

COMMITTEE REPORT

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

Reference: 08/01911/FULM
Application at: St Ann's Court York
For: 12 dwellings and an Extra Care facility comprising 41 residential units, with associated bistro restaurant, shop, hairdressers and landscaped amenity space including associated communal areas 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 0.75 Hectares of land at St. Ann's Court, 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 (2.739 acres)
- 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 St. Ann's Court site is located to the south of the city centre in a predominantly residential area. The site is 0.75 Ha of land containing 25 pre-fabricated bungalows. The site is accessed from Cemetery Road from the west via the cul-de-sac of St. Ann's Court which forms part of the application site. To the north of St Ann's Court is the rear boundary of two storey housing which faces north on to Horseman Avenue. St. Ann's Court is linked to Horseman Avenue via a public footpath located between 20/22 Horseman Avenue and 24/26 Horseman Avenue. The east of the site is accessed via Horseman Avenue which loops round to give access to Alne Terrace at the far east of the site. Alne Terrace contains grouping of three storey flats and semi detached houses. The south of the site is bordered by a tall historic brick wall which forms the edge to the Cemetery to the south. The wall is a Grade II listed structure and the Cemetery is an historic park and garden (Grade II).

1.9 The proposal is to demolish all of the pre-fabricated bungalows on the site and replace them with:-

- 12 terraced bungalows on the east of the site and
- a single building providing extra care accommodation comprising 41 two bedroomed apartments as well as separate bistro restaurant, shop and newsagents that will be open to the general public and staff accommodation for the extra care facility. Support accommodation for the residents is also proposed and will be accessed from within the secure circulation space for the apartments. This includes the communal lounge with access on to the terrace and garden, separate reading and sitting areas, assisted bathroom, staff and guest rooms, storage, refuse rooms and a 13 person lift. There is also a buggy store located within the main lobby.

1.10 The proposal includes the provision of small amenity areas associated with the bungalows and communal garden area for the extra care facility. The proposal also includes car parking provision for the extra care facility and separate parking for the bungalows.

1.11 The existing density of the site is approximately 33 dwellings per hectare, the proposed density is approximately 69 dwellings per hectare.

1.12 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

1.13 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:

CYSP6

Location strategy

CYH4A

Housing Windfalls

CYH5A

Residential Density

CYH3C

Mix of Dwellings on Housing Site

CYGP1

Design

CYGP3

Planning against crime

CYGP4A

Sustainability

CYGP9

Landscaping

CYSP3

Safeguarding the Historic Character and Setting of York

CYL1C

Provision of New Open Space in Development

CYNE1

Trees, woodlands, hedgerows

CYED4

Developer contributions towards Educational facilities

3.0 CONSULTATIONS

INTERNAL

3.1 HIGHWAYS NETWORK MANAGEMENT- It has been demonstrated that the level of traffic that is expected to be generated by the redeveloped site is similar to that which could be expected to be generated by the current number of units on site and as such the application is not considered to have a material impact on the surrounding network.

3.2 Given the proximity of the Regent Street site the submitted Transport Assessment has assumed that all traffic generated by the two sites will be distributed onto Heslington Road and Cemetery Road to ensure a robust assessment. The figures have highlighted that the impact on surrounding junctions and the adjacent network will be negligible.

3.3 Access to the care home facility is to be from Cemetery Road via St Ann's Court using the existing junction which is considered suitable to serve the level of development proposed. The 12 replacement bungalows benefit from frontages onto Horseman Avenue, Apollo Street and Alne Terrace with parking being provided in a private parking court served from the end of Alne Terrace. Vehicle swept paths have demonstrated that the redesigned St Ann's Court can accommodate servicing traffic and enable vehicles to leave in a forward gear.

3.4 ENVIRONMENTAL PROTECTION UNIT - 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.

3.5 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 residents in the locality. With regard to the effect the development could have upon existing dwellings upon completion it is possible that any machinery associated with the extra care facility could have an impact upon

existing residential dwellings and the proposed dwelling. It is therefore suggest that condition be applied to ensure the submission and approval of machinery.

3.6 With regard to the effect of the existing surroundings on the proposed dwellings a noise report was submitted as part of the application. Noise levels in the gardens of the properties are predicted to be satisfactory and below the World Health Organisation level of 50dB LAeq across the whole developed site, as a result of attenuation provided by the buildings on site. Internal noise levels in the bedrooms of 30dB LeqA 8 hour (23:00 to 07:00) are predicted to be achieved across the site, when properties are provided with trickle vents, provided conditions are met which require sound reduction methods to employed to those properties facing Cemetery Road.

