

COMMITTEE REPORT

Committee: Planning Committee
Date: 27 June 2006

Ward: Fulford
Parish: Fulford Parish Council

Reference: 05/0022/OUT
Application at: Royal Masonic Benevolent Institute Homes Connaught Court St Oswalds Road York YO10 4QA
For: Outline application for erection of sheltered accommodation, extension to Elderly Mentally Frail unit, residential development, relocation of existing bowling green and provision of new access road and car parking (revised scheme)
By: Royal Masonic Benevolent Institution
Application Type: Outline Application

1.0 PROPOSAL

SITE:

1.1 The Connaught Court site lies between Main Street, St.Oswalds Road, Atcherley Close, Fulford Park and Fulford Ings, in Fulford. The main vehicular access is off St. Oswalds Road, with a pedestrian access also found onto the Main Street frontage. The main building on the site is a large 2 and 3 storey reasonably modern care home, with associated smaller associated buildings and dwellings grouped around it. The buildings are primarily grouped towards St. Oswalds Road and Atcherley Close, with the remainder of the site consisting of private open space and a bowling green. The site contains substantial numbers of protected trees, in particular in the part of the site nearest Main Street.

1.2 Levels drop on the west side of the site towards the Ings and the River Ouse beyond. This part of the site lies in the flood plain of the river, whilst the adjacent Ings is a SSSI and lies within the York Green Belt. The frontage of the site onto Main Street lies within Fulford Conservation Area. The St. Oswalds Road frontage does not lie in a conservation area, though properties on the opposite side of this road lie within Fulford Road Conservation Area

PROPOSAL:

1.3 The proposal in summary involves the redevelopment of parts of the Connaught Court site for self contained 'special care' sheltered apartment accommodation, an extension to the existing mentally frail unit on the site, private (general market housing) residential development, the relocation of the bowling green and associated facilities, and car parking spaces for the use of an adjacent health centre, to the south of the site.

1.4 The application is made in outline form. Access forms part of the application. A new vehicular access into the site would be formed off Fulford Road, and the existing vehicular access off St. Oswalds Road would also be utilised.

1.5 A planning statement incorporating a tree survey, landscape strategy, flood risk and drainage assessment, traffic impact assessment, archaeological desktop study were submitted when the application was received.

1.6 During the course of the application, siting of the following was also made formally part of the application, in order for the principle of the development to be properly assessed in relation to the impact on protected trees on the site and the two conservation areas:

- extra care apartments
- mentally frail unit
- access roads, emergency link and parking spaces for the health centre
- bowling green, bowls clubhouse and parking
- proposed dwellings on part of the site fronting St. Oswald's Road

- open space to be retained on site and children's play space.

1.7 Issues of design, external appearance and landscaping remain reserved matters, as does siting of dwellings in proposed residential areas to the south of Atcherley Close and to the north of Fulford Park.

1.8 The following additional information and amendments were made during the course of the application:

- changes to the layout to show protective tree fencing lines, alteration to the siting of the - extra care sheltered accommodation to retain a tree, increased retention of a raised bed for beech tree.
- detailed drawings of the site access junctions and supplementary highways issues information
- a report on the archaeological evaluation
- a design statement for the St. Oswalds Road area of the site
- a design brief for site security
- supplementary flood risk assessment information
- supplementary open space issues information
- changes to play space provision
- site sections in relation to bowling green and access road from Main Street.
- proposed land use plan to confirm the uses proposed in each part of the site.
- bat survey
- financial appraisal on affordable housing issues

1.9 All relevant consultees were consulted on further information and amendments made during the course of the application. Local residents and the Parish Council were consulted on all further information (excluding the financial appraisal) and amendments made. The development as proposed is detailed as follows:

1.10 The areas behind the Main Street frontage would comprise open space areas on either side of the new access road. This would include the relocated bowling green on the north side of the new access road with clubhouse. The bowling green is currently in the area of the site to the south of Atcherley Close, where private residential development is proposed. A small children's play area is proposed on the open space to the south of the new access road. Nineteen car parking spaces are proposed along this new access road, six of which would be for use by the health centre, connected by a footpath link. A further three would be shared with the bowling green, with ten for sole use for the bowling green.

1.11 The new extra care apartments building would be sited behind (west of) of the bowling green. The building would be L shaped, with the new access road terminating in front, with associated car parking. A courtyard of bungalows would have to be demolished to make way for the building. The footprint area of this building would be approximately 2000 sq m.

1.12 The L shaped extension to the mentally frail unit would be sited on the north side of the Connaught Court buildings, abutting the rear boundary of the Sir John J Hunt Memorial Cottage Homes. Car parking would be shared with the reconfigured car parking for the existing Connaught Court building, providing a total of 40 spaces and cycle parking.

1.13 Three areas of private residential development are proposed, all of which would be serviced via the existing St.Oswalds Road access. The area adjacent St. Oswalds Road would provide 6 detached and 2 semi detached dwellings, incorporating a small 'green' feature and a separate footpath link to St. Oswalds Road. The dwellings would be orientated into the site, and be of 2 or 2½ storey height.

1.14 The remaining two residential areas would be to the south of Atcherley Close and to the north of Fulford Park. The existing internal access road would be extended to the west and then to south of the existing Connaught Court building to serve these parts of the development. Indicatively, the area to the south of Atcherley Park is shown to provide 27 apartments in 2 and 3 storey blocks, and the area to the north of Fulford Park is shown to provide 10 detached dwellings, though siting of these dwellings does not form part of the application. The part of the site to west of these areas, and down to the site boundary with the Ings, would be open space. The second children's playspace is proposed between these two areas of new residential development.

1.15 Neither the private residential development, nor the extra care sheltered accommodation would provide affordable housing. The applicant's justification for this is discussed in 4.4.

Site History:

1.16 The existing care home has being subject over a number of approvals for extensions over the years. The site frontage onto St. Oswalds Road received an outline permission in the mid 80s for four dwellings. More recently, an outline application for 40-50 extra care units in part of the site adjacent to Fulford Park, and accessed off Fulford Park, was withdrawn following a recommendation to refuse on the grounds of inadequate information in relation to trees, conservation area, SSSI, Green Belt, access and affordable housing (ref: 03/00698/OUT). During this course of the application, a Tree Preservation Order was served on the majority of trees on the site.

1.17 Two of the protected beech trees have being subject to recent tree works applications. A first application (ref: 03/03285/TPO) was made in October 2003 to remove these trees, but was refused on the grounds the trees appeared in reasonable condition and inadequate arboricultural reasons were given for their removal. A further application (ref: 04/01838/TPO) was submitted in May 2004 to fell the two beech trees, following a more detailed inspection and an associated report, including replacement planting with a woodland species of similar stature. Permission was consequently given for the removal of the trees, and they have subsequently being removed.

1.18 A similar development to that now proposed under this application, but subsequently withdrawn was proposed in 2004(ref: 04/002546/OUT). The main differences are the current application proposes also the extension to the mentally frail unit and the car parking for Fulford Surgery, and the siting details provided as part of the current planning application and more detailed supporting information.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Fulford 0041

DC Area Teams East Area (1) 0003

City Boundary York City Boundary 0001

2.2 City of York Deposit Draft Local Plan (1998) as amended by 1st and 2nd set of Changes Policies:

SP2 The York Green Belt

SP6 Location Strategy

GP1 Design

GP3 Planning Out Crime

GP4 Environmental Sustainability
GP9 Landscaping
GP15 Protection from Flooding
NE1 Trees, Woodland and Hedgerows
NE6 Species Protected by Law
HE2 Development in Historic Locations
HE3 Conservation Areas
HE10 Archaeology
HE11 Trees and Landscape
T4 Cycle Parking Standards
T13 Car Parking Standards
H2 Affordable Housing
H4 Housing Development in Existing Settlements
H5 Residential Density
H17 Residential Institutions
L1 Provision of Open Space in New Developments
C6 Developer Contributions Towards Community Facilities

3.0 CONSULTATIONS

Internal

3.1 City Development

3.1.1 The proposal aims to make effective use of land for housing. It is borderline in terms of meeting minimum density requirements, but the landscaped setting of the site must be acknowledged. The parkland character and formal gardens have been retained. The proposal includes open space provision linked to the new housing in accordance with local plan policy. It is noted the bowling green will be relocated between the care home and the Main Street frontage.

3.1.2 It is disappointing to note the lack of affordable housing. The Local Plan and Affordable Housing Advice Note 2000 are clear in their support for affordable housing, and it is considered the site performs well in terms of access to services and facilities, including public transport. There is a clear and identified need for affordable housing in York in general and this area specifically. The 2002 Housing Needs Survey indicates a need for 950 new affordable homes per annum to 2007 to meet need. The applicant's supporting statement accepts the affordable housing policy, but attempts to justify the non provision by referring to abnormal site costs and the realisation of other policy objectives.

3.1.3 The applicant has submitted a table of costs associated with the removal of asbestos and the upgrading of services, rooms and windows, general repair and the maintenance and construction of an extension. In line with the Housing Advice Note 2000, it is considered these costs are known rather than abnormal. They should be accounted for in land appraisal sales, and it is considered that open market sales within the scheme will comfortably off set the on-site costs.

3.1.4 The second justification for the lack of affordable housing refers to the charity status of the applicants and states that any surplus resulting from the development will be used to upgrade and improve facilities. Circular 6/98 clarifies the situation on suitability of sites for affordable. Suitable housing includes "special needs housing which is not affordable simply because it caters for a particular group", going on to state that "local assessments of needs for affordable housing may show there are elderly households who cannot afford sheltered housing provided by the market". There have been no submissions to suggest that the sheltered housing would be affordable to local elderly people in need, and it is considered appropriate to include a suitable element of affordable sheltered housing within the scheme.

3.1.5 Cannot see any reason why the proposed private housing should be exempt from the established policy to integrate affordable housing within private housing schemes.

3.1.6 On submission of a financial appraisal on affordable housing issues, reiterates the site size and numbers are well above affordable housing thresholds, the agents assertions that extra care accommodation is sui generis and should not be subject to affordable housing requirements, and that affordable housing should not be provided within the private market for sale homes as it would compromise the Royal Masonic Benevolent Institute's (RMBI) programme of investment as a charity.

