

# COMMITTEE REPORT

**Date:** 19 March 2015      **Ward:** Skelton, Rawcliffe, Clifton Without

**Team:** Major and Commercial Team      **Parish:** Skelton Parish Council

**Reference:** 14/01478/OUTM

**Application at:** Del Monte Skelton Park Trading Estate Shipton Road Skelton York

**For:** Residential development for up to 60 dwellings

**By:** Del Monte Fresh Produce (UK) Limited

**Application Type:** Major Outline Application (13 weeks)

**Target Date:** 25 September 2014

**Recommendation:** Approve subject to Section 106 Agreement

## 1.0 PROPOSAL

1.1 This application was deferred from the January Committee (22.01.20115); Councillors had expressed concern regarding the pedestrian crossing over the A19, and requested the application be deferred for the consideration of a signalised crossing. Since that meeting the agent has submitted a revised road layout together with justification for why a signalised crossing is not required in this location. The revised road layout and the supporting Technical Note submitted by the agent have been sent out for consultation.

1.2 This report will assess the revised road layout only, as there have been no changes in circumstances requiring updates in relation to the other issues. The original committee report is [attached at Appendix A], and sets out the constraints of the site and the assessment of the proposal. Both reports should be read together.

1.3 Access is to be determined at this stage, as it is not reserved for subsequent approval. A revised layout has been submitted. The proposed detailed road works within the layout are indicative, and elements may be subject to alterations once a road safety audit has been completed. It is expected that any alterations to the detailed road works can be accommodated within the revised layout, and would only be minor in nature. The indicative details show an island (approximately 87 metres in length and 11 metres in width) in the middle of the A19, the north and south bound carriageway sweeping around to either side, the acceleration lane from Fairfield Drive would be removed. The accompanying Transport notice outlines the available types of crossing facility and the suitability (or otherwise) of their use at the proposed location. Various Department for Transport (DfT) Advisory Leaflets, Technical Notes and other reports have been reviewed in the preparation of the Technical Note. Commuted sum payments for these highway improvements can be secured by way of S106 agreement, and final details can be required to be submitted by imposing a planning condition.

1.4 Re-consultation on the revised scheme has taken place; the consultation period ends 11 March 2015.

## **2.0 POLICY CONTEXT**

2.1 Development Plan draft Local Plan approved for Development Control purposes (2005):

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYSP2 The York Green Belt

CYSP3 Safeguarding the Historic Character and Setting of York

CYSP6 Location strategy

CYSP8 Reducing dependence on the car

CYGP1 Design

CYGP3 Planning against crime

CYGP4A Sustainability

CYGP6 Contaminated land

CYGP9 Landscaping

CYGP11 Accessibility

CYGP13 Planning Obligations

CGP15A Development and Flood Risk

CYNE2 Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE3 Water protection

CYNE7 Habitat protection and creation

CYNE8 Green corridors

CYGB1 Development within the Green Belt

CYT2B Proposed Pedestrian/Cycle Networks

CYT4 Cycle parking standards

CYT5 Traffic and pedestrian safety

CYT7B Making Public Transport Effective

CYT7C Access to Public Transport

CYT13A Travel Plans and Contributions

CYT20 Planning agreements

CYH2A Affordable Housing

CYH3C Mix of Dwellings on Housing Site

CYH4A Housing Windfalls

CYH5A Residential Density

CYE3B Existing and Proposed Employment Sites

CYED4 Developer contributions towards Educational facilities

CYL1C Provision of New Open Space in Development

CYNE1 Trees, woodlands, hedgerows

### **3.0 CONSULTATION RESPONSES TO THE REVISED ROAD LAYOUT**

#### **INTERNAL CONSULTATIONS**

##### **HIGHWAY NETWORK MANAGEMENT – No objections**

3.1 The applicant's highway consultants subsequently produced a Technical Note which outlines the available types of crossing facility and the suitability (or otherwise) of their use at the proposed location. Various Department for Transport (DfT) Advisory Leaflets, Technical Notes and other reports have been reviewed in the preparation of the Technical Note (TN).

3.2 The contents of the TN have been agreed by officers who concur with its outcome.

3.3 The TN identified:

- a) Existing 85th percentile vehicles speeds of 50-51mph
- b) Moderate to high traffic flows of 30,371 Average Annual Daily Traffic
- c) Low pedestrian demand, even when taking into account the proposed development which is estimated to generate 1 pedestrian crossing movement every 3 minutes during the peak highway period. Outside of the AM and PM peak periods the crossing would be used infrequently. It is also highlighted that these movements are likely to be in groups and therefore the time period between pedestrians crossing is likely to be significantly higher

3.4 The existing situation/figures as set out above were then used to assess the different types of crossing facility;

- a) Signalised crossings require high pedestrian demand
- b) Zebra crossings require speeds below 35mph
- c) Refuge Islands act as traffic calming features in higher speed areas and are ideal for low pedestrian demand.

3.5 The appraisal has demonstrated that key criteria have not been met to justify the need for a signal controlled crossing to be installed, specifically given the likely low level of pedestrian activity and irregular periods of use.

3.6 The appraisal identifies that the most suitable solution would be to provide engineering measures to alter the environment around the site access and Fairfields Road junctions and enhance the existing uncontrolled pedestrian crossing facilities including:

- a) Removal of the acceleration/deceleration lanes into Fairfield Drive which will enable the alignment of the A19 to be altered and carriageway width reduced to assist in lowering vehicle speeds. Physical measures such as these are more effective in restraining vehicle speeds than the use of/setting of unrealistic speed limits

- b) narrowing of the carriageway, which reduces the crossing distance for pedestrians
- c) provision of a sole crossing point, on the strongest desire line
- d) providing a widened refuge island, which gives more space for pedestrians away from live traffic

3.7 All of these measures in combination will assist in reducing the average crossing time and difficulty, improve footway provision, reduce vehicle speeds and reduce carriageway width.

## **EXTERNAL CONSULTATIONS/REPRESENTATIONS**

### **POLICE TRAFFIC MANAGEMENT OFFICER – Object**

3.8 Requires a Road Safety Audit, which has not been (Officer Note: Condition 14 requests a Road Safety Audit)

3.9 States the revised road layout as submitted should not be built, unless a ‘no right turn’ out of Skelton onto the A19 north bound, were implemented by physical means (i.e. total hard central kerbing for a given distance). The right turn from the village to travel north along the A19 lacks any visibility for traffic travelling along the A19 north bound.

3.10 The current road will cause ‘community severance’, which will not go away, cannot be controlled by a reduction in the speed limit and the building of a formalised crossing. The A19, as is any other road in the country of this type, difficult to cross for pedestrians and there is no safe way for this to be achieved without total separation of pedestrians from the road infrastructure.

3.11 Not aware that the previous Technical Note of 31<sup>st</sup> January 2015, issued by Opus has been withdrawn, as there are serious challenges connected with that document which have not been explored.

### **SKELTON PARISH COUNCIL**

3.12 No comments received at the time of writing the report, comments will be reported at the committee meeting

### **3.13 SKELTON VILLAGE TRUST**

- States that the technical report makes no reference to the traffic flow from Fairfields Drive or the issues this will create. Data available to the Village Trust from 1999 would indicate that 5400 vehicles may turn left onto the A19 during the week. A change from an acceleration lane to a stop and go junction seems a step backwards.

- The revised layout will reduce the visibility of traffic approaching the junction. From the North this will be the angle of the carriageway and from the South due to the planting on the central reservation
- The drawing indicates the parking area at the bus stop would be about 1m wide and the carriage way 3.2m.
- The hazards remain the same but the risks have increased significantly.

## REPRESENTATION OF OBJECTION

### 3.14 One written representation making the following points

- Have concerns with regard to the access to and egress from Fairfields Drive. The removal of the acceleration and deceleration lanes will not only make the situation more difficult, it is also likely to be more dangerous.

## REPRESENTATIONS MAKING OTHER COMMENTS

### 3.15 One representation as summarised below

- Request confirmation that the speed limit will be reduced to 40mph given the substantial changes proposed to the A19 layout.
- Confirmation that the erection of a 2 Metre high solid timber fence along the A19 boundary to provide noise reduction to the proposed gardens which will face onto the A19, will not introduce the problem of reflected noise or canyon effect to the properties on Burtree Avenue which also face onto the A19, and similarly any detrimental effect from reflected noise caused by raised landscaping on the central verge. This problem would be largely mitigated if the speed limit was reduced to 40mph. (Officer note: the acoustic fence is not conditioned for the reasons set out in the original committee report)
- The properties on Burtree Avenue are detrimentally affected by vibration caused by HGV's and large agricultural vehicles travelling over the 50mph rumble strips on the A19. Request that the rumble strips are not renewed.
- Whilst the revised technical report does not recommend the installation of a controlled crossing, would support the planning committee's suggestion that one be considered, primarily to allow any children walking or cycling to Skelton Primary School from the new development to do so by a safe means of crossing the road, again a speed reduction to 40mph would reduce concerns raised in relation to vehicle accidents. Such a controlled crossing could be time controlled in relation to school hours as the crossing at Shipton village further along the A19.

