

COMMITTEE REPORT

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

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

1.0 PROPOSAL

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

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

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

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

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP6
Contaminated land

CYGP9
Landscaping

CGP15A
Development and Flood Risk

CYH2A
Affordable Housing

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYL1C
Provision of New Open Space in Development

CYED4
Developer contributions towards Educational facilities

3.0 CONSULTATIONS

INTERNAL

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

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

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

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

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

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

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

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

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

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

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

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

EXTERNAL

3.11 Holgate Planning Panel - No objections.

3.12 Environment Agency – No objections.

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

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

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

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

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

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

4.0 APPRAISAL

PLANNING POLICY CONTEXT

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

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

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

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

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

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

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

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

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

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

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

KEY ISSUES:-

4.12 Key planning issues have been identified as:-

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

APPLICATION SITE

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

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

DESIGN AND STREET SCENE

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

NEIGHBOUR AND OCCUPIER AMENITY

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

ENVIRONMENTAL PROTECTION

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

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

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

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

TRANSPORT AND ACCESS

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

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

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

TREES AND LANDSCAPING

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

AFFORDABLE HOUSING

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

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

PUBLIC OPEN SPACE

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

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

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

EDUCATION

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

FLOOD RISK AND DRAINAGE

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

5.0 CONCLUSION

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

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

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

Conditions:-

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

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

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

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

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

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

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

4 VISQ8 Samples of exterior materials to be approved

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

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

2. DEMOLITION AND CONSTRUCTION

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

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

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

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

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

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

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

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

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

3. SUSTAINABILITY

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

4. SECTION 106 AGREEMENT

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

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