3.1.7 The financial appraisal treats the refurbishment and extension to Connaught Court as abnormal costs, that it to say there is an expectation these costs will be discounted from the gross development value and affordable housing therefore will not be required. There are very limited details on the extent of refurbishment and materials, construction methods and management. Similarly, a substantial financial contribution is extracted from the total gross development value in order to contribute to the RMBIs national build programme

3.1.8 Reiterates Circular 06/98 advice that special needs housing is not affordable simply because it caters to a particular group. The 2002 Housing Needs Survey shows there are elderly households in York who cannot afford sheltered housing provided by the market. The Council's Affordable Housing Note is clear and consistent in its approach, stating that known development costs should be accounted for in negotiating realistic land values. Planning related requirements such as affordable housing will be seen as known costs, and the onus will be on developers to offset these requirements through market sale and realistic land acquisition. This accords with Circular 06/98, which sets out the need to take any particular costs of development into account.

3.1.9 In this application, the land is already in the ownership of the RMBI and the surplus is sought to finance the extension and improvements to Connaught Court. Any surplus available (which is quite substantial) is proposed to contribute to the national programme of improvements and rebuilding/extension of RMBI homes across the country.

3.1.10 This is not agreed with in principle. It is not consistent with national or local policy and will not contribute to affordable housing provision in York. The RMBI's charity status does not allow entry to all people, or even to elderly people in affordable housing need in York or indeed to any elderly people in York, unless part of the RMBI. It is not related to any particular Council strategy, unlike affordable housing need in York. In this way and with reference to Circular 06/98, the provision of affordable housing within the scheme cannot be said to prejudice the realisation of other planning objectives that need to be given priority in the development of the site.

3.2 Highways Network Management

3.2.1 On-site parking to serve residents needs is capable of being provided within the curtilage of the houses themselves. Parking for owners of the apartments would take place off the highway within allotted areas. It will be important to ensure when the reserved matters application is submitted, that parking levels are in accordance with Local Plan standards, to ensure no displacement of demand into neighbouring residential streets. Whilst the existing parking area for the current care home would be lost by the development proposals, there would be a replacement area of 40 spaces, sited to the north and west of the building. New covered and secure cycle storage facilities are also to be provided.

3.2.2 The current bowling green is to be re-sited towards the Main Street frontage of the site where a new clubhouse is also to be provided. Although there appears to be currently no dedicated parking are provided for the players, the proposals would create 10 spaces alongside the green accessed via a new junction off Main Street. The opportunity has been

taken to provide an additional 6 parking spaces for patients at the nearby Health Centre also served via this new cul-de-sac. This is a welcome addition since on-street parking can currently cause congestion around the Fulford Park junction.

3.2.3 The 19 parking spaces for the extra care apartments would be largely associated with staff and visitors since actual car ownership levels are predicted to be very low. Given the total number of residential units on the site, an emergency link has been sought between the two access roads which would take a line avoiding the mature trees on the site. This link would also serve as a route for pedestrians and cyclists wishing to reach Main Street and Fulford village rather than having to undertake the long detour via St. Oswalds Road. The internal access roads would in future become part of the adopted highway network and therefore conditions need to be attached to any approval requiring them to be constructed to adoptable standards.

3.2.4 The applicant is seeking permission to introduce a lower standard of visibility splay than would normally be required at the Main Street junction. This is because of difficulties associated with the setting back of the boundary wall and the impact this might have on the health of existing mature trees. Given the special circumstances, and the generally light traffic movements predicted, it is considered that the standards could be relaxed in this instance.

3.2.5 The site is situated in a sustainable location with buses passing on a 10 minute frequency into the City, throughout the working day. At the western end of St. Oswalds Road, the recently constructed off-road pedestrian/cycle route alongside the river provides a safer alternative to the Fulford Road radial for journeys into the City Centre. With the construction of the Millenium Bridge, safer routes to South Bank and Acomb are also now available for cyclists. Signalised crossing facilities for pedestrians are provided at the Fulford Road/Heslington Lane and Fulford Road/Broadway junctions. These pedestrian facilities already provide safe crossings between the development site and local facilities.

3.2.6 Objectors to the application have pointed out that traffic emerging from St. Oswalds Road into Main Street already face difficulties due to the restricted visibility of on-coming traffic particularly in the direction of the City. This is largely due to on-street parking which takes place along the frontage of the adjacent terrace properties. If Members are minded to approve the application, monies (£5,500) should be sought from the developer through s106 agreement to carry out improvements at this junction by way of a build out at this point and the marking of a right-turn lane at the junction, bearing in mind the extra traffic predicted.

3.2.7 The additional trips generated by the development on the adjacent highway network are predicted to be in the order of 40 to 50 vehicles in each of the two peak hours. The percentage increase in vehicle movements along Fulford Road is predicted to be significantly below the 5% threshold whereby a material change in traffic conditions can be said to have occurred.

3.2.8 An examination of the of the future operation of the existing site access junction on St. Oswalds Road, the junction of St. Oswalds Road/Fulford Road and the new site access on Main Street are all shown by the applicant's transport consultant to be operating well within their capacity and with only minimal increases in queue length in the post development situation.

3.2.9 In conclusion therefore there are no highway objections to the application. This is subject to a section 106 agreement covering the funding of highway safety improvements at the St. Oswalds Road/Fulford Road junction and highway conditions in relation to protecting vehicular visibility splays, adoptable road layout to be agreed, no mud on highway during construction, dilapidation survey, method of works statement and road safety audit.

3.3 Urban Design and Conservation – Trees/Landscape

3.3.1 On the submitted application, considered the main concern as this is an outline in ensuring the full requirements of British Standards are met in protecting trees. There would be definite significant loss of trees, and whilst a number are of limited significance individually, the potential accumulative loss could have a significant impact on the amenity and character of the area.

3.3.2 The units as originally proposed were incompatible with verge trees on St. Oswalds Road, impacting on the tree roots and causing loss of light. Accepts the amendments and further information submitted is an improvement, and that the arrangement of proposed dwellings on St. Oswalds Road should allow for the for scaffolding without the need to trim trees back, and that they will not now shade the properties from direct sunlight. The courtyard arrangement also avoids having to create several access points off St. Oswalds Road. There must be sufficient garden space with a southerly aspect, and there would be less conflict if the ends face the trees, though this may not provide the best aesthetics to St. Oswalds Road.

3.3.3 However, the aesthetically critical part of the scheme that is threatened, is the old parkland that contains the majority of the mature trees as viewed from Fulford Main Street. The mature trees in particular are of interest due to their age and species mix and their amenity value as part of a recognisable landscape setting and in several cases as individual specimens. The site is within the ‘village envelope’ of Fulford. It is not public open space and has no designation according to the local plan. However the open nature of the site, with its many mature trees, is an integral element of the character of the conservation area as publicly viewed from Fulford Main Street. This character is also appreciated from Love Lane and by the residents in Fulford Park. This open landscape feature marks an important break between the outskirts of the city centre along Fulford Road and Fulford village.

3.3.4 The earthworks and ditch for the new bowling green will result in the unacceptable loss of one protected lime and a number of category A trees (most desirable for retention) are threatened due to levels changes. They contribute to the amenity of the vicinity, providing layers of greenery and provide depth from views for the conservation. The accumulative loss would have a detrimental loss on the amenity of the site and views from Main Street and Fulford Park, having a detrimental impact on the character and amenity of the conservation area. There may be conflict with existing trees and the bowling green due to shading and the fall of leaves.

3.3.5 It is noted that the latest proposals aim to retain the lime. The detailed proposals for the edge of the bowling green tight up against the trunk of the Lime tree (including an in-situ concrete ring) is not good practice; it also involves raising the ground levels over the rooting zone of the tree, thereby altering conditions for the tree, that would be to its detriment. This would be exacerbated by the old age of the tree, which generally renders it less able to cope with changes in conditions. In addition to this, the parking bays and footway are proposed within the recommended protection area (RPA) for this tree, as well as the RPA for all three of the category A trees within group 5 of the TPO (257, 276, 277). The ditch and earthworks also intrude into the root protection area for the large Beech (275). This tree has exceptionally high amenity value and is also over-mature, which places greater importance on attaining adequate protection.

3.3.6 The proposed location of the single play area was impractical as play equipment would have been in the tree protection zones, and trees in question are prone to dropping limbs. This location would have threatened the trees’ longevity due to the risk they would pose in relation to the play space. The smaller play space now proposed in this area extends into the

root protection areas of the mature trees. It also falls below the required play area size for a LEAP standard, with the remainder provided at the other end of the site.

3.3.7 The health centre car parking would detract from the parkland character, and would be exacerbated with lighting columns and signage the turning head interferes with tree protection. Indicative housing plot 3 is too close to Poplars on Fulford Park outside the site, though it is understood the siting of dwelling in this part of the site is indicative.

3.3.8 In summary, the main criteria for this site are i) to retain an open swathe/parkland setting onto Main Street ii) protect the views/amenity from Fulford Ings and iii) retain the trees that are subject to a TPO. As this is an outline application the main concern is to ensure that British Standards are met in protecting trees As such the scheme presents a high risk of loss of trees, the extent of which is unacceptable due to the impact this would have on amenity and character. The development is still contrary to policies NE1 and HE11 because of the proposed loss and further likely loss of trees that are subject to a TPO due to development. That is not to say substantial development is not feasible on this site, but not in the current format.

3.4 Urban Design and Conservation – Built Conservation

3.4.1 On the submitted application, considered the further details needed to be submitted with the application in relation to layout, scale and mass of the St. Oswalds Road area of the site, as a significant level of development is proposed in this part of the site.

3.4.2 On submission of the layout and design statement for the St.Oswalds Road, raise no objection. The design statement satisfactorily describes the context of the conservation area and neighbouring development, establishes the informal recessed layout of development here, whilst remaining open to the different design possibilities that exist. The potential impact on the setting of the Fulford Road Conservation Area is lessened by the informal, recessed layout. Considering this plan and the above design statement there is sufficient information to adequately assess the impact of the outline proposal on the Fulford Road conservation area.