## 4.0 APPRAISAL

### RELEVANT SITE HISTORY

14/00330/EIASN - Request for a Screening Opinion under Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for a proposed 60 - 65 dwelling residential scheme - NOEIA

## KEY ISSUES

### 1. Traffic, Highway and Access Issues

## ASSESSMENT

### TRAFFIC, HIGHWAY AND ACCESS ISSUES

4.1 The National Planning Policy Framework states that developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport. Policy SP8 of the Development Control draft Local Plan (2005) seeks to reduce dependence on the private car within new developments through, amongst others, accessibility and linking the development with surrounding uses. Policy T7c seeks to ensure all new developments are within 400m of a frequent bus service. Policy T4 seeks to promote cycle parking to encourage sustainable transport choice. These 2005 draft local plan policies are considered to accord with the aims of the NPPF. The Skelton Village Design Statement states that development should have safe access to and exit from the A19 (11).

4.2 The NPPF (para 32) states that decisions should take account of the following:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

4.3 The York Development Control Draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF.

4.4 Policy GP11 'Accessibility' of the Development Control draft Local Plan (2005) states that in order to achieve satisfactory access to new development, planning applications will be required to demonstrate that suitable provision will be made for access and facilities for people with mobility problems, sensory impairment, and carers with children.

4.5 At the January committee meeting Councillors expressed concern that the above works would not be sufficient to allow all pedestrians safe access across the road.

4.6 The proposed development is expected to generate 18 walking trips during the peak hour periods (08.00 – 09.00 and 17.00 – 18.00) with an estimated weekday average of 176 pedestrian trips. As such it is considered to be a low level of pedestrian activity with irregular periods of use.

4.7 The agent states that the transport guidance such as Local Transport Note 1/95: The assessment of Pedestrian Crossings; advises that signalised crossings may be installed where vehicular speeds are high and high pedestrian flows are also present, but specifies the preference for the local environment not to have high vehicular speeds. The definition of 'high level of activity' in this instance is considered to be a general continuous use of the crossing desire line. The expected pedestrian demand generated by the proposed development, during peak hour periods, is estimated to be in the order of 18 pedestrians. This in turn equates to one pedestrian crossing movement every 3 minutes. Pedestrian movements outside of these peak hours would be expected to be significantly lower. Although experiencing periods of moderate demand, it is argued that there would be periods during the day when the crossing would be used infrequently. They support this argument by supplying police accident statistics, illustrating a trend toward increased levels of accidents where traffic speeds are high in context with the local area, and pedestrian demand is low. Although the statistics refer to speeds of 30mph or less, it follows that accidents are increased along with vehicle speeds. HNM agree with this view. Due to the likely low volume of pedestrian activity, it is therefore considered that a signal controlled pedestrian crossing would not be suitable in this location.

4.8 Local Transport Note 1/95 provides guidance regarding the installation of zebra crossings. The aspects to consider when installing a zebra crossing are discussed as follows: "*Where a crossing is thought necessary but crossing flows are relatively low and traffic flows are no more than moderate, then a zebra crossing may be suitable. Pedestrians establish precedence by stepping onto the crossing and so delays to them are minimal. Vehicle delays are typically five seconds for a single able person crossing but can be much more where irregular streams of people cross over extended periods*". Where gaps are few, and waiting times long because people feel it may be hazardous to establish precedence, a zebra crossing is likely to be unsuitable. The agent makes the case that where traffic speeds are higher than 30 mph, people will require longer gaps in the traffic flow or be exposed to the risk of more serious injury if precedence is not conceded for any reason. Highways guidance states that zebra crossings should not be installed on roads with an 85 percentile speed of 35 mph or above. The existing 85<sup>th</sup> percentile vehicle speeds in the area are 50-51mph.

4.9 With uncontrolled crossings, as proposed, the agent argues that the narrowing of the carriage way can have the advantage of allowing the footway to be widened and enhancing visibility past permanent obstructions. The agent makes that case that the proposed layout follows transport guidance by: narrowing the carriageway and reducing the crossing distance for pedestrians; provision of a sole crossing point to provide focus; narrowing the carriage way to help reduce traffic speeds; improved depth of refuge island; reduced forward visibility for drivers approaching the crossing, whilst maintaining visibility to and from pedestrians; an uncontrolled crossing puts the responsibility of assessing the risk on the pedestrian

4.10 Highway Network Management (HNM) agree with the conclusions of the Technical Note that the most suitable solution would be to provide engineering measures to alter the environment around the site access and Fairfields Road junctions and enhance the existing uncontrolled pedestrian crossing facilities including:

- a) Removal of the acceleration/deceleration lanes into Fairfield Drive which will enable the alignment of the A19 to be altered and carriageway width reduced to assist in lowering vehicle speeds. Physical measure such as this are more effective in restraining vehicle speeds than the use of/setting of unrealistic speed limits
- b) narrowing of the carriageway, which reduces the crossing distance for pedestrians
- c) provision of a sole crossing point, on the strongest desire line
- d) providing a widened refuge island, which gives more space for pedestrians away from live traffic

4.11 All of these measures in combination are considered to assist in reducing the average crossing time and difficulty, improve footway provision, reduce vehicle speeds and reduce carriageway width. The proposed junction arrangement is in accordance with national guidance and offers a suitable width together with visibility to the appropriate guidance. HNM are satisfied with the vehicular turnings within the proposed road layout. If a subsequent safety audit found there were issues, they consider that it would require minor amendments to the indicative scheme that would still be broadly in keeping with the indicative layout proposed. The proposed junction arrangement is in accordance with national guidance and offers a suitable width together with visibility to the appropriate guidance. The proposed road layout is considered to comply with Paragraph 32 of the NPPF.

4.12 An application has been received for the adjacent site - Skelton Golf Course for change of use of part of golf course to caravan/camp site for 80 pitches with associated access, facilities and office building. A request by Cllr Watt has been put forward that the highway and pedestrian improvements for both applications should be considered together. However the applicant has a right to have this application determined within the statutory target or agreed timescale, and it would not be reasonable to defer this pending a separate application being processed. Each

application should be dealt with on its own merits.

4.13 The above highway works can be secured through a S106 Agreement.

## **5.0 CONCLUSION**

5.1 Transport guidance highlights the need for engineering measures to change the visual characteristics of the environment. The proposed A19 road layout complies with this guidance and provides a significant change in street scene for both pedestrians and vehicles, providing a safer crossing environment. This includes the reduction of the crossing width from 18.5m to two 3.2m crossing widths. That current guidance considers the installation of a signal controlled crossing on Shipton Road adjacent to the proposed development to be unsuitable.

5.2 The proposed development of the brownfield site for residential development is considered to be acceptable in principle. The submitted additional information is considered to demonstrate why a signalised pedestrian crossing for low level of pedestrian activity and irregular periods of use is not justified in this location, and confirms that the proposed highway network improvements are the most appropriate means of achieving a safer crossing environment Approval is recommended subject to the completion and signing of a Section 106 agreement covering education contribution, open space, affordable housing, and highway works.

## **6.0 RECOMMENDATION**

- (i) Defer pending completion of a satisfactory Section 106 Agreement to secure the matters set out in paragraph 5.2 above
- (ii) Grant delegated authority to Assistant Director (Development Services, Planning and Regeneration) to approve on completion of the Section 106 Agreement, subject to the following conditions:-

1 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details as approved:

Details to be submitted: appearance, landscaping, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used (hereinafter referred to as "reserved matters").

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

2 The application for approval of all reserved matters referred to in Condition 1 above shall be made to the Local Planning Authority not later than the expiration of

three years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

3 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing Number J-BO592 Revision R0 received 03 March 2015

Location Plan Drawing Number 13043\_PL01 Revision A received 07 January 2015;

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

4 Detailed drawings shall be submitted for the reserved matters application showing the road and pavement set away from the retained pond, and ensuring that the appearance and health of the pond are not affected by the construction or maintenance of the road and walkway

Reason: To ensure there is no conflict between the access road and pavement and the retained pond.

