



## Notice of meeting of

### Planning Committee

**To:** Councillors R Watson (Chair), Bartlett, Blanchard, Cuthbertson, Hill, Horton, Hyman, Jamieson-Ball, Macdonald, Moore, Reid, Simpson-Laing, Smallwood, I Waudby and Wilde

**Date:** Thursday, 22 February 2007

**Time:** 4.30 pm

**Venue:** The Guildhall, York

### AGENDA

Site Visits for this meeting will commence at 12:30 pm on Wednesday 21 February at the entrance to Rowntree Wharf, Navigation Road.

#### 1. **Declarations of Interest**

At this point, members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

#### 2. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

### **3. Plans List**

This item invites Members to determine the following planning applications:

**a) Hungate Development Site Hungate York (06/02384/REMM)**  
(Pages 3 - 32)

Reserved matters application for Phase 1 – erection of 163 residential units including car parking, open space and landscaping – to which planning permission 02/03741/OUT dated 18 July 2006 relates (resubmission) [Guildhall Ward]

**b) Car Park Heworth Green York YO31 7TA (06/00073/FULM)**  
(Pages 33 - 44)

Amendment to previously approved development of 172 flats in 5 blocks (ref: 05/00478/FULM) to replace metal sheeting roofs with pitched roofs with slate finish (Heworth Ward)

**c) Proposed Manor Church of England School Site Millfield Lane Nether Poppleton York (06/02200/GRG3)** (Pages 45 - 76)

Erection of two storey school building with associated car parking, playing fields, tennis courts and all-weather pitch (Rural West York Ward)

**d) Northfields School Beckfield Lane York YO26 5RQ (06/02779/REMM)** (Pages 77 - 100)

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} [Acomb Ward]

### **4. Any other business which the Chair considers urgent under the Local Government Act 1972.**

Democracy Officer:

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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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**PLANNING COMMITTEE – Thursday 22 February 2007****SITE VISITS****Wednesday 21 February 2007**

**Members of Committee should meet at entrance to Rowntree  
Wharf, Navigation Road at 12.30pm**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
12.30	Hungate Development Site, Hungate, York	3a
13.30	Proposed Manor Church of England School Site, Millfield Lane, Nether Poppleton	3c

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**COMMITTEE REPORT**

**Committee:** Planning Committee      **Ward:** Guildhall  
**Date:** 22 February 2007      **Parish:** Guildhall Planning Panel

**Reference:** 06/02384/REMM  
**Application at:** Hungate Development Site Hungate York  
**For:** Reserved matters application for Phase 1 - erection of 163 residential units including car parking, open space and landscaping - to which Planning permission 02/03741/OUT dated 18.07.06 relates (resubmission)  
**By:** Hungate (York) Regeneration Ltd  
**Application Type:** Major Reserved Matters Application (13w)  
**Target Date:** 26 February 2007

**1.0 PROPOSAL**

## THE SITE

1.1 This reserved matters application seeks approval for the details of design, external appearance and landscaping for phase one of the mixed use "Hungate" development. The principle for this mixed use development was established in the granting of outline planning permission in July 2006 (02/03741/OUT). The area known as Hungate is bounded by The Stonebow, Garden Place, the River Foss and the rear of the Peasholme Centre, the Black Swan Public House and the DEFRA offices at Kings Pool. The 4.1 hectare Hungate site lies on the edge of the business and retail core of the city centre, approximately 500 metres from Parliament Street. A large part of the site has now been cleared due to safety concerns over derelict buildings.

1.2 Whilst the site is not included within the Central Historic Core Conservation Area, it is located immediately adjacent to it, in a prominent location close to the medieval city walls, the River Foss and the St. Saviourgate / Aldwark housing area.

1.3 Phase 1, to which this application relates, comprises the eastern third of the development site with the Kings Pond Nature Reserve occupying the north easternmost part. The regional headquarters for DEFRA adjoins the north western boundary of Phase 1 with the River Foss running alongside its south eastern boundary.

## THE OUTLINE APPROVAL

1.4 The outline approval for this mixed use development (issued July 2006), copies of which will be circulated at the Meeting, comprises residential (Use Class C3), shops (Use Class A1), food and drink uses (Use Class A3, A4, A5), business uses (Use Class B1), a focal/community building (incorporating class A1/A3/A4/A5/B1 and C3 uses), enhanced riverside and nature reserve, new public open space (including new urban square and riverside piazza) with associated landscaping, new and

modified accesses and pedestrian/cycle routes (including a new bridge to Navigation Road), car parking and sewer realignment.

1.5 The outline application included detailed consideration of the siting of buildings (except for the landmark office building and Block H) and means of access, excluding car and cycle parking routes. The excluded matters formed the basis of conditions requiring the submission and approval of details on a phased basis. The outline application also dealt with the reserved matters by way of standard conditions. Accordingly the illustrative plans within the Masterplan and drawings document, Design Statement and Landscape Design Guidelines and Design Code submitted with the outline application considered such principles and formed the basis for the conditions and the Section 106 Agreement.

1.6 The approved layout for the scheme retains the existing historic street pattern (consisting of Hungate, Dundas Street, Carmelite Street and Black Horse Lane), albeit enhanced by the creation of a major new public square (St. Johns Square), riverside Piazza (Friars Quay), pedestrian/cycle bridge and riverside walkway linked with an enhanced Nature Reserve.

1.7 The development consists of 11 blocks as follows;

- Blocks A, B and C comprise Phase 1, to which this application relates. Block A consists of 2 rectangular blocks adjacent to the Kings Pool Nature Reserve. Blocks B and C (both horseshoe shaped blocks) are sited to the west of Block A in order to provide informal courtyards/open space.
- Blocks D and E are similarly shaped and sized with internal courtyards/open space, and sited to the west of Blocks B and C
- The Focal/ Community building is sited to the west of Block E adjacent to the site's southern boundary with the River Foss
- Block F (and adjoining the multi storey car park) is sited parallel to the site's western boundary adjacent to the existing multi storey car park
- Blocks G and H are sited parallel to the site's boundary with The Stonebow and divided by Hungate
- The landmark office is sited to the north of Block D (to the rear of the hostel and the Black Swan Public House and the east of Dundas Street).

1.8 The Section 106 Agreement which accompanied the outline approval secured;

1. Affordable housing at 102 units (48 x 1 bed, 49 x 2 bed, 4 x 4 bed) for affordable rent together with 44 units (21 x 1 bed, 21 x 2 bed, 2 x 4 bed) discounted sale.
2. A phased programme of archaeological works to a total cost of £3.3 m.
3. A contribution towards local education provision of £954,306



4. A contribution towards off site public open space facilities of £403,131
5. Kings Pool Nature Reserve (upgrading/enhancement/maintenance)
6. Navigation Wharf Bridge
7. Off site highway works (Foss Basin MasterPlan) contribution totalling £1.654m
8. Funding for establishment of a car club totalling £112,000.
9. Provision of and £30,000 pump prime funding of cycle hire scheme on site
10. Provision of a voucher scheme entitling the first occupant of each residential unit to a 6 month First York Travel Pass.
11. Consideration of and provision for community uses on land and buildings within the site.
12. Commitment to incorporation of measures to ensure energy efficiency and waste and pollution minimisation in the demolition and construction phases and in the detailed design and features of the development and its operation.

## **THE PHASE 1 RESERVED MATTERS APPLICATION**

1.9 This application is accompanied by the following supporting documentation: Design Statement, site remediation and methodology, noise report, Ecological Management Plan and flood risk assessment.

1.10 Phase 1 was chosen as the core residential area due to its proximity and key views out to the River Foss and nature reserve. This location was also able to provide underground car parking due to the levels and was of less interest archaeologically. As detailed above, Block A consists of 2 rectangular blocks adjacent to the Kings Pool Nature Reserve. Blocks B and C (both horseshoe shaped blocks) are sited to the west of Block A in order to provide informal courtyards/open space. The height of the residential buildings are mainly 3.5 and 4 storeys in height with 5 and 6 storey buildings at important corner junctions and 7 storey landmark feature "book ends" overlooking the nature reserve.

1.11 The outline application proposed the erection of 720 dwellings, of which 122 would be provided within phase 1 (blocks A, B & C). The proposed housing mix at outline stage for phase one was as follows:

12 no one beds flats  
69 no two bed flats  
6 no 3 bed flats  
35 no four bed flats and houses  
= 122 units

1.12 The reserved matters application currently under consideration proposes the following mix of units:

52 no one bed flats  
67 no two bed houses  
11 no three beds flats  
33 no four bed houses  
= 163 units

1.13 There is no objection to the proposed increase in the number of units in phase one, provided this does not lead to an increased number of units in the scheme overall. It is considered that in a large, phased development such as Hungate, flexibility is desirable in order to incorporate up-to-date information on demand over the duration of the whole scheme.

1.14 However, the outline application was considered on the basis on 720 units, both in terms of its implications for housing supply and in order to calculate the s106 contributions for affordable housing, highways, education and leisure provision. The applicants have confirmed in writing that it is not their intention at this stage to exceed the 720 units approved on the site.

### Amenity Space

1.15 The amenity space for future occupants of the residential units would consist of;

- (i) public open space - the hard and soft landscaped areas to the external perimeter of the blocks facing the Nature Reserve, River Foss and the newly formed foot street.

- (ii) semi private communal courtyards - the dwellings are designed to enclose two courtyards for the use of all residents. Two secure, gated entry points (other than direct via dwellings) allow access for maintenance.

- (iii) private patios - each townhouse backing on to the communal courtyard has a private rear deck/patio of 3 x 5 metres in size defined by low level railings.

- (iv) balconies - generally each townhouse and upper level apartment has balconies to either front or rear dependant upon aspect and view.

- (v) roof terraces - top floor apartments have private external roof terraces.

### Foss Islands Nature Reserve and the River Foss

1.16 A River Foss Edge and Foss Islands Nature Reserve Ecological Management Plan was submitted with the outline application with a revised version of the EMP accompanying this reserved matters application. Implementation of the EMP as part of the Phase One works is intended to meet the requirements of the relevant clause of the Section 106 Agreement.

1.17 Amongst the management objectives included in the EMP are (a) the aim to maximise the ecological interest of the north banks of the River Foss and the Foss Islands Nature Reserve (also known as King Pool Urban Nature Reserve; (b) to ensure appropriate and safe public access to the river frontage and alongside Foss Islands Nature Reserve and improve access for maintenance, whilst minimising

wildlife disturbance; and (c) to contribute to enhancing the ecological connectivity of the Foss Corridor.

1.18 It should be noted that the Local Highway Authority would not be adopting any of the paths /routes as publicly maintainable highway and therefore would not have any responsibility for maintenance. The routes would need to be maintained by the management company and access restricted by the use of control measures (gates/fencing) in order to prevent the creation of public rights through use.

#### Access and Car/Cycle Parking

1.19 Access to the basement car park would be via either the communal stairs/ lift core located in each of the apartment blocks or for vehicles, from the entrance ramp located off the access road within Block B. This would be controlled by a security shutter. York City Council maximum standards allow the provision of a maximum 221 car spaces. In the outline approval, 200 spaces were deemed an acceptable level of provision based upon the sustainable location of the site which is readily accessible by walking, cycling and public transport. These would all be accommodated within the basement and would allow for the required number of visitor spaces. 10 spaces would be provided to disabled space standards and a car club will operate from the development.

1.20 In terms of cycle parking, 122 resident cycle spaces would be provided in the basement car park with a further 20 cycle spaces located at ground level for the use of visitors. As part of the outline approval, a financial contribution will be made towards a cycle hire scheme integrated within the Hungate development and in the longer term potentially expanding to other city locations.

#### Refuse Strategy

1.21 Each residential block of apartments would have its own designated refuse store adjacent to its stair core in the basement car park. A principal store would be located close to the car park entrance to accommodate the balance of the bins. These would be rotated by a management agreement on a regular basis. A recycling point would be located adjacent to the principal refuse store.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYGP1

Design

CYGP3

Planning against crime

CYGP4A

Sustainability

CYGP11

Accessibility

CYHE2

Development in historic locations

CYT4

Cycle parking standards

CYNE1

Trees, woodlands, hedgerows

CYNE2

Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE3

Water protection

CYNE7

Habitat protection and creation

CYH3C

Mix of Dwellings on Housing Site

CYGP9

Landscaping

2.3 The application should be considered in the context of the principles established in the development brief and relevant national, regional and local plan policies.

2.4 The Hungate site was first allocated for mixed use (employment / residential) development in the City of York Deposit Draft Local Plan, May 1998. It has remained as a mixed land use allocation throughout subsequent changes to the plan, culminating in approval of the site for premier employment use (B1) and an estimated capacity of 600 new homes in the Draft Local Plan (4th Set of Changes), April 2005.

2.5 A comprehensive development brief for the land, setting out the Council's requirements and aspirations for development of the land, was approved for consultation purposes in December 2004, superseding the earlier brief of 1999. The document was approved for the purposes of guiding planning applications for the development of the site in March 2005.

2.6 As a reserved matters application there are two key areas where the proposals should be considered in terms of national and local policy guidance; design and external appearance and landscaping.

### Design and External Appearance (including materials)

2.7 PPS1: Delivering Sustainable Development stresses the importance of high quality and inclusive design as a key element in delivering sustainable development. Although visual appearance and the architecture of individual buildings are key considerations, the integration into the existing urban form, connections between people and places, the creation of safe and inclusive cities and the impact on the natural environment are also important aspects of good design.

2.8 PPG15 (Planning and the Historic Environment) emphasises that new buildings should be carefully designed where they stand alongside historic buildings and the principles of scale, height, massing and materials need to be taken into account the setting of adjacent listed buildings and ancient monuments.

2.9 Consideration should be given to the requirements of Draft Local Plan Policy GP1 (Design), which states that development proposals will be expected to be of a scale, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate materials. Policy GP1 includes the need to retain, enhance and create urban spaces, public views and skyline landmarks which make a significant contribution to the character of the area. It also includes the need, where appropriate, to incorporate informative landscape design proposals, where these would clearly have an influence on the quality and amenity and/or ecological value of the development.

2.10 Draft Local Plan policy HE2 states that in areas adjoining conservation areas or where the setting of listed buildings, scheduled monuments or nationally important archaeological remains would be affected, development proposals would be expected to respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

2.11 The Hungate Development Brief states that the site should be a place with a unique identity, which respects the strong character of surrounding areas and buildings, particularly the built and natural environment and the landscape and

ecology of the River Foss. Variations in height, roof modelling, elevational treatment and a choice of materials should be used. There should be a variety of heights adjacent to River Foss to provide varied form and roofscapes, and the canalisation of the river should be avoided.

2.12 The design details of this reserved matters application should be derived from the Design Code submitted in January 2005 with the outline application (02/03741/OUT).

### Landscaping

2.13 The Development Brief sets out the broad aspirations for the site in terms of landscape and ecology. It states that the riverside should become one of the focal areas of the scheme and its potential should be recognised within the overall design of routes and public spaces, orientation of buildings and location of uses. A riverside walkway should be created which will provide an attractive outdoor recreation and leisure environment. The vegetation in the river channel should be reinforced with new naturalistic planting on the bank top to provide increased opportunities for wildlife and to enhance the riverside walkway. Landscape proposals should seek to enhance the aspect of Kings Pool Nature Reserve as an important part of the development as a whole.

2.14 Draft Local Plan Policy GP9 (Landscaping) requires development proposals to incorporate a suitable landscaping scheme.

NE1 - seeks to ensure the protection of trees, woodlands and hedgerows which are of landscape, amenity, nature conservation or historical value.

NE2 - seeks to protect river and stream corridors, ponds and wetland habitats from development which is likely to have a detrimental impact and seeks to conserve and enhance their environment and amenity value.

NE3 - requires that when determining planning applications, account will be taken of any impact the development will have on watercourses, open water or underground water supplies. Development proposals will be expected to minimise any adverse effects on these sources.

NE7 - seeks to ensure that development proposals retain important natural habitats and, where possible, include measures to enhance or supplement these and to promote public awareness and enjoyment of them.

## **3.0 CONSULTATIONS**

### **INTERNAL**

#### **URBAN DESIGN AND CONSERVATION**

Landscape Architect

(Original Plans)

The landscape plan shows the formal planting details for the internal courtyards and the avenue of trees around the perimeter of the emergency access path. It refers to the ecological management plan (EMP) for the remainder of the new planting between the emergency access link and the river/Kings Pool. The list of trees and shrubs given in the EMP seem suitable. A decision has been made as to which existing trees shall be retained and which shall be reduced or removed; indeed it appears that the necessary tree works has already been carried out. Officers are happy for the alternative plant species and the details for the native tree and shrub mix to be dealt with under the landscaping condition detailed on the outline approval.

The EMP shows the proposed alignment for a root barrier on the tree removal/retention plan. The root barrier shall not be implemented in front of the existing Poplars. But (as requested by Yorkshire Water to provide protection from the new tree planting) it can go in, in phases to suit the phased removal of the Poplars and replacement with new trees.

Some timber benches should be provided off the pavement facing towards the river in order to facilitate use of the communal open space. Officers also request details of the viewing platform at the junction of Kings Pool with the Foss. This should be sited off the emergency access for convenience of viewing the river for those in wheelchairs or with pushchairs and for general ease of access. Encouraging people to view from the platform will deter them from seeking alternative, undesigned, access points.

(Revised Plans)

It is recommended that a condition requiring details of external works, to include details of external paving materials, timber decking, street furniture, design and location of railings, lighting plans and details of lamp columns, together with the detailing of the viewing platform, shall be attached to the decision. This condition would address the outstanding issues.

Countryside Officer

(Original Plans)

Issues to be addressed include;

- (a) Not all branches that touch the water should be removed in one go
- (b) The species in Appendix 1 are not appropriate. Suggest that Appendix 1 and 2 are merged and enhanced to provide a more comprehensive listing. Also the wildflower list contains species that are not found locally.
- (c) The use of clean topsoil for soft landscaping is fine in the formal areas but not particularly suited to wildflower establishment etc.
- (d) Some of the drawings still show a footpath between the access road and the river/Kings Pool. This has been superseded.
- (e) The location/design of the substation requires further thought.
- (f) Suitable wildlife design should be incorporated into the buildings.

(Revised Plans)

The revised Ecological Management Plan has taken account of the previous issues raised and now covers all that is necessary at this stage. Officers are aware that there are still certain issues that are a matter of concern to objectors. These largely relate to the absence of a clear set of priority habitats that the proposals aspire to. Whilst this is to some degree valid, they are implicit within the proposals made and are not therefore critical to the document as it stands and will be picked up at the detailed stage of design that will be required. Following on from this, there is still concern that there is insufficient detail in the plan. Because the details are not material to the application as such, it is considered that such a detailed plan cannot be required at this stage but it does provide the basis of what is required to be provided and can therefore be approved, subject to a detailed plan to be drawn up prior to work starting. There are a number of other issues raised but these are a matter of detail that Officers consider can be resolved via the outline conditions.

