

## COMMITTEE REPORT

**Date:** 8 October 2014      **Ward:** Skelton, Rawcliffe, Clifton Without  
**Team:** Major and Commercial Team      **Parish:** Clifton Without Parish Council

**Reference:** 14/01550/FULM  
**Application at:** Land Lying To The South Of Centurion Office Park Tribune Way York  
**For:** Erection of 13 no. dwellings with access from Hornbeam Close. Two storey side extensions to 11 and 12 Hornbeam Close  
**By:** Berkeley DeVeer  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 23 October 2014  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

1.1 The application comprises: (a) erection of 13 detached, 2-storey houses – (eight 4-bed and five 3-bed); (b) 2-storey side extensions to nos. 11 and 12 Hornbeam Close abutting the site; (c) one detached or integral single garage for each new house; and (d) creation of a vehicular access from Hornbeam Close.

### RELEVANT PLANNING HISTORY

1.2 07/02783/OUTM - Outline application for the erection of a care home with pedestrian link to Hornbeam Close. Approved.

1.3 08/01988/FULM - Full application for the erection of a 70-bed nursing home with parking, landscaping and access including a pedestrian link to Hornbeam Close. Approved.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001  
DC Area Teams East Area (2) 0005

2.2 Policies:

CYGP1 Design  
CYGP4A Sustainability  
CYGP9 Landscaping

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CGP15A	Development and Flood Risk
CYH4A	Housing Windfalls
CYT4	Cycle parking standards
CYL1C	Provision of New Open Space in Development
CYE3B	Existing and Proposed Employment Sites

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Highway Network Management

3.1 No objections subject to standard conditions and submission of a construction method of works statement.

##### Environmental Protection Unit

3.2 The preliminary geo-environmental investigation submitted with the application is acceptable. No objections subject to conditions regarding the potential for land contamination and the impact of the development on air quality in the area.

##### Design, Conservation and Sustainable Development (Landscape)

3.3 No objections subject to receipt of a revised landscape layout [Officers response - The applicant has agreed to make the required changes. Members will be updated at the meeting].

##### Public Realm (Strategy and Contracts)

3.4 As there is no on site open space commuted sums should be paid to the Council for (a) amenity open space - which would be paid to the local Parish Council for use in their area (b) play space - which would be paid to the local Parish Council for use in their area (c) sports pitches - which would be used to improve a facility within the North Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is to be based on the latest York formula.

##### Flood Risk Management

3.5 No objections subject to standard drainage conditions and no building within 3m of the 600mm diameter sewer that crosses the site.

## EXTERNAL

### Clifton Without Parish Council

3.6 Object. The application would turn a cul-de-sac, Hornbeam Close, into a through road, thus imposing additional traffic on the whole estate which many will consider as overload. The development takes dwellings into the commercial estate which is largely developed with garages/warehouses & office complexes.

### Yorkshire Water

3.7 No objections subject to conditions to protect the local aquatic environment and YW infrastructure

### Neighbour Notification and Publicity

3.8 The consultation period ended on 20 August 2014. 10 objections have been received raising the following planning issues:

- Increase in traffic particularly along Hornbeam Close
- The road is not wide enough for the additional traffic
- Noise and air pollution due to increased traffic
- Traffic danger to pedestrians including children who can currently play in the street
- Impact of through road on the quiet character of the area
- Inadequate access
- Housing is contrary to the commercial allocation of the land
- Would exacerbate existing drainage and sewerage problems
- The houses would be likely to generate in excess of 10 vehicle movements during peak periods rather than the 8 quoted
- The Woodland Chase/Hornbeam Close junction may meet council standards but parked vehicles will lead to an increased risk of accidents.

3.9 Construction noise/traffic/disturbance is also raised as an objection but this is covered by other legislation and is not relevant to the planning application.

## **4.0 APPRAISAL**

### 4.1 MAIN ISSUES

- Loss of Employment Land
- Principle of Development for Housing
- Landscape
- Access and Highways Issues
- Flood Risk and Drainage

- Neighbour Amenity
- Open space and Education Provision

## THE APPLICATION SITE

4.2 The site lies within the urban area. Most of the site is a clearly-defined parcel of development land to which 11 and 12 Hornbeam Close have been added to facilitate extensions to these dwellings and the formation of an access. The developed parcel contains foundations of the approved 2008 care home, which was started and then abandoned. To the north and west is parking for one of the commercial units at Centurion Park, which is part of Clifton Moor Business Park. To the south is 2-storey suburban housing at Hornbeam Close. To the east is green space forming part of Bootham Stray, which is in the green belt. The site (apart from 11 and 12 Hornbeam Close) is allocated for employment in the 2005 Local Plan.

## POLICY CONTEXT

4.3 National planning policy is set out in the National Planning Policy Framework (NPPF). The essence of the framework is the presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or (2) specific policies in the framework indicate development should be restricted (paragraph 14). Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187).

