

## COMMITTEE REPORT

**Committee:** Planning Committee  
**Date:** 22 February 2007

**Ward:** Acomb  
**Parish:** Acomb Planning Panel

**Reference:** 06/02779/REMM  
**Application at:** Northfields School Beckfield Lane York YO26 5RQ  
**For:** Reserved matters application for residential development comprising 31 houses and 22 flats, new changing facility and public open space (to which outline permission 05/00320/GRG3 relates) (resubmission)  
**By:** Barratt Homes Ltd (York Division)  
**Application Type:** Major Reserved Matters Application (13w)  
**Target Date:** 14 March 2007

### 1.0 PROPOSAL

1.1 Previously outline planning permission was granted for the development of this site in 2005. The outline approval only considered development of the site in principle and also means of access. All other matters (siting, design, external appearance and landscaping) were reserved for future consideration. The proposal, as originally submitted, was for development of the school built footprint area, the vacant youth club and a small part of the playing fields for residential development. A new changing room building and car parking area were proposed on the playing field with a new access taken from Greensborough Avenue for users of the pitches. The proposal was then amended to delete the Greensborough Avenue access and locate the changing facility etc in place of the vacant youth club building.

1.1.1 This reserved matters application as submitted seeks approval for the remaining 4 matters, siting, design, external appearance and landscaping. It is proposed to erect 53 dwellings on the site. 31 of the dwellings will be houses and 22 will be flats. It is also proposed to:

- Form car-parking and garages for the associated dwellings;
- Erect cycle storage and bin storage facilities;
- Form a LEAP (Local Equipped Area for Play);
- Create football pitch provision for Carr Vikings Football Club and the community;
- Form car-parking provision and changing room facilities for Carr Vikings;
- Create areas of open space; and
- Provide affordable housing.

1.1.2 Northfield School was previously used as a special needs school. However following the Council's Review of Special Education Needs the school become surplus to requirements. The Council has adopted a policy to increase the extent to which children with special education needs are educated in mainstream schools. As a result pupils from Northfield School were relocated to new facilities at Hob Moor School and Applefields (Galtres) School.

### 1.2 SITE

1.2.1 The overall site area including playing fields is approximately 2.42ha. Almost half of the site accommodates the predominately single storey school buildings, hardstanding areas and former youth club buildings. The actual defined area which is to be developed is 1.00 ha. The site is located relatively close to Beckfield Lane but

is set back from this road by approximately 90.00m. The site is consequently bounded by dwellings to three boundaries. To the north (Melwood Grove), south (Prestwick Court and Greensborough Avenue) and the east (Sunningdale Close). To the west is open countryside. There is also a council depot adjacent the site to the southeast boundary.

### 1.3 HISTORY

1.3.1 Previously outline planning permission (05/00320/GRG3) was granted on the 2nd November 2005 for residential development and a new changing facility building. A S106 agreement was entered into with the developer regarding provision of affordable housing and provision of open space.

1.3.2 A reserved matters planning application 06/02779/REMM was submitted on the 23 August 2002 and was refused on 26.10.2006 by the Council's Planning Committee. The application was refused for the following reasons:-

- Because of the height, bulk, mass and location the proposed block of dwellings adjacent Sunningdale Close, this particular element of the development would result in overshadowing, would have an overbearing effect and would impact upon the outlook on no.18, 19 and 20 Sunningdale Close thereby harming their existing living conditions. As a consequence the proposal fails to satisfy national planning guidance PPS1 and PPG3 and also policies GP1 of the City of York Draft Local Plan (incorporating 4th set of changes) - 2005.
- The proposal is undermined by the lack of a full landscape plan and specification as part of the design of the scheme. As a consequence the proposal fails to provide for a planned and integrated landscaping scheme. The outcome of which is a development which would be dominated by dwellings, car parking and hard surfacing. As such the proposal would not be compatible with the well established suburban character of the area is therefore contrary to national planning guidance PPS1 and PPG3 and also policies GP1, GP9 and H5a of the City of York Draft Local Plan (incorporating 4th set of changes) - 2005.
- Due to the layout and siting of the dwellings within the site, such a high density scheme does not allow for any associated soft landscaping which would add to the amenity of the scheme and create a sense of place, nor does the proposal incorporate existing landscaping, trees, etc which could further add to the visual amenity of the proposed residential development. As a consequence the proposal does not create a definable character or distinctive quality of place for the scheme as sought by 'Better Places to Live by Design: A companion Guide to PPG3'. As such the proposal would not be compatible with the well established suburban character of the area is therefore contrary to national planning guidance PPS1 and PPG3 and also policies GP1, GP9, NE1 and H5a of the City of York Draft Local Plan (incorporating 4th set of changes) - 2005.
- The proposal fails to provide adequate provision for covered and secure cycle parking provision with regard to the proposed flat accommodation. Such an under provision would harm the City Council's objectives of maintaining and promoting cycle usage in order to minimise traffic generation, reduce pollution, noise and the physical impact of traffic and is therefore contrary to policy T4 of the City of York Draft Local Plan (incorporating 4th set of changes) - 2005.

