

COMMITTEE REPORT

Date: 21 February 2019 **Ward:** Rural West York
Team: Major and **Parish:** Skelton Parish Council
Commercial Team

Reference: 18/01558/REMM
Application at: Former Del Monte Site Skelton Park Trading Estate Shipton Road Skelton York
For: Erection of 77 no. dwellings, areas of open space, access road and associated infrastructure pursuant to outline approval 14/01478/OUTM.
By: Mr Tate
Application Type: Major Reserved Matters Application (13w)
Target Date: 28 February 2019
Recommendation: Approval subject to the variation of the S106 legal agreement

1.0 PROPOSAL

1.1 The application seeks approval of reserved matters for appearance, landscaping, layout and scale of the site for residential use. Outline planning permission (14/01478/OUTM) was approved by committee (19.03.2015) subject to the signing of the legal agreement. The decision notice for the outline planning permission was issued 09.03.2016.

1.2 The site has previously been used as a factory, which was demolished in 2014. The site is within the Skelton settlement envelope in the Proposals Maps for the Development Control Local Plan (2005) and the Draft Local Plan (2018), it is sited to the west of the A19, with the rest of the village sited to the east of Shipton Road.

1.3 The applicant has the land to the west of this site in their ownership, and this is within the general extent of the greenbelt. An application has been submitted by the applicant for the change of use of this adjacent land to public open space (18/02583/FUL) in association with this application. The land to the north is used as a golf course. The land to the south and east is housing, and land to the south and west are fields. The proposed site (within the red line) is 2.29 hectares. There is a pond within the site, adjacent to the A19; this is shown as being retained. The site is within Flood Zone 1, it is not within a conservation area, and there are no listed buildings in close proximity.

1.4 The outline planning permission is subject to a legal agreement requiring the provision of affordable housing, formal children's play space and amenity space within the red line of the application, together with contributions towards off site sports provide and education contributions. The formulas of these are set out in the legal agreement together with the details of the quality of the required children's play space and amenity space.

1.5 During the application process revised plans and information have been submitted which alterations to the layout, and the landscaping. The revised plans have undergone a further round of consultation, which ended on 07.02.2019.

1.6 The site was subject to a request for a Screening Opinion under Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (14/00330/EIASN). It was concluded that an Environmental Impact Assessment was not required. Since that time the EIA regulations have altered. The proposed development does not comprise 'Schedule 1' development. The proposed development is however of a type listed at 10 (b) in column 1 of Schedule 2 (Urban Development Projects) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposed development does not meet the applicable thresholds and criteria. It is the view of Officers that the proposed site is not within or adjacent to an environmentally sensitive area (as specified in the regulations) and taking into account the characteristics of the proposed development, the location of the development, and characteristics of the potential impact and the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment is not required.

2.0 POLICY CONTEXT

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005:

- CYGP1 Design
- CYGP3 Planning against crime
- CYGP9 Landscaping
- CYNE1 Trees, woodlands, hedgerows
- CYNE2 Rivers and Stream Corridors, Ponds and Wetland Habitats
- CYNE3 Water protection
- CYNE7 Habitat protection and creation
- CYT4 Cycle parking standards
- CYH2A Affordable Housing
- CYH3C Mix of Dwellings on Housing Site
- CYH5A Residential Density
- CYL1C Provision of New Open Space in Development

2.2 The Publication Draft City of York Local Plan ('2018 Draft Plan')

- H2 Density of Residential Development
- H10 Affordable Housing
- D1 Place making
- D2 Landscape and Setting
- GI4 Trees and Hedgerows
- ENV2 Managing Environmental Quality

2.3 Please see the Appraisal Section (4.0) for national and local policy context.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No objections to the scheme, the design of the internal layout is acceptable from a highways perspective. The applicant has demonstrated with sufficient technical details to prove the access and street design is appropriate for the level of development. The design incorporates footway along the initial section of access road and then changes to that of a shared surface. The traffic speed will be less than 20mph in the main and this environment will be safe for pedestrians to mix with other traffic. The form of street hierarchy has been in existence across the city for over two decades.

3.2 Parking is provided in line with council maximum standards, indeed most plots have more spaces if factoring in the garage provision. Additional space for visitor parking has now been incorporated into the layout to seek to manage any extra/transient demand for parking. Bin collection points have been shown, which will be utilised on refuse collection days. The applicant has demonstrated that a refuse wagon will be able to access and turn at appropriate locations.

3.3 Increase in dwelling numbers would not make a material change to the agreed A19 works.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (DESIGN AND SUSTAINABILITY MANAGER)

3.4 Comments will be reported at committee.

3.5 For the original scheme concerns were raised regarding: design; lack of consideration to the green spaces and pedestrian routes; design does not account for the isolated nature of the site

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT)

3.6 Comments will be reported at committee.

3.7 For the original scheme concerns were raised regarding lack of consideration between the proposed dwellings and existing trees, further separation is required with the trees and pond; New large-species trees should be incorporated into the western boundary and be compatible with housing at full maturity; needs to be greater provision of general amenity space within the site boundary; The LEAP

should be better connected to areas of general amenity, and perform better in giving the development a sense of place.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY OFFICER) - Comments to original scheme

3.8 An updated ecology survey was undertaken in February 2018 and found the site to be largely unchanged from 2014; predominantly of low ecological value apart from the existing pond at the front (east) of the site and the boundary trees. An updated great crested newt survey undertaken in April 2018 by eDNA method has confirmed the continued likely absence of this species. One tree marked for removal; T1 a Weeping Willow, was assessed as having low bat roosting potential and standard precautionary felling methods area recommended.