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

3.8 A condition/informative regarding contamination is required.

3.9 LIFELONG LEARNING AND LEISURE- There will need to be an offsite contribution for play space, sports facilities and amenity space. The contributions should be based on the net gain in bedrooms.

3.10 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 and a care facility for older people.

3.11 ENVIRONMENT, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT) - There are 22 trees on this site. The tree survey identifies 7 as category B, and the rest as category C. None of the trees need to be removed for arboricultural reasons. The extra care facility aims to retain all of the category B trees and all but two of the category C trees within its sphere of development.

3.12 There is a large Norway maple T19 on the corner of Apollo Street and Alne Terrace. It is a very visible, attractive, and identifiable landscape feature. It can be seen from the latter two streets and also from Horseman Avenue and of course St Ann's Court, and even Heslington Road. This tree should be retained such that all building operations (including erection of scaffolding) are kept outside of the recommended root protection area.

3.13 Another Norway Maple T16 is shown as being removed. In this instance it is considered that the development should not be compromised to allow its retention, due to its close proximity to the end of 2 Alne Terrace, which has lead to an imbalanced crown due to regular pruning on the building side. It also has a lower public amenity value than T19 because it is partly screened by the buildings on Alne Terrace.

3.14 Silver birch T18 is worth retaining and efforts should have been made to achieve this. There are opportunities to replace the removed trees with small-medium sized species within the two 'open green spaces'.

3.15 Fulford Cemetery is a Grade II registered Park and Garden. Due to the proximity of the development to the northern boundary, the impact on the setting of the registered historic garden must be considered. In this respect it is important to safeguard the healthy trees along the boundary with the cemetery, both within the cemetery grounds and within the site boundary. The trees contribute to the attractive character of the cemetery and would serve to soften the visual impact of the long building. The Extra Care facility is located sufficiently away from the trees along the southern boundary to ensure their protection from physical damage during construction. The trees are located on the southern side of the care facility; this may give rise to complaints from the residents about shade cast by trees, but given the constraining width of the site, the distance between trees and building is adequate, though not ideal. The height and massing of the building has been reduced, and it has been pulled away slightly from the cemetery wall and Cemetery Road, such that its visual relationship with the cemetery is now acceptable.

3.16 The development would result in an improvement to the streetscape of St. Ann's Court by way of the landscaped entrance and pedestrian link, which in turn also reduces the length of the street and reduces the dominance of the roadway. It probably also increases security given its semi-private appearance.

3.17 Landscaping and methods to protect trees during construction are requested as conditions

3.18 ARCHAEOLOGIST- The City Archaeologist requires a watching brief condition on this site.

3.19 COUNTRYSIDE OFFICER - Although no evidence of bats occupying the buildings was found there were some potential access points and the surrounding area is also suitable for supporting bats. Some mitigation is therefore requested within the design and a condition is suggested to secure the mitigation measures.

3.20 CONSERVATION OFFICER - states colours/ materials will be very important in the final look of the scheme. The choice of brick and the colour of rendered panels (hopefully not white), should be made on site by a sample panel of brickwork - to be retained throughout the construction stage as a reference - including pointing, of not less than one square metre. Samples of the proposed render should be provided alongside to enable the combination to be clearly seen. A sample window, or part of one, should be provided finished in the proposed treatment for timber in the scheme. A sample roof tile should be submitted for approval. "Grey plain tiles" are stated as the intended roofing material, but it is not clear what these are made of. The thick concrete interlocking tiles are unlikely to be appropriate - synthetic slate or similar offers an acceptable thickness.

3.22 While the overall design is not likely to be controversial, the entrance is weak. The bistro is in a good location to provide some life to the pedestrian approaching the development, but the main entrance is recessed and obscured by the external

bin-store - an unfortunate choice of location both visually and obvious to other senses in warm weather. If it is not possible to relocate this, then at least a brick screen wall could be deployed, possibly curved on plan, to lead visitors into the main entrance. A timber-screened bin store is a very unsatisfactory feature adjacent to the main entrance.

3.23 Detailed design of Oriel windows, or the roof trim to flat-roofed areas and this information (for a typical unit) should be provided before construction commences.

3.24 Details of externally visible mechanical and electrical services, including meter boxes (if any), extracts, flues, antennae/dishes and other plant should be submitted for approval before construction starts.

3.25 CITY DEVELOPMENT- The proposals satisfy the objectives of the planning statement. There are no policy objections to the redevelopment of the site.

