

## COMMITTEE REPORT

**Date:** 8 March 2012                      **Ward:** Wheldrake  
**Team:** Major and                      **Parish:** Elvington Parish Council  
                    Commercial Team

**Reference:** 11/02736/FULM  
**Application at:** Former Allenby Nursery Site Wheldrake Lane Elvington York  
**For:** Erection of 18 dwellings  
**By:** Mr Roy Handley  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 23 January 2012  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of 18 affordable dwellings in Elvington. The application site is the former Allenby Nursery Site which is bounded by Elvington Lane to the North, The Conifers housing estate to the east, open fields to the south, and Allisons business to the west. Elvington and Laveracks Industrial Estates are to the north east on the opposite side of Elvington Lane. The settlement limit of Elvington is approximately 900m to the east along Elvington Lane. The whole of the application site is within the Green Belt.

1.2 It is believed that the application site was last used as a commercial plant growing nursery. The site has been vacant and unused for a number of years. All former buildings on the site have been cleared, however there are significant areas of hardstanding still present.

1.3 The application site would contain 100 per cent affordable homes. The mix of dwellings proposed consists of four 2 bedroom bungalows, five 2 bedroom houses, eight 3 bedroom houses, and one 4 bedroom house. The development would contain a mix of shared ownership and discounted rent properties with the whole site being managed by a housing association, most likely Home Housing Association. The dwellings are proposed for the people of Elvington, this would include existing residents, those who have immediate family in the village, and those who work in Elvington. The application is submitted as an 'Exception' Site development, whereby the dwellings would remain affordable and would be allocated to local people in need.

1.4 Access to the proposed development would be via The Conifers with an existing road proposed to be extended into the application site for pedestrian and vehicular access. The northern part of the application site would contain amenity open space

as well as providing ecological value. Existing mature trees along the frontage with Elvington Lane would be retained.

1.5 The application site is within Flood Zone 1. None of the site is within Elvington Conservation Area.

1.6 The application has been brought before planning committee due to the size of the proposed development. A site visit has been recommended so that Members can understand the potential impact on the Green Belt and to understand the concerns raised by local residents.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1 Design

CYGP4A Sustainability

CYGP15 Protection from flooding

CYGP6 Contaminated land

CYGB1 Development within the Green Belt

CYGB9 Exception sites for affordable housing in the Green Belt

CYH4A Housing Windfalls

CYH5A Residential Density

CYT4 Cycle parking standards

## **3.0 CONSULTATIONS**

## INTERNAL

3.1 Housing Strategy and Enabling - This application is supported by the Housing Strategy and Enabling Team. It provides an opportunity to create 18 new affordable homes, 12 for rent and 6 for shared ownership, without the need for public subsidy. The homes will be built by the applicant and leased to the housing association on a long term lease agreement.

3.2 The Council's Housing Development Team have been aware of unmet housing need in Elvington since 2008, when a Housing Need Survey was carried out. This study identified a need for 18 affordable homes in the village. Following the study findings a number of sites have been considered within Elvington to build new homes to meet this need. The high land values of sites within the settlement limit, and the limited land values generated by affordable housing developments, are prohibitive to acquiring a site on the open market. In urban areas this is often resolved through the Council providing land at a considerable discount, but in Elvington – and most rural settlements – the Council has very limited land holdings. Consequently, planning policy allows the development of land in the green belt on the exception that it is for an identified local affordable housing need.

3.3 The initial site search identified two possible options, the former Allenby Nursery and a site at Church Lane. The Allenby Nursery site was concluded to be more suitable from planning and access perspectives.

3.4 In conversations with the landowner at Allenby Nurseries, they proposed an option in which they would construct and retain the homes under the full understanding that the homes must remain affordable in perpetuity, and would need to be managed by a housing association (or other body) that are a registered housing provider with the Homes and Communities Agency (HCA). The homes will be leased on a long-term lease to the housing association who will then rent the homes at an affordable rent to local people in housing need. The homes will be constructed without the need for any public subsidy. The development will not be able to commence until the landowner has entered in to a legal agreement with a registered housing provider.