- The proposed bin storage for the proposed flat accommodation is inadequate in size, inconvenient to access from the majority of the proposed flats and difficult to collect for refuse collection. Such an inadequate arrangement would most likely result in rubbish being stored in other common areas or outside in the parking or circulation areas this would be harmful to residential and visual amenity and is contrary to policy GP1 and GP4a of the City of York Draft Local Plan (incorporating 4th set of changes) - 2005.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Schools Northfield 0255

### 2.2 Policies:

CYGP1  
Design

CYGP3  
Planning against crime

CYGP4A  
Sustainability

CYGP7  
Open Space

CYGP9  
Landscaping

CYGP15  
Protection from flooding

CYNE1  
Trees, woodlands, hedgerows

CYT4  
Cycle parking standards

CYH3C  
Mix of Dwellings on Housing Site

CYH5A  
Residential Density

## **3.0 CONSULTATIONS**

### 3.1 INTERNAL

#### 3.1.1 HIGHWAY NETWORK MANAGEMENT

3.1.2 Comments are awaited from the highways department and will therefore be conveyed to Planning Committee verbally.

#### 3.1.3 ENVIRONMENTAL PROTECTION UNIT (EPU)

3.1.4 Previously EPU raised concerns regarding the previous site layout which included two house types with general garaging below which did not belong the above accommodation. Living accommodation located above garages which are not in control of the occupiers of the above accommodation could create noise nuisance and other associated problems. EPU reiterated their concerns regarding this current reserved matters planning application and commented that this repeated arrangement should be avoided.

3.1.5 The 2 plots which EPU identified are plot 32 (Barwick FOG dwelling) which has garaging below accommodation which is separate to the dwelling and also plot 4 (Argyle type dwelling) which has 3 garages below (only one of which is associated with the flat).

3.1.6 EPU also commented that parking provision should reflect the minimum parking standards of the Council.

#### 3.1.7 HOUSING AND ADULT SERVICES (HASS)

3.1.8 HAS commented that whilst negotiations are still ongoing at this moment, a broad agreement has been reached regarding the provision of affordable housing in terms of pepper potting, number of affordable units (provide of 25%) and also providing like for like affordable units. The possible changes to the number and type/size of dwelling on the site will have to be factored-in to the negotiations for the affordable housing.

#### 3.1.9 ARCHAEOLOGIST

3.1.10 The Council's archaeologist advised the imposition of 1 condition relating to works not commencing on site until a programme of archaeological work has been submitted to the Council and agreed in writing.

#### 3.1.11 LANDSCAPE ARCHITECT

3.1.12 The Council's landscape officer commented that it is not only the root protection area (RPA ) that needs to be considered when judging distances of proposed dwellings from existing trees. In particular the compatibility between living accommodation and garden trees is an important factor. To this end the landscape officer considers that 2 units are inappropriate.

3.1.13 Firstly almost the entire garden area of plot 24 will be covered by the canopy of a protected tree. Such an arrangement would reduce the amenity value of rear garden substantially and also the proposed dwelling. If the proposed dwelling were approved, the landscape officer comments that she would not be able to support the tree's retention in the future.

- 3.1.14 Secondly the proposed building including a floor flat garages below (no.'s 3 – 5) would virtually touch the RPA of another protected tree. Indeed it is considered that the canopy would have to be cut back to accommodate scaffolding. The landscape officer considers that the proximity of this tree to the proposed flat would reduce light level's to the living accommodation and create an unsatisfactory living arrangement. The officer recommends that this flat should also be omitted from the scheme.
- 3.1.15 The officer also commented that the planting arrangement for the proposed scheme should include more tree planting within the larger public open space (POS) area, to satisfy the requirement for a landscape scheme. Furthermore trees and low shrub/ground cover planting would help integrate the block of flats and play area within the scheme and also provide a visual coherence between the play are (LEAP) and its environment and the housing. Also planting which has scent, colour and texture should be planted within the buffer zone between the development and the LEAP.
- 3.1.16 Finally the landscape officer recommended that the narrow strips along the east and north elevation of the flats should be planted up with ground cover/herbaceous plants for ease of maintenance and for visual amenity. The fencing adjacent units 31 and 35 should be planted up on the POS side to soften this blank boundary.
- 3.2.17 LIFELONG LEARNING & LEASUIRE (LLL)
- 3.2.18 LLL commented that there is a discrepancy between the proposed layout of the football pitches and what is proposed by the applicants. LLL were of the opinion that Carr Vikings Football club required a different football pitch configuration
- 3.2.19 LLL also commented that they considered that the play area (LEAP) is too close to the pitches and would restrict the possible expansion or reorientation of the pitches to cope with wear and tear and that the pitches would have been better left in their original position. As a consequence this would move the play area nearer to the family housing rather than the flats. LLL commented that indirect surveillance could still be archived from both the flats and houses whilst increasing the privacy of the people in St Paul's apartments who will having play area users looking directly into their living and bedrooms ref plan PO6 3660:02. The proposed shape will also make maintenance more difficult.
- 3.2.20 SUSTAINABILITY OFFICER
- 3.2.21 The sustainability officer commented that the Design and Access Statement contains no information relating to sustainability. She added that whilst the document identifies the correct planning framework it does not explain how the proposal meets the principles of PPS1 for example.
- 3.2.22 In addition the officer commented that the Sustainability Statement offers nothing in addition to the requirements of the current building regulations in terms of sustainable construction and design. It does not mention a commitment to EcoHomes (BREEAM standard) which is something the council (councillors & officers) have been requesting over the past 12 months and forms the basis of the SPG Sustainable Design & Construction that is currently being consulted on.
- 3.2.23 The Council's sustainability officer concluded by stating that the offer in sustainability terms is very basic, essentially going no further than current regulations demand. As a starting point the applicants should look to undertake a EcoHomes (BREEAM) assessment. However the officer is aware that this application is for reserved

