

## Notice of meeting of

### Planning Committee

- To:** Councillors Cunningham-Cross (Chair), Galvin (Vice-Chair), Ayre, Boyce, D'Agorne, Doughty, Firth, Funnell, King, McIlveen, Merrett, Reid, Simpson-Laing, Watson, Watt and Williams
- Date:** Thursday, 22 March 2012
- Time:** 4.30 pm
- Venue:** The Guildhall, York

**Please note that there are no site visits scheduled for this meeting.**

### AGENDA

#### 1. **Declarations of Interest**

At this point, members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

#### 2. **Minutes** (Pages 3 - 20)

To approve and sign the minutes of the last meeting of the Planning Committee held on 16 February 2012.

#### 3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5.00pm** on **Wednesday 21 March 2012**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

**4. Plans List**

This item invites Members to determine the following planning application:

**a) Tarmac Limited, Ouse Acres, York (11/02943/REMM) (Pages 21 - 38)**

Reserved matters application for the erection of 57 dwellings following demolition of the existing buildings following previous approval of outline application 07/00056/OUTM [*Holgate Ward*]

**5. Any other business which the Chair considers urgent under the Local Government Act 1972.**

**OFFICER UPDATE CIRCULATED AT THE MEETING.**

Democracy Officer:

Name: Jill Pickering

Contact Details:

- Telephone – (01904) 552061
- E-mail – [jill.pickering@york.gov.uk](mailto:jill.pickering@york.gov.uk)

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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## **Holding the Cabinet to Account**

The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business from a published Cabinet (or Cabinet Member Decision Session) agenda. The Cabinet will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Cabinet meeting in the following week, where a final decision on the 'called-in' business will be made.

## **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Committee Minutes

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MEETING	PLANNING COMMITTEE
DATE	16 FEBRUARY 2012
PRESENT	COUNCILLORS CUNNINGHAM-CROSS (CHAIR), GALVIN (VICE-CHAIR), AYRE, BOYCE, D'AGORNE, DOUGHTY, FUNNELL, KING, MCILVEEN, MERRETT, REID, SIMPSON-LAING, WATSON, WATT, WILLIAMS AND HYMAN (SUB FOR CLLR FIRTH)
APOLOGIES	COUNCILLOR FIRTH

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**35. INSPECTION OF SITES**

Site	Reason for Visit	Members Attended
Abattoir, Murton Lane, Murton (11/03259/FULM)	To enable Members to view the site.	Cllrs Boyce, Cunningham-Cross, D'Agorne, Funnell, Galvin, McIlveen, Merrett, Reid, Watson and Watt.
Plot 8b, Great North Way, Nether Poppleton (11/03253/FULM)	To enable Members to view the site.	Cllrs Boyce, Cunningham-Cross, D'Agorne, Funnell, Galvin, McIlveen, Merrett, Reid, Watson and Watt.

**36. DECLARATIONS OF INTEREST**

Members were asked to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Councillor Williams declared a personal and prejudicial interest in item 4b (The Abattoir, Murton Lane, Murton) as he is employed by Yorkshire Water and Yorkshire Water were consulted on the application. He advised Members he would abstain from the vote regarding condition 5 (Surface Water Drainage).

Councillor McIlveen declared a personal non prejudicial interest in agenda item 5 (Public Consultation on Draft Supplementary Planning Guidance) as a member of York Residential Landlords Association.

**37. MINUTES**

RESOLVED: That the minutes of the last meeting of the Committee held on 19 January 2012 be approved and signed by the Chair as a correct record.

**38. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

**39. PLANS LIST**

Members considered the report of the Assistant Director (Planning and Sustainable Development) relating to the following planning applications, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

**39a Plot 8B, Great North Way, Nether Poppleton, York (11/03253/FULM)**

The Committee considered a full major application (13 weeks) submitted by Dobbies Garden Centre Ltd for the erection of a garden centre retail development incorporating a restaurant/cafe and farm food hall with associated access, landscaping, car park, outdoor display areas and a hand car wash.

Officers stated that a revised landscaping plan had been submitted in response to the Landscape Architect's comments and the landscape architect had noted that there would be some loss of existing trees on site but these would be compensated by new tree planting. However the scheme would benefit from an increased population of larger species trees such as Oak and Ash. He stated that the aesthetics of the scheme remain unsatisfactory on Opus Avenue, although to a degree this was out of the applicants control, it would be beneficial to achieve greater planting within this location.

Officers also reported that the Environmental Protection Unit had requested a condition to prevent noise issues during the operation of the proposed development and asked for further information regarding the air quality impact by virtue of the nearby dwellings. They had agreed with the applicant that the provision of electric vehicle recharge points could be dealt with through the green travel plan.

Officers advised of the following amendments to the proposed conditions

- Condition 1 – replacement drawing number
- Condition 3 – Figure for on-site renewable energy sources should read 10% not 5%
- Condition 11 – re landscaping scheme - insert drawing number SB/YK/P/01 Revision C received 30 January 2012
- Condition 18 should read “the cafe/restaurant, *including the kitchens*, shall not exceed in floor area 1010 sqm specified on drawing number 1858(PL)308.
- Condition 19 – remove second part of condition (referring to specialist foodstuffs) as it is not considered reasonable in accordance with the tests set out in Circular 11/95
- Condition 20 – reworded to include conditions 17 and 26. Some goods have been restricted as they are considered ancillary rather than primary goods of a garden centre. Internal floor area differs slightly to that specified in report as floor area of potential eco-department was not included.
- Conditions 17 and 26 removed as they are now included in condition 20.

Officers advised that standard condition VISQ8 (external materials) and a condition for fencing should also be added.

It was noted that following the site visit and chair’s briefing, the following alterations were requested: a dedicated taxi bay; moving the cycle shelters close to the front entrance; and widening of the pedestrian footway to accommodate both pedestrian and cycle traffic. Members were advised that the applicant had declined to alter their proposals.

[A full copy of the officers’ update has been published online with the agenda on the Council’s website.]

Representations were received from the agent of a local garden centre in objection to the application. He agreed that the revised conditions were helpful but didn't go all the way to meeting his concerns which included the use of the 20 minutes drive time for the retail assessment, and the number of jobs which would be lost would not overcome those created by the proposal.

Representations were also heard from the agent in support of the application. He stated that this application was the culmination of several years hard work to find a suitable site in York for Dobbies and they had been encouraged by the positive feedback from public and key stakeholders at the consultation event. He confirmed that the site provided a suitable opportunity for the Dobbies to achieve its high quality aspirations in York and it would also provide new job opportunities.

Members raised concerns that there was no lighting times proposed and asked that a condition be added to control these. Officers suggested that condition 14 (method and design of external lighting) could be expanded to include times.