3.26 STRUCTURES AND DRAINAGE - Insufficient information has been provided by the Developer to determine the potential impact the proposals may have on the existing drainage systems. Some calculations for the proposed surface water system have been provided, however no drainage plans have been included showing layout, storage or control arrangements.

3.27 The applicant should provide a topographical survey and proposed finished floor and ground levels, to ensure that there will not be any detriment to the drainage of existing properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

3.28 Following receipt of a Drainage Impact Assessment Structures and Drainage have confirmed that they have no objections to the application subject to Yorkshire Water Authority being satisfied with the proposals and to conditions which seek to restrict surface water run-off and to ensure the future maintenance of on site storage tanks and flow controls.

EXTERNAL

3.29 ENVIRONMENT AGENCY - (Original commentsThe Environment Agency objects to the application because there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. Amended details - comments awaited

3.30 POLICE ARCHITECTURAL LIAISON OFFICER - The physical security proposals as outlined in the Design and Access statement are excellent. There are a couple of issues with regard to designing out crime. There is an alleyway situated to the side and rear of plot 3 which gives access to rear gardens of plots 1 and 2. The alleyway could provide offenders with an access and escape route. Consideration should be given to gating off this entrance. Similarly the footpath to the side of plot 12 should be gated off at the front building line.

3.31 YORKSHIRE WATER AUTHORITY - (Original commentsObject to the application as there is a water main and sewer main crossing the site. No information

about how these will be diverted or maintained has been submitted. The submitted flood risk assessment and surface water management report are generally acceptable to Yorkshire water however the site plans with the report that shows dwellings constructed over sewers is not acceptable. Amended details - comments awaited

3.32 NEIGHBOURS - 3 letters of objection have been received covering the following points:-

- 15 Cemetery Road and 6 Horseman Avenue object to any proposal that affects the right of access they have into their garages from St. Ann's Court.
- the front of 47 Horseman Avenue is open to the road with the increase in traffic in the area there is concern for children's safety during the construction period and with increased occupancy when the properties are occupied
- concerned about increased parking in the area particularly as the objector cannot afford to take part in the residents parking scheme.

3.33 PUBLICITY - The applications have been advertised by means of a press notice which expired on the 24th September 2008, Site notices which expired on the 29th September 2008 and neighbour notification which expired on the 19th September 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

Policy Background

4.2 This planning application is for the demolition of existing prefabricated single storey residential dwellings and the erection of a new residential scheme. The proposed bungalows will initially be to re-house existing elderly tenants, but are not proposed to be restricted to elderly occupation. The extra care facility is for elderly occupation and would be restricted for elderly occupation.

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' says that development will 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 40 dwellings per hectare.

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

4.8 Other 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' of the City of York Council Development Control Local Plan (2005) 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' of the City of York Council Development Control Local Plan (CYCDCLP) 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 has been 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 The application site has two distinct sides and the form of development proposed for each area is very different. The east side of the site (which is approximately a third of the total site area) is surrounded by Horseman Avenue and Alne Terrace. On this part of the site it is proposed to construct 12 detached bungalows with parking provision in one area at the end of Alne Terrace. Each bungalow has a private garden with scooter/cycle store. The bungalows stand 2.2 metres to eaves and 5.3 metres to ridge. There are two small open spaces areas, one fronting Horseman Lane and the other adjacent to the parking area on Alne Terrace. Surrounding this part of the site there is a mixture of development including semi-detached houses, terraced properties and three storey flats. The proposed bungalows will be of a relatively small scale compared to the development surrounding it, but their form will not dominate or detract from the character of the area. The Landscape Architect raised concerns in her comments about the loss of a tree on the corner of Alne Terrace. The scheme has been amended to accommodate this tree by repositioning the bungalow adjacent to the tree further back from the road frontage. The amendment to the layout does not detract from the proposal in terms of the housing layout and will benefit the overall landscape quality of the area.

4.11 The west side of the site encompasses St. Ann's Road and is bordered to its south by the substantial listed wall which forms the boundary to York Cemetery (designated as an historic park and garden). To the north are traditional semi-detached houses and to the west across Cemetery Road there is a mix of old and new terraced properties mainly of two storey construction but with an element of three storey development facing the Cemetery. On the west part of the site it is proposed to locate the extra care facility. The extra care facility is one single building providing 41 two bedroomed apartments with secure circulation space, communal lounge and seating areas, assisted bathroom, staff and guest rooms, storage, refuse room and a 13 person lift. There is also a public area to the building within which there will be a bistro restaurant, shop and hairdressers as well as a multi-functional healthcare room and toilets. The building has a frontage to Cemetery Road of 33 metres providing three levels of accommodation within a frontage that stands between 7.34 and 7.9 metres to eaves and 10.4 metres to apex. The three storey element of the building extends approximately 18 metres back into the site with a double pitched roof. The building also has an elevation which faces on to Alne Terrace. This part of the building is designed on two levels with an eaves height of between 5.2 and 5.3 metres and a maximum height to apex of 7.6 metres. The two

