipated needs over the plan period.

5.6 Policy EC1 of the DLP 2018 identifies need for each type of employment use over the emerging plan period and allocates sites which more than provide land to meet demand. Policy EC2 relates to any site which involves the loss of employment land. For compliance it requires

- i. the existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and
- ii. the proposal would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period.

5.7 Part i of the policy EC2 criteria has not been fulfilled. Non-compliance with this part of the local policy is given limited weight in assessing the scheme overall because criteria ii is satisfied and as the implications are outweighed by the following benefits of the scheme -

- The scheme would provide employment uses - commercial and community units.
- Policy EC1 identifies employment land to meet need over the plan period, as required by the NPPF, which does not include this site.
- Housing delivery in the context of need (including affordable housing need) and the weight attributed to such in the NPPF.
- The positive approach set out in NPPF paragraph 123 to re-using employment land to meet housing need.
- The multiple other social and environmental benefits of the scheme (including public open space, biodiversity net gain and pedestrian cycle links) set out in the following paragraphs of this appraisal.

5.8 Criteria ii is met as sites allocated within the DLP 2018 are intended to reasonably meet need, as explained in policy EC1; the class B8 (storage and distribution uses) have been replaced at the Rawcliffe site (see 5.2) and the scheme would provide employment uses (see point 1 above).

Accommodation Mix

5.9 The mix of accommodation has varied since the previous scheme as it is now suited to meet affordable housing need (there are more 1-bed and 2-bed homes and fewer 3-bed and 5-bed homes). DLP 2018 policy H3 states 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. The provision does provide a mix of house sizes and is aligned with affordable housing need as set out in the Local housing Needs Assessment 2022 (LHNA).

5.10 The accommodation mix proposed is below.

28 x 1-bed 29%
59 x 2-bed 37%
4 x 3-bed 16%
10 x 4-bed 12%

5.11 The intention is all the dwellings are to be affordable. This is an increase over the 20% target in DLP 2018 policy H10. Given affordable housing need this is a benefit of the scheme that also has to be given substantial weight in considering the application. All dwellings are dual aspect and meet the (optional) nationally prescribed space standards. In terms of accessibility, 10 of the dwellings would be M4(3) category (up from 7 in the previous scheme) and 55 M4(2). These are Building Regulations standards described as follows -

- M4(2) dwellings are required to meet the needs of occupants with differing needs, including some older or disabled people; and to allow adaptation of the dwelling to meet the changing needs of occupants over time.
- M4(3) dwellings allow simple adaptation of the dwelling to meet the needs of occupants who use wheelchairs; or (b) meet the needs of occupants who use wheelchairs

Design and impact on the Fulford Road Conservation Area

5.12 NPPF para. 131 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. fundamentals of good design, which planning should achieve, are set out in para 135, summarised as follows -

- Function well and add to the overall qualities of the area

- Be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Be sympathetic to local character and history while not preventing or discouraging appropriate innovation or change (such as increased densities);
- Be distinctive
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Impact on the Conservation Area and appraisal of Ordnance Lane buildings proposed for demolition

5.13 The effects of the variations in this scheme on heritage assets are neutral. The Fulford Road Conservation Area was designated in 1975. The only development proposed within the Conservation Area is demolition of the wall (with railings) that runs alongside Fulford Road. The 2009 Fulford Road Conservation Area Appraisal report considered a change to the conservation area boundary and inclusion of Ordnance Lane. It advised “the buildings to the rear (i.e. the Married Quarters which it is proposed to retain) have some quality and architectural interest, as well as some social interest. The area would not justify conservation area status in isolation but in association with the Wenlock Terrace housing it is considered to add further interest and diversity, and to justify inclusion”. However despite the report recommendation Ordnance Lane was not included within the conservation area.

5.14 In considering the impact of proposals on designated Heritage Assets NPPF para. 201 states “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)”. It goes on to advise, in para.203 that in determining applications, take into account the desirability of new development making a positive contribution to local character and distinctiveness.

5.15 Fulford Road - the boundary wall is some 1m tall with railings above. It is terminated by a pillar at the entrance to Ordnance Lane which is in contrasting brickwork and dated 1940. The wall itself has been subject to repairs and its brickwork is therefore varied. A commercial active frontage, with landscaped forecourt is proposed, which respects the character of the street. The scheme is beneficial to local character in that it provides a new pedestrian / cycle link from Fulford Road which leads through multiple areas of public open space providing varied amenities. The buildings and how they address the street is fundamentally unchanged from the previous planning permission; the form, massing and materials

regarded acceptable. The setting will be attractive, including soft landscaping and sections of wall to demark the site boundary, as such, and given the low quality and low historic importance of the wall, the scheme will not harm the conservation area.