### Conservation Architect

#### (Revised Plans)

The substitution of a variety of red bricks for the previous areas of “buff” brick will enable continuity of materials from the central historic core conservation area. This change is welcomed.

The bulky corner units marking the corners in the centre of Palmer Street and leading into Palmer Lane have been reassessed to bring them more in line with the design intentions of the “character areas” developed in the earlier design statement and the design code. The submitted scheme had replicated the form of the taller corner units which would form the landmark elements facing the more open area of the Foss nature reserve. The units on Palmer St were squatter in appearance and introduced a more commercial element into Palmer Street where it would be highly visible along Pond Lane from the body of the site. The amendments have introduced a pitch roof and reduced the apparent bulk by visually dividing the blocks and reducing the extent of the wrap-around balconies. The revisions sit more comfortably in the street scene and add to the variety and interest of the roofscape which has been developed.

The scheme as a whole has achieved a high degree of interest and variation using a limited number of forms and elements. Significant parts of the scheme (mainly the houses) also create a contemporary architecture which would be distinctive to the area. Revisions would appear to correspond with the intentions of the design statement and code.

### HIGHWAY NETWORK MANAGEMENT

The application being considered is for the reserved matters detail of Phase 1 of the Hungate development. The site, as a whole was granted consent at the outline stage in July 2004. The outline application considered siting of buildings and access. As such all issues relating to car parking levels/cycle parking levels and traffic generation have been considered and cannot be revisited at this stage. Highway contributions were sought at the outline stage and are covered by the S106 Agreement that is in place for the site.



A number of conditions were placed on the outline application covering highway construction/layout details, cycle parking facilities and mitigation measures. Such conditions are still in force and further plans/details to satisfy these conditions are required before works can commence on site.

### ENVIRONMENTAL PROTECTION UNIT

It is noted that the site investigation/remediation statement is a general statement of intent and not intended to be a submission to discharge any of the conditions on the outline permission 02/3741/OUT.

With regard to the noise insulation report, it is noted that this is intended to show that condition 26 of the outline permission will be met at the Phase 1 development. The report on the building envelope of Phase1 is sufficient to show that so long as the building envelope is as specified in the report, it will meet the criteria given in condition 26. However, this condition cannot be discharged at this stage, as it remains relevant for future phases of the development that involve residential development

### STRUCTURES AND DRAINAGE

No objections

### CITY DEVELOPMENT

In summary, Officers do not consider that the increase in the number of one bedrooomed units would harm the provision of other units proposed in this phase but would provide a more balanced provision of smaller units in line with Housing Market Assessment findings. It is therefore considered that, provided that the overall total of 720 homes on the wider Hungate scheme is not compromised, the alterations proposed in the reserved matters are acceptable.

For detailed comments, please refer to Section 4.3 of the appraisal section of the report.

### HOUSING SERVICES

Negotiations are almost completed relating to the affordable housing provision on Phase 1. The only item to finalise is the precise number of car parking spaces - this can only be resolved when the highway and traffic issues are completed. The number, size and type of the affordable housing is agreed and is an improvement on the provision set out in the S106 for the outline application for the whole site in relation to this phase as townhouses have replaced the 4bed flats in the original S106. It is proposed that there will be 31 affordable homes of which 13 are 1 bed flats, 13 are 2 bed flats and 5 are 4 bed townhouses. The tenure mix is : 1 bed flats - 3 for rent, 10 discount for sale; 2 bed flats - 8 for rent , 8 for discount for sale; 4 bed houses - all 5 for rent.

Pepper-potting is considered to be satisfactory with homes of each tenure on most floors in blocks A, B and C.

## LIFELONG LEARNING AND LEISURE

No objections

## EXTERNAL

### ENGLISH HERITAGE

(Original Plans)

Consider that the design approach does not sit comfortably with the Design Code which received outline approval. The Design Code suggested residential clusters which were vernacular in approach with contemporary form. EH were comfortable with this approach especially as it suggested the use of materials which reflected the local distinctiveness of York in a manner which for instance, the DEFRA buildings achieve. Looking in particular at the Design Code (ref: footstreets) and comparing it with the elevations proposed for the Palmer Street elevation, there is quite a departure from the vernacular idiom in favour of a more commercial looking scheme. It is considered that modifications are still needed in order for the first phase to work well with its present and proposed neighbours and reflect the overall local character in York. The scheme lacks the "Yorkness" which the Design Code strove to secure.

Comments on the Revised Plans are awaited.

### CONSERVATION AREAS ADVISORY PANEL

(Original Plans)

The Panel felt that this proposal was alien both in architectural style and materials. The panel referred to the Urban panel of English Heritage and CABE who said that the development should be assimilated into its surroundings, which therefore make the proposed materials inappropriate, and the monolithic character of the buildings too obtrusive. The Panel felt that the materials should be brick/pantile or brick/slate and referred to the 2004 design statement which shows a much varied roof line and different materials. The panel felt that this proposal was a departure from the ethos of the design statement.

### YORK CIVIC TRUST

(Original Plans)

In previous comments on the development of this site we have expressed concern at the scale, bulk and massing of the proposed buildings and the significance of these aspects in relation to the inherent scale of York which gives it its unique character.

The scheme as now submitted still conflicts with the scale of the City Centre but the York Civic Trust accepts that the principles of development have largely been accepted when granting outline planning permission in 2005.

In that context, the present scheme is an improvement on previous sketch proposals. It is hoped that the scale of Phase 1 will inform other development proposals for this

Hungate Area. This is especially important in relation to the close proximity of the site to the historic core and the surrounding Conservation Area.

It is noted that some trees will be lost as part of the proposed scheme and that some semi-mature trees will be planted around the perimeter of the site. These are welcomed and should provide a useful framework to the site and assist in its integration into the area.

## ENVIRONMENT AGENCY

(Original Plans)

We are able to withdraw our flood risk objection to the application on the basis that the following comments are taken on board and conditions included on the decision notice. However, we are not satisfied with the application from a biodiversity perspective and request that we have clarification on the following issues;

(i) Flood Risk - we request a condition to require the development to proceed in accordance with the Flood Risk Assessment. With regards to surface water, drawings illustrate that the proposed impermeable areas will not exceed those that exist on the site and therefore there should be no increase in run-off. This is an acceptable approach, however it is noted that the proposed permeable areas are to be above the basement car parking, therefore the extent to which natural infiltration drainage will occur is questionable. Therefore we would ask for clarification that there be no piped surface water from the area shown on plan as "proposed permeable".

It is noted that the FRA suggests that the mitigation will remove the risk of flooding. Whilst it is accepted that the mitigation should offer protection from the 1 in 100 year flood, the site will still be at risk from flooding from the River Ouse/ Foss. It is also noted that the possibility of the use of SUDS is addressed in the FRA. We would agree with this approach. The Foss is in a pumped drainage system which is considered to be at capacity. Therefore we would consider any increase in run off unacceptable.

(ii) Biodiversity - We require clarification regarding a number of issues relating to the River Foss, the river corridor and frontage and Foss Island Nature Reserve. The drawings show "palm trees" along the river frontage - the Agency's policy is that locally native species only shall be planted within the river corridor. We need to clarify exactly what is planned for this site. The development is a high profile one in a river corridor that presents opportunities for restoration and enhancement. One issue that needs further clarification is how lighting from the development will affect the river and its wildlife. With regards to contaminated land/groundwater issues, the Agency looks forward to reviewing a quantitative risk assessment and detailed remedial strategy for this site once it becomes available.

Comments on the revised plans / Ecological Management Plan are awaited

## YORKSHIRE WATER

With regard to water supply, states any supply issues can be resolved under the provisions of the Water Industry Act, 1991. With respects to waste water, six conditions are recommended relating to the requirement that no building or other obstruction shall be located within 3 metres of the centre lines of the shallow lying sewers or within 6 metres of the deeper lying sewers, which cross the site; to ensure that no foul or surface water discharges take place until proper provision has been made for their disposal; and to ensure that surface water from vehicle parking and hardstanding areas shall be passed through an interceptor prior to discharge to the public sewer.

#### GUILDHALL PLANNING PANEL

##### (Original Plans)

The Panel is highly disappointed by the detailed proposals and object on the grounds of;

- (i) excessive density
- (ii) excessive height
- (iii) the rigid "stalinist" layout
- (iv) the proposals are wholly out of character with the special character of York city centre which is characterised by a mixture of scale, a highly varied roof line and irregular building lines.
- (v) the poor living conditions offered to residents especially in terms of outdoor roof garden or balcony areas
- (vi) materials that will stain badly
- (vii) a lack of imagination and sensitivity to its surroundings.

##### (Revised Plans)

The panel regrets that it must reaffirm its objections to this Stalinist scheme which one member likened to "downtown Bucharest".

#### NORTH YORKSHIRE POLICE

Satisfied that our previous recommendations have been responded to and that the plans now reflect well a commitment to providing a safe and secure development. It is also pleasing to note that the Design Statement indicates an intention to achieve "Secure by Design" status. At this time, it is considered that subject to the recommendations being complied with and certificated evidence of the building standards having been met, there is no reason why the Secure by Design Award should not be achieved.

#### NATURAL ENGLAND

##### (Original Plans)

Based on the information provided, Natural England raises no objection however some of our comments remain the same as to the previous application and these are outlined as follows.

- (i) It has been identified that some breeding birds utilise the on site vegetation. Removal / pruning of vegetation should therefore only be undertaken outside the bird breeding season.

(ii) River Foss Edge and Foss Islands Nature Reserve Management Plan - welcome the efforts to enhance existing habitats and species on the site and to incorporate additional wildlife habitat into the proposed development. There is only mention of public access adjacent to the nature reserve and along the river frontage and it is understood that the reserve itself is fenced off and locked to prevent public access. Natural England believes that there may be additional scope for interpretation of the nature reserve and some limited and managed public access to the reserve.

(iii) Biodiversity Enhancement - A duty is placed on public authorities to have regard to biodiversity in exercising their functions. Natural England therefore recommends that opportunities for enhancement of nature conservation interests should be considered in the preparation of detailed site layouts and subsequent management of the site.

#### SPORT ENGLAND

It is understood that the outline consent includes a total contribution of £403,131 towards public open space provision, including playing pitches phased over the occupation of the development. This will help improve participation levels in sport. The on site nature reserve may also improve levels of active forms of recreation, e.g. walking. Sport England has no further comments to make on this reserved matters planning application.

#### YORKSHIRE WILDLIFE TRUST

(Original Plans)

The Yorkshire Wildlife Trust is not opposed to the development of the site in principle and we support in principle the proposals for the River Foss and the Foss Islands Nature Reserve. However, there are inconsistencies between plans and a lack of clarity and detail in relation to the proposals for the River Foss and the Foss Islands Nature Reserve. In addition, some aspects of the Ecological Management Plan (EMP) could be altered to more fully meet the stated objectives. We consider that this application must be amended to incorporate the points listed below. We therefore object to this application until we are satisfied that this has taken place.

(1) Conservation Objectives

A higher quality result would be achieved if Objective 1 of the EMP included "to replicate good quality natural river and bank habitats typical of equivalent sites in the York area". This should extend to the building line.

(2) Riverbank planting and design

(i) The design should include only appropriate native plant species. Plant species lists and planting plans should be agreed and finalised with the city ecologist and be considered by Committee. It is not adequate to agree it later.

(ii) Seeds and plants to be planted on the riverbank should be of local provenance

(iii) The EMP should include detailed plans and profiles illustrating the proposed habitat creation and should include the range of water levels in the River Foss.

(iv) The tree fern type plants shown on the bank top are inappropriate in a naturalistic setting and should be removed.

(3) Public access along the riverside and nature reserve

(i) Removal of the riverside path from the plans - delighted that this path has been removed from the scheme as close public access along the river corridor would have impacted adversely on wildlife, including otter. Once the shrub species have

become established, this stretch of riverbank will represent the best length of the River Foss within central York for otters to use as cover and to rest up in.

(ii) Restriction of access onto the riverbank - recommend low ornamental railings with a continuous native hedge behind on the bank top adjacent to the emergency access to discourage access.

(iii) It is not clear how the nature reserve is to be fenced from public access this point should be clarified. There should also be a prescription to keep access to the nature reserve for management purposes to a minimum.

(4) Lighting - Details of lighting along the riverbank top or emergency access should be included in the application.

(5) Tree management - Tree branches which are submerged or are likely to become submerged in the future should only be removed if absolutely necessary for flood defence reasons.

Comments to revised plans / Ecological Management Plan are awaited.

#### YORK NATURAL ENVIRONMENT PANEL

##### (Original Plans)

Welcome the agreement for the line bore to protect existing trees and that the proposed phased removal and replacement of trees along the eastern boundary could be a good solution. There seems to be some uncertainty if there is to be a root barrier or not. The barrier should not be within the rooting zones of the trees and at the nearest should be at the building line of the proposed buildings.

There appears to be a number of inconsistencies in the drawings and text, which may lead to more development being allowed than is intended to be permitted. Questionable species selection on the landscape plans - it will be possible to use British native species to produce an equally attractive scheme.

##### (Revised Plans)

Inconsistencies in the details would give the developers choice at the reserved matters stage - these need to be clarified to avoid arguments and complications at a later stage. For example, some plans show a footpath along the side of the river, others don't.

Ask for a meeting to discuss a way forward and sort out any objections before the planning meeting on the 22<sup>nd</sup> February - if not possible ask that the item be deferred.

The internal and external landscaping needs to be of British Native stock, taking into consideration it's benefit for wildlife. The species selection of the 'half avenue' of trees along the riverside should not be purely ornamental but planted with wildlife in mind, for example with silver birch or wild cherry (fruit for birds). Appears to be no landscaping at the base of the buildings. Appears to be no landscaping at the base of the buildings fronting the river.

Support the draft Sustainability SPG in context of using British native species in landscaping schemes.

YORK NATURAL ENVIRONMENT TRUST

(Original Plans)

Detailed 19-page objection letter summarised below. A response to some of these points is provided in paragraphs 4.2.2 to 4.2.9.

General concerns;

- (a) Scale and massing of the development is too great and insufficient public space is available both within the development and in providing a natural corridor.
- (b) The design fails to integrate nature conservation within the built area of the development.
- (c) Habitat creation proposals lack integrity and do not consider what potential habitats should be incorporated based on an assessment of habitats elsewhere along the Foss and Ouse.
- (d) Corridor continuity / habitat fragmentation
- (e) Insufficient and out of date survey data to inform the consideration of the application, notably invertebrates and fish.
- (f) Inconsistency of some drawings.
- (g) Requires detailed landscape and nature conservation design to be approved as part of the consent and not dealt with by condition.

Specific Concerns

- (h) The proposed use of non native species/cultivars is inappropriate
- (i) The ambiguity of the proposals perpetuates a threat to retained trees, particularly the nature reserve Lombardy Poplars. The requirement to retain these trees as part of the site's long term management must be embodied in the EMP.
- (j) The use of imported topsoil for all soft landscape.
- (k) All Environment Agency consents should be in place before approval is given.
- (l) Value of river branches

(Comments to the revised plans/Ecological Management Plan are awaited).

OTHER INTERESTED PARTIES

(Original Plans)

Two letters of objection have been received covering the following points;

- (i) The change in architectural language from the quasi vernacular shown in the visualisations included within the outline to an aggressively modern style is much to be regretted. The altered aesthetic together with the use of uncharacteristic materials takes no account of local distinctiveness. It fails to respect context as well as the character of adjacent listed buildings. The proposed new blocks, already too high and massive, will fail to be assimilated into their surroundings with the result that a self contained ghetto will be created, unconnected with its context. As such the proposals fail to comply with Local Plan Policy HE2.
- (ii) The proposed design is lacking in both imagination and character and is typical of early 21st century construction and as such, will date and later be regarded like Stonebow. With such a central location, more creativity should have been used so that the design would respect its historic setting.

(iii) The choice of buff brick is incorrect. This dull yellow brick was used on the Dixons Yard development. At least the DEFRA building followed the traditional York choice of materials and in particular mottled red brick. The proposed development would not only be out of keeping with this medieval city but the colour of the brickwork would also clash with the adjacent DEFRA building. It is hoped that the Planning Committee insist on a better quality brick than used in Dixon's Yard. Also, the bricks are highly absorbent to water; this has resulted in the bricks already becoming stained and looking discoloured when wet.

(Further comments arising from reconsultation of third parties are awaited)

## **4.0 APPRAISAL**

### **KEY ISSUES**

- Design of the development
- Ecological Impact / Landscaping
- Number of units, mix of house types and affordable housing
- sustainability
- security and designing out crime considerations
- Highway safety / cycle parking

### **4.1 Design of the development**

#### **Hungate Design Statement**

4.1.1 The Design Statement submitted with the outline proposed a number of character areas for the Hungate development with particular design options provided for each area. With reference to Phase 1, the character areas consisted of the street aesthetic around the footstreets, the townhouse aesthetic and the landmark buildings. Illustrative design principles and key characteristics for each of these were provided, as summarised below;

#### **Street aesthetic around foot streets (the Palmer Street and Pond Garth elevation)**

4.1.2 The design statement described the design concept for the footstreets and indicated that they would be generally tighter than other spaces and the buildings, therefore, would not be seen as straight elevations but viewed obliquely. The building line would be on the back edge of the pavement. It was proposed that these streets should reflect traditional York streets, with a vertical emphasis and a variety



of building materials reflecting the change between house frontages. A higher storey should be introduced as a "book end" element. A varied roofscape would occur with different eaves' heights and the skyline punctuated with dormer windows and chimneys. It was envisaged that whilst the material would be predominantly brick, a wider variety of materials and colour would be used in this part of the development than in other areas.

### Townhouses (located on the eastern edge of the site overlooking the River Foss and the Nature Reserve)

4.1.3 In contrast, the design concept for the townhouses was for the houses to reflect the grandeur of regency terraces such as St. Leonard's Place, which have a consistency and elegance based on a harmonious composition of horizontal and vertical elements. The characteristics of the town houses would include a building line set back behind railings, a continuous eaves line, gables to create visual interest against sky line, a higher storey introduced as a "book end" element, balconies at first floor to create horizontal emphasis, repetition of components such as windows and doors and an emphasis on end and middle elements.

### Landmark Buildings

4.1.4 The design statement proposed striking contemporary buildings in prominent locations at the eastern end of the site overlooking the nature reserve, which would create landmark "book ends". Curved glazed screens would exploit views over the Nature Reserve.

### Appraisal of revised Reserved Matters elevational plans

4.1.5 In response to comments that the design approach proposed in the original set of plans accompanying this reserved matters application, did not sit comfortably with the design statement, Officers requested that revised plans be submitted. Objections related principally to the Palmer Street elevation, insofar as the drawings illustrated a more commercial looking scheme rather than the vernacular idiom as proposed in the footstreets approach detailed in the Design Statement (see paragraph 4.2).