3.9 The majority of the boundary trees will be retained which is supported, although there is potential for the trees to come under pressure for removal due to their proximity to housing (e.g. shading, issues with leaf litter, perceived safety).

3.10 The National Planning Policy Framework (2018) states that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity. The proposed landscaping scheme includes limited areas of wildflower grassland seeding around the existing pond and along verges connecting to the LEAP area of public open space. Whilst gardens can make a contribution to local biodiversity there is no control over how they are managed, so can not be viewed as a benefit.

3.11 There is an opportunity to provide enhancements through the inclusion of integral bat and bird boxes in the new houses.

3.12 There are no ecological grounds for refusal. If this application were approved the following should be considered to enhance the quality of development and mitigate any potential adverse impacts; bat and bird accommodation within design of dwellings; permeable fencing for hedgehogs

FLOOD RISK MANAGEMENT TEAM

3.13 No objections, drainage condition on the outline planning permission

PUBLIC PROTECTION

3.14 The noise information submitted by the application is considered to be acceptable, no objections provided the noise mitigation measures are implemented.

3.15 Lighting, construction noise and dust and electric vehicle charging have previously been considered at the outline stage and conditions 17, 21, 22 and 23 of

14/01478/OUTM cover the requirements therefore no further conditions are recommended in relation to this application.

PUBLIC REALM

3.16 No objections to revised scheme

FORWARD PLANNING

3.17 Given the advanced stage of the Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the Framework, advise that the policy requirements of emerging Plan policies SS1, H1, H2, H3 and H10 should be applied with moderate weight.

3.18 The site forms part of the emerging Local Plan's submitted 5 year housing supply. The proposed development therefore accords with the Local Plan's approach to housing delivery. In the submitted housing trajectory, the site is included as part of projected housing supply, having completions in years 4 and 5 of the plan (2020/21 & 2021/22). The submitted SHLAA (2018) shows that the Plan provides for a 6.38 year supply of sites, based on 2017 as the opening year of the Plan. Whilst the Local Plan is yet to be examined, it is considered that the emerging Plan and its evidence base demonstrate an NPPF compliant 5 yr housing land supply.

3.19 The application shows a net density of around 34 dph (including the pond and childrens play space), which accords with H2.

3.20 The SHMA states that the need for affordable housing of different sizes will vary by area (at a more localised level) area and over time. In considering the mix of homes to be provided within specific development schemes, the SHMA indicates that *the information presented should be brought together with details of households currently on the Housing Register in the local area and the stock and turnover of existing properties*. In the market sector, paragraph 9.28 of the SHMA concludes that a profile of housing that *closely* matches the outputs of the modelling is suggested. The recommendations take some account of the time period used for the modelling and the fact that the full impact of the ageing population will not be experienced in the short-term. In addition, as noted earlier, current constraints on mortgage finance is likely to suppress demand for smaller units in the short-term (particularly those which would normally have high demand from first-time buyers).

3.21 The SHMA (June 2016) estimates that broadly, the greatest need for market housing is in 2-bed and 3-bed homes, and 1-bed and 2-bed homes in the affordable sector. As such, against this evidence, the application is over reliant on providing 4-bed homes.

3.22 The proposals do broadly adhere to the SHMA recommendations and will offer

a broad mix of housing across the site. The proposal is slightly over providing for the larger 4 bed dwellings in relation to the market need and it would be preferable to see a more balanced mix with the provision of more 2 and 3 bed accommodation.

3.23 In relation to the housing mix proposed for the affordable housing element, it is recommended that colleagues in housing are consulted to establish if there are any details of households currently on the Housing Register in the local area and the stock and turnover of existing properties which may support a different mix of housing for the affordable element of the proposals.

HOUSING STRATEGY AND DEVELOPMENT

3.24 The proposed layout for application 18/01558/REMM complies with key provisions of the affordable housing obligations in the Section 106 agreement for the Outline application 14/01478/OUTM by providing 20% of the total as affordable housing

3.25 The proposal to provide 15 of the 77 dwellings as affordable housing meets the requirement of the S106 to provide 20% of the dwellings as affordable, with an additional commuted sum to be provided equivalent to 0.4 of the difference between market value and transfer value of an affordable property. The tenure will be split between 70% Social Rented and 30% Discount Sale.

3.26 The S106 requires a pro rata provision of different house types as affordable housing, unless the council agrees otherwise. The proposed development comprises 79% 3 and 4 bedroom homes. Although affordable housing is needed across all house types and sizes the priority need is for 1, 2 and 3 bedroom homes. This is evidenced in the council's 2016 strategic housing market assessment (SHMA) and also the council's social housing allocation system. Need is measured by the number of "bids" (expressions of interest with a commitment to occupy) different house types attract on average. More bids indicate a higher need from households registered on the council's allocations system. There are significantly more bids for 1 and 2 bedroomed properties.