5.16 Ordnance Lane buildings - The group of buildings along Ordnance Lane were constructed (between 1892-1930) to be used in connection with the Military Station Hospital, which occupied the land to the south of Ordnance Lane - constructed around 1854, demolished in the late 20th century. The scheme proposes demolition of existing buildings apart from the 'Married Quarters'. The buildings are not designated heritage assets and are not within a conservation area. They have been fully recorded and the information provided for the York Historic Environmental Record (HER). Of the group of buildings, the one proposed for retention is regarded as that of most architectural and social interest. Overall, the benefits of the scheme, when assessed against the NPPF, outweigh the case for the retention of buildings proposed for demolition.

Overall design

5.17 Further to the accommodation mix the key design changes in this submission compared to the previous planning permission are as follows –

Blocks 2 and 4

- The east end of the block now mirrors the west end, this gives a higher degree of enclosure to the courtyard area.

Block 5 (south of Ambrose Street)

- The block is now symmetrical; 3-storey at each end of the otherwise 2-storey terrace. Previously one end was 2.5 storey.

Block 6

- This was opposite block 7 and is now omitted. Instead there is additional public realm. There is also a sub-station in this area.

Blocks 7 (retained married quarters building)

- The ground floor would now include residential in replacement of the 3 commercial units previously proposed. There is still the same community space at ground level.

Blocks 9 and 10 (fronting Fulford Road)

- Apart from the access to the upstairs residential the ground floor area is now all commercial.

Layout

- The car free areas have a subtle change in alignment to allow access for the bin lorry. This reduces travel distance to bin stores for residents in blocks 1-3 and 7 & 8. There will be gated access to these areas. The gates being staggered to prevent vehicle access. There would also be new public realm where block 6 was proposed in the previous application.

Impact of the proposed changes

5.18 The overall architecture and place-making principles are unchanged in the revised scheme. There is a minor reduction in commercial space but this does not create any policy conflict. The commercial units remain of a scale to provide services which meet the needs of the local community without competing with the retail offer in the city centre. The composition of uses is compliant with NPPF land use policies. There would be additional public realm because of the omission of block 6. The design of the scheme continues to accord with good design principles embedded in the NPPF and the national design guide, associated with local distinctiveness and creating places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Sustainable design and construction

5.19 The scheme is within the Council's Housing Delivery programme and all new build dwellings will be to Passivhaus standards. The Married Quarters, being retained and refurbished, will not be as energy efficient as the new buildings. The scheme will incorporate low / zero carbon technology - mechanical heat and ventilation and PV panels. The intention is the PV panels provide almost all of the anticipated energy requirements of the buildings. The proposals for the scheme will exceed the local requirements for carbon reductions in policy CC2 of the DLP 2018.

Impact on surrounding residents

5.20 The impact on the neighbouring houses to the north - Ambrose Street and Wenlock Terrace is acceptable, as explained below. Also, multiple trees are proposed adjacent the north boundary, which will be 'extra heavy' standard when planted. There is also a block of development referred to as The Stables between these two terraces. The scheme proposes soft landscaping / public open space opposite The Stables and would have no adverse effect.

Ambrose Street

5.21 Block 5 would be to the south of, and parallel to, the terrace of houses on Ambrose Street. The proposed block is predominantly 2-storey. The east end of this block would be 3-storey, previously it was 2.5 storey. A daylight / sunlight

assessment, following nationally established guidelines by the Building Research Establishment (BRE) has been submitted that concludes there would be an acceptable effect on neighbour's amenity. The change to the end of the block has a neutral effect on day-light / sunlight.

5.22 Block 5 is predominantly 2-storey (lower in height than Ambrose Street and other more dominant local buildings). Separation distances between terraces would reflect what is typical for the area, in accordance with NPPF design policy to respect local character (considering scale and layout). The proposed buildings would not be unduly dominant or over-bearing.

5.23 The three-storey house type in block 5 has bedroom windows in the north elevation (facing Ambrose Street). There are no external balconies or roof terraces on this elevation. The scheme does not cause any undue overlooking (in what is an urban context) and overlooking is no worse than the consented scheme.

Wenlock Terrace

5.24 Blocks 7 and 8 are proposed to the south of Wenlock Terrace. Block 7 being the retained Married Quarters building. Block 7 requires an external access to the upper floors (a lift in block 8 also provides access to block 7) therefore there would be a staircase and deck at first floor level on the north side of the buildings. Block 8 also has outside amenity space at 2nd floor level facing north, towards Wenlock Terrace.

5.25 The access deck and external amenity space on the north side of proposed blocks 7 and 8 is between 19m – 22m from the main rear elevation of Wenlock Terrace. The outside space on block 8 has a reasonable degree of enclosure. The buildings on Wenlock Terrace are sub-divided into apartments; rear courtyard areas are communal and provide ancillary storage space. Given the scale and use of Wenlock Terrace, it is considered the external access deck would not lead to undue overlooking / loss of privacy.

5.26 Block 8 would be 3-storey, comparable in height to the retained Married Quarters building and lesser in scale compared to Wenlock Terrace. It would not be overbearing or over-dominant.