Members expressed their overall support for the scheme but raised and discussed the following concerns:

- Public Transport Links – Members noted that the nearest bus stop was some 300m away from the site, that the no 10 bus service was not frequent on Sundays and the no 20 bus service took a slow and winding route. They also pointed out that not all staff would have their own transport and that cycle provision parking was still not right and would benefit from space for bike trailers which were being used by more and more people. Members asked for consideration to be given to the applicant being asked to provide a taxi pick up/drop off point outside the entrance.

*The applicant's agent raised concerns that siting a taxi rank outside the main entrance would detract from the appearance of the entrance area and could potentially pose a danger to pedestrians.*

- Food Hall – Members raised concerns about the proposed size of the food hall (condition allows max 450msq) and the types of products which would be



sold. They questioned whether this could create competition with other food shops in Poppleton. One Member proposed that this be reduced to 300msq to reduce the likelihood of competition with local mainstream shops.

*The applicant's agent confirmed that the food hall would operate as an ancillary part of the garden centre rather than a stand alone convenience retail operation and that their intention was not to compete with local shops.*

- High Percentage of ancillary goods – One Member stated that the 15% limit for ancillary goods was too large considering the size of the overall site and proposed that this be reduced to 10%.
- Loss of employment land – Members raised concerns that this site has been designated as employment land not retail and there was not sufficient evidence regarding creation of new jobs.
- Capacity of ring road – Concern was expressed that this development would lead to more congestion and pollution on the ring road.
- Development is unsustainable – One Member stated that none of the produce to be sold will be grown on site.

Members acknowledged that it was important to be able to agree on a suitable location for Dobbies to set up in York and acknowledged that siting a venture such as this and ensuring that it is accessible to everyone would always be a challenge. With regard to the concerns raised, Members acknowledged that it would be possible for taxi's to drop off/pick up outside the entrance without the need for a specific taxi rank. Members were advised that the range of goods proposed to be sold was the norm in garden centres throughout the country and with regard to the proposal to reduce the amount of ancillary goods to 10% would lead to a lack of consistency across the city and pointed out that Poppleton Garden Centre had a 15% limit. Members agreed that development of the site would be an improvement for what is currently an empty and desolate site.

Councillors D'Agorne and Watson asked that it be recorded that they voted against the application.

RESOLVED: That the application be approved subject to the conditions listed in the report, the amended and additional conditions below, the removal of conditions 17 and 26 (incorporated into amended condition 20) plus the amendment of condition 14 on lighting to include specific times (details to be delegated to officers in conjunction with Chair and Vice-Chair of the Committee)

Amended Condition 1

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

Drawing Number 1858(PL)303 Revision C received 26 January 2012

Drawing Number 1858(PL)304 received 7 December 2011

Drawing Number 1858(PL)305 received 7 December 2011

*Drawing Number 1858(PL)306 Revision B received 27 January 2012*

Drawing Number 1858(PL)307 Revision A received 7 December 2011

Drawing Number 1858 (PL)308 received 7 December 2011

Drawing Number 1858(PL)309 Revision A received 27 January 2012

Drawing Number 1858(PL)310 received 7 December 2011

Drawing Number 1858(PL)311 Revision A received 7 December 2011

Drawing Number 1858(PL)312 received 7 December 2011

Drawing Number 1858(PL)313 received 7 December 2011

Document 5: Floodrisk Assessment and Drainage Statement submitted 7 December 2011

Document 8: Ecological Survey Report submitted 7 December 2011

Drawing Number SB/YK/P/01 Revision C received 30 January 2012

Drawing Number E14 received 6 December 2011;

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

Amended Condition 3

No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority, to demonstrate how the development will provide from on-site renewable energy sources, *10 per cent* of the development's predicted energy requirements. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. The site thereafter must be maintained to the required level of generation.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

Amended Condition 11

The landscaping scheme shall be in accordance with *Drawing Number SB/YK/P/01 Revision C received 30 January 2012*. Prior to development a specification for ground preparation for all planting and seeding, and tree pit details shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

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

Amended Condition 18

The cafe/restaurant, *including the kitchens*, shall not exceed in floor area (*1010 sqm*) specified on drawing number 1858(PL)308.

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities to ensure the protection of the vitality and viability of York city and district

centres and in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth".

Amended Condition 19

The food hall hereby permitted shall not exceed in floor area (450 sqm) specified on drawing number 1858(PL) 308.

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities to ensure the protection of the vitality and viability of York city and district centres and in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth".

Amended Condition 20

The premises shall be used as a garden centre (incorporating a cafe/restaurant and foodhall) and for no other purposes including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Sales from the garden centre shall be limited to the following goods, products and services:

- (a) goods and services related to gardens and gardening,
- (b) horticultural products, trees, plants, shrubs, house plants and flowers of any type including fresh and dried flowers,
- (c) garden and gardening equipment, tools and accessories,
- (d) machinery for garden use and servicing of it,
- (e) barbeques and their accessories,
- (f) conservatories,
- (g) outdoor and conservatory furniture, furnishings and accessories,
- (h) sheds, garden buildings, greenhouses, summerhouses, gazeboes, pergolas, garden offices,
- (i) ponds and materials and fittings for their servicing,

- (j) fencing, trellis and landscaping materials,
- (k) aquatics, water garden equipment, and their accessories, water recycling products,
- (l) garden ornaments and statuary, baskets and other containers for the growing and display of indoor and outdoor plants and flowers,
- (m) pets, pet accessories, pet care and advice,
- (n) Christmas trees (live and artificial) and decorations
- (o) ancillary restaurant/coffee shop
- (p) live poultry and bird care products
- (q) wood /biomass burning products and wood burning stoves
- (r) ancillary food hall

The following range of goods shall be limited to 15% (1076 sqm) of the total internal floorspace (7178 sqm) including the cold house and polytunnels:

- (i) books, magazines, periodicals, videos and CD and DVDs; all relating to gardening,
- (ii) hobbies, camping equipment, toys, games, crafts and garden play equipment,
- (iii) baskets, wickerwork and country crafts,
- (iv) china, glass, vases and pots,
- (v) outdoor clothing and footwear, including wellington boots, garden aprons and smocks, gardening boots and clogs, gardening gloves, gardening hats, gardening rainproofs and gardening overalls,
- (vi) Gift lines and greetings cards
- (vii) eco living, solar and environmental products

(viii) unspecified garden retail goods

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities conducted from the site and to ensure the protection of the vitality and viability of the surrounding urban centres in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth".