3.5 In supporting this application, the Housing Strategy and Enabling Team have undertaken an updated Housing Need Survey. Although the 2008 survey is valid until 2013 in planning terms, the Council wanted to be certain that there was still a local need for new affordable housing. The 2011 study updated the original study findings and carried out a complete new assessment of local housing need. Overall, the two studies confirm that there are 25 households in housing need, and concludes that a tenure split of 70% affordable rent and 30% low cost home ownership (shared ownership) would represent the ideal mix.

3.6 To allay concerns that the homes will not be prioritised for local people, the Section 106 Agreement will contain a cascade agreement, whereby the homes will in the first instance be let to people who live and/or work in Elvington, before cascading to ward level, rural York, and finally the whole city area. This is to ensure that in the event that a local household can not be found for a property it does not remain empty, whilst ensuring local people will have first priority. Should no buyer be found for the shared ownership properties they will be converted to homes for rent.

3.7 The homes can only be let or sold as affordable housing and must be managed by a provider registered with the HCA. The Section 106 will dictate that the homes can only be used as affordable housing and will be subject to an agreed nomination process with the Council.

3.8 There is a clearly identified local housing need and the former Allenby Nursery site is considered to be the most suitable, available site in Elvington through a sequential assessment of alternative locations.

3.9 Highway Network Management - No objections. The latest revised plan addresses previous concerns regarding refuse vehicle swept paths and access to cycle parking. Plot 1 has one less car parking space than is allowable under local maximum standards.

3.10 Integrated Strategy Unit - Local Plan Policy GB1 (Development in the Green Belt) states that 'limited affordable housing for proven local needs' is an acceptable use. This reflects guidance nationally in PPG2 (Green Belts). However, this needs to be considered alongside the scale, location, and design of such development to determine the impact on the open character of the Green Belt. Developments should not conflict with the purposes of including land within the Green Belt or prejudice the setting and special character of the City of York. Local Plan Policy GB9 (Exception Sites for Affordable Housing in the Green Belt) considers the special circumstances where affordable housing on small sites in the Green Belt should be considered. Site selection evidence should be looked at to ensure that the site selected is the most suitable and appropriate given that it is not in or adjacent to Elvington settlement limit. A local housing needs survey has been submitted which shows a need for new affordable housing in this area.

3.11 Environmental Protection Unit - Due to previous uses of this site as a plant nursery, there is the potential for chemicals and fuels to have been used. Additionally, information from records shows that the site was used for military purposes. Therefore, there is the potential for land contamination which would need to be investigated and remediated where necessary prior to housing being constructed. Conditions are recommended to be added to any approval.

3.12 Conservation (Landscape) – The mature trees along the main road frontage, namely Scots pine and Oak are subject to a group tree preservation order (TPO 5/1990 – G1) and are an attractive feature both of the site and Elvington Lane. Both lines of conifers along the west and south boundaries are regarded as a single species evergreen hedge. The eastern boundary with the existing residences is marked with timber post and rail fencing. Some colonisation with e.g. Ash and Rose has occurred along this edge. A few young trees planted within the beds either side of the adjacent parking bays have established well, including an Oak.

3.13 The proposals are incompatible with the retention of the conifers along the western boundary and the height of the conifers along the southern boundary due to the short garden lengths and proximity to properties, especially units 16-18 and 8 and 9. Should the application go ahead there will be a need to drastically reduce their heights. The conifers along the western boundary have a wide spread. To cut them hard back would expose the woody innards.

3.14 It is imperative that an indication of the treatment of the open space is given if it is to provide functional amenity space with an emphasis on bio-diversity enhancement.

3.15 Conservation (Ecology) - Since being cleared in March 2010 the site is re-colonising quickly and an interesting mix of species is developing. An Ecological Assessment in May 2011 identified areas of short perennial habitat, mainly around the areas of hard standing, scattered scrub and tall ruderal vegetation to the south of the site, and a small area of mixed woodland towards the front of the site along Elvington Lane. The areas of short perennial and grassland, particularly within the central areas, show a good diversity of species and structure, although there is nothing of real significance here. The site is of interest within this locality, and the record of greater knapweed which is included within the survey results is of interest as this is an indicator of more calcareous soils which is uncommon in the York area. However this is most likely to be as a result of the amount of hard standing and limestone substrate present on site.