5 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area and the extension to the green wedge as set out in the York Green Belt Appraisal 2003 & Historic Character and Setting Technical Paper (2011).

INFORMATIVE: Close boarded timber fencing to the north and west boundaries of the site is unlikely to be supported.

6 VISQ8 Samples of exterior materials to be app -

7 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

The following information shall be submitted with the reserved matters application:

(i) Details to include calculations and invert levels to ordnance datum of the existing surface water system should be provided together with details to include calculations and invert levels to ordnance datum of the proposals for the new

development.

- (ii) A topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties shall be submitted. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- (iii) Existing and proposed surfacing should be shown on plans.
- (iv) Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface watercourse is available. Suitability and capacity of point of discharge should be proven.
- (v) If the proposed method of surface water disposal is via infiltration methods, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to except surface water discharge, and to prevent flooding of the surrounding land and the site itself. City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDS methods are proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

Existing connected impermeable areas should be proven by way of drainage and CCTV survey. If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site. To ensure compliance with City of York Councils Strategic Flood Risk Assessment (2013) and Policy 15a Of the City of York Development Control Local Plan (2005).

- 8 LAND3 Protection of existing planting -
- 9 LAND1 IN New Landscape details -
- 10 HWAY1 Details roads,footpaths,open spaces req. -
- 11 HWAY7 Const of Roads & Footways prior to occup -

12 HWAY19 Car and cycle parking laid out -

13 HWAY40 Dilapidation survey -

14 HWAY41 Safety Audit -

15 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved method of works statement. Such a statement shall include at least the following information;

- (i) the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- (ii) where contractors will park
- (iii) where materials will be stored within the site
- (iv) measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

16 HWAY34 Completion of the highway -

17 Prior to the development hereby approved coming into use, a three pin 13 amp external electrical socket which is also suitable for outdoor use shall be installed within the curtilage of each dwelling. The socket shall be located in a suitable position to enable the charging of an electric vehicle within the garage or on the driveway using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles. To promote the use of low emission vehicles on the site in accordance with paragraph 35 of the National Planning Policy Framework.

18 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the

findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

19 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Prior to first occupation or use, the above remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

20 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the aforementioned remediation scheme a verification report must be prepared, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

21 Prior to the occupation of each building details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux of all external lighting associated with that building. The development shall be carried out in accordance with the approved lighting scheme.

Reason: In the interests of visual amenity, to prevent light disturbance and nuisance

22 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

23 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide 10% of its predicted energy requirements from on-site renewable sources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority. The approved scheme shall be implemented before first occupation of the development. The site shall thereafter be maintained to the required level of generation.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

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

Reason: To protect the amenity of neighbouring residents during the construction phase of this development.

Informative:

For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situations, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may result in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. All monitoring results should be recorded and include what was found and mitigation measures employed (if any).

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, use of barriers, use of water bowsers and spraying, location of stockpiles and position on site. Details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. All monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

For lighting details should be provided on whether or not artificial lighting will be provided on site during the development of the site and also include hours of operation. Mitigation measures to ensure that there is no loss of amenity to neighbours due to light pollution should also be detailed.

In addition the CEMP shall set out details of the complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (ie investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

25 All piling operations shall be carried out using the method likely to produce the least vibration and disturbance. Full details of the dates, times and duration of operations shall be submitted to and approved in writing by the Local Planning Authority before any piling operations are begun and piling operations shall take place in accordance with the approved details.

Reason: To protect the amenity of neighbouring residents during the construction phase of this development

26 Except in case of emergency, no construction operations which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays. There shall be no working on Sundays or Public Holidays. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of neighbouring residents during the construction phase of this development.

27 During the construction process heavy goods vehicles shall only enter or leave the site between the hours of 08:00-18:00 on weekdays and 09:00-13:00 Saturdays and no such movements shall take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

Reason: To protect the amenity of neighbouring residents during the construction phase of this development.

28 No development will take place until an archaeological evaluation of the site has been carried out in accordance with a detailed methodology (which will detail a trial trench, analysis, publication and archive deposition) which shall first be submitted to and approved in writing by the Local Planning Authority and a report submitted to and approved in writing by the Local Planning Authority. A report on the results of the evaluation shall be submitted to the Local Planning Authority within six

weeks of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

29 If following the carrying out of the archaeological evaluation required by Condition 28, the Local Planning Authority so requires, an archaeological excavation of the site will be carried out before any development is commenced. The excavation shall be carried out in accordance with a detailed methodology (to include trenches, community involvement, post-excavation analysis, publication and archive deposition), which shall first be submitted to and approved in writing by the said Authority. Reasonable access shall be afforded to any Local Planning Authority nominated person who shall be allowed to observe the excavations. A report on the excavation results shall be submitted to the Local Planning Authority within twelve months of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to ensure that archaeological features and deposits identified during the evaluation are recorded before development commences, and subsequently analysed, published and deposited in an archaeological archive

## **7.0 INFORMATIVES: Notes to Applicant**

### **1. 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:

- Request revised plans and further information
- Section 106 Legal agreement
- Use of conditions

### **2. LEGAL AGREEMENT**

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

### **3. INFORMATIVE**

The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, Fax 01274 303 047) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

#### 4. INFORMATIVE:

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 manufacturers 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

#### 5. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Application Reference Number: 14/01478/OUTM Item No: 4c

Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Section 38/278 - Michael Kitchen (01904 551336)

## 6. INFORMATIVE:

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

### **Contact details:**

**Author:** Victoria Bell Development Management Officer

**Tel No:** 01904 551347

## **Annex A – Previous Committee Report (22.01.2015)**

**Date:** 22 January 2015      **Ward:** Skelton, Rawcliffe, Clifton Without

**Team:** Major and **Parish:** Skelton Parish Council  
Commercial Team

**Reference:** 14/01478/OUTM

**Application at:** Del Monte Skelton Park Trading Estate Shipton Road Skelton York

**For:** Residential development for up to 60 dwellings

**By:** Del Monte Fresh Produce (UK) Limited

**Application Type:** Major Outline Application (13 weeks)

**Target Date:** 25 September 2014

**Recommendation:** Approve subject to Section 106 Agreement

### **1.0 PROPOSAL**

1.1 The application seeks outline consent for the use of the site for residential development for up to 60 dwellings. All matters are reserved except access. The site has previously been used as a factory, which was demolished last year. The site is within the Skelton settlement envelope as shown in the Proposals Maps for the Development Control Local Plan (2005). It is sited to the west of the A19, with the rest of the village sited to the east of Shipton Road. The site is not allocated for housing in the Development Control Local Plan (2005) or the recently halted draft Local Plan (2013).

1.2 The site in question is within the red line, the applicant has the land to the west in their ownership however this is Green Belt. The land to the north is used as a golf course. The land to the south and east is housing, and land to the south and west are fields. The extension of the proposed site (within the red line) is 2.29 hectares including a pond within the site, adjacent to the A19; which is shown as being retained. The site is within Flood Zone 1, it is not within a conservation area, and there are no listed buildings in close proximity.

1.3 Revised plans and information have been submitted, the number of dwellings have been revised from 65 to 60. In addition revised plans have been submitted showing open space proposed within the site and the boundary altered to take account of the greenbelt.

1.4 The site was subject to a request for a Screening Opinion under Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (14/00330/EIASN). It was concluded that an Environmental Impact Assessment was not required. The proposed development does not comprise

'Schedule 1' development where an Environmental Impact Assessment is always required. The proposed development is however of a type listed at 10 (b) in column 1 of Schedule 2 (Urban Development Projects) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. It is the view of Officers that the proposed site is not within or adjacent to an environmentally sensitive area (as specified in the Regulations) and taking into account the characteristics of the proposed development, the location of the development, and characteristics of the potential impact and the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment was not required.

1.5 It is understood that the agents undertook community involvement once the application was submitted, and that the agent made a presentation to the Parish Council on 28th August 2014. No information was received as to the feedback from the presentation. No statement of community involvement has been submitted or other information regarding details of community engagement.

1.6 Pre-application discussions with Council Planning Officers took place regarding the principle of development on the site.