4.1.6 In particular, the submitted scheme for the corner units in the centre of Palmer Street, had replicated the form of the taller "landmark buildings" which face the more open area of the Foss Nature Reserve. These units were squatter in appearance and introduced a more commercial element into Palmer Street where it would be highly visible along Pond Lane from the body of the site. Furthermore, the proposed use of buff brick, was not considered to reflect the local distinctiveness of York, which the Design Code strove to secure.

4.1.7 Revised plans have now been submitted which substitute the buff brick with a variety of red bricks and which amend the 5 storey corner blocks, which sit either side of the pedestrian courtyard entrance on Palmer Street as follows;

- The corner elements have been revised to show a solid façade to form a strong focal point to the entrance into the courtyard and along Palmer Street.

- The roof has been remodelled to incorporate a pitched element and also a flat element to align with the approved illustrative design principles. This is intended to give a stronger finish to the access and to provide a crisp frame to the existing brick chimney in the distance.
- The fin to the Palmer Street elevation has been reduced in height to emphasise the strong line of the roof form.

4.1.8 It is considered that these amendments have brought the previously bulky Palmer Street corner units more in line with the design intentions of the design statement and code submitted with the outline scheme. Rather than these elements replicating the form of the “landmark buildings”, the amendments have introduced a pitched roof and reduced the apparent bulk by visually dividing the blocks and reducing the extent of the wrap around balconies. It is considered that the revisions sit more comfortably in the street scene and add to the variety and interest of the roofscape which has been developed.

4.1.9 Officers consider that the scheme as a whole has achieved a high degree of interest and variation using a limited number of forms and elements. Significant parts of the scheme (mainly the townhouses) also create a contemporary architecture which would be distinctive to the area. The revisions are considered to correspond with the intentions of the design statement and code.

4.1.10 Comments to the revised plans from third parties, such as English Heritage, are awaited.

## **4.2 Ecological Impact / Landscaping**

4.2.1 In response to concerns raised by the Council’s Countryside Officer and external consultees with respects to such issues as species mix, wildlife design and use of topsoil, a revised Ecological Management Plan has been submitted. Whilst the Council’s Countryside Officer is now satisfied with the revised plan (as detailed in Section 3.0) comments from third parties, such as the Environment Agency and Yorkshire Wildlife Trust, are awaited. The following paragraphs ( 4.2.2 to 4.2.9 ) are intended to provide both an appraisal of the ecological merits of the proposals and also a response to the detailed objections raised by YNET to the original Ecological Management Plan. It is anticipated that further comments from YNET (in response to the revised EMP and further to a meeting between YNET, the Countryside Officer and the developer), will be available at the Meeting.

4.2.2 In response to the general comment provided by YNET, Officers are sympathetic with the ethos of a naturalistic environment being created within developments however maintain that equally needed is variety and a design that will cope with the rigours of an enclosed built environment where temperatures will be high and water availability limited, especially in summer. There are a number of solutions to this and the proposals, as set out, are one using plants that should survive here. YNET has indicated another, using the concept of heathland species as at Strensall. This could also work and would be equally acceptable.

4.2.3 YNET argues that the habitat creation proposals lack integrity and do not consider what should be developed here based on an assessment of elsewhere along the River Foss and Ouse. Officers consider that the habitats and species proposed are what you could find and whilst there are species included that are not present along the Foss, this is in part because the Foss is a degraded watercourse. Officers argue that if it was based solely on what is found locally, it could be very uninspiring. Instead the aim, as the plan states, is to enhance the area.

4.2.4 Officers consider that the proposed enhancement of the aquatic environment will help reduce habitat fragmentation because the Foss is a degraded river and Hungate an urban location. The issues of connectivity and retention/ enhancement of the river corridor is a complex one. A wildlife or green corridor is effectively a discontinuous mosaic of a number of different habitats, within a more or less continuous open space, it is not a single continuous habitat. Even in nature, habitats are rarely continuous for long and wildlife moves from one area to another depending on the distance between suitable areas and the organisms ability to disperse. This varies from species to species. The aim is to reduce the distance to a minimum and so increase connectivity. In this context, the plans do enhance the network and therefore do fulfil PPS9.

4.2.5 YNET suggests that the survey information, most notably with respects to invertebrates and fish, is out of date and inadequate and should be redone before the application is considered further. Officers argue that such surveys, whilst of interest, are not relevant to the development itself and would provide little additional useful information with regard to the implementation of the proposals. The habitats and species proposed are based on those already known to be in the area with some additional species that were once more frequently found and are considered suitable for re-establishment at this location.

4.2.6 Officers note however that one survey that may be valuable, relates to the Depressed River Mussel. This is needed primarily to ensure that it is not present within the Kings Pool and could otherwise be damaged by desilting operations. This issue is being taken up with the Environment Agency.

4.2.7 With respects to the loss of Poplars and other trees, it has been agreed that the Poplars are to be replaced on a phased basis over a long period (the period of which will partly be dependant on the findings of the annual tree survey). The poplars are already mature and, being short lived will require careful monitoring to ensure that they constitute no risk to public safety. The root barrier is only being installed as felling and replanting are carried out and will not be installed close to or beneath existing mature trees.

4.2.8 In terms of the use of non native species, all of the planting within the proposed nature reserve and river corridor area would be native and some ornamental species are only proposed to be used adjacent to the buildings themselves. When choosing such ornamental species, consideration will also be made to their potential value for wildlife such as berry bearing or nectar production, as well as to their visual character. The exact details of the planting are still to be established. On a related issue, the proposals relating to wildflower species specifically state that where possible, locally sourced material will be used.

4.2.9 YNET explain in detail the value of branches in the river. This point has been addressed although with the proviso that there is the need to be aware of Environment Agency Flood Defence issues.

4.2.10 With regards to the hard and soft landscaping works, the Councils Landscape Architect, whilst generally satisfied with the proposals, has recommended a condition requiring further details of external works such as lighting proposals and detailing of the viewing platform. This condition is considered to address all such outstanding issues.

### **4.3 Number of units, mix of house types and affordable housing**

4.3.1 Draft Local Plan Policy H3c states that a mix of new house types, sizes and tenures will be required on all new residential development sites where appropriate to the location and nature of development. Residential developments must demonstrate that the range of type, size of units (including number of bedrooms), design and layout of the plot and tenures and pricing meets local housing needs.

#### Number of units

4.3.2 As detailed in paragraphs 1.11 to 1.13, the number of units to be provided in Phase 1 has increased by 41, from 122 units detailed in the outline to 163 units in this reserved matters application.

4.3.3 Officers raise no objection to the proposed increase in the number of units in phase one, provided this does not lead to an increased number of units in the scheme overall. It is accepted that in a large, phased development such as Hungate, flexibility is desirable in order to incorporate up-to-date information on demand over the duration of the whole scheme.

4.3.4 However, the outline application was considered on the basis on 720 units, both in terms of its implications for housing supply and in order to calculate the s106 contributions for affordable housing, highways, education and leisure provision. The applicants have confirmed in writing that it is not their intention at this stage to exceed the 720 units approved on the site.

#### Housing mix

4.3.5 Of the additional 41 units proposed for this phase, 40 would be one bedroomed flats. The applicant has submitted that this is not the result of the replacement of larger units with 1 bedroomed units, but rather a review of the mix proposed in later phases and an attempt to create a more balanced mix of accommodation across the site. A statement supporting the revised mix has been submitted which claims the proposed change is supported by market conditions, the 2006 draft Housing Market Assessment (HMA) and 2001 census data.

4.3.6 The York HMA uses a methodology consistent with national guidance and is based on a range of primary and secondary data. It is noted that the market

information submitted by the applicant relies largely on reports from sales agents, which are typically short term and reflects demands from buy-to-let investors and immigrants as well as newly forming and existing households. Officers therefore do not consider that such information alone can justify the increase in one bed roomed units.

4.3.7 The HMA reveals a demand for 412 one bed units (house and flats) per annum, which is quoted in support of the revised mix. Officers consider however that this figure needs to be understood in the context of York's strategic housing target and the fact that not all demand can be met. The Council needs to balance a range of demands for different types of houses within its overall strategic target.

4.3.8 Officers acknowledge that in this case, the proportion of one bed roomed units originally proposed in this phase was quite low, approximately 10% of the total number of units. Although the number of one bed units has increased to approximately 32% of the total, the remaining split has not fundamentally altered numerically. The four beds have decreased by two units but are now all townhouses and the number of 3 bed roomed flats has increased slightly. Proportionately, therefore the increase in the number of one bed roomed units would not be considered to harm the provision of other units proposed in this phase and in fact would provide a more balanced provision of smaller units in line with HMA findings.

4.3.9 It is therefore considered that, provided that the overall total of 720 homes on the wider Hungate scheme is not compromised, the alterations proposed in the reserved matters are acceptable. As the outline application was determined on the basis of this number of dwellings it is considered that any increase across the whole scheme would require a fresh application, to enable reconsideration of the key principles and re-calculation of s106 requirements in accordance with site viability.

#### Affordable Housing

4.3.10 Officers consider the number, size and type of the affordable housing agreed for Phase 1 to be an improvement on the provision set out in the S106 for the outline application for the whole site, as townhouses have replaced the 4 bed roomed flats. It is proposed that there will be 31 affordable homes of which 13 are 1 bed flats, 13 are 2 bed flats and 5 are 4 bed townhouses. The tenure mix is : 1 bed flats - 3 for rent, 10 discount for sale; 2 bed flats - 8 for rent , 8 for discount for sale; 4 bed houses - all 5 for rent. The pepper-potting is considered to be satisfactory with homes of each tenure on most floors in blocks A, B and C.

#### **4.4 Sustainability**

4.4.1 Draft Local Plan Policy GP4a requires proposals for all development to have regard to the principles of sustainable development and sets out the criteria by which this will be assessed.

4.4.2 A Sustainability Statement accompanied the outline application. This explained how the proposed development would meet local sustainability policies in relation to resource use, transport and access, pollution and waste, and social and economic needs. In addition, the Section 106 Agreement secured the commitment

to the incorporation of measures to ensure energy efficiency and waste and pollution minimisation in the demolition and construction phases and in the detailed design and features of the development and its operation.

4.4.3 The design statement submitted with this reserved matters application identifies key sustainability categories and details how the Hungate scheme has been and will continue to be developed in accordance with current sustainability policy and guidance. Examples are provided below;

#### 4.4.4 Social Sustainability

##### (a) Site layout and design

The efficiency of each block has been maximised by reducing circulation space to a minimum and designing more single aspect dwellings. Effective building footprint optimises the efficient use of the site.

##### (b) Transport

Low car ownership and usage will be actively encouraged due to such means as a residents car club operating from the site, low parking provision to all dwellings and substantial provision of secure cycle parking.

#### 4.4.5 Environmental Sustainability

##### (a) Demolition and Excavation

Crushing and re-utilisation of material from demolition / ground-break will minimise environmental impact and nuisance and reduce amount of fill exported from the site.

##### (b) Ecology and Landscape

The Ecological Management Plan submitted with the application states a number of objectives such as the planting of new native species to improve ecological diversity and the removal of Japanese Knotweed.

##### (c) Construction

A Construction Environmental Management Plan will be issued for each phase of the development works, which the principal contractors will be required to adopt. The plan includes detail on general site management practices, waste minimisation, recycling and disposal and pollution control measures.

##### (d) Recycling

On site waste segregation and reuse will be promoted by the provision of a recycling point in the basement car park.

##### (e) Materials

Establish the use of sustainable sources and in particular implement a sustainable timber policy.

##### (f) Water Consumption

Measures to reduce water use within the development, such as rainwater harvesting, use of aerated taps and low flow and flush cisterns will be included within the scheme wherever practicable.

(g) Energy Consumption

- Providing gravity drainage systems thus eliminating electric pump installations.
- Energy efficient lighting will be included within all homes.
- The insulation specification will significantly reduce the demand for heating.

(h) BREEAM and Ecohomes

Within the development all residential properties will be built to a high standard, to ensure they achieve BREEAM or Ecohomes "very good" standard, with 15% of the residential properties to reach an "excellent" standard. The assessment will include consideration of carbon dioxide and nitrogen dioxide emissions; the Section 106 Agreement requires demonstration of a reduction in carbon emissions in comparison to a normal build of this type.

4.4.6 A condition requiring the submission of a report detailing how the environmental assessment rating (BREEAM or Ecohomes) of "Very Good" as set out in the design statement, will be achieved, is recommended.

#### **4.5 Security and designing out crime considerations**

4.5.1 Draft Local Plan Policy GP3 encourages crime prevention measures in new developments, including natural surveillance of paths and spaces, secure locations for car and cycle parking and satisfactory lighting

4.5.2 The North Yorkshire Police have confirmed that the plans reflect a commitment to providing a safe and secure development and note that the Design Statement indicates an intention to achieve "Secure by Design" status. NYP indicate that subject to the recommendations being complied with and certificated evidence of the building standards having been met, a Secure by Design Award should be achieved.

#### **4.6 Highway Issues, Car and Cycle Parking**

4.6.1 All issues relating to car parking and cycle parking levels and traffic generation were considered at the outline stage and therefore cannot be revisited in this reserved matters application. Highway contributions were sought via the outline application and are covered by the S106 Agreement that is in place for the site.

4.6.2 A number of conditions were placed on the outline application covering highway construction/layout details, cycle parking facilities and mitigation measures. Such conditions are still in force and the Highway Network Management section have confirmed that further plans/details to satisfy these conditions are required before works can commence on site.

### **5.0 CONCLUSION**

5.1 With the principle for this mixed use development having been established in the

granting of outline planning permission, the two key areas to consider in this reserved matters application are design and external appearance and landscaping. Highways and Environmental Protection considerations will be addressed through the conditions on the outline approval.

5.2 Officers consider that the revised details submitted for this application have sought as far as practicable to address the various concerns raised by consultees. In urban design terms, it is considered that the scheme has achieved a high degree of interest and variation using a limited number of forms and elements with significant parts of the scheme also considered to create a contemporary architecture which would be distinctive to the area. Condition 5 of the outline approval required that the external design details for each of the development shall be fully in accordance with the submitted Design Code. It is considered that the revised plans adhere to this condition.

5.3 Further to the above, the revised Ecological Management Plan is considered to take account of previously expressed concerns. Whilst the plan may not satisfy some consultees in relation to its level of detail, it is considered to provide a good basis to satisfy the requirements of the landscape conditions detailed on the outline approval.

5.4 On the issue of the additional 41 units proposed in Phase 1, Officers raise no objection provided this does not lead to an increased number of units in the scheme overall. Officers accept that in a large, phased development such as Hungate, flexibility is desirable in order to incorporate up-to-date information on demand over the duration of the whole scheme.

5.5 Subject to conditions, as set out below, arising from the details submitted and therefore supplementing the conditions of the outline approval, it is recommended that the application be approved.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

- 1 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

\*\*\*\*

or any plans or details subsequently agreed in writing by the Local Planning Authority as an 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.



- 2 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) and with reference to the townhouses, development of the type described in Classes A to H of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and the amenities of the adjoining residents 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.

- 3 No development shall take place until a report detailing how the environmental assessment rating (BREEAM or Ecohomes) of "Very Good" as set out in the design statement will be achieved, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development in accordance with Policy GP4a of the Development Control Local Plan and PPS1 "Delivering Sustainable Development".

- 4 VISQ8

- 5 Sample panels of the brickwork and stonework to be used on this development shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork/ stonework and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. These panels shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

- 6 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- typical eaves and verge details
- windows and doors
- window and door openings showing reveals, lintols and cills
- patent glazing (or other system glazing)
- vertical dividing fins
- balconies including soffits
- entrance steps
- shafts into basement car park

- boundary walls and gates
- fixing of solar panels

Reason: So that the Local Planning Authority may be satisfied with these details.

- 7 Prior to the commencement of the development, 1:20 sectional drawings through the building shall be provided and approved in writing by the Local Planning Authority. The position of the sections shall be agreed in writing by the Local Planning Authority and shall be chosen to show the relationship between the roof, walls, windows, balconies and entrance areas. The works shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details.

- 8 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, details of the external works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. These shall include details of external paving materials, timber decking, street furniture, design and location of railings, lighting plans and details of lamp columns, and detailing of viewing platform. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

## **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;

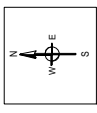
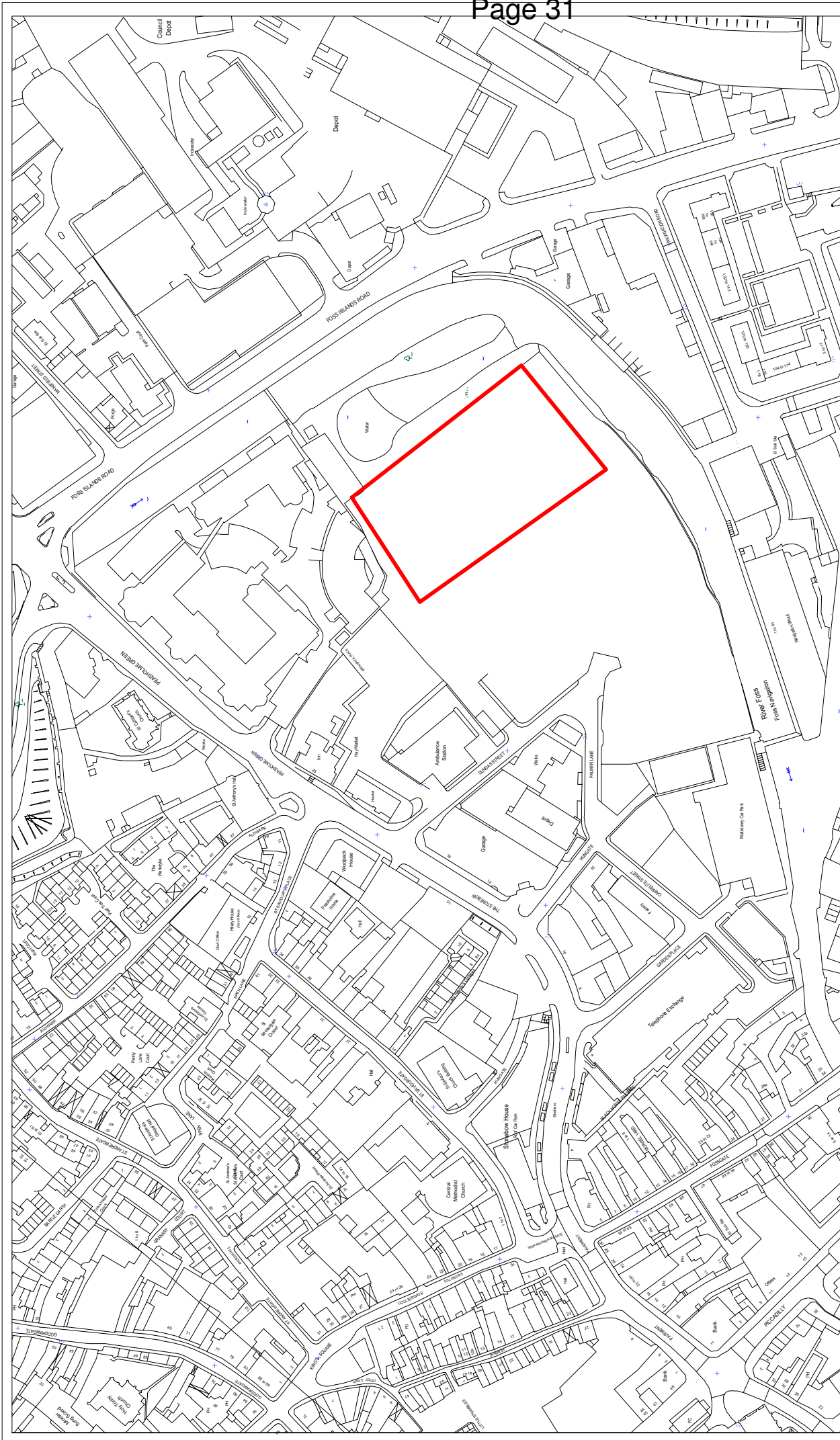
- design of the development
- landscaping/tree loss
- nature conservation
- affordable housing/mix of house types
- planning out crime
- sustainability

As such the proposal complies with Policies GP1, GP3, GP4A, GP11, HE2, NE1, NE2, NE3, NE7, H3C and GP9 of the City of York Local Plan Deposit Draft.