Highway Network Management

5.27 NPPF section 9 Promoting sustainable transport establishes that development should only be 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. It requires any significant impacts on the network in terms of capacity and congestion, or on highway safety to be cost effectively mitigated to an acceptable degree.

5.28 NPPF section 9 paragraphs 114 and 116 advise development proposals should:

- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up.
- Highway design reflects current national guidance, including the National Design Guide and the National Model Design Code (topic covered in design section).
- Give priority to walking and cycling.
- Address the needs of people with disabilities and reduced mobility in relation to all modes of transport.
- Create places that are safe and allow for servicing and emergency access.
- Enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

5.29 Although this scheme, compared to the previous approval, proposes additional dwellings, the number of bedrooms within the scheme remains the same.

Considering NPPF requirements the scheme is not objected to on either highway safety grounds or considering effects on the highway network. In respect of the low car parking provision, in what is a sustainable urban location there is deemed to be suitable mitigation; the promotion of and ability for sustainable modes of travel and provision for a resident's parking scheme at the site.

Impact on the network

5.30 There would be 101 dwellings and 28 car parking spaces on-site. The 10 spaces behind blocks 7 and 8 would be controlled by the applicant/developer and priority given to disabled persons. Other available spaces would all be on-street (and therefore a resident's parking scheme is proposed to manage their use). A further 10 spaces can be accommodated on-street on Hospital Fields Lane (to the west of the site, not to the south) and 3 further spaces would be associated with the electric vehicle charging facility proposed and car club. This equates to 41 spaces overall.

5.31 NPPF advice on parking standards is they can be informed by – location and accessibility, public transport, type of development proposed, local car ownership levels and the need to provide adequate facilities for electric vehicles. There are no recommended car parking standards in the DLP 2018 (however any recommendations have always been a maximum requirement; not a minimum). The site is within an acceptable walking distance of the city centre and services to cater for resident's day-to-day needs, including the local services along and around Fulford Road. There is sufficient public transport on Fulford Road and cycling and walking routes both into the city centre and recreational, alongside the river.

5.32 Highway Network Management have concerns that there is a risk future residents would look to park off-site causing disruption to the network. The recommendation from Highway Network Management is that a residents parking scheme be introduced at the site, this would control parking and make allowances for visitors and deliveries. They also recommend the developer funds the costs associated with facilitating the introduction of Residents Parking in surrounding streets within 400m of the site, to address the possible issue of residents of the proposed scheme parking in such areas. Since the previous application was decided, Resident's Parking has been introduced on the streets to the north of the site, including Ambrose Street and Frances Street. As with the previous application there is agreement the developer would fund residents parking at the site. To fund any possible scheme (implementation would be subject to public engagement) further away from the site would not meet NPPF tests for imposing such requirements. Such funding was not necessary to make the scheme acceptable in planning terms in the previous application and it would not be reasonable or directly related to the development as there are other factors that influence parking demand in these areas.

5.33 The requested contributions to mitigate effects on the highway network and promote sustainable travel are as follows -

- Residents parking scheme at the site - £8,500.
- Sustainable travel measures £40,400 of which at least £10,100 shall be towards Car Club membership and drive time for residents.

Promotion of sustainable travel / mitigation of effects on the network

5.34 The main principles of the Council's Housing Delivery Programme (of which this scheme is part of) include supporting sustainable transport, reducing environmental impact and building healthy neighbourhoods. Low car use is a fundamental component. To this effect the layout is designed to promote wider connectivity through sustainable modes of travel and provide a setting not dominated by cars. The scheme will be marketed on the basis of low car ownership and sustainable travel modes encouraged through the travel plan, provision of on-site facilities for cycles, a scheme for free electric cargo bike hire and car club (vehicle provided at the site and discounted membership for residents). Prioritising active travel is a requirement of the National Design Guide and this scheme is compliant.

Cycle parking provision

5.35 Cycle parking is of acceptable quality. LTN 1/20 is national guidance which recommends 1 cycle space per bedroom and 5% of provision to be for non-standard cycles. The scheme would provide 195 bedrooms. Over 300 cycle parking spaces are proposed that are covered and secure. This includes a store for cargo type

bikes (10 spaces overall with 4 cargo bikes for hire to be provided by the developer). There are also 20 visitor spaces (located across the site, convenient for the public open spaces and commercial / community uses).

Highway design and priority for walking and cycling.

5.36 The National Design guide refers to patterns of movement that encourage activity and social interaction and that incorporate green infrastructure. The scheme contains a public realm design which promotes health and well-being, recreation, walking and cycling. The layout of streets and spaces improves wider connectivity for pedestrians and cyclists (which is essentially car-free), between Fulford Road, the amenities to the south of the site and the recreation facilities and walking and cycling routes by the riverside.

