

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Fishergate
Date: 20 November 2008 **Parish:** Fishergate Planning Panel

Reference: 08/01909/FULM
Application at: Regent Street York
For: 45 dwellings and 13 no apartments with associated landscaping after demolition of existing dwellings
By: Ms Marie Lodge
Application Type: Major Full Application (13 weeks)
Target Date: 26 November 2008

1.0 PROPOSAL

1.1 This is a full application for the demolition of existing pre-fabricated bungalows and the construction of new residential development on 1.109 Ha of land at Regent Street, York

1.2 City of York Council, Housing Services own and manage 100 discus bungalows across three centrally located sites:

- St Ann's Court/Horseman Avenue, 25 bungalows, 0.75Ha (1.844 acres)
- Regent Street, 32 Bungalows, 1.109 Ha (2.739acres)
- Faber Street/Richmond Street, 43 bungalows, 1.364Ha (3.37 acres)

1.3 The bungalows were constructed during 1975/1976 using non-traditional building methods and most of the fabric of the properties, except the concrete base and the steel frame, are made from products containing asbestos. The homes were only expected to last approximately 30 years. However despite the nature of their construction and the restriction that this imposes on residents, the bungalows remain popular and are generally tenanted by older or disabled people.

1.4 In 2002 and 2004, a sample of the bungalows were surveyed. These surveys formed the basis for the establishment of investment required in the housing stock over the next 30 years.

1.5 The last 30 years since the bungalows were built have seen changes in building standards, health and safety and statutory standards on homes introduced by successive governments. The main reasons requiring the council to make decisions on the future of these homes are:-

- Decent Home standards - A duty to ensure that all council properties meet a minimum Government standard called 'decent homes' by 2010
- Asbestos - Because of Decent Homes and health and safety legislation the asbestos has to be managed. Due to the extent of the material the only certain method of management is complete removal.

- Pre-fabrication - much of the steel frame of the bungalows is corroding, the work to replace this would be costly and would still not give the properties the life span of a traditionally built property.

1.6 In March 2006 as a result of the above issues and following lengthy consultation with existing bungalow residents, the Council decided that their best option was to demolish the existing discus bungalows and sell all three sites, in a competition bid, to include the requirement for the successful bidder to re-provide 100 units of accommodation for the existing bungalow residents.

1.7 The bid process has culminated in the submission of three planning applications, one for each of the discus sites, relating to the redevelopment of the sites. Including the re-provision of the bungalows across the three sites. The re-provision across the three sites is to be provided in the form of 60 bungalows and 40 extra care apartments.

1.8 The Regent Street site is located on the south-east side of the city centre within easy reach of the city's amenities. The site is 1.109 Ha of land containing 32 pre-fabricated bungalows. The land is set against the tight urban streets off Heslington Road with an open aspect to the west where St Lawrence's Church (a Grade II listed building) and the former medieval church of St. Lawrence (a scheduled ancient monument) stand. The site is separated from the church by a well used public footpath know as Lawrence Lane. To the east of the site is Farrar Street, a street of Victorian terrace properties; a substantial brick wall forms the boundary between the site and Farrar Street. To the north and south of the site there is a mix of modern and traditional properties which is relatively high density and has a distinctly urban quality. The site is accessed from the south from Heslington Road.

1.9 The proposal is to demolish all of the existing bungalows and comprehensively redevelop the site. It is proposed to build a total of 58 new dwelling units. This will consist of :-

- The reprovision of 24 bungalows
- The erection of 19 3-bedroomed houses
- The erection of 2 2-bedroomed houses
- The erection of 13 2- bedroomed apartments

1.10 The proposal includes the provision of a small amenity area and the laying out of the road as a 'Homezone' (That is with priority given to amenity space for the residents with vehicles less dominant)..

1.11 The application has been amended since first submission so that bungalows on the Lawrence Lane side of the site have been moved slightly further away from the boundary. The apartment block on the south side of the site has been pulled 1.4 metres further away from a tree canopy and windows have been reordered on this apartment block. A further amended plan is still awaited which deals with concerns of Highway Network Management with regard to allocated parking bays being within the proposed adopted highway. Any amendment received will be reported to Committee

1.12 The existing density of the site is approximately 28 dwellings per hectare, the proposed density is approximately 52 dwellings per hectare.

