

COMMITTEE REPORT

Date: **Ward:** Fulford
Team: Major and **Parish:** Fulford Parish Council
Commercial Team

Reference: 12/00384/REMM
Application at: Germany Beck Site East Of Fordlands Road York
For: Reserved matters application for details of appearance, landscaping, layout and scale of 655 dwellings and associated facilities granted under outline permission 01/01315/OUT
By: Persimmon Homes And Hogg The Builder
Application Type: Major Reserved Matters Application (13w)
Target Date: 3 May 2012
Recommendation: Approve

1.0 PROPOSAL

SUMMARY

1.1 This application seeks reserved matters approval for the residential development by Persimmon Homes and Hogg the Buildings of land south of Fulford, which was approved at outline stage by the Secretary of State in 2007. It covers the siting, design and external appearance of the buildings and the landscaping of the area. Means of access is not reserved and was granted consent under the outline approval. Updates to the Environmental Impact Assessment submitted with the outline application have been received with regards air quality, archaeology and cultural heritage, ecology and landscape and visual amenity. The reserved matters details and the further information to support the EIA have been considered. The application has been publicised and the comments received taken into consideration. Revisions have been made to the scheme in light of the responses and in discussion with relevant CYC officers. The further information to the Environmental Statement is considered to be sufficient to allow the LPA to assess the likely environmental impacts of the development and to generally comply with the outline planning permission. The reserved matters details are, on balance, acceptable in planning terms. As such, it is recommended for approval subject to conditions.

SITE

1.2 The application relates to an area of relatively flat land approximately 32.56 hectares, located to the south of the City and on the outskirts of the main urban area. It comprises agricultural land in the main. There are various trees and hedgerows within and enclosing the site. It is bounded to the north by Fulford School and housing, to the east by Mitchell's Lane and open fields, to the south by

open fields, Fulford Cemetery and the Fordlands Road housing estate and to the west by the existing housing of Fulford.

1.3 The historical village settlement of Fulford is a designated conservation area that extends along the A19 immediately south of the village. The site abuts the conservation area at its western boundary and the western extreme of the site falls within it. The northern part of the site lies within Flood Zone 1 (low probability), with the southern half falling within Flood Zones 2 (medium probability) and 3 (high probability).

SITE HISTORY

1.4 Outline planning approval (ref. 01/01315/OUT) was granted by the Secretary of State on 9 May 2007 for residential development of the site for approximately 700 dwellings on land to the west of Mitchell's Lane, Fulford. This followed a public inquiry held in 2006 to consider development of the land in question for residential purposes. The outline approval established the principle of residential development of the land for approximately 700 dwellings with the means of access, the creation of open space and community facilities and associated engineering works and landscaping being agreed. Details of siting, design and external appearance of the buildings and landscaping of the area were reserved for later approval (referred to as "reserved matters"). The outline approval was conditional on an application for approval of all reserved matters being made not later than five years from the date of approval (condition 1). The current reserved matters application was submitted within this set time period.

1.5 Conditions 3 and 5 of the outline planning permission set out the requirements for these reserved matters applications. In particular, condition 3 requires the reserved matters to generally conform with the information and details set out in the Updated Development Principles Report (as amended on 13 June 2006). Other conditions of approval relating to the reserved matters, landscaping works, open space, nature park, archaeology, environmental protection, flooding and drainage, design and layout, highways and transport and materials.

PROPOSAL

1.6 The application seeks approval for all remaining reserved matters for the whole site. The reserved matters include the siting, design and external appearance of the buildings and the landscaping of the area. Means of access is not reserved and was granted consent under the outline approval.

1.7 The number of units proposed is 655 comprising a mix of house size and type split into 6 areas (phases) across a developable area of 16.6 hectares. The density of development across the site equates to 39 units per hectare. Of the 655

dwellings proposed, 26 are bungalows, 553 houses and 76 apartments. Houses range from two to three storey and have been designed to meet Lifetime Homes Standards. The houses would be divided into three housing character areas: High Street with a Heritage Range, Rural Edge with a Rural Range and Village Quarters with a Classic or Contemporary design. All would have a private amenity space and allocated parking provision, whether in a garage, parking court or on-street. A contemporary design approach has been adopted for the three to four storey apartment buildings, which would have access roof terraces and balconies and would have vehicle and parking provision to the rear of the buildings. Visitor parking spaces and ten car club spaces are accommodated across the site. Two play areas are proposed within the scheme, one in the central area by the apartments and one to the eastern end of the site.

1.8 A Design and Character Study has been submitted as a written justification for the design approach taken for the development in accordance with condition 5 of the outline consent. It comprises a masterplan context, a character area assessment and a development cell assessment. It identifies the key themes and principles of the UDPR, develops design parameters for each character area and demonstrates how each development cell responds to its context.

1.9 The application is accompanied by a Planning Statement, a Statement of Crime Prevention (as required by condition 30 of the outline consent), a Tree Survey and EcoHomes Pre-assessment Report (as required by condition 5 of the outline consent), a Heritage Statement and a Record of Stakeholder Involvement.

1.10 Following discussions and negotiation with the applicant, revisions have been made to the scheme since submission. The changes relate to:

- revising the layout of roads, footpaths and cycleways with the aim of reducing vehicle speeds and improving permeability and visual interest;
- amending the external appearance of buildings to strengthen the character areas and improve the sense of identity and legibility within the site;
- redesigning and repositioning of parking spaces and courts to improve surveillance and sense of ownership;
- improving the relationship between the development and existing public rights of way and proposed greenways/spaces, in terms of natural surveillance and quality of space;
- ensuring compliance with outline conditions for stand-off distances to existing housing areas;
- re-design of apartments to visually reduce the height and improve their relationship with adjacent properties;
- strengthen focal points and boundary treatments.

ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

1.11 The reserved matters application is considered to be a subsequent application in relation to Schedule 2 development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Council requested a review of the Environmental Statement in accordance with Regulation 8 with regards the following chapters considered relevant to the reserved matters: cultural heritage and archaeology, air quality, landscape and visual amenity. A further review was requested with regards the ecology chapter following the discovery of a bat roost at the Fordlands Nursing Home, which is adjacent to the site on its western boundary. Updates to the Environmental Statement in these regards have been submitted to support the application.

COMMUNITY PARTICIPATION

Public exhibitions

1.12 The applicant has submitted a Record of Stakeholder Involvement that outlines the steps taken prior to submission of the application to engage with the local community. A series of formal and informal measures were adopted, informed by the requirements of the Council's Statement of Community Involvement and advice from officers. These included making documents available for inspection within Fulford at its library and within the Pavilion Hotel between 12 December 2011 and 16 January 2012, a dedicated website, adverts in the York Press on 2 December 2011 and 3 January 2012, a leaflet drop on 2 January 2012 to every household and shop in the Fulford Ward, a public exhibition held on 9 December 2011, one to one meetings with CYC officers and North Yorkshire Police, areas forums (see below) and meetings with the Parish Councils and appointed Planning Sub-Committee and Village Design Group.