### **Contact details:**

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**Site Plan : Hungate York 06/2384/REMM**

SCALE: 1:2500  
 DATE: 12/2/2007  
 DRAWN BY: JB  
 Project  
 Drawing No: **HF 3**  
 Originating Group:  
 Organisation:



9, St Leonards Place, York, YO1 2ET  
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**COMMITTEE REPORT**

**Committee:** Planning Committee      **Ward:** Heworth  
**Date:** 22 February 2007      **Parish:** Heworth Planning Panel

**Reference:** 06/00073/FULM  
**Application at:** Car Park Heworth Green York YO31 7TA  
**For:** Amendment to previously approved development of 172 flats in 5 blocks (ref: 05/00478/FULM) to replace metal sheeting roofs with pitched roofs with slate finish  
**By:** Persimmon Homes Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 5 March 2007

**1.0 PROPOSAL**

1.1 This is a full planning application for the redevelopment part of the car park site for residential use consisting of 172 flats in four 5 storey blocks and 1 four storey block fronting onto the River Foss and Heworth Green. The site area is 1.2 hectares.

1.2 This is an amended scheme from that previously approved under reference 05/00478/FULM. The amendments are i) to change the roof from metal sheet cladding to a hipped shallow pitch roof and ii) to revise the basement car parking layout.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Floodzone 2  
Floodzone 3

2.2 Policies:

SP6 - Location strategy  
SP8 - Reducing dependence on the car  
GP1 - Design  
GP3 - Planning against crime  
GP4 - Environmental sustainability  
GP6 - Contaminated land  
GP9 - Landscaping  
GP13 - Planning Obligations  
GP15 - Protection from flooding  
L1 - Open spaces in new residential devts  
H2 - Affordable housing on housing sites  
NE2 - Rivers and Stream Corridors, Ponds and Wetland Habitats  
NE3 - Water protection  
H4 - Housing development in existing settlements

T2 - Cycle pedestrian network

T4 - Cycle parking standards

### **3.0 CONSULTATIONS**

#### INTERNAL

3.1 CONSERVATION: Please condition approval of a sample of the roofing material.

3.2 ENVIRONMENTAL PROTECTION UNIT: No observations to make in respect of this application.

3.3 HOUSING and ADULT SOCIAL SERVICES: No comment provided there is no change to the affordable housing provision or car parking that goes with it.

3.4 HIGHWAYS NETWORK AMANGEMENT: Network Management

The application whilst for the alteration to previously approved roofing materials, also proposes changes to the car parking layout.

The basement car parking is now proposed to be accessed via one junction onto the Northern section of the new James Street Link Road. Officers consider that this represents an improvement over the current approval for two means of access.

The access and basement car parking arrangements now reflect the application recently approved on the adjacent site for a Surgery and B1 office use.

Car parking is in line with the levels previously approved and as such officers raise no objections.

#### EXTERNAL

3.5 HEWORTH PLANNING PANEL: We have no objections.

3.6 PUBLICITY: The application has been advertised by neighbour letter, press notice and site notice.

### **4.0 APPRAISAL**

4.1 The siting of the proposed buildings and the number and mix of dwelling types is unchanged from the previous consent reference 05/00478/FULM granted on 4th December 2006. These proposals include alterations to the roof shape and basement layout only.

4.2 The principle of housing development on the site, siting and massing of buildings and access are established by extant consent that is currently under construction. The key issues to be considered in determining this application are the visual impact and utility of the car parking/access layout.

## DESIGN

4.3 The proposals replace the previously approved curved metal rood design with a hipped shallow pitch roof design with flat roof sections centrally to the block. The roof shapes reflect a more traditional design and flat elements would not be apparent from street level.

4.4 It is not considered that the proposed roof design would result in detriment to the appearance of the building, or the character and appearance of the adjacent Heworth and Central conservation areas.

4.5 As such the proposals are considered to comply with policies GP1 and HE2 of the Draft City of York Local Plan and the aims of PPS1 and PPG15.

## LAYOUT

4.6 The amendments to the basement parking are to accommodate parking around column positions and to amend the scheme to allow basement level access through the site to the adjoining office development (permitted under planning ref. 05/02694/FULM).

4.7 Adequate car parking is retained as per the previous approved scheme at a ratio of 1 space per unit for blocks 1 to 4 and 19 spaces for the affordable housing in block 5. Cycle parking is provided in enclosed cycle stores within the basement area.

4.8 As such the proposals are considered to comply with policies GP1, SP8, T4 and T13 of the Draft City of York Local Plan and the aims of PPS1, PPS3 and PPG13.

## 5.0 CONCLUSION

5.1 The proposed development is considered to accord with the Government guidance contained within PPS1, PPG3, PPG of making good use of brownfield land in meeting housing need, Policy H9 of the North Yorkshire Structure Plan and Policies SP6, SP8, GP1, GP3, GP4, GP5, GP6, GP9, GP15, GP13, NE2, NE3, T2, T4, L1, H2, H4, and H5 of the City of York Local Plan Deposit Draft. There are not considered to be any harmful environmental, traffic or other impacts on residents and the design and layout is acceptable.

5.2 Hence the scheme accords with national and local planning policies and the application is recommended to be approved subject to the same conditions as previous consent (ref. 05/00478FULM) and a successful variation of the previously agreed S.106 to tie the listed contributions to this amended development scheme.

- the provision of the 31units of affordable housing and associated car parking
- the provision of two replacement Bus Stops on Heworth Green
- a contingency remediation strategy with Bond
- a commuted sum of £14,812 for off site Leisure provision
- a scheme for Public Access to riverside walkway

- a construction traffic management plan.
- a £5000 contribution towards operation of a car club

**6.0 RECOMMENDATION:** Approve

- 1 TIME1 Development start within three years
- 2 The development hereby permitted shall be carried out only in accordance with the following plans:-

Drawing Number 01:34:600 revision F received 30 January 2007  
Drawing Number 01:34:11 revision F received 12 January 2006  
Drawing Number 01:34:12 revision F received 12 January 2006  
Drawing Number 01:34:13 revision D received 12 January 2006  
Drawing Number 01:34:14 revision F received 12 January 2006  
Drawing Number 01:34:15 revision F received 12 January 2006  
Drawing Number 01:34:601 revision C received 2 February 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.

- 3 VISQ8 Samples of exterior materials to be app
- 4 HT1 IN Height
- 5 A detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs shall be submitted to submitted and approved in writing by the Local Planning Authority. 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.

- 6 LAND3 Protection of existing planting
- 7 LAND4 IN No trenches near tree trunks



- 8 The Local Planning Authority shall be notified of a start on site in order to be given the opportunity to inspect tree protection measures before demolition and/or construction work commences.

Reason:- To ensure protection of existing trees before and during development which make a significant contribution to the character of the area.

- 9 The Local Planning Authority shall be informed of the date when the approved landscape scheme secured under condition 5 above is completed on site to allow the opportunity for the approved landscape scheme to be inspected both at completion and over the five year period.

Reason:- To ensure continuity of the amenity of the development.

- 10 Implementation of the landscape works, as shown on the approved landscape plan and associated documents, shall be overseen by a chartered landscape architect. Before works start on site, the name and address of the appointed Landscape Architect shall be supplied to the Local Authority.

Reason:- To ensure quality control and full compliance with the approved Landscape scheme.

- 11 The agreed remedial strategy, report no. 1509/11, prepared by ENCIA Consulting Ltd. shall be fully implemented and works approved by the Local Planning Authority prior to any development commencing on site. Any deviation from this strategy shall be submitted to and approved by the Local Planning Authority prior to such deviation being initiated.

Reason:- In the interests of public safety.

- 12 A proposed timetable and weekly information bulletin for the remedial works shall be submitted to the Local Planning Authority prior to the commencement of those works. Additionally a detailed weekly timetable shall also be submitted a minimum of two working days prior to the commencement of each weeks work.

Reason:- In the interests of public safety.

- 13 A full validation report of the remedial works following completion of the groundwater monitoring scheme, shall be undertaken and submitted to and approved by the Local Planning Authority.

Reason:- In the interests of public safety.

- 14 If during development, further contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the applicant has submitted, and obtained written approval from the Local

Planning Authority, an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.

Reason:- To ensure that the development complies with the approved details in the interests of protection of controlled waters.

- 15 Construction work approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.

Reason:- To protect Controlled Waters by ensuring that the piling method minimises the likelihood of contamination of groundwater in the underlying aquifer via pathways created during piling.

- 16 Irrespective of the plans hereby approved all balconies on the flats must be fully enclosed and separated from the internal living areas with no openings. the external glazing to any enclosed balconies must be to a standard which will ensure that occupants are not exposed to noise levels above 50dB, i.e. the WHO recommended limit for outdoor living areas. Double glazing between the balcony and interior of the apartments must be capable of ensuring that the noise levels inside living areas does not exceed 35dB or 30dB in bedrooms. A specification for the glazing to be used in connection with the balconies shall be submitted to and approved in writing by the Local Planning Authority before the use commences.

Reason:- To protect the amenity of residents from excessive noise.

- 17 The building envelope of all buildings with a facade onto Heworth Green, the new link road, Foss Bank, or Layerthorpe, shall be constructed so as to provide sound attenuation against external noise of not less than 40dB(A), with windows shut and other means of ventilation provided. A scheme of sound insulation must be submitted and approved in writing by the Local Planning Authority and fully implemented before the use hereby approved is constructed.

Reason:- To protect the amenity of occupants.

- 18 The buildings shall be constructed and insulated so as to provide sound attenuation in habitable rooms within the flats to provide maximum sound levels of 30dB LAeq (8hrs.) in bedrooms and 35 dB LAeq (16hrs.) for all other rooms. The office building shall be constructed and insulated so as to provide sound attenuation giving maximum internal noise levels of 35dB(A).

Reason:- To protect the amenity of occupants from excessive noise levels.

- 19 A detailed scheme of any ventilation to the apartments must be submitted to and approved in writing by the Local Planning Authority. Any scheme submitted must include sound attenuated ventilation louvres to provide trickle ventilation. The approved scheme shall subsequently be implemented on site

before the dwellings hereby approved are first occupied. Where the external noise levels are such that occupants could be exposed to NEC B, or C if windows were opened for the purpose of rapid ventilation or cooling, acoustic ventilation units incorporating fans should be fitted to the external walls.

Reason;- To protect the amenity of occupants.

- 20 Before construction work commences a noise management scheme shall be submitted and agreed in writing with the Local Planning Authority which shall specify the provisions to be made for the control of noise emanating from the site in accordance with BS 5228:Part 1 Code of Practice for Basic Information and Procedures for Noise and Vibration Control on Construction and Open sites.

Reason;- To protect residential amenity.

- 21 All works and ancillary operations, including deliveries to the site, shall only be carried out between the hours of 0800 to 1800 Mondays to Fridays, 0900 to 1300 on Saturdays and never on Sundays/Bank Holidays.

Reason:- To protect residential amenity.

- 22 Details of all machinery, plant and equipment to be installed in or located on the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. These details shall include maximum (LA<sub>max</sub>(f)) and average (LA<sub>eq</sub>) sound levels (A weighted), octave band noise levels they produce and any proposed noise mitigation measures. All such approved machinery, plant, and equipment shall not be used on site except in accordance with the prior written approval of the Local Planning Authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational prior to occupation and appropriately maintained thereafter.

Reason;- To protect the amenity of occupants.

- 23 A scheme to prevent a dust nuisance arising as a result of works on the site must be submitted to and approved in writing by the Local Planning Authority prior to development commencing.

Reason;- In order to protect residential amenity.

- 24 Any piling operations shall be carried out using the quietest practicable method available and local residents shall be notified in advance of the dates, times, likely duration and works to be undertaken.

Reason:- To protect residential amenity.

- 25 A scheme for the provision and implementation of compensatory flood storage works has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Environment Agency. The scheme shall be

implemented in accordance with the approved programme and details before the dwellings hereby approved are first occupied.

Reason:- To alleviate the risk of flooding.

- 26 The construction work hereby approved shall not commence until a scheme for the provision and implementation of a surface water run - off limitation has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with the Environment Agency. The scheme shall be implemented in accordance with the approved programme and details.

Reason;- To prevent the increased risk of flooding.

- 27 FLOOD1 IN Floor levels spec to avoid flooding

- 28 There shall be no permanent raising of ground levels or storage of any material in the floodplain as defined by the 9.98m AOD contour (ie all land below 9.98m AOD as identified on the topographical survey that forms part of the application).

Reason:- To prevent increased flood risk as a result of the development.

- 29 ARCH1 Archaeological programme required
- 30 ARCH2 Watching brief required
- 31 HWAY1 Details roads,footpaths,open spaces req.
- 32 VISQ2 IN Large scale details required
- 33 HWAY7 Const of Roads & Footways prior to occup
- 34 HWAY10 Vehicular areas surfaced, details reqd
- 35 HWAY14 Access to be approved, details reqd
- 36 HWAY15 Gradients
- 37 HWAY17 IN Removal of redundant crossing
- 38 HWAY18 Cycle parking details to be agreed
- 39 HWAY19 Car and cycle parking laid out
- 40 HWAY22 Internal turning areas, details reqd
- 41 HWAY24 IN Vehicular visibility splays protected
- 42 HWAY31 No mud on highway during construction

- 43 HWAY36 Servicing within site, details reqd
- 44 HWAY39 IN Off site highway works, details reqd
- 45 HWAY40 Dilapidation survey
- 46 Prior to the development coming into use full Stage 3 Highway Safety Audit shall be carried out which shall be submitted for the written approval of the Local Planning Authority.

Reason:- In the interests of Highway Safety.

- 47 Prior to occupation of the development details of a scheme for Car Park Management, including access control, shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason:- In order to ensure that the car park will operate in a satisfactory manner.

**7.0 INFORMATIVES:  
Notes to Applicant**

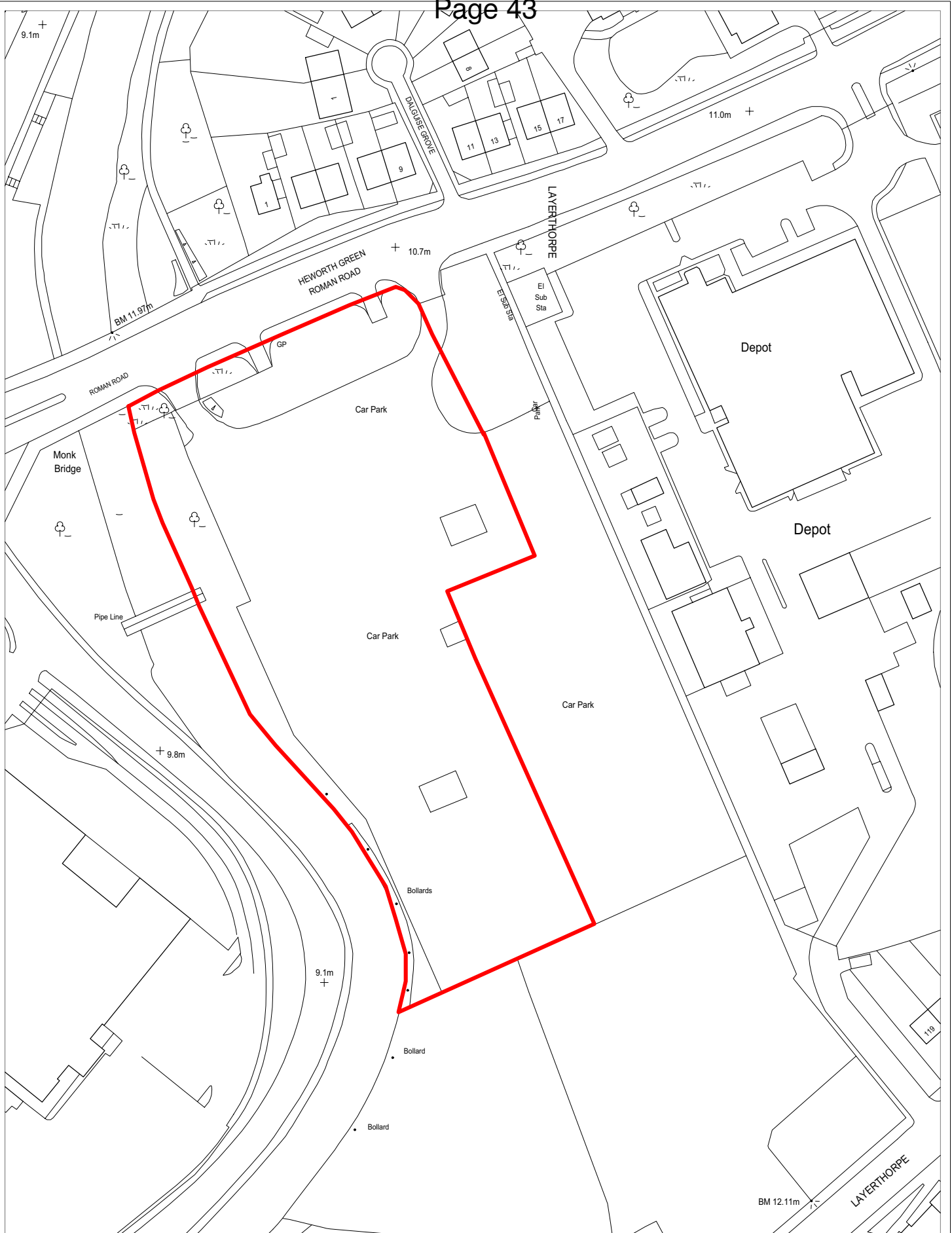
**1. REASON FOR APPROVAL**

In the opinion of the Local Planning Authority the proposal, subject to the conditions and legal agreement, would not cause undue harm to interests of acknowledged importance, with particular reference to environmental, traffic or other impacts on residents and the design and layout is acceptable. Hence the scheme accords with the Government guidance contained within PPS1, PPS3 of making better use of brownfield land in meeting housing need, Policy H9 of the North Yorkshire Structure Plan and Policies SP6, SP8, GP1, GP3, GP4, GP5, GP6, GP9, GP15, GP13, NE2, NE3, T2, T4, L1, H2, H4, and H5 of the City of York Local Plan Deposit Draft.