1.13 The application is supported by various statements. These are:-

- A design and access statement
- Arboricultural survey
- Ecological assessment
- Archaeological evaluation and report
- Sustainability assessment
- Transport Assessment
- Interim travel plan
- Flood risk assessment
- Waste management plan
- Contaminated land report
- Noise report

1.14 An Environmental Impact Assessment screening opinion was sought for the proposal in July 2008. The decision on that submission was that an Environmental Impact Statement was not required for the development because;

1. The site is not within a "sensitive area" as defined by Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) 1999;
2. Although a major development, the development would not result in unusually complex or potentially hazardous environmental effects.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYH3C
Mix of Dwellings on Housing Site

CYSP3
Safeguarding the Historic Character and Setting of York

CYGP1
Design

CYGP3
Planning against crime

CYGP9
Landscaping

CYGP4A
Sustainability

CYNE1

Trees, woodlands ,hedgerows

CYED4

Developer contributions towards Educational facilities

CYL1C

Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

3.1 HIGHWAY NETWORK MANAGEMENT - raises no objections to the principle of this development. The scheme is acceptable in traffic generation terms even when considering traffic associated with this scheme and the St. Ann's site. The access which will continue to be taken from Heslington Road/Wellington Street is considered to be suitable to take the level of development proposed. The internal layout as been designed to 'homezone' principles. The development will require the removal of the existing residents parking scheme in the area. The properties at the Lawrence Lane end of the development will maintain their residents parking scheme, although the parking spaces will need to be relocated.

3.2 Highways Network Management suggest the imposition of conditions to ensure that the development is implemented satisfactorily. Developer contributions are also being sought to ensure adequate mitigation works and measures to promote sustainable travel and further reduce dependence on the private car. The schemes will require some extinguishment of the public highway using the appropriate legislation which includes public consultation. Should the extinguishment of public highway or traffic order variations be unsuccessful the applicants would be unable to implement the consent granted on the layouts being considered and the applicant would have to submit a revised planning application.

3.3 HOUSING AND ADULT SOCIAL SERVICES - This is a high quality scheme which will replace the existing low density housing with larger, energy efficient homes while maximising the land to provide additional affordable family houses.

3.4 ENVIRONMENT, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGIST) - An archaeological evaluation of the site has been carried out and a report submitted. The report demonstrates that there are few archaeological features preserved on the site and that in places there is a substantial depth of medieval and post-medieval plough-soils. The archaeologist is satisfied that the application can be approved subject to a watching brief condition.

3.5 CONSERVATION OFFICER - In terms of the character of the area and the setting of the Church, the scheme will occupy more space than the Discus houses, but be visually a great improvement - not only because the buildings are better designed, but because their landscape setting has been considered as an integral part of the scheme. The "wave" plan form of the single storey units along Regent Street will generate interesting and varied spaces and the landscaped courtyards are sufficiently overlooked hopefully to deter unwanted visitors. It is important that the

details proposed, roofing material indicated, joinery details and extraction systems are all as proposed for the scheme to maintain the proposed quality.

3.6 COUNTRYSIDE OFFICER - The site has little potential for roosting bats at the moment. However a condition is suggested to allow measures to be incorporated in the design to provide to enhance the bat roosting potential of the site.

3.7 LANDSCAPE ARCHITECT - The overall layout allows retention of the largest mature trees on site, with the highest public amenity value, but the proximity of buildings gives potential rise to conflict. There is reasonable scope for replacement trees; nonetheless it should be possible to retain more of the existing trees in the interest of public amenity and setting of the development. If an amended scheme is submitted that deals with the Landscape Architects concerns conditions are proposed to ensure a landscaping scheme for the development and the protection of existing trees during development.

3.8 CITY DEVELOPMENT - The proposal satisfies the objectives of the planning statement produced in November 2002 there are therefore no policy objections to the development.

3.9 LIFE LONG LEARNING AND LEISURE - The area adjacent to Lawrence Lane can be counted as amenity space if the area is 400sq.m. or more. There will need to be an offsite contribution for play space and sports facilities. The contributions should be based on the net gain in bedrooms.

3.10 ENVIRONMENTAL HEALTH - From a noise point of view there are two issues which need to be considered as part of the application. The first is the effect that the development could have on existing dwellings, during both the construction phase and upon completion, and the second is the effect the existing surroundings could have upon the proposed development.

3.11 With regard to the effect the development could have upon existing dwellings during demolition and construction phases It is recommended that conditions be applied to protect the amenity of residences in the locality. With regard to the effect the development could have upon existing dwellings upon completion there is not anticipated to be any problems.

3.12 With regard to the effect of the existing surroundings on the proposed dwellings a noise report was submitted as part of the application. From an assessment of this report all properties will meet World Health Organisation standards subject to a condition to require additional noise measures to the first block of bungalows nearest to Lawrence Street.

3.13 Because of the predicted increase in traffic flows (less than 5%) no air quality management plan is require.

3.14 A contaminated land condition is also required on this site.

3.15 EDUCATION - A contribution towards education facilities is required in respect of 9 pupils at Archbishop Holgate's Secondary school. The sum required is £81 350

EXTERNAL

3.16 ENVIRONMENT AGENCY- (original comments) The Environment Agency objects to the application because there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable.

3.17 YORKSHIRE WATER AUTHORITY - (original comments) Yorkshire Water Authority do not object to the principle of the development subject to conditions which control the way the site is drained.

3.18 POLICE ARCHITECTURAL LIAISON OFFICER - Concerned that the alleyways which provide access to rear gardens and scooter stores will provide access and escape routes that will facilitate crime. Consideration should be given to gating these alleyway entrances. Also concerned that the access to parking areas through 'ginnels' (areas below mews houses). The areas provide ideal shelter in inclement weather and therefore can be used as congregation points. It is suggested that some sort of buffer zone should be provided between the public and private areas. These issues are not considered to be insurmountable rather something that the architect can design out.