Germany Beck Community Forum

1.13 The Germany Beck Development Brief (2001) and Section 106 Agreement both emphasised the need to engage with the former community consultation group, and suggested establishing a Site Liaison Group/ Liaison Advisory Committee (LAC) within 3 months of commencement of development.

1.14 The Germany Beck consultation group previously established for the masterplanning of the site through the outline planning application was reconvened as the Germany Beck Community Forum, and new members added to represent local residents and organisations.

1.15 The group met six times between 14th December 2011 and 1st February 2012. A separate sub group from the outline application will also be reconvened to specifically progress issues of sport and recreation (first meeting 7th March 2012).

1.16 The Forum was chaired by Cllr Keith Aspden, Fulford Ward Councillor, with representation from the following interests: Fulford Parish Council (x3); Resident reps (x7); Fishergate Ward Councillor; Fulford Residents Association; Fulford in Bloom; Fulford Village Design Statement; St. Oswald's CE Primary School; Fulford School; Persimmon Homes; Hogg The Builder; and, CYC Officers.

1.17 The developer presented the scheme and ongoing amendments at each meeting and structured feedback was given. Pre-application consultation responses were shared with the group, as well as guidance on planning conditions, Section 106 Agreement triggers, Development Management, Highways and Air Quality matters.

1.18 The Forum has been a key liaison and consultation mechanism with the local community, the development team and CYC, and is envisaged to continue to consider issues relating to relevant pre-commencement and later conditions.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Fulford CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

Floodzone 2 GMS Constraints: Flood zone 2

Schools GMS Constraints: Fulford 0246

2.2 Policies:

CYGP1 -Design

CYGP9 - Landscaping

CYNE1 - Trees, woodlands, hedgerows

CYHE10 - Archaeology

CYHE3 - Conservation Areas

CYGP4B - Air Quality

CYNE6 - Species protected by law

CYNE7 - Habitat protection and creation

CYT4 - Cycle parking standards

3.0 CONSULTATIONS

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PUBLICITY

3.1 This application was first publicised by means of a press advert and the posting of ten site notices in streets around the site. Consultation letters were sent to immediate neighbours and Fulford Parish Council. Letters were also sent to Heslington Parish Council and Fishergate Planning Panel. Relevant internal and external consultees were notified.

3.2 Following the submission of revised plans and documents, further consultation was undertaken. This has involved notification letters to all parties who had previously expressed an interest as well as to internal and external statutory consultees and those with an adjoining boundary. The consultation period expires on 17.4.2013.

INTERNAL

HIGHWAY NETWORK MANAGEMENT

3.3 Comments have been made through the course of the application with regard to the highway safety in terms of road design, permeability, hierarchy of routes, vehicle speeds, parking provision, turning and quality of environment. Further changes were required to the revised drawings submitted in September 2012. The officer gave general comments with regards: the use of shared space and more traditional highway layout, which needed to be revised and agreed in accordance with specific comments made; the colour and type of highway materials; final tracking for refuse vehicles based on revised highway layout. Specifically, comments were given on the required repositioning of parking spaces and garages and required revisions to the adoptable highway areas. Members will be updated at Committee with regards to the latest revised plans.

ENVIRONMENT PROTECTION UNIT

3.4 States that at outline planning permission (01/01315/OUT) a number of conditions were placed on the planning inspectorate approval in relation to environmental matters. The applicant should be reminded of his obligations to comply with the outline planning permission. These include construction management details, on-site investigation and an environment management plan. The unit highlights the Council's Low Emissions Strategy (October 2012) and requests an informative about electrical recharge points.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.5 Considers that the applicant has carried out an extensive and reasonable archaeological evaluation as represented in the successive phases of archaeological work carried out on this site. This evaluation process has provided sufficient information to make a recommendation on the acceptability of the impact this application might have on archaeological features, deposits and the possible site of the Battle of Fulford.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (CONSERVATION)

3.6 Comments have been made throughout the detailed development of the scheme. Formal comments on design and conservation issues have been summarised in memos dated 16th May and 28th November 2012. The following comments review the latest revised drawings (covered by memo dated 14th Feb 2013) in relation previously identified issues:

3.7 Access Road: The access road was approved prior to the conservation area being extended to the south. Conditions 30 & 31 cover detailed development of the highway, including the new link road from the A19. It is most important that the detailed highway scheme drawings are developed to mitigate their impact on landscape, ecology and other valued characteristics of the existing environment (Conservation Area Appraisal Oct 2008 paras 5.18 & 5.20 for reference to 2006 Inquiry). The developers have committed to retaining the older section of the existing bridge arch under the raised highway and to providing interpretation.

3.8 Abutment with conservation area: The broader public route and new high brick walls enclosing gardens adjacent to the route are welcomed. The proposed low brick wall with railings on top (900mm +300mm) does not respond to comments. It would be insecure and too urban. Requests a condition to require the brick wall to continue at lower level (1.35 min) instead to help to control the territory of the cul-de-sac whilst allowing some surveillance over the wall.

3.9 Urban blocks and permeability: The revisions have made some improvements to permeability and enclosure to help preserve the integrity of the urban blocks and enclosure onto the main street. Where routes through the blocks still combine with driveways and forecourts further landscape has been introduced to reduce gaps and mark territory. There should be further enhancement at the openings to the parking courts to signal that these are semi-private zones. Requests a condition to cover this.

3.10 Character Areas and building types: There is no change to the previous comments which recognise that a variety of house types have been used in four different ways to signify the different roles of the streets. Minor changes of detail have been made to standard house-builder types to enhance their vernacular appearance. Architectural ambition has been limited by the developers expressed desire to work with their standard house types. The bleak architecture of the central section has been improved to provide a better relationship between the flats and the shared open space, however it could be refined further to reduce the extent of render and strengthen the vertical hierarchy. Developing details around the windows and removing lower solid panels would enhance the appearance. Requests condition to require large scale details to address these points.

3.11 Summary: Considering the constraints imposed by using standard house types within a previously determined outline layout for a large residential suburb, the developers have succeeded in creating a people-friendly environment with spatial and formal variety and good connectivity. The layout is most successful where greenways and other landscape spaces create variety and mark special areas within the development.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT)

3.12 Detailed comments were made during the course of the reserved matters application with regards the landscaping details and tree survey. The final comments to the latest proposals are as follows:

3.13 Changes and additions could be made to the detailed planting plans in order to improve the immediate aesthetics and quality of the development. There are areas where planting could be stronger, more consistent and more practical. There must be absolute clarity about which (if any) public open spaces are to be adopted. It would be a bonus if the main linear open space were to include incidental elements/informal play equipment that encourage natural play along its length.

3.14 A number of units have been moved/removed in order to avoid direct loss of the trees along the northern boundary with the school. The distance between dwellings and trees means that the tree roots could be adequately protected during

construction, however, they are still closer than is desirable because they are extremely likely to result in pressure upon the Council to reduce the trees in the future due to their size, seasonal fall, and shade in summer months. A distance of 20m would be preferable, though this would affect layout and property numbers.