Mobility

5.37 The scheme takes mobility reasonably into consideration.

- Access into dwellings - all buildings have level access and are Building Regulation compliant in respect of access. See paragraph 5.11 for amount of M4 2 and 3 type homes.
- 4 car parking spaces to be for blue badge holders (the spaces will all be administered by the Council so this can be increased through highway regulations subject to demand).
- Communal cycle stores have space for over-sized cycles.

Safe access and provision of servicing

5.38 Details have been provided that illustrate waste collection and emergency vehicles can fully access the site. The strategy for waste collection has changed since the previous scheme. The variation means blocks 7 and 8 (behind Wenlock Terrace) have more convenient bin stores. As the waste vehicle is expected to go through the car free streets these will be provided with (staggered) gates at each end to prevent other motorised vehicle access. Waste services have advised they would rather not have obstacles such as gates or bollards, which would detrimentally affect their efficiency. The scheme did have bollards in these locations previously. A change in the strategy is desirable, as the revised bin store locations are more convenient for residents. From a planning perspective the layout can either accommodate arrangements of the previous scheme (which provided a turning head for the waste vehicle, which would also effect efficiency) or the alternative now proposed. The reluctance of waste services to operate gates or bollards does not have a bearing on the acceptability of the planning application.

EV provision

5.39 NPPF requirements are to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. For cars one Rapid charger and one Fast charge-point are proposed, to be installed as part of the Council's EV network programme (the car club space will also be served by an ev charging point). These facilities will be for public use and have been agreed with the Council's EV Strategy officers, being preferable as they all efficient charging. The scheme is as previous in this respect. All car parking spaces are in public spaces (opposed to in a private curtilage) and so the Council could decide to install extra provision. The four cargo bikes to be provided for hire will be electric. This arrangement is unchanged compared to the previous approved scheme.

Open Space

5.40 The NPPF advises that planning decisions should aim to create healthy and inclusive places. Paragraph 102 states 'access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate'.

5.41 Policy GI6 (new open space provision) of the DLP 2018 states 'all residential development proposals should contribute to the provision of open space for recreation and amenity'. Compared to local guidance for space standards there is a shortfall of 3,385sqm amenity open space and 504sqm play space). There is no on-site sports provision and therefore an off-site contribution is required.

Off-site contributions required (rounded) -

Amenity space	£12,620
Play	£55,230
Sports	£41,535

5.42 Offsite contributions would be allocated as previously -

- Amenity open space used to in the first instance to increase capacity at Low Moor allotments and for play space, additional play equipment in Rowntree park.
- Sports clubs and venues; the Grounds of The Retreat outdoor sports facilities, Rowntree Park Tennis Club, York Canoe Club (based in Rowntree Park), enhancement of existing school playing fields supporting greater community access onto those sites and / or such other provision of off-site outdoor sports provision within the vicinity of the Development.

Ecology

5.43 NPPF paragraph 180 states decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. The application was made prior to the introduction of legislation to require 10% Biodiversity Net Gain; this requirement is not applicable.

5.44 The scheme is broadly similar to the approved scheme in respect of its site wide landscaping proposals although block 6 is no longer proposed and this allows for a further landscaped area with additional tree planting. The measures would deliver biodiversity net gain on-site, as required by the NPPF. In landscape and biodiversity terms, the benefits of the scheme outweigh the loss of 16 trees proposed to accommodate the scheme. Of the trees to be removed to accommodate the scheme two are category B (one located on the south east side of the site on the corner with Hospital Fields Road and one by the group of trees outside of the site, to the south of the married quarters), the others are category C or U. The layout allows for retention of trees on site of the highest value. In terms of amenity value both Category B trees to be removed are adjacent retained Category B trees. Over 100 trees will be planted as part of the proposals.

Drainage

5.45 Relevant NPPF advice on flood risk is not to increase flood risk elsewhere (paragraph 173). With regards to drainage developments should incorporate sustainable systems (following the hierarchy in national planning guidance), unless there is clear evidence that such would be inappropriate. DLP 2018 policy ENV5 requires surface water run off at brownfield sites is restricted to 70% of the existing rate, where practical.

5.46 In respect of the sustainable drainage hierarchy, site investigations suggest that ground conditions mean soakaway will not be feasible. Drainage will connect into the existing network. The connection and run-off rates will accord with local policy and be as required by the Council's Flood Risk Management Team. Surface water will be restricted to 70% of the existing (proven) rate, retained in over-sized pipes on-site before connecting into the network. In accordance with best practice, connection will be into the surface water sewer (the existing connects into the combined sewer).

5.47 NPPF 175 advises that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development and where possible, provide multifunctional benefits.

5.48 The arrangements for future maintenance will be required through planning condition. The approach with rain gardens is supported in principle as this follows the NPPF drainage requirement to have sustainability and biodiversity benefits. A future maintenance condition will determine as to whether these are within adopted highway or otherwise.