## **2.0 POLICY CONTEXT**

### **2.1 Development Plan Allocation:**

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

### **2.2 Policies:**

CYSP3 Safeguarding the Historic Character and Setting of York

CYSP6 Location strategy

CYSP8 Reducing dependence on the car

CYGP1 Design

CYGP3 Planning against crime

CYGP4A Sustainability

CYGP6 Contaminated land

CYGP9 Landscaping

CYGP13 Planning Obligations

CGP15A Development and Flood Risk

CYNE2 Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE3 Water protection

CYNE7 Habitat protection and creation

CYNE8 Green corridors

CYGB1 Development within the Green Belt

CYT2B Proposed Pedestrian/Cycle Networks

CYT4 Cycle parking standards

CYT5 Traffic and pedestrian safety  
CYT7B Making Public Transport Effective  
CYT7C Access to Public Transport  
CYT13A Travel Plans and Contributions  
CYT20 Planning agreements  
CYH2A Affordable Housing  
CYH3C Mix of Dwellings on Housing Site  
CYH4A Housing Windfalls  
CYH5A Residential Density  
CYE3B Existing and Proposed Employment Sites  
CYED4 Developer contributions towards Educational facilities  
CYL1C Provision of New Open Space in Development  
CYNE1 Trees,woodlands,hedgerows

### **3.0 CONSULTATIONS**

#### **INTERNAL CONSULTATIONS**

##### **HIGHWAY NETWORK MANAGEMENT**

3.1 No objections are raised based upon the revised Technical Note and accompanying revised plan (drwg no. J-B0592.00 001 Rev3). The Travel Assessment assumes a development of 65 residential units. Based upon the nationally recognised TRICS database a residential development of this number of units can be expected to generate in the region of 35 vehicle movements in the AM/PM peak hours respectively. This equates to a little over 1 additional vehicle every 2 minutes and will not be perceivable when considering daily traffic fluctuations and existing traffic flows on the adjacent highway network. The operation of the proposed junction has been analysed using nationally recognised software. This analysis has demonstrated that the junction will continue to operate satisfactorily and can accommodate the level of traffic generated by the development.

3.2 The main vehicular access into the development is to be taken from the A19 by utilising the existing site access. This access will be modified to reduce its width from a commercial standard to that more appropriate for a residential development and provide new kerbing. The access modifications enable the access to be slightly relocated further north thus increasing the distance between the site access and the existing adjacent residential access road.

3.3 Right turning traffic into the site will continue to have the benefit of the right turn ghost island. The slight relocation of the site access also have the benefit of increasing the length and separation of the right turn ghost island serving the existing adjacent residential access road. The proposed junction arrangement is in accordance with national guidance and offers a suitable width together with visibility to the appropriate guidance.

3.4 The accident history for this section of the A19 has been investigated and has not identified any patterns or clusters of accidents that could be anticipated to increase or be exacerbated by the proposed development.

3.5 Whilst the internal layout will be subject to future reserved matters applications it is anticipated that the scheme will be designed and constructed to CYC standards as a shared space varying between 4.5m and 6m wide and subsequently offered for adoption as publicly maintainable highway. In line with other developments the internal layout will be designed to Manual for Streets guidance with design measures to restrain vehicle speeds to 20mph or below.

3.6 Currently the A19 creates severance between the facilities within Skelton and adjacent walking/cycling/public transport infrastructure and the site. The nature of the A19 in terms of traffic volumes and speeds leads to a car dominated environment. The site is approximately 600m, which represents a 7 minute walk, to local facilities within Skelton. Such a walking distance is within recommended national walking distances. Inbound and outbound bus stops are within a short distance of the site entrance onto the A19 and are served by regular services. Rawcliffe Bar P&R is in the region of 1600m which is a 15 minute walk offering high frequency services into the city centre.

3.7 In order to improve the linkages between Skelton and the site officers have negotiated a package of works with the applicant. Such a package of highway works are considered to be appropriate to the scale of development and reduce the severance created by the A19. The highway works will be secured through a S106 Agreement and implemented to CYC specifications through agreement under the Highways Act. Whilst the site can be considered to be challenging in terms of sustainable travel the package of highway measures provided through the scheme will maximise and incentivise non car accessibility in accordance with local and national planning and transportation policies.

3.8 Request: Hwy 1, Hwy 7, Hwy 18(car and cycle), Hwy 19, Hwy 40, Hwy 41, Hwy 39 (Highway works as indicatively shown on drawing J-B0592.00 001 R3), Method of Works, INF 1(S38), INF 1(S278), INF 2

## ENVIRONMENTAL MANAGEMENT

### LANDSCAPE

3.9 The York Landscape character appraisal places the village of Skelton within character area 8 'Flat diverse arable farmland'. The site sits just within this character boundary tight up against the adjacent character boundary type 9 'River Ouse flood plain', which has a strong influence on this western side of the A19.

3.10 The landscape character and pattern of development is very different on either side of Shipton Road. The A19 is a dividing element that provides a strong definition of the western extent of the village core. The proposed layout is reflective of the most recent extensions to Skelton village; this is less appropriate for the west side of the A19, which has a more commercial aspect to it that relates to the A19 and the parkland/estate setting that stretches down to the river Ouse. The residential element is low density and has a close relationship with the countryside relating to the Ouse corridor.

3.11 Given the lack of linkages, other than in and out of the main entrance, it is important for the open space to be provided on site, which is likely to be of benefit solely for the immediate residents. The open space provision should be provided within the area of previously developed land. Otherwise recreational facilities often result in a change of character with the risk of becoming progressively formalised over time.

3.12 It is important to retain the existing vegetation around the perimeter both within and adjacent to the site. Therefore as much as possible should be contained within open space or road side verges in order to prevent gradual removal were it to be contained in rear gardens. Similarly tall garden fencing should be avoided around the exposed perimeters. The proposed perimeter road at the western end of the site lends itself to this concept. The Poplars within the golf course will pose a restriction on the proximity of properties to this edge due to concerns over safety, and shade, and subsidence due to the characteristics of the species. A number of the proposed dwellings are likely to be far too close to these trees.

3.13 In terms of visual impact on the wider landscape, residential use on the site would be acceptable provided the retention and supplementation of existing vegetation were compatible with reasonable dwelling and garden use, and there would be no threat of incremental degradation of the perimeter landscape.

3.14 It would be preferable to utilise the existing roadway at the entrance to avoid encroaching into the pond environment. In order to create a complete and attractive frontage, the landscape treatment should continue on both sides of the entrance.

3.15 Whilst the site largely consists of hard-standing, the topography potentially lends itself to the incorporation of sustainable urban drainage systems, the detailed manifestation of which could be used to complement the rural context of the site.

3.16 Any detailed application should include a topographical survey and a tree survey of the entire site, including any trees immediately outside the site boundary.

3.17 In order to be of a suitable character for the green wedge, housing density may be lower than expected and there should be greater incorporation of open space and opportunities for large-species tree planting to complement the development

and marry it with its context. The pond and its environs should be retained and enhanced. Street lighting should be kept to a minimum.

## ECOLOGY

3.18 The pond on site is shown on the first edition OS Maps (1846 -1901). This, and a further one south west of the site have been assessed and surveyed for the presence of great crested newts in spring 2014. The amphibian survey has been undertaken within the optimum survey period and to best practice methodology. No great crested newts and low numbers of smooth newt, common frog and common toad were recorded.

3.19 A number of trees on site have been identified as having potential to support roosting bats and the main of the site assessed to have low value for foraging bats. The pond, mature trees and land to the west of the site are likely to provide the best habitat for foraging and commuting bats. The current proposals do not impact on any of the trees which have been identified as suitable for bats however if this were to change then further surveys would be required.

3.20 Information in the design and access statement and a review of historic maps suggests that the land to the west of the site has remained as pasture for an extended period of time. This could indicate that it has potential to be of botanical interest. The Phase 1 Habitat Survey undertaken by Brooks Ecological describes it as rough neutral grassland (poor MG9). This survey was undertaken in mid-February, outside of the optimum survey season for habitats (April - September). On our site visit it was not possible to access this piece of land.

3.21 The proposals include the retention of the pond and the land to the west of the site. The retention of the northern boundary would provide some linkage between the pond and the land to the west however it is difficult to tell how wide this area is or how permeable it would be for wildlife. Aside from this there does not appear to be any linkages of semi-natural habitat through the site, which would enhance the wildlife value of the pond and surrounding trees.

3.22 It has been suggested that part of the western land is used as public open space. If this were to involve conversion to amenity grassland, play area, playing pitch etc a more detailed botanical survey, at the optimum time of year should be undertaken to ensure species rich grassland is not being lost. As suggested there is good opportunity to enhance this area for biodiversity through appropriate management.

## SUSTAINABILITY

3.23 As the applicant is not the developer, need to ensure that a detailed full sustainability statement is received at the reserved matter stage. In particular will need to look to condition any domestic homes built to achieve Code level 3. The

detail therefore needs to be dealt with at the reserved matter stage once the developers and plans are more known.