3.16 The change in detail of the enclosures to rear parking courts is welcomed, but it would benefit from a more attractive paving detail and climbers to soften the blank appearance. Need further details of surfacing materials.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY)

3.17 Satisfied with the proposals as they relate to nature conservation. The work that will be carried out on the beck side and to Germany Beck SINC will largely be beneficial to nature conservation and the landscape within the development itself will provide additional conservation benefits.

3.18 With regards bats, requested further survey work to take account of the discovery of bats in the adjacent Fordlands Care Homes. Considers that the further bat survey as part of the EIA revisit does not throw up any major issues with the development. However remained concerned with the potential impact of the road alignment at its junction with the A19, which was not addressed well in the bat report. The survey indicated that there is significant bat activity in this area. The construction of the road will remove the majority of the vegetation of interest to foraging bats. This in itself may not be significant, however, its value as a commuter route through to the Ouse corridor does need to be considered. Is aware that the detailed road design is part of a specific highways agreement, and that full planning permission already exists for this part of the scheme.

3.19 In response to the latest information in the revised report, no further new survey data has been collected as no surveys could be carried out during the winter, but the report does provide significantly more information and does take account of additional survey data provided both with regard to the roost found at the Fordlands Nursing Home and supplied by MAB on behalf of Fulford Parish Council. It identifies a moderate pipistrelle bat roost immediately adjacent to the site, presumed as a maternity roost and the additional information confirms that the Germany Beck is a foraging corridor, used by a number of species of bats. States any further data would only serve to confirm what is already known. This, combined with the fact that any trees in which there is the possibility of a bat roost in the area are on the side of the river not directly affected by the works, means that it is not considered reasonable to require further information at this time. Does not consider it necessary to require survey data for the rest of the site which is largely open arable land with limited foraging or commuting opportunities.

3.20 The report has correctly identified the likely impacts proposed by the development and established a proposed scheme of mitigation. This is largely acceptable with, amongst other things :-

- i. The retention of a significant corridor of trees along the line of the beck, including the retention of the majority of the trees with roost capabilities;
- ii. The provision of a combination of quick growing and longer maturing replacement habitat to retain a reasonable semblance of corridor for bats;
- iii. Lighting control for the road;
- iv. Substantial habitat enhancement along the length of the Beck and within the development.

3.21 For the most part, the measures proposed within the report are acceptable and, if implemented, should provide a measure of compensatory habitat that will, as it matures, provide an enhanced habitat for bats. Highlights concern about the location of the proposed 'hop-over' points, which would require bats from the known bat roost at Fordlands to follow a new alignment opposite to the likely route. Consideration should be given to provide a temporary hop-over close to Fordlands to provide a more direct link across to the Germany Beck corridor. With additional consideration of this, the measures proposed will, if implemented, provide an acceptable level of mitigation. This can be secured by the provision of an overall mitigation plan that includes working methods etc during the construction phase.

3.22 Does not consider that there is any justification for further work associated with great crested newt, water vole or harvest mouse.

FLOOD RISK MANAGEMENT

3.23 No objections to the scheme in principle.

3.24 With regards the requirement for further information, it is considered that the flood risk mitigation measures required by the conditions attached to the outline planning approval and included in the Section 106 Agreement, are sufficient to address the environmental impacts of the development with regards to flood risk. The approach taken in the EIA is in accordance with the approach of Planning Policy Statement 25 Development and Flood Risk and the Council's 2007 Strategic Flood Risk Assessment. As a result the terms of approval are robust to ensure that the developer submits adequate details to provide adequate protection to the site and surrounding area in terms of flood risk. No further information to the EIA is therefore required.

3.25

EXTERNAL

SPORT ENGLAND

3.26 The site is not considered to form part of, or constitute a playing field as defined by the Town and Country Planning Order 2010. As the application excludes the playing field to the south and west of Fulford School, the application is non statutory. Note the section 106 agreement requiring payment to provision of new sports hall and improvement of existing sport and open space facilities within the vicinity. The proposal to extend the existing playing field to the east of School Lane is welcomed. Plans show it marked out with a cricket wicket and outfield where trees are to be retained. Request removal of the trees. Given the significant financial contribution towards sport, no objection is raised to application. Request condition about the construction and laying out of new playing field.

ENVIRONMENT AGENCY

3.27 No objections. Any land profiling and slight alterations in ground level above the 1 in 100 plus climate change level will be compensated for by the scrape of the meadows area. Wish to be consulted on the discharge of conditions relating to drainage. The prior consent of the agency and IDB will be required if it is proposed to divert or culvert any part of Germany Beck, though are generally opposed to culverting on ecological grounds.

YORKSHIRE WATER

3.28 The details submitted on drawing 11644/5007/16 rev A are not acceptable as the submitted drawing: (1) appears to show buildings proposed to be built over the lines of public sewers crossing the site; (2) should show the site surveyed position of the public sewers crossing the site; (3). should show the proposed building stand-offs from public sewers or an agreed alternative scheme.

NATURAL ENGLAND

3.29 Satisfied that the range of environmental issues reassessed as part of the Environment Statement update (notably Ecology and Landscape and Visual Impact), the supporting evidence, and conclusions of environmental impact are sufficient for the Council to determine the application.

3.30 Remain satisfied that there is not likely to be an adverse effect on the Fulford Ings SSSI as a result of the proposal being carried out in strict accordance with the details of the revised application as submitted. Therefore, advise that the SSSI does not represent a constraint in determining this application.

3.31 Expect the LPA to assess and consider the other possible impacts resulting from this proposal on local sites, local landscape character and local or national biodiversity priority habitats and species. These remain material considerations and recommend that the LPA seek further information from the appropriate bodies.

3.32 If the LPA is aware of the possible presence of a protected species on the site, the authority should request survey information from the applicant before determining the application.

3.33 The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the application, if it is minded to grant permission for this application. This is in accordance with paragraph 118 of the NPPF.

YORKSHIRE WILDLIFE TRUST

3.34 Pleased to see the detailed assessment of the Germany Beck SINC and surrounding habitats showing changes since 2000. The suggestions for improvement and changes in management for grassland, wetland, hedgerows and woodland are also welcomed. There is good potential for connecting up habitat and providing high quality green infrastructure.

3.35 It will be vital that natural areas are retained as much as possible in the development and that any new or restored areas of habitat are well designed and managed in the long term. As Germany beck flows towards the Fulford Ings SSSI, the authority will need to be satisfied that updated plans will not have an impact on the SSSI. Would like to see detailed proposals for the design and management of the proposed nature area and SUDS and the Ecological Management Plan when they area available. The Trust would be happy to discuss the comment in Chapter 11 of the EIA update which states that the Trust could work with developers to help restore grassland in the SINC area.