matters only and some of the elements she refers to above cannot be sought at this stage.

### 3.3 EXTERNAL

#### 3.3.1 ENGINEERING CONSULTANCY (EC)

3.3.2 The drainage engineer commented that the development is in low risk Flood Zone 1 and will not suffer from river flooding. However EC objects to the proposed development, on the grounds that insufficient information has been provided by the developer to determine the potential impact the proposals may have on the existing drainage systems.

3.3.3 EC indicate that a Flood Risk Assessment was carried out for the development in April 2005 in which the following was identified: - The proposed housing development, with a total area of 1.23 Ha, is calculated to have a peak flow of 59 l/s. As this figure exceeds the existing impermeable runoff rate from the site of 42 l/s, sustainable drainage methods (SUDS) to attenuate flows will be required. This will also reduce the risk of any surface water sewer flooding in the downstream catchment.

3.3.4 EC further state that if the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, carried out in winter - to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

#### 3.3.5 MARSTON MOOR INTERNAL DRAINAGE BOARD and FOSS INTERNAL DRAINAGE BOARD

3.3.6 Both commented that the application site lies outside their district but is surrounded by it. The board stated that this reserved matters planning application does not add any information that was previously considered by the board and therefore they recommend 2 conditions relating to discharge of water into the public sewer and drainage routes.

#### 3.3.6 SPORT ENGLAND (SE)

3.3.7 SE commented that this reserved matters planning application, by and large, achieves the benefits of the outline planning consent for sport by providing a new changing facility, and the retention of the playing field for use by Carr Vikings Junior Football Club and other sporting bodies through a community Use Agreement.

3.3.8 SE also comment that the part of the site that would be classified as playing field under the statutory instrument would be expanded under this application by the creation of a further open space area to the rear of 25-31, on land formerly proposed for private gardens.

3.3.9 SE further comment that the proposed pitch layout as shown in planning layout drawing P06:3660:01 should form part of any planning consent and pitches should be laid out in accordance with Sport England's guidance note 'Natural Turf for Sport – 03/2000 and made available prior to the occupation of the proposed dwellings.

3.3.10 Finally SE commented that whilst the LEAP would be located in a slightly different position, it would not impinge upon the junior soccer/mini soccer pitches, nor the buffer zones, though it does run parallel to the pitches.

### 3.3.11 YORK CENTRE FOR SAFER COMMUNITIES

3.3.12 The YCFSC officer stated that the 'Secured by design' guidance relating to dwelling boundaries advises that "Vulnerable areas such as side and rear gardens need defensive barriers with walls or fencing to minimum height of 1.8m. Gating to alleyways should also be a minimum of 1.80 m in height and should have key-operated robust locks. The gates should also not be easy to climb or remove from their hinges and should ideally be constructed of materials which provide visibility down the alleyways, e.g. wrought iron and fixed on the building line so they and anyone attempting to pass through them, is visible from the public areas of the development.

3.3.13 YCFC also commented that there is no access indicated from the main playing field area which suggests that none is intended. However due to it being sited within the playing field with low minimal fencing suggests that it is available to the general public for use and not just residents of the proposed development. Furthermore YCFC raise concerns with regard to the positioning of the LEAP within the sports field and suggest that it should be re-sited within the development, where there would be better natural surveillance from surrounding houses which may reduce the risk of the play area being abused etc.

3.3.14 With regard to the proposed changing rooms CYFC commented that open access onto the playing field and the 1.00 m high boundary fence is poor in terms of security. CYFC commented that access to the changing room site should be controlled and access to that site shouldn't automatically give access to the playing field. Finally the cycle storage for the changing rooms are not sited ideally the cycle store should be sited in an area which can overlooked so as deter offenders.

3.3.15 Car park space no.4 and the adjacent visitor car-parking space within the body of the main scheme are located behind a 1.80 m wall and not well overlooked.