**Contact details:**

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**CAR PARK HEWORTH GREEN - 06/00073/FULM**

SCALE 1:1250  
 Originating Group

DRAWN BY PSL  
 Project

DATE 13/2/2007  
 Drawing No.



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**COMMITTEE REPORT**

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

**Ward:** Rural West York  
**Parish:** Upper Poppleton Parish Council

**Reference:** 06/02200/FUL  
**Application at:** Proposed Manor Church Of England School Site Millfield Lane Nether Poppleton York  
**For:** Erection of two storey school building with associated car parking, playing fields, tennis courts and all-weather pitch  
**By:** York Diocesan Board Of Finance  
**Application Type:** Full Application  
**Target Date:** 30 January 2007

**1.0 PROPOSAL**

## BACKGROUND

1.1.1 In 2003 the City of York Council Education Authority (LEA) began a consultation exercise on the options available for the provision of secondary school places in the west side of the City. The review was prompted by a fall in pupil numbers within the area, with a projection showing that 50% of pupil places would be available within the Lowfield School and 20% of places available within Oaklands School by 2008. Local Authorities are required by the Audit Commission to keep surplus capacity under review and to ensure that the surplus of school places match demand.

1.1.2 Lowfield and Oaklands are both LEA controlled community schools with designated catchment areas. A third school, Manor Church of England School, is also located within the area and sits within the catchment area for Lowfield School. Manor School takes a number of community places but it is the governing body of the school rather than the LEA who is responsible for admissions.

1.1.3 The Manor CE School is currently oversubscribed. The original school was built to accommodate 350 pupils and now houses 640 pupils. Extensions have taken place to the school over the years but the site is of an insufficient size to accommodate this number of pupils and the required external sports space. The school is in a situation whereby it has an informal agreement with British Sugar to allow them to use their playing fields.

1.1.4 It was agreed with the Governors of Manor School and the landowners of the site (The Diocese of York) that the consultation on future provision for the wider catchment area would review all three schools. The consultation exercise sought comments on three options for the provision of the revised facilities:

Option 1: Maintain all three schools as existing

Option 2: Merge Lowfield and Oaklands and increase Manor School to 900 pupils, taking more community places

Option 3: Merge Lowfield and Oaklands and retain Manor School as existing

56% of replies stated that the preferred option was number 2. This option would see the Manor CE School increase its number of pupils from 640 pupils to 900 pupils with an increase in community places, from 258 to 439. Lowfield and Oaklands would be merged at the Oaklands site and would increase capacity from 850 pupils to 1050, with the Lowfield site sold for housing, subject to planning.

1.1.5 The consultation exercise was followed by a number of feasibility studies which confirmed that the current Manor CE School site was incapable of being expanded to accommodate 900 pupils on the existing site as it had insufficient land requirements to meet the Governments design standards for new and expanding schools.

1.1.6 Having concluded that the existing site would not be of sufficient size the Diocese of York and the Council commissioned a series of reports to consider alternative locations for the Manor CE School. The new site would have to be within the Priority Access Zone (catchment area) and close to the main urban area in order to reduce travel.

1.1.7 Two reports were undertaken by Spawforth Associates in 2006 and focussed on the search for brownfield sites and non-greenbelt sites within the area. This revealed no appropriate sites and the use of green belt sites were considered and an assessment carried out. These issues will be discussed in full later within the report but in general terms the study focussed on the green belt area closest to the urban area immediately west of York and within the PAZ and identified nine sites. Four of the sites were immediately discounted on the basis that they were either high flood risk zones or allocated for other uses. The remaining sites were considered in more detail and the Millfield Lane site was considered to be the best option.

## APPLICATION SITE

1.2.1 The application site is located to the South Side of Millfield Lane. It sits within a triangular piece of land bounded by Millfield Lane, the Outer Ring road and Boroughbridge Road. The site has an area of 6.7 hectares (16.5 acres) and consists of a single agricultural field currently in set-aside. It is bounded by intermittent hedgerows containing a limited number of mature hedgerow trees. It has a general width of 135m and is generally level, with a number of slopes to the southern part of the site.

1.2.2 It is located opposite a small industrial estate comprising offices and light industrial units. The site itself has a frontage onto Millfield Lane and runs in a south westerly direction towards the A59 roundabout on the Outer Ring Road.

1.2.3 There are a number of small residential developments within the vicinity of the site. Two residential properties off Millfield Lane are located immediately north of the site and are contained within large gardens, which include a number of outbuildings. At the southern end of the site, immediately east of the A59 roundabout lies a group of seven residential properties accessed from the A59. These comprise a mix of detached and semi detached properties and bungalows, generally well screened from view by mature planting.

1.2.4 The now disused former Civil Service Sports Ground area takes up the majority of the southern boundary of the site. A small parcel of land lies between the application site and the roundabout serving York Business Park. This is agricultural land in set aside, which is owned by North Yorkshire County Council.

## PROPOSAL

1.3.1 The application seeks permission for the erection of a new secondary school building with associated outdoor facilities. It is a full detailed application which will have to be referred to the Government Office as a departure from the Green Belt. The building would be located back from the highway and would be separated by a car parking area and internal vehicular access routes. Combined pedestrian and cycle access points would be provided independently from the single vehicular entrance. The main highway implications and internal vehicular arrangements will be discussed in detail further into the report.

1.3.2 The building has been designed in accordance with DfES Building Bulletin 98 'Briefing framework for secondary school projects'. The building itself would be constructed over two floors with internal lifts to allow for disabled access throughout the school building. Internal accommodation comprises of:

- Public reception area and parent meeting room
- Administration and school management suite
- Main assembly hall opening into the major hub of the school building (a recreation and social space at double height with gallery above)
- Sports and activity studio and hall and associated changing facilities
- Specific performing arts centre for music, drama and dance
- 38 general classrooms with additional seminar rooms and teaching areas
- ICT and library/resource suite

1.3.3 The building appears to be divided into two sections. To the north of the site the building would house the main assembly hall and indoor sports hall, together with further dance and activity studios, ICT suits, the library and musical recital rooms. These form the main block of the scheme and include the main access points into the building for pupils, staff and visitors. As well as the main internal social space for pupils.

1.3.4 The location of the assembly hall to the front of the site is a result of the Manor CE School being given the status as a performing arts college. This status is recognition of the work within the performing arts and the priority the school gives to developing this area. This status has been taken into account when developing the new building and the assembly hall would create a first class theatre space with retractable seating for an audience of 400. As the hall would be used outside usual school hours its location allows it to be accessed easily whilst keeping the majority of the school closed to visitors.

1.3.5 To the south of this main building the majority of the teaching classrooms are located. These are housed within a linear shaped section, which is separated from the main building by an open courtyard. Access to this section is via two pedestrian routes off the large internal social area. This linear building would again be over two floors and would incorporate the majority of the fenestration, which would overlook the sports pitches.

1.3.6 The building has been kept to a minimum height, with the courtyard rotunda measuring 11m and the remainder no higher than 9.8 metres, by indicating a gently undulation roof constructed of standing seam metal with the possibility of creating an area of sedum green roof on the central section, subject to funding. A flat roof section is present within the scheme, which houses the assembly hall. The building would be constructed of differing materials including brickwork, render and cladding.

1.3.7 The building itself would cover 10% of the whole site, with the remainder open to sports pitches and pedestrian and vehicular routes. The outdoor sports provision includes:

- Hard play area
- Four floodlit tennis/netball courts
- A floodlit all weather sports pitch measuring 102m by 63m
- Two turfed pitched (football or rugby)
- Running track
- Cricket square
- Long jump facilities

1.3.8 It is proposed that the school facilities will be open the general public to allow them to be used outside of the core school hours. The school will enter into a community use

agreement, which will dictate the hours, type and volume of community access to the site. This will include the use of the indoor sports facilities and auditorium as well as the outdoor areas, which would be used for community football matches and hockey as well as other sports.

## **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

### 2.2 Policies:

CYSP2  
The York Green Belt

CYSP6  
Location strategy

CYGP1  
Design

CYGP3  
Planning against crime

CYGP9  
Landscaping

CYGP11  
Accessibility

CYGP13  
Planning Obligations

CYGP14  
Agricultural land

CYNE1  
Trees, woodlands, hedgerows

CYGB1  
Development within the Green Belt

CYGB13  
Sports facilities outside settlements

CYT7C  
Access to Public Transport

CYT13A  
Travel Plans and Contributions

CYT20  
Planning agreements

CYED1  
Primary and Secondary Education

### **3.0 CONSULTATIONS**

#### INTERNAL

**3.1 ENVIRONMENTAL PROTECTION UNIT** - The Environmental Protection Unit's interest in the application are split into three areas: air quality; contaminated land; and noise, dust and other amenity issues:

**Air Quality** - The levels of additional traffic associated with school arrival and departure are not sufficiently high to trigger any air quality concerns for this development. The council welcome the introduction of a travel plan for the proposed development. The Council's EPU undertakes nitrogen dioxide diffusion tube monitoring in the vicinity of the proposed relocation site (diffusion tube is located on Nidd Close, off Millfield Lane) which has indicated that levels of nitrogen dioxide are well below current health based objective levels. Measures to control dust generation during construction appear adequate.

**Contaminated Land** - The applicant has submitted a desk study as part of the application. This study has highlighted the presence of a landfill to the north west of the site and proposals are made to investigate whether gas is impacting on the application site from this landfill. Conditions are recommended.

**Noise, Dust and other Amenity Issues** - The applicants have commissioned a noise survey, which was carried out during summer 2006. This determined the existing noise levels produced by specified activities on the existing school site and determined the noise level on the proposed application site. The levels are such that it appears the site is suitable for a noise sensitive development such as a school to go ahead in that location. There is the potential for noisy activities on the new school site to impact on the surrounding noise sensitive properties. In the Council's opinion the use of the outdoor recreational areas, extraction units serving kitchens and air conditioning plant and vehicles using the service road could potentially affect the nearby residential properties but can be controlled by conditions. These include restricting the hours of use of the outdoor recreation area, details of all extraction equipment to be submitted, acoustic noise barrier details to neighbouring residential property boundary, hours of construction and details of proposed floodlighting.

**3.2 ARCHAEOLOGY** -The site does not lie in the Area of Archaeological Importance. There are no scheduled ancient monuments or listed buildings on the site. There are no archaeological finds from this field. However, there are significant archaeological finds from the parishes of Upper and Nether Poppleton. These indicate that there is a widespread and well developed late prehistoric and Romano-British landscape in this area.

The archaeological potential of the site and its surroundings the site has been assessed by West Yorkshire Archaeological Services in a desk-based assessment completed in August

2006. This assessment revealed that there were no known or potential archaeological sites within the site. However, there are cropmarks representing an enclosure and sub-circular features of unknown date within 1 kilometre to the north and south of the Site. There are also extensive tracts of ridge and furrow to the north-west of the Site towards Nether Poppleton, and to the south around Wheatlands. The Site covers an area once known as Mill Field which relates to a mill known to have existed somewhere between Nether Poppleton and Boroughbridge Road in the seventeenth century.

A first stage (geophysical survey) evaluation comprising detailed magnetometer survey of 50% of the site did not identify any significant anomalies identified as archaeological features, although some linear anomalies indicative of ridge and furrow ploughing were noted. Subsequently a second stage (trenching) evaluation was carried out. Seven evaluation trenches 25m by 4m in size, and six trenches 50m by 2m in size were excavated in December 2006. I visited the site on the 11th December and inspected all the trenches. The trenches produced no archaeological features or deposits other than the very-truncated remains of medieval ridge and furrow.

It is considered that the likelihood of archaeological features and deposits surviving elsewhere on this site is very low. No objections raised subject to standard condition.

3.3 COUNTRYSIDE OFFICER - The officer fully concurs with the information submitted within the EIA. There is little of substantive value on the existing site although there will need to be a check on whether there are barn owls present. Owl pellets were recorded but they are probably Tawny.

3.4 LANDSCAPE OFFICER - The site forms part of a triangle of open land defined by the ring road, the A59, and Millfield Lane. It consists of agricultural fields and disused sports pitches to the south; which together make up a sizeable tract of land. The development would introduce engineered levels to create a suitably level playing field. The site is only partially and seasonally screened by hedgerows and mature trees. There are no PROWs, other than Millfield Lane that directly overlook the site.

It is felt that, although this is not such a major development, the assessment does not clearly define the methodology and gradations of quality of landscape, sensitivity for change, and degrees of impact. I also think it doesn't adequately qualify (e.g. under para.s 5.2 and 5.9) why the impact in the landscape is slightly beneficial. Over half of the site will be built on or artificially surfaced and lit, therefore I do not see why it would have a generally positive influence on the surrounding landscape character. Undoubtedly the additional tree planting will screen the ring road and from outside the application boundaries, the site will be screened, therefore the overall impact may be negligible. The development may give structure to Millfield Lane, which is already considerably subject to urban encroachment. And it is in this context that the site is seen from Millfield Lane. Whereas from the ring road, there is a view on both sides of the road, giving an impression of connectivity and hence rural context to the site. Otherwise from the other surrounding areas the site is very much cut off by the ring road, or screened by vegetation and other recent developments.

The site falls within landscape character type 1 of the York Landscape Appraisal by ECUS. With regards this development, the retention of hedgerows and the planting of new woodland belts in the southern half of the site, is in accordance with the management guidelines for this area. In general terms the landscape quality is not high and is not highly sensitive to change. The proposed indicative landscape could provide an attractive setting for the development and give structure to this part of Millfield Lane, the amenity of which is currently substantially reduced by the industrial units. It is considered that man's intervention (through earthworks), and human presence (during lessons and matches) on the landscape

would become more apparent, but the associated additional tree planting would screen off the ring road, thereby reducing its impact, which is currently considerably negative.

The ring road currently passes through an agricultural setting to the outer edge of the city at this point (and indeed for much of its length, with the exception of Clifton Moor and York Business Park). The site is most visible from the ring road where it presents a gap between the ring road and the built up edge of the city, thereby representing a change from urban to rural. The highest number of receptors are those travelling by car at fairly high speeds on the ring road. As such, the development would have an impact on the setting of the city, albeit the site is experienced fleetingly by these transient receptors.

It is considered that the overall development will result in a change in character but that change may not be visually detrimental.

**3.5 STRUCTURES AND DRAINAGE** - The development is in low risk Flood Zone 1 and should not suffer from river flooding. With regards to 'Section 8: Proposals For Discharging Surface Water Run Off' in the FRA, the applicant states that no public sewer or known watercourse are available to accept SW discharge. A public SW sewer does exist in the lane to the side of the Electric Sub Station, but the size / depth is not shown. Enquiries with Yorkshire Water have indicated that this sewer may be suitable. An open watercourse (Poppleton Central Dyke) is also available adjacent to the YWS pumping station on Millfield Lane, 40m north of the bridge carrying the A1237. The Marston Moor IDB should be consulted regarding the capacity of this watercourse. As 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 except surface water discharge, and to prevent flooding of the surrounding land and the site itself.

**3.6 LIFELONG LEARNING AND LEISURE** - The current Manor school site is one of only two secondary schools in the city that does not have a sports hall. This is crucial for the delivery of the P.E. curriculum and meeting the 2 hours high quality PE target measured by Comprehensive Performance Assessment, Local Performance Service Agreement (II) and National DfES.

The provision of floodlighting greatly increases the potential for community use of those facilities which is badly needed in the area. Demand for astro turf pitches in the city outweighs supply. The pitch at Oaklands operates in line with a detailed sports development plan with a strong focus on Hockey development. There is a need in the area for more pitch space that can be booked by clubs and works teams for 5 and 11 a-side football. The local area will also benefit greatly from access to the sports hall. Statistically the zone is short of indoor sports space, and we know that there is demand for casual pay and play access to Oaklands sports hall, which cannot be met due to the high usage by clubs and teams. A complementary hall in the zone would mean that both clubs and casual users could be catered for.

There is a high need for community accessible, high quality grass playing pitches. The former Civil Service Sports Club facilities closed next to this site impacting on the availability of recreation space. The Cricket club now share a ground in Heslington. The local area is particularly short of junior and mini pitches. Provision of these will complement and support the on going increase in participation in Junior football in the Poppleton area.

LLL are happy to work with the school on the preparation of a community use agreement, the terms of this will dictate the hours, type and volume of community access to the site.

3.7 SUSTAINABILITY OFFICER - It is very welcomed that the application details include substantial sustainability issues both in terms of construction and other issues such as transport and the sourcing and use of local materials and labour. The report from JSH received the 2 November gives a commitment to achieving BREEAM 'very good' for the development which allay any fears I may have had that the details provided prior to that would not be implemented. There are still a number of matters such as renewable energy generation that could be usefully dealt with through conditions. With this in mind I would suggest that conditions be used if consent is given.

3.8 HIGHWAY NETWORK MANAGEMENT - There are no objections raised to the application. Detailed discussions have taken place with the applicant who have agreed funding a number of off site highway works necessary in connection with the proposed school. These include the provision of a rising bollard at Low Poppleton Lane/Millfield Lane, improved pedestrian/cycle facilities to Beckfield Lane, Low Poppleton lane and Millfield Lane, proposed pedestrian crossing to Boroughbridge Road and a school safety zone. The main points are contained within the main body of the committee report.

3.9 CITY DEVELOPMENT: On submission of the application additional information was requested in order to justify the very special circumstance in order to allow development within the greenbelt. The further information submitted addresses the policy concerns regarding why this is the most appropriate option emerging from the educational review of this area of the City and furthermore why Manor needs to expand to 900 pupils. The further information submitted includes the detailed alternative site assessments which were carried out and an explanation of why developing a new school across split sites is not an alternative. The additional explanation provided on the 2 site assessments is helpful. Lifelong Learning and Leisure have provided comments on the community and sports facilities, which are to be provided as part of the proposal.