3.4.3 The proposed Main Street area layout is acceptable. The principle issue here is retention of the trees. It is desirable that the wall remains at its present height but lowering it by a few courses would not be viewed as being particularly harmful to the character of the conservation area.

3.5 Urban Design and Conservation – Archaeology

3.5.1 There are a number of archaeological finds from the Fulford area recorded in the Sites and Monuments record, therefore the applicants were advised to carry out an assessment and field evaluation of the site. This revealed a substantial possibly late prehistoric ditch running parallel to St. Oswalds Road and a range of ditches, pots and postholes all of Romano-British date. They are not of national importance, so they do not need to be preserved in situ, but they are of local/regional importance and must be recorded through an excavation in the area adjacent to St. Oswalds Road before development takes place. There must also be an archaeological watching brief on all other groundworks.

3.6 Urban Design and Conservation - Ecology

3.6.1 Raised concerns to the original submission due to the potential impact of the siting of the extra care facility on a fungi bed. The amended plans showing the changed building layout is better, with the area been for removal at the far end of the building. How much impact this would have will depend on the underground mycelium, and it would be imperative the retaining wall is built first. There needs to be an approved post development management plan. There also habitat creation opportunities for the open space, because of

the adjacent SSSI. Whilst this is a detailed consideration for a later stage, the applicant should be made aware at the outline stage.

3.6.2 There would be reasonable width left between the existing building and new development to allow for a foraging corridor for bats. On contact by local residents, and in visiting the site, there may be a bat roost within the site. The suitable trees are in close proximity to the single play area and bowling green, which is a concern. The revised plans showing the of splitting the play area is better from the point of view of bats. The splitting and relocation of the play areas takes them away from the main points of possible conflict and retains a corridor link to the Ings. Still feel there is insufficient area of interest for the fungi but accept it will be difficult to achieve anything further.

3.7 Community Services/Housing and Adult Services

3.7.1 Request that the provision of affordable housing is established as a planning condition or as part of the s106. This to preserve the requirement, as the site could easily be divided to avoid the minimum site size or number of units. To accord with the affordable housing requirements at the time the application was submitted, there will be a 25% affordable housing requirement. It is requested that an affordable housing plan be a requirement for the totality of the site and an integral part of the s106 for the whole site.

3.7.2 There are a number of concerns regarding the application at this stage and support cannot be offered until these issues have been satisfactorily addressed. Discussions with the applicants have not been resolved to the principles or nor the detail of affordable housing. Discussions have been centred around the RMBI's aim to a maximise capital receipts from the site and how this conflicts with the council's affordable housing policies. The applicant's use of data from the housing needs survey is taken out of context, and does not accord with the survey's final conclusions. The south east sector of the survey, which includes this site, shows the highest backlog of need.

3.7.3 The applicant has not attempted to assess the specific benefits to York – they state that only 70% of the occupants of the care would be from Yorkshire, with the balance of any surplus allocated to a new home in Durham. None of these statements give any comfort to housing need in York. No indication of the management or care charges were given, and it was indicated the Registered Social Landlord (RSL) will be charged with the exclusively charge of provision for masons and their partners. This offer in case has been withdrawn.

3.7.4 The mix of affordable housing should match pro rata that of the private element proposed on the whole site. The provision for the whole site should comprise 70% rented and 30% discounted for sale. The affordable homes should be of a size and quality that equates to that of the private and to be visually indistinguishable. The location of the affordable housing must be satisfactorily pepper potted, and the prices of the discounted sale dwellings needs to be agreed in advance of the Committee. Car/cycle parking should match pro-rata that of the private element. The homes should be provided through partnership with a RSL approved by the Council that provides the normal nomination system.

3.8 Lifelong Leisure and Learning

3.8.1 In relation to sport pitch provision, the recognition through the supporting statement that an off site contribution to be provided through a section 106 agreement is welcomed. On the original submission, stated that the location of the playspace should be confirmed and requested further information on the 'allotments' on site. The play area should be built to National Playing Fields Associated LEAP standards. Given the site is in private maintenance, it should be confirmed the RMBI will continue to maintain the on site open space. Would prefer to see maintenance of on site children's play area and opens space remains with the developer/management company.

3.8.2 The relocation of the bowls facilities is welcomed, but would wish the new green to be built before the closure of the old green, to ensure continuation of use. A path would be needed on all four sides of the bowling green. On Council run bowling greens, try to avoid trees near bowling greens as the shade they cast is detrimental to the grass and the trees also draw essential moisture away from the green, although a good irrigation system would sort that out. Also suggest a cycle link is made into Fulford Park, to provide a through link to St. Oswalds Road and down to the riverside path.

3.8.3 On submission of supplementary open space information, notes the allotments were used as kitchen garden for the care home and have not been used as a formal allotment, and the applicant will set up a management company to maintain on site open space. On submission of details of the siting of play area and that it would be built to LEAP standard, confirms this is acceptable. On subsequent submission of further details providing alternative provision through the two smaller playspaces to try to limit the impact on protected trees, state this is now not satisfactory. The play areas no longer meet NPFA standards which has a minimum size of 0.04ha. The City is judged on how it meets this standard so it would be a mistake to agree to build substandard playspace provision on the site.

3.9 Education

3.9.1 Local levels of surplus are such that contributions will only be sought for foundation and secondary stage education, dependant on the number of family dwellings as defined under the education SPG any dwellings of 2 or more bedrooms. Full breakdown of the accommodation schedule is not available, so a final figure cannot be arrived at. Any contribution will be based on £3398 per place required for foundation and £10,391 per place required for secondary. Further analysis will be undertaken upon receipt of a more detailed application.

3.10 Structures and Drainage

3.10.1 The Flood Risk Assessment appears to satisfactorily address all relevant issues in connection with flood risk and drainage, but the approval of the Environment Agency should be sought.

3.11 Environmental Protection

3.11.1 No objections to the principle of the development. There will be considerable noise during the construction phase of the development, that has the potential to affect the amenity of existing residents and neighbouring properties. A condition is felt appropriate to restrict the hours of work. There is also the issue of permanent plant/machinery which may be fitted as part of the final scheme. Although not a statutory noise nuisance, it may give rise to a lack of amenity. A condition is needed to require the approval of any noisy plant/machinery.

3.11.2 The site lies within 250m of a landfill site. There is the potential for mitigating gases that could present a health risk if development were to go ahead and suitable gas protection measures were not incorporated. A condition is recommended that requires the developer to undertake an assessment of the situation that will involve a minimum of 3 months gas monitoring.

External

3.12 Environment Agency

3.12.1 The Flood Risk Assessment submitted expands on the conclusions given the previously submitted planning statement with application 04/002546/OUT to which the Agency objected. The Agency has been in discussion with the applicant's agents and have agreed some changes, including the flood levels used, though these are not given the Flood Risk Assessment. There is a small discrepancy between the modelled levels held by the

Agency and the assumed levels held by the agents. The consideration of climate change should also be built into the mitigation, due to the vulnerability of the potential occupants. The Agency ask for this matter to be clarified before the principle of development is established, and therefore maintain an objection.

3.12.2 On submission of the supplementary flood risk information and plans referred to in this information, confirm this does now reflect the previous statements and discussions and therefore the Agency now raises no objection in principle to the application. This is subject to conditions in relation the details of surface water drainage works, no new buildings or raised ground levels within 2m of the 9.84m AOD contour, floor levels to be set at least 600mm above the 1 in 100 year flood plain plus climate change level at 10.22 and no storage of materials within the part of the site identified which is liable to flood.

3.12.3 The Agency supports the use of sustainable drainage systems in line with advice in PPG25, and the use of source control. For any drainage system to be fully sustainable, it must consider the state of the watercourse, type of rain storm events that may effect both the watercourse and drainage systems. It is questionable whether restricting the run off from the site to the Ouse will be of benefit, because in the case of a watercourse like the Ouse, with a large catchment, the effect of storms on the drainage systems and adjacent watercourses will be very different.

3.12.4 When the Ouse however is in flood for several days the issue of flood locking of the drainage system is something the applicant should include in the details of surface water drainage works. When the Ouse levels are high, the drainage system will be unable to discharge by gravity, and therefore it would be expected that additional storage would be available in the system to avoid causing problems in the site.

3.13 English Nature

3.13.1 No objection to the principle of the development. The site is adjacent to the Fulford Ings SSSI and it must be ensured that surface water run off does not compromise the SSSI. It is noted that a large number of trees are likely to be felled. Trees may contain suitable bat roosts and nesting sites for birds. Bats and their roosts are protected by the Wildlife and Countryside Act 1981, as are birds, nests and their eggs. Tree works can lead to the destruction of roost and nest sites. Advise that the applicant and the Local Planning Authority satisfy themselves that bats and their roosts and nesting birds are not present and will not be affected by the proposals.

3.14 Yorkshire Water

3.14.1 A water supply can be provided. Development should take place with separate foul and surface water systems. Foul water may discharge into sewers in Fulford Ings or St. Oswald's Road. There are no public surface water sewers available in the vicinity to accept any surface water from this site. Advise contact with the Environment Agency/Drainage Board to establish a suitable watercourse – the River Ouse is to the west of the site. An off site foul and surface water drain may be required – these may be provided by the developer. Land drainage must not discharge to the public sewer network. Recommend conditions in relation to separate foul/surface water systems, no discharge of surface water until a satisfactory outfall has being completed, proposed means of foul/surface water drainage and no piped discharge of surface water until completion of approved surface water drainage works.

3.15 Internal Drainage Board

3.15.1 Would like the opportunity to comment on the drainage design when more detailed drawings are available, in relation to the proposed floor levels relative to maximum river levels. Are also partially interested in existing foul and surface water culverts been replaced

to reduce the load on the existing foul pumping station in St. Oswald's Rd. Recommend soakaways are not used in this location.

3.16 Police Liaison Officer/Safer York Partnership

3.16.1 On the submitted application, commented that the elderly residents of Connaught Court currently enjoy an extremely safe and secure environment, with restricted public access. Raises concerns this would change by opening up the site, this amenity would be lost. Crime, noise nuisance and anti social behaviour, which is currently absent, would be generated. The Police Community Sergeant has concerns the site will be used as a short cut from the Millennium Bridge to Fulford Road. All routes to and from the Millennium Bridge are subject to anti social behaviour. Also concerned about the open plan nature of the development and the lack of defensible space.