YORK NATURAL ENVIRONMENT PANEL

3.36 Question whether the housing density meets the current LDF policy as it appears to be excessive.

3.37 The viability of the proposed mitigation for the retention of the water in the ditches needs to be examined closely given the changes to the hydrology of the area as a result of the new University campus further up the beck.

3.38 Although the landscaping is of native stock it is being used in a formal way as opposed to a more naturalistic way that would provide habitat as well as aesthetic contribution. The landscaping lacks a complete, naturally graded character from meadow, to scrub through to treed areas - the shrub layer is missing.

3.39 Starting from an arable base there is a good opportunity to create sections of naturalistic planting as with that achieved at Mayfields.

NORTH YORKSHIRE POLICE (Architectural Liaison Officer)

3.40 The applicant has submitted a comprehensive Statement of Crime Prevention Measures in respect of security and 'designing out crime'. Raised crime and disorder concerns about excessive levels of permeability on this development and the number of rear parking courts to be provided at a meeting with the applicant. Predict that indiscriminate parking, particularly along the central spine road, would be a feature of this development (residents preferring to park where it would be more convenient and perceived to be safer). Excessive permeability could result in crime and anti-social behaviour problems. It was explained that prescriptive planning conditions imposed made it difficult for the applicant to address the areas of concern raised. The Statement of Crime Prevention Measures document records the comments. Continues to have crime and disorder concerns about the proposed design and layout of this development, but fully understand the applicant's position.

OUSE AND DERWENT INTERNAL DRAINAGE BOARD

3.41 Recommends approval subject to conditions regarding drainage, the retention of the maintenance strip and storage of materials. The scale of the proposed development with its subsequent surface water discharge and its location relative to Germany Beck (a Board maintained watercourse) is of considerable concern. Discussions were held with the developer's consultants in 2005 and an agreement reached on the basic criteria upon which the development should proceed. This application does not specifically address the issues of the management of surface water discharges from the site nor does it specifically address the proximity of the development including access crossings and roads to Germany Beck. Both these issues are of paramount importance to the Board. The Board wishes to highlight the

premise within PPS25 that developers, where possible, reduce flood risk overall and that, as far as is practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. The applicant should be advised that the Boards prior consent is required for any development within 9m of the bank top of any watercourse within or forming the boundary of the site.

FULFORD PARISH COUNCIL

3.42 The Parish Council has provided full and in-depth comment in response to consultation on this application. The most recent response is as follows:

3.43 Lack of up-to-date environmental information: The submitted Environmental Statements are so deficient and substandard that the Council does not have sufficient reliable environmental information to lawfully determine the application, especially in relation to flooding and drainage, heritage and conservation and protected species (including bats).

3.44 The Battle of Fulford: The development site is the most likely location for the Battle of Fulford and a decision whether to designate the battlesite is under review. It would be premature to approve the application in these circumstances.

3.45 Lack of conformity with the Masterplan and UDPR: The Masterplan and UPDR are material considerations against which the current proposals must be judged. Some areas are highlighted where the plans are in conflict with the documents and would warrant refusal of the application either alone or cumulatively:

- Loss of key landscape features;
- Impact on public rights of way;
- Security and crime prevention;
- Layout and design not in accordance with the outline permission;
- Adverse effects on residential amenity;
- Lack of provision regarding sustainability.

3.46 Further comments on the lack of a design and access statement, the defective tree survey by Popplewells of Feb 2012, phasing, clarification about ownership and maintenance arrangements for the proposed extension to the parish field, lack of sufficient notification and consultation and request to revoke outline planning consent.

FISHERGATE PLANNING PANEL

3.47 Do not object but consider that the developer should be pressed to implement the highest environmental standards and extract the maximum developer contribution to ensure adequate and enhanced local public services. Concern raised by its residents about the impact on congestion and the accountability of the management company to be established by Persimmons.

FULFORD VILLAGE DESIGN STATEMENT STEERING GROUP

3.48 Commented during the life of the reserved matters application. Most recent response reiterates the Parish Council's objection to the proposals and requests the application be refused on the following grounds:

- The predominance of standard traditional house-types of a suburban layout and the pastiche that is represented in this proposal is disappointing and is contrary to the draft VDS guidance. Development would be a typical homogenous suburban estate that only superficially appears to comply with the conditions of the outline permission.
- Lack of home zones.
- The poor standard compared of sustainable features.
- The insufficient uninterrupted lengths of grass verge and lack of height to be reminiscent of Main Street.
- Loss of hedgerow in cell 3.
- Lack of commitment to pedestrians and cyclists.
- Poorly designed green passages and corridors and harm to existing public rights of way.
- Request provision of at least 14 allotments echoing Government policy, fruit trees rather than ornamental species and minimal street signage.
- Highlights the importance of lighting that is energy-efficient and of low intensity to prevent glare.
- Insufficient weight has been given to the setting of the conservation area.
- Considers that the area would benefit from more bungalows not apartments.
- Considers that there is need for medical facilities within the site.

LOCAL RESIDENTS

3.49 There have been 79 responses received from local residents objecting to the scheme on the following grounds as set out below , and one local business has written in supporting the scheme.

(i) Reserved Matters details

- The application bears no resemblance to the 2007 approval and does not conform with the outline design principles.
- The design is too suburban and standard for an historic village, lacks the quality of the outline submission, lacks local distinctiveness and landmarks/focal buildings, and makes no attempt to reflect the character of Main Street.
- Insufficient space is allowed to retain the green setting where development butts onto the edge of the conservation area along public footpath no.7 adjacent to Fulford Mews and the properties that back onto the footpath.
- Existing public footpaths and easements have not been retained and their setting and amenity has been affected.
- The land adjacent to Heath Moor Drive is several feet higher than the proposed development leading to heavily overlooked properties.
- Issue raised about the removal of trees along school boundary that are classified as c1-c3, but which provide screening for residents of Low Moor Avenue.
- Homes zones lack character or are lacking altogether.
- Three storey flats are not in keeping with the character of the existing buildings in the area and drastically change outlook for existing residents.
- Lack of a 'heart' to the estate, which is not fulfilled by a crescent of apartments.
- A height of 3m to eaves should be applied to those buildings to the south of Springfield House as well as being sited 30m from its southern elevation.
- Historic hedgerows and field boundaries should be retained.
- The central play area is too close to the flats, which are likely to be occupied by family-free occupants.

(ii) Cultural Heritage

- The development will destroy the site of the Battle of Fulford and its local setting.
- No good-sized area of green is left undeveloped to mark and protect the site of the battle.
- York will lose a significant heritage asset and a tourist attraction.
- English Heritage is considering whether to add to its Register of Historic Battlefields.
- The raised access road will permanently harm the village of Fulford, which is a designated conservation area.

(iii) Air Quality is already high in the area and would be exacerbated by the development.

(iv) Flood Risk

- Flood risk from building on flood land with problems of flooding in the area being exacerbated including potential displacement of water from the site to surrounding properties.
- In view of increased frequency of substantial flood events, an up to date flood risk assessment needs to be carried out.
- Houses lie in flood zones 2 and 3.