3.3.16 The southern boundary of the site is currently protected by a steel palisade fence which is in poor repair. Whilst the applicants propose to replace this 1.20 m dividing fence CYFC consider this inadequate to deter offenders. Ideally this height should be increased and defensive shrubbery planted to add further protection to this boundary.

3.3.17 Finally CYFC comment that thought should be given to providing additional storage space for prams, push chairs, etc. Items such as this are susceptible to theft and if left lying around outside encourage crime.

### 3.3.18 ACOMB PLANNING PANEL

3.3.19 Object to the proposal on the grounds that:-

- (i) The proposed erection of three storey buildings is completely out of keeping with local residential area;
- (ii) The access road is completely inadequate for normal use and in emergencies is the only access to/from 53 properties.

### 3.3.20 NEIGHBOUR LETTERS, SITE AND PRESS NOTICE

3.3.21 A letter was received from an adjacent neighbour to the site, which broadly supported the proposal. However, the neighbours did comment that they would like the trees retained at the rear of their boundary to protect the amenity of the area and to protect nature conservation.

#### 3.3.22 CARR VIKINGS JUNIOR FOOTBALL CLUB (CVJFC)

3.3.23 The CVJFC secretary commented that the current pitch arrangement was not acceptable in terms of future expansion, re-orientation to decrease wear and tear and that the position of the LEAP reduces the amount of playing field and should be re-sited further away from the pitches.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

- Planning policy;
- Density;
- Impact upon existing residents;
- Highways;
- Landscaping;
- Design;
- Affordable housing;
- Open space and
- Sustainability

### 4.2 PLANNING POLICY

4.2.1 PPS1: Planning for Sustainable Development sets out the Government's national policies on different aspects of land use planning in England. PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. 'The planning System: General Principles', the companion document to PPS1, advises the importance of amenity as an issue.

4.2.3 Planning Policy Guidance Note 3 'Housing' (PPG3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. PPG3 advises Planning Authorities to seek housing densities of between 30 and 50 dwellings per hectare with greater intensity at locations with good public transport accessibility. PPG3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development.

4.2.4 PPG17 'Planning for Open Space, Sport and Recreation' (July 2002) advises the setting of local targets based on a robust assessment of existing or future needs. This guidance note makes it clear that planning for the recreational needs of local communities is a material planning consideration, to be taken into account in the preparation of development plan policies, and in the decisions on individual planning applications.

4.2.5 The Government believes that open space standards are best set locally, since national standards cannot cater for local circumstances, such as differing demographic profiles and the extent of existing built development in an area. Local



authorities are advised to use the information gained from their assessments of needs and opportunities to set locally derived standards for the provision of open space, sports and recreational facilities in their area.

- 4.2.6 PPG25 Development and Flood Risk: This PPG explains how flood risk should be considered at all stages of the planning and development process. It sets out the importance of the management and reduction of flood risk in planning, acting on a precautionary basis and taking account of climate change.
- 4.2.7 Policy SP8 'Reducing the dependence on the car' of the City of York Local Plan Deposit Draft states that applications for large new developments, such as housing, shopping, employment, health or leisure proposals, must be able to demonstrate that they will reduce dependence on the private car by providing for more environmentally friendly modes of transport.
- 4.2.8 Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will: respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, using materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.
- 4.2.9 Policy GP3 'Planning Against Crime' of the City of York Local Plan Deposit Draft requires that new development should, where deemed appropriate, to incorporate crime prevention measures to achieve: a) natural surveillance of public spaces and paths from existing or proposed development; and b) secure locations for any associated car and cycle parking; and c) satisfactory lighting; and d) provision of CCTV, where the proposal would include the consumption of alcohol or the congregation of large crowds or would contribute to a significant increase in traffic, pedestrian activity, or the parking of significant numbers of vehicles.
- 4.2.10 Supporting text of this policy further states that the principle of reducing opportunities for crime by means of careful design of buildings and the spaces between them is widely acknowledged (e.g. PPG1) and is capable of being a material planning consideration. Circular 5/94 (Planning Out Crime) outlines that the type of environment created by development can be closely related to the causes of crime and violence. Attractive, well-managed and vibrant environments that are designed to take into account the security of residents and property can help to reduce the potential for crime. The variation and mix of different land uses in the same vicinity can also go some way to create environments that are lively and well used, especially in the evenings.
- 4.2.11 Policy GP4a 'Sustainability' of the City of York Local Plan Deposit Draft requires proposals for all development should have regard to the principles of sustainable development. All residential developments will be required to be accompanied by a sustainability statement. The document should describe how the proposal fits with the criteria specified in policy GP4a and will be judged on its suitability in these terms.
- 4.2.12 Policy GP7 'Open Space' of the City of York Local Plan Deposit Draft requires that development of land designated as open space on the Proposals Map, or any other areas of open space that are provided in conjunction with a planning permission during the Plan period, will only be permitted where: a) there will be no detrimental

effect on local amenity or nature conservation; and b) compensatory provision of an equivalent size and standard is provided by the applicant in the immediate vicinity of the site proposed for development.