3.19 NEIGHBOURS - 5 letters of objection have been received covering the following points:-

- The alleyways that will be situated to the rear of bungalows immediately adjacent to Farrar Street will create secluded areas where youths may gather and create anti-social behaviour
- Eliminating the openness to the rear of Farrar Street together with the sheltered alleyways will increase likelihood of theft to Farrar Street properties
- The extremely congested residential area that will be created will have a negative impact on the quality of life for residents of Farrar Street
- The construction of any residences of two or more storeys will reduce the sunlight reaching the back of houses on Farrar Street
- Concerned that the new road/parking layout will not allow flats and houses at the end of the street to park. Have asked to change to Lawrence Street parking scheme but have been unable to do so.
- Concerned that access to Barbican Mews will be affected during construction of the properties
- concerned about the noise and inconvenience for surrounding properties during the construction period
- Concerned that the development will result in the peace and quiet of the area being compromised
- Concerned that the development will result in a parking scheme having to be implemented along Barbican Mews
- The development is too large for the site and will overwhelm the neighbourhood
- Concerned about loss of mature native trees and resulting loss of wildlife
- Concerned that the area is already too densely populated with many recent developments and houses in multiple occupation adding to the congestion.
- The sewers and drains are inadequate to take any further development
- increased traffic will cause more danger to existing users
- loss of open ground essential for surface water drainage
- The area as it is a much-valued green oasis for the established community

- The height of the two and a half storey properties will rob the back of properties on Wellington Street of natural light
- Consider it is a financial mistake to seek to develop this site at this time and it is hoped that the number of affordable houses is not increased
- Concerned that there has not been sufficient time to comment given that many of the student houses are not occupied until well into September

3.20 PUBLICITY - The application has been advertised by means of a site notice (3 copies) placed on the site 8th September 2008. The notices expired on the 29th September 2008. Neighbour notification letters were sent out dated the 29th August 2008. The application was advertised in the Press on the 3rd September 2008. The press notice expired on the 24th September 2008. Neighbours were reconsulted on the amended plans on the 21st October 2008

4.0 APPRAISAL

4.1 Key Issues

- Policy Background
- Design and Landscaping
- Highways, access and parking
- Drainage
- Sustainability
- Impact on surrounding properties
- Affordable housing, housing mix
- Open space
- Education
- Crime Prevention
- Public Arts Strategy

Policy Background

4.2 This planning application is for the demolition of existing prefabricated single storey residential dwellings and the erection of a new mixed residential scheme.

4.3 Planning Policy Statement 1 ("Delivering Sustainable Development") (PPS1) states that a number of key principles should be applied to ensure that decisions taken on planning applications contribute to the delivery of sustainable development. In particular, PPS1 promotes high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. High quality and inclusive design should create well-mixed and integrated developments which avoid segregation and have well planned public spaces that bring people together and provide opportunities for physical activity and recreation. PPS1 also states that planning authorities should ensure the provision of sufficient, good quality new homes (including an appropriate mix of housing and adequate levels of affordable housing) in suitable locations, whether through new development or the conversion of existing buildings.

4.4 Planning Policy Statement 3 - 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development

through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. PPS3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development

4.5 SP6 'locational strategy' requires development to be concentrated on brownfield land within the built up urban area of the city and urban extensions

4.6 Policy H4a of the Draft Local Plan states that proposals for residential development on land not already allocated on the Proposal Map will be granted planning permission where the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings, and the site has good accessibility to jobs, shops and services by non-car modes. The policy requires new developments to be of an appropriate scale and density to surrounding development, and not to have a detrimental impact on existing landscape features. Policy H3c seeks to achieve a mix of house types, sizes and tenures on all residential development sites where appropriate to the location and nature of the development. Policy H5a requires the scale and design of proposed residential developments to be compatible with the surrounding area and not to harm local amenity. Within the city centre, new residential developments should seek to achieve a net residential density of greater than 60 dwellings per hectare.

4.7 Within the context of the above policies the principle of re-developing this site with a higher density, mixed residential scheme is considered to be acceptable.

4.8 Other draft Local Plan policies relevant to the consideration of the detail of this application are: -

- Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

- Policy GP3 'Planning Against Crime' requires new development where deemed appropriate to incorporate crime prevention measures

- Policy GP4a 'Sustainability' states that proposals for all development should have regard to the principles of sustainable development. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments; maintain and increase the economic prosperity and diversity of the City of York and maximize employment opportunities; be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City; minimize the use of non-renewable

resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered; minimize pollution, including that relating to air, water, land, light and noise; conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife area and room for trees to reach full growth; maximize the use of renewable resources on development sites and seek to make use of renewable energy sources; and make adequate provision for the storage and collection of refuse and recycling.