(v) Highway issues

- Traffic along the A19 has increased.
- Access via the A19 would increase traffic on an already heavily congested arterial route with no room for road widening or improvements.
- Bus bollard should be available to residents to avoid vehicles accessing the A19.
- A pelican crossing rather than an island should be included to help Fordlands residents cross the access road.
- The bus route should run along Mitchell's Lane not Heath Moor Drive as fewer residents would be affected.
- There should be no bus routes, but just access for cyclists and pedestrians.
- Query whether the roads and footpaths be constructed from permeable materials.
- Access poses a health and safety risk as it is affected by flooding and air quality on A19 has deteriorate.

(vi) Ecology would be harmed from loss of habitat and insufficient studies have been submitted to assess the impact.

(vii) Other issues

- More houses are not needed in York and existing brownfield sites derelict properties should be utilised instead.
- Lack of transparency in the process with large number of document and little summary or explanation.
- Concerned that principles of development cannot be reassessed given passage of time and that a new EIA is not being required.
- Concerned about pressure on existing amenities, schools and health services.
- Other sites in the city that are already developed that could be used if the need is to provide housing stock.
- Concerns over provision of affordable housing as properties bought by landlords.
- Concern over the scale of the development on edge of village.
- Loss of good agricultural land and ability to produce our own food.
- Issues with viewing plans/documents online.
- Houses should be built to current ecological standards - most construction is now Code 5 or Code 6.
- Loss of views and tranquillity.

- Route of access road threatens water vole.
- Request for PD rights to be removed for those buildings adjacent to the western site boundary.
- The changed orientation of the football pitch will result in balls causing damage to parked cars and ending in gardens.
- Seeks reassurance that the existing Fordlands Road bus service will not be sacrificed for the new residents and that the construction/delivery vehicles are not allowed to park on the bridleway or surrounding streets.
- It will be some time before existing and future residents see any tangible gain in exchange for the loss of open space.
- Use of Green Belt for development.
- Insufficient capacity in local schools.
- Litter pollution problem will increase.
- Noise pollution will be exacerbated further.
- Loss of green wedge that will eventually lead to the establishment of a continuous built up area between Fulford and Heslington with the A64.
- The Council has published a new masterplan for York that assumes that the Germany Beck site will be part of the plan, implying that the Council has already reached a decision.

3.50 Correspondence from interested party, who founded the Fulford Battlefield Society, including an 81 page letter, making the following points:

- Information provided is flawed and includes omissions.
- Comments on the poor public consultation process.
- Comments on the battlefield, in terms of evidence available during the planning process to properly consider the implications.
- Lack of information available and proper consideration regarding water voles, bats, the stone bridge, archaeology for the ford spanned by the bridge, green belt assessment, flooding and deliverability of the scheme.
- Considers that the application does not meet the principles of the NPPF and the crucial parts of protection planning offers with regards flooding, noise pollution, agricultural land use and heritage.

3.51 Letter of support from a local business on the basis that additional occupants would bring more customers to local businesses. Considers that the traffic in Fulford has always been busy and cannot become any more difficult. See the measures to address flooding as a positive.

4.0 APPRAISAL

4.1 As outline planning permission has been granted establishing the principle of residential development of the site with agreed means of access, the appraisal will focus on the individual remaining reserved matters. However, it should be noted that there is a degree of overlap within each category and thus each section cannot be read in isolation.

4.2 The main issues to be considered are: firstly, whether the application adequately explains the environmental impacts of the scheme; and, secondly, whether the outstanding details submitted comply with the requirements of the outline planning permission and whether they contribute to the aims of the development without harming visual and residential amenity, highway safety and the natural environment.

POLICY CONTEXT

National Planning Policy Framework

4.3 The Coalition Government published its National Planning Policy Framework (NPPF) in March 2012, which contains national planning guidance. At the heart of the framework is a presumption in favour of sustainable development. It also contains a set of twelve core land-use planning principles to underpin plan-making and decision-taking, including securing a high quality design and a good standard of amenity for all. The framework encourages the delivery of a wide choice of high quality homes; the promotion of good design with great weight being given to outstanding or innovative designs; and, the promotion of healthy communities through the creation of safe and accessible environments, where crime and disorder do not undermine quality of life, and clear and legible pedestrian routes and high quality public space to encourage active public areas.

Yorkshire and Humber Plan Regional Spatial Strategy

4.4 The adopted development plan is the Yorkshire and Humber Plan Regional Spatial Strategy (2008), which covers a plan period to 2026. The Coalition Government published its intention to partially revoke the Strategy in January 2013 and this came into effect on 22 February. The only policies not to be revoked are policies YH1 and Y1 in relation to the York Green Belt. Policy YH1c establishes a green belt around the City of York, but confirms the inner boundaries need to be agreed.

City of York Draft Local Plan

4.5 Policies contained in the draft Local Plan are material to the consideration of the application where they reflect the National Planning Policy Framework. The relevant policies are summarised in section 2.2. Policy GP1 of the Local Plan states that development proposals will be expected to (a) respect or enhance the local environment and (i) ensure that residents living nearby are not unduly affected by noise and disturbance. Policy GP3 requires natural surveillance of public spaces and paths from existing or proposed development, secure car and cycle parking locations and satisfactory lighting in developments. Policy GP9 deals with landscaping within residential schemes. Policy NE1 seeks to protect existing trees

and hedgerow that are of important landscape, amenity, nature conservation or historical value. Policies HE2 and HE3 deal with the impact of proposals on the character and appearance of conservation area.

ENVIRONMENTAL IMPACT ASSESSMENT

4.6 An Environmental Statement (ES) was submitted with the outline planning application as the scheme constituted Schedule 2 development as defined by the Environmental Impact Assessment Regulations.

4.7 Regulation 8 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 requires Local Planning Authorities to consider whether an ES that was produced at the outline stage is adequate to assess the environmental effects of granting reserved matters approval, should it be minded to do so. The Local Planning Authority carried out an assessment in accordance with Regulation 8 as to whether the environmental effects of the development insofar as they relate to the reserved matters application and whether the ES produced at the outline stage needed to be updated or revised prior to the determination of this application.

4.8 The Local Planning Authority requested that further information to the ES needed to be provided with regards the following chapters of cultural heritage and archaeology, air quality, landscape and visual amenity, and ecology. Consultation with relevant officers regarding noise and vibration, hydrology and drainage, transportation, agriculture, ground contamination, socio-economic factors and recreation confirmed that no further review, information or updates were required to the Environmental Statement on these topic areas. The further information submitted has been considered by the relevant persons to which it relates.