3.27 The majority of affordable dwellings in the proposed mix are of smaller house types, and these meet the priority need for affordable housing types within York. On balance this is considered acceptable. However, the proposed layout of the development and the fact 87% of the private market homes are three and four bedroom houses means there is an imbalance of house types across the site and this also limits the degree of integration of the affordable housing with the larger private market homes.

3.28 The other requirements of the Section 106 agreement Schedule will need to be met in order for agreement of an Affordable Housing Scheme including pepper potting and distribution of the two affordable housing tenures throughout the site.

3.29 The proposed layout does not meet the aims of the Policy H3 of the council's Local Plan submitted to the Secretary of State in May 2018. This has an impact on the affordable housing mix and layout as required by the previous Outline application Section 106 agreement (noted above). The mix of house types should meet the need identified in the council's 2016 Strategic Housing Market Assessment (SHMA), taking into account the context of each individual site. 4+ bed houses (33.7% of the total as proposed) and 3 bed houses (45.5% proposed) are over-provided by comparison to identified needs, and 2 bed houses under-provided (15.6% proposed). This also has an impact on the integration of affordable housing within the overall layout.

EDUCATION PLANNING OFFICER

3.30 No comments received

WASTE SERVICES

3.31 No comments received

PUBLIC HEALTH

3.32 The development does not appear to have well connected walking and cycling routes around the development or to key facilities that residents would need to access. Plans that encourage social interaction in attractive streets are important. Circular walks and cycle routes support this and this development is a series of cul-de-sacs which promote more insular living and reduce the opportunity for social interaction.

3.33 Without the public open space to the west of the development there is not enough open space within the development. The creation of 'green corridors' that physically link the open countryside and areas of open space create the feeling of wellbeing and connectivity to the environment.

3.34 Ideally like all homes to have 'vista's' through the development to green and open space.

3.35 The public open space in the centre of this development is not overlooked. There is also no reason to go there – no play equipment, benches etc. Likewise the existing pond area. Require additional information on what are the developer's plans for making these areas accessible to all and encourage people of all ages to engage in physical activity.

3.36 Request that cycle storage is provided for all homes.

3.37 Question whether there is a sufficient mix of different types of dwellings (Elderly person accommodation, retirement homes, starter homes, affordable

homes). Affordable homes seem to be in two main areas of the development rather than spread throughout the development. 88% of the buildings are 3 or 4 bedroom homes (not including the affordable homes) over 2 to 2.5 storeys. The Rural West Ward Profile shows that people in this ward tend to be better educated and higher earners than the York average population however the areas of concern are: Emergency hospital admissions for injuries resulting from a fall (over 645); Social isolation; This ward has a higher proportion of older adults living within it than the York average; Has low numbers of 20 – 40 year olds living within it.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

SKELTON PARISH COUNCIL

3.38 Object. Wishes to reiterate its serious concerns about the road layout for the proposed development of 77 no. dwellings. The number of houses now proposed is significantly higher than the number allowed by the outline permission and this increase would exacerbate the traffic issues. The Parish Council is concerned that the road layout will be detrimental to the safety of pedestrians and other users.

3.39 Concerned there has been limited consultation for the road layout plans, Changes to the flawed road layout as agreed at the outline stage would be desirable. The Parish Council considers it essential that the local community is consulted now, before consent is considered, even if the LPA considers it acceptable for the changes to be made through S278. The works to the A19 will be contrary to Design Guideline 6 of the Skelton Village Design Statement. Would like to see detailed offsite linkages for pedestrians and cyclists to be developed in consultation with Skelton's residents. There does not seem to be an up to date travel plan that forecasts off site travel movements by pedestrians, cyclists and vehicles. In order to provide a cohesive village community, the Parish Council considers it essential that safe routes to school are provided and the safety of pedestrians and cyclists is guaranteed. Request that they now provide an information and consultation event in Skelton

3.40 The proposed development by virtue of the increase in housing numbers does not fall within the scope of the outline planning permission. The increase in housing numbers will add to additional traffic impact, visual impact through the loss of trees over time and the lack of local play provision and other amenities. The additional housing is too close to the pond and the A19, and existing trees, there would be limited open space within the red line.

3.41 Although Skelton Parish Council welcomes the offer of recreational space outside the red line, it is concerned that this is a separate application. The increase in density leads to a lack of open space within the red line for the revised plans for this development proposal. The Council also objects to the fact that there is no play area for children within the red line.

3.42 Would result in harm to the green belt

3.43 Insufficient affordable housing has been provided. The affordable housing has not been pepper potted through the site. The affordable housing mix is not acceptable, the provision is not balanced against the open market housing and there are less affordable family housing than expected and more 3 bed dwellings. Concerned that the timber fencing would be prominent through the development, notably plots 73, 18, 24, and 44. There does not appear to be boundary treatment design submitted

3.44 Air quality monitoring took place in 2014, a more up to date survey should be submitted.

POLICE ARCHITECTURAL LIAISON OFFICER

3.45 Crime and anti-social behaviour levels within the vicinity are considered to be low level.

3.46 Where parking provision is at the rear of a property, to enable surveillance from within the dwelling it serves, the boundary treatment should be visually permeable. This could be achieved by having close boarded fencing or a wall to a height of between 1m – 1.5m, topped with trellis or railings, to create an overall height of 1.8m (plots 19, 20, 21, and 22)

3.47 The central open space: In a residential setting the provision of seating tends to become a gathering place in the evening and can lead to anti-social behaviour such as littering, noise and damage. It is recommended that they be removed.