Additional Condition

Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

Additional Condition

Details of all means of enclosure to the site boundaries (including colour and finish) shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

Additional Condition

*The external car park lighting shall be switched off a maximum of 30 minutes after the store has closed for business, and switched on a maximum of 30 minutes before the store opens for business.*

*Reason: In order to protect the amenities of the neighbours and the character and appearance of the area from excessive illumination.*

*[Note: This was added as a separate condition rather than an amendment to condition 14]*

REASON: The proposal, subject to the conditions listed in the report, the amended and additional conditions above, the removal of conditions 17 and 26 and the amendment of condition 14 (lighting), would not cause undue harm to interests of acknowledged importance, with

particular reference to retail impact, safeguarding of employment land, residential amenity, visual amenity, highway impact, contamination, air quality, Flood risk, nature conservation. As such the proposal complies with Policies P7A, SP8, GP1, GP3, GP4A, GP4B, GP9, GP11, GP15A, NE5, NE5B, NE6, T2, T7C, T13A, T20, E3A, E3B, S2, S12 of the City of York Development Control Local Plan.

**39b The Abattoir, Murton Lane, Murton, York YO19 5UF  
(11/03259/FULM)**

The Committee considered a full application submitted by Mr Tom Kirwan for the development of a new abattoir and food production facility with associated landscaping and access following the demolition of the existing abattoir.

Officers provided the Committee with an update on the following issues

- Highways Issues - Officers advised the Committee that comments had now been received from the council's highways officers who have no objection to the proposals subject to some additional conditions being attached and in particular, submission of a method of works statement and details of visibility splays, both of which have been agreed by the applicant. The Cabinet Member had asked that the number of cycle parking spaces be increased to match the current usage (30% of staff currently cycle to work) which would require 57 spaces. Highways officers have advised that to take into account shift working, 40 spaces should be provided initially (increased from 25 proposed) which has been agreed by the applicant.
- Habitat Mitigation - Officers advised that, with regard to the applicant's proposals for mitigating the loss of trees, hedges and other habitats, the Cabinet Member has asked that further mitigation be provided. Officers have extensively investigated the possibilities for providing additional mitigation on site, immediately adjacent to the site or elsewhere but there is no opportunity for this within the site.

- Landscaping - With regard to landscaping details, which are required as a condition of approval, officers advised that for the avoidance of doubt an informative should be added to Condition 8 (Landscaping) making clear that the council expects the landscaping scheme to include large-species, semi-mature trees and wildflowers. Officers advised that the Cabinet Members had also asked that Condition 8 be strengthened to require the proposed screening along the south-west boundary to be provided permanently. The condition as drafted implies that the agreed landscaping scheme would be retained permanently and requires that any trees that die or are removed during the first five years following completion are replaced, but that requiring the landscaping scheme to be retained in perpetuity is likely to be an unreasonable requirement.
- Operating Hours - Officers have agreed with the applicant the operating hours of the new plant (the hours of the existing plant are uncontrolled) and the agreed hours will be made a new condition of approval.
- Sustainability - The applicant has accepted the council's suggested condition that 10% of energy should be produced on site from renewable sources.

[A full copy of the officers' update has been published online with the agenda on the Council's website.]

Therefore officers confirmed the following additional conditions would be required.

- HWAY 10 Details of vehicular areas to be approved
- HWAY 14 Access details to be approved
- HWAY 31 No mud on highway during construction
- HWAY 40 Dilapidation survey to be carried out.
- Details of proposed visibility splays to be submitted and agreed
- Method of Works statement to be submitted and agreed
- Operating Hours to be specified as 0600-2400 Mon to Fri and 0600-1700 Sat.

They advised that the following conditions be revised



- Add informative to Condition 4 (Landscaping)
- Condition 6 (Car and Cycle parking) – specify min. 40 cycle spaces.
- Condition 7 (Travel Plan)
- Condition 8 (Sustainability)

They also advised that the plan was incorrect in the agenda papers.

Representations were heard from Councillor Warters, Ward Member for Osbaldwick, on behalf of Murton Parish Council. He raised concerns regarding intrusion into the greenbelt and loss of mature trees on the site. However he commended the approach taken by ABP during the application process stating they had met with Murton Parish Council and alleviated many concerns raised by the local community and acknowledged that the expansion was likely to benefit both the livestock centre and local community. He stressed that the 10% renewable energy figure should be considered an absolute minimum. He asked that appropriate levels of restrained signage is used at the entrance to the site and that reactive lighting is considered. He requested that both Murton Parish Council and he are consulted with regard to lighting schemes (condition 16), the travel plan (condition 7) .and financial support in respect of mitigation for loss of habitat (condition 9).

Members discussed the following issues:

Loss of Trees - Members requested that the applicant liaised further with the adjacent land owner with regard to providing off site mitigation in respect of the loss of trees, hedges and other habitats. They also suggested that if the parking was rearranged slightly with a loss of only 8-9 spaces, this could save three of the Willow trees along the southern boundary of the site.

*The applicants advised Members that they had investigated options for retaining more of the trees on the site and the proposal in front of Members was the outcome of this. In terms of mitigation, they stated that for each tree removed, three new trees would be planted on the site. They advised that if the Willow trees in question were to be retained it would mean the loss of more than 8-9 car parking spaces as it was important to consider not just the area of the base of the tree but also how far the roots and crown of trees extend into the circulation*

*areas. Officers disagreed that more spaces would have to be lost. The applicants agreed to amend the parking layout to protect the three specified Willows along the southern boundary.*

10% Renewable Energy Target – The applicants explained how they aimed to operate well above the required 10% target. Members suggested that other sustainable features such as solar panel and rainwater collection could be considered.

Operating hours - The applicants confirmed that at present no specific operating hours were set for the plant which was demand driven. They advised that the abattoir can start very early and may be finished by lunchtime or may operate into early evening and that livestock deliveries were currently late at night and early morning. Members acknowledged that the proposed conditions would ensure that deliveries and operating hours were more restricted than at present.

Members agreed that this was an important investment for the city and expressed their support for the application. However they stressed the need to ensure that effective screening around the SW of the site to minimise views from the A64 and asked for tighter controls requiring the maintenance of tree belts. Officers agreed that condition 4 could be strengthened so it refers to retaining the landscape belt into the future.

At the request of Councillor Williams, and in view of his declaration of interest as an employee of Yorkshire Water, the Committee took a separate vote on condition 5 (surface water drainage) and Councillor Williams abstained from the vote. He participated in the vote for the overall application.

RESOLVED: That the application be approved subject to the conditions listed in the report and the amended and additional conditions below:

New Condition

HWAY 10 Details of vehicular areas to be approved

New Condition

HWAY 14 Access details to be approved

New Condition

HWAY 31 No mud on highway during construction

New Condition

HWAY 40 Dilapidation survey to be carried out.

New Condition (Visibility Splays)

Prior to the commencement of any works details of proposed visibility splays shall be submitted to and agreed in writing by the local planning authority. The approved works shall be implemented prior to operation of the development.

Reason: In the interests of highway safety.

New Condition (Method of Works)

Prior to the commencement of any works, a detailed method of works statement shall be submitted to and agreed in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material, and the hours during which this will be permitted.

Reason: to ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway.