- 4.2.13 Policy GP9 'Landscaping' of the City of York Local Plan Deposit Draft states that where appropriate development proposals will be required to incorporate a suitable landscaping scheme, and this must: a) be planned as an integral part of the proposals; and b) include an appropriate range of indigenous species; and c) reflect the character of the locality and surrounding development; and d) form a long term edge to developments adjoining or in open countryside.
- 4.2.14 Policy GP15a 'Development and Flood Risk' of the City of York Local Plan Deposit Draft states that there will be a presumption against built development (except for essential infrastructure) within the functional floodplain outside existing settlement limits. The use of sustainable drainage systems to mimic natural drainage will be encouraged in all new developments in order to reduce surface water run-off. Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long term run-off from development sites should always be less than the level of pre development rainfall run-off.
- 4.2.15 Policy NE1 'Trees, Woodlands and Hedgerows' of the City of York Local Plan Deposit Draft states that trees which are of landscape or amenity value will be protected by refusing development proposals which will result in their loss or damage. Trees or hedgerows which are being retained on development sites should also be adequately protected during any site works. All proposals to remove trees or hedgerows will be required to include a site survey indicating the relative merits of individual specimens. An undertaking will also be required that appropriate replacement planting with locally indigenous species will take place to mitigate against the loss of any existing trees or hedgerows. Developments should make proper provision for the planting of new trees and other vegetation including significant highway verges as part of any landscaping scheme.
- 4.2.16 Policy T4 'Cycle Parking Standards' of the City of York Local Plan Deposit Draft requires that all new developments provide adequate cycle parking provision. In the case of affordable housing or dwellings without a garage this should be 1 covered space per ½ bedroom dwelling. For dwellings with garages the requirement is the same but cycle parking provision could be accommodated within the garage depending upon the garage size.
- 4.2.17 Policy H3c 'Mix of Dwellings on Housing Sites' of the City of York Local Plan Deposit Draft requires a mix of new house types, sizes and tenures should be provided on all new residential development sites where appropriate to the location and nature of development. Developers will also be encouraged to build new housing to accessible standards (in accordance to Building Regulations) with negotiation on a proportion of dwellings having full wheelchair access.
- 4.2.18 Policy H5a 'Residential Density' of the City of York Local Plan Deposit Draft requires The scale and design of proposed residential developments should be compatible with the character of the surrounding area and must not harm local amenity. Applications for all new residential developments, dependent on individual site circumstances and public transport accessibility, should aim to achieve net residential densities of greater than: 60 dwellings/ha in the city centre; 40 dwellings/ha in the urban areas and 30 dwellings/hectare elsewhere in the City of York.

#### 4.3 PRINCIPLE OF DEVELOPMENT

- 4.3.1 The principle of development has already been approved at outline stage (05/00320/GRG3). This application is for the reserved matters, as such only issues relating to siting, design, external appearance and landscaping can be considered.

#### 4.4 DENSITY

- 4.4.1 Section 57 of PPG3 'making the best use of land' states that the level of land take was historically very high with developments. Build densities of 20-25 dwellings per hectare (dwpha) were not uncommon. The guidance note further states that, such density of development can no longer be sustained. Development of this nature is also less likely to sustain local services or public transport, ultimately adding to social exclusion. Local planning authorities should therefore examine critically the standards they apply to new development, particularly with regard to roads, layouts and car parking, to avoid the profligate use of land. PPG3 requires that Local authorities should encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net).

- 4.4.2 The indicative layout plan indicates 53 dwellings on the site which equates to a density of 53 dwellings per ha. This exceeds the 30-50 dwpha PPG3 advises should be sought. However the document does further state that higher densities are acceptable where public transport accessibility is good. Council policy on build densities (policy H5a) states that net residential densities greater than 60 dwellings/ha in the city centre should be sought, whilst 40 dwellings/ha are acceptable in urban areas and 30 dwellings/ha elsewhere in the City of York. It should be borne in mind that the issue of density of this scheme was not conditioned at outline stage, therefore it is not possible to precisely control the number of dwellings to be erected on this site. Furthermore policy H5a states that residential densities should be greater than the aforementioned prescribed figures. Whilst the character of the immediate area could be used as an argument for a lower density, in this instance, it is considered that due to the amended siting, design and layout the proposal is acceptable in terms of density.

#### 4.5 IMPACT ON RESIDENTS

- 4.5.1 The indicative layout which was part of the approved outline planning permission indicated three storey dwellings in the centre of the site and some 'two and a half storey' dwellings on the boundary with Melwood Grove properties. The submitted scheme now adheres to the outline approval. Previously it was proposed that 3-storey dwellings were to be erected adjacent dwellings to Melwood Grove. Furthermore a number of residents in Melwood Grove objected to this part of the scheme due to loss of privacy, loss of light, shading to their back gardens and the proposed height and mass of the dwellings opposite them creating an un-neighbourly and overbearing feature. No objections have been received regarding this current proposed scheme.
- 4.5.2 Informative 1 of the approved outline permission required that a cross-section be submitted indicating levels between existing dwellings in Melwood Grove and proposed dwellings. Whilst this information was not previously submitted, drawing no.P06:3660:16 submitted as part of this application indicates the levels between the proposed scheme and existing dwellings in Melwood Grove and Sunnigdale Close.