The main Policy implications are discussed in detail within the main body of the report.

#### EXTERNAL

3.10 SPORT ENGLAND - The proposal represents a significant investment in sport and has the potential to increase sport participation and talent pathways. This is in accordance with Central Government aims of dual use of educational sites for local communities, and of increasing sports participation, linked to health and fitness objectives. A Community Use Agreement should be provided for the future use of the site. Care will need to be taken with planting around the site boundaries to ensure it does not incur onto the buffer/safety zones around pitch boundaries.

The playing field sport uses proposed will be of particular benefit to community use, especially as floodlighting has been provided. The sports hall appears to have been designed to meet normal design requirements and it is located in close proximity to the activity studio, and both facilities are accessed by an inviting roof canopy entrance. Sport England is concerned that the location of the sports centre around the back of the school, away from the site front and parking will not encourage community use. The sport hall facilities would be better if they were re-orientated towards the front of the site. The entrance to sports hall facilities also needs a reception area in order to encourage community use.

It must also be ensured by condition that the proposed sports facilities are provided at the same time as the rest of the school, and made available prior to the closure of the existing school.

3.11 UPPER POPPLETON PARISH COUNCIL - Support the application



3.12 NETHER POPPLETON PARISH COUNCIL - Do not object to the application but recommend that the proposed 30mph limit outside the school be a 20mph limit

3.13 MARSTON MOOR INTERNAL DRAINAGE BOARD - The only watercourses that the Board are aware of are on the western side of the bypass. Neither of these watercourses are believed to be able to accept any increase in discharge without increasing the flood risk. We have no details of any other watercourse in the area. The applicant states that surface water will be discharged by soakaway. As such conditions are recommended.

3.14 ENVIRONMENT AGENCY - The agency has no objections to the application subject to conditions. The agency is keen to promote the use of sustainable drainage systems. The applicant is advised to ensure that no protected species or habitats are adversely affected by this development.

3.15 NATURAL ENGLAND - Natural England has no objections to the proposed development in respect of legally protected species and habitats.

3.16 POLICE LIAISON OFFICER - Details should be provided on the proposed security to the front of the site such as the pedestrian and vehicular access points. Vulnerable areas such as the side and rear grounds needs more defensive barriers with walls or fencing to a minimum height of 1.8m. No details of security lighting have been submitted or details of CCTV covering the exterior of the building and the grounds and in particular for the car parking and cycle storage areas.

The car parking areas appear vulnerable, as they are not overlooked by the main body of the school. Cameras and lighting will help to control and supervise welcome and unwelcome visitors. The design of cycle storage areas is vital. Entry should be via key-operated, digital access control locks or swipe cards. Both cycle storage areas are poorly sited with neither being particularly well overlooked by the school building.

There appears to be no barrier to access from the car park down the sides of the school suggesting that it is open access. Signing, fencing and defensive planting

3.17 Canon Dr Ann Lees Diocesan Director of Education - Support the application

The Archbishop of York - Support the application

The Archbishop of Selby - Support the application

The Very Revd Keith Jones The Dean of York - Support the application

3.18 Neighbours - Letters from the residents of Rivendell and Knoll Cottage. These properties bound the application site to the south, adjacent to the proposed sports pitches. They are in general support of the proposed relocation of the school but have concerns in connection with the proposed boundary fence and landscaping. The landscaping would result in a loss of view and potential overshadowing if not adequately maintained. However, revised plans show the positioning of the boundary fence set well within the proposed landscape area removes the majority of the concerns.

A further 59 letters of support have been received from residents, parents and teaching staff.

Since reconsultation took place of the provision of highway implications, including the rising bollard, four additional letters have been received from residents of Low Poppleton Lane raising the following issues:

- Expensive undertaking when only 34 pupils use the bus

- It appears the rising bollard is required to provide a bus service for Poppleton Park
- If Low Poppleton Lane were to become a bus route works would need to take place at the dangerous junction with Boroughbridge Road
- Proposed cycle/pedestrian route to Low Poppleton Lane should be on the opposite site where there are no houses
- Previous scheme for a bollard was refused three years ago due to cost and objections from residents and Nether Poppleton Parish Council
- Increased congestion and possible accidents
- Increase in noise and pollution from waiting vehicles
- Poor signage already leads to vehicles thinking they can access Millfield Lane via Low Poppleton Lane and the rising bollard may make this situation worse
- Inadequate road construction leading to collapses
- Buses should drop children off at Low Poppleton Lane and encourage them to walk

#### **4.0 APPRAISAL**

##### 4.1 Key Issues

Greenbelt location  
Design  
Highway Implications

##### 4.2 POLICIES

North Yorkshire County Structure Plan:

Policy R1 states that provision will be made for the development of recreational, leisure and cultural facilities in locations accessible to both public and private transport where this is not detrimental to local interests.

Policy R9 states that provision will be made for the development of community leisure facilities throughout the county and priority will be given to extending the joint provision and dual use of education facilities and other suitable publicly owned land and buildings for leisure purposes.

Policy E2 states that:

Development in the open countryside outside the national parks, areas of outstanding natural beauty, areas of heritage coast and green belts will normally be permitted only where it relates to:

- (i) small scale proposals requiring an open countryside location for operational reasons; and
- (ii) small scale proposals for individual sites or for the re-use or adaptation of existing rural buildings to secure employment uses, which benefit the rural economy and provided it would not harm the character and appearance, general amenity or nature conservation interests of the surrounding area.

Policy E8 states that:

The North Yorkshire Green Belts will consist of:

- (i) a band from 1 to 5 miles wide along the county's southern boundary, from the boundary of the Yorkshire dales national park to west of Wetherby
- (ii) a strip between Harrogate and Knaresborough'
- (iii) a band some 4 miles wide along the western boundary of Selby district, from west of Tadcaster to the boundary with south Yorkshire County.

These green belts will broadly include those areas previously approved by the secretary of state as green belt (some on an interim basis) with the addition of a small area south of Balne Moor:

(iv) a belt whose outer edge is about 6 miles from York city centre.

Policy E8a defining the precise boundaries of the green belt in local plans, account will be taken of:

- (i) the need to regulate the size and shape of urban areas in order to prevent uncontrolled growth;
- (ii) the need to prevent the coalescence of existing settlements;
- (iii) the need to preserve areas of open land extending into the urban area from the countryside which have an existing or potential recreational or amenity value;
- (iv) the need to preserve easy access to open country and outdoor recreation in pleasant surroundings.

Policy E9 states that planning permission within green belt areas will normally be granted only for the erection of new buildings, or for the change of use or redevelopment of existing buildings which are necessary in connection with the following land uses:

- (i) agriculture and forestry;
- (ii) outdoor sport and recreation;
- (iii) cemeteries or institutions standing in extensive grounds; and
- (iv) other uses appropriate in a rural area.

The relevant City of York Council Draft Deposit Local Plan Policies are as follows:

Policy SP2 states 'The primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York and is defined on the Proposals Map'. It states that there is a general presumption against unnecessary or inappropriate development with the objective of redirecting this development towards existing settlements.

Policy SP6 states that development will be concentrated on brownfield land within the built up urban area of the City and urban extensions, followed by surrounding settlements and selected existing & proposed public transport corridors. Outside defined settlement limits, planning permission will only be given for development appropriate to the Green Belt or the open countryside.

Policy GP1 'Design' aims to increase the awareness and importance of good design; visually, environmentally and sustainably. This design policy is supported by policy GP4a 'Sustainability' which requires new development to have regard to the principles of sustainable development.

Policy GP3 'Planning Against Crime' states that new development will be required, where deemed appropriate, to incorporate crime prevention measures to achieve: natural surveillance; secure locations for any associated car and cycle parking; satisfactory lighting; and provision of CCTV in certain locations.

GP9: 'Landscaping' Where appropriate development proposals will be required to incorporate a suitable landscaping scheme.

GP11: 'Accessibility' In order to achieve satisfactory access to new development planning applications will be required to demonstrate that suitable provision will be made for access and facilities for people with mobility problems sensory impairment and carers with children, including parking facilities and pedestrian routes to and from those parking facilities.

GP13: 'Planning Obligations' Where appropriate, the Council will expect developers to enter into planning obligations to provide for the infrastructure, archaeological, environmental and other significant consequences of a proposed development. Appropriate financial contributions will be sought from developers towards integrated public transport and other green mode linkages, and necessary community facilities, relevant to planning, directly related to the proposed development, and fairly and reasonably related in scale and kind to the proposed development, overcoming or mitigating against the effects or deficiencies resulting from the proposed development.

GP14: 'Agricultural Land' Planning permission will only be granted for development that would result in the loss of the best and most versatile agricultural land (defined as grades 1, 2 and 3a) if an applicant can clearly demonstrate that very special circumstances exist which determine that the proposal cannot be located elsewhere.

NE1: 'Trees, Woodlands and Hedgerows' states that trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation or historical value, will be protected.

GB1: 'Development in the Green Belt' Within the Green Belt, planning permission for development will only be granted where: the scale, location and design of such development would not detract from the open character of the Green Belt; and it would not conflict with the purposes of including land within the Green Belt; and it would not prejudice the setting and special character of the City of York. The development should be for one of the appropriate uses including agriculture and forestry; essential facilities for outdoor sport and outdoor recreation; cemeteries; limited extension, alteration or replacement of existing dwellings; limited infilling in existing settlements; limited affordable housing for proven local needs; limited infilling. All other forms of development within the Green Belt are considered inappropriate. Very special circumstances will be required to justify instances where this presumption against development should not apply.

GB13: 'Sports Facilities Outside Settlement Limits' Within the Green Belt or open countryside proposals for the development of essential ancillary facilities for outdoor sport or recreation will be permitted where: the facilities are essential to support the outdoor provision; the facilities are kept to a scale consistent with the requirements of the outdoor recreational activity; there are no opportunities to provide the built facilities in adjacent settlements; any new buildings or structures and associated parking do not detract from the openness of the Green Belt or open countryside or result in the coalescence of settlements; and the proposal will not compromise grades 1,2 or 3a agricultural land.

T7c: 'Access to Public Transport' All new built development on sites of 0.4 hectares or more should be: within 400 metres of a bus service offering a day time frequency of 30 minutes or better; or within 1000 metres of an existing railway station. Where the proposed development is greater than 100 dwellings or 5,000 square metres (gross floorspace), the required frequency will be 15 minutes. Where these frequencies are not available developers will be expected to fund the provision of an appropriate public transport service from when the first unit is occupied to a minimum of 2 years after the development is 95% occupied. In all new development site layouts should provide appropriate infrastructure to accommodate bus services including the provision of direct, safe and convenient access to stops and the provision of alternative routes for buses where required to avoid traffic congestion.

T13a: 'Travel Plans and Contributions' Developments which meet the criteria set down in PPG13, or which are likely to employ more than 30 employees, or a residential site with more than 20 units, will be required to submit a travel plan including; modal split targets, time scales, measures and sanctions to be taken to meet these targets as well as measures to monitor the effectiveness of the plan.

T20: 'Planning Agreements' Where traffic, pedestrians and cyclists could be accommodated by the provision of special facilities or appropriate improvements to the highway network affected, applicants will be expected to enter into a Section 106 Agreement under the Town and Country Planning Act 1990 and into an agreement under the Highways Act 1980 in order to provide or make an appropriate contribution to such improvements.

ED1: 'Primary and Secondary Education' Planning applications for new/extended primary and secondary education facilities will be granted permission provided that: it would meet a recognised need; the proposed development is of a scale and design appropriate to the character and appearance of the locality; an area of open space and playing fields, sufficient to meet the needs of pupils is incorporated in the development; where a development is capable of a joint or dual use for community benefit, this has been incorporated into the design.

National planning policy guidance should also be taken into account when considering the application and should include Planning Policy Statement (PPS) 1 'Delivering Sustainable Developments', Planning Policy Guidance Note (PPG) 2 'Green Belts', PPS7 'Sustainable Development in Rural Area', PPG13 'Transport', PPG17 'Planning for Open Space, Sport and Recreation' and PPG 25 'Development and Floodrisk'

## 4.3 GREENBELT POLICY

Section 38 of the Planning and Compensation Act 2004 requires that any determination made must be in accordance with the relevant development plan unless material considerations indicate otherwise. In this case, however, the adopted plan would be the North Yorkshire County Structure Plan, Alteration No 3 (1995) and the policies contained within the Regional Spatial Strategy (RSS) based on the Selective Review of RPG12 (December 2004). However, these offer little guidance, as they are unspecific in their advice regarding the inner boundaries of the York Green Belt. In approving the Structure Plan in 1980 the Secretary of State confirmed the principle of the green belt encircling the City, defining it as 'a belt whose outer edge is about 6 miles from York City Centre'. No inner boundary is defined in the Structure Plan. The adopted RSS makes no attempt to define the York Green Belt boundaries.

Therefore, as a result of the inner boundary not being confirmed it is necessary to consider the following plans which are, from a policy perspective, material considerations:

The York Green Belt Local Plan Post Modifications (September 1995)  
City of York Local Plan (Deposit Draft) (1998)

The York Green Belt Local Plan was never formally adopted but identifies the inner and outer boundaries of the York Green Belt. Regarding the inner green belt boundary the plan considered the findings of the 'Greater York Study - a Strategy of 2006' which proposed that only limited peripheral growth around the existing urban area should be permitted. As such the green belt was drawn tightly around the existing urban area. The application site was identified as being within the York Green Belt.

The City of York Deposit Draft Local Plan (1998) continued to identify this piece of land as being located within the York Green Belt. As such the erection of a school at this location would be considered to be 'inappropriate' and would conflict with the purpose of including land within the green belt. The applicant therefore needs to identify 'very special circumstances' why permission should be granted.

## 4.4 VERY SPECIAL CIRCUMSTANCES

The very special circumstances argument put forward include a number of points but centres on three key issues, namely educational needs, wider community benefit/support for the proposal; and a lack of alternative sites. Each will be discussed below.

#### EDUCATIONAL NEED

4.4.1 As previously stated within the report pupil numbers have been falling within the west side of the city and it is expected that the school rolls would fall from 2130 in 2003 to 1912 in 2007. The Audit Commission requires that LEAs keep surplus capacity under review to ensure that the supply of school places matches demand so that money intended for educating children is not used to maintain empty buildings. As a result a review was undertaken which identified the following three options and consultation was undertaken with the public to gauge their preferred option.

4.4.2 OPTION 1 - Maintain the existing three schools - This option assumed the retention of the three secondary schools serving the area. Without any changes to the current catchment area, this option would result in a very uneven distribution of children between the three schools, raising doubts over the viability of Lowfield. It would be possible to retain the three schools but only if the catchment area were redrawn allowing the transfer of children from Oaklands to Lowfield or by involving neighbouring schools such as Millthorpe. It was further recognised that this solution would not allow for any significant investment at either Lowfield or Oaklands, which was required, as the level of funding required would only be available if the Authority were to dispose of one of the sites. Furthermore this option would see Manor CE School retained as existing. It supports 640 pupils in a building originally built to house 350 pupils, although extensions have been added.

Although the Manor CE School has been extended since it was originally built the school does not meet modern day educational requirements and the design and layout of the building has severe problems with congestion in internal corridors and disabled access. Although Manor CE School has performing arts status, the drama studio is on the second floor and has no lift access. The school has no sports hall and one small gym capable of accommodating one badminton court.

4.4.3 OPTION 2 - Merge Lowfield and Oaklands to create a new school on the Oaklands site. Build a new, larger Manor school and increase the proportion of community places - This would provide 1950 places in the west of the city to accommodate the 1912 pupils expected to require secondary school education in the area under review in September 2006. Manor CE School would significantly increase its boundaries of its 'Priority Access Zone' in order to admit the children from Poppleton Ousebank, Rufforth and Carr Junior Primary Schools as community places. A larger school would be established at Oaklands with the extension required partly funded by capital receipts gained from the sale of the Lowfield school site, which was considered to be more suitable for development of alternative uses. This option was dependant on Manor CE School securing significant capital funding through the Church Schools PFI. This would create a 1050 pupil school at Oaklands and a 900 pupil school at Manor CE School. The provision of a school with pupil numbers of 1050 was only considered acceptable if the Manor CE School could be enlarged.

4.4.4 The Manor School remains a very popular school achieving consistently high educational outputs. Its replacement with a larger facility would be in accordance with the government's policy on improving educational standards. Furthermore, the benefits of an expanded Manor School were also recognised in the Council's 26 July 2006 Executive Committee Report which supports the proposal to relocate Manor School to provide a 21st century education facility for 900 pupils and that an enlarged Manor secondary school would

cater for parental preference and comply with the Council's objective of meeting such preference as far as reasonably possible.

4.4.5 OPTION 3 - Merge Lowfield and Oaklands and retain the status quo for Manor CE School - This option would see Manor CE School remain at its current size and be unable to offer an increase in community places. This would see a larger Oakland school with 1350 pupils following the closure of Lowfield. Whilst there is no official optimum size for secondary schools in the UK a school of this size was considered to be beyond an acceptable size in terms of delivering a balanced secondary school curriculum. The average secondary school size in the UK is 930 pupils.

4.4.6 The outcome of the consultation exercise showed that the preferred option was number 2 and a council cross- directorate development team was established to undertake a feasibility study.

4.4.7 The need for the re-organisation of the schools within the west area was prompted by a decline in pupil numbers and the fact that the education authority should be spending capital on educational factors rather than the upkeep of vacant facilities at school properties.

4.4.8 In assessing the information Officers consider that the need for improved educational facilities is required in order for the Council to conform to the requirement of the Audit Commission. The options have been assessed in details and it is apparent that options 1 and 3 are not feasible whilst meeting the requirements of the Audit Commission and providing acceptable educational facilities. Officers are therefore satisfied that there is a compelling case to justify the provision of a new school facility within the PAZ.

4.4.9 With regard to the site selection and the use of a green belt site this will be assessed further in the report.

## 4.5 ALTERNATIVE SITES

4.5.1 The Council's 2004 Executive Committee decision was the starting point for the proposed reorganisation, which in part was reliant upon the Manor School obtaining the necessary funds to expand to a 900 pupil school. In addition to obtaining the necessary funds, it was also necessary to explore whether or not a new and larger 900 pupil school could be built on the existing Manor School site.

4.5.2 These matters were fully explored by the Council's cross directorate Development Team through the appointment of Spawforth Associates to undertake a two stage assessment of the existing site and possible 'off-site' playing fields and then, in a second review, an assessment of alternative sites for the whole Manor School. Stage 1 of this process considered a range of possibilities including; providing a new Manor School and all facilities on the existing site, finding additional playing field provision on an alternative site (a split site arrangement), or moving the Manor School to a new site.