5.49 In respect of Yorkshire Water comments and advice regarding easements, the developer has provided further clarification, and that the proposed buildings, including the depth of the foundations, do allow a sufficient easement for the existing sewer (noting that there are already buildings on-site above the sewer). The trees between blocks 3 and 4 may need to be in pits, so distanced from sewers and an informative can advise on these arrangements.

Education

5.50 NPPF paragraph 99 states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Officers have advised whilst there is demand for all types of places the priority is for SEND and early contributions (as defined in section 3). These contributions are requested, taking into account national guidance from the DfE, requiring a need to balance the need for education with other needs, and the alternative funding options for primary and secondary places when affordable housing provision is involved.

Public Protection

5.51 NPPF policy on land contamination and noise is set out in section 15 of the NPPF. There will be a condition to deal with construction management, due to the scale of the development, proximity to residential and as demolition is involved.

5.52 Noise – the dominant noise source was road traffic (rather than from any surrounding commercial premises) and the submitted noise assessment illustrates that with mitigation (double glazed windows in this case) noise levels within dwellings would be acceptable. A condition proposes approval of a detailed scheme for each block.

5.53 Land contamination – standard conditions recommended regarding implementation of a remediation strategy. The site has been investigated now and a remediation strategy approved in principle.

Public Sector Equalities Duty

5.54 Section 149 of the Equality Act 2010 contains the Public Sector Equality Duty (PSED) which requires public authorities, when exercising their functions, to have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share relevant protected characteristic and persons who do not share it.

5.55 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to the characteristic;
- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

5.56 The PSED does not specify a particular substantive outcome but ensures that the decision made has been taken with “due regard” to its equality implications.

5.57 Officers have given due regard to the equality implications of the proposals in making this recommendation. There is no indication or evidence (including from consultation on this application) that any equality matters are raised that would outweigh the material planning considerations.

6.0 CONCLUSION

6.1 The social and environmental objectives of the NPPF are as follows –

- **social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- **environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using

natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

6.2 The scheme meets these objectives. It proposes residential lead development within a setting designed to encourage recreation and social interaction, taking into consideration the public realm and the community uses proposed within the buildings. 100% of the homes are intended to be affordable. In respect of health and moving to a low carbon economy the proposed homes will exceed optional national space standards and target Passivhaus standards; the latter significantly exceeds local or national energy efficiency requirements. There will be biodiversity net gain on-site and a significant increase in the number of trees on-site. These benefits weigh strongly in favour of the scheme when applying NPPF policies.

6.3 The NPPF requirements, as set out in paragraph 11d, are that this development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies the Framework taken as a whole. The adverse effects identified are the demolition of existing buildings and potential effects on surrounding streets in respect of car parking. The demolition is justified due to housing need, the environmental quality of the proposed homes; following NPPF transport policy a reasonable scheme of mitigation has been identified to promote sustainable travel modes and to manage on-street car parking. Spatially the site is well-suited to a scheme promoting low car ownership and the scheme follows the thrust of [place-making and transport policy in the NPPF; promoting sustainable transport. There are no adverse effects which justify refusal of the scheme.

6.4 Conditions will secure provision of the following items, which would normally be secured through a planning obligation (because the council is the landowner and applicant).

- Affordable housing (minimum policy compliance of 20%)

- Education
 - Early years - £209,400
 - SEND (£27,641 plus £1,620 transport) - £29,261

- Open space and sports provision off-site contributions -

Amenity space	£12,620
Play	£55,230
Sports	£41,535

- Residents parking scheme at the site - £8,500.

- Sustainable travel measures £40,400 of which at least £10,100 shall be towards Car Club membership and drive time for residents.

7.0 RECOMMENDATION: Approve subject to the following conditions:

1 TIME2 Development start within three years

The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 Approved plans

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

Site Location Plan

Proposed Site Plans
288C (00) 001 P02

Proposed Site Elevations (project 288C)

Site Elevations A, F, G 220 P01

Site Elevation B-B 221 P01

Site Elevation C-C 222 P01

Site Elevations D & E 223 P01

Site Elevations H224 P02

Proposed Block Plans (project 288C)

Block 1 GA Plans GF & 1F 101 P01

Block 1 GA Plans 2F & Roof Plan 102 P01

Block 2 GA Plans GF & 1F 103 P01

Block 2 GA Plans 2F & Roof Plan 104 P01

Block 3 GA Plans GF & 1F 105 P01

Block 3 GA Plans 2F & Roof Plan 106 P01

Block 4 GA Plans GF & 1F 107 P01

Block 4 GA Plans 2F & Roof Plan 108 P01

Block 5 GA Plans GF & 1F 109 001 P01

Block 5 GA Plans 2F & Roof Plan 110 P01

Block 7 GA Plans GF & 1F 112 P01

Block 7 GA Plans 2F & Roof Plan 113 P01

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Block 8 GA Plans GF & 1F 114 P01
Block 8 GA Plans 2F & Roof Plan 115 P01
Block 9 & 10 GA Plans GF & 1F 116 P02
Block 7 & 10 GA Plans 2F & Roof Plan 117 P02