3.16.2 On the subsequent submission of the 'Design Brief for Security', stated that the design brief fully reflects each of the safe, sustainable places introduced in the ODPM document 'Safer Places – The Planning System and Crime Prevention'. This is an excellent example to others to follow. No other comments to make.

3.17 Yorkshire Natural Environment Trust

3.17.1 The Council's Ecologist has identified 33 species of fungi under one of the removed beech trees, 5 of which are rare in Yorkshire. It is an infrequent opportunity to protect the 5 species which the panel would encourage. As there is one confirmed bat roost adjacent the site, the Council's Ecologist has asked for a survey of the bat feeding corridor in the area leading down to the river. YNET would resist loss of opens space that allows views into and over the site.

3.17.2 The bowling green will fail because the green and trees are too close together and both would suffer. The proximity of the trees will cause a fungal infection to the grass, leaving a patchy uneven surface, with the tree roots causing subsidence, making for a very uneven surface, the seasonal leaf fall would also make for difficult management of the green. The attractive open view to the river would also be spoilt by the location of play equipment.

Elected Representatives, Local Organisations and Residents

3.18 Parish Council

3.18.1 Object to the application on the following grounds:

- Loss of visual amenity for many of the residents of the city. The site is the last sizeable area of parkland with open grass and magnificent mature trees, visible from the A19 between the by pass and the city centre, and borders the Ouse with magnificent views. The development would also have an enormous impact on the feel of the village, and on a visitor's impression of York.
- It will be difficult to turn right into the new road from the A19, thus tailbacks would occur. Yellow lines would probably have to put near the new road forcing cars, including those associated with church function, to park nearby where there is little space. Parked buses associated with bus stops on either side of the road would create narrow sightlines, creating the potential for an accident.
- 2000 floodwater came to the edge of the Connaught Court bowling green, and St. Oswald's Road was badly flooded. The apartment blocks are on the very edge of the flood plain and would cause or exacerbate flooding problems. The raising of building levels due to flood risk would be out of keeping with the existing buildings, as would apartment buildings in this part of the city.
- This edge of a conservation area retains much of its original character as an open country lane, with low level low density housing set back from St. Oswald's Rd with open grassed

areas. Housing density and additional traffic would create unacceptable damage to this. It also affords access to the riverside area for recreation users, and cyclists would be endangered. The applicant's claim that housing in St. Oswald's Rd is 3 storey is disingenuous. The proposal to build 3 storey opposite is inappropriate. They would also reduce light for people living opposite and users of St. Oswald's Rd.

- The junction of St. Oswald's Rd with Fulford Rd is not adequate to accommodate any increase in traffic, has poor visibility and already has tailbacks. St. Oswald's Road itself is too narrow to take significant increases in traffic volume, and will no longer act as a buffer between the cycle path and the A19.
- The flats would be inappropriate, and mean that several houses will be overshadowed and lose their privacy in Atcherley Close .
- The development would be intrusive for Connaught Court residents, reduce their quality of life and be counter productive to its purpose, likewise for residents of Sir John Hunt Memorial Homes. Residents will have to put up with a building site for two years. Residents will cease to benefit from their semi rural environment, views of the Ings and beyond and loss of parkland. The residents in the bungalows would be temporarily homeless, and do not wish to be moved away from their families and friends.
- The reason given for the removal of the copper beeches was that they blocked light to the bungalows, that now are proposed to be demolished. The Council's ecologist has recommended that one of the beeches be retained due to rare fungi. A variety of animals and birds would lose their habitat on site and on the Ings, due to disturbance. Bats use Connaught Court for foraging and as a route to their feeding grounds. The raised levels of buildings will affect noise levels, environment and amenity for Ings users.
- No provision for low cost housing.
- The proposed access road would involve demolishing a great deal of the front wall, and the road will run nearer to the buildings causing safety implications for future residents. It would also be in close proximity to the traffic light system with increased traffic from the provision of car parking for the doctor's surgery.
- The play area will be very near the access road, parking area and major thoroughfare, which is very undesirable. Questions whether there is the need for an additional play area to the one provided by the Parish on School Lane. A solution may be for the developer to make a contribution to the Parish to update equipment, rather than a new park been provided,
- The bowling green is of insufficient size, that trees will have to be removed because of roots and leaf coverage interfering with grass growth and maintenance.

3.18.2 Do not consider amended plans and further information overcome their objections. In addition, object on the grounds that

- extra car parking spaces will mean the loss of more green space, more vehicles and more harm to the conservation area
- perimeter path around the bowling green is inadequate
- more stress, leading to decay and felling of trees
- no affordable housing
- raise concerns relating to the presentation made to Members by the applicants, which the public can attend but cannot give their views. Do not consider a three minute slot to speak at Committee adequate.

3.19 Local Member

3.19.1 Asks for his objection on the following grounds to be reported to Committee-

- the traffic and access implications of the development onto the already busy Main Street, Fulford Road, St. Oswalds Road and surrounding roads, given the future potential level of high scale development in the area.
- whether the development would actually meet the care needs of elderly people in York, given that Connaught Court could 'import' residents from outside this area. To add to this, it should be noted that the developers are putting forward a zero element of affordable housing.

- the negative impact on the quality of life of local residents and current residents of Connaught Court.
- implications for the nearby nature conservation area at Fulford Ings.

3.20 John Grogan, MP

3.20.1 Objects on the grounds the development does not counter objections in relation to the extra pressure it is likely to create on local roads and the inappropriate nature of the style and intensity of the development, particularly given the existence of the conservation area in St. Oswald's Road. Re-iterated objections during the course of the application.

3.21 York Green Party

3.21.1 Whilst this application has reduced the number of dwellings, it would still have a serious detrimental effect on the residents of Connaught Court and those living in surrounding houses. The increase in run off so close to the flood plain, and is also likely to seriously affect properties on Atcherley Close and those on the flood plain. The location of housing, bowling green and access road will jeopardise the wildlife and viability of existing mature trees, destroying the secluded parkland nature of this area which separates Fulford and the City of York, and have a serious impact on the conservation area. It is also a green corridor linking the riverside Ings to grounds and gardens in Fulford and on to Walmgate Stray. The impact of additional traffic on St. Oswalds Road, which is well used for cycling and walking, will add to congestion and traffic movements at the junctions of St. Oswalds Road and Fulford Road, and junctions along Fulford Road, and add to peak traffic congestion. Reiterate objections to the amended plans/further information submitted during the course of the application.

3.22 Fulford Friends (Residents Group)

3.22.1 Commissioned a tree report from a qualified tree consultant. This concludes that more than half the individually protected trees at Connaught Court will be lost or threatened by the development. The scheme will change the views for the residents from a parkland to an urban setting. The access onto main Street will compromise a magnificent beech tree. The green corridor is a narrow strip which does not constitute a significant landscape feature when compared to a park. The tree survey presented in the RMBI's supportive planning statement cannot be accepted to be accurate or authoritative and not in accordance with BS5837. A further tree survey should be submitted by a fully qualified person, accurately plotting all the trees on the site in accordance with BS5837, to tell whether any future scheme would be viable. Without this, planning permission cannot seriously be considered.

3.22.2 Submitted a further tree report from a qualified arboriculturalist, which considered there was insufficient information to identify conflict and risk, and the development will not meet British standards. Concludes the development could only be undertaken with significant alteration to design and adequate information.

3.22.3 Also raised concerns raised over the impact of raising levels on the landscape and whether the site can be adequately drained and serviced, and query whether ecological survey/bat report, safety audit of road junctions and whether the plans are accurate. Also consider the applicant is financially capable of providing affordable housing given its reserves, and that the proceeds will be spent elsewhere at the expense of vulnerable residents whilst providing little benefit to the non Masonic population. Connaught Court, which has a waiting list, will lose accommodation and this will not be compensated by the extra care apartments managed by a separate organisation.

3.22.4 The bowling green does not appear to fit in its relocated position. Consider the bowling green provision inadequate in terms of size, disabled access, lack of full perimeter footpath and trees would cause leaf fall and overhanging. The development will harm Fulford Conservation Area, result in loss of the wildlife corridor through the site and do not consider

the bat survey adequate. Existing Connaught Court residents will be adversely affected through noise and disturbance, loss of privacy and security.

3.23 Public Consultation

3.23.1 Neighbouring properties were consulted by letter. Site notices and press notices were posted. 165 representations were received which raised objections to the original submission, with a further 87 objections received to the further information and amended plans submitted during the course of the application, on the following grounds:-

3.23.2 Highways issues:

- Unacceptable increase in traffic onto Fulford Road and Main Street. There has already been significant increases in traffic. The combined effect with other large residential developments on the Germany Beck site, the University, development at the petrol filling station and the Gymcrack, and development at Danesmead School needs to be evaluated prior to any additional trafficking access off Fulford Road. The combined effect would be unacceptable in traffic congestion terms.
- The new access onto Main Street will create a hazard for pedestrians, and result in an essential loss of on street car parking, particularly for the church and funerals. Also conflict with bus stops and trees. Could increase safety risks for pedestrians, including schoolchildren, the elderly and those using the surgery. Significant increase in traffic flow.
- St. Oswalds Road is not wide enough for two vehicles to pass and is in poor state. Increased traffic will conflict with cyclists. The entrance to Connaught Court is unsatisfactory and will need redesigning. Increase in traffic at St. Oswald Road/Fulford Rd junction. Ghost island and safety audit on this junction required.
- Inadequate on site car parking for development, leading to parking on street, reducing parking opportunities for residents. The creation of additional car parking for the health centre would be of a little benefit as housing developments continue to expand. May also further disrupt trees. Length of the cul de sac exceeds normal Council standards.
- Significantly increase associated noise and pollution levels. Would result in a reduction in air quality with traffic fumes and loss of green space.
- Using the Main Street access to more of the site may alleviate problems in using St. Oswald's Road. Car access could be taken from Fulford Park.