4.5.3 In considering all options, the Stage 1 report has regard to the DfES published guidance size requirements and design standards in the form of BB85 (School Grounds) and BB98 (Secondary School Projects). The report details the space/size requirements for a 900 pupil school with performing arts status to meet BB98 requirements which set a total site area (including all buildings) as somewhere between 6.85ha and 7.71ha.

### Retaining All facilities on the Existing Site

4.5.4 The site area covered by the school buildings and hardstanding is 3.7ha. British Sugar adjoins the school site and through an informal agreement allow the school to use their

playing fields only and not any associated facilities on site. These fields comprise an area of 2.2ha, which along with the current manor CE School site would offer a total school site of 5.9ha. There is no formal agreement with British Sugar to allow for the continued use of the playing fields, especially since the closure has been announced. British Sugar have been contacted on a number of occasions by the City of York Council Property Department in an attempt to formalise and extend the informal agreement of the use of the playing fields. However, they have not formally replied in writing but have verbally refused to this arrangement. It can therefore be seen that the combined site of 5.9ha falls somewhat short of the requirement of 6.85ha and with no option of securing the adjacent playing fields alternative sites needed to be assessed.

#### Split Sites

4.5.5 It has been identified that the current school site is of an insufficient size to accommodate the school and playing fields. Options were therefore considered for utilising the existing Manor CE School site along with off site playing fields. Two potential sites were identified as being in a 400m (5 min) walk from the site. These were the British Sugar site and the former CSSC Sports ground on Boroughbridge Road. The owners of both of the sites were approached but stated that they had no intention of releasing the land to the school. The Millfield Lane site (800m or 10min walk) and the former Northfield Lane school site were also identified. The Millfield Lane site, at the time of the report was allocated for use as a Park and Ride site and the Northfield Lane site had been sold to Barretts for residential development.

4.5.6 Off site provision of sports facilities is in general terms not considered to be good practice as:

- the facilities cannot be used as part of DfES 'Growing Schools' initiative or 'schools sports manifesto' because of security considerations and supervision
- curriculum delivery impeded by time wasted in accessing the off site playing fields from changing rooms on the school site
- emergency facilities for accidents are very limited on an open site with no access to cover
- it is considered poor practice educationally, limiting independent development and the encouragement of a healthy life style
- cost to the LEA and impact on the budget allocations to all schools as split sites attract additional funding.

The main issue appears to be that the DfES are reluctant to fund a development, which is fundamentally bad practice as recognised by educationalists and as not meeting modern standards of education.

4.5.7 As split sites and the reuse of the existing site were discounted the report commissioned by the council examined alternative browfield sites within the 'Priority Access Zone'. This PAZ boundary had been drawn by the Council having regard to the catchment areas of neighbouring secondary schools as part of the 'West of City' reorganisation. In the search for the new school site, increased community use was a consideration in the choice of suitable locations and the search criteria was extended beyond those of normal education criteria to include:-

- Proximity to existing facilities;
- Proximity to community; and
- Accessibility - bus links in the evening.

4.5.8 The report identified 3 possible 'Non-Green Belt' locations in the York District - of these only the York Business Park was located within the Priority Access Area. Sites not within the Priority Access Area are deemed unsuitable as they would automatically increased all



forms of travel to the new facility. Furthermore, the government's Building Bulletin 98: Briefing Framework for Secondary Schools Projects (DfES) specifically requires a new school to be located within the catchment area and within its own community. In addition the York Business Park site was deemed unsuitable as the adopted policy sought to protect this site for higher value uses. Other brownfield sites within close proximity, which were discounted, included the former Northfield site, which has been sold for residential development, and Donnelley's site, which has permission for residential and mixed use.

4.5.9 The lack of brownfield sites forced a study of available green field sites. The study identified nine sites, four of which were immediately discounted on the grounds of deliverability, flood risk, accessibility in terms of linkages and sustainability and alternative allocations within the local plan. The five alternative sites were:

- A - Land to south Millfield Lane (application site)
- B - Former Civil Service Sports Ground
- C - Land south of Boroughbridge Road
- D - Land West of Northfield school
- E - Land South of Knapton

Site A - The area is not identified as an area of valuable green belt as defined by the councils 'Approach to Green Belt Appraisal' 2003. The land is located within relative proximity to Nether and Upper Poppleton and has good cycle access. The site is owned by the council and deliverable

Site B - The area is not identified as an area of valuable green belt as defined by the councils 'Approach to Green Belt Appraisal' 2003. The site is well served by public transport. The site would be capable of delivering all of the educational objectives, however, the site is not available

Site C - Again the site is not identified as an area of valuable green belt as defined by the councils 'Approach to Green Belt Appraisal' 2003 and is capable of delivering educational objectives. This site comprises a number of smaller enclosures with access needed directly off the A59. A ransom strip exists at the entrance and the owners are unwilling to sell the land believing that it would be released for housing development in the future.

Site D - The councils 'Approach to Green Belt Appraisal' 2003 identifies this area of green belt as being an important area of open farmland, particularly for maintaining the openness of the Green Belt and preventing coalescence between Knapton and the urban area of York. The site is well located for public transport links and a high number of pupils could access the site by foot or by cycle. The site is capable of delivering the educational objectives

Site E - The councils 'Approach to Green Belt Appraisal' 2003 identifies this area of green belt as being an important area of open farmland, particularly for maintaining the openness of the Green Belt and preventing coalescence between Knapton and the urban area of York. The site is further remote from the larger settlements of Nether and Upper Poppleton.

4.5.10 The information provided identified that sites A, B and C were the least constrained by Green Belt Policy and of the three sites site A has the least problems regarding deliverability.

4.5.11 The Millfield Lane site was therefore one of three suitable sites in terms of location and education capabilities. However, having regard to landownership, the Millfield Lane site was the only site deliverable in terms of landownership within the timescale required by the three schools reorganisation.

## British Sugar Site

4.5.12 Since the report by Spawforths British Sugar has announced its closure and as such had not been considered as an alternative site. The ES states that the likelihood of a considerable portion of the site being transferred from private ownership to public use within the timescale required under the current Manor CE School funding bid was considered remote. A joint statement from City of York Council, Persimmon Homes and Joseph Rowntree Housing Trust states that the site would not be available for development until 2012. The statement was released in relation to a joint housing public inquiry concerning development proposals for greenfield sites at Metcalf lane and Germany Beck.

4.5.13 Since the submission of the Manor School application, the Council continue to liaise with British Sugar with a view to drawing up a joint British Sugar Site/ Central Teardrop Area Action Plan for the Local Development Framework. It is considered that to locate a larger Manor School across the existing site, using an extended area of the British Sugar recreational site, would be regarded as being premature to the Area Action Plan. Members should be aware of the Councils successful opposition to a proposed housing development on Leeman Road where it was considered that the scheme was premature in relation to the Central Teardrop Action Plan. The application was refused by the Council and supported by the Planning Inspectorate in their decision in 2006.

4.5.14 Officers are of the opinion that the process of considering sites within the urban area prior to those within the green belt was correct. The lack of available urban sites within the PAZ has forced the applicant to consider available green belt sites. Of the nine originally listed only three appeared to be viable in terms of location within the PAZ and greenbelt allocation within the Councils 'Approach to Green Belt Appraisal' 2003. It is considered that the deliverability of the site needs to be taken into account when looking at alternative sites. Two of the remaining site were in private ownership and there was not any likelihood of them being released for the development of the proposed school. The ownership of the third site allowed for it to be delivered within the timescale required for the alterations proposed to the existing educational facilities and for provision of a new Manor CE School.

4.5.15 Whilst the search for alternative sites has been recorded in this report in brief format the supporting information submitted by the applicant and undertaken on behalf of the Development Team clearly demonstrates that the use of alternative sites has been looked at in great detail. The lack of brownfield sites and the detailed assessment of green belt sites has proven that the Millfield Lane site is the most suitable for the proposed scheme. Officers therefore consider that these are very special circumstances.

## 4.6 COMMUNITY FACILITIES

4.6.1 The proposed Manor CE School would provide considerably improved sports and community facilities over the existing school site. It would provide:

- 400 seater auditorium
- Indoor sports and activity studios
- Four floodlit tennis/netball courts
- Floodlit all weather sports pitch
- Two turfed pitches

4.6.2 Community access 'lettings' at the existing Manor School are not viable as the school has one-badminton-court size gym and no sports hall. The performing arts facilities are among the best in the City of York and yet the school is not DDA compliant. The drama studio is on the second floor with no lifts available. The school is, however, used by a church group on Sundays and as a youth centre on Friday evenings. Occasionally the school is

used for regional training conferences for various Christian Youth Teams and by the City of York Adult Learning Team. The local parish church use the school as location for Alpha courses and performing arts events by local primary schools have taken place. However, the community use of the school is limited due to its poor design, poor access and inadequate sports facilities.

4.6.3 The new school has been designed to accord with the Councils ED1 Policy, which requires new schools to be capable of a joint or dual use for community benefit. In accordance with this policy the use of the performing arts facility has been designed so as to allow easy access to the key areas on evening and at weekends. The aim of the new school hall is to create a first-class theatre space with retractable seating for an audience of 400, to be used as a venue for performing arts groups throughout the west of the City. There is already an interest in the development from the York Symphony Orchestra who would like to transfer to the new School. They would use the new School as their base for rehearsals and performances.

4.6.4 The external sports pitches would be made available to the public and sports societies through a community use agreement. This would dictate the hours, type and volume of community access to the site. The school has been designed to allow for easy access to the internal changing room facilities, which have been designed to allow for mixed gender activity and community and school use at the same time. In addition the School has signed up to becoming an extended school. The school has taken on additional staff with a view to extending school hours when new facilities are available.

4.6.5 The Council has published an "Excellent Facilities" report, which provides an annual audit on existing facilities and forecast of supply and demand for the following 10 years. With respect to sports hall provision the report acknowledges that such provision is more often associated with schools and reports an undersupply of 24 publicly accessible badminton courts in the City with the under supply being relatively even across all parts of the City. Whilst additional facilities are to be introduced into the University of York's expansion plans, the report recognises there are three secondary schools in the City without sports hall and improvements at these locations would improve community access to such new facilities.

4.6.6 Chapter 5 of the report at contains an audit of playing pitches, again to be reviewed annually with shortfall forecasts for a further 10 years. The report considers each zone of the City and identifies a widespread shortfall of pitches across the whole City area. In addition to a shortfall, the report recognises pitch quality to be an issue with many existing playing areas being blighted by; poor drainage, poor changing facilities (often only single sex changing), dog fouling and littering. Although a serious shortfall exists, the report suggests new pitches should only be created where they will cater for a growing demand and suitable infrastructure exists or can be created to manage and maintain them. With respect to the western side of York City, the shortfall is noted to be at least 7 mini soccer and 9 junior rugby pitches short in 2006 rising to 17 mini pitches, 2 junior pitches and 10 rugby pitches by 2015. Furthermore, the demand for astro turf pitches in the city far outweighs supply.

4.6.7 The location of the new school facilities are crucial for the delivery of community sport. The Council are measured by Comprehensive Performance Assessment on a percentage of the population within 20 minutes walk (in the urban area) of three different sports facilities. The proposed facilities are within 20 minutes walk of Poppleton and Beckfield Lane area and would therefore contribute to reducing car journeys to access sports facilities and meet the council targets.

4.6.8 It is considered that there is a justifiable need to provide improved community facilities, both in the form of indoor areas and outside sports pitches. The provision of these facilities would benefit the local and wider community greatly and would be a direct result of the

development of the new school. Whilst the provision of external sports facilities is considered to be an acceptable use within the green belt and does not conflict with the purpose of including land within the green belt the provision of large scale buildings does, whether they incorporate community facilities or not. However, in this instance the external sports facilities would not be provided unless the school were to be developed. It is considered that the provision of the sports and community facilities would constitute a very special circumstance to justify development.

## DESIGN IMPACT

4.7.1 The school buildings have been designed to reduce their impact upon the greenbelt location. They will be two storey with a height of 10.2 metres. The school has been separated into two distinctive buildings with undulating roofs and recesses in order to break up the bulk. The buildings are located to the eastern end of the application site, facing onto Millfield Lane. They would cover approximately 10% of the site with the remainder taken up by associated parking and vehicular routes, hard surfaced play areas and sports facilities. The applicant has stated that, subject to funding, an element of sedum green roof would be incorporated into the scheme, reducing its impact further.

4.7.2 The built form being located close to Millfield Lane reduces the impact of the scheme upon the open character of the area. Millfield Lane is already considerably subject to urban encroachment and the school buildings would not appear out of character in this setting. When viewed from the ring road the open sports pitches would be viewed giving the site a sense of rural context. Additional planting to the boundaries would mask the development from the elevated position of the ring road and mask the existing industrial units facing Millfield Lane.

## SUSTAINABILITY DESIGN

4.7.3 The scheme has been designed to take into account sustainability in line with BREEAM and are seeking a 'very good' standard. The following elements will be designed into the scheme:

### 4.7.4 Sustainable Resources:

- It is proposed to include a Biomass heat generating plant with a waste paper shredding and burning facility for use by the School and for Staff and Pupils domestic waste paper.
- The building should be an energy exemplar as required by Part L2 of the 2006 Building Regulations. This may include rain water recycling, solar/domestic hot water pre heating, solar voltaic electricity production, biomass and waste paper heat production and ground source heat extraction.

### 4.7.5 Mechanical Engineering Installations:

- Hot and cold water distributed around the building from central sources. All concealed water services pipework will be thermally insulated to minimise heat loss.
- Remote parts of the building requiring hot water will be provided with local electric water heaters.
- Cleaners stores will be provided with local electric water heaters to obviate running the main plant in holiday periods.
- Pupil and designated disabled WC facilities will have temperature controlled domestic hot water outlets.
- All sink outlets will have timed push button spray or champagne taps as water conservation features. Urinals will have presence detection flush controls as a water conservation feature.

#### 4.7.6 Heating and Lighting:

- Large volume areas will be heated by underfloor or radiant systems, each room will have independent thermostatic control.
- Groups of rooms will have timed zonal control which will allow sections of the building to be used out of hours without the need to heat the whole or larger sections of the School.
- Lighting design strategy to minimise the need for lighting - providing a combination of automatic and manual controls. The automatic controls will be able to take into account the illumination levels, the timing and whether a person/persons are present with in the space/area.
- All lighting will be low energy types ensuring only the minimum amount of energy is used when the lighting is operating.

### HIGHWAY IMPLICATIONS

4.8.1 The proposal is to construct a new 900 place secondary school to replace the existing 640 place building. The school is to be relocated from its current site on Low Poppleton Lane approximately 400m further north on Millfield Lane.

4.8.2 The application has been supported by a Transport Assessment which has assessed the potential implications arising from the increased numbers of pupils/teachers/visitors that will be generated by the new schools increased size and the new location. In addition elements of the facilities of the new school are to be opened up for community use, including the school hall which has the potential to be used as a 400 seat theatre, and as such Officers have considered the worst case scenario of such a use and are satisfied that there will be no detrimental impact on the surrounding highway network.

4.8.3 The TA identified a number of mitigation works that are required as a result of the proposal. Following lengthy negotiations with officers the applicants have agreed to provide the highway works as set out below.

1) Lowering Bollard Millfield Lane/Low Poppleton Lane - The proposed school site is located in excess of 800m from public transport stops served by a high frequency service as required by local plan policy. In order to enable the school site to be considered sustainable it is necessary for a lowering bollard to be provided at the above location. Such measures will replace the current fixed bollards and will facilitate the diversion of First service 10 resulting in the service passing the site frontage. Bus stops to the site frontage are to be provided. Officers consider that these works are critical to ensuring the sustainability of the proposed site and thus reduction in dependence on the private car. The provision of such measures will require an amendment to the existing Traffic Regulation Order, which will be subject to separate full consultation. It is considered that if the lowering bollard is not provided as part of the scheme the development would be contrary to policy T7c and as such would not be acceptable and should be recommended for refusal.

2) Pedestrian/Cycle facilities on Millfield Lane - Given the increase in numbers of pupils to the proposed school and need to travel further along Millfield Lane, the existing shared pedestrian/cycle facility on the Western side of Millfield Lane is to be widened from its present width of 2.7m to 3.5m in order to promote and encourage the existing high levels of walking/cycling to school that currently exists. The widening of this route will be carried out through a S278 Agreement and will require the relocation of a number of light columns.

3) Pedestrian facilities on Low Poppleton Lane - As the proposed school site is on the Western side of Low Poppleton Lane it is likely that pupils walking to school will use the

Western side of Low Poppleton Lane instead of the Eastern side. As such the footway on the Western side of Low Poppleton lane is to be widened to 2m.

4) Pedestrian/Cycle facilities on Beckfield Lane - The existing footway on the Western side of Beckfield Lane is to be widened to 3.5m to provide a shared pedestrian/cycle facility for a length of approximately 70m on the approach to its junction with Boroughbridge Road. This will be provided by utilising existing vehicular crossings and widening the sections adjacent to the grass verge.

5) Crossing facilities on Boroughbridge Road - Funding of £30k is to be provided to implement a crossing facility on Boroughbridge road in the vicinity of the Low Poppleton Lane junction. This is likely to take the form of a Toucan crossing but details have not been formalised.

6) School Safety Zone - Access to the new school is to be from Millfield Lane via a new kerbed entrance. In order to provide a safe means of access the immediate site frontage will have a school safety zone, in accordance with the councils approach at other schools around the city. The SSZ will consist of vertical and horizontal traffic calming measures, a 20mph speed restriction and relevant Traffic Orders. The existing speed limit on Millfield Lane from the A1237 roundabout to Low Poppleton Lane is to be reduced to 30mph outside of the school safety zone.

4.8.4 Adjacent to the site frontage 2 new bus stops, which will serve the site, are to be provided. The stops are to be provided with easy access kerbs, shelters and BLISS (Bus Location Information Sub System) displays. Dedicated segregated access for those arriving by foot/cycle has been provided to the North and South of the site frontage, which will reduce the potential conflicts between motorised and non motorised highway users. Car Parking has been provided in accordance with CYC Annex E maximum standards. Cycle parking has been indicated however officers feel there is further scope to improve the layout/design of the facilities and as such a condition is recommended.

4.8.5 It is considered that the provision of the above mentioned works are vital in delivering a scheme which will promote green forms of transports and reduce dependence on the private vehicle. Comments received for members of the public question the need for the rising bollard and state that only 34 pupils travel to school by bus. However, the increased size of the school and the higher proportion of local pupils would see this number increase.

4.8.6 In conclusion the scheme accords with transport policy in terms of parking standards and the internal access arrangements of the site. In order to recommend the application for approval in highway terms a number of off site provisions are required to aid travel to the school other than the independent car. The main implication is the provision of a regular bus service past the front of the site. In order to facilitate this a rising bollard is proposed to the Low Poppleton Lane/Millfield Lane junction. This will be funded by the applicant and will be subject to a separate traffic regulation order in consultation with nearby residential properties.