Proposed Site Sections (project 288C)

Site Sections A-A, B-B 320 P01
Site Sections C-C, D-D, E-E 321 P01

Proposed Block Elevations (project 288C)

Block 1 Elevations 201 P01
Block 2 Elevations 202 P01
Block 3 Elevations 203 P01
Block 4 Elevations 204 P01
Block 5 Elevations 205 P01
Block 7 Elevations 207 P01
Block 8 Elevations 208 P01
Block 9 Elevations 209 P02
Block 10 Elevations 210 P02

Proposed House Types Plans and Elevations

288C A (00) 100 House Type A P01
288C A (00) 200 House Type A P01
288C B (00) 100 House Type B P01
288C B (00) 200 House Type B P01
288C C (00) 100 House Type C P01
288C C (00) 200 House Type C P01
288C D (00) 100 House Type D P01
288C D (00) 200 House Type D P01
288C E (00) 100 House Type E P01
288C E (00) 200 House Type E P01
288C F (00) 100 House Type F P01
288C F (00) 200 House Type F P01
288C I (00) 100 House Type I P01
288C I (00) 101 House Type I P01
288C I (00) 200 House Type I P01
288C I (00) 201 House Type I P01
288C I (00) 300 House Type I Section P01
288C J (00) 100 House Type J P01
288C J (00) 101 House Type J P01
288C J (00) 200 House Type J P01
288C J (00) 300 House Type J Section P01

Other Site Structures Details

288C (80) 400 Typical East/West Courtyard Entrance - Blocks 1-4 P01
288C (80) 401 Communal Bin Store - 3 Bins 1:20 A1 P01
288C (80) 402 Communal Bin Store - 4 Bins 1:20 A1 P01
288C (80) 403 Communal Bin Store - 8 Bins 1:20 A1 P01
288C (80) 410 Communal Bike Store 1:25 A1 P01
288C (80) 411 Internal Bike Store 1:25 A1 P01
288C (80) 412 Typical Cargo Bike Store 1:25 A1 P01
288C (80) 413 Private Bike Stores 1:25 A1 P01
288C (80) 414 ASHP Stores - Rear Gardens 1:20 A1 P01

Sub Station Detail 259 P1

Other Plans

Tree Constraints Plan 1349 Rev 1
Site External Lighting Plan E-010 P3
Site Utilities Plan - Proposed ME-001 4

Landscaping details

21218-BBUK-ZZ-00-DR-L-0010, 0020, 0200, 0201, 0350, 0420, 3000, 3001, 23002, 3003, 3004.
21218-BBUK-ZZ-ZZ-DM-L-8101
21218-BBUK-ZZ-ZZ-SH-L-8100
21218-BBUK-ZZ-ZZ-SH-L-8200

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

3 Affordable Housing

No development shall commence unless and until a scheme for affordable housing provision has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall thereafter be provided in accordance with the approved scheme.

The scheme shall include:

- The amount type / tenure and location of the affordable housing.
- The timing of the construction of the affordable housing.
- The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing where relevant.
- The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Reason: In order to meet identified need for affordable housing in accordance with policy H10 of the Publication Draft Local Plan 2018.

4 Education

No development shall commence unless and until a scheme to ensure the provision of adequate additional early years / pre-school (10 places) and SEND (special education needs) (1.68 places) facilities within the local catchment area, or alternative arrangements, has been submitted to and approved by the Local Planning Authority. The facilities shall thereafter be provided in accordance with the approved scheme, or the alternative arrangements agreed in writing by the Local Planning Authority, and thereafter implemented, prior to first occupation of the development.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city. The provision is required in accordance with NPPF paragraph 94, Policy DM1 of the Publication Draft Local Plan 2018 and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated June 2019 update. The commuted sum for the education places specified above is as follows -

Early years - £209,400

SEND - £27,641 plus £1,620 transport = £29,261

5 Open Space and Sports Provision

No development shall commence unless and until details of provision for off-site public open space and sports facilities, or alternative arrangements, have been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be provided in accordance with the approved scheme, or the alternative arrangements agreed in writing by the Local Planning Authority prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy GI6 of the Publication Draft Local Plan 2018 which requires that all new housing sites make adequate provision for the open space needs of future occupiers.

6 Tree protection

Trees shown as retained on the approved plans shall be protected in accordance with BS: 5837: Trees in relation to construction and details within the Quants Arboricultural Impact Assessment 1349 revision 2.

Reason: In accordance with NPPF paragraph 55, to ensure protection of existing trees that 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.

7 Construction management

Prior to commencement of development a Construction Management Plan shall be approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period.