frontage elements of the building are joined by two storey development running along the site and providing apartments on either side of a corridor so that apartments either have an aspect on to St. Ann's Court or on to the private garden of the facility and the cemetery wall beyond. The building provides a minimum distance to the Cemetery wall of 7 metres. On the north side of the building it is proposed to extinguish part of the St. Ann's Court highway to provide landscaping and a setting for the building as well as private access routes for the proposed bungalows on the east of the site. The existing public footpath which runs from St. Ann's Court on to Horseman Avenue will be accommodated within the landscaped area. It is also proposed to provide car parking, turning and access to the building via the remaining part of St. Ann's Court.

4.12 The proposed extra care facility is a large building occupying about two thirds of the application site. The new building will result in a significant change in scale, massing, form and amount of development on the land. The size of the building will be accentuated because it is located next to the openness of the Cemetery to the south and typical two-storey properties on Horseman Avenue/ Cemetery Road to the north. The structure has been designed to achieve a required amount of accommodation whilst minimising its mass. This has limited the architectural design opportunities and has resulted in some awkward details, particularly on the entrance to the building and in the design of the roof where three levels of accommodation has to be achieved. The agent is aware of these concerns, which are also highlighted by the Conservation Officer, and it is anticipated that amended detail will be forthcoming prior to Planning Committee. Furthermore some visual improvements and clarity to the elevational treatment of the scheme are required through the use of conditions. In this respect conditions are proposed which ensure the submission of large scale details of eaves, windows, heads and sills and the depth of window reveals. With the conditions proposed and subject to the amendments referred to above it is considered that the design of the building will satisfactorily respond to the limited space available and the site surroundings.

4.13 The Landscape Architect is generally happy that the extra care building can be provided without detriment to trees. The trees that border the site on the Cemetery boundary will be far enough away from the building to be able to be maintained, although they will cast shade into the amenity area of the building. The bungalow side of the scheme has been amended to retain a tree on the corner of Alne Terrace and this is an improvement in landscape terms. Conditions to protect trees during the construction phase of the development are proposed. The tree loss within the site is confined to trees that do not warrant retention either because of their position or form. A landscaping scheme condition is attached.

Highways, Access and Parking

4.14 Parking has been provided in accordance with CYC Annex E maximum standards, and it is the officer's 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.

4.15 The site is considered to be in a 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 would 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

4.16 The extra care facility proposes 13 car parking spaces for the 41 apartments. This is a level of parking that would be expected within a sheltered accommodation development. For this reason it is proposed to restrict the occupancy of the building to elderly people in need of personal care. The definition for 'elderly' and 'in need of personal care' will be those used by the councils housing department.

Drainage

4.17 Members will note that our Structures and Drainage and the Environment Agency 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 planning 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.

Impact on Surrounding Properties

4.18 The main concerns raised through consultation have been about loss of rear access to properties on Horseman Avenue/Cemetery Road from St. Ann's Court and concerns about safety during the construction period. The applicant and CYC Housing Section have confirmed that all rear vehicular accesses will be maintained as part of the scheme. The new scheme for St. Ann's Court would allow for this. Conditions are proposed which would require the submission of a construction environmental management plan (CEMP) prior to the commencement of development. The CEMP together with the hours of work condition proposed should ensure the impact on residents of the construction of the development is kept to a minimum.

4.19 In terms of the development itself. The bungalows can be accommodated without adversely affecting any adjacent properties. In terms of the extra care facility; although the site being to the south of properties on Horseman Avenue will mean that the levels of sunlight into rear garden areas will be reduced the distance between existing dwellings and the proposed extra care facility is sufficient for there to be a minimal loss of residential amenity through the size and bulk of the building.

Sustainability

4.20 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 and a further plan is expected showing solar panels to the extra care facility. 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 subject to the comments of the Sustainability Officer it is considered that the development complies with the requirements of GP4a and the interim planning statement on sustainable development.

4.21 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.

Affordable Housing, Housing Mix

4.22 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.