## ARCHAEOLOGY

3.24 - This site lies outside the Area of Archaeological Importance but in an area where there are undesigned heritage assets relating to human activity in the prehistoric, Roman, and medieval periods. Agree with the conclusions of the Archaeological Report that further on site works will be required, and request that the works are sought via a condition.

## FLOOD RISK MANAGEMENT TEAM

3.25 There is insufficient information provided by the applicant, information should be provided to determine the potential impact of the proposals on the existing drainage system and downstream watercourse. Specified the type of information required

## ENVIRONMENTAL PROTECTION UNIT

3.26 No objection. A noise impact assessment was submitted with the application and indicates that the Council's specified noise levels within gardens and the proposed dwellings of : 30dB(A) Leq 8 hour 23:00 to 07:00 and Lmax 45dB(A) in bedrooms;35dB(A) Leq 16 hour (07:00 to 23:00) in habitable rooms; and 50dB(A) Leq 16 hour (07:00 to 23:00) in gardens (if provided) can be achieved through the provision of standard glazing and a circa 2 metre high solid timber fence along the northern eastern part of the application site where gardens 'back-onto' the A19 Shipton Road.

3.27 Former activities at the site could have given rise to land contamination and the contaminants of most concern include heavy metals, petroleum hydrocarbons, polycyclic aromatic hydrocarbons (PAHs), asbestos and ground gas. The report recommends that a site investigation should be undertaken to find out whether land contamination is present and would agree with this recommendation. If contamination is found, please note that appropriate remedial action will be required to ensure that the site is made safe and suitable for its proposed use. Confirm that the report is acceptable and have no objection to the proposed development subject to conditions.

3.28 The applicant has undertaken a DMRB air quality screening assessment to establish the likely impact of the scheme on local air quality. The screening assessment has indicated that there is a negligible impact on air quality (imperceptible change in pollutant concentrations) as a result of the additional traffic movements associated with the operation of the development in future years.

3.29 In line with the Council's adopted Low Emission Strategy and the National Planning Policy Framework (NPPF), developers are required to demonstrate that they are making all reasonable efforts to minimise total emissions from development sites during both construction and operational phases. This will include ensuring the energy choices for heating and powering the buildings are the right ones for both carbon/CO<sub>2</sub> and local air quality emissions (NOx/Particulate Matter) and requirements to promote and incentivise the use of low emission vehicles on the site to reduce the overall emission impact of development related traffic (e.g. provision of electric vehicle recharge points, provision of low emission delivery vehicles). To meet the developers emission obligations under the NPPF and the York LES it is recommended that where new residential properties include private parking facilities (e.g. garage space, driveways etc) the provision of a 13 amp electrical socket in a suitable location to enable the charging of an electric vehicle using a 3m length cable will be required. This should be secured by means of a planning condition

3.30 Request conditions regarding acoustic noise barrier, CEMP, contamination, and vehicle recharging socket

## ECONOMIC DEVELOPMENT UNIT

3.31 No objections. Whilst would rather see the site used, as previously, for employment land, understand that it has been marketed for this purpose and received limited, unworkable interest.

## COMMUNITIES AND CULTURE

3.32 Without knowing the type and number of dwelling proposed within the outline application it is not possible to establish how much open space should be required on site.

3.33 The A19 is a significant barrier for children and families; therefore it is important that recreational open space is provided within the development. Accordingly at reserve matters stage the applicant must provide all the necessary onsite play and amenity space as currently required under L1c. Would accept that sports provision will be off site and a payment will need to be made in accordance with the rates published within L1c.

## HOUSING STRATEGY AND DEVELOPMENT

3.34 Request that S106 agreement secures the current policy position:

- A minimum of 20% of the total homes on the scheme should be affordable if a reserved matters approval is implemented within 3 years of the date of the outline consent. 70% of these will be social rented and 30% discount sale tenure. This will be fixed for 3 years, after which the policy current at the time will apply. If a reserved matters approval is implemented more than 3 years

after the date of the outline consent, than the affordable housing required shall meet the Council's then current affordable housing target for brownfield sites calculated in accordance with the Council's most up to date dynamic viability model.

- The affordable houses will be 'pepper-potted' evenly throughout the development, with no more than two affordable houses placed next to each other. Different tenures should also be evenly distributed throughout the site.
- Any affordable flats shall be distributed evenly throughout the blocks by the same principle.
- The only exception to this is where agreement is made with the Registered Provider to offer a whole block for the purpose of better housing management. In this case, the block(s) will be not be of excessive size and if there are multiple affordable blocks they will not be located directly next to one another.
- Smaller house types should not be clustered together within the development where doing so would make the above principles unachievable.
- The affordable provision will be pro rata across different house sizes and house types. No more than 50% of any one house or flat type should be affordable.
- Car parking and bicycle storage must be included at no charge with the affordable housing, in a proportionate ratio to their market provision.
- If the development is phased, each phase should comply with the above.

3.35 At Reserved Matters stage, these principles will inform two documents which enact the principles included in the Section 106 agreement:

- An affordable housing plan, detailing the layout of all affordable housing
- A phasing plan (if relevant), including timescales for affordable housing delivery.

3.36 Written agreement on these must be reached before any building on site can commence.

## FORWARD PLANNING

3.37 The applicant has marketed the site for 6 months and provided evidence which seeks to demonstrate that the site is no longer required for employment use. Subject to views from EDU on the submitted evidence, an alternative use for the site could therefore be considered acceptable.

3.38 The proposed development area falls entirely within the settlement boundary and therefore green belt policies would not apply.

3.39 The site has been identified as an extension to the green wedge between Poppleton and Skelton in the Green Belt Appraisal (2003) and as such any proposals would need to demonstrate that development on the site as a whole

would not cause harm to purposes of green wedges. These include preventing the lateral coalescence of different parts of the urban area and retaining the distinctive characteristics of earlier periods of individual settlements. Green wedges also bring a feeling of the countryside within a close proximity to the centre of the city. Their open nature allows views of the city to be enjoyed including important vistas towards the Minster.

3.40 The applicant has not submitted evidence addressing the impact on the green wedge, such as views, its relationship to neighbouring developments and details on landscaping. Whilst it is accepted that this is an outline application, whether the site can be developed in a way which would not be harmful to the green wedge is a critical consideration in terms of the principle of development and therefore should be satisfied that this can be achieved.

3.41 As highlighted in Policy H5a and Policy H4 the scale and design of proposed residential developments should be compatible with the character of the surrounding area and must not harm local amenity. In this case it would particularly need to consider impact on the green wedge and surrounding green belt. The applicant is proposing a density of 27dph, which broadly reflects the rural density of 30dph proposed in Policy H4.

3.42 Work is ongoing in demonstrating a framework compliant 5 year housing land supply which will be considered at such a time as the City of York Local Plan is submitted to the Secretary of State and the plan is subject to examination. However, at this time the Council does not currently have a Framework compliant 5 year housing land supply.

## EDUCATIONAL PLANNING

3.43 No educational contribution currently required for local primary and secondary schools. However request formula is added to S106 to allow for changes in roll data

## EXTERNAL CONSULTATIONS/REPRESENTATIONS

### POLICE ARCHITECTURAL LIAISON OFFICER

3.44 No objections. States that crime and anti-social behaviour levels within the vicinity of the proposed development are low. The indicative drawing shows many positive aspects which reflect Crime Prevention through Environmental Design principles

3.45 The indicative site plan drawing does not show any area of play within the actual development itself. If an area of play is a requirement, it is important that it is 'designed in' at the outset and not included as an after thought by being tucked away in an unsuitable corner of the site. Placing children's play areas to the rear of

dwellings, or in the corner of a site where it cannot be overlooked, helps to create the conditions for nuisance and antisocial behaviour

3.46 Provides a list of points of consideration for the a more detailed design (reserved matters), and request the Police Designing out Crime Officer is consulted when drawing up the proposals

## YORKSHIRE WATER

3.47 Request a condition stating that the development be in accordance with the FRA and Drawing J-B0592.00 and that no surface water be added to the public sewer network

3.48 No objections to the proposed separate systems of drainage on site and off site/ No objections to the proposed amount of domestic foul water to be discharged to the public foul water sewer, and no objections to the proposed point of discharge of foul water to the respective public sewer submitted on drawing J-B0592.00 (first issue) dated March 2014 prepared by Opus. The submitted drawing shows surface water proposed to be drained to watercourse via storage/restricted discharge. No land drainage may be connected / discharged to public sewer. The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion.