New Condition (Operating Hours)

No machinery shall be operated, no process shall be carried out and no deliveries taken or despatched from the site outside the following times: 0600-2400 hours Mondays to Fridays and 0600-2400 hours on Saturdays. Nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and businesses

Amended Condition 4

No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, stock size, planting details and position of trees, shrubs and other plants as compensatory planting for the loss of trees. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants 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 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 as compensation for loss of trees.

Add Informative to Condition 4 (Landscaping)

The submitted landscape scheme should include, as mitigation, a high percentage of large-species trees and advanced nursery stock, including semi-mature trees. Similarly the scheme should show how the proposed hedgerow would be supplemented by a suitable wildflower mix in order to provide some mitigation for the loss of floral interest along the existing ditch along the south-west side of the site.

Amended condition 6 (car and cycle parking)

Prior to the development commencing full details of car parking, delivery/service vehicle parking, cycle storage for at least 40 cycles (including means of enclosure), vehicle turning areas and the means of access into the site shall be submitted to and approved in writing by the local planning authority and thereafter such areas shall be retained solely for their intended purpose.

Reason: In the interests of highway safety and to promote the use of cycles.

Amended condition 7 (Travel Plan)

Within six months of occupation of the site, the applicant shall submit and agree in writing with the LPA an updated Green Travel Plan for employees and visitors, setting out measures to promote sustainable travel and reduce dependency on the private car, in accordance with the current advice issued by the Department of Transport.

Reason: to promote sustainable modes of transport and reduce car travel, in accordance with the Authority's transport policies.

Amended Condition 8 (Sustainability)

In accordance with the Council's Interim Planning Statement on Sustainable Design and Construction, the applicant will incorporate on-site renewable energy/low carbon energy generation equipment to provide at least 10 per cent of the development's regulated energy demand. In addition, the applicant will achieve a sustainability measurement standard comparable to at least BREEAM standard 'very good'. Details

will be submitted to the council and approved in writing prior to the commencement of development.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction.

**REASON FOR APPROVAL:**

The proposal, subject to the conditions listed in the report and the amended and additional conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference to the Economic Impact, impact on the Green Belt, design and appearance, neighbour amenity, landscape, bio-diversity, drainage, environmental protection, highway matters and sustainability. As such the proposal complies with policies E4, GP1, GP4a, GP6, GP9, GP15a, GB1, GB11, T4, NE1, NE2, NE6 and NE7 of the City of York Local Plan Deposit Draft.

**40. PUBLIC CONSULTATION ON DRAFT SUPPLEMENTARY PLANNING DOCUMENTS**

The Committee considered a report which informed them that the Council was currently out to public consultation on the following draft Supplementary Planning Documents (SPDs):

- Controlling the Concentration of Houses in Multiple Occupation
- Subdivision of Dwellings
- House Extensions and Alterations

Officers clarified that this item had been included on the agenda to raise awareness amongst Members about the ongoing consultation process and to give them the opportunity to view the three draft documents. They responded to issues raised with regard to the documents and requested comments to be made through the consultation process.

**RESOLVED:**

- (i) That it be noted that the three SPDs are currently out to public consultation between 23 January and 5 March 2012.

- (ii) That, if Members of the Committee wish to make comments on the draft documents, these should be made directly to officers.

REASON:

To give Members of the Planning Committee the opportunity to comment on the SPDs if required.

Cllr Cunningham-Cross, Chair

[The meeting started at 4.30 pm and finished at 6.20 pm].

**COMMITTEE REPORT**

**Date:** 22 March 2012                      **Ward:** Holgate  
**Team:** Major and                              **Parish:** Holgate Planning Panel  
                    Commercial Team

**Reference:** 11/02943/REMM  
**Application at:** Tarmac Limited Ouse Acres York  
**For:** Reserved matters application for erection of 57 dwellings following demolition of existing buildings following previous approval of outline application 07/00056/OUTM  
**By:** Andy Cramer  
**Application Type:** Major Reserved Matters Application (13w)  
**Target Date:** 31 January 2012  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1 This is a reserved matters application pursuant to outline planning permission for residential development granted in August 2009 (07/00056/OUTM). At the committee meeting of 19 January 2012 the committee deferred the application pending clarification by officers of the status of a possible sustainable transport route along the north-east (railway) boundary. The report of the 19 January meeting is attached for information.

1.2 There are no LDF Core Strategy or Access York commitments for a new public transport/bus corridor on the western (i.e. Ouse Acres) side of the railway. However, there are strategic policy requirements for future tram-train links and a possible rail halt on the British Sugar site. Section 15 of the Core Strategy, page 95, refers to tram-train and a new rail halt, which are also referred to in the York Northwest Transport Masterplan, February 2012. If tram/train were to be funded in the future it would operate on existing train lines, probably either the freight avoiding line or the Harrogate line. This would not require any land on the site of the current application, so there is no justification for safeguarding any of the application site for a widened rail transport corridor. In any event, using part of the application site for such a route could only be achieved through negotiation with the developer as the safeguarding of the route was not made a requirement of the outline consent. It could not therefore be lawfully imposed at this reserved matters stage.

1.3 Ouse Acres remains in the British Sugar SPD as an option for a local, all-purpose, limited-access route from the British Sugar site to Boroughbridge Road. The York Northwest draft SPD also continues to promote a strategic pedestrian/cycle route between the British Sugar site and Water End. The application before members makes provision for both of these proposals.

**Contact details:**

**Author:** Kevin O'Connell Development Management Officer

**Tel No:** 01904 552830



**Copy of Original Report for Information**

**COMMITTEE REPORT**

**Date:** 19 January 2012      **Ward:** Holgate  
**Team:** Major and      **Parish:** Holgate Planning Panel  
Commercial Team

**Reference:** 11/02943/REMM  
**Application at:** Tarmac Limited Ouse Acres York  
**For:** Reserved matters application for erection of 57 dwellings following demolition of existing buildings following previous approval of outline application 07/00056/OUTM  
**By:** Andy Cramer  
**Application Type:** Major Reserved Matters Application (13w)  
**Target Date:** 31 January 2012  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1 This is a reserved matters application pursuant to outline planning permission for residential development granted in August 2009 (07/00056/OUTM). All matters were reserved i.e. scale, layout, appearance, access and landscaping. The current application seeks consent for all of these matters. The outline planning application included an indicative plan showing how the site could be developed to provide 32 apartments and 48 townhouses. That plan was not binding, and the current applicant has submitted a traditional layout of 57 2-storey houses (17 x 2-bedroom, 16 x 3-bedroom and 24 x 4-bedroom). 14 of the units would be affordable, i.e. 25% of the whole scheme. Access would be from Ouse Acres, close to the existing access into the site.