3.23.3 Effect on Green Space and Trees:

- The site contains mature trees, historic parkland and hedgelines. This application removes more mature trees, open parkland and green space than the previous application, and would lose the green corridor and aspect through the site.
- There will be little green spaces left in this area due to the number of developments. The site is the last vestige between the city and Fulford village.
- The applicants and agents have shown scant regard for the tree protection order. Their plans show another 20 trees at risk of felling. The plans show buildings where the protected copper beech trees which have been felled have to be replaced. Still object strongly to the removal of the copper beech trees. Car parking is now proposed where the copper beeches were once.
- The site cannot be considered to be brownfield.
- Any development must provide for new large trees to grow unhindered. Query whether trees on the St. Oswald's Road frontage are protected.
- Loss of bowling green will be detrimental to the effect of the health and well being of the people who use it.

3.23.4 Effect on Conservation Areas/Visual Amenity

- St. Oswald's Road is one of York's historic and attractive streets, with almost all 2 storey properties (not 3, as proposed), with Georgian, Victorian and Edwardian styles.
- The building of properties adjacent to St. Oswald's Road properties and associated traffic flow is not in accordance with the requirements of the Conservation Area.

- The proposed two and three storey houses, that would probably be of modern styling, will detract from the conservation area.
- If new buildings are allowed, it is essential they are two storey, of sympathetic design and sufficiently far back from the road to preserve the sense of space.
- The character of the village has already been changed by the number of new developments on Fulford Road/Main Street and the surrounding area. The length of Fulford Road/Main Street would become a continuous ribbon of development.
- The number of new developments in the Fulford/Fishergate area, including Germany Beck and numerous apartment blocks would put further pressure on facilities and schools in this area.
- The 3 storey apartments are not in keeping with their surroundings – there is no precedent for such buildings alongside the river. The design with the elevated roof makes the building 4 storey, which combined with raises for flood protection, gives the equivalent of a five storey block.
- The sheltered apartment block will dominate the Sir John Hunt Memorial Homes which are single storey and will be highly visible from Main Street
- The effect of building in the vicinity of the river would be detrimental to its visual amenity and views across it.
- Over development. The density of development is too high

3.23.5 Ecological Implications

- There is a risk of run off causing damage to its ecosystem during construction and from the development itself, causing additional damage and risk of pollution to the Fulford Ings SSSI.
- The trees on the site are a habitat for numerous pheasants, birds, owls, hedgehogs and bats. Tree felling would reduce wildlife on site and accessing the Ings.

3.23.6 Amenity of local residents

- The scale of the development is too great adjacent to the two storey Atcherley Close and would significantly overlook these properties, and use of rear gardens.
- Visually dominate Fulford Park and may cause ground disturbance, and causing overlooking.
- The proximity of the extra care apartments and the extension to Fred Crossland House would affect the privacy and amenity garden space on properties on Sir John J. Hunt Memorial Cottage Homes.
- No windows should be inserted into the end elevation of the proposed housing nearest St. Oswalds Road facing into the Sir John J. Hunt Memorial Cottage Homes.
- Additional properties of a similar height or higher will reduce the open aspect across the site for residents.
- The development will reduce the ample green recreational space for residents. The elderly people in Connaught Court should not be subject to such upheaval at this time of their life, that would be created by the noise, traffic and increase in population.
- The development will add to the light and noise pollution to the area around it.
- The proximity of car parking for the flats would cause noise and disturbance for Atcherley Close residents.
- Proposed car parking will result in headlights directly reflecting into houses, causing light pollution.
- Any fencing would restrict light.

3.23.7 Affordable Housing:

- Lack of affordable housing provision
- The restriction of provision for the mentally frail and the sheltered housing to freemasons and their dependants across the north of England would not help the people of York.
- Affordable housing should be limited to persons supporting activities on the site, and should not become cheap investment opportunities.
- The proposed housing is of no help to young couples and first time buyers.

3.23.8 Drainage and Flooding:

- the lower section of the site slopes towards the floodplain and the bottom of the site forms part of the flood plain.
- The Government has been critical of Planning Authorities who allow development on/near floodplains.
- Higher levels of floods are likely in the future, and this must form an important consideration, particularly in high risk flood areas like York, especially with climate change.
- A 1:100 year flood risk is not considered acceptable, and is not considered acceptable by Insurers, rather a 1:200.
- In order to build properties at the lower section of the site, the ground level will need to be raised considerably, resulting in substantial civil engineering work, reducing the area which floods and raising the land which floods, which, with run off, would increase the likelihood of flooding of adjacent properties.
- Run off needs to be restricted to better at present, and figures need to be presented how the storage has been sized. Provision needs to be made to ensure stored water does not pond without localised flooding.
- Would also cause sewerage and water supply problems.
- Surface water drains are not able to cope with current downpours.

3.23.9 General:

- York has no adopted Local Plan or Green Belt.
- A new access will reduce security, particularly for the elderly residents.
- The existing arrangements for cyclists and pedestrians are already adequate, and do not need further encroachment into the site.
- No indication of fencing or landscaping is proposed.
- The plans are inaccurate as they do not show extensions on all the properties on Atcherley Close, and are therefore closer than shown. This may also be the case with Fulford Park.
- There will be no independent living facilities left on site with the demolishing of the independent living bungalows.
- More modest, sensitively expanded development, achieved with the agreement of all stakeholders and with regard for the environmentally sensitive nature of the site could be achieved.
- The amount of time the disruption would occur would cause substantial disruption to the elderly residents of Connaught Court and the St. John Hunt Homes.
- Contractor's plant accessing Fulford Road will add congestion and create additional dangers for schoolchildren and the elderly.
- Presentation to Members by the applicant's agents was undemocratic and unfair.

4.0 APPRAISAL

4.1 The main planning issues associated with this planning application are considered to be:

- principle of the development
- affordable housing
- effect on trees on the site
- effect on Fulford Conservation Area and Fulford Road Conservation Area
- recreation and open space
- highways considerations
- flood risk and drainage
- ecology
- education provision
- residential amenity
- crime prevention
- archaeology

4.2 National, Regional and Structure Plan Policy

The following PPGs and PPSs are considered of most relevance to this application:-

PPS1: Delivering Sustainable Development - promotes sustainable development as well as mixed use development, offers guidance on the operation of the plan led system and considerations to be taken into account in determining planning applications.

PPG2: Green Belts – advises that the visual amenities of the Green Belt should not be injured by proposals for development conspicuous from the Green Belt, which although they would not prejudice the purposes of including land within the Green Belt, might be visually detrimental by reason of their siting, materials or design.

PPG3: Housing – requires Local Planning Authorities to provide sufficient housing land in a sustainable manner and widen housing opportunities and choice. It advocates the use of previously developed land, and a sequential approach to housing which requires development to be assessed against the availability of previously developed land, location and accessibility, the capacity of existing infrastructure to absorb development, ability to build communities and environmental and physical constraints. Identifies the need for affordable housing as a material planning consideration, and is supplemented on this issue by Circular 06/98 Planning and Affordable Housing.

PPS9: Biodiversity and Geological Conservation – states that the aim of planning decisions should be to prevent harm to biodiversity. It also highlights that many wildlife species receive statutory protection, and that Authorities should ensure species are protected from the adverse effects of development. The companion Circular 06/2005 advises the necessity of establishing the presence or otherwise of such species prior to permission been granted. Developers should not be required to undertake surveys unless there is a reasonable likelihood of the species been present and affected by the development. This advice replaced PPG9 during the course of the application.

PPG13: Transport - seeks to promote more sustainable transport choices for people, and to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and seeks to reduce the need to travel, especially by the car in new developments.

PPG15: Planning and the Historic Environment - emphasises that new buildings should be carefully designed where they stand along side areas of special townscape, including the setting of conservation areas. States the desirability of preserving or enhancing a conservation area should also be a consideration when considering proposals which are outside the conservation area and affect its setting, or views in and out of the conservation area.

PPG16: Planning and Archaeology - offers guidance on the handling of remains and the weight to be attached to them in planning decisions

PPG17: Sport and Recreation - includes advice to adopt a strategic approach to the provision of sport and recreation facilities, to protect open space for the community, to resist the loss of such provision, unless an equivalent provision or better is proposed.

PPS23: Planning and Pollution Control - gives guidance on the relevance of pollution controls to the exercise of planning functions, including contaminated land and air quality. Advises it is not the role of local planning authorities to duplicate controls which are the statutory responsibility of other bodies.

PPG25: Development and Flood Risk - sets out the importance the Government attaches to management and reduction of flood risk in the planning process.

Revised Spatial Strategy for Yorkshire and the Humber (2004) based on a Selective Review of RPG12 provides a framework for strategic planning in the region to 2016. It sets out locational principles for development and encourages development to be located within urban areas. It reiterates the sequential approach to housing development, and provides policy advice on, amongst other planning issues, affordable housing, design, transport, historic and cultural resources, biodiversity, and development and flood risk

The North Yorkshire County Structure Plan (Alteration no. 3 Adopted 1995) forms the statutory development plan with the Regional Spatial Strategy. The following Structure Plan policies are considered of most relevance to this application:

Housing - H1 sets out housing requirement figures; H8 provides advice on density issues; H9 allows for the provision of residential use, particularly in and around the historic core through permitting suitable new developments.

Transport - T9 and T10 state that new developments will be required to provide car and cycle parking.

Environment - E4 and E5 seek to protect areas of townscape, architectural or historic interests and sites of archaeological importance. E6 aims to protect areas of nature conservation interest.

Relevant City of York Draft Local Plan policies are listed in section 2.2 of the report and are made reference to in the paragraphs below. The application was submitted prior to the 4th Set of Changes been approved by the Council.

4.3 Principle of the development on the site

4.3.1 The site does lie in close proximity to local shops and services. It also lies close to regular bus routes along Fulford Road and close to the cycleway which runs along the east side of the river up to the city centre, and thus would also allow for journeys to be made using sustainable means of transport to facilities, services and employment in other parts of the city. The site is considered to be a sustainable location.