ENVIRONMENT AGENCY

3.48 No comments

YORKSHIRE WATER

3.49 The application will increase the impermeable area to the site. Therefore, the applicant should ensure that any existing or proposed surface water discharge system has adequate capacity for any increase in surface water run-off to the site.

KYLE AND UPPER OUSE INTERNAL DRAINAGE BOARD

3.50 The application will increase the impermeable area to the site. Therefore, the applicant should ensure that any existing or proposed surface water discharge system has adequate capacity for any increase in surface water run-off to the site. If planning permission is granted request that an adequate surface water drainage scheme is required and that if water is to be discharged to a watercourse then it should be restricted to 1.4 litres per second per hectare or Greenfield runoff. There

should be no obstructions within 9 metres of the edge of a watercourse without permission from the IDB

NORTHERN POWERGRID

3.51 No comments received

NATIONAL GRID

3.52 No comments received

SKELTON VILLAGE TRUST

3.53 This increase changes the statistical basis of the A19 traffic access and pedestrian crossing proposals. There will be a 30% increase in vehicle movements and in pedestrians/cyclists traversing two separate carriageways of the A19, with no signalled crossing. At busy times many of the pedestrians are likely to be school children. A full reappraisal of traffic and safe people movement is required. Do not consider that application falls within the scope outline planning permission

3.54 There is a high likelihood of the Del Monte development being an enclave - lacking its own services - rather than integrated into Skelton. Access and crossing provision must have safety and facilitating social cohesion as priorities. The proposed numerical increase will only exacerbate the inadequacies of the present scheme which requires substantial revision

3.55 A proposed speed limit of 40mph is not acceptable on a road which will be passing through the residential area of Skelton. The proposed development will disadvantage current Skelton residents in terms of vehicle egress and access.

3.56 Understand that a development in excess of 60 dwellings cannot be undertaken without either a variation to the existing permission or a new planning permission being obtained

3.57 The developers' contractors have started site clearance in violation of the conditions attached to the Outline permission. This should give rise to sanction.

HIGHWAYS ENGLAND

3.58 No objections

PUBLICITY AND NEIGHBOUR NOTIFICATION

SKELTON CP SCHOOL

3.59 Support the application. In order to sustain and grow the school, need to increase pupil numbers in an area of York where there is currently over supply of primary school places. This development should provide an opportunity for the school to do so and would help to secure the school's long term success and availability for village children and those from further afield.

3.60 Have concerns over the road layout and the level of traffic travelling at high speeds. Safety must be made a priority and hope that the speed limit would be significantly restricted and that there will be a safe crossing place.

CYCLING UK

3.61 A Transport Assessment has not been submitted. The existing pedestrian crossing of the A19, plus the footpath connecting to it from the site access by Fairfield cottages, should be upgraded for shared cyclist/pedestrian use. This will enable cycle owners living in the new development, to more easily cross the A19 and access local services in Skelton, plus make commuting, school and utility journeys towards York. The option of a cycle and pedestrian link from the development to the Sustrans route, might usefully be explored and if feasible could be sought via developer contribution.

3.62 Four Representations of objection to the revised scheme:

- Concerned regarding that the access and egress of the application site to the A19 and the considered that the 50mph speed limit is too high. The objector has put in an application to reduce the speed limit and would like this considered by the council (Sustainable Transport Services advise that an Order has been made to reduce the speed limit in the area of the development to 40 mph and will be implemented when the works (subject of the outline planning permission) to the A19 are undertaken)
- Object to the stopping of a right turn from Fairfields Drive on to the A19
- Concerned they will be safety issues on St Giles Road from increased traffic.
- Would involve traffic being directed past the primary school and the village hall
- Proposed development does not fall within the scope of the outline planning permission
- Concerned regarding the size of the proposed trees and the impact on light to Fairfield Cottages
- Concerned regarding the dropping of the kerbs for the footpath the road slopes significantly from the A19 and heavy rain causes the area to flood as the drain cannot contain the flow of water and we are concerned of water ingress to the property.

3.63 Two representations of support to the original scheme:

- There is a housing need, and this is the use of brownfield sites is supported
- The current speed limit on the A19 is too high, and the housing development allows a review to the speed limit

3.64 Twelve representations of objection to the original scheme:

- The speed of the A19 should be reduced to 30mph or 40mph
- The foul water system would be unable to cope with the increase dwellings, there is an existing issue
- The density of development is too high
- Concerned that the highway alterations to the A19, there will still be safety issues to pedestrians crossing the road. Reducing the speed will cause more traffic congestion
- Concerned that if the northbound turn from Fairfields Drive is not maintained traffic will travel through the village to access the A19
- A footbridge is required
- The noise assessment with the original planning application recommended a 2 metre high fence along the road side elevation, many existing dwelling in Skelton are closer to the road, request that a similar fence is provided for existing Skelton residents
- The A19 is already congested, the proposed development will exacerbate the issues, the A19 should become a dual carriageway
- A roundabout or traffic lights should be introduced
- Traffic lights are required
- The proposals to narrow the carriageways and create landscaped traffic islands will not be sufficient for vehicle and pedestrian safety. The landscaping would obstruct drivers views of traffic and pedestrians
- The application refers to 78 dwellings which would not be in accordance with the planning permission approved in 2016 which permitted up to 60 dwellings on the site
- Consideration would also need to be given at this stage to the mitigation required to ensure that 78 houses do not have a severe impact on the highway or impact on road safety and the content of the legal agreement may need to be amended.
- The Council has duty to screen any subsequent planning applications for this site and, given the increase in dwellings now proposed, satisfy themselves that an EIA is still not required.
- Work has already commenced on site.
- The owners of the adjacent golf club have concerns regarding health and safety issues and site security once the site has been developed, a substantial boundary is requested
- Will impact on bus timetables
- The decision made by planning committee on 19th March 2015 was dangerous and should be re-assessed