4.5.3 Objections were also received from residents in Sunningdale Close with regard to loss of outlook and light. In particular residents at no.18, 19 and 20 Sunningdale Close objected to the position of a 2 storey dwelling which was to be erected approximately 11.50 m away from the rear elevations of their houses. The proposed scheme has taken into account comments raised by these residents and has been amended. The proposed scheme is now considered acceptable in terms of impact upon existing neighbouring residents amenity.

#### 4.6 HIGHWAYS

4.6.1 Comments are awaited from the highways department and will therefore be conveyed to Planning Committee verbally.

#### 4.7.0 LANDSCAPING

4.7.1 The quality of the public realm can be undermined through the lack of a full landscape plan and specification as part of the design of the scheme submitted for planning approval. 'Better Places To Live by Design' states that the landscape design needs to complement the buildings and vice versa. Landform, natural features and their ecology are always important. Trees, shrubs, flowers and grass and their containment require particular attention. The retention and use of existing trees and, on occasion, walls, ramps, steps and hedges can give a sense of maturity and distinction. New planting needs careful and specialised consideration according to locale and practicality. It is considered that the landscaping scheme is broadly acceptable subject to the imposition of a number of conditions regarding additional planting.

4.7.2 The Council have tried to encourage the applicant to provide the open space within the middle of the site, so as create a sense of place for the proposed development and contribute to the overall setting of the scheme. However the applicants have resisted this suggestion, on the grounds that a large amount of open space bounds the site to the west. In mitigation of the applicants firmness on siting the open space in this location the existing open space, a LEAP and the playing fields adjacent the proposed scheme alleviate the need for the open space to be provided within the middle of the site in terms of amenity provision if not design. The position of the open space is therefore is broadly acceptable

#### 4.8 DESIGN AND LAYOUT

4.8.1 Section 63 of PPG3 'rejecting poor design' states that new housing development of whatever scale should not be viewed in isolation. Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development, recognising that new building technologies are capable of delivering acceptable built forms and may be more efficient.

4.8.2 Issues of design were previously raised with the agents with regard to general design, arrangements and setting out of the scheme. In fact, this was a previous reason for refusal. However this amended scheme appears to satisfy the previous concerns.

4.8.4 Better Places To Live by Design: A Companion Guide to PPG3 states that scheme's should be tailored to reflect their surroundings and not use standard house types and

layout forms. This document seeks applicants to quantify the architecture of the scheme and its space planning and asks the question does the scheme create a distinctive quality place? Left over or incoherent space is also identified as detracting from the quality of a scheme.

4.8.5 Bearing in mind the above it is considered that the proposed scheme does try to integrate with the wider built environment and would create an acceptable environment for the future residents in terms of amenity and living arrangements with adjacent neighbours.

#### 4.9 AFFORDABLE HOUSING

4.9.1 Sections 15 and 16 of PPG3 require that decisions about the amount and types of affordable housing to be provided in individual proposals should reflect local housing need and individual site suitability and be a matter for agreement between the parties. PPG3 further states that Local planning authorities and developers should be reasonably flexible in deciding the types of affordable housing most appropriate to a particular site. The objective should be to ensure that the affordable housing secured will contribute to satisfying local housing needs as demonstrated by a rigorous assessment.

4.9.2 It should borne in mind that the issue of provision of affordable housing has been agreed at outline stage. As a consequence this is not a reserved matter. The execution of affordable provision for the scheme will be controlled by the S106 agreement which is linked to the original outline permission.

#### 4.10 OPEN SPACE

4.10.1 The provision of open space was agreed at outline stage. The applicants have submitted details in accordance with the S106 agreement which is linked to the outline planning approval. The submitted details indicate the LEAP sited within the existing playing fields. Sport England have not raised any objection. However both Life Long Leisure and Learning (LLL) and Carr Vikings Junior Football Club have both indicated that the design and position of the LEAP is unacceptable at present. Negotiations are ongoing at present at the outcome of these further talks will be verbally presented to Planning Committee on the day.

#### 4.11 FLOOD RISK

4.11.1 The applicants submitted a Flood Risk Assessment (FRA) that considers the potential for increased runoff from development of the site. The conclusion of the assessment was that the site would not increase flood risk elsewhere, including on adjoining land, providing an appropriate flow balancing Sustainable Urban Drainage System (SUDS) is used, existing land drainage is used and ground levels are not raised above the level of adjacent land. The Environment Agency (EA) and Internal Drainage Board have been consulted on the Assessment and have not objected. It is considered it would have been prudent to ensure that the development can be adequately drained prior to the application being submitted. However, conditions were attached to the outline planning permission to control drainage.