3.16 The site is also at present very good for invertebrates, and an area of open space is intended towards the front of the site may therefore offer some good opportunities for enhancement work for this interest. An area of retained habitat could for example be incorporated into a section of this open space or a small area of this space could be managed for its nature conservation interest, which would enable the continued use of the site by a range of wildlife species. A number of bird species have also been recorded on site, and the wooded area to the front of the site which is to be retained is of particular importance. The planting of additional tree and hedging species proposed as part of this scheme would consequently also be of additional benefit. It is therefore suggested that a general biodiversity enhancement condition is attached to any consent given to cover this.

3.17 With regard to Great Crested Newts, they are known to be present within the surrounding area, but the site itself is however of suboptimal habitat and is also separated from the breeding ponds by arable land and a busy road which acts as an effective barrier.

## EXTERNAL

3.18 Elvington Parish Council - Object because there is no proven need for a development of this size. It is thought that a development of 18 houses would not be occupied by solely local people. There are also unresolved issues in terms of drainage, lack of traffic management plan, the split of rent and buy properties, the discounts to be offered for rent and buying, the people where houses would be offered if no local occupiers can be found. If the scheme is to be phased the second phase should only be able to proceed once it is demonstrated that all homes in phase one are occupied solely by local people.

3.19 Ouse and Derwent Internal Drainage Board - There are no Board maintained watercourses adjacent to the site. PPS25 advises that developments should reduce flood risk overall by being designed to drain in a manner which mimics the existing site prior to development. The method of drainage should be agreed.

3.20 Yorkshire Water - The local sewer network does not have the capacity to accept any discharge of water from the proposed site. Separate systems of foul and surface water drainage should be created with surface water drainage rates attenuated in line with guidance in PPS25. There are no objections to the application subject to conditions ensuring adequate drainage methods are created.

3.21 York Natural Environment Panel - The proposal seems to be inappropriate development in the Green Belt and its former use as a plant nursery should not be treated as a precursor to development. The ecology report suggests that some mitigation may be possible. The Panel would like to see an innovative high level habitat provision in close proximity to the dwellings, so that people can enjoy a wildlife soap opera as part of their daily lives.

3.22 Police Architectural Liaison Officer - Analysis shows that there are low levels of crime and anti-social behaviour in the area. The submitted Design and Access Statement does not demonstrate how crime prevention measures have been considered, however there are some positive features within the design and layout. This includes active frontages, clearly defined defensible space by the use of boundary fences, and car parking within the curtilage. Lockable gates should be used to separate front and rear gardens as well as at the entrance to rear alleyways. All vulnerable ground floor windows should meet high security standards and lighting should be in accordance with guidance.

3.23 Local residents - Letters of objection have been received from seven local residents. The following comments were made;

- The application site is Green Belt land and should not be built on;
- the applicant has not demonstrated exceptional circumstances to justify the development;
- there are already affordable houses in Elvington and these are almost entirely occupied by people who are not local residents, there are affordable houses for sale in the area which have not sold in the last year;
- questions raised over the validity and accuracy of the local housing needs survey;
- questions raised as to whether this is the most appropriate site for this development in Elvington and whether all alternatives were properly explored;
- trees to be planted will effect natural light entering existing houses and may cause subsidence;
- the village already has flooding problems, there is a lack of a drainage management plan in this application and more houses will add to the poor water systems already in place;
- the application will increase the amount of traffic in the area which could create safety risks, Wheldrake Lane and Elvington Lane is a very busy junction already, more cars to this junction could increase the risk of accidents;
- all cars accessing the proposed development would pass through The Conifers could be a danger to residents and children who live there;
- the application will affect local wildlife and habitats;
- what happens to these houses if they do not sell?;
- the proposed housing will result in a loss of privacy and overlooking for 7 The conifers;
- the proposed planting can grow very tall and produce poisonous berries;
- the construction process will be noisy;
- if the level of discount on the sale price of the proposed new houses was greater than that at The Conifers, then residents of The Conifers would not be able to compete when selling their houses;

## **4.0 APPRAISAL**

4.1 The key issues are considered to be:

- Principle of development in the Green Belt
- Design and visual impact on the Green Belt
- Neighbouring amenity
- Amenity of future occupiers
- Highway and traffic
- Sustainability
- Open space
- Drainage

## PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT

4.2 Planning Policy Guidance 2: Green Belts and Development Control Local Plan Policy GB1 set out the types of development which are not considered inappropriate in the Green Belt. Both of these documents establish that limited affordable housing for a proven local need is not considered inappropriate development in the Green Belt. This is markedly different to market housing developments in the Green Belt which are considered to be inappropriate. 100% affordable housing schemes are often referred to as 'exception' sites, in that they are an exception from usual planning controls which stop new market housing being built in the Green Belt. There are several key tests which are set out in Development Control Local Plan Policy GB9 'Exception sites for affordable housing in the Green Belt' in terms of assessing the principle of any particular affordable housing proposal in the Green Belt.

4.3 The first test is that the site is within a defined settlement limit and where this is not possible that a site immediately adjacent to a defined settlement limit is chosen. The purpose of this test is to ensure that any new housing is located as close as possible to the heart of the village and to stop detached housing estates which may have a greater impact on the openness of the Green Belt and may have poor access to public transport and local services. Elvington is an usual village in that its population is spread between two main areas; the majority of residents live within the settlement limit to the east, centred around Main Street. However, there is a significant cluster of housing at Elvington Park, The Conifers and along Elvington Lane which is west of Elvington Settlement limit. The application site is on the edge of this cluster of houses. Elvington Church of England Primary School and Elvington Medical Practice are located between the two areas of housing. There are shops and a pub in the settlement limit of Elvington itself.

4.4 In terms of assessing the application against Policy GB9 it is clear that the application site is not within Elvington Settlement Limit. However, it has to be taken into account that the settlement limit of Elvington is drawn tight around its built up area and there are no parcels of land in this area which could accommodate a new affordable housing development. Policy GB9 requires sites on the edge of settlement limits to be explored when there are no sites within the limits which are available. The applicant has submitted an analysis of sites which are on the edge of Elvington Settlement Limit to look at whether they are both developable and available. Funding for rural exception sites is such that landowners do not make significant financial gains from selling their land, many choose to hold onto the land for agricultural purposes or with hope that they may be developed for much more lucrative market housing in the future. Ten potentially accessible sites were assessed by the applicant. Eight of these were ruled out, for amongst other things, as not being available. It is understood that work has been carried out without success in the Housing Strategy and Enabling Team in recent years to try and find a



seller of land for affordable housing in Elvington. This gives weight to the applicant's findings that eight potential sites did not have a landowner who was willing to sell. The remaining two available sites were discussed with Planning Officers at pre-application stage, one site was ruled out because it was considered to be constrained in terms of its access and was deemed to potentially have an adverse impact on Elvington Conservation Area. This left one remaining site which was available and accessible in Elvington, this site is the subject of this application.

4.5 Therefore, whilst the application site is not within or adjacent to Elvington Settlement Limit, it is considered to be the only available and developable site for affordable housing in the vicinity. Elvington's characteristics mean that the site selected does sit adjacent to an existing housing estate and is in close proximity to the highly developed Elvington Industrial Estate. In addition, the site is located within easy walking distance of Lower Derwent Sports and Social Club which includes a clubhouse and sports facilities, Elvington Church of England Primary School, and Elvington Medical Centre. There is a footpath between the application site and these uses as well as Elvington Settlement Limit. It is worth noting that there are a large number of houses in Elvington outside of the Settlement Limit and much of these are located between the application site and the settlement limit. There is only a small gap between these two clusters of housing and they function as one village in practical terms. Significant weight needs to be given to the lack of other sites which are available within or adjacent to the defined settlement limit given the need for new affordable housing to meet local need.