## ENVIRONMENT AGENCY

3.49 Provided the proposed development is in accordance with the submitted FRA would have no objections.

3.50 All surface water drainage details must be agreed with City of York Council's drainage engineers. If the proposed development will lead to an input into the IDB drainage system then surface water drainage details must also be agreed with the IDB before development commences.

## KYLE AND UPPER OUSE INTERNAL DRAINAGE BOARD

3.51 The site drains towards the Board's maintained watercourse known as Hurns Gutter and the Board request details of the surface water discharge proposal for the site

3.52 The Board would request that any surface water discharge be restricted to existing run off rates and would ideally look for a reduction in respect of redevelopment of the site from commercial to residential

3.53 In order to properly consider the application, the Board would need to instruct consulting engineers and would require the applicant to meet the Board's costs in this matter

## FOSS INTERNAL DRAINAGE BOARD

3.54 No objections, states the site of the above development lies outside of the Drainage Board's area. It is not considered that the proposal will have a material impact on the Board's operations.

## HIGHWAYS AGENCY

3.55 Raises no objections

## SKELTON PARISH COUNCIL

3.56 Support the application. Strongly concerned regarding access to and from the proposed site, needs to be carefully designed to minimise traffic risks. The particular issues are the vehicular access out of the site onto the Southbound A19, and pedestrian access for residents on the site to the shop, school and other village facilities.

## 3.57 SKELTON VILLAGE TRUST

- Support principle of the site being redeveloped for housing
- Concerned regarding community cohensions and safe access between the proposed development and the village should be considered
- The Transport report understates the issues and the proposed remedies are inadequate
- Traffic safety issues with regards to speed and exiting and accessing the proposed site
- When raining the residents of the development may travel to the school by car rather than walking, exacerbating the problem
- The Opus report assessment of only 16 (morning peak) and 21 (evening peak) net increase in two way vehicle trips from 65 dwellings is not credible. It is partly based on aspirational plans to encourage residents to walk/cycle/take public transport. These may or may not work to an unknown degree but projected vehicle movement should surely be based on a worst case scenario not on aspiration.
- If residents are to be encouraged to feel part of our community, then easy and safe access is mandatory. Improving existing pedestrian islands on the A19 and footways along Fairfields Drive will not meet the need. Whilst supporting the principle of developing this site for housing we do so with the following qualifications: Pedestrian access across the A19 should be a crossing controlled by traffic lights; The same traffic lights should facilitate vehicle movements into and out of the development, as well as egress from Fairfields Drive; The A19 speed limit should be reduced.

- Take issue with HNM comments, no reference to egress from the site. The vast majority of vehicles leaving the site will be turning right towards York and the ring road. This means crossing the northbound A19 and turning into the southbound. Even with A19 traffic speed reduced to a maximum of 40mph this will be a potentially hazardous undertaking particularly at busy times. One reason for there being few such patterns/clusters is that, to date, there are very few vehicle movements necessitating the crossing of one carriageway and turning into the other. Do not believe that this problem and methods of resolving it have been paid sufficient attention.

## REPRESENTATIONS OF OBJECTION

3.58 6 written representations making the following points:

- Concerned regarding the access road to Fairfield Cottages and that it could become a 'rat run', what controls will be put in place to prevent this
- Concerned regarding the traffic safety of vehicles exiting the proposed site
- Road particularly susceptible to weather conditions
- The data submitted indicated that there has been no fatalities is incorrect
- The eastern part of the site is adjacent to existing dwellings request a hedge or fence to ensure privacy is maintained
- Support the use of the site as residential
- The footpaths to the west of A19 are in poor condition and not adequately maintained forcing pedestrians and cyclists onto the A19
- The changes to the junction do not appear to be well-designed; the speed of traffic does not appear to have been considered
- What controls will be put in place to prevent residents of the proposed development from parking in the road to the front of Fairfield Cottages
- The density and the size of the dwellings and plots is not in keeping with surrounding properties, too dense and too small
- Increase of traffic to the site will result in noise and disturbance to the adjacent dwellings
- Road layout and speed limit should be altered, consideration of turning the road in front of Fairfield Cottages into a cul-de-sac
- Concerned that there would be noise and disruption during construction, and the that restrictions are enforced
- Proposed development will impact on existing peaceful community, request additional landscaping to boundaries to limit noise

## REPRESENTATIONS OF SUPPORT

3.59 2 written representations making the following points:

- Request that bungalows are sited behind Fairfield Cottages to prevent a loss of privacy
- Support the use of the brownfield location, and the mix of dwellings

## REPRESENTATIONS MAKING OTHER COMMENTS

3.60 One representation as summarised below:

- Support the residential development of the site but have concerns regarding the noise and disruption during the construction phase
- Concerns regarding the dwelling density and the implications on traffic exiting the site onto Shipton Road together with the impact to the lay-by used by existing dwellings
- Plans show dwellings on smaller plots than surrounding properties
- Concerned that the density of development is an attempt to increase the value of the land without due concern for the village environment
- Concerned that the large amount of vehicles using the site will result in traffic safety issues, suggest traffic lights and pedestrian crossing be part of the planning permission
- Considered that support from the surrounding community may be more forthcoming if the area by the pond on the eastern side of the site and the western green belt area are turned into landscaped public spaces/parks or perhaps common ground/playing fields

## 4.0 APPRAISAL

### RELEVANT SITE HISTORY

14/00330/EIASN - Request for a Screening Opinion under Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for a proposed 60 - 65 dwelling residential scheme - NOEIA

### KEY ISSUES

1. Policy Background
2. Principle
3. Density, Scale and Landscape considerations
4. Open space
5. Traffic, Highway, Parking and Access Issues
6. Ecology
7. Sustainability
8. Drainage

### ASSESSMENT

### PLANNING POLICY

4.1 The NPPF sets out the presumption in favour of sustainable development, there are three dimensions/roles to sustainable development: economic, social, and environmental. These roles should not be undertaken in isolation and involves

seeking positive improvements in the quality of the built, natural, and historic environment. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or (2) specific policies in the framework indicate development should be restricted (paragraph 14). Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187). The Framework places strong importance on significantly improving the supply of quality affordable and market housing to meet needs.

#### 4.2 Planning decisions should aim to ensure that developments will:-

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- establish a strong sense of place, create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks.
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
- ensure developments are visually attractive as a result of good architecture and appropriate landscaping. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations.

4.3 Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.4 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF.

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

4.6 Policy H4a 'Housing Windfalls' of the Local Plan states that 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.

4.7 The Skelton Village Design Statement sets out a number of guidelines that are pertinent to the proposed development including: Developers of land to the west of the A19 should consider methods of integration with the existing village (6); Plans for new development need to show awareness of, and not dwarf or submerge, the historical past of the village (1); Future development should not increase flooding risk within the village and should incorporate adequate drainage measures for each development (2); The immediate proximity of the surrounding fields, the rich and varied flora and fauna should not be compromised by future development but supported and enhanced by it (3); All proposed development will be required to satisfy Green Belt restrictions outlined in current planning policy documents (4); Future development should maintain the existing social pattern of mixed housing in mutual proximity wherever possible(5); The scale and density of new buildings should reflect and not swamp that of its own and neighbouring properties. (7b) Whilst the use of vernacular materials of brick, timber and clay pantiles is generally desirable, sympathetic, innovative and high quality new design, especially combined with eco architecture, may also be supported (7d). Design Guidelines 8, 9, and 10 provide guidance on the pattern of development, open space, materials and the streetscene

## PRINCIPLE

4.8 The aim of the National Planning Policy Framework is to provide sustainable development, and as such planning should contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.

4.9 The NPPF is clear in that Planning should operate to encourage and not act as an impediment to sustainable growth. The aim of Local Plan Policy E3b is to retain employment sites in employment uses. The factory was demolished in 2013. The site has been marketed (since December 2013), and the agent states that no viable scheme has come forward; they have submitted details of the marketing and the interest in the site. The NPPF makes clear that the long term protection of sites for employment use when there is no reasonable prospect of a site being used for that purpose should be avoided (para 22). In addition the agents have made the point that the Authority does not currently have a 5 year housing land supply.

4.10 Policy SP3 'Safeguarding the Historic Character and Setting of York' in the City of York Council Development Control Local Plan (2005) states that high priority will be given to the protection of the historic character and setting of York. The site is within an area classified as an extension to a green wedge (York Green Belt Appraisal 2003 & Historic Character and Setting Technical Paper (2011)) which are considered important to the setting of York. However it should be noted that until recently a large factory building occupied much of the site and the use of the site as residential will result in less visual massing and a generally reduced appearance than the previous factory use. As such the use of the site for residential is not considered to have a further impact on the green wedge and the setting of York than the factory building.