4.4 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework. Relevant local plan policies are listed in section 2.2 of the report and are made reference to in the appraisal below.

## DEVELOPMENT FOR NON-EMPLOYMENT USE

4.5 The application should be assessed against policy E3b of the 2005 local plan, which seeks to protect employment sites. It states that planning permission for other uses will only be given where, among other criteria, there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period.

4.6 When the 2007 and 2008 care home applications were being considered the council accepted that the site was not needed to meet the requirements of employment land supply in the immediate and longer term. That remains the council's position. The site is proposed for housing in the City of York Local Plan Published Draft, which is to be considered by the Local Plan Working Group and Cabinet in September 2014.

## DEVELOPMENT FOR HOUSING

4.7 The National Planning Policy Framework requires local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The application site is in a sustainable location within the settlement limit of York and with good access to cycle facilities, public transport, jobs and local services. Whilst the site abuts commercial uses on two sides these are unlikely to have a significant impact on the amenity of the new occupiers. The juxtaposition of these uses is commonplace in the district.

4.8 The National Planning Policy Framework states that local planning authorities should set policies for meeting identified need for affordable housing on site. To that end the council seeks to ensure that new housing development of 15 dwellings or more in the urban area will include affordable housing. The current application would provide 13 dwellings, thereby falling below the threshold for provision of affordable housing. The site could accommodate a proportion of smaller houses than is proposed, which could take the total number of houses above the threshold for providing affordable housing. However, the overall density is approximately 33dph (excluding 11 and 12 Hornbeam Close), which is acceptable for this suburban location. Furthermore, the application as submitted includes a proportion of much-needed, medium-sized houses in a layout that is in keeping with the character of the area. To require the developer to provide a greater number of units in order to provide affordable would be unreasonable taking into account the access issues discussed in paragraph 4.14 below.

## LANDSCAPE

4.9 The site has no existing features of note other than a field hedge along the boundary with Bootham Stray. This would be retained and improved. Each of the houses would have its own amenity space, largely turfed, with planting to the front and close-boarded fencing to side/rear boundaries. Shrub planting would be interspersed with specimen trees. The proposed landscaping scheme is satisfactory. A condition should be attached requiring the landscaping scheme to be planted and maintained for five years, as is standard.

## ACCESS AND HIGHWAY ISSUES

4.10 The main concern of objectors is that the formation of a new access from the turning head at Hornbeam Close would turn the cul-de-sac into a through road and increase traffic levels through the housing estate, resulting in noise nuisance, danger to residents including children and air pollution. Furthermore objectors contend that Hornbeam Close is too narrow for such an increase in traffic levels and would prevent emergency/refuse vehicles reaching the proposed development.

4.11 In response, the existing residential access road (Hornbeam Close) has been designed and constructed to CYC standards as a shared space varying between 4.5m and 6m wide and capable of accommodating the modest increase in traffic that would be generated by the proposed development. There would be no detrimental impact on the operation of the junction of Hornbeam Close and Woodland Chase. The design of the junction is of sufficient width and offers visibility in accordance with national guidance.

4.12 Based upon the nationally recognised TRICS database a residential development of 13 dwellings can be expected to generate in the region of 8 vehicular movements during the AM/PM peak. This level of traffic generation represents a little over 1 vehicle every 10 minutes. It is highway officers' view that Hornbeam Close, the surrounding junctions and adjacent highway network can accommodate this negligible increase in traffic without any detriment to either highway safety or the free flow of traffic.

4.13 As for the road layout, residential schemes are designed to a road hierarchy in accordance with local and national guidance. Hornbeam Close, as a cul de sac spur off the main access route, was set out as an informal shared surface road. Such designs aim to provide a less formal layout in order to restrict vehicle speeds to well below 20mph. Measures to reduce vehicle speeds include tortuous layouts and variable surface widths. The application shows a shared surface designed to allow pedestrians and vehicles to share the highway. The shared surface is highlighted by design measures such as a change in surface material (usually to block pavements) or other treatments such as gateway or rumble strip. The change in nature of the road hierarchy can be seen between Woodland Chase (the main local access route) which is formally set out with footways and wider carriageway width in contrast to Hornbeam Close which has a narrower block paved surface with no formal footway provision. The proposed scheme has been designed as a shared surface to continue the existing design features of Hornbeam Close.

4.14 Hornbeam Close currently serves 12 dwellings. Guidance contained within the CYC Residential Design Guide advises that shared surface roads (such as Hornbeam Close) are capable of adequately serving up to 25 dwellings as a cul de sac. Therefore even with the proposed development the total number of dwellings served by the cul de sac would not exceed this advised level. Since the introduction

of the CYC design guide, national guidance contained within Manual for Streets has promoted a more flexible approach.