- There would be an increase in noise, vibration and pollution to the dwellings of Grange Close and Park Close due to acceleration lane becoming the main carriage way
- There will be an increase of pupils walking / cycling to Manor School and Vale of York Academy and a safe route along the A19 is needed.

3.65 Seven Representations of comments to the original scheme:

- Fairfield Cottages are in close proximity to the site, concerned they may become damaged by the vibrations of the breaking up of the slab, if there is damage should be corrected at the developers cost
- A revised road layout/access is required
- Without a speed limit reduction and traffic lights this access road could be very hazardous and those living on the housing development using Skelton as a rat run
- Concerned that the pedestrian access to the A19 would be dangerous. Require installing a bridge or subway, the only other options would be to have traffic lights, incorporating a Pelican/Puffin/Toucan type crossing point. The junction will also have to be rationalised with either traffic lights or a roundabout.
- Request reduction in speed limit to 30mph
- Question whether the village school has capacity for additional students
- Affordable housing is required
- Concerned that the A19 is being brought closer to the dwellings to the north of the A19/. The access to the A19 from Skelton appears hazardous. Difficult access to the A19 southbound from the proposed development
- Without the acceleration lane will result in large queues forming at the junction
- There is a need in the Village for more 3 and 4 bedroomed social and affordable housing and I feel that the proposed development does not cover this need.
- With the increase in population the safety of the current footpath/cycle path along the side of the A19 into Rawcliffe should be assessed. In places it is very narrow and adjacent to the A19. The catchment school for children of secondary school age from the village is The Vale of York in Rawcliffe and children from the village also attend Manor Church of England Academy, Nether Poppleton both of which fall under the statutory walking distance of 3 miles. Children are very wary of walking/cycling along this footpath
- Hedging should be planted along the 2m sound proofing fence to keep it in keeping with the green look of the village.

4.0 APPRAISAL

KEY ISSUES

- Scope of outline application
- Design, Layout, and Appearance

- Landscaping
- Affordable Housing and Housing Mix
- Open space

ASSESSMENT

PLANNING POLICY

4.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

4.2 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

4.3 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

4.4 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

4.5 The revised National Planning Policy Framework was published on 24 July 2018 (NPPF) and its planning policies are material to the determination of planning

applications. It is against the NPPF (as revised) that this proposal should principally be assessed.

SKELTON VILLAGE DESIGN STATEMENT

4.6 The Skelton Village Design Statement (2008) sets out a number of pertinent guidelines these include Guidelines 2, 5, 6, 8, 9, and 11.

SCOPE OF OUTLINE APPLICATION

4.7 The outline planning permission (14/01478/OUTM) was for all matters reserved except access. The principle of development of the site for housing has been approved in this outline planning permission. The works to the A19 were approved as part of the outline planning application. As the highway works were assessed and agreed as part of the outline application they can not be reassessed as part of the current reserved matters application. Consideration of the Reserved Matters application allows for assessment of whether the layout, density, appearance and landscaping is appropriate. Conditions imposed on the outline permission do not need to be re-imposed.

4.8 The outline application was described as for 'up to 60 dwellings' a Section 106 legal agreement was signed which included an education contribution, affordable housing and on-site play and amenity open space and off site sports provision. The wording of the S106 was such that essentially the more houses proposed the more on-site open space had to be provided. No condition was imposed at the Planning Committee to restrict the number of dwellings.

4.9 The reserved matters application is for 77 dwellings within the red line. The issues that can be considered are: appearance, landscaping, layout, and scale. The Highway Network Management Team advise that they have no concerns regarding the A19 highway works and the increase in potential housing numbers, and they do not consider it a material change and thus the works to the A19 are not required to be reassessed.

4.10 The increase in housing numbers is not considered to impact on the visual amenity of the site, it is likely that if sufficient acceptable open space was provided within the site it would have been centrally located, with housing to the boundaries, the current scheme has housing to the boundaries. The proposed development does not have any further impact on ecology, noise, contamination, visual amenity, character. No objections have been raised regarding the potential increase in student numbers than a development of up to 60 dwellings. The proposed increase in numbers is not considered to materially increase the impact of the development

DESIGN, LAYOUT AND APPEARANCE

4.11 Policy D1 of the Draft Local Plan (2018) and Chapter 12 of the NPPF places great importance to the design of the built environment. At paragraph 130, it states that poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.12 77 dwellings are proposed, all dwellings have their own outside garden area with at least 1 vehicle parking space. When entering the proposed development the development would be set back from the A19 to give sufficient space to the pond and the adjacent oak trees. The revised plans show additional planting and landscaping which would help to draw people through the development to the visible central landscaped area and the larger public amenity space to the south west of the application (subject of planning application 18/02583/FUL).