- Policy GP9 requires where appropriate developments to incorporate a suitable landscaping scheme

- Policy SP3 'safeguarding the historic character and setting of York' gives a high priority to the protection of the historic character and setting of York. The policy requires the protection of the environmental assets and landscape features which enhance the historic character and setting of the City as well as the protection of the main gateway transport corridors into York from development which, cumulatively, could have an adverse impact on the character and setting of the corridor and the surrounding environment.

- Policy 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.

- Policy NE1 seeks to protect trees and woodland of landscape value

- Policy ED4 requires contributions towards education facilities where as a consequence of the development further education facilities are needed

4.9 A planning statement was produced for all three discuss bungalow sites in November 2006. Development proposals are expected to comply with the statement. This non-statutory document is not supplementary planning guidance and has not been developed with members backing or formal consultation. The objectives of the planning statement were:

- Provide housing that is accessible to all that maximises diversity and choice across all sectors
- 100 homes for elderly people ensuring support that promotes independence, well being and quality of life
- Create a sustainable and balanced community
- Create a scheme, which meets the city's housing need, and which includes affordable homes in line with the council's affordable housing policy
- Design which is underpinned by sustainable principles and a minimum 'very good' eco home standard; equivalent to code for sustainable homes level 3.

Design and Landscape

4.10 There are 32 single storey pre-fabricated bungalows on the site. They are arranged in an approximate grid layout, forming square shaped spaces between them. All are detached properties with open space amenity grassland and public

paths surrounding them. In the main there are no plot boundaries around the bungalows, all open space is public open space, there are no private gardens. There is no vehicular access up to the bungalows.

4.11 The scheme proposes the removal of the bungalows and the replacement of them with 58 new dwellings on a site of approximately 1.1 ha giving a density of 52 dwellings per hectare. The development provides a good mix of house types ranging from two bedroomed apartments on the south of the site, two and three bedroomed terraced houses and bungalows on the west of the site adjacent to the church and terraced bungalows on the east side.

4.12 Policy GP1 of the draft Local plan states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area. The environment surrounding the site is essentially urban. The site is accessed from the south off Heslington Road through terraces of Edwardian/Victorian houses. It is on this south side that it is proposed to erect the apartment buildings. The southern element of the site can be seen as visually quite separate from the remainder of the site. It is an area that has some distinctive mature trees, which it is proposed to retain as part of the scheme. The apartment blocks stand approximately 6.5 metres to a banded brickwork detail, 7.6 metres to eaves and approximately 11 metres to ridge. They have a distinctly modern design with asymmetric roofs and use of wood cladding to the second floor, however the design also incorporates traditional brick detailing to reflect that of some of the surrounding buildings. The position of the first block in the site has been sited to reflect the end terrace on the end of Wellington Street and the height of the brick detail on the flats has been designed to reflect the height of the eaves of that property.

4.13 The design for the western part of the site is a mix of bungalows and two-storey housing, the bungalows, which stand 2.2 metres to eaves, and 5.3 metres to apex have been placed to allow views through the site to St Lawrence's Church. The houses, front onto Regent Street and onto parking courts perpendicular to the street. These house types stand 5.3 metres to eaves and 9 metres to apex. Access to the parking courts provide further glimpses of the church. To the east of the site are terraced bungalows designed in blocks of 4 and 5 allowing access to the rear to provide scooter stores (or cycle stores) for each property. A substantial brick wall delineates the rear boundary of the site on this eastern side. In some cases the bungalows are very close to this wall (closest 4.5 metres) bringing them close to properties on Farrar Street. Whilst this is not ideal the bungalows have a more open aspect to the front of the site, which balances the lack of openness to the rear and the height of the buildings in relation to the height of the wall means that it is the sloping roof structures that will be most visible from adjacent properties. The design of the houses and bungalows are simply styled buildings with head and sill details reflecting details on nearby terraced properties. All the properties have solar panels to the roof slopes, and in officers' view these will be seen as part of the contemporary nature of the scheme and will not detract from the character of the area.

4.14 In summary, the development will introduce a well-mixed residential scheme into a highly sustainable location. The design of the scheme more properly reflects

the general scale, massing and densities of the development surrounding the site and will form a good basis for a socially inclusive area. However the constraints of the site and the required re-provision of bungalows means that some of the relationships to boundaries are tight particularly on the eastern side. It is Officers view that given the position of existing bungalows at the site, the height of the existing wall and the design of the new bungalow types this relationship can be supported.

4.15 Policy GP9 requires development proposals, where appropriate, to incorporate a suitable landscaping scheme, which must be planned as an integral part of the proposals, include an appropriate range of indigenous species and reflect the character of the locality and the surrounding development. Policy NE1 states that trees, woodlands and hedgerows which are of landscape, amenity, nature conservation or historical value will be protected by refusing proposals which would result in their loss or damage, and by requiring any retained trees or hedgerows to be adequately protected during site work. In addition, tree preservation orders will be made for individual trees and groups of trees, which contribute, to the landscape or local amenity. The policy also states that appropriate replacement planting with locally indigenous species will be required to mitigate against the loss of any existing trees or hedgerows. The Planning Statement written as a basis for the bid process for the development of the site accepted that category C trees could be removed.