4.6 The second key test in terms of Policy GB9 is that there must be a clearly demonstrated local housing need. As noted under 3.0, two Housing Needs Surveys have been carried out in recent years through letters and questionnaires being put through residents letterboxes and through an organised event whereby residents can attend a drop in event, discuss their current situation and should they wish complete a form to confirm their housing need. The survey submissions were examined and those which contained insufficient information or did not show a need were dismissed. Both the 2008 and 2011 surveys established significant need for new affordable housing to meet the needs of those with a strong local connection to Elvington, such as already living in the village, having immediate family who live in Elvington, or work in Elvington. The 2011 survey established that there are 25 households in housing need. Whilst a housing needs survey is a snapshot in time and can change it is clear that there has been a consistent need for new affordable housing for local people in Elvington. Elvington is an area with high house prices, the needs survey establishes that house price sales are on average around £215,000 and a look through current information shows that the cheapest open market house currently on the market has an asking price of £186,000. There are two houses available for rent priced at £595 and 995 per month. Properties such as these are unaffordable for those identified as being in housing needs. It is

considered based on the evidence provided that there is an established need for new affordable housing in Elvington to meet the needs of local people.

4.7 Questions have been raised by the Parish Council and some local residents as to the need for new affordable houses and the number of new dwellings proposed. Housing needs surveys are the most accurate and reliable way of establishing housing need at any one time. Individual circumstances change over time but the price characteristics of the village are unlikely to change. Given the existing economic situation and the continued high house prices in Elvington it is not considered that there is any evidence to state that the current housing need is likely to drop between the time of the application being considered and the houses being built and occupied. It is generally considered that there is always a hidden need for affordable housing due to the difficulty in capturing and recording everyone who is in need.

4.8 A further test in terms of demonstrating that the dwellings meet an established local need is in terms of dwelling type, size, and proposed tenure. The proposed development is for 18 new dwellings. This consists of four 2 bedroom bungalows, five 2 bedroom houses, eight 3 bedroom houses, and one 4 bedroom house. The size and type of dwellings proposed has been developed broadly in line with the findings of the housing needs survey. The housing needs survey showed the greatest demand was for 2 bedroom houses with a smaller need shown for 3 and 4 bedroom houses as well as bungalows. The proposed scheme proposes a greater number of 3 bedroom rather than 2 bedroom houses in order that families can grow into the dwellings; this reduces the likelihood of overcrowding in the future and therefore having to find new affordable accommodation in the future. The size and type of houses and bungalows proposed gives the development a strong mix to help encourage a balanced community. There are small rows of terraced houses, semi-detached houses and detached bungalows and a house. It is considered that the development can provide suitable accommodation for the entire range of residents who have shown a housing need.

4.9 In terms of the tenure mix, it is proposed that 12 of the dwellings would be offered at discounted rent. The remaining 6 houses would be offered for shared ownership whereby occupiers would pay a mortgage on a percentage of the dwelling and a discounted rent to a housing association on the remaining. This mix of tenure types reflects the housing need survey, information has been submitted by a number of households in need demonstrating that they are in a financial position to be able to afford a shared ownership home.

4.10 It is essential that controls are in place to ensure that any new affordable housing which is built specifically for local people, as is proposed here, is ultimately occupied by local people. It is proposed that an 'eligibility criteria' would be written into the Section 106. This criteria sets out what level of 'local connection' applicant's

need to have in order to be eligible for one of the dwellings proposed. This criterion would include such things as being a full time resident of Elvington for a certain amount of time, someone currently working in the village or have immediate family who have lived in the village for a certain number of years. These are standard eligibility criteria which are regularly attached to exception site housing developments. This ensures that the houses meet local need and continue to do so in the future.

4.11 Overall, it is considered that the proposed development, subject to a suitably worded and signed Section 106 agreement, meets the tests of Policy GB9. It is therefore considered that the principle of the proposed development in the Green Belt is acceptable.

## DESIGN AND VISUAL IMPACT ON THE GREEN BELT

4.12 The Development Control Local Plan sets out the objectives of allocating land within the Green Belt. This incorporates preserving the historic setting of York, checking unrestricted sprawl in York, preventing neighbouring settlements from merging into one another, and assisting urban regeneration by encouraging reuse of urban land. It is not considered that the proposed development is contrary to those aims.

4.13 The final aim of Green Belt allocation is to safeguard the surrounding countryside from further encroachment, including protecting openness. Openness is to a degree subjective and can be split into issues of location, scale and design. The issue of location is clearly an important consideration, not all pieces of land within the Green Belt have the same level of visual sensitivity, prominence and importance.