4.3.2 The site lies within the urban area and settlement limits of the city, and whilst it does clear contain significant amounts of open space, the site would be defined as previously developed land under PPG3. The definition of previously developed land includes both buildings and the curtilage of such buildings. The site in question does form the curtilage of Connaught Court. There site does contain a significant amount of open areas and is well maintained, though is no public access to the site without permission and the site is not allocated as open space under the Local Plan. The site would be classified in planning terms as a windfall site and it is considered the principle of housing development on the site, per se would accord with the PPG3 objectives of using previously developed land for housing.

4.3.3 The site does however have significant visual amenity value and derives much of its character from to the amount of open space, landscaping and trees on site, providing a green edge to Fulford from the Ings. The density of the housing development is consequently low at under the 30 to the hectare thresholds applied by the Local Plan policy at the time the application was submitted and PPG3, though in terms of the impact this may have on the visual amenities and character of the site, this also needs to be considered in light of cumulative impact of the development as a whole, as significant parts of the open areas on the site would be lost to new development. The trees and open space on the

eastern part of the site nearest to the Main Street frontage also contribute significantly to the setting of Fulford Conservation Area. It is important that such characteristics are reasonably maintained as part of any development of the site. The likely effects on the trees and conservation areas are discussed in 4.5 and 4.6.

4.3.4 The nearest part of the site to the boundary with the Green Belt along the river corridor would be an open space area, with nearest area to be developed the area indicatively shown to be developed as 2 and 3 storey apartments. This part of the site itself is located in between built areas at Atcherley Close to the north and Fulford Park to the south, which abut the Green Belt boundary. The built development as proposed would not be any closer to Green Belt than existing development in Fulford. It is not considered the development would prejudice the visual amenities of the Green Belt.

4.4 Affordable Housing

4.4.1 Under Deposit Draft Local Plan policy H2, and Supplementary Planning Guidance- Planning and Housing Advice Note (October 2000) there is a requirement for affordable housing to be provided on sites of 1.5ha or 40 dwellings, thresholds which this development exceeds. The applicant does not contest that the provision affordable housing would normally be a requirement for a housing development of this size and with its good proximity to local services and facilities. The applicant does contends however in this case, there is justification for no affordable housing to be provided for the general market housing or the special care apartments.

4.4.2 Circular 06/98 Planning and Affordable Housing advises as relevant to the contentions made by the applicant, that in assessing the suitability of the site for affordable housing, the following needs to be considered:

- particular development costs (known as abnormal costs) associated the site and;
- whether the provision of affordable housing would prejudice the realisation of other planning objectives that need to be given priority in the development of the site.

4.4.3 The applicant contends the provision of affordable housing within the general market housing would compromise the ability of the applicant, the Royal Masonic Benevolent Institute (RMBI), to realise the value of their assets, i.e. the sale value of their land, and thus their ability as a charity to improve or extend their care facilities at Connaught Court and at other RMBI sites. The financial appraisal submitted is in support of this contention, though limited details have been submitted in terms of the extent of refurbishment, materials, construction methods and management. A significant development contribution from the sale of the land would contribute to the RMBI's national build programme, rather than just this site. The RMBI also considers improvements to Connaught Court would relieve pressure on other local care providers, including the Council, to provide care to people in need. They also consider the low density of housing development proposed, provision of open space and limited developable areas of the site are also mitigating factors.

4.4.4 Whether the need for the RMBI to improve their existing facilities through fully realising the value of their assets is a planning objective that needs to be a priority over and above affordable housing objectives, needs to be balanced against the need for affordable housing in the city. This is evidenced through the 2002 Study of Housing Needs illustrating a significant need for affordable housing of 950 units per annum up to 2007, the Council's housing waiting list, and by Draft Local Plan policy and affordable housing advice note which seek the provision of affordable housing on sites of this size. The benefit to York in terms of improvements to Connaught Court is also limited by that the RMBI's status does not allow entry to elderly people from York, unless a Masonic connection can be demonstrated.

4.4.5 It is also difficult in truth to see how improving care facilities at Connaught Court or the development costs, in relation to site characteristics and planning requirements, considered to constitute abnormal development costs. These costs are known from the offset, and there is potential for sale value of the land to offset these costs, especially as some monies from the sale of the land would in part be diverted to other RMBI sites. The RMBI has offered to ring-fence a proportion of these funds to the site, though monies would still be lost to sites outside of York at the potential expense of affordable housing provision.

4.4.6 The applicants contend that the special care apartments are a sui generis use, rather than Use Class C3 dwelling or sheltered housing use, and thus should not be subject to the Council's affordable housing policy. The applicants state these apartments would provide independent living for elderly occupants, allowing them to be provided with a range of care facilities, how and when they need it. The applicants consider this goes beyond sheltered housing, though not convalescent type care, as is provided at the Connaught Court home itself. Rather they see it as providing a type of accommodation in between the two.

4.4.7 However Circular 06/98 does state that it covers to all types of new housing development. It states this includes, for example, special needs housing which is not affordable simply because it caters for a particular group. Thus, it is not considered there is substantive reason why the extra care apartments in principle should not be subject to affordable housing, especially as the intention of such accommodation appears to be to provide independent living for elderly persons for as long as possible, rather than a more institutionalised/convalescent type accommodation.

4.4.8 The extra care apartments would be run by the York Masonic Housing Trust, whom the applicant state intends to set itself up as Registered Social Landlord. The operation of the Trust would be unlikely to accord with the Council's normal affordable housing provider requirements. There would be the restriction of nominations to people with Masonic connections, with no nomination rights available to the Council. The properties would be offered for sale, shared equity and rent, though the sale and rental levels will be set at market value, not according with normal affordable housing requirements. Whilst it is acknowledged any surplus would be reinvested, again this would not be limited to York. Whilst the provision of such accommodation may be laudable, it is not considered this is a priority over the provision of affordable housing, especially as the 2002 Housing Needs Survey also shows a need for affordable accommodation for elderly people in York.

4.4.9 It is acknowledged that in some appeal cases the practicalities of providing affordable and non affordable together in sheltered type accommodation, has been a determining factor, though in other appeals this has not been accepted by Planning Inspectors. PPG3:Housing itself does promote mixed communities. There is not sufficient planning reason why the two forms of housing cannot co-exist.

4.4.10 In summary, it is considered the general market housing areas and the extra care sheltered apartments should be subject to normal affordable housing policies, and this is not outweighed by either abnormal development costs or the realisation of other planning objectives that would outweigh the need to provide affordable housing.

4.5 Effect on trees on the site

4.5.1 Many of the trees on the site which contribute to the site's character and visual amenity qualities lie on the part of the site nearest to the Main Street frontage, and are subject to tree preservation orders. The supporting information submitted with the application only considers there would be loss of nine trees, six of which are adjacent to the existing bowling green at the rear of the site, and are not protected. Three further trees are shown on the plans to be lost towards the Main Street part of the site. It is also likely however there will be

further loss of trees in this part of the site, over and above those which have been identified by the supporting information submitted, which have been identified by the Council's Landscape Architect. An independent tree survey has been carried out on behalf of the Council to assess the health and welfare of the trees on the sit, which has also identified further trees on the site which may be worthy of retention.

4.5.2 Works associated with the new bowling green would also be likely to impact on a lime, chestnut, silver birch, maple and beech trees. The applicant has made some alterations during the course of the application, though it is still considered the proximity and associated works relating to the bowling green would be likely to compromise the future well being of these trees, with elements of this part of the development within recommended protection areas for trees. These trees have a good long term potential and are considered to contribute to amenity of the site, being visible from Main Street. Associated footways, and parking for the bowling green and the health centre, by been within tree protection zones, would compromise the trees in this part of the site.

4.5.3 Amendments have been made to the siting of this play area during the course of the application, to try to overcome concerns over the proximity to chestnut trees that would have threatened the longevity of these trees due to safety issues. It would still extend within the root protection areas of three mature trees, and thus is considered this would compromise the future well being of these trees.

4.5.4 The effect on trees in the rest of the site is more limited, and the layout of development in the St. Oswalds Road area of the site would now be likely to have an acceptable effect on protected trees in this part of the site.

4.5.5 Nevertheless, with the amount of development proposed on the site, there would be likely accumulative loss of trees that are subject to tree protection order, both in terms of trees the applicant's have identified and also further resultant tree loss. As these trees are considered worthy of retention, the detrimental impact is considered significant. No specific details of proposed tree replacement has been submitted, other than indicatively dotted through the site. It is not considered replacement tree planting would in any case be an acceptable alternative to the trees lost, or likely to be lost in the future as a result of the development, due to health and well being of these trees which are worthy of retention.

4.6 Effect on Conservation Areas

4.6.1 The development that would take place in Fulford Conservation Area itself relates to the creation of the new access onto Main Street. The relocated bowling green and clubhouse, internal access, car parking, associated footways and play area are located close to this conservation area, as to an extent would be the extra care apartments.

4.6.2 As stated in 4.5, the development would be likely to result in the loss of protected trees in this part of the site just beyond the conservation area boundary. These trees do contribute towards the overall open, green, spacious and attractive backdrop this part of the Connaught Court site, which substantially contributes towards the setting of Fulford Conservation Area, and views in and out of the conservation area. The trees also extend some way into the site from Main Street, adding some depth to this attractive setting to the conservation area. A reduction in the tree cover would also make other parts of the built development much more visible, in particular car parking and the extra care accommodation building, further detracting from the attractive setting the trees provide for this conservation area. The likely loss of trees is considered to significantly detract from the setting of the conservation area. There are significant pleasing views out of the conservation area from Main street into the site. Views into the conservation area are more limited, though there are some views from Fulford Park across the site to the conservation area.

4.6.3 The Fulford Road Conservation Area on St. Oswalds Road presents a more built up form and pattern of development, with existing residential properties both outside and within the Connaught Court site close to where residential development that is proposed in this part of the site. The existing Connaught Court vehicular access is also found in this part of the site. There are also far fewer protected trees on this part of the site.

4.6.4 The proposed layout of this part of the site sets the proposed dwellings in from the St. Oswalds Road frontage. The grassed areas in between the dwellings and the St. Oswalds Road frontage used as private gardens, with existing mature trees also retained on St/Oswalds Road. This would present a reasonably 'soft edge' from the development to St. Oswalds Road. The use of detached and semi detached dwellings and the spacing of the dwellings reflects the existing development on St. Oswalds Road. The scale and massing is now identified as two storey development to eaves, with potential use of roofspace through rooflights or sensitively designed dormers, which is considered acceptable. The siting and the design statement would allow for a form of development to occur that would have an acceptable effect on the setting of Fulford Road Conservation Area.