4.16 There are 20 individual trees on this site, 1 is a category A tree which means a tree of high quality and value with a good life expectancy, 5 are category B trees which means that their retention is desirable and the remaining trees are category C trees which means that the trees are generally not considered to be as structurally important having poorer form, whilst their retention is acceptable and preferable individually these trees may be seen as removable. Eight of the category C trees are small, young trees, or have a poor form or reduced condition, and therefore are not worth considering within development proposals; these could be replaced. Since formulation of the scheme and submission of the application, the site has been resurveyed and 4 of the category C trees have been reassessed as category B trees.

4.17 The Landscape Architect has several concerns both with the loss of trees and the position of building in relation to trees proposed to be retained. Firstly the Maple on the entrance to the site from Heslington Road although retained is still not mature. The proposed apartment block is shown tight up against the tree giving little room for growth and meaning all windows on the end elevation of the building face the canopy. Since the submission of the Landscape Officers' comments an amended plan has been received which moves the flat block a further 1.4 metres away from the tree. The Landscape Architect's revised comments will be reported to Committee. With regard to the removal of the windows within this elevation so that rooms are not facing the tree, this is harder to resolve given the need to keep a well-articulated elevation to reflect the end of the terrace on Wellington Street. There is also a need to restrict the elevation of the block facing west to protect adjacent residential properties. Officers' therefore consider that the window positions should be retained as shown.

4.18 The Landscape Architect was further concerned that the apartment block in which plots 46 to 48 are located has secondary lights facing into the tree canopy and

that the block is too close to category B trees shown as retained. The agent has submitted an amended plan showing the block being pulled away as far as possible. Officers' are happy that as secondary lights the retention of windows on this elevation would be preferable to a blank elevation facing Lawrence Lane.

4.19 With regard to the recent 'upgrading' of 4 trees to category 'B' since the application was received there is no scope at this stage of the application process to retain the trees, which have been re-categorised. Their retention would so reduce the density of the development that the viability of this scheme and the other two discuss house schemes would be put in jeopardy. In officers' view it is possible within the design of the site to find locations for trees along this boundary that will replace the lost tree cover. The new structural/secondary planting would, over a period of time, provide a planting framework based around the new layout of buildings and spaces within the site, thus providing an attractive residential environment.

Highways Transport, Access and Parking

4.20 Regent Street is proposed to become a 'Homezone', that is with priority given to amenity space for the residents with vehicles less dominant. The close relationship between dwelling and streetscape gives an increased sense of privacy and therefore security, and designing for pedestrian priority should create a safe, attractive environment.

4.21 Parking has been provided in accordance with CYC Annex E maximum standards and it is the officers' view that the design of the layouts and package of waiting restrictions will ensure that on-street parking is managed and that there will be no detrimental impact on future occupiers of the development nor any displacement of parking from the development site into adjacent residential streets or surrounding highway.

4.22 The site is considered to be in sustainable location and is well located in relation to local facilities and within walking distance of public transport as recommended in national guidance. High quality covered and secure cycle parking facilities are proposed within the schemes design. Contributions are sought towards the creation of a car club in the vicinity of the site and towards the improvement of bus stops in the locality. A Travel Plan has been submitted and will be secured to promote sustainable travel and reduce the need to travel by private car. The following developer contributions are being sought:

- a) Funding of £160 per residential unit towards the implementation of a car club in the vicinity of the sites
- b) Funding of £10k towards the improvement of bus stop facilities in the vicinity of each site
- c) Funding of £5k towards the implementation/changes to Traffic Orders

Drainage

4.23 Members will note that the Structures and Drainage section and the Environment Agency initially objected to this application due to lack of sufficient information to show how surface water would be dealt with Yorkshire Water Authority raised similar concerns. Since the submission of the application additional information in the form of a drainage impact assessment has been provided. Our

structures and drainage section consider that the assessment provides sufficient information to prove that the peak run-off from the site will be attenuated to 70% of the existing rate and that storage volume calculations will accommodate a 1:30 year storm with no surface water flooding. Structures and Drainage now confirm that they have no objections to the proposals subject to the agreement Yorkshire Water. The further comments of Yorkshire Water and the Environment Agency are awaited and will be reported direct to Committee. Structures and Drainage require two conditions, which seek to restrict surface water run-off and to ensure the future maintenance of on site storage tanks and flow controls.

Sustainability

4.24 The application is supported by a sustainability statement, which indicates that the development will achieve Code for Sustainable Homes level 3. Furthermore the application has been amended since first submission to show solar panels on all house types. Additionally a document has been submitted which indicates that with the use of solar panels and improvements to the building envelope 10% renewables will be comfortably achieved for the development. However the comments of the Sustainability Officer are awaited on the details submitted. Any comments received will be reported direct to Committee. It is proposed to attach a condition to the application to ensure Code for Sustainable Homes level 3 is achieved and to attach a condition, which ensures that the applicant achieves the 10% renewable target. On the basis of the information submitted and with the conditions proposed it is considered that the development complies with the requirements of GP4a and the interim planning statement on sustainable development.