4.11 In principle, the proposed use is compliant with both national and local policy. National policy requires Local Planning Authorities to significantly boost housing supply. The site is in an appropriate location for residential development, and is considered to be previously developed land, where policy steers new development.

4.12 The proposed development is for up to 60 dwellings. For a development of 60 dwellings this would provide a density of development of approx 26 dwellings per hectare. This figure is based on the land within the red line including the pond, soft landscaping, open space. This figure is lower than the 30 dwellings per hectare recommended by Local Plan Policy H5a. Policy L1c of the Local Plan states developments for all housing sites will be required to make provision for the open space needs of future occupiers, this is considered to be consistent with paragraph 73 of the NPPF. As the site is separated from the village by a busy road (A19) the requirement for on-site childrens equipped playspace is considered to be reasonable. The indicative plan indicates some open space adjacent to the pond and within the centre of the site. To allow 60 dwellings on this site together with the open space required for such a development may result in a traditional housing development not being achievable and some flatted developments may be required within the development. The on-site open space requirements would be dependent on the number and type of dwellings as such it can be sought via a S106 agreement. The provision of the informal amenity open space and outdoor sports facilities can be provided on-site, off-site, or via an open space payment and can be

sought through the S106 legal agreement. A maintenance plan for the open space areas would also be required as part of the S106 legal agreement.

4.13 It is a requirement of Policy GP4a of the Local Plan that a sustainability statement is submitted with applications for development. The proposed development should also meet the requirements of the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction. Residential developments should demonstrate that Code for Sustainable Homes Level 3 can be achieved, are that the development can generate at least 10% of its energy demands from low or zero carbon technology. The applicant has made no reference to the generation of 10% of the energy demands from low or zero carbon for the development, or the Code for Sustainable Homes, it is considered that these standards can be secured through planning conditions.

4.14 Currently the A19 creates severance between the facilities within Skelton and adjacent walking/cycling/public transport infrastructure and the site. The nature of the A19 in terms of traffic volumes and speeds leads to a car dominated environment. The site is approximately 600m, to local facilities within Skelton. Such a walking distance is within recommended national walking distances. Inbound and outbound bus stops are within a short distance of the site entrance onto the A19 and are served by regular services. Rawcliffe Bar P&R is in the region of 1600m which is a 15 minute walk offering high frequency services into the city centre. Whilst the site can be considered to be challenging in terms of sustainable travel the package of highway measures provided through the scheme will maximise and incentivise non car accessibility in accordance with local and national planning and transportation policies.

4.15 The proposed development would be set back from the A19 with the retained pond providing a landscape barrier. The applicant originally submitted layouts showing specific dwellings together with a Design and Access Statement indicating the appearance of the development, this was not considered to give sufficient consideration to the context of the site and were not considered to be acceptable. The most recent layout has removed housing plots, however it does show and indicative road layout and broad indication of where the siting would be proposed, it is unlikely that the indicative road layout would be acceptable on the submission of reserved matters.

4.16 The trees to the north of the northern boundary including Poplars provide an element of screening of the proposal, as well as partially screening the adjacent golf course from the proposed dwellings. These trees would act as a constraint to the specific siting of dwellings close to the northern boundary. The applicant has submitted a noise assessment which has a recommendation for a 2 metre high solid timber acoustic fence along the northern eastern part of the application site where gardens 'back-onto' the A19 Shipton Road to protect the residential amenity in the proposed gardens. By virtue of the retention of the pond, the closest dwelling would be 50 metres from the A59. There are a number of dwellings much closer to

the A19. EPU have requested the acoustic fence. However as the site is bounded by the Green Belt the visual impact of a timber fence to this boundary would be very pronounced, negatively impacting on the character of the area. . It is unlikely that a timber fence along this boundary would be considered acceptable on the receipt of reserved matters. The impact to residential amenity gardens facing the A19 from road noise can be overcome by an appropriate layout. As such it is not considered that the acoustic fence should be sought via a condition. The appearance, landscaping, layout, and scale are reserved for future approval. The impact on the residential amenity of the occupants of the neighbouring dwellings will be assessed once details of the appearance, landscaping, layout, and scale have been submitted as part of the reserved matters application. As the design of the layout and dwellings are unknown it is not considered that the permitted development rights should be removed at this outline stage, this would be a consideration for the reserved matters application.

4.17 The site by virtue of its previous uses has a number of contamination issues. The applicant has submitted a Phase 1 report of the site and the Environmental Protection Unit is satisfied with these initial details. EPU have requested that additional information regarding the decontamination of the site be sought via conditions.

## TRAFFIC, HIGHWAY, PARKING AND ACCESS ISSUES

4.18 The National Planning Policy Framework states that developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport. Policy SP8 seeks to reduce dependence on the private car within new developments through, amongst others, accessibility and linking the development with surrounding uses. Policy T7c seeks to ensure all new developments are within 400m of a frequent bus service. Policy T4 seeks to promote cycle parking to encourage sustainable transport choice. These local plan policies are considered to accord with the aims of the NPPF. The Skelton Village Design Statement states that development should have safe access to and exit from the A19 (11).

4.19 Concerns have been raised regarding the traffic generation of the proposed development. The development could be expected to generate in the region of 35 movements during the AM and PM peak periods. This equates to a little over 1 additional vehicle every 2 minutes and will not be perceivable when considering daily traffic fluctuations and existing traffic flows on the adjacent highway network. This analysis of the junction operation has demonstrated that the junction will continue to operate satisfactorily and can accommodate the level of traffic generated by the development. The proposed residential use is not considered to result in a significant increase in traffic numbers than the previous factory use.

4.20 The main vehicular access into the development is to be taken from the A19 by utilising the existing site access. This access will be modified to reduce its width

from a commercial standard to that more appropriate for a residential development and provide new kerbing. The access modifications enable the access to be slightly relocated further north thus increasing the distance between the site access and the existing adjacent residential access road.

4.21 Right turning traffic into the site will continue to have the benefit of the right turn ghost island. The slight relocation of the site access also has the benefit of increasing the length and separation of the right turn ghost island serving the existing adjacent residential access road. The accident history for this section of the A19 has been investigated and has not identified any patterns or clusters of accidents that could be anticipated to increase or be exacerbated by the proposed development. The proposed junction arrangement is in accordance with national guidance and offers a suitable width together with visibility to the appropriate guidance.

4.22 Whilst the internal layout will be subject to future reserved matters applications it is anticipated that the scheme will be designed and constructed to CYC standards as a shared space varying between 4.5m and 6m wide and subsequently offered for adoption as publicly maintainable highway. In line with other developments the internal layout will be designed to Manual for Streets guidance with design measures to restrain vehicle speeds to 20mph or below.

4.23 The highway works include;

- a) A financial contribution to be used towards promoting and implementing a traffic order to reduce the speed limit in the vicinity of the site to 40mph
- b) Upgrading of 2 existing pedestrian refuges to the North and South of the site access. The improvements will result in wider refuges creating larger pedestrian holding areas and increased prominence of the refuge.
- c) Provision of pedestrian crossing facilities comprising dropped kerbs, footway works and tactile paving at 4 side road junctions along the main walking route to the facilities in the village of Skelton
- d) A reduction in the length of the A19 Southbound acceleration lane from Fairfields Drive in order to reduce the pedestrian crossing distance over the A19 to a single lane width
- e) Provision of shared pedestrian/cycle facilities to link the site to the existing cycle facilities on the East side of the A19
- f) Relocation and upgrading of the existing Northbound bus stop to include Kassel kerbs, shelter and footway works

4.24 The above highway works can be secured through a S106 Agreement.

4.25 Concern has been expressed that the proposal would result in further competition for parking within the road to the front of Fairfield Cottages, it is considered that the proposed residential development will be able to provide adequate parking provision within the site boundaries.

4.26 Policy NE2 'River and Stream Corridor, Ponds and Wetland Habitats' states that development which is likely to have a detrimental impact on the natural features of river and stream corridors, ponds or wetland habitats will not be permitted. The drawings submitted for the access show conflict between the proposed access road and path and the retained pond. The proposed siting would require a retaining structure for the road which would significantly impact on the health and visual amenity of the pond. Following discussions with the Highways team it is considered that the access road can be sited further to the south than portrayed and therefore removing the conflict and this can be sought via a suitably worded condition. The application is for consideration of the access for the site, not the access road.