4.13 Policy H2 (Density of Residential Development) of the Draft Local Plan (2018) set out that there should be a net density of 35 units/ha in villages and rural areas. Delivering densities that support the efficient use of land requires good design that responds to its context, an appropriate mix of house types and should be informed by the local character of the area. The development consists of 77 dwellings on 2.26 ha of flat brownfield land. The dwelling density of the site would be 33.6 units per ha is considered to be acceptable for this location. The site has a number of constraints including the pond and easement corridor along the southern boundary, together with being set within a surrounding greenbelt location boundary.

4.14 The proposed development includes 12 different house types to provide some variety and individuality to the houses. The house designs are generally traditional. All houses have pitched gable roofs the majority of the dwellings are of traditional proportions. In this location the palette of materials selected should compliment the existing houses in the area with more than one brick type to assist in the break up the visual mass of the proposed development. A proposed materials layout plan has been submitted for the dwellings, whilst a mixture of brick and tiles type will help to bring interest to the streetscene. The use of buff bricks in the prominent 2.5 storey dwellings when entering the development is considered to be jarring and would not be acceptable. The outline application require material details to be submitted via condition therefore acceptable materials details can be agreed through the approval of details

4.15 51 of the proposed houses would be two storeys in height. The house types have some variety in height but generally eaves vary in height between 4.7 metres and 4.9 metres, the height to the roof ridge varies between 8 - 8.5 metres in height to the ridge. 26 of the houses (3 designs) would be two and a half storeys in height with rooms in the roof. These dwellings would be between 5.2 metres and 6.7 metres to the eaves and 9 metre and 10.7m in height to the ridge. The two and half storey dwellings are located throughout the site, by virtue of where these dwellings are located within the site they are not considered to be unduly prominent in the context of the housing development.

4.16 Highway Network Management have confirmed that they have no objections to the road layout. The design incorporates footway along the initial section of access road and then changes to that of a shared surface. The traffic speed will be less than 20mph in the main and this environment will be safe for pedestrians to mix with other traffic.

4.17 The dimensions of the proposed garages area 2.4 by 4.8 do not meet current standards or car dimensions and will make them unattractive for the parking of cars. CYC standards for garages are 3m x 6m (single) if they are to be considered as a reckonable parking space. The applicant has not altered the garage dimensions stating that they would be used for cycle and general storage. Sufficient parking is considered to be created within the development without the requirement of the garages. There is space for cycle parking storage within the gardens (for those dwellings which do not have a garage) and the secure storage can be sought via condition.

RESIDENTIAL AMENITY

4.18 One of the aims of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Each dwelling has a private rear garden. Dwellings are sited and designed in such a way as to provide a reasonable level of amenity and natural light within the dwellings.

4.19 The application site has existing housing to the west and south boundaries. The proposed development achieves separation distances of minimum 30 metres between the proposed and Fairfield Cottages to the north of the site. This is considered maintain privacy and outlook from the existing dwellings. The separation distance between the proposed development and the dwellings to the south (The Stables/Windrush House) and the closest dwelling (side elevation) within the proposed development would be 15 metres. The boundary treatment to the south east and Fairfield Cottages boundary will remain as existing - paladin fencing. There are a number of trees in between and the dwellings and by virtue of the orientation of the proposed dwellings it is not considered there would be a loss of privacy the occupants of The Stables/Windrush House

4.20 Paladin fencing is proposed to the north west boundary, which is considered to be appropriate in this location, the plans show a beech hedge planted behind thus offering good security, habitat and visual benefit. This is also considered to provide the occupants with sufficient privacy. The boundary treatment to the south west elevation would be railings and beech hedge. The boundary between the proposed dwellings and the pond would be railing with a hedge and short run of brick columns and infill fencing with shrub planting.

4.21 The applicant submitted a noise assessment with the outline planning permission which has a recommendation for a 2 metre high solid timber acoustic

fence along the northern eastern part of the application site where gardens 'back-onto' the A19 Shipton Road to protect the residential amenity in the proposed gardens. By virtue of the retention of the pond, the closest dwelling would be 50 metres from the A19. There are a number of existing dwellings much closer to the A19. Updated noise information has been submitted with the current application to advise that glazing and ventilation to the dwellings would protect the dwellings. Therefore officers considered that an acoustic fence in this location was not required and was not conditioned. The information submitted with the current application does not overcome this previous conclusion.

LANDSCAPING

4.22 The landscaping around and within this development is considered to have considerable importance to the success of this development and how it sits within the surrounding landscape. A general landscaping plan has been submitted including high level planters and trees to break up the part of the proposed development that has the potential to be dominated by vehicle parking and uniform frontages. A landscaping condition is imposed on the outline planning permission and further details on species and the siting of the plants would be required to be submitted. This would ensure that the species are appropriate to their location in terms of residential amenity. In addition an open space management scheme should be part of the varied S106 legal agreement to ensure that these areas can be managed and maintained.