4.23 As all three sites are separate planning applications the relative planning merits of each site in relation to policy needs to be considered .The proposal on this site (St. Ann's Court) for 12 bungalows and 41 extra care units, all of which are 2 bedroomed affordable units, is considered to comply with the affordable housing policy. However, it is not 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. In officers' view the weighting of this site to mainly 2-bedroomed properties given the general mix of house types in the area is not seen as detrimental to the overall aims of Policy H3c. The one affordable rent extra care apartment will be provided through the provisions of a Section 106 agreement which will be sought by condition.

4.24 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

4.25 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.

4.26 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.

4.27 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 councils policies on affordable housing. An update will be provided to committee on this issue.

Open Space

4.28 The site includes two small areas of amenity space adjacent to the bungalows. These spaces whilst beneficial to the visual quality of the area are not, in the Parks and Amenities officers opinion, large enough to be off-set against amenity provision required under policy L1c. However 52 out of the 53 units at St. Ann's Court are re-provision of the 100 discus bungalows that are to be replaced across the three discus sites. No commuted sum payments are therefore required for this site.

Education provision

4.29 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 no requirement for any education payment as a result of this development.

Crime Prevention

4.30 The Police Architectural Liaison Officer raises concerns about the use of alleyways to provide access to the rear of plots 1 to 3 and suggests these are gated. In Officers view in this particular case since there is only one access and egress point there is less likelihood of a problem with crime. It is also considered that conditions covering the submission of means of enclosure and landscaping would provide opportunities to ensure that the area to the rear of properties is less permeable.

Public Arts Strategy

4.31 The Council's Public Arts strategy indicates that developments including the Council's own scheme 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 incorporated into the Section 106 Agreement is for the provision of £6666 for public art provision.

5.0 CONCLUSION

5.1 Within the context of policies in the draft Local Plan in particular policies H4a and H5a the principle of re-developing this site with a higher density, residential scheme is considered to be acceptable.

5.2 The details of the scheme are considered to be acceptable subject to the receipt of an amended plan dealing with the design concerns raised in paragraph 4.12 and to appropriate planning conditions.

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

- 1 x 2 bed extra care affordable apartment
- Revocation of existing Traffic Regulation Orders - £5000
- Creation/promotion of car club facilities - £160 per unit multiplied by 12 units (care facilities have been excluded from the calculation) - £1920
- Improvement of bus stop facilities - £10 000
- Travel plan requirement
- £6667 towards the Local Cultural Strategy (public arts work)

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 VISQ8 Samples of exterior materials to be app

4 VISQ7 Sample panel ext materials to be approv

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 In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) 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.

Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

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.

8 All bedroom ceilings on the upper floor of properties facing Cemetery Road should be constructed from two layers of 12.5mm plasterboard.

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

9 All windows to the elevations of properties facing Cemetery Road 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)	24	28	23	32	38	42	44
48							

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

10 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (L_{Amax}(f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of local residents

11 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

12 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.

13 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

14 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

15 ARCH2 Watching brief required

16 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.

17 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.

18 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.

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

19 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.

20 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.

21 HWAY1 Details roads, footpaths, open spaces req.

22 HWAY7 Const of Roads & Footways prior to occup

- 22 HWAY14 Access to be approved, details reqd
- 23 HWAY18 Cycle parking details to be agreed
- 24 HWAY19 Car and cycle parking laid out
- 25 HWAY22 Internal turning areas, details reqd
- 26 HWAY31 No mud on highway during construction
- 27 HWAY40 Dilapidation survey
- 28 HWAY41 Safety Audit

29 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.

30 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

31 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
- Roof trim to flat roof
- Oriel windows

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

32 The extra care apartments hereby approved shall only be occupied by elderly people or those in need of personal care assistance.

Reason: In the interests of amenity

33 VISQ10 Details of External services to be app

34 Prior to the commencement of the development, or within such longer period

as may be agreed in writing with the Local Planning Authority, details of all external hard surfacing materials shall be submitted to and approved in writing. Thereafter the approved scheme shall be implemented in accordance with the approved details prior to the building being brought into use.

Reason: In the interests of visual amenity

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. Contaminated land

In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) 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.

Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

3. Highways improvements

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.

4. 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.

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. 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 £6667 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.

8. For the avoidance of doubt in relation to condition 32 the following definitions apply:-

Elderly Person: means either: -

(a) a single resident who has attained the age of sixty years (unless the survivor

of those persons mentioned in clause (b)); or
(b) joint residents one of whom has attained the age of sixty years and the other has attained the age of fifty five;

In Need of Personal Care Assistance: means those individuals who have been assessed as requiring care assistance with washing, dressing, toileting, medications, supervision of self-medication, or administration of medication, or meals;

Contact details:

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

Tel No: 01904 551657