The plan shall include: -

- a) Vehicle parking for site operatives and visitors.
- b) Means of access control, and measures to prevent construction/delivery vehicles parking/blocking the highway.
- c) Details of measures to keep the highway clean - to include wheel washing facilities for the cleaning of vehicles leaving the site, to include location and type.
- d) Dust - A site-specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and including a package of mitigation measures commensurate with the risk identified in the assessment.
- e) Air Quality - The air quality impacts associated with construction vehicles and non-road mobile machinery (NRMM) and the proposed mitigation measures, commensurate with the identified risk.
- f) Noise - Details on types of machinery to be used, noise mitigation, any monitoring and compliance with relevant standards. Hours of working.
- g) Vibration - Details on any activities that may result in excessive vibration, e.g. piling, and details of monitoring and mitigation to be implemented.
- h) Lighting - Details on artificial lighting and measures to minimise impact, such as restrictions in hours of operation, and the location and angling of lighting.
- i) Complaints procedure - The procedure should detail how a contact number will be advertised to the public, investigation procedure when a complaint is received, any monitoring to be carried out, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken shall be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses -
- j) public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: To ensure before development commences that construction methods will safeguard the amenities of neighbouring properties in accordance with Policy ENV2 of the City of York Publication Draft Local Plan 2018.

8 Construction working hours

During construction works the hours of construction, including loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

9 Public sewers

Prior to demolition or groundworks within 5 metres of the centreline of the public sewer which crosses the site, measures to protect the sewer shall be submitted to the Local Planning Authority, approved in writing and the development hereby approved shall take place in accordance with the approved measures thereafter. The protection measures shall include details in respect of demolition and site enabling works, construction and hard and soft landscaping.

Reason: In the interests of good design and flood risk, to protect Yorkshire Water infrastructure.

10 Archaeology - watching brief

A programme of post-determination archaeological evaluation is required on this site. The development shall take place in accordance with the written scheme of investigation - York Archaeology's report 'Archaeological investigations at Ordnance Lane, York' YA/2023/18.

A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. (There shall be presumption in favour of preservation in-situ wherever feasible.

Reason: In accordance with Section 16 of NPPF. The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

11 Nesting birds

No tree maintenance, vegetation clearance, demolition or renovation works to the buildings on site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of suitable habitat for active birds' nests immediately before the works and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to

protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority in advance of works.

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.

12 Land contamination - remediation

Prior to first occupation or use, the approved remediation scheme - Phase 3: Remediation Statement by Solmek S200727/REM (dated October 2022) - shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

13 Drainage

Surface water run-off from the site shall be no more than 75.2 litres per second. Site specific details of the final drainage strategy (following the specifications in the FRA addendum dated 8 Feb 2024) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of construction of the development hereby permitted. The development shall be carried out in accordance with the approved scheme.

Site specific details shall include the following -

- The means by which the surface water discharge rate shall be restricted to a maximum rate of 75.2 litres per second. To include the means by which the on-site surface water attenuation shall accommodate up to the 1 in 100 year event with a 30% climate change allowance shall be achieved.
- Storage volume calculations, using computer modelling, which must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.
- Future management and maintenance of the proposed drainage scheme.

Reason: In the interests of preventing increased flood risk, as required under NPPF section 15, policy ENV5 of the Publication Draft Local Plan 2018 and the City of York Council Sustainable Drainage Systems Guidance for Developers.

14 Biodiversity net gain

Details of a scheme for biodiversity enhancements (biodiversity gain plan) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the buildings hereby permitted and the enhancements shall be installed in accordance with the approved details prior to first occupation of all the buildings hereby permitted. The scheme shall evidence a net gain in biodiversity compared to pre-development biodiversity value using the official biodiversity metric tool.

Reason: To enhance the biodiversity and wildlife interest of the area, in accordance with Paragraph 180 d) of the NPPF (due to the submission date of the scheme 10% BNG is not required for this scheme).

15 Noise insulation to dwellings

The building envelope of all dwellings shall be constructed to achieve internal noise levels in habitable rooms as follows -

Daytime (07:00-23:00 hrs)

- No greater than 35 dB LAeq (16 hour)

Night (23:00-07:00 hours)

- 30 dB LAeq (8 hour)

- LAFMax level should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A).

These noise levels shall be observed with windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

Prior to construction of the relevant residential building, a detailed scheme of noise insulation measures for protecting the approved dwellings from externally generated noise shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved details.

Reason: To protect the amenity of people living in the new property from externally generated noise, in accordance with the NPPF paragraphs 135 and 191.

16 Materials

The external materials to be used shall be as annotated on the approved drawings. Prior to construction of the building envelope of the dwellings hereby approved details of the following items shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the

approved details -

- a) Manufacturer's details and colour finish of render, vertical hung clay tiles and metalwork.
- b) Sample panels of the brickwork to be used (which shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used). This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: In the interests of visual amenity and local distinctiveness, in accordance with section 12 of the NPPF.