4.7 Recreation and open space issues

4.7.1 Policy L1 of the Deposit Draft Local Plan divides the provision of open space for development into amenity open space, children's playspace and outdoor sports provision, to be provided to National Playing Fields Standards (NPFA). 'Sheltered housing' is only required to contribute towards amenity open space under Local Plan policy. It also sets the amount of open space for each category that should be provided per 1000 of population.

4.7.2 The amenity open space provides the majority of the open space on the site space. The amount provided would be in excess of the 0.4-0.9 hectares of amenity open space per 1000 population (pro rata). It consists of the land towards the front of the site, and land adjacent the lngs on the west side of the site. The aim of amenity open space is to provide a more informal recreation function than either the children's play space or outdoor sports, and it is considered these areas would adequately carry out this functions. Amenity open space use is compatible with the protected trees located in these parts of the site. The applicant has offered to pass amenity open space land at the Main Street frontage of the site over to the Parish Council.

4.7.3 The outdoor sports provision required under policy L1 is additional requirement to the relocation of the bowling green. In order to provide a useable area of outdoor sport, and in accordance with the Sport and Active Leisure Strategy, which support a more strategic approach to sports pitch provision, this would be most appropriately be provided off site through a commuted sum through Section 106 Agreement in the south zone of Strategy. Based on the proposals equate to approximately £10,400 though the precise amount would be determined through reserved matters, in the event of an approval. The applicant is agreeable to this.

4.7.4 The amount of residential development proposed is though significant enough to require on site playspace provision. The justification for requiring playspace provision primarily relates to the needs of the people living on the development. There is an existing playspace on School Lane approximately 400m from the site. However, the playspace would be aimed at young children, and to access the School Lane site would require the crossing of A19 Fulford Road and possibly Heslington Lane.

4.7.5 There were concerns over the compatibility over the location of the single childrens playspace as originally proposed, in relation to proximity to protected trees and associated potential bat roosts towards the Main Street part of the site. This playspace would have been

provided to a Locally Equipped Area for Play. The agents now propose the two smaller playspaces, one in the same part of the site, and the other between the proposed residential areas adjacent Atcherley Close and Fulford Park.

4.7.6 Whilst both playspaces would be accessible for future occupiers and local residents living close to the site, splitting the provision does result in playspace that would no longer meet NPFA standards. This has a minimum size of 0.04ha for a Locally Equipped Area for Play, and both playspaces would be below this in size. The total area size of playspace provision has also been reduced, and in all likelihood this would not be sufficient in size for the residential development proposed. The proposed playspace arrangements are thus not considered satisfactory. There would be scope for providing a playspace of sufficient size on the site, given the overall size of the site and because there are areas of the site that are free from protected trees.

4.7.7 The site does contain what has been termed on plans as a 'market garden', but in reality this is a private facility which is used as a garden for the kitchen of the home, and would not in itself be afforded any special planning protection.

4.7.8 Planning policy advice aims that leisure facilities should not be lost to new development, thus the proposal to relocate of the bowling green. Central Government planning guidance in PPG17 also aims that replacement provision should be of the same equivalent standard or better, and highlights issues of usefulness and quality. The size of the green area itself is the same, and the relocation also involves a replacement bowling pavilion, and provision of dedicated car parking, which the current bowling green does not have. The replacement green however would not be commensurate in terms of usefulness and quality.

4.7.9 Unlike the existing bowling green however, it would not have a footpath running around its entire perimeter, due to the proximity to the boundary of the site and trees. This would limit access. It is also far closer to trees, causing potential shading and leaf fall issues. The Council's leisure officers advise that they do look for a perimeter footpath and try to avoid proximity to trees on Council facilities wherever possible. As the existing bowling green does not suffer from these potential problems, it is considered the replacement bowling green would not be of equivalent standard or better. The provision of car parking for the relocated bowling green is not considered offset these more direct concerns with its usefulness and quality.

4.8 Highways considerations

4.8.1 Vehicular access to the development would take the form of two separate accesses from St.Oswalds Road and Main Street servicing distinct areas of the site. Most traffic generation would take place from the St. Oswalds Road access, though traffic from both accesses would ultimately join onto Main Street. The information provided in the Transport Assessment, which has been assessed by the Council's Highways Officers, states that the additional trips generated during peak hours would be 40-50 per hour, with percentage increases in traffic between 1-2% on the nearest Main Street junctions. This level of change in traffic conditions would not be considered to be material. The junctions are also shown to be operating within their capacity, when the development is in beneficial use. The comparatively low levels of traffic increase are considered acceptable in traffic generation terms.

4.8.2 In relation to highways safety issues, there are some difficulties in visibility at the St.Oswalds Road/Main Street junction, primarily due to on street car parking along the frontage of adjacent terrace properties to the north of the junction. In the event of a planning approval, a commuted sum of £5,500 would be sought through a section 106 agreement for

improvements at this junction. This would cover a build out of the junction and the marking of a right hand turn lane on Main Street into St. Oswalds Road.

4.8.3 The proposed visibility splay at the Main Street junction would be at 2.4m x 90m, which is a lower standard than would normally be required at 4.8m. This is to reduce the setting back and realignment of the frontage boundary wall, or the need to lower its height. It is considered that as the traffic movements at the proposed Main Street junction are predicted to be low, that the proposed visibility splay at the Main Street would in this case be acceptable in highways terms. This bears in mind that more substantial alterations on the boundary wall would be likely to further impact on Fulford Conservation Area and possibly on the well being of other mature trees.

4.8.4 Nineteen car parking spaces are proposed for the extra care apartments, which is considered sufficient for residents and visitors, as actual car ownership levels would be expected to be low for such a use. No resident warden is proposed for the extra care apartments. Car parking standards for the 'sheltered housing', under the Council's Parking Guidelines, is one space per 4 units for residents. This level of car parking is considered acceptable.

4.8.5 The six car parking spaces provided on site with associated footpath link for the adjacent medical centre is considered of some benefit, as it would take some parking for the medical centre off Main Street and Fulford Park, to the south. The spaces also have the potential for dual use with the bowling green, due to their proximity on the opposite side of the access road, in addition to the ten dedicated car parking spaces for the bowling green. In addition, three for dual use are proposed.

4.8.6 Commensurate car and cycle parking can be provided for the general market housing areas within the site. Replacement adequate car parking for the existing Connaught Court home that would be lost by the development proposals would be provided to the north and west of the building and new covered and secure cycle parking facilities would also be provided.

4.8.7 The accessible location of the site would encourage the use of sustainable modes of transport. Fulford Road is serviced by regular bus services to the city centre, and the nearest city centre bound bus stop is found outside the adjacent medical centre. The location is within walking distance of services in Fulford, and a cycleway links the west end of St. Oswalds Road along the river to the Millenium Bridge and the city centre. An emergency link is proposed between the two access roads within the development. This also would serve as direct link for through the site into Fulford for pedestrians. There is scope for adequate levels of secure cycle parking to be provided throughout the development, which could be dealt with through condition in the event of approval been granted.

4.9 Flood risk and drainage

4.9.1 Policy GP15 of the Local Plan requires account to be taken of increased risk of flooding that development may cause. This is consistent with PPG25 advice. Approximately 30m of the site adjacent the Ings lies within the flood plain of the Ouse.

4.9.2 The Flood Risk Assessment as supplemented by further information during the course of the application has precisely defined where the flood plain lies in relation to the site, following advice from the Environment Agency. The land use proposed in that part of the site where the flood plain is found is open space, which is in accordance with advice in PPG25 that it may be possible to utilise parts of previously developed sites that are at a higher risk of flooding for open space. Adjacent proposed residential areas abut, but now lie outside the precise boundary line of the flood plain.

4.9.3 The Environment Agency recommend that no buildings or raising of ground levels takes place within 2m of the flood plain. This takes into account future modelled changes associated with climate change. This does not infringe onto these proposed residential areas. This is considered acceptable however because dwellings could easily be sited within these areas so as to avoid this constraint, with areas within 2m of the flood plain remaining free from buildings or raised ground levels. Siting of the dwellings that are proposed in these parts of the site does not form part of this application. Floor levels would be required to set 600mm above the adjusted flood plain level.

4.9.4 The Flood Risk Assessment recommends that surface water is discharged via an outfall to the Ouse, which is acceptable to drainage consultees. On the advice of the Environment Agency, the means of surface water discharge would include the provision of storage on site that would be used when the Ouse is in flood, to prevent 'flood locking' of the drainage system caused by high levels of the river in the time of flood. This has been incorporated into the Flood Risk Assessment. Foul water would discharge to existing foul sewers in the area. Full details of the surface and foul water drainage works would form a condition in the event of planning consent being granted.

4.10 Ecology

4.10.1 The main ecological issues on the site relate to fungi, the adjacent SSSI and bats.

4.10.2 Rare (in regional terms) fungi have been found on the site on a raised bed under a removed beech tree, close to where it is proposed to site the extra care sheltered apartments. The building layout has been altered in relation to area of interest for the fungi, primarily by moving associated car parking further away from this area. An area of the raised bed would still be removed, but this is part where no fruiting species have been found. A new retaining wall for the raised bed and measures to protect the bed during construction would be required, as well as a post development management plan.

4.10.3 The nearest part of the development to the SSSI is proposed as public open space, and the development is not likely to have a significant effect on the SSSI. There is scope for habitat creation and management on the site to take account of the SSSI.

4.10.4 A bat survey has been submitted during the course of the application. The bat interest in the site relates to use of the site as a foraging corridor, from Main Street across the site down towards the river, and whether there is a bat roost on the site. The development does propose to retain such a foraging corridor for bats, running through open space and trees at the front of the site and between the existing Connaught Court building and proposed housing to the south and west, and towards the river. It is considered this corridor is of a reasonable width for such a purpose.