1.2 The outline planning permission was accompanied by a section106 agreement between the applicant and the council. The agreement committed the applicant to providing 37.5% affordable housing and financial contributions towards open space and education. Current circumstances are sufficiently different to those at the time of the outline consent to require a new s.106 agreement. This has been accepted by the applicant. Consideration and decision on this reserved matters application (which purely relates to the details set out in Para 1.1) are not dependent on the amendment of the agreement.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004  
Floodzone 2 GMS Flood Zone 2

York North West Boundary GMS Constraints: York North West Boundary CONF

## 2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYGP6  
Contaminated land

CYGP9  
Landscaping

CGP15A  
Development and Flood Risk

CYH2A  
Affordable Housing

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

CYL1C  
Provision of New Open Space in Development

CYED4  
Developer contributions towards Educational facilities

## **3.0 CONSULTATIONS**

### INTERNAL

3.1 Environment, Conservation, Sustainable Development (Landscape) - The landscape/streetscape is integral to the success of the layout and has to be designed as such rather than an afterthought. The house types and their setting/environment create the spaces and quality of living. The current design

comprising a highway layout with standard house-types distributed along it leaves mean and awkward spaces around/between them that then require detailed design. This is not the way to achieve a successful scheme. The level of detail submitted to date is not sufficient to demonstrate that the proposed arrangement would work. Without further detail we cannot make an informed decision as to whether the development would work satisfactorily with the given layout, i.e. there may be a need to reorganise it.

3.2 Highway Network Management – [Comments on the latest revised plans are awaited. Members will be updated at the meeting.]

3.3 Housing Strategy and Development – The application complies with the new urban brownfield target of 25%. Housing officers support this application which fully complies with the council's affordable housing policy and will provide much-needed new quality affordable homes in a mixed and sustainable community.

3.4 Major Development Initiatives - The proposed layout would facilitate a pedestrian/cycling link thorough the site between the British Sugar/Manor school development site and Water End. This should be made a condition of planning permission.

3.5 Flood Risk Management – Objection. Insufficient information has been provided to determine the potential impact on the existing drainage systems. Peak run-off from developments must be attenuated to 70% of the existing rate. Proposed surfacing should be shown.

3.6 Environment, Conservation, Sustainable Development (Countryside) – The site has relatively little ecological value so no further survey work is required. Redevelopment would provide a good opportunity for enhancement work for bats and other wildlife species, e.g. through suitable landscaping and measures. Such biodiversity enhancement should be secured by a suitable planning condition.

3.7 Environment, Conservation, Sustainable Development (Sustainability) – Satisfied with the applicant's commitment to build all dwellings to Code for Sustainable Homes Level 3.

3.8 Education – The development would require a financial contribution of £158,028, which would be used to provide nine secondary school places at Millthorpe School.

3.9 Environmental Protection Unit - The noise survey pursuant to condition 31 of the outline consent concerning noise associated with the adjacent railway line shows that, with suitable mitigation, noise and vibration are unlikely to result in loss of amenity. The applicant has suggested noise insulation measures (e.g. double glazing and trickle vents) to ensure that noise levels in the dwellings meet the criteria required by condition 13. However, no detailed specification has been

provided. The applicant has suggested that a 1.8m high close boarded wooden fence be built along the railway boundary. The fence would provide the necessary noise attenuation and should be made a condition of approval. A further condition should require the submission of an environmental management scheme for minimising the noise, vibration and dust during the demolition and construction. Land contamination conditions of the outline consent should be replaced by national model conditions introduced since the outline consent was granted. Based on comments submitted at the outline planning application stage, EPU has no further comments on traffic generation or air quality impact etc. However, further to the council's emerging low emission strategy, text should be added to any reserved matters consent requiring the developer to demonstrate 'best endeavours' for reducing emissions during both construction and operational phases.

3.10 Parks and Open Spaces – The scheme would require payments for off-site sport and amenity open space and for a small shortfall in play space.

## EXTERNAL

3.11 Holgate Planning Panel - No objections.

3.12 Environment Agency – No objections.

3.13 Yorkshire Water – [Revised comments are awaited. Members will be updated at the meeting.]

3.14 Police Liaison – The site is in an area of high risk of crime and disorder. Various (specified) measures should be taken to make the site more secure including: alleyways should be gated at their entrances; cycle sheds should ideally comply with Code for Sustainable Homes and Secured by Design guidance; the sub-station on the site should be made as secure as possible; the LEAP should be fenced all around and further measures incorporated to prevent unauthorised access by motor cycles/vehicles; more defensible space should be incorporated; the height of the fence along the allotment boundary should be increased to 2m.

3.15 Network Rail - No further comments. They remain as those submitted for the outline application. That is, no objections are raised but certain requirements must be met due to the close proximity of the development to an electrified railway.

3.16 Public Consultation - The consultation period expired on 21 December 2011. One objection has been received from a local resident raising the following planning issues:

- The houses adjacent should be no higher than those on Priors Walk to reduce visual impact.
- Loft conversions should be prevented to reduce visual impact on Priors Walk.

- The site should be suitably screened during construction to reduce noise and dust.
- If pile foundations are used they should be of a type that would not cause vibration to properties in Priors Walk
- Site working hours should be restricted to normal working hours to minimise disturbance to local residents.
- Construction traffic should not queue on Ouse Acres.
- Houses adjacent to Priors Walk should be constructed first to help minimise disturbance.
- Overall construction time should be restricted to reduce length of disturbance to existing locality.

## **4.0 APPRAISAL**

### PLANNING POLICY CONTEXT

4.1 Local Plan policy GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

4.2 GP4a - All proposals should have regard to the principles of sustainable development.

4.3 GP6 - Planning applications for development on sites that may have been contaminated should, as a minimum, include a desk study on the potential for contamination. Should the study indicate the potential for contamination a more detailed site investigation should be submitted, it should assess risks to the environment and establish remediation objectives for the site.

4.4 GP9 - Where appropriate, development proposals will be required to incorporate a suitable landscaping scheme that: is an integral part of the proposals; includes an appropriate range of species, reflects the character of the area; enhances the attractiveness of key transport corridors; and includes a planting specification where appropriate.

4.5 GP15a - Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long-term run-off from development sites should always be less than the level of pre-development rainfall run-off.

4.6 H2a - The council will seek to ensure that proposals for all new housing development of 15 dwellings/0.3ha or more in the urban area and 2

dwelling/0.03ha or more in villages with less than 5,000 population will include affordable housing.

4.7 H4a - Permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

4.8 H5a - The scale and design of proposed residential developments should be compatible with the surrounding area and must not harm local amenity. It also recommends densities that development should achieve, 60 dwellings per hectare in city centre, 40 in urban areas and 30 elsewhere.

4.9 ED4 - Any consequences for existing educational facilities will be assessed in accordance with the approved supplementary planning guidance. Where additional provision is necessary as a direct result of the proposal, developers shall be required to make a financial contribution toward the provision of such facilities.