4.25 The introduction of solar panels to the roof slopes of the buildings will, in officers view be appropriate to the contemporary nature of the development and visually acceptable in the context of the site.

Impact on Surrounding Properties

4.26 There have been a number of concerns raised about the proposed development. These are essentially about the dense nature of the development adding to a congested area, the impact of dwellings on the light into properties on Farrar Street and concern that the alleyways to the rear of bungalows will encourage theft to Farrar Street properties. The difficult parking in the area being made more difficult as a result of further development and the problems associated with disturbance to the area during the construction period of the development.

4.27 Whilst being a dense development the new scheme is appropriate to the character and form of surrounding development and is considered to comply with policies, which seek to achieve higher densities of development in sites well related to amenities. The properties on Farrar Street are located in close relationship to the new bungalows but officers consider that because the development maintains bungalows closest to Farrar Street the amenity of the Farrar Street properties will not be unduly affected by the development. The alleyways to the rear of the bungalows have been raised as a concern by the Architectural Liaison Officer a condition is proposed requiring approval of all boundary treatment and it is considered that by introducing landscaping and gated entrances, where appropriate, theft will not become a problem here.

4.28 Highway Network Management is satisfied that the development can be accommodated within the site without detriment to parking arrangements for existing properties. In terms of construction of the development it is inevitable that there will be some impact on surrounding properties during this period. To try and mitigate this as much as possible conditions are proposed that require a construction environmental management plan to be submitted and the hours of work during construction are also restricted.

Affordable Housing, Housing Mix

4.29 Policy H2a states that the Council will seek to ensure, through negotiation and agreement, that proposals for all new housing development of 15 dwellings/0.3ha or more in the urban area will include a proportion of affordable housing. The policy states that the affordable housing should be distributed throughout the housing development rather than concentrated in one area, and should be considered as part of the development rather than a separate entity.

4.30 As all three sites are separate planning applications and the relative planning merits of each site in relation to policy needs to be considered. The proposal on this site (Regent Street) for 24 bungalows, 19 3-bedroomed houses, 2 2-bedroomed houses and 13 2-bedroomed apartments provides a good mix of properties in accordance with the Strategic housing market assessment (SHMA) which identifies a 64/36 need for houses/flats and breaks down demand for 1,2,3 and 4+ bedroom properties. Thus the proposal is considered to meet the requirements for mixed schemes set out in Policy H3c. Furthermore, taking into account the proposals for the three sites the affordable housing requirement accords with the requirement of policy H2a. The affordable housing will be provided through the provisions of a section 106 agreement that will be sought by condition (condition no.12 applies).

4.31 For Members information the three schemes provide the following:-

- 100 affordable rent properties in the form of 60 two-bedroomed bungalows and 40 two-bedroomed apartments. These units are the replacement units for the existing 100 pre-fabricated bungalows.
- 47 market houses
- 18 discount for sale properties
- 31 affordable rented properties

4.32 The schemes that have been submitted for each site has resulted in the re-provision and new development being split across the sites in the following way:-

- Regent Street - 24 re-provided bungalows (all will be affordable rented), 12 affordable rent houses/ apartments, 5 discount for sale houses apartments and 17 private sale properties
- Richmond Street - 24 re-provided bungalows (all will be affordable rented), 18 affordable rent houses/apartments, 13 discount for sale houses/apartments and 30 private sale properties
- St. Ann's Court - 12 re-provided bungalows (all will be affordable rent) and 40 re-provided 2 bed extra care apartments (All will be affordable rent) plus 1 affordable rent extra care apartment.

4.33 Across the three sites the development provides 51% affordable housing over and above the 100 affordable properties that are to be reprovided in a mix of two three and four-bed accommodation.

4.34 Members are asked to note that due to the current market conditions there is a possibility that those properties identified as discount for sale may need to be changed to affordable rented properties. This will not change the balance of affordable housing provision and will, in officers' opinion, still accord with the council's policies on affordable housing. An update will be provided to committee on this issue.

Open Space

4.35 City Development points out that the site appears to be deficient in public open space. The proposals for this site include an area of amenity space adjacent to Lawrence Lane of approximately 400 square metres. Early discussion with Lifelong Learning and Leisure established that they were satisfied with a developer contribution for play space to be spent at Cemetery Road and / or St. Nicholas Field and that no contribution would be required for any of the re-provided properties. Policy L1c says for sites of more than 10 dwellings an assessment of existing open space provision accessible to the proposed development site including capacity to absorb additional usage will be undertaken. This is to ascertain the type of open space required and whether on-site or a commuted sum payment for off-site provision is more appropriate. Given the acceptance of Lifelong Learning and Leisure that provision can be off-site this application is considered to be acceptable, subject to commuted sum payments towards play space and sports provision. The sum calculated is £46023. This sum would be secured by condition, which will allow the applicant to enter into a Section 106 Agreement to provide the payment. A maintenance-commuted sum will also be required for the on-site amenity space this can be sought by condition.