#### 4.12 SUSTAINABILITY

4.12.1 Whilst the Council encourages developers/applicants to provide sustainable schemes and incorporate sustainable methods of construction and development, in this instance it is considered that elements such as a BREEAM report and sustainable

standards to be incorporated in the development during and after construction cannot be asked for or conditioned. This is due to this proposal seeking agreement for reserved matters approval only. Issues regarding sustainability would have needed to be addressed at outline stage. Details cannot be retrospectively sought regarding these issues.

4.12.2 However the applicants have submitted a letter, further to discussions with the Council with regard to the above and the inclusion of sustainable criteria within their development proposals. Barratt Homes Limited (York Division) have undertaken a review of their design and development policies and as a matter of course have included within their standard specifications enhancements to achieve a higher sustainability value for the development of this site.

#### 4.13 COMMENTS RAISED BY ENVIRONMENTAL HEALTH

4.13.1 The Council's Environmental Health department commented that the relationship between 2 proposed flats (plot 4 and plot 32) located above garaging which was not part of their planning unit would create unacceptable living conditions for future occupants, due to noise intrusion. It is considered that whilst this arrangement is not ideal, planning cannot control such matters. In this instance it is considered that potential purchasers would be aware of such an arrangement and could decide for themselves whether such an layout is acceptable or not.

#### 4.14 POSITION OF THE LOCAL EQUIPPED AREA FOR PLAY (LEAP)

4.14.1 The position of the LEAP is concern for the Carr Viking Junior Football Club (CVJFC). They comment the current position of the LEAP would impact upon their possible future growth and also how they set out their pitches. CVJFC state that from time to time they re-position their pitches to prevent wear and tear. The LEAP, in it's current position, would prevent them from doing this.

4.14.2 Furthermore it is considered that if the LEAP were re-positioned to the north western corner of the site adjacent/adjoining the proposed open space, not only would this arrangement satisfy the Carr Viking's junior football club but it would also create a superior area of open space and play area.

4.14.3 At present the proposed open space appears slightly dislocated from the site, due to it's positioning and also the enclosed nature of the area. If the LEAP were sited close to, or adjoining this area, both elements could be linked to provide an integrated leisure and play area. In addition, it is considered that the LEAP would still be overlooked by at least 7 dwellings and could be positioned in such a manner so as to comply with the required separation distances from dwellings. This would appear to satisfy all other relevant criteria, which should be taken into account when assessing this proposed amendment.

4.14.4 As a consequence it is proposed to add a condition, should the application be approved, which requires the siting of the LEAP to be agreed, prior to development commencing on site. It should be borne in mind that some adjacent neighbours would need to be re-consulted regarding the re-positioning of the LEAP. However, it is considered that there is no objections in terms of local plan policy, etc.

## 5.0 CONCLUSION

- 5.1 The proposed scheme is considered acceptable in terms of siting and layout, impact upon adjacent neighbours and landscaping of the scheme, subject to the elements and proposed conditions discussed.
- 5.2.1 As a consequence the proposed scheme is recommended for approval, subject to the imposition of conditions, as it satisfies national planning guidance PPS1 and PPG3 and also policies GP1, GP4a, GP9, NE1, T4, H3c and H5a, of the City of York Development Control Draft Local Plan (incorporating 4th set of changes) - 2005.

**6.0 RECOMMENDATION:** Approve

- 1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before:

the expiration of two years for the date of approval of the last of the reserved matters to be approved.

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

- 2 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

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

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

- 4 No building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) 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.

- 5 The parking and garaging shown on the approved plans shall be kept free of obstructions at all times so that they can be used for the primary purpose of parking motorised vehicles and bicycles.

Reason: In order that cars, motor-cycles and bicycles can be parked off the public highway, in the interests of the safe and free flow of traffic.

- 6 Prior to the development coming into use a highway visibility splay shall be provided at the junction of the access road to the development and Beckfield Lane, free of all obstructions which exceed the height of the adjacent carriageway by more than 1.0m and shall thereafter be so maintained.

Reason: In the interests of road safety.

- 7 Prior to the development commencing full detailed drawings showing the design and materials for roads, footways, and other highway areas (and which shall comply with the requirements set out in the NYCC Residential Design Guide and Specification - second edition) shall be submitted to and approved in writing by the Local Planning Authority. Such roads, footways and other highway areas shall be constructed in accordance with such approved plans prior to the occupation of any dwelling which requires access from or along that highway.

Reason: In the interests of good planning and road safety.

- 8 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.

- 9 Prior to the occupation of any dwelling, all carriageways and footways fronting that dwelling and along which access is required to that dwelling, shall be kerbed, lit and surfaced to at least base course level.

Reason: To provide a safe means of access.

- 10 The development hereby permitted shall not come into use until the relevant highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

Reason: In the interests of the safe and free passage of highway users.

- 11 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the LPA.

Reason: In the interests of the safety and good management of the public highway.

- 12 Prior to the commencement of any works, a detailed method of works statement shall be submitted to and agreed in writing by the local planning authority. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site and the route to be taken by vehicles transporting the demolition and construction material, and the hours during which this will be permitted.



