

## COMMITTEE REPORT

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

**Reference:** 08/01910/FULM  
**Application at:** Richmond Street York  
**For:** 59 dwellings and 26 apartments with associated landscaped amenity space after demolition of 41 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 1.36 Ha of land at Richmond 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 (2.739 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, City of York 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 Richmond Street Site is located on the east side of the city centre within easy reach of the cities amenities. The site is 1.36 ha of land containing 43 pre-fabricated bungalows. To the immediate west of the site is a row of late Victorian/early Edwardian terraced properties separated from the application curtilage by Faber Street. To the north and east of the site is mainly semi detached suburban development, To the south and west is more recent, fairly dense development, consisting of a mix of terrace properties and apartments.

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 85 dwelling units. This will consist of:-

- The re-provision of 24 bungalows
- erection of 29, 3 bedroomed houses
- erection of 3, 2 bedroomed houses
- erection of 26, 2 bedroomed apartments
- erection of 3, 4 bedroomed houses

1.10 The layout of the development is set around the existing street pattern of Faber Street and Richmond Street with the creation of cul de sacs set out as 'home zones'.

1.11 The application details have been amended since the application was submitted. The amendments are:-

- The additional of solar panels to the roof slope of all house types
- The repositioning of the flat block closest to Fifth Avenue so that the block is now a minimum of 2.5 metres from the joint boundary (maximum 5 metres). The flat elevation has also been amended so that there are no windows on the elevation of the block which faces the gardens of Fifth Avenue.
- alterations to the eaves detail on the design of the flat block.
- change of house type on plots 53- 55, to allow details of the houses to relate to the existing Faber Street terrace properties. The change also allows slight improvements to rear garden depths.
- Repositioning of plots 1 and 2 to allow greater distance between the proposed properties and properties on Little Hallfield Road.
- plots 32 to 35 and 15 to 21 have been slightly repositioned to allow more distance between properties to be achieved

1.12 A further amendment is expected which deals with highway concerns about achieving adequate turning circles within the site and the extent of adoption within the proposed 'homezone' areas. The details of any amendments will be reported direct to committee.

1.13 The existing density of the site is approximately 32 dwellings per hectare, the proposed density is approximately 61 dwelling per hectare.

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

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

1.15 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 - In traffic generation terms it has been demonstrated that the proposed redevelopment will lead to a net increase of 26/32 vehicle movements during the AM/PM peak hours on the network which represents in the region of one additional vehicle every 2 minutes. Based upon experience of other sites around the city officers consider that this level of traffic generation will not have a material impact on the surrounding highway network and will barely be noticeable in fluctuations in daily traffic.

3.2 Access to the development will continue to be taken from the existing junctions of Faber Street and Wellington Street with Hallfield Road which are considered suitable to serve the level of development proposed.

3.3 The internal layouts have been designed taking into account Home Zone principles with extensive use of shared surfaces and measures to reduce vehicle speeds through design.

3.4 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. The procedures relating to the extinguishment of public highway and revocation/creation of traffic orders are not material planning considerations. These issues will be dealt with using the appropriate legislation which includes public consultation. The processes are not guaranteed to be successful and are open to third party objection. Should the extinguishment of public highway or traffic order variations be unsuccessful the

applicants will be unable to implement the consent granted on the layouts being considered and the applicant would have to submit a revised planning application.

3.5 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.

3.6 STRUCTURES AND DRAINAGE- Structures and Drainage object to the application because insufficient information has been provided to determine the potential impact the proposals may have on the existing drainage systems

3.7 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.

3.8 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.

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.

3.9 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 no conditions are proposed as the impact of the surroundings on the development accord with World Health Organisation standards.

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

3.11 A contaminated land condition is also proposed.

3.12 ENVIRONMENT, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT)- None of the trees on this site are covered by a tree preservation order (TPO) because the land is within the ownership of the Local Authority nonetheless several of the trees are worthy of a TPO and it is good practice to recognise the value of these trees by serving a TPO should the land be sold.

3.13 There are 22 trees on the site of these six are category B trees and 16 are category C trees. All category B trees should be retained, it is also preferable to retain category C trees where they do not pose a significant restraint on development. In this case many of the category C trees are not of substantial public amenity value.

3.14 The proposed development is disappointing, at least six trees are worthy of a TPO due to their public visibility and good form/condition and long term value tree more trees are worthy of retention due to their amenity value, others could be retained but should not hinder development proposals. Thus in light of the trees only the development is contrary to local plan policy NE1.

3.15 In terms of the layout the Landscape Architect has an overall concern about the lack of open space, both private and communal. The homezone square is welcomed but this does not compensate for the lack of useable car-free outdoor space. There are particular concerns about the size of gardens to some plots and the lack of a functional public open space.

3.16 The Landscape Architect considers that there is a balance of housing need and benefit to the residential community, at the same time it is considered that the Council should be setting an exemplary standard in design. The density of the housing has resulted in poor spatial quality; the external areas are very standard. In landscape terms there is little sense of place.

3.17 ARCHAEOLOGIST- An archaeological watching brief is required.

3.18 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.