4.23 The trees along the northern boundary have been removed although the line of tall Poplars remains to the other side of the fence. The closest dwellings are set 15 metres from these trees which is considered to be the minimum acceptable distance to protect the amenity of the future occupants of the dwellings but to prevent future pressure for the felling of the trees. Trees are retained along the southern boundary. The dwellings to this boundary are set just outside the root and crown protection area. The oak trees and the pond are being retained; the mature willow tree has been removed. The retention of the pond and the trees is considered to be important to the success of the proposed development and how it will sit comfortable in within its surroundings the addition of the paths which will follow natural desire lines (to the bus stop and crossings across the A19) opens up the area to the enjoyment of the future residents. The dwellings have been set back from this area to give the pond and trees sufficient space to develop and would reduce any pressure from the future occupants of the nearby dwellings to alter these positive attributes of the scheme. These proposed works are not considered to result in harm to the ecology of the area, the ecology survey has confirmed there is no evidence of the pond and the environs being used by newts, bats, or other protected species. The access road has been set way from the pond

4.24 The centrally located open space area would be overlooked by the surrounding dwellings. The Landscape Architect has expressed some concern regarding the layout of the central open space area, however it is considered that that the re-

design of this area to create a more usable space can be sought via landscaping condition on the outline planning permission.

HOUSING MIX AND AFFORDABLE HOUSING

4.25 The affordable units are 2 x 1 bed dwellings, 6 x 2 bed dwellings, 5 x 3 bed dwellings, and 2 x 4 bed dwellings. The proposal to provide 15 of the 77 dwellings as affordable housing meets the requirement of the S106 legal agreement to provide 20% of the dwellings as affordable, with an additional commuted sum to be provided equivalent to 0.4 of the difference between market value and transfer value of an affordable property. The tenure will be split between 70% Social Rented and 30% Discount Sale. The Housing team have advised they are satisfied with the mix of affordable housing units. A strict application of the 20% affordable housing being pro rata provision of different house types as affordable housing unless the Council agrees otherwise. The proposed affordable housing provision does not accord with this pro rata provision. Although affordable housing is needed across all house types and sizes the priority need is for 1, 2 and 3 bedroom homes. This is evidenced in the council's 2016 strategic housing market assessment (SHMA). The majority of affordable dwellings in the proposed mix are of smaller house types, and it is considered these meet the priority need for affordable housing types within York. On balance this is considered acceptable.

4.26 Policy H3 of the Draft Local Plan (2018) advises that the Council will seek to balance the housing market across the plan period and work towards a mix of housing identified in the Strategic Housing Market Assessment (SHMA). Proposals for residential development will be required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city. This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people. The proposed development provides 4+ bed houses (33.7% of the total as proposed) and 3 bed houses (45.5% proposed) are over-provided by comparison to identified needs, and 2 bed houses under-provided (15.6% proposed).

4.27 The NPPF requires the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Whilst the Local Plan has been submitted there are objections to Policy H3. At the current stage it is considered that as the policy and the SHMA are not adopted only limited weight can be provided. The policy and the evidence base are to guide the provision of an appropriate mix across the city. It is not intended as a specific guide or quantum for each individual proposal which must be assessed on a case by case basis. It is considered that by virtue of the current policy position that refusal on the basis of housing mix could not be sustained.

OPEN SPACE AND LEGAL AGREEMENT

4.28 The legal agreement required that a certain amount of open space (formal children's play space and amenity space) be provided within the application site. The proposed development does not meet these minimum requirements. Within the red line of the application there is insufficient amenity space for the proposed development.

4.29 The site is detached from the rest of the village by a busy road as such it is important that there is sufficient usable open space within the development. The partner application for the adjacent paddock for a change of use to open space amenity area would provide more than the required open space required, albeit not within the site. The housing development would only be considered to be acceptable if the partner application was approved.

4.30 It is considered important that if the open space application were to be approved that a condition be added to ensure the phasing of the open space within the site and adjacent to ensure that the open space is laid out at an appropriate point in the development. It is considered that this could be sought via condition. With regards to the application site there is a restriction within the legal agreement that the site can not be occupied until the on-site amenity open space area and the equipped play area have been completed in accordance with the open space scheme and is open for the general use of the public. As such as the timing of the on-site open space facilities has been specified in the legal agreement it is not considered necessary to seek via condition

5.0 CONCLUSION

5.1 The proposed development would provide a mix of market and affordable housing in line with current guidance. The development has been designed to modern highway standards to reduce vehicle speeds and encourage pedestrian movement. The proposal would introduce a mixed residential scheme in a sustainable location and is considered to be generally acceptable.

5.2 The application is recommended for approval following the variation and signing of the S106 legal agreement to remove the reference in the legal agreement that the formal children's play space and amenity space will be provided within the red line of the outline planning permission. If the variation of the legal agreement cannot be agreed the application will be brought back to committee.

5.3 These alterations are considered to be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and,
- (c) fairly and reasonably related in scale and kind to the development,

and therefore comply with Regulation 122 of the 2010 CIL Regulations. These contributions would also comply with Regulation 123.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approval subject to the following conditions and the prior variation of the S106 legal agreement as set out in paragraph 5.2 of the report.