4.10 L1c - Requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

#### KEY ISSUES:-

4.12 Key planning issues have been identified as:-

- Design and Street Scene
- Neighbour and Occupier Amenity
- Environmental Protection
- Transport and Access
- Trees and Landscaping
- Affordable Housing
- Public Open Space
- Education
- Flood Risk and Drainage

#### APPLICATION SITE

4.13 The site is an irregular-shaped, 1.5ha. redevelopment site at the head of Ouse Acres, off Boroughbridge Road. It was formerly occupied by a Tarmac batching plant. The site is bounded by railway lines to the north-east, allotments to the east, semi-detached housing to the south and an unadopted service road to the west.

Beyond the service road is the British Sugar/Manor school strategic development site.

## DESIGN AND STREET SCENE

4.14 The proposed houses would all be 2-storeys high and have a traditional suburban design. Ridge heights would range from 7m to 8.7m and eaves height would be from 4.8m to 5.2m. These heights are typical of 2-storey houses. The scale and massing of the development would not look out of place in the surrounding area, which is mixed in character. However, the information supplied with the application is not currently sufficient to demonstrate to the council that the arrangement of roads, houses and spaces is satisfactory in urban design terms. The current layout results in awkward spaces, particularly at the ends of the two cul-de-sacs that do not appear to provide an acceptable streetscape. Officers cannot support the scheme as currently proposed, although the applicant is now seeking to address these concerns and a satisfactory, more-detailed arrangement is expected shortly. Members will be updated at the meeting.

## NEIGHBOUR AND OCCUPIER AMENITY

4.15 The nearest dwellings to the site would be 16 and 18 Ouse Acres and houses in Priors Walk. The gabled side elevation of 18 Ouse Acres would abut the gabled side elevation of plot 2. This juxtaposition is unlikely to have a significant impact on the occupiers of no.18. The rear elevations of houses in Priors Walk would face the site but the closest distance would be 21m (from 21 Priors Walk to plot 10). This distance is acceptable, particularly as no.21 would face plot 10's gabled side elevation. None of the houses facing or close to the development would be materially overlooked. Whilst a resident of Priors Walk is concerned about the possibility of lofts being converted into living space, any dormer windows or rooflights are unlikely to cause significant overlooking.

## ENVIRONMENTAL PROTECTION

4.16 The outline consent included conditions requiring a noise and vibration survey to be carried out (with respect to noise emanating from the adjacent railway lines) and for noise mitigation measures to be provided. The survey has shown that noise and vibration levels would be acceptable and conditions require any mitigation measures to be submitted and implemented prior to occupation.

4.17 The outline consent included various other conditions with respect to contamination and drainage. The applicant is not required to comply with these conditions as part of this reserved matters application; most of the conditions require approval of details prior to construction. No additional environmental safeguards are required. Environmental protection officers would like a further condition requiring submission by the developer of an environmental management scheme for

minimising the noise, vibration and dust during the demolition and construction. This was not considered necessary when the outline application was considered so was not included in the conditions of approval. It cannot therefore be imposed as part of this reserved matters application, and therefore the relevant provisions under the Environmental Protection Act and Control of Pollution Act would be relied upon to safeguard from these aspects during construction. Further, Officers consider that the other conditions of the outline consent satisfactorily protect the amenities of nearby occupiers particularly as they restrict hours of demolition/construction.

4.18 Environmental protection officers have asked that the developer be made aware of the requirements of the council's emerging low emission strategy. This can be made an informative of reserved matters approval.

## TRANSPORT AND ACCESS

4.19 The proposed access would be from the adopted section of Ouse Acres, not from the unadopted section as was shown on the illustrative plans accompanying the outline application. The access now proposed is acceptable. The internal roads through the development would be built to adoptable standards and adopted by the highway authority under a section 38 agreement. Since submission the proposed road layout has been amended to improve access for emergency/refuse vehicles. Highways officers now have no objection to the proposals.

4.20 The scheme includes provision for a strategic pedestrian/cycle route (to be provided at some future date) through the site, between the British Sugar/Manor school development site to the west and Water End to the east. The route would facilitate improved access to the city centre and is included in the York Northwest Transport Masterplan. The route would use the shared service road on the west side of the site and turn east, through the site and exit between plots 16 and 17. The link and the alignment are supported by the council's Major Development Projects team. Provision for the route is shown on the submitted drawings, as revised, and will form part of the amended s.106 agreement.

4.21 A condition of the outline consent requires the junction of Ouse Acres and Boroughbridge Road to be improved prior to occupation of the housing development. The applicant is aware of this requirement and is in discussion with the council's highways officers.

## TREES AND LANDSCAPING

4.22 Whilst the awaited revised plans are expected to provide sufficient information to enable the council to determine this application, they are unlikely to provide full details of the schedules of soft and hard landscaping proposals. Submission of such details should be made a condition of any reserved matters consent.



## AFFORDABLE HOUSING

4.23 Again whilst this application relates purely to the detailed reserved matters, the submission includes details of the proposed affordable housing arrangements. These comply with City of York Council's affordable housing targets which were approved by the Executive on 14 December 2010, following the adoption of the Affordable Housing Viability Study as a Local Development Framework Evidence base. The adopted targets are a material consideration that needs to be complied with when determining planning applications, and supersede the existing targets in the Local Plan H2a Policy. The initial application for this development was negotiated under the previous 50% target and had an affordable housing provision of 37.5%. This was included in the s.106 agreement. The new application has a lower proportion of affordable housing (25%), which complies with the council's new urban brownfield target. Should the permission not be implemented within three years of approval the affordable housing would be subject to the council's affordable housing target applicable at that time.

4.24 The affordable housing component, as agreed by housing officers, comprises 7 x 2-bedroom houses, 5 x 3-bedroom houses and 2 x 4-bedroom houses. This mix provides a range of family house types with a concentration of two and three bed houses, which are identified as the city's priority need in the 2007 Strategic Housing Market Assessment (SHMA) and the emerging 2011 SHMA. The houses are split 60:40 between social rent and discount sale. Should no buyer be found for the discount sale homes they would revert to an intermediate market rent until such time as an eligible buyer became available. The discount sale prices would be £80,000 for the two bed houses and £90,000 for the three bed houses. The two 4-bedroom family houses would be for social rent. The affordable homes (sale and rent) would be pepper-potted throughout the site in runs of no more than three affordable homes unless otherwise agreed with officers. Housing officers support the application, which fully complies with the council's affordable housing policy and would provide much-needed, new, quality affordable homes in a mixed and sustainable community.

## PUBLIC OPEN SPACE

4.25 The proposals include a children's play area (LEAP), which would be provided by the developer and maintained by a management company funded by the residents - but available for general public use.

4.26 Given the size of the development, the LEAP accounts for the area of open space on site. The development would therefore require a financial contribution for the provision of off-site public open space in accordance with policy L1 of the local plan. The size of the contribution would depend on the total number of bedrooms and would be secured by the proposed section 106 agreement and has been agreed by the applicant. Whilst the total number of bedrooms may change as a

consequence of the applicant's review of the layout the contribution is likely to be in the region of £66,000. Members will be updated at the meeting.