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

## EXTERNAL

3.20 Heworth Planning Panel - No objections in principle but plots 1 and 2 will overlook adjacent properties in Little Hallfield Road.

3.21 Heworth Planning Panel have been consulted on the amended scheme and now raise no objections to the application.

3.22 Environment Agency - In the absence of an acceptable flood risk assessment the agency objects to the application. Further details are required about how the site will be drained. It should be confirmed whether in principle sustainable drainage systems to restrict surface water runoff can be used. The applicant should aim to reduce existing surface water run off rates by a further 30%

3.23 Yorkshire Water Authority - Yorkshire Water currently object to the application as the development is shown as being developed over the public sewer and over an existing water main. The drawing supporting the flood risk assessment is not acceptable. Amended plans are required to deal with the issues raised prior to any permission being granted.

3.24 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.

3.25 NEIGHBOURS - 4 Letters of objection have been received covering the following points:-

- The back of the house and garden of 28 Fifth Avenue will be overlooked by the development causing loss of privacy and value to the house
- The objectors are advised that extensive pile driving could cause damage or destabilise existing properties. The objectors ask if the council would be inspecting properties beforehand so that if damage is sustained during construction the responsibility for the damage will be clear
- Given the large scale of the development what will the council do to minimise the impact of the construction work and what will be the hours of work
- Site traffic should be required to only enter the site from Hallfield Road during the construction period.
- Concerned about the positioning of a three storey block to the rear of 32 and 34 Fifth Avenue when it would be possible to site these higher blocks in a different location on the site. This shows the uncaring attitude of the planning authority
- Concerned about windows facing into properties on Fifth Avenue
- Relating to the height of the three storey blocks concerned that the height will cause loss of light to properties on Fifth Avenue
- Two storey properties to the rear of Fifth Avenue would be more acceptable.
- The erection of three storey properties on this site is not in keeping with the area
- Properties will have a direct view over gardens on Glen Avenue and will also block light to gardens
- Property at 58 Fifth Avenue has already lost light to the garden as a result of development concerned that the development will result in further loss of sunlight and overlooking

3.26 Following re-consultation on the amended scheme a further letter of objection has been received covering the following points:-

- Concerned that the bins behind 30 Fifth Avenue will cause vermin.
- Total loss of privacy and sunlight
- Decrease in value of objectors property
- Possible structural damage to existing houses because of pile driving
- Explored the possibility of developing their own site and were told the development would be imposing now development is taking place no more than a couple of metres away

3.27 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 10th September 2008. The press notice expired on the 1st October 2008. Neighbours were re-notified 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

### 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 40 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 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 be 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 site is surrounded by a mix of housing types. Generally development to the west and south consists of more dense urban development and to the north and east development is less dense consisting of mainly semi-detached properties in relatively spacious plots. The proposals provide a good range of dwelling types. The bungalows (24 in total) are located on the north and north-eastern part of the site. Each has a private garden with rear access to a scooter store. The bungalows stand 2.2 metres to eaves and 5.3 metres to apex. The house types are two, three and four bedroomed houses provided in two and two and a half storey buildings. The buildings stand between 5.0 and 5.5 metre to eaves and 9 and 9.5 metres to apex. The houses are concentrated in the central part of the site with a further four of the houses being provided on the end of the Faber Street terrace. All the properties have rear private areas although a number of these are relatively shallow (for example the area to the rear of plots 53 to 55 is approximately 4 metres deep). The apartment blocks are located on the east of the site and at the entrance to Faber Street. They are three storey high with a height to eaves of 7.6 metre and to ridge of 11 metres.

The apartments are a modern design with asymmetric roof detail and wood cladding to the second floor. All house types incorporate solar panels to the roof slopes.

4.11 The site is densely developed, garden areas to some properties are limited and distances between plots in the centre of the site are also tight in places. The relationship of the scheme to adjacent development has been improved through the submission of amended plans. In particular the apartment block nearest to the rear boundaries of properties on Fifth Avenue has been pulled away from the joint boundary and the windows removed from the elevation facing the gardens. In officers view these amendments have created an acceptable relationship between the site and Fifth Avenue properties. Also plots 1 and 2 have been pulled away from the boundary of the site so that they have a distance from the boundary of 8 metres. The housing outside the site has a very awkward relationship to the application site boundary and so it is not possible to achieve a 'traditional' relationship distances. However officers are satisfied that the repositioning of plots 1 and 2 will mean that adjacent residents will not be unduly affected and that the design is compatible with its surroundings.

4.12 In general terms the mix of house types, location and design of buildings and tenure mix is considered to be appropriate to the site and will create a welcome quality scheme into an area that it highly accessible.

4.13 Within the Arboricultural report 22 trees are identified on this site of these 6 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. In the case of this development following the amendment to the scheme to pull the flat block away from the boundary so that it does not impede on properties on Fifth Avenue there are only two category B trees remaining on the site all the rest of the trees are to be removed.