1 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing Number 18:7806/PLA Revision D received 05 February 2019;
Drawing Number 1 'Plots 1-3, 48-50' received 30 January 2019;
Drawing Number 2 'Plots 1-3, 48-50' received 30 January 2019;
Drawing Number 3 'Plots 4-5, 19-20' received 30 January 2019;
Drawing Number 4 'Plots 4-5, 19-20' received 30 January 2019;
Drawing Number 6 'Plots 11-12' received 30 January 2019;
Drawing Number 7 'Plots 11-12' received 30 January 2019;
Drawing Number 8 'Plots 21-24' received 31 January 2019;
Drawing Number 9 'Plots 21-24' received 31 January 2019;
Drawing Number 10 'Plots 29-30, 31-32, 42-43, 53-54,62-63' received 30 January 2019;
Drawing Number 11 'Plots 29-30, 31-32, 42-43, 53-54,62-63' received 31 January 2019;
Drawing Number 12 'Plots 33-34, 710-71 Sheet 1 of 2' received 30 January 2019;
Drawing Number 12 'Plots 33-34, 710-71 Sheet 2 of 2' received 31 January 2019;
Drawing Number 13 'Plots 45-47' received 30 January 2019;
Drawing Number 14 'Plots 45-47' received 30 January 2019;
Drawing Number 15 'Plots 51-52' received 31 January 2019;
Drawing Number 16 'Plots 57-59' received 30 January 2019;
Drawing Number 17 'Plots 57-59' received 30 January 2019;
Drawing Number 18 'Plots 72-73' received 30 January 2019;
Drawing Number 19 'Plots 72-73' received 30 January 2019;
Drawing Number 20 'Plots 76-77' received 30 January 2019;
Drawing Number 21 'Plots 76-77' received 30 January 2019;
Drawing Number 22 'Plots 14, 16, 26, 28, 36, 41, 44, 75' received 30 January 2019;
Drawing Number 23 'Plots 14, 16, 26, 28, 36, 41, 44, 75' received 30 January 2019;
Drawing Number 24 'Plots 15, 40' received 30 January 2019;
Drawing Number 25 'Plots 15, 40' received 30 January 2019;
Drawing Number 26 'Plots 18, 69' received 31 January 2019;
Drawing Number 27 'Plots 18, 69' received 31 January 2019;
Drawing Number 28 'Plots 9, 17, 25, 35, 78' received 30 January 2019;
Drawing Number 29 'Plots 9, 17, 25, 35, 78' received 30 January 2019;
Drawing Number 30 'Plots 6, 7, 9, 27, 37, 38, 39' received 30 January 2019;
Drawing Number 31 'Plots 6, 7, 9, 27, 37, 38, 39' received 30 January 2019;

Drawing Number 32 'Plots 10, 55, 56, 74' received 30 January 2019;
Drawing Number 33 'Plots 10, 55, 56, 74' received 30 January 2019;
Drawing Number 34 'Plots 64-68' received 31 January 2019;
Drawing Number 35 'Plots 64-68' received 31 January 2019;
Drawing Number 1824.DG.01 'Double Garage' received 30 January 2019;
Drawing Number 1824.SG.01 'Single Garage' received 30 January 2019;
Drawing Number 1824.TG.01 'Triple Garage' received 30 January 2019;
Drawing Number 1824.TWG.01 'Twin Garage' received 30 January 2019;
Drawing Number 1824.TWG.02 'Large Twin Garage' received 30 January 2019;
Drawing Number R/2133/4E 'Landscape Masterplan' received 06 February 2019;
Drawing Number SD/T/26K received 23 January 2019;
Drawing Number 1824.02 'Location Plan' received 09 July 2018;

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 Development Order 2015), (or any Order revoking or re-enacting that Order), no fences, gates, walls or other means of enclosure shall be erected other than those divisions shown on the approved drawings or agreed in writing by the Local Planning Authority subject of Condition 5 of planning permission 14/01478/OUTM.

Reason: To protect the visual amenity of the boundaries of the site as a whole in this sensitive location adjacent. To prevent a solid urban appearance at odds with the surrounding character.

3. The trees shown as being retained Drawing Number R/21334E received 06 February 2019 shall be retained. If in the circumstances that a tree/s is removed details illustrating the number, species, height and position of the replacement trees and/or shrubs shall be submitted to and approved in writing by the Local Planning Authority. This replacement planting shall be implemented within a period of six months of the original removal of the tree/s and/or hedge.

Reason: In the interests of the visual amenity of the site, and the wider area. In the interests of the ecology of the site.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive

outcome:

- Requested revised plans
- Requested additional information
- Use of conditions
- Revision to S106 legal agreement

2. Informative: Hedgehogs

The applicant is advised to consider using permeable fencing or leaving occasional gaps suitable to allow passage of hedgehogs. Any potential hibernation sites including log piles should be removed outside the hibernation period (which is between November and March inclusive) in order to avoid killing or injuring hedgehog.

Hedgehogs are of priority conservation concern and are a Species of Principal Importance under section 41 of the NERC Act (2006). An important factor in their recent population decline is that fencing and walls are becoming more secure, reducing their movements and the amount of land available to them. Small gaps of approximately 13x13cm can be left at the base of fencing to allow hedgehogs to pass through. Habitat enhancement for hedgehogs can easily be incorporated into developments, for example through provision of purpose-built hedgehog shelters or log piles.

3. Informative: Nesting birds

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

4. 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.

5. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

Contact details:

Author: Victoria Bell Development Management Officer

Tel No: 01904 551347