## EDUCATION

4.27 The development would require a financial contribution towards the provision of education in accordance with policy ED4 of the local plan. The amount of the contribution would be £158,028, which would be used to provide nine secondary school places at Millthorpe School. The contribution would be secured by the new section 106 agreement.

## FLOOD RISK AND DRAINAGE

4.28 The council's flood risk officers have requested further drainage information in order to assess the application. However, drainage was considered at the outline stage and appropriate drainage conditions were attached. Whilst these conditions will have to be discharged they do not have to be finalised as part of this reserved matters application.

## 5.0 CONCLUSION

5.1 The proposal is acceptable in all respects except that the information supplied with the application is not sufficient to demonstrate that the arrangement of roads, houses and spaces would come together as a satisfactory whole. If the layout is not amended, officers would recommend refusal of the application. However an improved, amended arrangement is expected to be submitted and Members will be updated at the meeting. Such an amended plan would not have a material impact outside the development site and so reconsultation would not be required.

5.2 Whilst a decision upon the reserved matters is not reliant upon it, the application is usefully accompanied by a new draft s.106 agreement to replace the agreement completed at the time of the outline consent. The new agreement would include 25% affordable housing, financial contributions towards open space and education, provision for a future strategic pedestrian/cycle route through the site and provision of a play area in perpetuity. The new agreement has been agreed in principle by the applicant and is currently under discussion. Conditions of the outline consent remain to be discharged.

**6.0 RECOMMENDATION:** Approve subject to receipt of satisfactorily amended layout plan.

Conditions:-

1 The development hereby permitted shall be carried out only in accordance with the approved plans numbered .... [Members to be updated at the meeting].

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

2 Notwithstanding the approved plans no development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme including boundary treatment and hard landscaping materials and which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

3 No development shall take place until details have been submitted to and approved in writing by the council of measures to be provided within the design of the new buildings to accommodate bats. The works shall be completed in accordance with the approved details.

Reason: To take account of and enhance the habitat for bats.

INFORMATIVE: Features suitable for incorporation include special tiles, brick soffit boards, bat boxes, etc.

4 VISQ8 Samples of exterior materials to be approved

## **7.0 INFORMATIVES: Notes to Applicant**

### **1. REASON FOR APPROVAL**

The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to design and streetscene, transport and access, sustainability, affordable housing, education, open space, drainage, environmental protection, occupier and neighbour amenity and landscaping. As such the proposal complies with policies GP1, GP4a, GP6, GP9, GP15A, H2A, H4A, H5A, L1C and ED4 of the City of York Local Plan Deposit Draft.

### **2. DEMOLITION AND CONSTRUCTION**

The developer's attention is drawn to the various requirements for the control of

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noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to; failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

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

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturer's instructions.

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

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

(f) There shall be no bonfires on the site.

### 3. SUSTAINABILITY

In line with the council's emerging Low Emission Strategy (framework approved June 2011), any developer of the site should demonstrate how they are meeting 'best endeavours' for reducing emissions during construction and operational phases. Any developer should strive to obtain as much modal shift away from private cars as possible, and should aim to promote the uptake of low emission vehicles on site via provision of necessary infrastructure (access to electric plug in points etc). The council's Environmental Protection Unit would request that a domestic 13A socket be fitted in all garage spaces (detached single and double / integral single and double) to facilitate the recharging of electric vehicles across the development.

### 4. SECTION 106 AGREEMENT

There is a Section 106 Legal Agreement in association with this planning  
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permission. It refers to provision of affordable housing, financial contributions towards open space and education, provision for a future strategic pedestrian/cycle route through the site and provision of a play area in perpetuity.

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# 11/02943/REMM

## Tarmac Ltd, Ouse Acres



GIS by ESRI (UK)



Scale : 1:2500

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	13 March 2012
<b>SLA Number</b>	Not Set

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11/02943/REMM – Housing Development at Ouse Acres

### **Committee Update**

22 March 2012

#### **Revised Plans**

The latest site layout is attached, for approval (1286/01/02 Revision S, attached.)

#### **Public Open Space**

When the application went before members in January the applicant was proposing a LEAP play space, which would be managed by a management company. In debate some members wanted the applicant to make the LEAP available to the council for adoption but the debate was not concluded before the application was deferred. Since then the applicant has agreed to offer the play space for adoption. Provision of the play space and payment of a capital sum towards the council's management costs would be secured by the new s.106 agreement.

Amenity open space and sports facilities required by the development would be provided off-site and funded by a financial contribution from the developer of £69,130. At the January committee meeting some members were concerned about the amenity space being provided by financial contribution because council policy normally requires it to be provided within the development. Notwithstanding that providing the amenity space off site accords with officers' pre-application advice, the applicant has considered members' request for it to be provided within the development. He has concluded that the financial consequences of reducing the number of housing units to provide the amenity space on site would affect his ability to carry out the development. He is therefore unwilling to make this significant change to the scheme. Nevertheless, having understood the council's aspirations to provide pedestrian and cycle links between the city centre and the British Sugar site, the applicant is willing to transfer to the council, at no charge, the freehold of his adjoining land to the north (including, in particular, part of the unadopted road between the application site and the British Sugar owned land). Officers support the offer, which would be included in the s.106 agreement, because obtaining access rights across this land is

essential in order to provide, in the future, the pedestrian /cycle route link between the two sites. Officers consider that the freehold of the land together with the required financial contribution towards off-site provision of amenity open space are sufficient recompense for the absence of amenity open space on site.

Adoption by the council of the play space would avoid the applicant having to donate a 2m-wide strip along the western edge of the play space (as discussed at the meeting of 19 January) in the event that the land is required to provide vehicular access into the British Sugar site.

The financial contributions towards off-site provision would be spent locally. The money has not been allocated to any specific project but the options are:

#### Contribution Towards Play Space

- Sovereign Park - working with ward members and residents to see if there are additional items or amendments that could be made to improve the existing play area.
- Water End/Clifton Bridge – working with residents and potential users, the site has the potential for youth/older age group equipment or facilities.

#### Contribution Towards Amenity Open Space

- Ouse Acres allotments - working with the tenants management committee there – helping with the development of extra plots, paths, water supply, drainage.
- Water End/Clifton Bridge – working with residents and potential users, the site has potential for improved landscaping, tree planting, more formal paths, seating etc.

#### Contribution Towards Sports Facilities

- A contribution to Manor School to create new grass pitches on an area of agricultural land to the north of the school site. These pitches will be available for community use and already have community changing rooms to serve them.
- Investment in the grass area behind Beckfield Lane that is leased to Carr Vikings to create a full size pitch which can be used for all age bracket football.