4.10.5 There are trees on the site which potentially have been or could contain bat roosts. These trees are primarily located in the area of the site near to the play area proposed towards the Main Street area of the site. The reduction in size of the play area in this part of the site has taken the play area further away from these trees, the main point of conflict between the development and bat roost issues. The layout as now proposed is considered acceptable as regards bat issues.

4.11 Education provision

4.11.1 The development would generate additional school children that need to be catered for within schools in the area. Education have identified that there is a surplus of primary school places in the area resulting from the St. Oswalds replacement primary school, though

there is a deficit of places at Fulford secondary school and at foundation stage facilities. Thus related financial contributions would be required, through section 106 agreement. The applicant is agreeable to this.

4.11.2 Using Local Plan policy C6 and the Developer Contributions to Education Facilities Supplementary Planning Guidance, this is calculated to be £81,347 for secondary school places and £45,192 for foundation places (total £125,539) based on the 45 units, and the assumption all would be 2 bed or more, The exact amount would ultimately be determined through the detail of the reserved matters, in the event of an approval.

4.12 Residential amenity

4.12.1 The siting of the proposed dwellings nearest St. Oswalds Road is fixed under this application, as discussed. The dwellings would be set back 10m from the St. Oswalds Road frontage, and a similar distance away from the site boundary with properties to the west on St. Oswalds Road. The nearest dwellings themselves are the four existing dwellings within the site, though these would be separated from these new dwellings by the existing access road. In relation to amenity issues relating to exact heights and massing of these new dwellings, this would be determined through the detail of reserved matters, in the event of an approval. The design statements provides for these dwellings to be up to 2/2½ storeys high, and with the distances to adjacent dwellings to the site, the likely impact of the amenities of these properties would be acceptable.

4.12.2 The siting of other proposed dwellings (excluding the extra care apartments) in the remainder of the site does not form part of this application. However, the provision of dwellings in the parts of the site identified for these dwellings could be achieved through reserved matters with normal amenity standards met, in terms of the impact on residents in Atcherley Close and Fulford Park. The indicative siting of the apartments and car parking nearest Atcherley Close shown have may raise amenity concerns, if these details formed part of the application. Any reserved matters would have to address this issue.

4.12.3 The access roads would be a reasonable distance away from neighbouring residential properties. The play areas are separated from the nearest properties. The relocated bowling green is next to the boundary with the private outdoor amenity space on Sir John Hunt Homes but given the nature of this use and the boundary enclosure, the effect on the amenities of these properties, which are set 16m from the boundary at this point, would be acceptable.

4.12.4 The siting of the extra care sheltered apartments does show that this building would have a significantly sized footprint. The supporting information also indicates it would be mainly two storey. This building would be to the south of the nearest neighbouring properties, the Sir John Hunt Homes. However the main part of the proposed building would be a significant distance at 15-17m in from this boundary, and 25-27m from the dwellings on this adjoining site itself. There is a further ancillary side projection, though this could be conditioned to be single storey in the event of an approval, as is indicated on sketch drawings provided. It is considered the effect on the amenities of the Sir John Hunt Homes would be acceptable.

4.12.5 The extension to the mentally frail unit would be sited 6m in from the boundary of the site. However the appellant has confirmed the extension would be single storey. Also having regard to the 2.5m wall on the nearest part of the site boundary, this would have an acceptable effect on the amenities of neighbouring properties.

4.12.6 The development would significantly reduce the amount of open space been left around the remaining Connaught Court building that residents enjoy. However they would

still gain benefit the proximity of the public open space to be provided on site, as well private open space areas left around the Connaught Court building. A reasonable level of amenity would also be provided for future occupiers of the general market housing areas on the site. The applicant has stated the occupiers of the three bungalows to be demolished to make way for the extra care sheltered apartments will not just be evicted, through this is an issue between the applicant and the individuals concerned, rather than a planning issue.

4.13 Crime prevention

4.13.1 The existing Connaught Court building is set within its own reasonably secure and defined grounds, which provides security for its residents. With the introduction of further access and development into the site, there is potential for the erosion of this security. In order to address this the 'Design Brief for Security' has been submitted which is based on ODPM document "Safer Places – The Planning System and Crime Prevention":

4.13.2 The access route through the site are well defined from the two access points, with a linking footpath, allowing direct access and natural surveillance from the proposed development on both sides, and would focus movements on this access route. The natural surveillance is more limited on the Main Street side of the site, caused by the number of protected trees. A further access point to the health centre car parking would not be accessible, other than through the grounds of the health centre itself. The applicant is reluctant to provide a further access directly down to the river through Fulford Ings and direct from Fulford Park from an existing locked gate to the proposed play area, as this may compromise the design brief. Access from outside of the site can still be achieved relatively easily to these parts of the site, via St. Oswalds Road/Love Lane and Main Street, respectfully.

4.13.3 The uses themselves are predominantly various forms of residential and recreation, and are considered compatible, in particular with PPG3: Housing aims to encourage mixed communities. Enclosure will also be important internally to contribute to the security of the site. The brief does identify the importance of planting to achieve this on this site, given its visual amenity and open character, as well as fencing and railings in appropriate locations. The brief also states that the development will meet 'Secured by Design' standards. The Police Architectural Liaison Officer is fully supportive of the crime prevention approach the applicant has taken through the brief.

4.14 Archaeology

4.14.1 An archaeological evaluation was required to be submitted during the course of the application, because a number of important archaeological finds in the Fulford area. The evaluation revealed evidence for Romano-British and possibly late prehistoric activity, primarily in the St. Oswalds Road area. They are of local and regional importance, and would be required to be recorded through an excavation prior to a development taking place, whilst an archaeological watching brief would be required on all other groundworks.

5.0 CONCLUSION

5.1 The development proposed is substantial and consists of number of different proposed buildings and uses on the site. The development consisting of general market residential development, extra care apartments, an extension to the mentally frail unit, the relocated bowling green and pavilion, a new access off Main Street, car parking for the adjacent health centre to the site, two childrens play areas, as well as associate facilities, such as internal access roads and car parking.

5.2 The site is found in a sustainable location and would constitute previously developed land and in this respect the principle of some development on the site may be acceptable. A significant part of the proposals does relate to housing which exceeds thresholds where the Authority would expect affordable housing to be provided. The arguments put forward by the applicants to justify why no affordable housing have been considered. It is not though considered there will be particular costs associated with the development of site that would make it acceptable not to provide affordable housing, nor that other planning objectives exist that need to be given priority in the development of the site over the need to provide affordable housing. The lack of affordable housing provision would thus be contrary to PPG3, Circular 06/98, Draft Local Plan policy H2 and associated supplementary planning guidance.

5.3 The site does have significant visual amenity value, and any significant development of the site must have regard to this. The site itself borders onto two conservation area and contains significant numbers of protected trees. The substantial amount of development proposed would be likely to result in the significant loss of protected trees on the site which are worthy of retention by way of their health and amenity. The loss of these trees in the Main Street area of the site would also detract from the setting of Fulford Conservation Area, as they provide a attractive spacious and green setting to the conservation of some depth into the site. This would contrary to PPG15, Structure Plan policy E4 and Draft Local Plan policies NE1 and HE11.

5.4 The provision of the two smaller play spaces, whilst attempting to reduce the impact on protected trees on the site, does result in neither play space been provided to Local Equipped Area for Play standard. The cumulative size of the plays spaces has also been reduced, so it would not be likely the cumulative size is now commensurate to the resultant housing provision. This is considered contrary to Draft Local Plan policy L1 and PPG3/PPG17, in terms of providing good recreation provision on new housing developments. The relocated bowling green is not considered equivalent compared to the existing bowling green, in terms of usefulness and quality, in the absence of a full perimeter footpath and the proximity to trees causing shading and leaf fall onto the green area itself. The lack of equivalent provision is considered contrary to advice in PPG17. In other respects, the development would be acceptable in terms of recreation open space provision, though this does not outweigh the concerns over the playspace provision and relocated bowling green.

5.5. The development would be likely to have an acceptable effect on Fulford Road Conservation Area (St. Oswalds Road), with the siting and design statement provided with the application. The impact of the development in terms of traffic generation, highways safety issues and in relation to the potential for sustainable forms of travel to be utilised, would be acceptable. The site does in part lie on the flood plain of the Ouse, though no built development is proposed in this area. The drainage information submitted with the application confirms in principle the site could be drained adequately for the likely level of development proposed. The development would also be acceptable in relation to ecology, education, residential amenity, crime prevention and archaeology issues.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: REFUSE

1. The proposal, by virtue of the absence of any offer of affordable housing, is considered to conflict with the aims of PPG3: Housing, Circular 06/98 Planning and Affordable Housing, Policy H2 of the Deposit Draft City of York Local Plan (1998) and Supplementary Planning Guidance 'Planning & Housing Advice Note', City Of York Council, October 2000. It is not considered there will be particular costs associated with the development of site that would

make it acceptable not to provide affordable housing, nor that other planning objectives exist that need to be given priority in the development of the site over the need to provide affordable housing.

2. The proposal would be likely to result in the loss of protected trees that have significant local amenity value and are worthy of retention. The loss of these trees would also detrimentally affect the setting and views out of and into Fulford Conservation Area because the trees provide an attractive green and spacious setting to this Conservation Area to some depth into the site. The proposal is thus considered contrary advice to PPG15: Planning and Historic Environment, Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995), and policies NE1 and HE11 of the Deposit Draft City of York Local Plan (1998).

3. The proposal would provide inadequate levels of children's play space on the site. The individual size of the play spaces would not meet National Playing Fields Association standards for Local Equipped Areas of Provision. Nor would the overall provision of children play space be commensurate to the amount of residential development that would be likely to result from the proposal. The proposal is thus considered contrary to advice in PPG3: Housing, PPG17: Sport and Recreation and Policy L1 Deposit Draft City of York Local Plan (1998).

4. The proposed relocated bowling green is not considered to be of a commensurate standard compared to the existing bowling green on the site. It is considered it would not be equivalent in terms of usefulness and quality in the absence of a footpath around the entire perimeter of the green and because the proximity of tree(s) to the relocated bowling green would be likely to cause leaf fall and shading. This is considered contrary to advice in PPG17: Sport and Recreation.

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