## RECENT APPEAL DECISION

4.9.1 In deciding the application members should be aware of a called in application decision made in December 2006 for a similar scheme at Epping in Essex. This application sought permission for a replacement secondary school with associated facilities which would be sited within the existing schools playing fields and would be located completely within the green belt. The scheme also sought permission for the erection of dwellings on the site of the existing school which would be partially within the greenbelt. In considering the appeal the following criteria were look at:

- The need to replace the school which was in a poor condition and poorly designed as originally built in 1961
- Financial considerations; the existing school site would be sold for housing and would provide the funding for the current scheme. If funding were available to build the school of the existing site concerns are raised that temporary accommodation would need to be provided which would be highly disruptive and difficult to provide specialist equipment for science.
- Other benefits; non-educational benefits including improved playing field facilities with better changing facilities for the community

4.9.2 The report states that the location of the new school is within the green belt, but on existing playing fields as opposed to the open countryside. It was agreed that the scheme represented inappropriate development. In assessing the scheme the inspector took count of the very special circumstances including the need to replace the existing school, the gain to the community in having its own efficient secondary school and the proposed public open space and the lack of alternative sites. (The inspector noted that the a site is only an 'alternative' site if it is viable.)

4.9.3 The Secretary of State agreed with the Inspector in his conclusions and stated:

'The impact upon visual amenity of the Green Belt would be adverse but this would be mitigated by the proposed siting and planting, whilst the provision of public open space to enhance the access to this and other open land and would contribute positively to Green Belt objectives.'

' The SoS agrees with the Inspector that there are obvious flaws in the original design and construction of the existing school buildings, with particular regard to their inconvenient layout, and to the choice of materials and construction techniques; and that these could not be rectified by ordinary maintenance work.'

'The SoS notes that, with the Green Belt wrapped tightly around Epping, no other options have been proposed for an alternative location for a replacement school. She agrees with the Inspector that, even were a new site to be found at another settlement, it would entail long journeys by students living in Epping and would diminish the prospects for community use by Epping residents . . . It is also agreed that the proposed development would not significantly disrupt education in the existing school premises and would avoid the expense of decanting the school into alternative premises.'

The final statement on the impact upon the Green Belt is as follows:

'The SoS agrees with the Inspector's conclusion that the urgent need to replace the present school building, together with the associated community and public recreational benefits do provide very special circumstances which outweigh the harm that the proposed school building would cause to the Green Belt and the countryside by reason of inappropriateness, loss of openness, and all other identified harm.'

## **5.0 CONCLUSION**

5.1.1 The application site is located within the York Green Belt. It is considered that the school buildings are inappropriate development and by definition cause harm to the openness and visual amenity of the area. However, mitigation measures have been proposed to reduce this impact of the buildings. In assessing the application the very special circumstances to justify the inappropriate development were considered, being:

**Educational Need:** Local Authorities are required by the Audit Commission to keep surplus capacity under review and to ensure that the surplus of school places match demand. A report commissioned identifies that a fall in pupil numbers will arise. Options were put forward to identify a solution and the erection of the new Manor CE School was the preferred option. This took account of the existing schools within the locality, the poor condition of the existing Manor CE School, problems which would arise of retaining the existing schools as present and problems of merging Lowfield and Oakland schools only.

**Alternative Sites:** Extensive information has been submitted to support the application in relation to the search for alternative sites. No brownfield sites were identified within the PAZ, which were available and capable of accommodating the proposed school. A search of green belt site took place and assessed in detail, with the Millfield Lane site being the most appropriate. Officers consider that the process undertaken by the applicant was correct and the lack of alternative site is considered to be a very special circumstance.

**Community Facilities:** The new school would provide greatly improved community facilities including a 400 seater auditorium, indoor sports hall, all weather floodlit pitches and turfed pitches. The changing rooms would allow for the facilities to be used by mixed genders at the same time. Provision of outdoor sports facilities within the west side of York are inadequate and the demand for astro turf pitches in the City outweighs supply. Furthermore, the facilities are easily accessible from the densely populated areas of Poppleton and Beckfield Lane. In referring the Epping SoS decision great emphasis was placed on the improved community facilities and as such Officers consider them to be very special circumstances.

5.1.2 It is considered that the urgent need to provide a new secondary school together with the associated community benefits and the lack of alternative sites constitute very special circumstances which outweigh the harm that the proposed school building would cause to the green belt by reason of inappropriateness and loss of openness and all other identified harm.

5.1.3 Officers therefore recommend approval, subject to referral to the Secretary of State.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve after referral to Sec. of State

1 TIME2

2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

Plan number 041233/101 received 31st October 2006  
Plan number 041233/101E received 12th January 2007  
Plan number 041233/102 received 17th October 2006  
Plan number 041233/103skl received 25th January 2007  
Plan number 041233/104 received 17th October 2006  
Plan number 041233/105 received 17th October 2006  
Plan number 041233/1010 received 17th October 2006

Plan number 4210-004 Rev A received 11th January 2007  
Plan number 4210-05 received 11th January 2007  
Plan number 4210-06 received 11th January 2007



or any plans or details subsequently agreed in writing by the Local Planning Authority as an 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.

3 VISQ8

- 4 During the development of the site, all demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays	

Reason: To protect the amenity of occupants of adjacent and adjoining properties during the development of the site.

- 5 The internal areas of the site shall be used between the hours of 08:00 and 22:00 Monday to Friday and 09:00 to 21:00 Saturday and Sunday. The external hardsurface courts and all weather pitches shall be used between the hours of 08:00 and 22:00 Monday to Friday and 09:00 to 21:00 Saturday and Sunday. The remaining pitches shall be used between the hours of 08:00 and 22:00 Monday to Friday and 10:00 to 18:00 Saturday and Sunday.

Reason: to protect the local residents from undue noise and disturbance late at night and at weekends.

6 ARCH2

- 7 The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 and to the satisfaction of the Approving Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained

Reason: In the interests of the satisfactory drainage of the site.

8 LAND1

- 9 Prior to the development hereby approved coming into use details of the illumination of the sports pitch and tennis courts on the site shall be submitted to and approved in writing by the Local Planning Authority and the agreed scheme implemented and maintained on site.

Reason: To protect the living conditions of the nearby residential properties and to prevent light pollution.

- 10 Prior to the development hereby approved coming into use details of any scheme for illumination of all external areas of the site shall be submitted to and approved in writing by the Local Planning Authority and the agreed scheme implemented on site.

Reason: To protect the living conditions of the nearby residential properties and to prevent light pollution.

- 11 The developer shall aim to achieve a BREEAM "very good" assessment standard for the development. Before the commencement of work on site the developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and which standard this relates to. Where this does not meet at least a 'very good' standard then the developer must demonstrate what changes will be made to the development to achieve at least 'very good'.

Reason: To achieve a sustainable development

- 12 Prior to the commencement of work on site the following details shall be submitted to and approved in writing by the local planning authority:

The evaluation and proposals for the heating and ventilation of the building, including the consideration of Biomass boiler,

The evaluation and proposals for renewable energy generation technologies to be used in the development,

The evaluation and proposals for the use of rainwater harvesting in the development,

Details of the contractor specification which should include a commitment to

Considerate Constructors and Site Waste Plans

Reason: In order to achieve a sustainable development

- 13 HT1

- 15 HWAY8

- 16 HWAY10

- 17 HWAY14

- 18 HWAY18

- 19 HWAY19

- 20 HWAY21

- 21 HWAY23

- 22 HWAY31

- 23 HWAY40

- 24 HWAY41

- 25 The development hereby permitted shall not come into use until the following 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 details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same:

Widening of the footway on Beckfield Lane to a maximum of 3.5 metres to provide a shared pedestrian/cycle route

Provision of a 2 metre wide maximum footway to the western side of Low Poppleton Lane

Widening of the footway to Millfield Lane to a maximum of 3.5 metres to provide a shared pedestrian/cycle route

Implementation of a school safety zone and associated works as shown indicatively on drawing 4210-004 Rev A

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

- 26 No works shall commence on site in connection with the development hereby permitted until the following 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 details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Provision of a lowering bollard (or other means) and any associated works to facilitate public transport only access between Millfield Lane from Low Poppleton Lane

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

- 27 A site investigation including the potential for migration of landfill gas on to the site shall be undertaken based upon the findings of the desk study dated July 2006 report no. 9261/1 submitted as part of the application by Encia Consulting Limited. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on site.

reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of structural components and any proposed underground services.

- 28 A risk based remedial strategy shall be developed based upon the findings of the site investigation. This remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s). It shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site.

Reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of structural components and any proposed underground services.

- 29 A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

Reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of structural components and any proposed underground services.

- 30 Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any

remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development on site.

Reason: To protect the health and safety of workers on site, future occupiers of the site and the integrity of structural components and any proposed underground services.

- 31 A timetable of proposed remedial works shall be submitted to the local planning authority prior to any works being undertaken on site.

Reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of structural components and any proposed underground services.

- 32 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum ( $L_{Amax}(f)$ ) and average sound levels ( $L_{Aeq}$ ), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: to protect the local residents from undue noise and disturbance.

- 33 There shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the local residents.

- 34 Details of an acoustic noise barrier to protect the residential properties on the north-eastern and south-western boundary shall be submitted to and approved in writing by the local planning authority. These details shall include the construction of, height, thickness, acoustic properties and the exact position of the barrier. The barrier shall be erected in accordance with the approval before the use hereby permitted first comes into use and maintained thereafter.

Reason: to protect the amenity of the local residents.

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

Reason: To protect the amenity of occupants of adjacent and adjoining properties during the development of the site.

- 36 Prior to the commencement of use a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority and the approved Agreement shall be implemented no later than the opening of the new school. The Agreement shall address the nature of the use, hours of availability, management, pricing structure, access to changing accommodation, and shall include a mechanism for review.

Reason: To promote the communal use of facilities, in accordance with draft Local Plan Policy C1.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

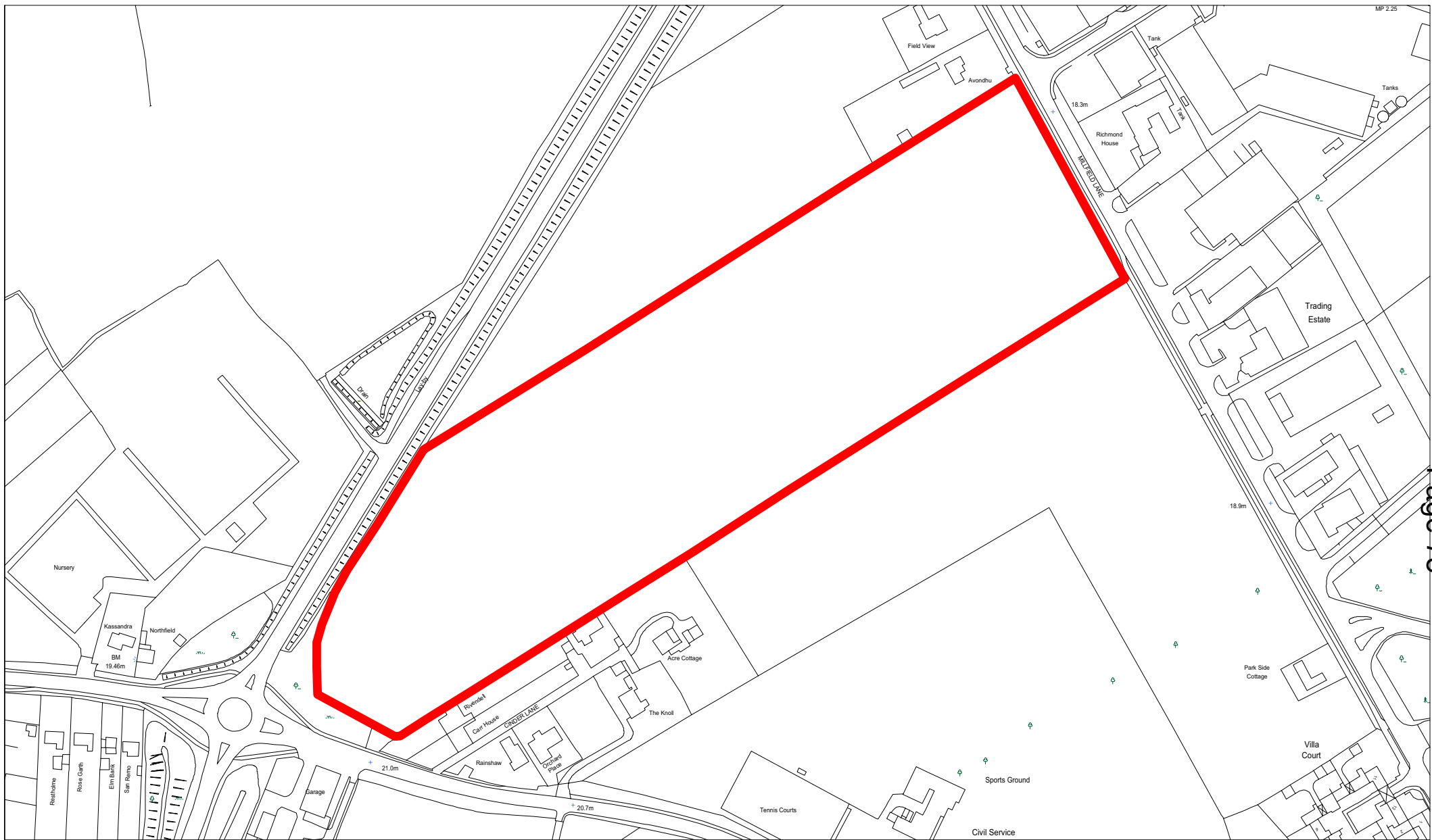
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the openness or setting of the green belt, the purpose of including land within the green belt, highway implications, residential amenity, nature conservation, landscape value, design and sustainability. As such the proposal complies with Policies R1, R9, E2, E8, E8a and E9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies SP2, SP6, GP1, GP3, GP9, GP11, GP13, GP14, NE1, GB1, GB13, T7c, T13a, T20, and ED1 of the City of York Local Plan Deposit Draft.

#### **Contact details:**

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**Tel No:** 01904 551668

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9, St. Leonards Place, York, YO1 2ET  
 Telephone: 01904 613161

Site Plan : Proposed Manor School Millfield Lane 06/2200/GRG3

SCALE: 1:3000      DRAWN BY: JB  
 Originating Group: Project  
 Organisation:   
 DATE 12/2/2007  
 Drawing No. HF 1



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**COMMITTEE REPORT**

**Committee:** Planning Committee                      **Ward:** Acomb  
**Date:** 22 February 2007                              **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 cerate 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 ro 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.

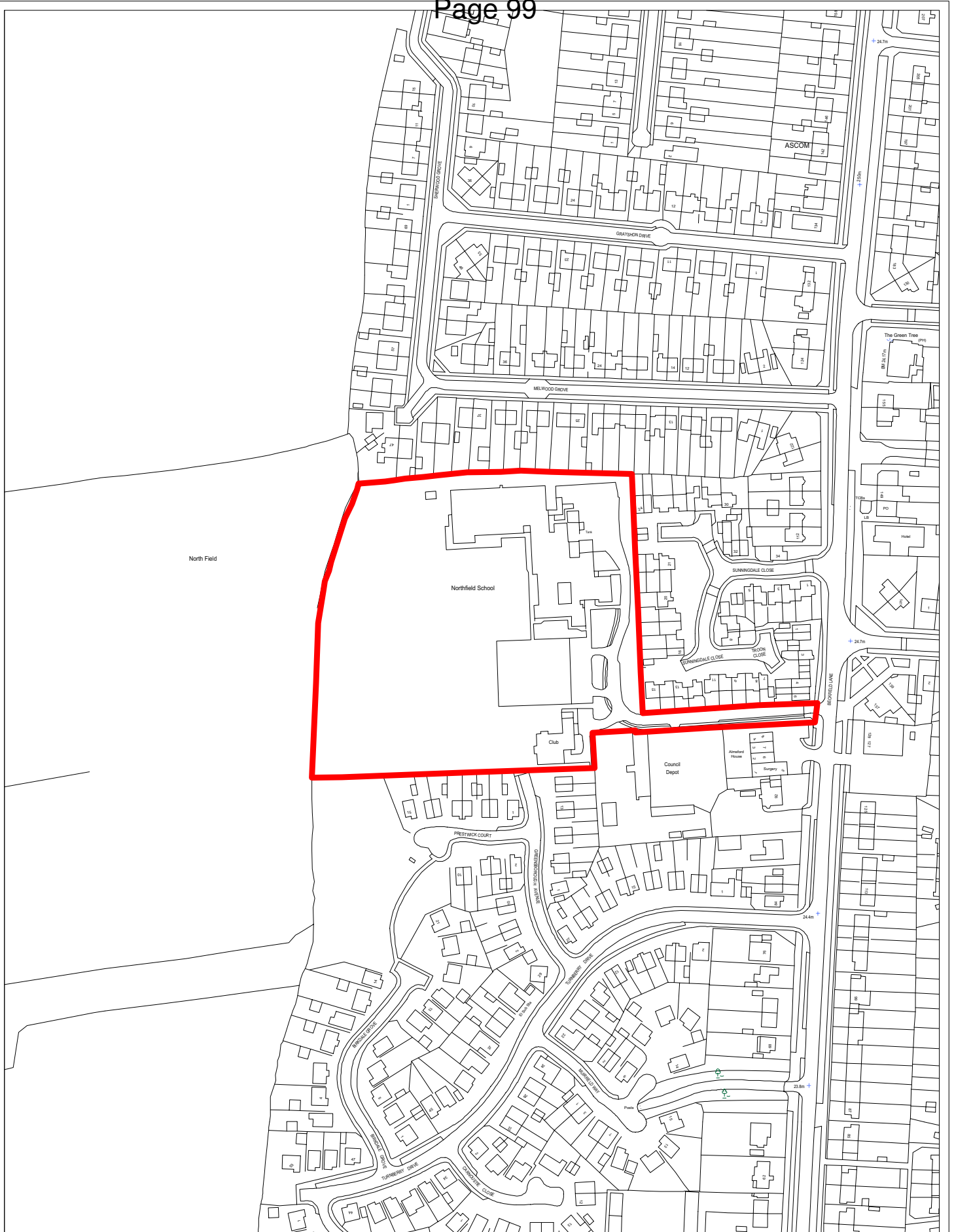
#### 4. REASON FOR APPROVAL

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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**Tel No:** 01904 551610

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**Site Plan : Beckfield Lane**

**06/02779**



SCALE 1:2500

DRAWN BY JB

DATE 12/2/2007

Originating Group

Project

Drawing No.

Organisation

**HF 2**

9, St. Leonards Place, York, YO1 2ET  
Telephone: 01904 613161

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