Education provision

4.36 Policy ED4 states that where additional education provision is necessary as a direct result of new residential development, developers will be required to enter into a Section 106 Agreement to make a financial contribution towards the provision of these facilities. There is a requirement to pay a commuted sum of £81 350 towards 9 places at Archbishop Holgate's School. The education contribution will be provided through the provisions of a Section 106 Agreement that will be sought by condition.

Crime Prevention

4.37 The Police Architectural Liaison Officer raises concerns about the use of alleyways to provide access to the rear of the bungalows and suggests these are gated. It is considered that conditions covering the submission of means of enclosure and landscaping will provide opportunities to ensure that the area to the rear of properties is less permeable. In terms of the built over accesses or 'ginnels' to rear parking courts causing a potential gathering point the suggestion here from the Architectural Liaison officer suggests that boundary treatment and landscaping will

be able to alleviate this problem. Such treatment can be achieved through the landscaping conditions.

Public Arts Strategy

4.38 The Council's Public Arts Strategy indicates that developments including the Council's own schemes should make provision for public art within them. The documentation that supported the tender to purchase the land required that across the three discus sites £20000 should be provided for public arts. The requirement, which will be sought through condition, is for the provision of £6666 for public art provision on this site.

5.0 CONCLUSION

5.1 The principle of re-developing this site with a higher density, mixed residential scheme is considered to be acceptable.

5.2 The development will introduce a well mixed residential scheme into a highly sustainable location. The design of the scheme more properly reflects the general scale, massing and densities of the development surrounding the site and will form a good basis for a socially inclusive area.

5.3 The following commuted sum payments or alternative arrangements are sought through conditions. These conditions require the provision of the following:-

- Affordable rent: 12

 - 3 x 3 bed houses

 - 4 x 3 bed houses

 - 1 x 2 bed mews

 - 4 x 2 bed apartments

- Discount for Sale (DFS): 5

 - 1 x 3 bed house DFS

 - 1 x 2 bed mews DFS

 - 3 x 2 bed apartments DFS

- Revocation of existing Traffic Regulation Orders - £5000

- Creation/promotion of car club facilities - £160 per unit multiplied by 58 units (care facilities have been excluded from the calculation) - £9280

- Improvement of bus stop facilities - £10 000

- Travel plan requirement

- Education contribution of £81 350

- Open space contribution of £46023

- Amenity open space contribution

-£6666 towards the Local Cultural Strategy (public arts work)

5.4 With appropriate conditions to ensure the quality of the details of the development this application is considered to be acceptable

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

3 VISQ7 Sample panel ext materials to be approved

4 No development shall take place until details have been submitted to and approved in writing by the Council of what measures are to be provided to within the design of the new buildings/conversion to accommodate bats. The works shall be completed in accordance with the approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes. etc.

REASON - This is proposed to take account of and enhance the habitat for bats.

5 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme 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 variety, suitability and disposition of species within the site.

6 Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local

Planning Authority. This statement shall include details and locations shown on a plan of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development.

7 The windows to the west elevation facade of the single storey block nearest to Lawrence Street shall provide a sound reduction against external noise of not less than the following levels at the following frequencies with acoustic trickle vents fitted.

Frequency (Hz)	63	125	250	500	1k	2k	4k
8k							
Sound Reduction (dB)	19	23	22	27	38	40	41
45							

Reason: in order to ensure that residents are not adversely affected by noise

8 Prior to any works commencing on site, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the demolition, site preparation, groundwork and construction phases of the development. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of occupants of adjacent and adjoining properties during the development of the premises.

9 During the development of the site, all demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to the following hours:

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

Reason: To protect the amenity of the locality

10 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a and b of this condition have been complied with:

a. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other

property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

b. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation 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, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11 ARCH2 Watching brief required

12 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:-

i) The numbers, type and location on the site of the affordable housing provision to be made

ii) The timing of the construction of the affordable housing

iii) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing

iv) The occupancy criteria to be used for determining the identity of initial and subsequent occupiers of the affordable housing, and means by which such occupancy shall be enforced.

Reason: To provide for the development of balanced and sustainable housing development in compliance with Policy H2 a of the Council's Draft Local Plan (4th Set of Changes April 2005) and the City of York Council Affordable Housing Advice Note July 2005.

13 No development shall commence unless and until details of a full renewable

energy strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall include details of the site's proposed renewable energy generation, which shall be at least 10% of total energy generation for each dwelling type. The Development shall be carried out in accordance with the submitted details.

Reason: To ensure that the proposal conforms to Policy GP4a of the City of York Draft Local Plan April 2005.

14 No development shall commence unless and until a scheme to ensure the provision of adequate additional secondary school places within the local catchment area has been submitted to and approved by the Local Planning Authority.