CULTURAL HERITAGE AND ARCHAEOLOGY

4.9 The Fulford Village Conservation Area boundary was extended in October 2008 and now includes the area of the application site where the access road was approved. The Environmental Statement has been updated to acknowledge the extended designation. The Conservation Area Appraisal identified the presence of the access road within the extended area and sought control over the detailed design through the discharge of the outline conditions of approval. Therefore, it is considered that there is no mitigation measures required at this time. It is also noted that the details submitted for reserved matters approval as part of this application do not relate to that part of the site falling within the conservation area.

4.10 Archaeology and in particular the Battle of Fulford was considered as part of the outline planning application. The outline consent is subject to conditions with regards to a scheme of archaeological work to cover ground works as well as the implementation of an interpretative trail regarding the Battle of Fulford. Since the

outline consent was granted, further work has been undertaken with regards the Battle of Fulford by an interested party and results published. This has culminated in a request to English Heritage to designate the site and include it on the Battlefields Register. English Heritage declined to register the site, but is reconsidering its position following a high court challenge. However, to date, the site is not included on the register. The ES has been updated to take account of the additional information and this has been considered by the Council's Archaeologist. It is considered that the conditions of approval on the outline planning consent remain sufficient mitigation, and also in the event that the site is included on the register after a successful High Court challenge.

AIR QUALITY

4.11 The Air Quality Management Area in Fulford has been extended since outline consent was granted. Further air quality monitoring work has been undertaken and the Environmental Statement updated. The Council's Environmental Protection Unit is satisfied with the further information provided and does not consider that any further mitigation is required.

LANDSCAPE AND VISUAL AMENITY

4.12 A reassessment of the key views identified in the Environmental Statement has been carried out and concludes that no significant changes to landscape have occurred since the outline permission was granted.

ECOLOGY

4.13 In 2012, a bat roost was identified in Fordlands Care Home, which is next to the sites western boundary. Further survey work was undertaken to assess the impact the proposals would have on the protected species and their habitat. Germany Beck is identified as a potential foraging corridor for the bats. The main impact of the development is the area where the access road crosses this corridor. The applicant has submitted two reports in September 2012 and February 2013 as addenda to the Environmental Statement. The information has been considered by the Council's Ecology Officer who is of the opinion that sufficient information has been provided to determination that a mitigation strategy is feasible. This mitigation strategy is dependent on the detailed highway design, which has not been confirmed to date, and is subject of a condition of approval of the outline consent. In light of the above, and as this application is a subsequent application for reserved matters relating to the houses and the open spaces around them, it is considered that the application need not be held in abeyance until the highway design has been confirmed and the mitigation strategy agreed.

COMPLIANCE WITH OUTLINE CONSENT

4.14 The reserved matters application was submitted in February 2012 and, therefore, it satisfies the requirements of condition 1 of the outline consent, which stated that application for approval of all reserved matters be made not later than 5 years from the date of the permission (9 May 2007).

4.15 The outline application was accompanied by a Development Principles Report (UDPR) that was amended in June 2006 following a request by the Secretary of State for information with regards design. The Updated Development Principles Report was intended to provide 'basic guidance from which detailed design solutions [would] be developed which will aim to offer additional design benefits and design excellence'.

4.16 Condition 3 of the outline approval requires the reserved matters to 'generally conform with the information and details' set out in the UDPR. It makes specific reference to the alignment of the main distributor road, the location of main footpaths and cycle routes, the provision of vehicle access to Fulford School, the location and general extent of housing areas and the general mix of housing types and sizes, the location of shops and community facilities, the location of greenways and green spaces, the area of the protected archaeological zone and the general location and configuration of the Germany Beck Nature Park.

4.17 The key objectives of the development as set out in the UDPR, were the delivery of a housing scheme with a mix of type and size of unit, but with an overall density of 40 dwellings per hectare. Properties would meet lifetime home standards and 35% would be affordable. Homes were to be designed so that they respected local amenity and character, whilst being modern, imaginative and energy efficient (EcoHomes Excellent rating).

4.18 The layout of the site shown on the submitted plans reflects that of the UDPR Spatial Masterplan with regards to the main spine road, principal footpaths and cycle routes, greenways and green spaces, the extent of the housing areas and location of community facilities. The archaeological zone and nature park are not included as part of the reserved matters submission as the details for these areas is subject to conditions on the outline approval. However, the reserved matters plans do show the general extent of these areas.

4.19 The aim of the scheme is to provide a residential development of approximately 700 dwellings with a mix of house type and size of unit. The number of dwellings now proposed, following revisions to the scheme, is 655. This equates to just less than 7% less units than originally proposed, which is considered to be within an acceptable tolerance and is therefore accords with condition 7, which states approximately 700 dwellings. The mix of house types is similar to that

outlined in the UDPR, with the highest proportion of units being 2 bed terraced properties and apartments, 3 bed terraced and semi-detached houses and apartments and 4 bed semi-detached and detached houses. A proportion of 1 bedroom apartments (8 no.) and 5 bed houses (3 no.) are proposed. The number and dwelling type and size is considered to be generally consistent with the outline consent and therefore acceptable.

4.20 In light of the above, Officers consider that the structural layout and the overall provision of housing of the reserved matters submission is in 'general conformity' with the UDPR with regards the Spatial Masterplan.

SITING (Layout)

4.21 Siting is concerned with the layout of the scheme centred around the position of buildings, routes and open space and their relationship to each other as well as to buildings outside the site.

4.22 In accordance with condition 3, the layout of the development appears consistent with the Final Spatial Masterplan illustrated in the UDPR. It reflects the alignment of the main spine road leading from the new access to the north eastern corner of the site and the roadway leading to Fulford School boundary, the primary pedestrian and cycle routes, the extent of built form and open space, the landscape structure (including a 30m wide greenway linking the site with the Parish Council land extension), the location of children's play areas and the central community heart of the development.

4.23 The layout embraces a high degree of permeability by non-car modes with a network of pedestrian and cycling routes through the housing and landscaped areas. Houses largely face out onto roads to create active frontages with parking to the rear or on road. The location of the play areas, consistent with the Spatial Masterplan, allows good access and natural surveillance from the surrounding houses.

4.24 The houses are closer together than occurs in the surrounding residential areas with smaller gardens and minimal setbacks from roads. The developer has made effort to design the scheme so that houses do not directly face at the rear or where they do there is a distance of approximately 20m between elevations.

4.25 Each dwellinghouse would have its own private garden and vehicle parking space either in a garage, in-curtilage, in a parking court or on-street as close as possible to the dwelling it serves. Ten vehicle parking spaces are to be allocated to a car club scheme and would be spread out across the site in groups of two. Visitor parking spaces are distributed across the site, either on highway or within parking areas. The latter arrangement is reflective of the tight nature of the site and the

restrictions both on-site and from the outline planning consent. Cycle parking for the apartments is within buildings at the rear of the blocks. The EcoHomes Pre-Assessment Report notes that cycle parking for the houses is to be provided for within the private gardens. As no details of this have been submitted for approval, such details will need to be conditioned.