4.14 The site is currently occupied by a range of individual units which have been placed for convenience rather than to relate to the pattern/form of adjacent development. Inevitably in the period of time the dwelling units have been on the site trees and other landscaping have become established based on the existing form of development. The problem this creates with any new development is that to maintain a good proportion of the trees would require the densities and form of development to be similar to existing. This then runs into conflict with other policy issues such as achieving high density development in sustainable locations, mixed developments and affordable housing and also impacts on the wider requirement of the council to provide replacement housing in the most economic way. The proposed scheme necessitates a compromise between the competing demands for the site.

4.15 In support of the landscape argument the streets immediately adjacent to the development approaching from Hallfield Road have little significant landscaping and the retention of mature tree cover on the site would be beneficial to the short term visual quality of the development and would normally form a crucial element of assimilating a new development into the area. However the new scheme has allowed for new tree planting opportunities that complement the form of the new development and provide key visual features based on the new layout. A significant amount of new secondary planting will also be provided within the site to provide a

landscape setting for individual properties and to assist in defining boundaries and providing privacy. Therefore, it is considered that the tree retention and landscaping proposals represent a reasonable compromise bearing in mind the change in the nature of the built environment and occupation which would take place. 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, Access and Parking

4.16 The Richmond Street site seeks to promote the 'Homezone' principles in its design although Faber Street will remain as it is. A 'Homezone', is where priority is 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.

4.17 Parking has been provided in accordance with CYC Annex E maximum standards and it is 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.

4.18 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 have been sought to be secured through a S106 Agreement 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

4.19 Members will note that CYC 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. Structures and Drainage 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 of 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.

#### 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. 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.

4.21 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.

#### Impact on Surrounding Properties

4.22 The main concerns raised by the proposals are the impact of the development, including loss of privacy and sunlight, on neighbours, in particular the flat block to the rear of Fifth Avenue and plots 1 and 2 to existing development, the impact on neighbouring properties during the construction of the development, possible structural damage caused by pile foundations, siting of bin stores causing vermin and loss of value to existing properties.

4.23 The impact on properties on Fifth Avenue has been considered at paragraph 4.11 above as has the impact of the siting of plots 1 and 2. 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. It is not clear from the submitted drawing what kind of foundations are to be used at the site however any damage caused during the construction is a matter for the land owner/contractor rather than the Planning Authority. The location of the bin store is considered to be acceptable and the devaluation of properties is not a planning matter

#### Affordable Housing, Housing Mix

4.24 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 (Richmond Street) for 24 bungalows, 29 3-bedroomed houses, 3 2-bedroomed houses, 3 4-bedroomed houses and 26 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, the affordable housing provision on this site accords with the requirement of policy H2a. The affordable housing will be provided through the provisions of a Section 106 agreement which will be sought by condition (condition no.12 applies).

4.25 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

4.26 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.

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

4.28 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

4.29 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 Glen Gardens 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 amenity open space, play space and sports provision.

4.30 The sum calculated is £106,632. This sum will be required 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

4.31 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. No contribution towards education facilities is required for this site.

#### Crime Prevention

4.32 The Police Architectural Liaison Officer raises concerns about the use of alley ways 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

4.33 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 incorporated into the Section 106 Agreement is for the provision of £6666 for public art provision.

## **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: 18  
1 x 3 bed houses  
11 x 3 bed houses  
1 x 2 bed mew  
5 x 2 bed apartments

- Discount for Sale (DFS): 13  
2 x 3bed house  
2 x 3 bed house  
9 x apartments

- Revocation of existing Traffic Regulation Orders - £5000

- Creation/promotion of car club facilities - £160 per unit multiplied by 85 units (care facilities have been excluded from the calculation) - £13600

- Improvement of bus stop facilities - £10 000

- Travel plan requirement

- Open space contribution of £106,632

-£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 VISQ8 Samples of exterior materials to be approved

4 VISQ7 Sample panel ext materials to be approved

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.

5 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.

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.

8 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

9 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 to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with

the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases, where appropriate);
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### b. 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.

#### c. 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.

10 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.

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.

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

14 HWAY1 Details roads, footpaths, open spaces req.

15 HWAY7 Const of Roads & Footways prior to occupation

16 HWAY14 Access to be approved, details reqd

- 17      HWAY18      Cycle parking details to be agreed
- 18      HWAY19      Car and cycle parking laid out
- 19      HWAY22      Internal turning areas, details reqd
- 20      HWAY31      No mud on highway during construction
- 21      HWAY40      Dilapidation survey
- 22      HWAY41      Safety Audit

23      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 Local Planning Authority.

Reason: In the interests of highway safety

24      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.

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 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

27      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 dwellings to achieve Code for Sustainable Homes level 3. Prior to first occupation of the dwellings, a further statement shall be submitted which confirms that the dwellings have achieved this standard. If the dwellings have not achieved the required sustainability standard, details of the changes to be made to the development to bring the dwellings 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.

28 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.

29 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.

30 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

31 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

32 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 condition , 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 condition.

#### 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. 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

#### 5. 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.

#### 6. 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, £13,600 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.

#### 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 £106,632.

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. 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:**

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