Reason: To ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway.

- 13 The approved changing facility building and car parking shall be completed and available for use prior to the first occupation of 75% of the dwellings erected on the site.

Reason; To offset the loss of playing field area and in the interest of providing adequate sports facilities for residents.

- 14 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 to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

- 15 All works associated with the development hereby permitted including site investigations, demolitions, site clearance and deliveries to the site in connection with the development shall only be carried out between the hours of 08.00 and 18.00 on Mondays to Fridays, 09.00 and 13.00 on Saturdays and not at all on Sundays or Bank Holidays.

Reason: In the interest of protecting the amenities of residents living close to the site.

- 16 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

- 17 The play area shall be provided in accordance with the approved details prior to the first occupation of 50% of the dwellings erected on the site.

Reason: To ensure that adequate provision for children's play is provided in the proposed development.

- 18 There shall be no raising of ground levels above the level of adjoining land.

Reason: to prevent surface water runoff onto adjoining land as a result of development.

- 19 Any contamination detected during site works shall be reported to the Local Planning Authority immediately. The contamination shall be remediated in accordance with details previously approved in writing by the Local Planning Authority.

Reason: to ensure that the site is properly remediated in the interest of protecting the public and the environment.

- 21 Before the commencement of and during building operations, adequate measures shall be taken to protect the existing planting on this site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

- 22 Prior to the development commencing on site additional landscaping details shall be submitted to and agreed in writing by the Local Planning Authority, with particular regard to the public open space and LEAP area. The agreed details shall then be carried in their entirety prior to first occupation of the site.

Reason: To ensure a satisfactory appearance and setting for the approved development in the interests of local amenity.

- 23 All drainage routes through the Site shall be maintained both during the works on Site and after completion of the works. Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as "ridge and furrow" and "overland flows". The affect of raising site levels on adjacent property must be carefully considered and appropriate measures taken to negate influences.

Reason: To ensure that satisfactory drainage provision is provided for the development

- 24 Provisions shall be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development. Details should be submitted to and agreed in writing by the Council prior to works commencing.

Reason: To protect the interests of those presently served by the existing drainage routes.

- 25 Prior to the development commencing details shall be submitted to and agreed in writing by the Council regarding the drainage of the site. If the developer/ applicant/ agent or successor in title cannot confirm that there is adequate spare capacity in the existing system, to the satisfaction of the Council, they shall submit additional details, to the Council, indicating an alternative method of draining the site. Such an alternative method should be agreed in writing by the Council prior to development commencing on site. The agreed details should then be carried in their entirety prior to first occupation of the site.

Reason: To provide acceptable means of draining the site.

- 26 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 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

27 The development hereby permitted shall be carried out only in accordance with the submitted plans date stamped 13/12/2006, 15/01/2007 and 01/02/2007.

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

28 Notwithstanding the hereby approved scheme, details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied. The agreed details should then be carried in their entirety prior to first occupation of the site.

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

29 Notwithstanding the hereby approved details, additional information should be submitted to and approved in writing by the Council with regard to secure by design elements of the scheme, prior to development commencing. In particular details regarding fencing to the hereby approved changing facilities, children's play area and the southern boundary shall be sought by the applicant or any successor in title. Furthermore, details should also be agreed in writing, prior to development commencing, by the Council regarding the gate details to the alleyways indicated on drawing P06:3660:02 and lighting to the changing facilities and car-parking area. The agreed details should then be carried in their entirety prior to first occupation of the site.

Reason: To create a safe environment for the residents of the development and persons using the sports facilities and play areas.

30 Prior to the development commencing, details shall be submitted to and approved in writing by the Council regarding the position of the children's play area (LEAP). The agreed details should then be carried in their entirety prior to first occupation of the site.

Reason: The current position of the LEAP is not acceptable to users of the adjacent sports pitches. In particular such an arrangement would prevent the pitches being re-orientated to prevent wear and tear and also future expansion.

31 The design of all the hereby approved scheme shall be in accordance with the contents of the design statement dated 13th February 2007 submitted by the applicants' agent reference LM/jag/06:3660c which will satisfy the requirements of Policy GP4a.

Reason: In the interests of sustainable development

32 Development shall not begin until details of a Sustainable Urban Drainage System and foul water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

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

- 33 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

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

1. **INFORMATIVE:**

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

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361  
Cafe Licence - Section 115 - Miss T Santana (01904) 551367  
Adoption of highway - Section 38 - Mr Kitchen

2. **INFORMATIVE:**

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

3. **INFORMATIVE:**

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

The developer's attention should 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:

- (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) Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.
- (f) There shall be no bonfires on the site.

#### 4. 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 the residential amenity of the neighbours, the visual amenity of the locality, highway safety. As such, the proposal complies with Policies GP1, GP4a, GP9, NE1, T4, H3c and H5a of the City of York Local Plan Deposit Draft; national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development " and Planning Policy Guidance Note No.3 " Housing. "

**Contact details:**

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