4.26 Changes have been made to the scheme in response to comments made by officers to try to reduce vehicle speeds and provide more interest when travelling through the site either by foot, cycle or vehicle. Parking courts remain an issue with some larger than recommended by the CABI's Building for Life 12, though attempts have been made to provide only one access to them and reduce the height of rear enclosures to improve surveillance.

4.27 The development includes a road leading from the main spine road to the southern boundary of the school as required by condition. Beyond this is a matter for the Council.

4.28 All existing Public Rights of Way (PROW) identified on the definitive map have been retained within the scheme within green corridors. Footpath 10 runs east-west to the south of the housing area and joins with footpath 6, which runs northwards along the eastern site boundary to Bleak Farm. Footpath 7 continues south from School Lane on the western site boundary. Revisions have been made to improve the relationship of the houses on the outer edges of the scheme to these public right of ways and the surrounding open space. This has involved re-siting vehicular access and parking provision at the rear of some houses or flipping the houses so that the front faces onto the green space to improve surveillance and the quality of the environment created. The units at the western edge of the site, adjoining footpath 7, have been set back to allow a wider green corridor. The boundary enclosure to this interface with Fulford Village and the conservation area has been simplified and comprises a 1.8m high brick wall with hedging and a lower 900mm wall with railings where it runs along the end of the residential road. However, it is recommended that this be increased in height to a 1.5m high wall with no railings above to improve its appearance and security.

4.29 The houses shown adjacent to the northern boundary with Fulford School were originally shown in the reserved matters submission as being close to the trees that are along the boundary though within the school grounds. Whilst the buildings have been moved further away at the request of officers, concern still remains. This is in terms of the potential for conflict between the presence of the trees and residents amenity, which may affect the trees future.

4.30 Conditions 27 and 28 of the outline consent set eaves heights and stand off distances of the houses at the northern and western site boundaries where they would back onto existing residential properties. The application drawings show a

plotted 30m line from the relevant elevation of the existing dwellings, beyond which the proposed buildings are to be constructed. The properties on the northern boundary adjoining Tilmire Close and Low Moor Avenue and on the western boundary adjoining School Lane are to be single storey bungalows. Therefore, the requirements of the conditions have been complied with. It is recommended that permitted development rights allowing roof extensions be removed to avoid any loss of privacy to existing bungalows.

4.31 Concern had been expressed by the occupants of Osborne House about the impact of the development on their amenity as the property extends out into the site and the development surrounds the house on three sides. The scheme has been changed in this area. Boundary hedging is proposed around the garden boundaries of the properties bordering Osborne House and which are to be set back from the southern and northern boundaries of the property to accommodate a private right of way and address loss of amenity to the dwelling, which has habitable room windows on or close to its boundaries.

4.32 A ground floor retail unit of approximately 200 sq.m. is shown in the central area of the site as required by condition 29 of the outline consent.

DESIGN (Scale)

4.33 Design relates to the wider view of the development and how the place will look and work.

4.34 The housing density, at an average of 39 dwellings per hectare, is likely to be higher than the surrounding housing estates, but is a more efficient use of land and is consistent with the overall density referred to in the UDPR of 40 dwellings per hectare

4.35 The majority of buildings would be two storey (80%), with 4% being single storey bungalows, 4% being 2.5 and 3 storey houses and 12% being higher level apartment buildings. This is considered to be appropriate given the height of buildings in the vicinity and the requirements established in the outline consent based on the UDPR.

4.36 The buildings with the most visual impact would be the apartment buildings in the heart of the scheme, which are four floors with the upper floor being accommodated within the roof void. These would be viewed in the context of the scheme and are over 80m from the nearest residential property outside the site, which is separated by the school playing fields.

4.37 The bungalows to properties on Tilmire Close and School Lane and the rural edge houses would provide a softer edge to these boundaries.

EXTERNAL APPEARANCE (Appearance)

4.38 External appearance is concerned with the detailed design of the exterior of the buildings and the materials to be used.

4.39 The UDPR stated that the buildings would be a 'reinterpretation of the best of the local vernacular'. It highlighted the careful consideration that would need to be given to the detailing of the buildings to emphasise different character areas, unite buildings, add interest and style and add to the sense of place. Building materials were proposed to follow the local vernacular of pinkish brown bricks with predominantly traditional red clay pantiles.

4.40 Three key character areas were proposed reflective of village settlements that evolved historically along a linear route with subsequent backland development. The 'spine road' was intended to have a character reminiscent of Fulford Main Street, in terms of unified character though with varied building type and height and variable building line set back behind wide grassed verges. Houses within the backland areas were to comprise a wider range of layouts with a 'significant' amount of homezones. Each cell was to have a more varied character than the spine road and could accommodate more modern and innovative house designs. The houses fronting the Germany Beck corridor were intended to provide a softer edge to the development, with a lower density and facing out onto the wildlife corridor.

4.41 The reserved submission proposes four character areas consisting of a High Street, a Rural Edge, Village Quarters, and a Crescent. A Design and Character Study has been submitted with the reserved matters application to explain the approach to the detailed design of the properties. It explains that the four character areas seek to deliver and reinforce the vision of the UDPR of character areas that emulate the natural organic development of settlements.

4.42 The properties within the High Street are to be 2 and 3 storey dwellings of higher density with a formal and continuous building line. Their elevational treatment proposed to be the Heritage Range including key architectural features such as chimney stacks, symmetrical doorways with decorative surrounds, vertical emphasis windows and brick detailing on larger properties. The Rural Edge refers to those houses that front onto greenspaces including the Germany Beck corridor. These properties would be 2 storey increasing to 3 storey at key focal points and corners and would be of lower density. The architectural features would be similar to the High Street, but the elevational treatment would be simpler and more relaxed, with minimal brick detailing and entrance surrounds and arched window headers. The Village Quarters refers to the backland development areas. Houses would be

larger 2 storey and would have a more informal layout and elevational treatment. The developer's Classic Range and Contemporary Range are proposed within these areas. Houses would not have chimneys and elevational treatments would be simpler.

4.43 The Crescent relates to the 2.5-3.5 storey apartment buildings at the centre of the site. The UDPR shows the area around the semi-circular public open space, being higher density development and 2 bed apartments were proposed as part of the scheme. The 'Crescent' adopts a contemporary approach to its elevational treatment offering visual interest at the heart of the scheme, though the scale and proportions could be further refined through condition. Areas of outdoor open space including roof terraces and balconies are incorporated into the apartment buildings.

4.44 The palette of materials varies depending on the housing range, but would be brick and tile construction, with the contemporary buildings incorporating areas of render within their elevations. Condition 36 of the outline consent requires samples of each external material to be submitted for approval prior to commencement of development on each phase.

4.45 With the exception of the Crescent, which refers to the apartment buildings in the centre of the housing area, the proposed character areas reflect the intentions and vision of the UDPR. The inclusion of chimney stacks, vertical emphasis windows with multi-pane glazing, feature doorways and brick detailing within the High Street and rural edge character areas reflects local vernacular features. The less prominent properties behind the frontages to the green areas created by the High Street and Rural Edge properties, as well as to the north-eastern corner of the site, have a simpler elevational treatment that is more reflective of other modern development within the area. Whilst the apartment buildings adopt a contemporary approach rather than the traditional approach of the high street, this helps to reduce the massing of the blocks and creates interest in the heart of the development.