4.14 The application site has an existing housing development to the east which consists of two storey housing with significant levels of hardstanding. To the west is land occupied by Allinsons, this land includes significant levels of storage area for materials and equipment. More broadly the application site sits at the end of a developed settlement including housing and businesses. The application site is well screened by mature trees to the front, western and southern boundaries. These trees would be retained and supplemented where appropriate. Therefore, whilst acknowledging that any development on any Green Belt site will have an impact on openness, it is considered that the application site contains a number of characteristics which limits the overall impact of a development. Rural exception site policy allows affordable housing developments in the Green Belt, the application site is considered to contain a number of characteristics which makes it less visually sensitive within this policy context.

4.15 The proposed development is of reasonably low density at around 22 dwellings per hectare (dph) overall. The developed part of the site, excluding the open space, represents around 29 dph. Policy H5a 'Residential Density' sets a broad density target of a minimum of 30 dph outside of the urban area. It is considered that the proposed density is suitable given the sites Green Belt status. A reasonably low density development allows space around and between some dwellings. Additionally the proposed development retains green areas where landscaping can be retained and supplemented. It is considered that this helps to reduce the visual impact of the proposed development and therefore present a softer edge to the surrounding Green Belt land.

4.16 The proposed design of the houses and bungalows are traditional in terms of appearance, materials, and scale. All houses proposed are two storeys in height, with an approximate eaves height of 4.9m and 7m to the ridge. The proposed bungalows have a height of approximately 2.9m to the eaves and 5.5m to the ridge. No dwellings have rooms in the roof and each unit has a chimney stack which sits above the ridge. The dwellings would be constructed of red brick with pantile roof, windows and doors are proposed to be timber. The modest height of the proposed dwellings and the use of traditional design and materials would help the proposed development settle into its setting.

## NEIGHBOURING AMENITY

4.17 Development Control Local Plan Policy GP1 'Design' states, amongst other things, that proposals should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. The nearest residential dwellings to the application site are those at The Conifers. The dwellings most likely to be affected by the proposed development are those towards the west of the development and more specifically those that back onto the application site. There are 7 houses, odd numbers 1-15 The Conifers which have rear elevations facing the proposed dwellings and whose back gardens are on the curtilage boundary of the application site. These dwellings sit between 7m and 11m from the rear boundary. The rear to rear separation distance between the proposed new dwellings and existing dwellings is a minimum of 22m which is in line with generally considered acceptable separation distances. To further minimise visual intrusion the applicants are proposing that two of the three dwellings backing onto The Conifers would be bungalows. This significantly reduces any potential for overlooking and loss of light. In addition the application contains a proposed planting strip between the proposed dwellings and existing. This would soften the appearance of the development as viewed from existing houses. The exact tree and planting species can be controlled by condition and would be managed and maintained by the housing association who takes the lease on the site.

4.18 Some concerns raised by local residents to the proposed application are concerned with noise and disturbance during construction. All new developments inherently contain a degree of noise and disturbance; however this is not a reason to refuse a planning application. A condition can be added to any approval to control the hours of delivery and construction to ensure that work does not take place at noise sensitive times of the day.

## AMENITY OF FUTURE OCCUPIERS

4.19 The proposed development is relatively simple in design. The houses and bungalows front onto the street and have front gardens to be used partly for off street car parking and partly for green landscaping. There is scope within the front gardens for appropriate tree planting. Each dwelling has a reasonable sized back garden which will allow for amenity space as well as for the storage of bins and bicycles and for drying clothes. Internal dimensions of the proposed houses meet Homes and Community Agency standards which are often in excess of many market houses. Each dwelling has a separate kitchen and sitting room, with the four bedroom property containing an additionally dining room. It is considered that the proposed dwellings would provide a good level of amenity for future occupiers. The existing Allinsons business to the west is not known to cause any issues in terms of neighbouring amenity and the Environmental Protection Unit are content with the relationship of the proposed houses to this site.

## HIGHWAY AND TRAFFIC

4.20 Some concern has been raised by local residents regarding the ability of existing junctions to cope with vehicle numbers associated with the proposed development. Additionally concern has been raised that vehicles associated with the proposed development will make The Conifers a less safe place for pedestrians and people using the street for informal play. Such issues were considered by Highway Network Management within their consultation response. The proposed development for 18 new dwellings will have minimal impact in terms of vehicle numbers on the nearby public highway. It is considered that the junction between The Conifers and Wheldrake Lane is able to cope with the proposed additional vehicle numbers. Vehicles accessing the proposed application site would travel in a straight line from Wheldrake Lane to the new development. Cars would not need to travel down existing cul-de-sacs which are considered the only likely areas which would be used by children for play.