- A contribution to the final phase of Clifton Park's pavilion development project.
- Additional sports facilities in the Leeman Road area e.g. basketball facilities near the BMX track (following the flood defence work).

### **Landscaping**

The council has now received illustrative details of landscaping to the rear of plots 47 to 52, i.e. the land lying between the retaining wall at the northern end of the site and the lower-lying land up to the application boundary. The proposals have been included in the revised site layout, attached. At present the land is fly-tipped and unmanaged. Part of the area has a concrete hardstanding and access to a tunnel that goes a short distance under the main part of the application site. This is an important area, which is within the application site and will, when British Sugar is developed, occupy an important position between the two developments.

### **Section 106 Agreement**

Legal officers of the council are in the process of agreeing a new s.106 agreement with the applicant. It shall include:

- 25% affordable housing;
- Financial contributions (as revised 20 March 2012) totalling £69,130 towards open space, i.e £35,422 for outdoor sports, £25,098 for amenity space and £8,610 for play space;
- Financial contribution of £158,028 towards education;
- Provision of play open space shown on the approved plans and transfer to CYC for adoption plus a capital sum of £9,730 towards CYC's management costs
- Provision for a future strategic pedestrian/cycle route through the site;
- Transfer to CYC, at no cost to the council, the applicant's land holding outside the application site boundary to facilitate access to/from the British Sugar site.

- A contribution towards the council's legal fees associated with drawing up the s.106 agreement.

### **Plans for Approval**

Draft condition1 lists the plans recommended for approval. They are:

1286/01/02 Rev.S  
SHN G200  
SHN-G101  
SHN-G100  
2281/2  
1286/03/08/Deighton/J  
1286/03/08/Hunsley/D  
1286/03/08/Thoresby/O  
1286/03/08/Tockwith/H  
1286/03/08/Somersby/G  
1286/03/08/Russet/F  
1286/03/08/Welton/O  
HT6/26/1  
HT6/26/2

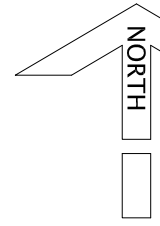
### **Statement of Community Involvement**

Prior to submitting the application the applicant invited the leader of the council, local ward councillors, Hugh Bayley MP and local residents to meet the project team to discuss the proposals. One-to-one meetings were subsequently arranged with a number of residents. Following the one-to-one meetings a consultation newsletter was sent to a larger number of the local community. A dedicated freephone information line was also available. Four responses to the newsletter were received, raising a range of concerns mainly about traffic, flood risk, parking, crime and drainage. Responses to the issues raised were included in the statement of community involvement.

Kevin O'Connell  
Development Management Officer

All work is to be carried out in strict accordance with the requirements of the current Building Regulations and the Water Authority Regulations. Contractors must verify all dimensions of the job prior to commencing any works or producing any shop drawings. Only written dimensions are to be taken. Do not scale off this drawing.

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Entrance to site to be in accordance with approved plan 2034/10A & 11 by Peter Evans Partnership

900mm Brick wall to be provided between plot 2 and No 18 Ouseacres (indicated as point A to B).

Junction to Boroughbridge Road to be in accordance with approved plan 2034/08 by Peter Evans Partnership

Proposed Acoustic screen fence 1.8m high to northern boundary

Estimate position of existing 6m sewer easement  
Future footpath/cycle link to be provided from highway to edge of site

**KEY:**

- Legal Boundary (Linden Homes ownership)
- Application Red Line
- Tarmac
- Resin Bonded Gravel
- Blockwork (Brindle Colour)
- Landscaped Areas

**Schedule of Accommodation**

House Type	No.	Sq. Ft.	Total Sq.Ft.	
We Welton 2 Bed, 2 Storey	7	645	4515	Affordable
Ru Russet 3 Bed, 2 Storey	1	884	884	
Ru Russet 3 Bed, 2 Storey	5	884	4420	Affordable
HT6 HT6 4 Bed, 2.5 Storey	2	1248	2496	Affordable
We Welton 2 Bed, 2 Storey	10	645	6450	
To Tockwith 3 Bed, 2 Storey	7	943	6601	
So Somersby 3 Bed, 2 Storey	3	962	2886	
De Deighton 4 Bed, 2 Storey	8	1140	9120	
Thor Thorsby 4 Bed, 2 Storey	6	1263	7578	
Hu Hunsley 4 Bed, 2 Storey	8	1436	11488	
<b>Total</b>	<b>57</b>		<b>56438</b>	<b>Sqft</b>
Total Site Area	3.87 Acres	1.57 Hect		
On Site P.O.S	0.25 Acres	0.1 Hect		
<b>Developable Site Area</b>	<b>3.62 Acres</b>	<b>1.47 Hect</b>		
Therefore	56438 SqFt	=	15591	SqFt/Acre
	3.62 Acres			
Therefore	57 Units	=	39	Units/Hect
	1.47 Hect			

S	Cycle link note added, 2m strip note removed (amended email 20/3/12)	SAC	21/03/12	SAC
R	Landscaping added to reflect 2281/3C landscaping plan	SAC	08/03/12	SAC
O	2m strip added, sub station removed, emergency link altered for levels	CB	28/02/12	SAC
P	Material description amended inline with LHM Instruction	SAC	09/02/12	SAC
P	Plot 51 garage moved, Welton re named, fence note added	CB	06/01/12	SAC
M	Plots 20-22 re-arranged to allow more landscaping to be included	CB	12/01/12	SAC
L	Popplewell landscaping proposals incorporated & colour added	CB	09/01/12	SAC
K	Parking & Highways amended inline with Andy Cramers email 08.01.12	SAC	04/01/12	SAC
J	Affordable plot 7 moved to plot 32	SAC	20/12/11	SAC
H	Highway altered, affordable risks amended, easement amended	CB	18/11/11	SAC
G	Garage sizes amended	CB	27/10/11	SC
F	Boundary line amended to include emergency link	SAC	25/10/11	SC
E	Application boundary amended to AC email 25/10/11	PC	19/10/11	SC
D	Layout and schedule updated	PC	02/09/11	CB
C	Layout updated with CAD	CB	08/08/11	SAC
B	Mix amended, Affordable units repositioned	SAC	08/08/11	SAC
A	Mix amended, POS adjusted	SAC	29/04/11	SAC
Q	1st ISSUE	SAC	12/04/11	SAC

REV.	DESCRIPTION	BY	DATE	CHECKED
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CLIENT: --

Linden Homes (North) Limited  
Peninsula House  
Hesslewood Office Park  
Hessle  
HU13 0PA

Tel: 01482 358300  
Fax: 01482 844243

DRAWING TITLE: --  
**PROPOSED SITE LAYOUT PLAN**

PROPOSED RESIDENTIAL DEVELOPMENT AT: --  
**OUSEACRES,  
YORK,**

SCALE	1:500 @ A2	DRAWING No.	1286/01/02S
DATE	APRIL 2011		

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