LANDSCAPING

4.46 Landscaping relates to the non-built areas of the site as well as covering the surfacing materials to be used within the development.

4.47 One of the principles of the development was the creation of robust, maintainable and attractive greenways and spaces. The landscape structure consists of a 30m wide greenway linking the parish land with the Germany Beck meadow, secondary greenways of 10m to 15m width linking the development with the public open space to the south and smaller areas of amenity space within the housing areas is generally as shown on the Masterplan and referred to in condition 3. These and all other areas of open space, including the play areas, have a good level of natural surveillance. The Germany Beck Nature Park is excluded from the

reserved matters application as it is covered by condition 10 of the outline planning permission.

4.48 Details of existing trees and hedges to be retained have been submitted. Where possible within the scheme, these have been retained, however more of the existing hedgerows within the site have been removed than initially envisaged in the UDPR. This includes the hedgerow that runs to the north of the PROW, footpath 10, where it enters the site from the west, north of South West Meadow. Existing planting is intended to be supplemented by naturalistic and native planting within green spaces and along highways.

4.49 Details of boundary enclosures are shown on the submitted plans, which on the whole are acceptable. Houses would be enclosed by 1.2-1.8m high fences to rear boundaries, but this would be 1.5m high fencing with 300mm trellising where gardens back onto parking courts. Where houses back or side onto roads, 1.8m high screen walls are proposed. Enclosures to fronts of properties are to be lower ranging from 1.2m high railings to 450 timber knee rail fencing where houses overlook green spaces. Further details of the enclosures are required and this can be covered by condition. As mentioned in 4.28, the enclosure to the PROW, footpath 7, on the western boundary needs to be amended to improve appearance and security and this can be addressed through condition.

4.50 The main roads and footways within the scheme are proposed to be tarmac, with secondary roads being a mix of tarmac, coloured tarmac and brick sets in a herringbone style. It is intended that private drives and plot parking are tarmac. Foot and cycle ways through green spaces are proposed to be bound gravel. Concern has been raised with the applicant about the use of coloured tarmac for secondary roads and tarmac on private drives. As such, it is considered appropriate to attach a condition that deals specifically with the surfacing materials.

4.51 The scheme includes areas of sports, children's play space and amenity space as specified in condition 8. Details of the location, layout and type of play spaces and equipment has been submitted. The equipped play areas are located within the central amenity space by The Crescent and within the smaller amenity space located to the eastern end of the site adjacent to the school playing fields. Both areas are overlooked by adjacent properties, though are separation from the properties through the creation of 1m high landscaped mounds. This will help to reduce potential conflict between residents and users of the play areas. The proposed play equipment adopts a naturalistic approach with items made from timber or granite. The timber equipment consists of balance beams, nets, stepping stones and basket swings. There is a train with slide. The granite features stones allow climbing opportunities. The equipment proposed is considered to be acceptable.

REQUEST TO REVOKE OUTLINE PLANNING PERMISSION

4.52 The Council received a request on behalf of Fulford Parish Council in April 2012 to exercise its powers under Section 97 of the Town and Country Planning Act to revoke planning permission for the residential development at Germany Beck. Officers are of the opinion that it is premature to consider revocation of the outline planning consent at this time prior to consideration of the application to extend the outline permission , that is currently before the Local Planning Authority.

5.0 CONCLUSION

5.1 This application seeks reserved matters approval for siting, design, external appearance and landscaping for a residential development that was granted outline consent with means of access in 2007 by the Secretary of State following a public inquiry.

5.2 Further information in respect of cultural heritage, air quality, landscape and visual amenity, and ecology has been submitted at the request of the Local Planning Authority in accordance with Regulation 8 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Taking into account the environmental information submitted with the outline planning application and the additional further information submitted with this subsequent application, it is considered that adequate information is before the Local Planning Authority to assess the environmental impacts of the development and the reserved matters application. It is considered that no significant environmental effects are identified, with additional mitigation being required with regards to bats and the implementation of a mitigation plan that includes working methods during the construction phase.

5.3 The reserved matters application was submitted in February 2012, within the time frame established by the condition of approval of the outline (Condition 1). Revisions have been made to the scheme following discussion and negotiation with officers with regards the layout and design of the houses and roads as well as their external appearance in order to reduce traffic speeds, enhance legibility and permeability through the site and improve the quality of environments.

5.4 Condition 3 of the outline consent required that the reserved matters was in general conformity with the information and details in the Updated Development Principles Report including its spatial masterplan. The wording of the condition does not require strict adherence, but compliance in general, allowing a degree of flexibility. It should be noted that the document was intended to act as a guide for the design standards to be met by future reserved matters applications, with the principles and layouts contained within providing basic guidance from which detailed design solutions would be developed rather than final solutions (page 17). In light of this, and considering the plans and details submitted, it is considered that the

proposed reserved matters details generally conform with the information and details set out in the UDPR.

5.5 The details of siting, design, external appearance and landscaping submitted as part of this subsequent application are considered to be acceptable subject to conditions with regards means of enclosure, surfacing materials, elevational treatment for the apartments and cycle parking. These can be covered by condition. In addition, it is recommended that permitted development rights be removed to the bungalows adjacent to the western and northern site boundaries.

6.0 RECOMMENDATION: Approve

1 PLANS1 Approved plans -

2 Notwithstanding the submitted plans, details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The buildings shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

4 Notwithstanding the submitted plans, details of the means of enclosure to the western site boundary with Footpath 7 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The details shall include the provision of a 1.8m high wall reducing to a 1.5m high wall where the internal road abuts it, with the provision of planting on the outer face of the wall. The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and to preserve the character and appearance of the adjoining Fulford Village Conservation Area.

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

Reason: So as to achieve a visually cohesive appearance.

6 Notwithstanding the submitted plans, revised elevational drawings of the

apartment blocks, known as The Crescent, shall be submitted to and approved in writing by the Local Planning Authority prior the commencement of their construction. The development shall be implemented in accordance with the approved details.

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

INFORMATIVE: The revised details shall include a brickwork finish up to the upper cill band level and further detailed design of the windows including removal of the lower solid panels.

7 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 (Extensions) and B (Alterations to roof) of Schedule 2 Part 1 of that Order shall not be erected or constructed for plots 37-48 (inclusive) and 643 to 655 (inclusive).

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.

8 The submitted and approved landscaping scheme for each phase of the development shall be implemented within a period of six months of the completion of that phase. Any trees or plants which within a period of five years from the completion of that phase 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.

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 ****IN. As such the proposal complies with Policies ****IN of the City of York Development Control Local Plan.

2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- pre-application discussion;
- request for further environmental information;
- request for revisions to the plans.

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