4.21 The internal layout of the proposed development complies with local standards. The number of car parking spaces per dwelling is in line with local standards of broadly 1 space per two bedroom dwelling and two spaces for larger dwellings. This would ensure that there is adequate off street car parking for residents but not an overprovision which can discourage sustainable transport choice.

## SUSTAINABILITY

4.22 As previously discussed the application site is within a reasonably sustainable location with easy access to local sports facilities, health care, and the primary school. Additionally much of the employment in Elvington is at the industrial estates which are within walking distance of the proposed dwellings. There are accessible bus stops along Elvington Lane which allow residents to travel into York without use of a private car. However, it is understood that at present there is not a frequent bus service along this route.

4.23 In terms of the sustainability of the site itself and the proposed houses, a number of measures are proposed. This includes on site open space which can have amenity and wildlife value. Each dwelling would contain a bicycle store within the rear garden; each rear garden is accessible without the need to go through the house. A Sustainability Statement has been submitted by the applicant in response to Development Control Local Plan Policy GP4a 'Sustainability'. The statement highlights the sustainable location of the development as well as the social sustainability of providing affordable housing for local people. Additional information submitted by the applicant states that the proposed dwellings would achieve at least Code for Sustainable Homes Level 3 and that solar panels would be installed on west and south facing roof slopes. The application is considered to comply with the aims and objectives of Policy GP4a and subsequent guidance presented within the sustainable design and construction policy document.

## OPEN SPACE

4.24 The applicant is providing on site open space and it is not considered that a commuted sum payment for offsite provision is required. Work is continuing with regards the function of the proposed on site open space. The allocated open space allows scope for additional planting and also for the enhancement of biodiversity. Additionally the open space can provide some level of amenity space for occupiers of both the proposed dwellings and existing dwellings at The Conifers. The exact function of this open space has not yet been finalised, it is considered that there may be scope for consultation with existing and potential future residents in the area to establish what they would welcome and value. The area of open space would be managed and maintained by the housing association, likely to be Home Housing. Existing access to the site from Elvington Lane is proposed to be blocked off so that any users of the open space are required to enter via The Conifers housing estate

and past the proposed new dwellings. This is proposed to ensure a degree of ownership of the site by local residents and also to reduce the chances of this area being used as a gathering place given that residents will see all comings and goings to the open space.

## DRAINAGE

4.25 The application site is within Flood Zone 1 and is therefore at low risk of flooding. Full drainage details have not been agreed at the time of writing this report, however discussions are ongoing. The applicant is committed to providing underground storage tanks to ensure that the level of surface water runoff does not exceed existing levels. This will ensure that the proposed development does not increase the risk of flooding elsewhere. Should drainage details not be finalised before planning committee it is considered that a condition could be added to ensure that suitable drainage details are agreed and implemented.

## EDUCATION

4.26 No education commuted sum is sought for the proposed development. This is because the application is for local people who are already likely to be resident in the village and use the existing school. Further it is not considered that the proposed development would create significant additional demand for spaces at Elvington School.

## 5.0 CONCLUSION

5.1 It is considered that the local need for new affordable dwellings has been demonstrated within the Elvington Housing Needs Survey 2011. The homes would be managed by a registered housing association and the mix of dwelling type, size, and the proposed tenure mix creates a scheme which meets the identified local need.

5.2 The proposed dwellings are sympathetically designed to appear in keeping with the character of the area. Existing green landscaping is to be retained where suitable and supplemented to create a visually attractive development from both inside and outside of the site. The proposed communal open space allows opportunities for biodiversity enhancement as well as creating useful amenity space for local residents.

5.3 It is considered that the proposed development complies with relevant local and national planning policies and is therefore recommended for approval subject to the suggested conditions below and the signing of a Section 106 agreement. The Section 106 agreement would contain clauses to ensure that: the dwellings remain affordable in perpetuity; the split of rented to shared ownership tenures is suitable;

the dwellings would be offered to local people who are in housing need; a lease is in place for the homes to be controlled and managed by a registered housing association, the management and maintenance of the open space area, and that the homes would be built to Homes and Communities Agency standards. A section 106 agreement would be drawn up and signed by all relevant parties prior to the formal decision being issued.