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 in accordance with policy C6 of the City of York Draft local plan and the councils supplementary planning guidance 'Developer Contributions to Education facilities' dated January 2005

15 HWAY1 Details roads, footpaths, open spaces req.

16 HWAY7 Const of Roads & Footways prior to occup

17 HWAY14 Access to be approved, details reqd

18 HWAY18 Cycle parking details to be agreed

19 HWAY19 Car and cycle parking laid out

20 HWAY22 Internal turning areas, details reqd

21 HWAY31 No mud on highway during construction

22 HWAY40 Dilapidation survey

23 HWAY41 Safety Audit

24 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of construction works shall be submitted to and approved in writing by the LPA.

Reason: In the interests of highway safety.

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

Reason: In order to comply with the provisions of Policy L1c of the City of York Draft Local Plan.

26 No development shall commence unless and until details of provision for the future maintenance of the public open space within the site, or alternative arrangements, have been submitted to and approved in writing by the Local Planning Authority. The public open space shall then be maintained in complete accordance with the approved scheme, or the alternative arrangements agreed in writing with the Local Planning Authority.

Reason: In order to ensure that adequate arrangements are in place for the future maintenance of the public open space, in the interests of amenity of future occupiers of the proposed development.

27 Details of all means of enclosure within the site and to the site boundaries 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.

28 No development shall commence unless and until a scheme to ensure adequate improvements to the highways and transportation system or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The improvements to the highways and transportation system shall thereafter be provided in accordance with the approved scheme or the alternative arrangements, as agreed in writing by the Local Planning Authority, prior to the first occupation of the development.

Reason: In order to comply with the provisions of policies T7b and T13a and T17 of the City of York Local Plan.

29 No development shall commence unless and until a strategy for the provision and maintenance of public art or alternative arrangements within the development have been submitted to and approved in writing by the local planning authority. The strategy shall thereafter be provided in accordance with the approved scheme or the alternative arrangements, as agreed in writing by the Local Planning Authority, prior to the first occupation of the development.

Reason: To enhance the image of this area of the City and to comply with the requirement of the approved planning brief for this site

30 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- Eaves
- heads, sill and reveals to all window types as appropriate

Reason: So that the Local Planning Authority may be satisfied with these details.

31 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works

and off-site works, have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the development can be properly drained

32 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharge take place until proper provision has been made for their disposal

33 Prior to the commencement of development the developer shall submit a "Sustainable Design and Construction" statement for the development. This statement shall include the measures to be incorporated at the design and construction stage in order for the dwelling to achieve Code for Sustainable Homes level 3. Prior to first occupation of the dwelling, a further statement shall be submitted which confirms that the dwelling has achieved this standard. If the dwelling has not achieved the required sustainability standard, details of the changes to be made to the development to bring the dwelling up to the standard required and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

34 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A and E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the following:-

- Policy Background
- Design and Landscaping
- Highways, transport, access and parking
- drainage
- Sustainability

- Impact on surrounding properties
- Affordable housing, housing mix
- Open space
- Education

As such the proposal complies with Policies H4a, H2a, H5a, SP3,GP1,GP3,GP4a,GP9,NE1, ED4, L1c of the City of York Local Plan Deposit Draft and government advice within Planning Policy Statement 1 and Planning Policy Statement 3

2. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the condition attached to this planning permission, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the condition attached to this planning permission.

3. Affordable Housing

The arrangements required by the above condition could be satisfied by the completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the site requiring the provision of affordable housing in accordance with the requirements of the City of York Affordable Housing Advice Note July 2005.

4. Education

the provisions of the above condition could be satisfied by the completion of a planning obligation made under section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site. The obligation should provide for a financial contribution calculated at £81 350. The basis for this calculation is contained within the Council's Supplementary Planning Guidance 'Developer Contributions to Education Facilities' dated January 2005.

No development can take place on this site until the condition has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard

5. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart

Partington (01904) 551361

Cafe Licence - Section 115 - Heather Hunter or Anne-Marie Howarth (01904) 551418

6. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

7. Open Space

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £46023.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

8. Open Space Maintenance

The alternative arrangements referred to in the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning act 1990 by those having a legal interest in the application site, requiring a financial contribution to be paid to the Council towards the future maintenance of the open space. The obligation should provide for a financial contribution to be agreed with the Head of Parks and Open Spaces, based on the future maintenance liability of the on-site amenity space.

9. Highways

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site. The obligation would require a financial contribution £5000 towards revocation of existing Traffic Regulation Orders, £1920 towards creation/promotion of car club facilities, £10,000 towards improvement of bus stop facilities and submission of a travel plan.

No development can take place on this site until the improvements to the highways and transportation system have been provided or the Planning Obligation has been completed and you are reminded of the local planning Authority's enforcement powers in this regard.

10. Public Art

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site. The obligation would require a financial contribution if £6666 towards public art

No development can take place on this site until the improvements to the highways

and transportation system have been provided or the Planning Obligation has been completed and you are reminded of the local planning Authority's enforcement powers in this regard.

Contact details:

Author: Diane Cragg Development Control Officer (Mon/Tues)

Tel No: 01904 551657