4.15 Parking has been provided in accordance with CYC maximum standards. The internal layout will be constructed and offered for adoption as public highway under a Highways Act Agreement.

## FLOOD RISK AND DRAINAGE

4.16 The site is in low risk flood zone 1 and is unlikely to suffer from river flooding. Whilst drainage of surface water by infiltration is the preferred method for draining the site the ground conditions are unsuitable for soakaways. Instead surface water will be attenuated and drained to existing sewers. A 600mm diameter sewer crosses the site and Yorkshire Water would object to any development within 3m of it. In order to carry out the development as proposed the applicant intends to divert the sewer along the access road through the site.

## NEIGHBOUR AMENITY

4.17 The development, including associated traffic movements, is unlikely to have any significant impact on neighbouring occupiers.

## OPEN SPACE AND EDUCATION PROVISION

4.18 The application requires a contribution of £34,992 towards open space in accordance with policy L1c of the local plan. Such contributions are calculated on the basis of each new dwelling approved. The applicant has agreed to make the contribution and is in the process of submitting a unilateral undertaking to that effect.

4.19 There would be no requirement for financial contributions towards education facilities.

## **5.0 CONCLUSION**

5.1 The application would provide 13 dwellings in a sustainable and accessible location. The layout respects the character of the adjacent residential area and is of appropriate density and design. The development would contribute £34,992 towards open space. The application accords with national planning policy set out in the National Planning Policy Framework and local planning policy in the 2005 City of York Draft Local Plan.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out only in accordance with the following plans: 521/01A, 521/03A, 521/04/A, 521/05A, 521/06, 521/07, 521/11HB/03A, 521/11HB/04B, 521/12HB/03D and 521/12HB/04D

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

3 The development shall be carried out in accordance with the proposed materials schedule shown on approved drawing 521/06 unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the character and appearance of the area.

4 HWAY1 Details roads, footpaths, open spaces req. -

5 HWAY7 Const of Roads & Footways prior to occup -

6 HWAY14 Access to be approved, details reqd -

7 HWAY19 Car and cycle parking laid out -

8 HWAY40 Dilapidation survey -

9 HWAY31 Mud on road

10 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 metres either side of the centre line of the sewer, which crosses the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

11 NOISE7 Restricted hours of construction

12 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: So that the Local Planning Authority may be satisfied with these details for  
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the proper drainage of the site.

13 Prior to commencement of development an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken and approved in writing by the local planning authority. The report of the findings shall include:

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

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

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

14 Where contamination is found and prior to commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be undertaken and approved in writing by the local planning authority.

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

NOTE: The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

15 Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

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

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

16 Prior to first occupation of the development the applicant shall install, either in the approved garage or elsewhere within the curtilage of each of the plots comprising the development, a three pin 13 amp electrical socket in a suitable position to enable the charging of an electric vehicle within the curtilage using a 3m length cable.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles

NOTE: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations, and be suitable for charging electric vehicles. If located externally the socket shall be suitable for outdoor use and have an internal switch within the property to enable the socket to be turned off.

17 The tree planting and landscaping scheme shown on submitted plans numbered 521/04A and 521/05A shall be implemented within a period of six months from the completion of the development. Any plants which within a period of five years from the substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next

planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: In the interests of the character and appearance of the area and to enhance the biodiversity of the area.

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

Reason: In the interests of sustainable development.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. S.38 HIGHWAY ADOPTION**

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

Highway adoption - Section 38 - Michael Kitchen (01904) 551336

#### **2. STATUTORY UNDERTAKERS EQUIPMENT**

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

#### **3. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the local planning authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. In order to achieve an acceptable outcome the local planning authority sought amendments to reduce the impact on the character of the area and applied appropriate conditions to the planning approval.

#### 4. CONTROL OF POLLUTION

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

- (a) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
- (b) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
- (c) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
- (d) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
- (e) There shall be no bonfires on the site.

#### 5. SECTION 106 OBLIGATION

The planning permission is accompanied by a unilateral undertaking by the applicant to contribute £34,992 towards off-site open space.

#### 6. DRAINAGE

- i) The Statutory Sewer Map shows a 600mm diameter public surface water sewer crossing the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. The applicant/agent is aware.
- ii) In this instance, a stand-off distance of 3 (three) metres is required at each side of the sewer centre-line.
- iii) Development of the site should take place with separate systems for foul and surface water drainage. The separate systems should extend to the points of discharge to be agreed.
- iv) The developer is proposing to discharge surface water to a public sewer. Sustainable development requires appropriate surface water disposal.

v) The Local Planning Authority promotes the surface water disposal hierarchy. The developer must provide evidence to demonstrate that surface water disposal via either infiltration or watercourse are not reasonably practical before considering disposal to sewer.

vi) As the proposal site is currently undeveloped no positive surface water is known to have previously discharged to the public sewer network. As such the public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

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