## **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 in accordance with the following plans:-

- Revised 'Sketch Scheme' showing site layout and dwelling elevations and plans drawing number 10H received by CYC on 13/02/12

- 'House Types' showing elevations and plans of bungalows and four bedroom house drawing number 12A received by CYC on 10/10/12

- Street Scenes drawing number 13B received by CYC on 10/10/11

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

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A (enlargement of the dwellinghouse), B (addition or alteration to the roof), E (building or enclosure within the curtilage of the dwelling), and F (hardsurfacing) of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of protecting the openness of the Green Belt the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used including bricks, roof coverings, windows, and doors, shall be submitted to and approved in writing by the Local Planning Authority prior to the



commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive and acceptable appearance.

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

Reason: In the interests of the visual amenities of the area and security.

6 Details of the security gates, including locking mechanism, to be installed at the rear garden access points for dwellings at plot numbers 2, 12, and 15 shall be submitted to and approved in writing by the Local Planning Authority. The gates shall be installed in complete accordance with the approved details prior to the first occupation of the above mentioned dwellings and shall thereafter be maintained.

Reason: In the interests of the security.

7 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.2 metres (excluding chimney stacks), as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: To establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the openness of the Green Belt.

8 Development shall not begin until details of foul and surface water drainage works, including surface water runoff attenuation measures, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with these approved details.

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

9 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be planted.

This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

10 All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be

confined to the following hours:

Mondays to Fridays - 08.00 to 18.00; Saturdays - 09.00 to 13.00 ; Not at all on Sundays and Bank Holidays.

Reason: To safeguard the amenities of local residents.

11 Development on Land Affected by Contamination

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

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

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

#### b. Submission of Remediation Scheme

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 must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of 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.

12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1b, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 1c.

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.

13 The dwellings shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

14 Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

15 No dwelling to which this planning permission relates shall be occupied unless or until the carriageway basecourse and kerb foundation to the new estate road and footpath to which it fronts, is adjacent to or gains access from, has been constructed. Road and footway wearing courses and street lighting shall be

provided within three months of the date of commencement on the construction of the penultimate dwelling of the development.

Reason: To ensure appropriate access and egress to the properties, in the interests of highway safety and the convenience of prospective residents.

16 The development shall be carried out so as to achieve at least Code for Sustainable Homes Level 3 rating. Within six months of the occupation of the final dwelling of the development a Code Post Construction Assessment and Certificate shall be submitted showing that the development achieved at least Code for Sustainable Homes Level 3 rating.

Reason: To promote sustainable development.

17 Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating how the development will provide 10% of its total predicted energy requirements from on-site renewable energy sources. The development shall be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of each dwellinghouse..

Reason: In the interests of sustainable development.

18 No development shall take place until details have been submitted to and approved in writing by the Council of what measures are to be provided within the design of the new buildings and landscaping areas to enhance the biodiversity of the area. The work shall be completed in complete accordance with the approved details. Features suitable for incorporation include measures for species that use buildings such as bats and birds and enhancement of the open space area.

Reason: This is proposed to take account of and enhance the habitat and biodiversity of the locality.

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

### **1. REASON FOR APPROVAL**

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- Principle of development in the Green Belt
- Design and visual impact on the Green Belt
- Neighbouring amenity
- Amenity of future occupiers
- Highway and traffic
- Sustainability
- Open space
- Drainage

As such the proposal complies with Policies GP1, GP4a, GP6, GP15, GB1, GB9, H4a, H5a, and T4 of the City of York Development Control Local Plan.

## 2. DEMOLITION AND CONSTRUCTION

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the Council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the Council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention should also be 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 attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

1. 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".
2. 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.

3. 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.

4. 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.

5. There shall be no bonfires on the site.

### 3. SECTION 106 AGREEMENT

Please note that a legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this permission.

**Contact details:**

**Author:** Michael Jones Development Management Officer

**Tel No:** 01904 551339