17 Large scale details

Large scale typical details for the following items shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the building envelope of the dwellings hereby approved. The development shall be carried out in accordance with the approved details.

blocks 1-5

doors and windows in context

balconies and balustrades in context

block 6

doors and windows in context

block 7

metal clad walkway and storage

new windows to west elevation

block 8

balconies and balustrades in context

blocks 9 and 10

doors and windows in context

boundary walls and railings

Reason: In the interests of good design, in accordance with NPPF paragraph 130.

18 Secure by Design

The development shall not be occupied until there has been submitted to, and approved in writing by the Local Planning Authority, details of secure by design measures. The approved measures shall be instated prior to first occupation of the

relevant buildings. The measures shall include details of access control and lighting to private/semi-private spaces and communal cycle storage.

Reason: In accordance with NPPF paragraph 130f to ensure crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion and resilience.

19 Sustainable construction

The new build dwellings shall achieve a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

The fabric energy efficiency shall achieve a 19% or more reduction in carbon emissions (compared to the target emission rate as required under Part L of the Building Regulations 2013).

The Target Emission Rate (TER) for the new-build dwellings should be calculated using version 10 of the Standard Assessment Procedure (SAP) and submitted to the Local Planning Authority prior to construction to demonstrate that an overall reduction in carbon emissions of at least 75% above Part L of the Building Regulations 2013 is achieved. If a reduction of 75% or more cannot be achieved a statement shall be submitted to demonstrate that such a reduction would not be feasible or viable, and shall be approved in writing by the Local Planning Authority prior to construction.

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

20 Landscaping / public realm

The approved landscaping scheme (landscaping details as specified in condition 2) shall be installed in full, accordance with the approved details prior to first occupation of the development hereby permitted (or any other phasing plan approved under this condition by the local planning authority).

Any trees or plants within the public realm which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of good design, in accordance with paragraph 135 of the NPPF.

21 Resident's Parking

Prior to first occupation of the development hereby permitted details of a scheme to provide residents parking, both within the site and on Hospital Fields Road as shown on the approved site plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved schemes shall be fully implemented thereafter.

Reason: To reasonably control on-street car parking locally, in the interests of highway network management and in accordance with NPPF paragraphs 110d) and 111. The developer is advised that the requirements of this scheme could be met through a commuted sum of £8,500.

22 Electric Vehicles

Prior to occupation of 25% of the dwellings hereby permitted the electric vehicle charging facilities (and vehicles) detailed below shall be provided on-site and made available for public use at all times thereafter -

- Electric cargo bikes and storage - four charging points and hire bikes (as detailed in section 4.5 of the Transport Statement V2.3 (by Civic Engineers).
- Two car parking spaces with rapid and fast charging and a fast-charging facility serving the car club bay. The parking spaces, as shown on the approved site plan, shall be exclusively for use by electric or car club vehicles.

In addition to the above an electric vehicle charging facility for at least one of the parking spaces to the north of blocks 7 and 8 shall be provided prior to first occupation of blocks 7 and 8. The details of the provision shall be approved by the Local Planning Authority in advance of installation.

Reason: To encourage the use of electric vehicles and reduce emissions, in accordance with paragraphs 110 and 186 the NPPF and policy ENV1 of the Publication Draft Local Plan 2018.

23 Travel Plan

The development hereby permitted shall be occupied in accordance with the Civic Travel Plan V2.3. Further to the travel plan prior to first occupation of the development a scheme to encourage sustainable travel for future occupants of the site shall be submitted to the Local Planning Authority for approval and the development shall be carried out in accordance with the approved details.

Reason: To promote sustainable travel, in accordance with section 9 of the NPPF and Publication Draft Local Plan 2018 policy T7. The required scheme is expected to evidence how it shall commit at least £40,400 towards sustainable travel measures of which at least £10,100 shall be towards Car Club membership and drive time for residents.

24 Cycle and bin storage

The cycle and bin storage shall be provided in accordance with the approved plans prior to first occupation of the relevant buildings. The facilities shall be unobstructed and retained for such use at all times.

Reason: To promote sustainable transport and in the interests of good design in accordance with section 9 of the NPPF

25 Commercial units - times of operation

The commercial units hereby permitted shall only be open to customers between the hours of 07:00 and 23:00 each day of the week.

Reason: To protect the amenity of occupants of the nearby properties from noise, in accordance with the NPPF paragraphs 130 and 185.

26 Commercial unit - any plant and machinery

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

Reason: To protect the amenity of surrounding residential in accordance with NPPF paragraphs 130 and 185.

8.0 INFORMATIVES:

Notes to Applicant

1. Yorkshire Water

The developer is advised that public sewers run through the site and consent should be sought from Yorkshire Water in terms of tree planting and buildings within 5 metres of any public sewer infrastructure.

For further information, the developer should contact Developer Services Team: telephone 0345 120 84 82 (option 1) or email technical.sewerage@yorkshirewater.co.uk.

2. 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 to address issues identified during consultation process and through the use of planning conditions.

Contact details:

Case Officer: Jonathan Kenyon

Tel No: 01904 551323