## AFFORDABLE HOUSING

4.27 The NPPF requires LPAs to identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand, and where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified.

4.28 The City of York's current policy is that on brownfield sites such as this the minimum affordable housing on-site requirement is 20%. It is expected that 70% of these units will be social rented and 30% discount sale tenure and they will be 'pepper-potted' evenly throughout the development. It is considered that this can be secured through a S106 legal agreement.

## DRAINAGE

4.29 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. The Strategic Flood Risk Assessment (Revision 2) (2013) and Local Plan Policy GP15a: Development and Flood Risk advise discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced.

4.30 By virtue of the potential to affect neighbouring land and roads it is considered that this information is required to ensure that the proposed drainage method is appropriate and works in this location, it is considered that in this case the information can be sought via condition.

## EDUCATION

4.31 Development Control Local Plan Policy ED4 states that the impact of new residential developments on local schools needs to be considered. Supplementary Planning Guidance to this policy sets out criteria for assessing the required financial contribution to be sought from residential developments. Currently the local primary and secondary schools have sufficient space, however this may not be the case

once development has started following approval of reserved matters and therefore it is considered prudent that the criteria could be included within the S106 to allow flexibility.

## **5.0 CONCLUSION**

5.1 The proposed development of the brownfield site for residential development is considered to be acceptable in principle, and approval of this outline application is recommended. Approval is recommended subject to the completion and signing of a Section 106 agreement covering education contribution, open space, affordable housing, and highway works.

## **COMMITTEE TO VISIT**

## **6.0 RECOMMENDATION:**

- (i) Defer Pending completion of a satisfactory Section 106 Agreement to secure the matters set out in paragraph 5.1 above
- (ii) Grant delegated authority to officers to approve on completion of the Section 106 Agreement, subject to the following conditions:-

1 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details as approved:

Details to be submitted: appearance, landscaping, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used (hereinafter referred to as "reserved matters").

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

2 The application for approval of all reserved matters referred to in Condition 1 above shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

3 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing Number J-BO592 Revision R3 received 05 January 2015  
Location Plan Drawing Number 13043\_PL01 Revision A received 07 January 2015;

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

4 Notwithstanding the approved drawing the access road to the south of the retained pond shall be sited further away from the aforementioned pond than shown in Drawing Number J-BO592 Revision R3 received 05 January 2015. Detailed drawings shall be submitted for the reserved matters application showing the road and pavement set away from the retained pond, and ensuring that the appearance and health of the pond are not affected by the construction or maintenance of the road and walkway

Reason: To ensure there is no conflict between the access road and pavement and the retained pond.

5 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area and the extension to the green wedge as set out in the York Green Belt Appraisal 2003 & Historic Character and Setting Technical Paper (2011).

INFOMRATIVE: Close boarded timber fencing to the north and west boundaries of the site is unlikely to be supported.

6 VISQ8 Samples of exterior materials to be app -

7 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

The following information shall be submitted with the reserved matters application:

- (i) Details to include calculations and invert levels to ordnance datum of the existing surface water system should be provided together with details to include calculations and invert levels to ordnance datum of the proposals for the new development.
- (ii) A topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties shall be submitted. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

- (iii) Existing and proposed surfacing should be shown on plans.
- (iv) Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface watercourse is available. Suitability and capacity of point of discharge should be proven.
- (v) If the proposed method of surface water disposal is via infiltration methods, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to except surface water discharge, and to prevent flooding of the surrounding land and the site itself. City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods are proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

Existing connected impermeable areas should be proven by way of drainage and CCTV survey. If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site. To ensure compliance with City of York Councils Strategic Flood Risk Assessment (2013) and Policy 15a Of the City of York Development Control Local Plan (2005).

- 8 LAND3 Protection of existing planting -
- 9 LAND1 IN New Landscape details -
- 10 HWAY1 Details roads,footpaths,open spaces req. -
- 11 HWAY7 Const of Roads & Footways prior to occup -
- 12 HWAY19 Car and cycle parking laid out -
- 13 HWAY40 Dilapidation survey -
- 14 HWAY41 Safety Audit -

15 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved method of works statement. Such a statement shall include at least the following information;

- (i) the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- (ii) where contractors will park
- (iii) where materials will be stored within the site
- (iv) measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

16 HWAY34 Completion of the highway -

17 Prior to the development hereby approved coming into use, a three pin 13 amp external electrical socket which is also suitable for outdoor use shall be installed within the curtilage of each dwelling. The socket shall be located in a suitable position to enable the charging of an electric vehicle within the garage or on the driveway using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles. To promote the use of low emission vehicles on the site in accordance with paragraph 35 of the National Planning Policy Framework.

18 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:

- human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

19 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Prior to first occupation or use, the above remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

20 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the aforementioned

remediation scheme a verification report must be prepared, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

21 Prior to the occupation of each building details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux of all external lighting associated with that building. The development shall be carried out in accordance with the approved lighting scheme.

Reason: In the interests of visual amenity, to prevent light disturbance and nuisance

22 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

23 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide 10% of its predicted energy requirements from on-site renewable sources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority. The approved scheme shall be implemented before first occupation of the development. The site shall thereafter be maintained to the required level of generation.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

24 Prior to any works commencing on site, a construction environmental Application Reference Number: 14/01478/OUTM Item No: 4c

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

Reason: To protect the amenity of neighbouring residents during the construction phase of this development.

Informative:

For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situations, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may result in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. All monitoring results should be recorded and include what was found and mitigation measures employed (if any).

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, use of barriers, use of water bowsers and spraying, location of stockpiles and position on site. Details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. All monitoring results should be measured at least twice a day and results recorded of what was found, weather conditions and mitigation measures employed (if any).

For lighting details should be provided on whether or not artificial lighting will be provided on site during the development of the site and also include hours of operation. Mitigation measures to ensure that there is no loss of amenity to neighbours due to light pollution should also be detailed.

In addition the CEMP shall set out details of the complaints procedure, so that in the Application Reference Number: 14/01478/OUTM Item No: 4c

event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (ie investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

25 All piling operations shall be carried out using the method likely to produce the least vibration and disturbance. Full details of the dates, times and duration of operations shall be submitted to and approved in writing by the Local Planning Authority before any piling operations are begun and piling operations shall take place in accordance with the approved details.

Reason: To protect the amenity of neighbouring residents during the construction phase of this development

26 Except in case of emergency, no construction operations which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays. There shall be no working on Sundays or Public Holidays. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of neighbouring residents during the construction phase of this development.

27 During the construction process heavy goods vehicles shall only enter or leave the site between the hours of 08:00-18:00 on weekdays and 09:00-13:00 Saturdays and no such movements shall take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

Reason: To protect the amenity of neighbouring residents during the construction phase of this development.

28 No development will take place until an archaeological evaluation of the site has been carried out in accordance with a detailed methodology (which will detail a trial trench, analysis, publication and archive deposition) which shall first be submitted to and approved in writing by the Local Planning Authority and a report submitted to and approved in writing by the Local Planning Authority. A report on the results of the evaluation shall be submitted to the Local Planning Authority within six weeks of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

29 If following the carrying out of the archaeological evaluation required by Condition 28, the Local Planning Authority so requires, an archaeological excavation of the site will be carried out before any development is commenced. The excavation shall be carried out in accordance with a detailed methodology (to include trenches, community involvement, post-excavation analysis, publication and archive deposition), which shall first be submitted to and approved in writing by the said Authority. Reasonable access shall be afforded to any Local Planning Authority nominated person who shall be allowed to observe the excavations. A report on the excavation results shall be submitted to the Local Planning Authority within twelve months of the completion of the field investigation.

**Reason:** The site is located within an area identified as being of archaeological interest. The investigation is required to ensure that archaeological features and deposits identified during the evaluation are recorded before development commences, and subsequently analysed, published and deposited in an archaeological archive

## **7.0 INFORMATIVES: Notes to Applicant**

### **1. 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:

- Request revised plans and further information
- Section 106 Legal agreement
- Use of conditions

### **2. LEGAL AGREEMENT**

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

### **3. INFORMATIVE**

The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, Fax 01274 303 047) at the earliest opportunity. Sewers intended for adoption and diversion should be

designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

#### 4. INFORMATIVE:

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 manufacturers 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

#### 5. INFORMATIVE:

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

Section 38/278 - Michael Kitchen (01904 551336)

## **6. INFORMATIVE:**

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

### **Contact details:**

**Author:** Victoria Bell Development Management Officer

**Tel No:** 01904 551347